



AI Insight Forum: High Impact AI

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On behalf of the National Urban League and its 92 affiliates in 36 states and the District of Columbia, we appreciate the opportunity to offer this statement on one of the most pressing issues for Black and underserved communities in our current times – the impact of artificial intelligence (AI) on the constituencies we serve. The National Urban League is a historic civil rights organization that has been at the forefront of recognizing that, without the prioritization of civil rights protections in the creation and implementation of laws and policies related to AI, we are at risk of further widening the economic disparities of Black communities in this country. In contrast, by centering civil rights and equity principles into artificial intelligence frameworks, policymakers have the ability to improve the economic, health, and education outcomes for Black communities.

One key approach to understanding the impacts of AI systems on underserved communities is through ongoing community engagement during policy design and, later, implementation. We appreciate the inclusion of civil rights organizations who represent impacted yet underserved communities, like the National Urban League, in these critical forums on AI. It is imperative that Congress and the Biden-Harris Administration continue to host listening to sessions with such communities. NUL also encourages outreach beyond the Washington, D.C. area to urban, suburban, and rural communities throughout the nation. Listening sessions could be hosted at libraries, schools, and the headquarters of community-based organizations, such as Urban League affiliates, as well as virtually, in a way that is easily accessible via mobile applications. Officials should also consider collaborating with philanthropy to ensure people are compensated for childcare, travel, and food costs when they participate in such feedback sessions.

Additionally, careful consideration must be shown to Black communities, including those with disabilities and those in the LGBTQ community, who experience marginalization in the workforce, health care, education, and criminal-legal systems even with the absence of AI. History and recent research demonstrate that Black communities remain over-surveilled, which has led to tracking of racial justice protestors, improper arrests, the use of excessive force, and death.

Opportunities, Improved Outcomes, and Risks Through AI

The communities we represent throughout the Urban League movement are rightfully skeptical of new technologies, but our communities are also optimistic about how technology can transform our lives for the better including in the areas of economic empowerment, delivery of government services, improved health outcomes, and robust access to education

Economic Empowerment: The expansion of the artificial intelligence sector promises opportunities for job creation across the American economy. However, as this new sector in the tech industry grows, Black and Latino workers remain poorly represented in high-paying jobs in the technology and

information services sector.¹ As noted in the National Urban League’s *Lewis Latimer Plan for Digital Equity and Inclusion*, people of color have been excluded from the technology sector. In 2002, Black people accounted for nearly 11% of the workforce, but only 8% of computer and mathematical jobs.² Those numbers remained roughly the same 14 years later in 2016. Similarly, the Latino workforce grew from 12.6% of the overall workforce in 2002 to 16.7% in 2016, yet only grew from 5.5% to 6.8% in computer and mathematical professions.³

Additionally, diversifying the tech workforce is important for ensuring our communities are in decision-making positions about the deployment and utilization of these new technologies.⁴ The tech sector has resulted in massive amounts of wealth accumulation based on both the creativity and data of Black users. However, this wealth has not been distributed equitably to Black and Latino communities. As data-driven AI increases in prominence, and artificial art/text generators become more popular, it is also important for Black workers and business owners to benefit financially from machine learning that draws from their own creativity and intellectual property.

Delivery of Government Services: AI can also assist in the delivery of government benefits through improved interagency coordination in determining eligibility, notification of eligibility, and enrollment in programs. This will reduce the administrative burden on the government and will allow more opportunities to improve the delivery of services. Effective delivery of government services can also dramatically increase government trust by lessening the “time tax” which has broadly been defined as the “levy of paperwork, aggravation, and mental effort imposed on citizens in exchange for benefits.” Programs of particular interest to NUL that could be delivered more effectively include student loan debt relief, Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Medicaid, Affordable Connectivity Program (ACP), Child Tax Credit (CTC), and the Low Income Home Energy Assistance Program (LIHEAP).

Health: If harnessed appropriately, AI could be used to improve healthcare outcomes and decrease or eliminate pervasive racial disparities.⁵ For example, the United States has the highest maternal mortality rate among high-income countries. Rates of morbidity and mortality are worse in ethnic and racial minorities, especially Black and Indigenous birthing persons. CDC data suggests 60% of maternal deaths are preventable. One proposed strategy to combat this would use a combination of AI (e.g., machine-learning algorithms) and data from electronic health records to predict which pregnant people have a high risk of complications from childbirth. For example, a system could input a health indicator (e.g., vital signs) into the electronic health record, use it to identify who might be at risk, and alert medical staff accordingly. Once high-risk patients are identified, digital technology could be utilized to

¹ National Urban League, *The Lewis Latimer Plan for Digital Equity and Inclusion*, (March 30, 2021), <https://nul.org/program/lewis-latimer-plan>. (“Lewis Latimer Plan”).

² *Id* at 89.

³ *Id* at 89.

⁴ *See supra* note 4.

⁵ The Lancet Digital Health. “Can Artificial Intelligence Help Create Racial Equality in the USA?” (February 8, 2021). DOI: [https://doi.org/10.1016/S2589-7500\(21\)00023-6](https://doi.org/10.1016/S2589-7500(21)00023-6).

monitor them and improve their access to care during pregnancy.⁶ Finally, patients identified as high-risk could be referred to hospitals with better resources for their deliveries.

However, experts have also warned that if unchecked, AI could replicate and amplify systemic racism rather than countering it.⁷ In regards to health surveillance and communities with disabilities, researchers have shown that “in order to access benefits, use an app or connected device, or even secure medical treatments, many people must consent to using technology and the data practices associated with it, without having a complete, meaningful opportunity to weigh alternative options and make informed choices about how they want data about their health to be handled.”⁸ People with disabilities are particularly, and rightfully, concerned about how their data will be used with third parties “because it could be used to make or influence health care decisions, predict outcomes, or modify or deny services to disabled people potentially in a discriminatory way.”⁹ There must also be special consideration for the ways in which Black and other communities of color interact with the healthcare system, as AI can worsen medical racism through wrong decisions about how much care certain patients receive, inaccurate predictions of life-threatening diseases, or widespread use of non-inclusive hardware devices.¹⁰ It is important to make sure that the personnel developing healthcare-related algorithms and AI systems are diverse, as this can help ensure that the technology is equitable and properly serving a diverse population.¹¹

Education: AI systems have the potential to help teachers become more effective and efficient with their time. Systemic racism has resulted in Black students becoming concentrated in low-income schools and districts. Consequently, Black students are more likely to attend schools that have high percentages of novice teachers in almost every state across the country. In 25% of states, schools serving the greatest percentages of Black students have at least twice the percentage of first-year teachers as schools serving the fewest.¹² Meanwhile, research demonstrates that effective teachers can transform the lives of students and their families. In fact, a single great teacher can increase the total lifetime earnings of a typical classroom of students by more than a million dollars.¹³ While Black students should have access

⁶ Cesar Padilla, Gillian Abir, Mark Zakowski, and Brendan Carvalho. “How AI Could Help Doctors Reduce Maternal Mortality,” *Harvard Business Review*, (August 9, 2021), <https://hbr.org/2021/08/how-ai-could-help-doctors-reduce-maternal-mortality>.

⁷ *Id.*

⁸ Lydia X.Z. Brown, Ridhi Shetty, Matthew U. Scherer, and Andrew Crawford. “Ableism And Disability Discrimination in Surveillance Technologies.” Center for Democracy and Technology, (May 2022), <https://cdt.org/wp-content/uploads/2022/05/2022-05-23-CDT-Ableism-and-Disability-Discrimination-in-NewSurveillance-Technologies-report-final-redu.pdf>.

⁹ *Id.*

¹⁰ Crystal Grant. “Algorithms Are Making Decisions About Health Care, Which May Only Worsen Medical Racism,” ACLU, (October 3, 2022), <https://www.aclu.org/news/privacy-technology/algorithms-in-health-care-may-worsen-medical-racism>.

¹¹ *Id.*

¹² The Education Trust. *Getting Black Students Better Access to Non-Novice Teachers*, (December 2021), <https://edtrust.org/wp-content/uploads/2014/09/Getting-Black-Students-Better-Access-to-Non-Novice-Teachers-December-2021.pdf>; Claire Chen. “AI Will Transform Teaching and Learning. Let’s Get it Right.” Stanford University-Human Centered Artificial Intelligence, (March 9, 2023), <https://hai.stanford.edu/news/ai-will-transform-teaching-and-learning-lets-get-it-right>.

¹³ Ray Chetty, John N. Friedman, and Jonah E. Rockoff. “Great Teaching: Measuring Its Effects on Students' Future Earnings.” *Education Next*, (Spring 2023), <https://www.educationnext.org/great-teaching/>

to experienced and high-quality teachers, AI – if used in conjunction with other supports – could be helpful in assisting new teachers become more effective faster.

It is vital that while harnessing potential benefits, students’ privacy is protected, and algorithmic biases are eliminated. Additionally, we must ensure that the benefits of AI are distributed equitably and that the harms are not disproportionate on already marginalized groups.

Recommendations to Reduce Inequitable Impacts of AI

As stated in a recent letter signed by the National Urban League, there are several actions the federal government should take to account for the inequitable impacts of AI.¹⁴

Civil Rights and Non-Discrimination: An Executive Order on Artificial Intelligence should make the AI Bill of Rights a binding administration policy. This blueprint outlines ways to protect all people, including historically marginalized groups, from the threats of automated systems. By prioritizing civil rights protections, we can ensure that AI technologies across the federal government do not reinforce existing inequalities and instead contribute to a more just and equitable society. To combat algorithmic discrimination, the guidance from the Department of Housing and Urban Development (HUD) on tenant screening algorithms should be implemented without delay and the Occupational Safety and Health Administration (OSHA), Equal Employment Opportunity Commission (EEOC), Department of Justice (DOJ), and Department of Labor (DOL) should all issue and enforce further guidance on hiring technology, workplace surveillance, and algorithmic worker management. DOJ should also increase efforts to prevent algorithmic discrimination and inaccuracies by ensuring “that the funding, procurement, and use of law enforcement technologies and other criminal-legal technologies advance equitable public safety and criminal justice practices, particularly for communities who often experience adverse disparate racial impacts.”¹⁵ The administration should also work to strengthen the public dialogue by convening diverse experts to discuss effective approaches for identifying and mitigating algorithmic harms, such as “by modeling participatory processes that center impacted communities.”¹⁶

Diversity and Inclusion in AI Development: An executive order or legislation should promote the active involvement and investment of Black communities in AI research, development, and decision-making processes. As NUL has previously stated, “one of the many ways to mitigate risks in AI systems and to ensure civil rights are protected is by ensuring Black workers are included and leading at all levels throughout the research, design, development, and deployment stages. The absence of or strategic marginalization of a diverse workforce will have adverse effects on those we represent and will undermine the country’s leadership in this technological revolution.”¹⁷ Diverse AI practitioners and researchers will yield more comprehensive AI solutions that accurately reflect the needs and perspectives of all communities. The White House should fully staff the National AI Initiative Office and ensure that the Interagency Policy Committee on AI and Equity functions effectively. The

¹⁴ The Leadership Conference on Civil and Human Rights. Letter to Neera Tanden, Arati Prabhakar, and Shalanda Young on “Next Steps to Advance Equity and Civil Rights in Artificial Intelligence and Technology Policy,” (June 13, 2023), <https://civilrightsdocs.info/pdf/policy/letters/2023/DPC-OSP-OMB-AI-Letter.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ Comments of National Urban League, *National Priorities for Artificial Intelligence*, Docket No.: OSTP-TECH-2023-0007, Filed with the Office of Science at Technology Policy, (July 7, 2023).

administration should also highlight examples of harms that occur because of AI and make clear that developers and deployers of automated systems have a responsibility to address them.¹⁸

Economic Opportunities: AI has ushered in a new phase of innovation and potential for prosperity. And this will accelerate. As stated in the National Urban League’s *Lewis Latimer Plan for Digital Equity and Inclusion*, although the technology and technology-enabled ecosystems have spurred job creation across the American economy, the opportunities to accumulate wealth have not been distributed to Black and Latino/e workers and business owners at the same rate.¹⁹ We believe there are several ways that inclusion of Black workers in the technology sector should continue to be encouraged by the federal government. For example, similar to our *Lewis Latimer Plan*, we believe that the Department of Commerce, the Federal Trade Commission, the Small Business Administration, and the Department of Labor should create and continue to bolster a wide coalition of civil rights organizations and industry stakeholders to form a task force to develop and monitor best practices, guidelines, and standards for AI developers, software companies, social media companies, and regulatory bodies.²⁰ These best practices should be published and promoted by these agencies. Further, private entities focused on AI production should be incentivized to adopt initiatives promoting a more diverse and inclusive corporate structure.²¹ The demographics of individuals employed in the sectors that shape the AI industry should be tracked, published, and consistently updated by the Department of Labor.²² Such solutions are a good first step in furthering the pathways for diversity and inclusion in these sectors.

Considering the complexities of AI and the rapid pace of its advancement, proper education about this new sector and associated jobs require focus from the federal government. As noted in our *Lewis Latimer Plan*, “there is a mismatch between the jobs that people from low-income communities and communities of color have training to do and the jobs of the future.”²³ Here, artificial intelligence may not just be a part of the question, but a part of the answer. The government should seek to identify, develop, test, and deploy applications of artificial intelligence for fostering education and workforce development opportunities and economic/social mobility. AI could be used to help create workforce training programs alongside human instructors that can enable low-income workers to obtain the skills they need for higher-paying jobs, both broadly and specifically in the artificial intelligence future.

The federal government has invested in harnessing science and technology to achieve certain goals and those must also include investments in workforce development, education, economic and social mobility, and eliminating racial disparities. Funding must support scalable applications; however, it is “historically provided as a block or formula grant to states. States in turn then typically provide smaller amounts to local service providers. There is no national approach to developing scalable applications.”²⁴ As stated in our *Lewis Latimer Plan*: “Over the last decade, DARPA sponsored the development of a digital tutor by a Silicon Valley firm that uses AI to model the interaction between an expert and a novice. Navy recruits who use the tutor to learn IT systems administration can outperform Navy experts with 9 or more years of experience. The firm believes that, with an investment of \$40 million, they could

¹⁸ *Id.*

¹⁹ *The Lewis Latimer Plan for Digital Equity and Inclusion*, National Urban League (March 30, 2021), <https://nul.org/program/lewis-latimer-plan>.

²⁰ *Lewis Latimer Plan* at 90.

²¹ *Id.*

²² *Id.*

²³ *Id.* at 149.

²⁴ *Id.*

adapt their technology to dramatically improve the performance of students who are currently failing 8th grade math.”²⁵ Such an example is one that proves useful and could be applied to our changing world that includes AI; however, there must be support for such experiments at places like the Department of Education or Department of Labor. It is imperative that the economic benefits of AI are accessible to everyone. We urge the inclusion of measures that foster skill development and entrepreneurship within Black communities, which enable them to actively participate in the AI-driven economy as both workers and business owners.

Data Privacy and Security: The National Urban League has previously supported data privacy legislation that includes civil rights protections and data minimization standards. It is imperative that the federal government leads by example to ensure data, particularly data that impacts life opportunities, is used responsibly and ethically. The executive order should include “prohibitions and limits placed on the collection of sensitive data, as well as limiting data collection generally to what is needed to provide the product or service.”²⁶ Lastly, because the Federal Trade Commission (FTC) has a significant role to play, they should issue and enforce “a rule that minimizes the amount of information collected, which could ultimately eliminate some of the bias and unfair practices that derive from the use of predictive algorithms.”²⁷ In the interim, the FTC should “consider robust transparency, auditing, and testing requirements for entities that choose to use potentially damaging systems.”²⁸

Thank you for the opportunity to submit this statement. Please contact Yvette Badu-Nimako, Vice President of Policy (ybadu@nul.org), Alisa Valentin, Senior Director of Technology and Telecommunications Policy (avalentin@nul.org), or Morgan Polk, Director of Health, Education and Labor Policy (mpolk@nul.org) if you or your staff have any questions.

²⁵ See *supra* 4.

²⁶ *Civil Rights, Tech Groups Call on Biden to Protect Public from Harms of AI*, Letter to the White House, (August 4, 2023), <https://civilrights.org/2023/08/04/civil-rights-tech-groups-call-on-biden-to-protect-public-from-harms-of-ai/>.

²⁷ See *supra* note 4.

²⁸ *Id.*