

WRITTEN STATEMENT OF JANET MURGUÍA

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Submitted by

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I'm Janet Murguía, President and CEO of UnidosUS, UnidosUS, previously known as NCLR (National Council of La Raza), is the nation's largest Latino civil rights and advocacy organization. Through our unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States, including Puerto Rico, UnidosUS simultaneously challenges the social, economic, and political barriers at the national and local levels.

Like many of our fellow civil rights organizations, we know that access to technology and the impact of technology on the communities we represent are civil rights issues. Artificial Intelligence (AI), machine learning, and data-driven technologies, like other historical advances in technology, offer potentially world-changing opportunities for Latinos and so many others.

Yet the success of this effort in bringing about a brighter future depends on whether the human values we all share can be harnessed to drive a race to the top that encourages the ever more transparent, accountable, and fair use of this powerful set of tools. These technologies can, if done correctly, protect civil rights and liberties for all. But to live into that vision, we must profoundly change our current way of doing things.

Our present practices and the realities they produce in Latino and other communities of color today are far from this vision. Notably, as many as 35% of Latino households currently lack consistent access to home internet, which results in gaps in access to devices, services, and digital readiness skills. At several large leading tech companies, the share of U.S. technical employees—like coders—who are Black or Latino increased by less than a percentage point between 2014 and 2019. While these companies innovated over those five years in so many other ways, diversity in the workforce was not one of them. Yet Hispanics are 19% of the overall U.S. population and were 51% of America's population growth between 2010 and 2020.

It is therefore essential that Congress require that the people who are most deeply impacted by them have a strong voice in how—or even whether—they will be built and used. While AI tools could accelerate advances across nearly every domain of our lives, to ensure that they do not perpetuate and replicate for yet another generation the sins of our history, we will need to proactively address the factors that allow fundamental inequality to persist. An ambition to do that is the true spirit of innovation.

The data to build and train AI—including the many algorithmic models that already have so much power—come from our deeply inequitable world, but the future we are building with it must be better than the past. This is not news. Everyone acknowledges that the data used for machine learning are profoundly biased. To address that bias will require that we reconsider our process of developing, testing, and reviewing them thoroughly.

The yardstick cannot be that a system that passes muster if it merely reproduces—and thus reinforces—the discrimination that today hold so many back from achieving their full potential. For this reason, it will not be enough just to *mitigate* bias, or to decide an outcome is fair because it is not *more* unfair than our current reality.

We will know we are innovating in the right way only when our tools achieve and advance transparency, inclusion, access, and equity, among other values, and when the process is participatory. To dismantle the racism that still afflicts us and restrains our growth as a country, we will need to be practical. We will need to listen to, and empower, impacted communities to inform how these tools are developed and what they do in the world.

We already have seen how this technology can be used to spread misinformation about elections and our health, and how it can automate discrimination in areas like employment, housing, and access to credit. Moreover, examples abound of the ways in which algorithms today fail to serve our community or make us more vulnerable to harm.

For example, even though it is legally required that lenders find “less discriminatory alternatives,” the search for these options—which would crack open economic opportunities for lower-income people of color—is too often neglected. And so, millions remain trapped in a two-tiered system of access to credit and banking, in data-driven feedback loops that reinforce poverty, squandering their promise and the possibility of an inclusive economy.

While transparency is crucial for public trust, too often today the loan or employment applicant is not even told that an AI was used to screen them out. And immigrants—who are always one of the first groups targeted for intensive surveillance—are subjected to data-driven enforcement sweeps because they need water in their homes.

We will also have to bring workers forward to meet these opportunities. Latinos will account for a stunning 78% of new U.S. workers between 2020 to 2030. However, because Latinos over-index in the digital divide, some 57% of Latinos between the ages of 16 and 64 have low or no digital skills. This fact alone makes Latinos particularly vulnerable to job displacement from technologies and, without meaningful action, AI could become another driver of income inequality.

What is more, Latino overrepresentation in the digital divide also means that a significant segment of our nation’s second largest racial or ethnic group is not consistently engaging with digital services, tools, and platforms. And when so many Latinos are offline, they become functionally invisible online. Since AI tools are built using datasets gathered from online or digital sources, these are likely being trained on insufficient information about the lived experiences of Latinos. Such gaps can perpetuate biased or inaccurate assumptions concerning Latino communities and experiences. This is the other side of the *biased-data problem*: data that are missing from these models can also distort outcomes.

If we want different results, we will have to do things differently. If we are serious about using this and other powerful technologies to make a better world, community-based organizations from impacted communities will need a powerful seat at the table. Despite the common call, including from the National Institute for Standards and Technology guidelines, that impacted communities be “consulted” in how these tools are made, we know that this is just not happening.

Instead, this new law must recognize and embrace that the stakeholders who are most likely to be impacted must be required to be involved from the very beginning and throughout the process, as well as afterwards, to measure outcomes and adjust the tools based on the effects they are having in the real world. We also cannot expect different results if we keep relying on the same small group of people who historically have had input into developing, deploying, and maintaining technologies that determine the course of millions of lives.

That is why we see today's session as an important first step in ensuring that the voices that have too often been left out of these conversations are heard right from the start. As the Senate takes up the pen on the important work of legislation to address both the potential and the peril of AI, it must include features that will make this new technology accountable to all of the people it serves.

Democratizing technology is actually about investing it with values like accountability, transparency, equity, and trustworthiness—which is only possible across a marketplace with governance. Those rules of the road then can play a role in driving innovation that supports our democratic vision of a nation for all.

As we know, both human and automated systems are capable of bias and unfairness. The great promise, as we meet today is that, done properly and grounded in our values, adjusting a model to create more fairness, rather than less, is more than possible if we hold ourselves and our creations to that standard over time.

And what would be more innovative, considering the sweep of American history, than putting the people who are directly affected by the design and safety of new tools at the heart of the process? We and the civil rights community—who represent so many young Americans and so much of our future workforce—will rightly insist on being at this table, and any table where these decisions are made, because both our communities' and country's future depends on it.

Thank you, and I look forward to the discussion.