June 25, 2024

The Honorable Cathy McMorris Rodgers
Chair
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

The Honorable Frank Pallone
Ranking Member
Committee on Energy and Commerce
U.S. House of Representatives
Washington, DC 20515

Dear Chair Rodgers and Ranking Member Pallone:

On behalf of The Leadership Conference on Civil and Human Rights, Lawyers' Committee for Civil
Rights Under Law, American Civil Liberties Union (ACLU), and the undersigned civil rights, consumer
protection, and civil society organizations, we urge you to postpone the upcoming markup of the
American Privacy Rights Act (APRA) and reverse the removal of the key civil rights protections and
algorithmic auditing provisions previously found in Section 113. Absent a delay in the markup and
restoration of the civil rights provisions, the bill should not advance.

The deletion of these provisions is an immensely significant and unacceptable change to the bill and its
scope. They should not have been removed. Even worse, they were removed without prior stakeholder
consultation and without studying the impact to the bill's ability to address data-driven discrimination in
housing, employment, credit, education, health care, insurance, and other economic opportunities. Failing
to include sufficient safeguards means Congress will leave all people in America unprotected from
harmful AI technology.

Privacy rights and civil rights are no longer separate concepts — they are inextricably bound together and
must be protected. Abuse of our data is no longer limited to targeted advertising or data breaches. Instead,
our data are used in decisions about who gets a mortgage, who gets into which schools, and who gets
hired — and who does not. All too often, those data-driven decisions come with discriminatory outcomes,
which have been compounded as algorithmic technologies and AI have advanced at an unprecedented
pace. Individuals who face discrimination on the basis of their race, ethnicity, sex, disability, national
origin, sexual orientation, gender identity, immigration status, or religion already contend with rampant
harms as a result of invasive and predatory data practices. For example, companies have used AI to
discriminate based on these characteristics against job applicants, deny equal access to credit, impair
access to healthcare, and unfairly prejudge students' academic prospects. A privacy bill that does not
include civil rights protections will not meaningfully protect us from the most serious abuses of our data.

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The markup should be delayed so that greater stakeholder consultation can occur. If the civil rights provisions are not restored, the bill should not advance.

Thank you for your consideration of our views. Should you require further information or have any questions regarding this issue, please feel free to contact David Brody, Lawyers' Committee for Civil Rights Under Law, at dbrody@lawyerscommittee.org; Jonathan Walter, The Leadership Conference on Civil and Human Rights, at walter@civilrights.org; or Cody Venzke, ACLU, at cvenzke@aclu.org.

Sincerely,

The Leadership Conference on Civil and Human Rights
Lawyers' Committee for Civil Rights Under Law
American Civil Liberties Union (ACLU)
Access Now
ADL (Anti-Defamation League)
AFT
American Humanist Association
Arab American Institute
Asian Americans Advancing Justice – AAJC
Athena Coalition
Autistic Self Advocacy Network
Autistic Women & Nonbinary Network
Center for AI and Digital Policy
Center for American Progress
Center for Democracy & Technology
Center for Digital Democracy
Check My Ads
Color Of Change
Common Cause
Consumer Action
Consumer Federation of America
Data & Society
Defending Rights & Dissent
Demand Progress
Electronic Privacy Information Center (EPIC)
Fight for the Future
Filipina Women's Network
Free Press Action
Government Information Watch
HTTP
Human Rights Campaign
Impact Fund
Japanese American Citizens League
Kapor Center
NAACP
National Association of Social Workers

National Coalition for Asian Pacific American Community Development (National CAPACD)
National Consumer Law Center, on behalf of its low-income clients
National Council of Churches
National Disability Rights Network (NDRN)
National Employment Law Project
National Fair Housing Alliance
National Health Law Program
National Urban League
NETWORK Lobby for Catholic Social Justice
New America's Open Technology Institute
OCA - Asian Pacific American Advocates
Open MIC
People For the American Way
Public Knowledge
Reproaction
Rise Economy
Sikh American Legal Defense and Education Fund
TechEquity Action
UnidosUS
Women's International League for Peace and Freedom, US