



**Testimony of Rebecca Strauss**  
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Federal City Council

Committee on Government Operations and Facilities  
Chairperson Robert White

B24-0558 – “Stop Discrimination by Algorithms Act of 2021”  
September 22, 2022

I’m writing in the hopes that the DC Council delay moving forward with the Algorithms Act, as written. I am the Director of Economic Initiatives at the Federal City Council, which is a business civic organization whose 240 members are some of the District’s most civically engaged CEO-level leaders. Our purpose is to work towards making the District a better place for all its residents.

Let me be clear that the Federal City Council believes forcefully in removing any and all discriminatory business practices that put protected classes and minority groups at a disadvantage.

But the Algorithms Act could end up casting its net too broad, missing true discrimination, while burdening far too many businesses with onerous (and expensive) reporting requirements. The Act has the best of intentions, but fails to spear the true problem, but certainly would create gargantuan and costly new regulatory problems.

This 15-page Act is woefully vague on the very fine details of what a discriminatory algorithm looks like. The European Union has spent many years and thousands of pages of text trying to tease out how to monitor, police and enforce potentially discriminatory Artificial Intelligence algorithms. They still haven’t settled on something that works well. Major US research institutions are now digging into the hard work of figuring out how to do this. The DC Council should wait until there is a clearer consensus among experts. The District and its businesses should not have to be a guinea pig for untested approaches.

The Act’s audit requirement on covered entities will force DC businesses to bear the burden of relying upon 3<sup>rd</sup> party auditors, a business practice that is currently unregulated and does not have a recognized standard for judging whether data or an algorithm are discriminatory. That judgment has a lot to do with understanding the context of how data is collected, analyzed, and then used. The danger is that these 3<sup>rd</sup> party auditors will not fully understand the context and make faulty assessments about whether something is discriminatory or not. The reporting requirements are such that a vast swath of the DC economy would have to hire auditors. Many could be swept up in needless battles over correct data use and practices. This Act is missing its target.

The Attorney General already has the authority to go after discriminatory practices. The burden should not be on all DC businesses to report every year to prove their innocence, and then do the same with every vendor they hire.

We support going after discriminatory decisions that harm protected classes. But there must be a better way to do it. We urge the Council to put more time into studying better options before putting the Algorithms Act to a vote.