

P O S I T I O N P A P E R

REINING IN ARTIFICIAL INTELLIGENCE

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I. STATEMENT OF POSITION

ONE NEEDS A SOUL TO SOUL-SEARCH. ARTIFICIAL INTELLIGENCE DOES NOT HAVE ONE. IT HAS NO CONSCIENCE, NO EMPATHY, AND NO UNDERSTANDING OF WHAT IT MEANS TO BE HUMAN. YET MAJOR TECHNOLOGY COMPANIES ARE RACING TO DEPLOY AI SYSTEMS – WITHOUT ADEQUATE SAFETY ASSESSMENTS, WITHOUT CLEAR ACCOUNTABILITY, AND WITHOUT LEGAL LIMITS – IN CONTEXTS THAT DIRECTLY DETERMINE THE COURSE OF PEOPLE’S LIVES.

CONGRESS EXISTS PRECISELY FOR MOMENTS LIKE THIS. THE COMPANIES BUILDING THESE SYSTEMS WILL NOT REGULATE THEMSELVES. THEY NEVER DO. I WILL FIGHT FOR FEDERAL LEGISLATION THAT ESTABLISHES CLEAR LEGAL LIMITS ON AI DECISION-MAKING, MANDATORY PRE-DEPLOYMENT SAFETY ASSESSMENTS, ENFORCEABLE LIABILITY WHEN AI SYSTEMS CAUSE HARM, AND FULL TRANSPARENCY FOR PEOPLE AFFECTED BY ALGORITHMIC DECISIONS.

II. THE PROBLEM: MACHINES MAKING CONSEQUENTIAL DECISIONS

ARTIFICIAL INTELLIGENCE IS ALREADY BEING USED TO MAKE OR HEAVILY INFLUENCE DECISIONS THAT WERE ONCE THE EXCLUSIVE DOMAIN OF HUMAN JUDGMENT:

- **HIRING AND EMPLOYMENT SCREENING – AI SYSTEMS RANK, FILTER, AND REJECT JOB APPLICANTS BEFORE A HUMAN EVER SEES THEIR APPLICATION.**
- **LENDING AND CREDIT – ALGORITHMIC MODELS DETERMINE WHO QUALIFIES FOR A MORTGAGE, A SMALL BUSINESS LOAN, OR A CREDIT CARD.**
- **MEDICAL DIAGNOSIS AND TREATMENT RECOMMENDATIONS – AI TOOLS INFLUENCE CLINICAL DECISIONS AFFECTING PATIENT HEALTH AND SURVIVAL.**
- **CRIMINAL SENTENCING AND PAROLE – RISK-ASSESSMENT ALGORITHMS ARE USED IN COURTROOMS TO PREDICT RECIDIVISM AND INFORM SENTENCING.**
- **CHILD WELFARE DETERMINATIONS – PREDICTIVE MODELS FLAG FAMILIES FOR INVESTIGATION AND INFLUENCE CUSTODY DECISIONS.**
- **BENEFITS ELIGIBILITY – AUTOMATED SYSTEMS APPROVE OR DENY APPLICATIONS FOR FOOD ASSISTANCE, DISABILITY BENEFITS, AND HOUSING SUPPORT.**

IN EACH OF THESE DOMAINS, THE CONSEQUENCES OF ERROR ARE SEVERE AND FALL DISPROPORTIONATELY ON PEOPLE WHO ARE ALREADY VULNERABLE. AND IN EACH OF THESE DOMAINS, ACCOUNTABILITY – THE ABILITY TO KNOW WHY A DECISION WAS MADE AND WHO IS RESPONSIBLE FOR IT – HAS BEEN DELIBERATELY OBSCURED BEHIND CLAIMS OF PROPRIETARY TECHNOLOGY.

III. WHAT IS AT STAKE

AI DOES NOT HAVE VALUES. IT DOES NOT HAVE EMPATHY. IT OPTIMIZES FOR THE METRICS IT IS GIVEN BY THE PEOPLE WHO BUILD IT AND THE COMPANIES THAT DEPLOY IT. THOSE METRICS ARE CHOSEN FOR PROFIT, EFFICIENCY, AND RISK REDUCTION – NOT FOR FAIRNESS, DIGNITY, OR JUSTICE.

WHEN AN AI SYSTEM CAUSES HARM – WHEN IT DENIES SOMEONE A LOAN THEY DESERVED, FLAGS AN INNOCENT PERSON AS A FLIGHT RISK, OR MISDIAGNOSES A CONDITION – THE CURRENT LEGAL FRAMEWORK OFFERS NO CLEAR ANSWER TO THE MOST BASIC QUESTION: WHO IS RESPONSIBLE? THE COMPANY THAT BUILT THE MODEL? THE COMPANY THAT DEPLOYED IT? THE INDIVIDUAL WHO RELIED ON ITS OUTPUT? RIGHT NOW, THE ANSWER IS UNCLEAR. THAT IS UNACCEPTABLE.

THE ABSENCE OF CLEAR LIABILITY DOES NOT PROTECT THE PUBLIC. IT PROTECTS THE INDUSTRY. AND IT WILL CONTINUE TO DO SO UNTIL CONGRESS ACTS.

IV. WHAT I WILL FIGHT FOR

I WILL ADVOCATE FOR COMPREHENSIVE FEDERAL AI ACCOUNTABILITY LEGISLATION BUILT ON FIVE PILLARS:

1. LEGAL LIMITS ON AI DECISION-MAKING

NO CONSEQUENTIAL DECISION – HIRING, LENDING, MEDICAL TREATMENT, CRIMINAL SENTENCING, BENEFITS ELIGIBILITY – SHOULD BE MADE SOLELY BY AN AUTOMATED SYSTEM WITHOUT MEANINGFUL HUMAN REVIEW. FEDERAL LAW MUST ESTABLISH CATEGORIES OF HIGH-STAKES DECISIONS THAT REQUIRE A HUMAN BEING TO BE ACCOUNTABLE FOR THE OUTCOME.

2. MANDATORY PRE-DEPLOYMENT SAFETY ASSESSMENTS

BEFORE ANY AI SYSTEM IS DEPLOYED IN A CONSEQUENTIAL DOMAIN, IT MUST UNDERGO INDEPENDENT SAFETY AND BIAS ASSESSMENTS. THE BURDEN OF PROOF MUST FALL ON THE DEPLOYING COMPANY TO DEMONSTRATE THAT ITS SYSTEM IS SAFE, ACCURATE, AND DOES NOT PRODUCE DISCRIMINATORY OUTCOMES – NOT ON THE PUBLIC TO DISCOVER THE HARMS AFTER THE FACT.

3. CLEAR LIABILITY WHEN AI CAUSES HARM

IF AN AI SYSTEM KILLS OR INJURES SOMEONE, DENIES THEM HOUSING, COSTS THEM A JOB, OR RESULTS IN WRONGFUL IMPRISONMENT, THERE MUST BE A LEGALLY IDENTIFIED RESPONSIBLE PARTY. HIDING BEHIND ALGORITHMIC COMPLEXITY IS NOT A DEFENSE. CONGRESS MUST ESTABLISH STRICT LIABILITY

STANDARDS FOR AI DEVELOPERS AND DEPLOYERS WHOSE SYSTEMS CAUSE DOCUMENTED HARM.

4. TRANSPARENCY AND THE RIGHT TO EXPLANATION

EVERY PERSON AFFECTED BY AN AI-DRIVEN DECISION HAS THE RIGHT TO KNOW THAT A MACHINE WAS INVOLVED AND THE RIGHT TO A MEANINGFUL EXPLANATION OF HOW THAT DECISION WAS REACHED. “THE ALGORITHM SAID SO” IS NOT AN EXPLANATION. FEDERAL LAW MUST REQUIRE THAT AI SYSTEMS USED IN CONSEQUENTIAL DOMAINS BE INTERPRETABLE AND THAT THEIR OUTPUTS BE EXPLAINABLE IN PLAIN LANGUAGE TO THE PEOPLE THEY AFFECT.

5. INDEPENDENT FEDERAL OVERSIGHT

THE TECHNOLOGY INDUSTRY CANNOT BE TRUSTED TO POLICE ITSELF. I WILL SUPPORT THE CREATION OF AN INDEPENDENT FEDERAL BODY WITH THE AUTHORITY TO AUDIT AI SYSTEMS, INVESTIGATE COMPLAINTS, LEVY FINES, AND MANDATE REMEDIATION WHEN SYSTEMS ARE FOUND TO CAUSE HARM OR OPERATE OUTSIDE LEGAL BOUNDARIES. TECHNOLOGY SHOULD SERVE PEOPLE – NOT REPLACE HUMAN JUDGMENT ON MATTERS OF CONSEQUENCE.

V. A NOTE ON AI AND THIS CAMPAIGN

I AM AWARE OF THE IRONY THAT THIS POSITION PAPER WAS DRAFTED WITH THE ASSISTANCE OF AN AI LANGUAGE MODEL. I HAVE REVIEWED IT, IT REFLECTS MY POSITIONS ACCURATELY, AND I STAND BEHIND EVERY WORD. BUT THAT PROCESS ITSELF ILLUSTRATES THE POINT: AI IS A POWERFUL TOOL. TOOLS REQUIRE GUARDRAILS. THE DIFFERENCE BETWEEN A USEFUL INSTRUMENT AND AN UNACCOUNTABLE ONE IS OVERSIGHT – AND OVERSIGHT IS CONGRESS’S JOB.

VI. CONCLUSION

THE QUESTION BEFORE CONGRESS IS NOT WHETHER ARTIFICIAL INTELLIGENCE WILL RESHAPE AMERICAN LIFE. IT ALREADY IS. THE QUESTION IS WHETHER THAT RESHAPING WILL HAPPEN WITH DEMOCRATIC ACCOUNTABILITY OR WITHOUT IT. WHETHER THE PEOPLE MOST AFFECTED WILL HAVE LEGAL RECOURSE OR NONE. WHETHER THE COMPANIES PROFITING FROM THESE SYSTEMS WILL BEAR RESPONSIBILITY FOR THEIR CONSEQUENCES OR ESCAPE IT.

I WILL NOT ALLOW THE PACE OF TECHNOLOGICAL CHANGE TO OUTFRAN THE REACH OF THE LAW. THE LAW MUST KEEP UP. THAT IS WHAT I AM RUNNING TO ENSURE.

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