

October 27, 2023

AI Insight Forum
United States Senate

Dear Senators Schumer, Rounds, Heinrich, and Young:

We submit this letter for consideration for your upcoming AI Insight forum on November 1. Our union, the Service Employees International Union, represents over two million working people in health care, the public sector, and in other service and care jobs as homecare workers, child care providers, janitors, security guards, and airport workers. We'd like to share our perspective on how legislators should respond as new Artificial Intelligence (AI) technologies emerge in our economy.

AI technologies have the potential to disrupt and fundamentally restructure the world of work. Tools such as electronic monitoring and automated management are already pervasive in the labor market. They enable employers to surveil workers, suppress union activity, intensify workloads to the point of injury, and discriminate against women and people of color. These technologies shift power in employer-employee relationships further in favor of employers. This means ever greater control and profits flow to employers, leaving individual workers even more vulnerable to exploitation.

Lessons from failures in social media and privacy regulation

Products created by major tech companies have brought unprecedented convenience and connection to the American public. These same products have also caused irreversible harms, illustrated by the example of social media. Social media products and platforms are designed to addict; they radicalize their users which has resulted in real-world violence. During the last election, tech platforms became a tool for spreading misinformation and election interference by foreign governments. Despite various efforts by tech companies, hateful content and misinformation continue to exist on their platforms. The American public effectively have become guinea pigs in service of profits earned by these corporations.

We do not want to see this pattern repeated in the AI space. Legislators should implement the precautionary principle because the downside risk is strong and already evident. The burden of proof in demonstrating safety should be on tech companies rather than regulators.¹ This means companies must prove their systems are not harmful, rather than releasing their products into society and waiting for harms to surface before we regulate them. There's no reason the tech industry cannot be regulated in the same way as the financial or pharmaceutical industries where harmful and dangerous products are banned.²

¹ Accountable Tech, Zero Trust AI Governance Framework, <https://accountabletech.org/research/zero-trust-ai-governance-framework/>

² Ibid.

This is beyond a “tech issue”

The tech and AI industries are concentrated.³ These companies wield disproportionate power in the economy.⁴ Concentrated markets mean fewer choices, fewer opportunities, higher prices, lower quality products, less innovation, lower wages, and worse working conditions for workers. Moreover, economic concentration enables political concentration. Powerful corporations use their financial resources to lobby politicians, change the law, and influence civic institutions to serve their interests. The largest tech companies spent “nearly \$70 million on lobbying in 2022, outstripping other industries including pharmaceuticals and oil and gas”.⁵ This is why antitrust policy is essential to AI regulation. As a start, we encourage you to reconsider and enact the tech antitrust legislation considered by the previous Congress, American Innovation and Choice Online Act and Open App Markets Act.

AI technologies will reshape society, which means this is not just a tech issue but a societal one. Economic and labor policies especially should be baked into AI policymaking. If Congress neglects workers at this stage, the newly generated wealth from productivity gains will funnel to the top and increase economic inequality. Strong unions and collective bargaining are needed to counteract this. AI legislation must be paired with legislation that builds worker power, like the Protecting the Right to Organize (PRO) Act. Laws on tax policy, digital privacy, and social safety nets should also be updated to match a new reality.⁶

Conclusion

Americans deserve the best governance structures in the world, and Congress should deliver them. Your counterparts in the European Union have already legislated to protect their citizens against abuses by tech companies; we should not fall behind.⁷

We are wary of a system where profits and benefits flow to the private sector with the costs and downsides being borne by workers, the government, and the public. Costs, responsibilities, and most importantly liability must be borne by those most profiting from these technologies; these companies must not be allowed to offload them onto the rest of us. Thank you for this opportunity to share our perspective. Please contact Sowmya Kypa at sowmya.kypa@seiu.org if you have any questions.

³ Lina Khan, “Lina Khan: We Must Regulate A.I. Here’s How.”, New York Times, <https://www.nytimes.com/2023/05/03/opinion/ai-lina-khan-ftc-technology.html>

⁴ Daron Acemoglu and Simon Johnson, “Big Tech Is Bad. Big A.I. Will Be Worse.”, New York Times, <https://www.nytimes.com/2023/06/09/opinion/ai-big-tech-microsoft-google-duopoly.html>

⁵ Emily Birnbaum, “Tech Giants Broke Their Spending Records on Lobbying Last Year”, Bloomberg, <https://www.bloomberg.com/news/articles/2023-02-01/amazon-apple-microsoft-report-record-lobbying-spending-in-2022?sref=A25Lr4Lq>

⁶ Accountable Tech, Zero Trust AI Governance Framework, <https://accountabletech.org/research/zero-trust-ai-governance-framework/>

⁷ Paresh Dave, “The EU Urges the US to Join the Fight to Regulate AI”, Wired, <https://www.wired.com/story/the-eu-urges-the-us-to-join-the-fight-to-regulate-ai/>

Sincerely,

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