

The AI Landscape, Law, and Legislation



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- 1. Generative AI is something different**
- 2. East is East, and West is West**
- 3. The government may slow, but it never stops**
- 4. Be careful in the laboratory (of democracy)**

Many kinds of AI, but two are important:

Predictive AI

Generative AI

Narayanan & Kapoor *AI Snake Oil*

Generative AI is something different

Generative AI is something different

- Automation is old, generative AI is new.
- Sparked by “[Attention Is All You Need](#)” (2017) which created the transformer architecture.
 - For a broad understanding of transformers in particular, see the original “[A Mathematical Framework for Transformer Circuits](#),” as well as “[LaMDA: Language Models for Dialog Applications](#),” “[Scaling Language Models: Methods, Analysis & Insights from Training Gopher](#)”
- OpenAI’s ChatGPT, Anthropic’s Claude, Google’s Gemini, and Midjourney among others.

Generative AI is something different

Generative AI v. automation

- Business Trends and Outlook Survey (BTOS) AI supplement: “Examples of AI: machine learning, natural language processing, virtual agents, voice recognition, etc.”
- Annual Capital Expenditures Survey (ACES) robotics: “Robot equipment (or robots) are automatically controlled and reprogrammable machines capable of performing a series of complex tasks autonomously or semi-autonomously.”

Generative AI is something different

Business Trends and Outlook Survey (BTOS) AI supplement:

Information (18 percent) ranks at the top of industries for using AI, followed by professional, scientific and technical services (12 percent), educational services (9 percent) and management of companies and enterprises (8 percent).

Annual Capital Expenditures Survey (ACES) robotics:

Manufacturing (\$7,289 million) and retail trade (\$3,552 million) spent the most on robotic equipment. Combined, they are 84 percent of the total expenditures.

Industries buying robotic equipment differ from the industries using AI. Manufacturing and retail trade spent the most on robotic equipment but they tend to use AI the least.

East is East, and West is West

Oh, East is East, and West is West, and never the twain shall meet,
Till Earth and Sky stand presently at God's great Judgment Seat;
But there is neither East nor West, Border, nor Breed, nor Birth,
When two strong men stand face to face, though they come from
the ends of the earth!

Rudyard Kipling
"The Ballad of East and West"

East is East, and West is West

- In Washington DC, state houses, and other centers of political power, the focus on AI is driven by questions of regulatory scope, legislative action, law, and litigation.
- In Silicon Valley, Palo Alto, and other tech hubs, the through line is more about safety and alignment.

DC and SF inhabit two different cultures when it comes to AI.

See also Marantz's "Among the AI Doomsayers" and Bordelon's "AI doomsayers funded by billionaires ramp up lobbying."

Post

Would It Even Be Constitutional to Pause AI?

By Will Rinehart

AEIdeas

March 22, 2024



A year ago today, the Future of Life Institute [released a letter](#) calling for a 6-month pause in the training of artificial intelligence (AI) systems more powerful than GPT-4. The signers included Elon Musk and Apple Co-founder Steve Wozniak, alongside tech critics like Tristan Harris, who all agreed that AI labs must “immediately pause for at least 6 months the training of AI systems more powerful than GPT-4.”

It opened up the possibility of pausing AI.

However, a critical aspect seems to be underrepresented in these discussions: What kind of legal framework could support a pause? The letter sparked a debate about the merits of pausing AI but the conversation has largely been bereft of legal analysis to make it a reality.

There is only one mention of the legal underpinnings and it is brief, “If such a pause cannot be enacted quickly, governments should step in and institute a moratorium.” The letter’s cursory treatment of the legal aspects undermines its potential as a serious policy response.



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[April 09, 2024](#)

The government may slow, but it never stops

Government may be slow, but it never stops

- “The government is doing nothing about AI” is both wrong and right.
- Congress is doing nothing about AI.
- The White House and the executive agencies are engaged.

See Rinehart [“AI’s Automatic Stabilizers”](#)

Government may be slow, but it never stops

- The Biden-Harris Administration has already taken “[New Steps to Advance Responsible Artificial Intelligence Research, Development, and Deployment](#),” has tackled “[Racial and Ethnic Bias in Home Valuations](#),” put out [Executive Order 4091](#), and released a “[Blueprint for an AI Bill of Rights](#).”
- The number of U.S. regulatory agencies issuing AI regulations increased to 21 in 2023 from 17 in 2022, according to the Stanford Institute for Human-Centered Artificial Intelligence’s (HAI) [2024 AI Index Report](#).

See Rinehart “[AI’s Automatic Stabilizers](#)”

Government may be slow, but it never stops

The Consumer Financial Protection Bureau (CFPB) along with the The Civil Rights Division of the United States Department of Justice and the Federal Trade Commission (FTC) “[Confirm Automated Systems and Advanced Technology Not an Excuse for Lawbreaking Behavior](#); The Food and Drug Administration (FDA) [released Draft Guidance](#); the National Telecommunications and Information Administration (NTIA) [AI Accountability Policy Request for Comment](#); U.S. Equal Employment Opportunity Commission’s [Artificial Intelligence and Algorithmic Fairness Initiative](#); the [Department of Education](#); the [National Science and Technology Council](#); National Institutes of Health; the [National Institute of Standards and Technology](#) (NIST); and the [National Science Foundation](#)

Massachusetts

April 12, 2024 – Executive Office of Technology Services and Security issues “Guidelines on Generative Artificial Intelligence Development and Use”

April 16, 2024 – Office of the Attorney General issues an “Advisory on the Application of the Commonwealth’s Consumer Protection, Civil Rights, and Data Privacy Laws to Artificial Intelligence”

Be careful in the laboratory (of democracy)

We don't regulate software.

**We regulate software in finance, health,
housing, etc.**

Bottom-up regulation of AI uses

States have been emboldened to act

Utah passed Utah Artificial Intelligence Policy Act
(UAIPA)

Colorado passed the Colorado Artificial Intelligence Act
(CAIA)

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Questions?

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