

After the US Elections: the Future of AI Policy and Digital Humanism

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DIGHUM
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Center for AI and
Digital Policy

1 Million Milestone for Digital Humanism

2024-11-18, DIGITAL TRANSFORMATION, PUBLIC OUTREACH, EXCELLENCE

Digital Humanism is not just a one-in-a-million initiative - the Digital Humanism books have now been accessed over a million times!



Human Rights Alignment: The Challenge Ahead for AI Lawmakers



Marc Rotenberg

Abstract The frameworks for the governance of AI have evolved rapidly. From the 2018 Universal Guidelines for AI on through the 2019 OECD/G20 AI Principles 2019, and the 2021 UNESCO Recommendation on AI Ethics, governments have agreed to the basic norms to regulate AI services. Two important legal frameworks are also now underway—the EU AI Act and the Council of Europe AI Convention. As these frameworks have evolved, we see the scope of AI governance models expand. From an initial focus on “human-centric and trustworthy AI” through the recognition of “fairness, accuracy, and transparency” as building blocks for AI governance, we see now consideration of sustainability, gender equality, and employment as key categories for AI policy. AI laws also overlap with familiar legal topics such as consumer protection, copyright, national security, and privacy. Throughout this evolution, we should consider whether the evolving models for the governance of AI are aligned with the legal norms that undergird democratic societies—fundamental rights, democratic institutions, and the rule of law. For democracies to flourish in the age of artificial intelligence, this is the ultimate alignment challenge for AI.

US AI Governance

Biden- Harris White House AI Policy Accomplishments

OCTOBER 30, 2023

Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence

 › BRIEFING ROOM › PRESIDENTIAL ACTIONS

- **Promoted public participation in AI Policy making**
- **Engaged technical community, business, civil society, labor leaders, and academics**
- **Issued comprehensive Executive Order on use of AI in federal government**
- **Support adoption of first legally binding treaty for AI at Council of Europe**
- **Established regulatory obligations at OMB**
- **Focused on “Rights-impacting” and “safety-impacting” AI systems**

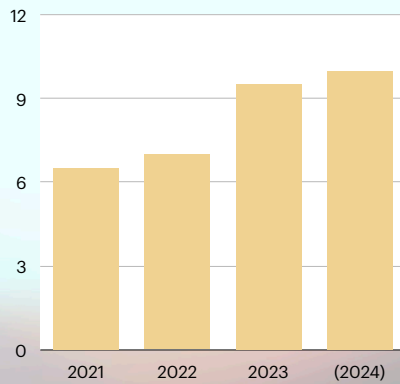
Established commitments and expectations for US AI policy going forward

CAIDP: US - AI and Democratic Values

Significant progress



AI and Democratic Values Index - Score of US by Year



US AI Policy is a Continuous Process

US AI Initiatives - 2017-2024

- **The OECD AI Principles (2017-2019)**
- **Executive Order on US Leadership on AI (2019)**
- **Executive Order on Promoting Trustworthy AI in the Federal Government (2020)**
- **Initial proposal for Office of Management and Budget (OMB) to develop AI regulations for federal agencies**
- **Executive Order on Safe, Secure and Trustworthy AI (2023)**
- **OMB AI Regulations (2023)**
- **The OMB AI Procurement Guidance (2024)**
- **The AI National Security Governance Framework (2024)**
- **The Council of Europe AI Treaty (2024)**



New OECD Artificial Intelligence Principles: Governments Agree on International Standards for Trustworthy AI

OECD member countries approve and promote principles on AI that respect human rights and democratic values.

By Fabienne Lang
May 27, 2019



What to Expect - US AI Policy and the Trump Administration

- **AI policy is essentially nonpartisan - EO orders on AI - Obama, Trump, Biden**
- **OECD AI Principles (2019) adopted under President Trump**
- **Widespread concern in the US about unregulated AI (Pew Internet Research)**
- **Bipartisan legislative proposals in US Senate and Senate Issues Forum**
- **State Attorney Generals (Rs and Ds) favor greater enforcement**
- **Pending Texas AI Law (similar to EU AI Act)**
- **Musk is a leader in the AI Safety realm**
- **US S Ct - more skeptical of First Amendment argument against AI regulation**



DONALD J. TRUMP

THE WHITE HOUSE,
December 3, 2020.

Section 1. Purpose. Artificial intelligence (AI) promises to drive the growth of the United States economy and improve the quality of life of all Americans. In alignment with Executive Order 13859 of February 11, 2019 (Maintaining American Leadership in Artificial Intelligence), executive departments and agencies (agencies) have recognized the power of AI to improve their operations, processes, and procedures; meet strategic goals; reduce costs; enhance oversight of the use of taxpayer funds; increase efficiency and mission effectiveness; improve quality of services; improve safety; train workforces; and support decision making by the Federal workforce, among other positive developments. Given the broad applicability of AI, nearly every agency and those served by those agencies can benefit from the appropriate use of AI.

Agencies are encouraged to continue to use AI, when appropriate, to benefit the American people. The ongoing adoption and acceptance of AI will depend significantly on public trust. Agencies must therefore design, develop, acquire, and use AI in a manner that fosters public trust and confidence while protecting privacy, civil rights, civil liberties, and American values, consistent with applicable law and the goals of Executive Order 13859.

Section 3 of this order establishes additional principles (Principles) for the use of AI in the Federal Government for purposes other than national security and defense, to similarly ensure that such uses are consistent with our Nation's values and are beneficial to the public. This order further establishes a process for implementing these Principles through common policy guidance across agencies.

Sec. 3. Principles for Use of AI in Government. When designing, developing, acquiring, and using AI in the Federal Government, agencies shall adhere to the following Principles:

- (a) Lawful and respectful of our Nation's values**
- (b) Purposeful and performance-driven.**
- (c) Accurate, reliable, and effective.**
- (d) Safe, secure, and resilient**
- (e) Understandable**
- (f) Responsible and traceable.**
- (g) Regularly monitored.**
- (h) Transparent.**
- (i) Accountable.**

DONALD J. TRUMP

THE WHITE HOUSE,
December 3, 2020.

(a) Lawful and respectful of our Nation's values. Agencies shall design, develop, acquire, and use AI in a manner that exhibits due respect for our Nation's values and is consistent with the Constitution and all other applicable laws and policies, including those addressing privacy, civil rights, and civil liberties.

(f) Responsible and traceable. Agencies shall ensure that human roles and responsibilities are clearly defined, understood, and appropriately assigned for the design, development, acquisition, and use of AI. Agencies shall ensure that AI is used in a manner consistent with these Principles and the purposes for which each use of AI is intended. The design, development, acquisition, and use of AI, as well as relevant inputs and outputs of particular AI applications, should be well documented and traceable, as appropriate and to the extent practicable.

(d) Safe, secure, and resilient. Agencies shall ensure the safety, security, and resiliency of their AI applications, including resilience when confronted with systematic vulnerabilities, adversarial manipulation, and other malicious exploitation.

(e) Understandable. Agencies shall ensure that the operations and outcomes of their AI applications are sufficiently understandable by subject matter experts, users, and others, as appropriate.



**#fairness #accountability
#transparency #Alguardrails**

FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS

#OpenTheInvestigation
CAIDP.org/cases/OpenAI

F.T.C. Opens Investigation Into ChatGPT Maker Over Technology's Potential Harms

The agency sent OpenAI, which makes ChatGPT, a letter this week over consumer harms and the company's security practices.

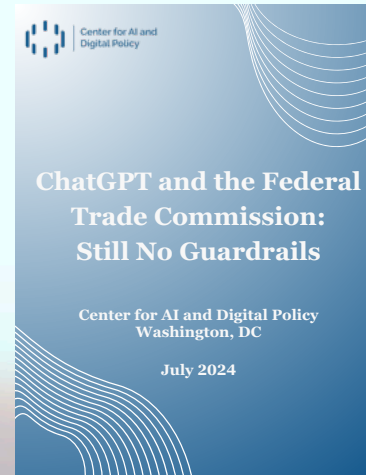
TECH

ChatGPT Comes Under Investigation by Federal Trade Commission

FTC is examining whether artificial-intelligence app harmed people by publishing false information

By [John D. McKinnon](#) [Follow](#) and [Ryan Tracy](#) [Follow](#)

Updated July 13, 2023 at 10:21 pm ET



OpenAI. Elon Musk, Marc Rotenberg, others urge US FTC to halt GPT rollouts

Updated - March 30, 2023 at 11:13 AM.

The Center for Artificial Intelligence and Digital Policy plans to ask the US Federal Trade Commission to start an investigation into OpenAI

BY BLOOMBERG

And what of EU - US relations?

A dangerous choice ahead

“European Values” or
“American Values”?

Democratic Values

Next Step on AI Governance -
An International Treaty to
Support Human Rights, Democracy,
and the Rule of Law

75 COUNCIL OF EUROPE HUMAN RIGHTS DEMOCRACY RULE OF LAW ABOUT US


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Newsroom


Council of Europe adopts first international treaty on artificial intelligence

Deutsch Español Français Italiano Русский

COMMITTEE OF MINISTERS STRASBOURG 17 MAY 2024



The Council of Europe has adopted the **first-ever international legally binding treaty aimed at ensuring the respect of human rights, the rule of law and democracy legal standards in the use of artificial intelligence (AI) systems.** The treaty, which is also open

Center for AI and Digital Policy

A Call to All Nations to Sign and Ratify the International Treaty on AI, Human Rights, Democracy, and the Rule of Law

11 November 2024

The Center for AI and Digital Policy (CAIDP), a global network of AI policy experts and human rights advocates, urges all nations to sign and ratify the Council of Europe's Framework Convention on Artificial Intelligence.¹

The 46 Council of Europe member states, the European Union, and 11 non-member states (Argentina, Australia, Canada, Costa Rica, the Holy See, Israel, Japan, Mexico, Peru, the United States of America and Uruguay) negotiated the Treaty. Representatives of the private sector, civil society, and academia contributed as observers.

The aim of the AI Treaty is to promote human rights, democracy, and the rule of law, while encouraging technological progress and innovation. The AI Treaty is open to all nations. More than 35 nations have already signed the AI Treaty.

Endorse the International AI Treaty

Fundamental Rights, Democracy, and The Rule of Law

#AITREATYNOW



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