AI Regulation, An Overview

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The EU AI Act

The EU AI Act: "Risk-Based" Tiers

Increasing risk

tier	scope	obligations
Unacceptable practices (or risk)	subliminal manipulation,[1] social scoring,[2] criminal risk prediction,[3] and emotion recognition in education and the workplace, among others[4]	ban
High-risk	currently regulated sectors & designated domains (by the Act[5] or Commission determination) *e.g. education, law enforcement, and biometrics*	Chapter III duties
"Limited risk"[6]	providers of chatbots, synthetic content (watermarking); deployers of emotion recognition systems, "deep fakes"	disclosure

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tier	scope	obligations
Minimal risk		voluntary commitments & codes of conduct

The EU AI Act: High-Risk Systems

Chapter III Duties (Summary)

- Risk assessment and mitigation
  → known or reasonably foreseeable risks posed by *intended use* to "health, safety or fundamental rights"
- Data governance measures
  → data quality and integrity requirements (incl. bias)
- Documentation and logs
- Transparency, interpretability and "effective human oversight"
- Accuracy, robustness and cybersecurity

Most duties fall on providers[7]; deployers[8] have narrower obligations[9]

Chapter III Enforcement and Specification Loopholes (Summary)

- Pre-market risk assessment exemptions from high-risk system duties with imprecise language and far reach[10]
- Data governance obligations still require specification
- Obligations will be measured against standards created by private standard-setting bodies[11]
- Conformity assessment, self- or (optional) third-party-conducted
- Much still unknown and left for implementation

- → EU executive agency (AI Office, within European Commission) and Member-State agencies
- → EU-wide board, advisory forum, and scientific panel

See (**Wachter 2024**).

The EU AI Act: General-Purpose Models

The final AI Act added a classification for general-purpose models in response to genAI.

Model classification	Provider obligations
General-purpose models	Documentation and transparency[12]; copyright compliance policy
Models **with systemic risk**[13]	Model evaluations incl. red teaming; risk assessment and mitigation; documentation; cybersecurity

> **Systemic-risk presumption:** 10^{25} FLOPs in training; authorities may designate other models

Overlap: may also qualify as high-risk AI systems[14]

Oversight: AI Office; codes of practice (providers) and "harmonized standards"

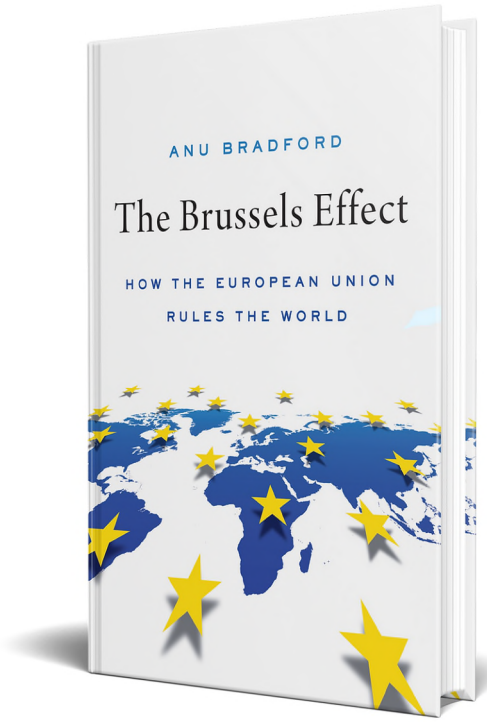
Standards as *De Facto* Law

> As soon as the joint technical committee of CEN/CENELEC finishes developing its AI Act standards, that document will probably become the de facto legal regime (**Kaminski and Selbst 2025**).

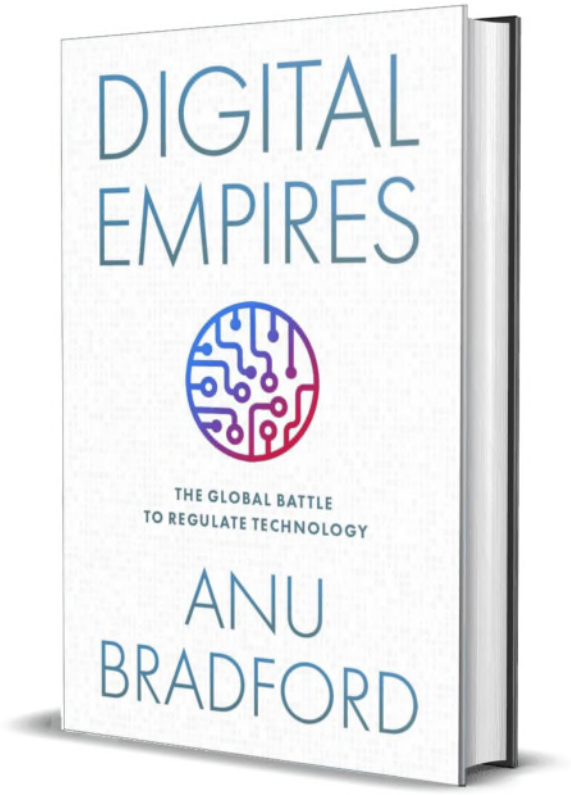
"The Brussels Effect" (**Bradford 2020**)

- EU as a unilateral global regulator, esp. for tech (**Bradford 2023**)
- *De facto* Brussels effect (~ California effect)
  → Companies adopt EU rules outside EU
- *De jure* Brussels effect
  → Other countries adopt EU-style rules
- Chief example: GDPR

+ EU influences thinking of scholars, policymakers



The Regulatory Landscape in the U.S.



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The Federal Level

Congress

Senate hearings & AI Insight Forums → bipartisan roadmap (2024)

TAKE IT DOWN Act (2025); **no comprehensive AI statute**

White House

Biden admin.	Trump admin.
EO 14110 (2023) Chief AI Officers Defense Production Act safety reporting[15]	**Rescinds** EO 14110 but Chief AI Officers retained[16] EO 14365: *see next*
Voluntary commitments (2023) Testing · cybersecurity · transparency	**Voluntary safety accord (2026)** Internal reviews · external audits

Anthropic · Dept. of War: supply-chain risk

Commerce · Mythos / Fable export controls

Anthropic: two federal interventions

Dept. of War · Feb.–Mar. 2026

Context
"All lawful uses" demand vs. Anthropic's limits on mass domestic surveillance & fully autonomous weapons

Action
Feb. 24: Defense Production Act threatened
Mar. 3–4: supply-chain risk designation

Authority invoked
Procurement restrictions: **10 U.S.C. § 3252** and **41 U.S.C. § 4713**

Challenges
First Amendment retaliation; due process; statutory limits[18]

Commerce · June–July 2026

Context
Mythos 5 / Fable 5: national-security concerns over access by foreign persons

Action
June 12: export licensing → Anthropic suspends **all users**
June 30–July 1: controls lifted; access restored[17]

Authority invoked
Export Control Reform Act and Export Administration Regulations

Questions raised
Is hosted access an "export" (**Zhao**

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Dept. of War · Feb.–Mar. 2026	Commerce · June–July 2026
	2026)? Does the authority support worldwide restrictions?

NIST: Continuity and Changing Priorities

Trump I · 2019	→ Biden · 2023	→ Trump II · 2025–26
AI standards plan	RMF 1.0 + EO 14110	Revision: omit misinformation, DEI, climate references

Choi: broad scope, underdetermined requirements (**Choi 2025, 100**)

States

Frontier AI Regulation

	CA	NY	CT
Report critical safety incidents	✓	✓	—
Publish safety frameworks	✓	✓	—
Whistleblower protections	✓	✓*	✓

Enacted laws; NY's RAISE duties begin Jan. 1, 2027. NY: general Labor Law § 740 protections.

AI Companion Regulation

Requirement	States / scope
Identify bots as AI	CA, CO, CT, GA, HI, IA, ID, NE, NY, OR, RI, WA
Self-harm / crisis protocols	CA, CO, CT, GA, HI, IA, ID, NE, NY, OR, RI, WA
Extra safeguards for minors	CA, CO, CT, GA, HI, IA, ID, NE, ~~NY~~, OR, ~~RI~~, WA

Enacted; effective dates vary.

POTUS EO 14365 & National Policy Framework

- "Minimally burdensome national policy framework for AI"
- AI Litigation Task Force
- Restrictions on State Funding

States: Rates and Consumer Protection

Data Center Regulation (Utility Rates)

- **Separate tariffs for large users:** MD, MN, OR, TX (2025); OK (2026)
- **Cost allocation:** OK requires users to cover their share, including costs left by early departure
- **Beyond rates:** contract review (AL), cooling-water limits (ID), narrower tax breaks (WA, ME)

Consumer Protection (Esp. Dynamic Pricing)

- **Personalized pricing:** NY disclosures; CT retail restrictions from July 2027
- **Coordinated rent-setting:** CA, NY restrict pricing algorithms that facilitate coordination
- **Emergency surge pricing:** NE limits ride-hailing dynamic pricing
- **Health insurance:** IA, WA restrict AI use in coverage decisions

Other Proposals: A FINRA-Like "Hybrid"?

Google

June 2026 proposal

proposes →

Federal supervisor

Public oversight + ultimate veto

↓

FARO

Frontier AI regulatory organization

Industry-funded · independent & industry directors

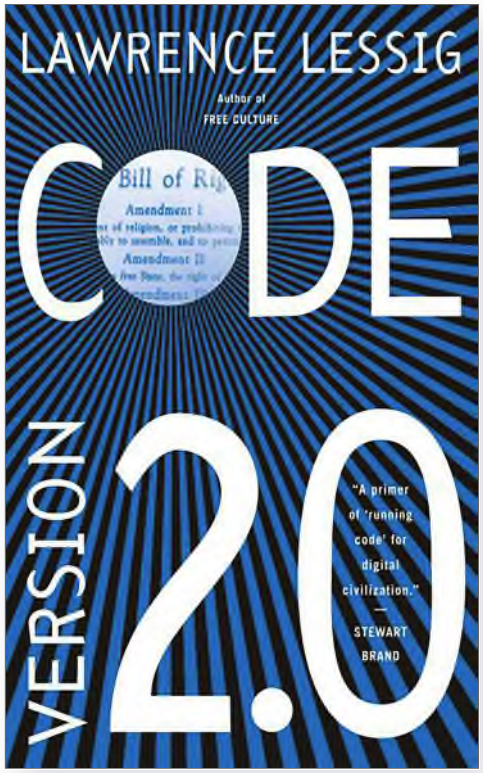
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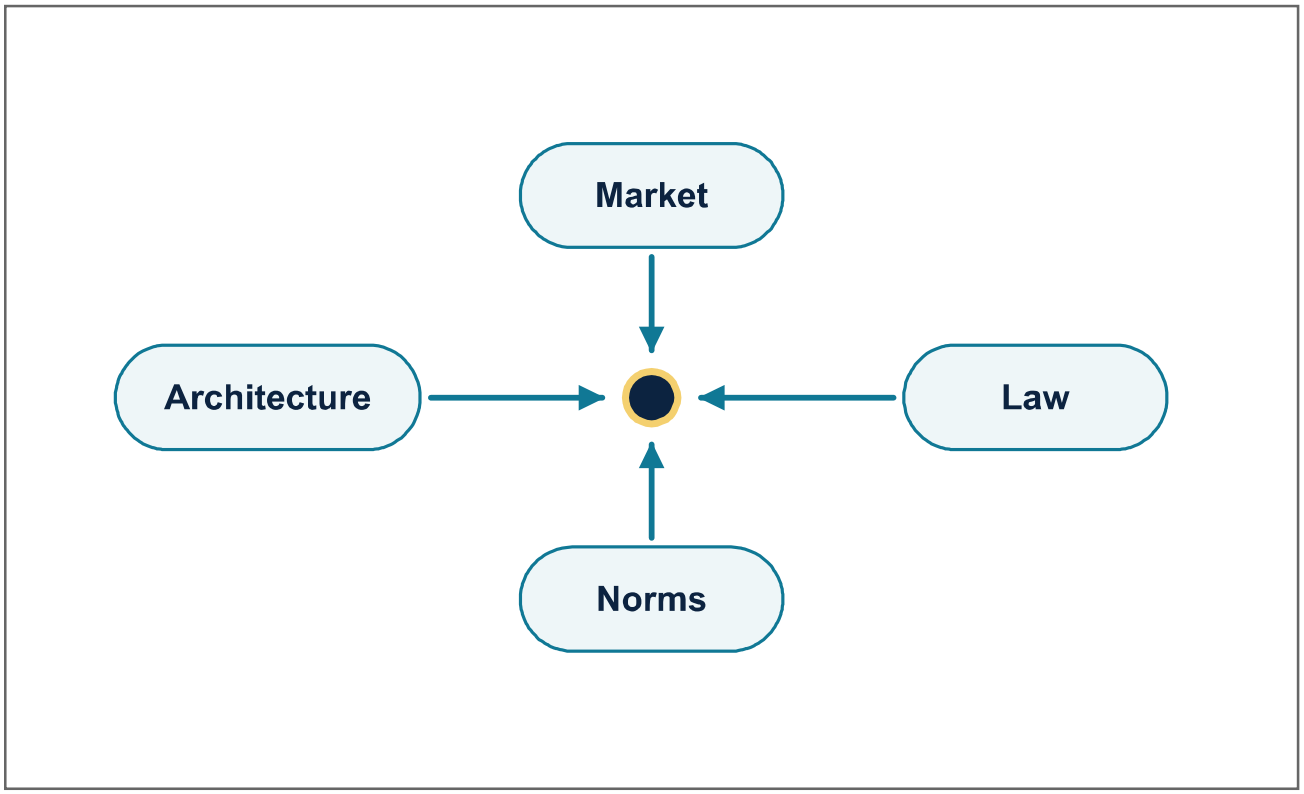
Frontier AI developers

Standards · safety frameworks · independent audits

Private expertise and funding + public authority

What Regulates What? *Lessig (**2006**)*

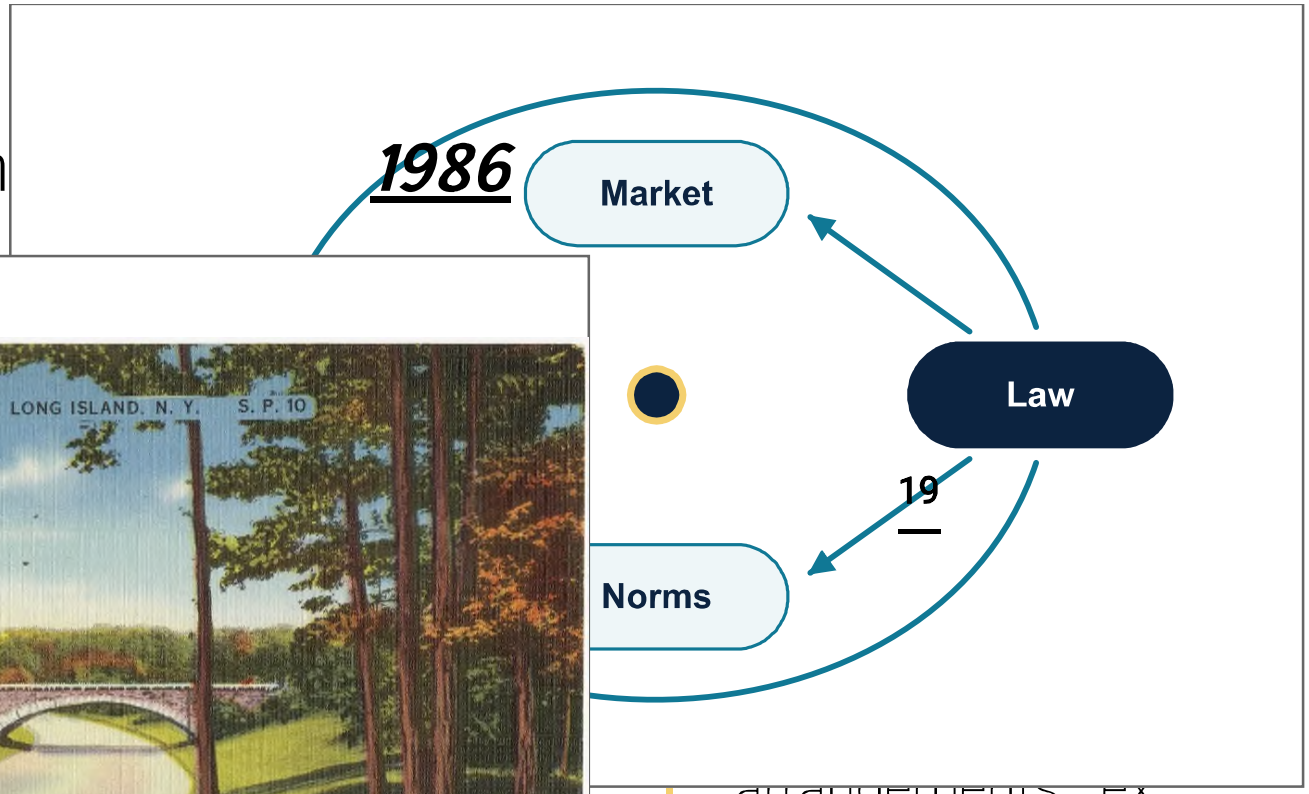




> Lessig: "code," not just law, "regulates" behavior → law should take advantage of code for more efficient regulation

What Regulates Wh

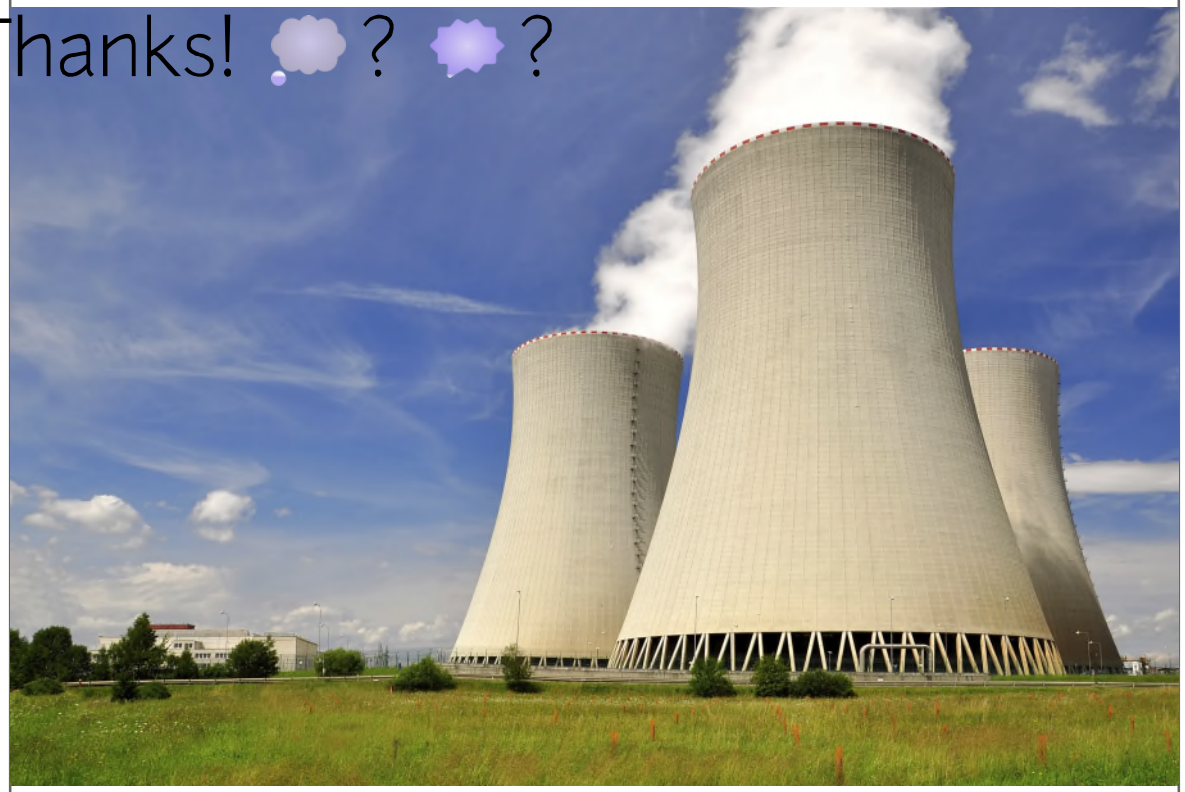




arrangements" ex. nuclear energy and strict control.

Sources: Rubenstein (**2025**), Tobey et al. (**2026**), Brennen (**2026**)
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Thanks! 💭 ? 💡 ?



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Lessig

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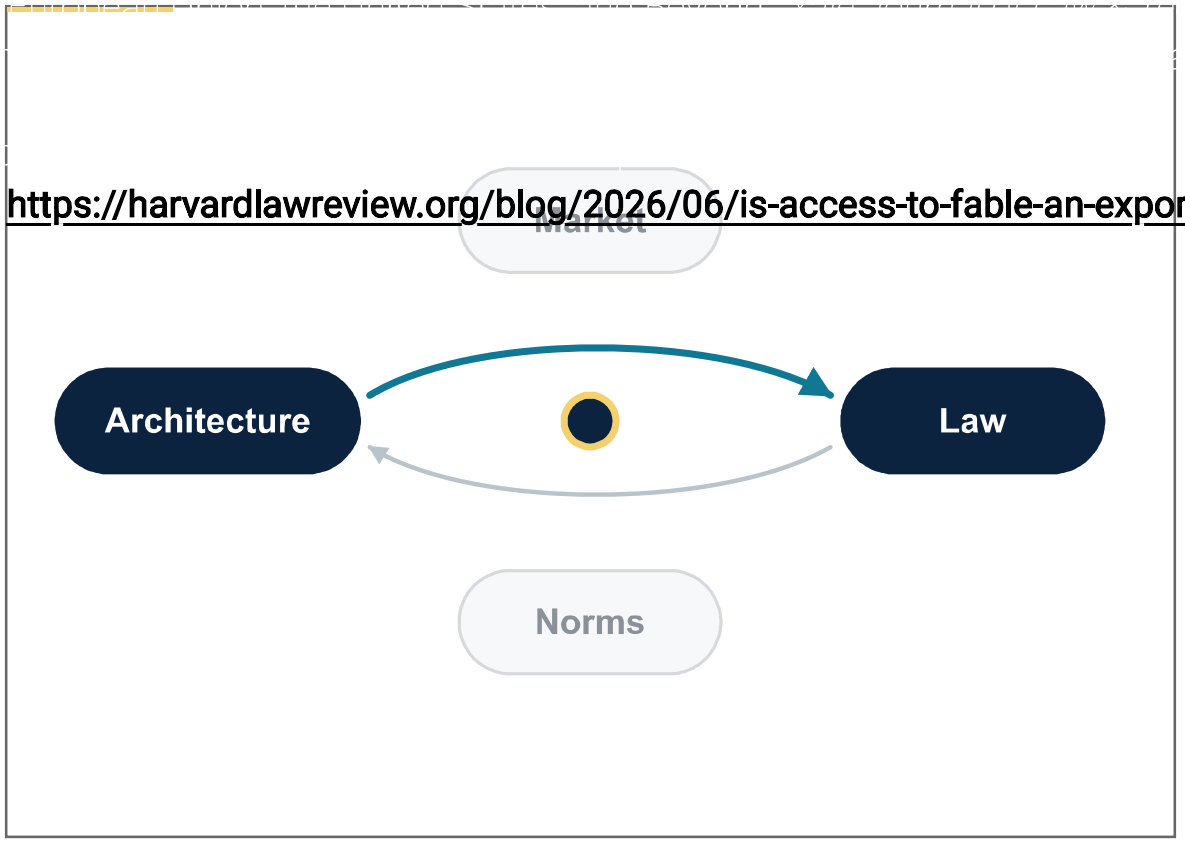
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Winner

https://harvardlawreview.org/blog/2026/06/is-access-to-fable-an-export/



Footnotes

1.
Art. 5(1)(a): “an AI system that deploys subliminal techniques beyond a person’s consciousness or purposefully manipulative or deceptive techniques, with the objective, or the effect of materially distorting the behaviour of a person or a group of persons by appreciably impairing their ability to make an informed decision, thereby causing them to take a decision that they would not have otherwise taken in a manner that causes or is reasonably likely to cause that person, another person or group of persons significant harm;”
2. Art. 5(1)(c):

> AI systems for the evaluation or classification of natural persons or groups of persons over a certain period of time based on their social behaviour or known, inferred or predicted personal or personality characteristics, with the social score leading to either or both of the following:
> (i) detrimental or unfavourable treatment of certain natural persons or groups of persons in social contexts that are unrelated to the contexts in

> which the data was originally generated or collected;
> (ii) detrimental or unfavourable treatment of certain natural persons or groups of persons that is unjustified or disproportionate to their social behaviour or its gravity;

3.

But note the scope of the prohibition. Art. 5(1)(d): "making risk assessments of natural persons in order to assess or predict the risk of a natural person committing a criminal offence, *based solely on the profiling of a natural person or on assessing their personality traits and characteristics*; this prohibition shall not apply to AI systems used to support the human assessment of the involvement of a person in a criminal activity, which is already based on objective and verifiable facts directly linked to a criminal activity."

4. See **Article 5**.
5. In broad strokes:
   1. Biometrics;
   2. Critical infrastructure;
   3. Education and vocational training;
   4. Employment, workers' management and access to self-employment;
   5. Essential private services and essential public services and benefits;
   6. Law enforcement;

7. Migration, asylum and border control management;
8. Court system and elections.

See **Annex III** for definitions and exemptions.

6. See **Art. 50**.

7.

Typically the developer; also encompasses anyone who "places it on the market or puts the AI system into service under its own name or trademark." See Art. 3(3).

8.

Anyone "using an AI system under its authority," except "in the course of a personal non-professional activity." See Art. 3(4)

9. See **Art. 26**.

10.

Cf. art. 6(3): "perform narrow procedural task"; "improve the result of a previously completed human activity"; "perform a preparatory task"; "detect decision-making patterns or deviations from prior decision-making patterns and is not meant to replace or influence the previously completed human assessment, without proper human review".

11.
European Committee for Standardization (CEN) and European Committee for Electrotechnical Standardization (CENELEC).
12. Open-source models are exempted.
13.
‘[S]ystemic risk’ means a risk that is specific to the high-impact capabilities of general-purpose AI models, having a significant impact on the Union market due to their reach, or due to actual or reasonably foreseeable negative effects on public health, safety, public security, fundamental rights, or the society as a whole, that can be propagated at scale across the value chain.
14. Recital 85.
15.
Ongoing reports on development, model-weight security, and red-team testing of covered dual-use foundation models.
16.
Under revised OMB guidance, M-25-21 (Apr. 3, 2025). Rescission of EO 14110 did not eliminate the role.
17.
Fable returned to general availability; Mythos remained limited to trusted partners. The all-user suspension was Anthropic’s compliance response, not an express ban on all domestic use.

18.

Separate statutory tracks: N.D. Cal. set aside the § 3252 designation on Aug. 27, 2026; the D.C. Circuit upheld the § 4713 procurement action on Sept. 25, 2026. See (***Anthropic PBC v. U.S. Department of War 2026***) and (***Anthropic PBC v. United States Department of War 2026***).

19.

Often remembered for example of politics through technology in Robert Moses' low overpasses thought to be deliberately excluding. (On the specific example, **see**.)

Speaker notes