

Attorney General sets up DOJ AI Litigation Task Force to challenge state AI laws

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MEMORANDUM FOR ALL DEPARTMENT OF JUSTICE EMPLOYEES

FROM: THE ATTORNEY GENERAL ~ SUBJECT: ARTIFICIAL INTELLIGENCE LITIGATION TASK FORCE

President Trump has been clear: "United States leadership in Artificial Intelligence (AI) will promote United States national and economic security and dominance across many domains." 1 "United States AI companies must be free to innovate without cumbersome regulation," and "State-by-State regulation by definition creates a patchwork of 50 different regulatory regimes that makes compliance more challenging, particularly for start-ups."2

Accordingly, the President has made it "the policy of the United States to sustain and enhance the United States' global AI dominance through a minimally burdensome national policy framework for AI." 3 Consistent with that policy, I am hereby "establish[ing] an AI Litigation Task Force (Task Force) whose sole responsibility shall be to challenge State AI laws inconsistent with the policy."4 The Task Force shall challenge such State AI laws "on grounds that such laws unconstitutionally regulate interstate commerce, are preempted by existing Federal regulations, or are otherwise unlawful."

I or my designee will serve as the Chair of the Task Force, and the Associate Attorney General will serve as the Vice Chair. The Task Force will be further composed of representatives from the Office of the Deputy Attorney General, the Office of the Associate Attorney General, the Office of the Solicitor General, the Civil Division, and any other components or representatives that I may from time to time designate to assist in the Task Force's work.

As directed by the President, "[t]he Task Force shall consult from time to time with the Special Advisor for AI and Crypto, the Assistant to the President for Science and Technology, the Assistant to the President for Economic Policy, and the Assistant to the President and Counsel to the President regarding the emergence of specific State AI laws that warrant challenge. " 5

1 Executive Order 14365 § 1 (Ensuring a National Policy Framework for Artificial Intelligence). 2 Id 3 Id. § 2. 4 Id. § 3. s Id.