

What is AI?



As artificial intelligence has become both increasingly sophisticated and common, questions about its capabilities, benefits, and risks have become inescapable.

Today, [52%](#) of Americans are more concerned than excited about the increased use of artificial intelligence, and debates over the proper use of AI have monopolized conversations around the tech industry.¹

Much of the apprehension about AI stems from the uncertainty surrounding its future. Education can empower lawmakers and citizens to use this technology in ways that benefit their communities and offer promise rather than peril. An understanding of what AI is and how existing laws can protect its users is essential.

AI Past: An Old Technology with New Developments

Artificial Intelligence is a broad term and notoriously hard to describe because of the continuously changing nature of the technology. One of the most widely read textbooks on AI argues that AI should be used as a category for a machine's uses and actions, not its design and nature. An AI system can meet goals using intelligence acquired through data it receives, "Artificial Intelligence," then, can apply to a variety of functions from problem solving to speech recognition.

Interest in AI has surged over the last year, largely due to OpenAI's Chat GPT, which introduced people to a new way of engaging with computers and brought the concept of artificial intelligence to the attention of the mainstream. Amidst buzzy headlines and warnings of a tech apocalypse, it is easy to forget that the story of AI

¹ "Growing Public Concern About the Role of Artificial Intelligence in Daily Life." Pew Research Center, 28 Aug. 2023, www.pewresearch.org/short-reads/2023/08/28/growing-public-concern-about-the-role-of-artificial-intelligence-in-daily-life/.

does not begin in 2023. Rather, Artificial Intelligence is a technology that has been theorized, attempted, and refined for years—machine learning dates back nearly a century. In the 1930s, mathematician Alan Turing queried, “can machines think?”, in 1997, Deep Blue, a computer, beat the reigning world chess champion at his own game, and in 2011 a natural language computer won Jeopardy!¹ While the amount of data and speed of response AI has access to has increased exponentially, it has been a decades long process rather than an overnight miracle.

It is crucial to remember the rich history of AI when confronted with the hyperbolic language warning of a new technology far beyond our control and understanding.

AI Present: An Increasingly Accessible Commodity

Over the last decade, AI’s presence in our everyday lives has greatly increased. Search engine suggestions, digital voice assistants like Apple’s Siri and Amazon’s Alexa, and language processing tools like ChatGPT are all examples of AI that is accessible to the average person.



The barrier of entry for AI has decreased significantly, and both the building and use of the technology have been democratized. Consequently, the profound potential of AI is greater than ever. Industries from finance to medicine and everything in between stand to benefit from artificial intelligence.

In September of this year, Mary Bird Perkins Cancer Center, located in Baton Rouge, Louisiana, became the first clinical site to introduce cutting-edge Artificial Intelligence software that streamlines the scanning process. New AI platforms promise to help teachers by providing instant feedback on students’ papers, as a writing tutor that turns errors into opportunities for student learning. Those in the financial industry are looking towards AI as a way to add transparency to the loaning process—with a clear framework for assessing borrowers as opposed to the often-opaque face-to-face approach.

AI Future: A World of Potential, If Approached Correctly

While the human brain is incredibly complex and versatile, AI can certainly help it. A basic understanding of what AI is and how it works is the first step to using the technology to enhance the lives and livelihoods of those who use it.

While much remains unknown about AI, and its risks should not be ignored, taking advantage of the frameworks available will allow us to explore its potential with informed confidence.

¹ Gil Press. “A Very Short History of Artificial Intelligence (AI).” Forbes, 30 Dec. 2016, www.forbes.com/sites/gilpress/2016/12/30/a-very-short-history-of-artificial-intelligence-ai/?sh=288bac0c6fba.

Addressing Concerns and Maximizing the Benefits of AI: Practical Solutions



As AI becomes more commonplace, fears surrounding its use and capabilities have also grown. Job loss and national security top the list of concerns, according to polling data from the Center for Growth and Opportunity.

In response, lawmakers have rushed to introduce new laws and regulations specifically targeting artificial intelligence, fueled by alarming predictions from AI skeptics. For instance, in October 2023, the Biden Administration issued a lengthy [Executive Order](#) (EO) on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence. However, this preemptive regulation fails to acknowledge existing legal measures that can efficiently protect consumers.

The EO advocates for increased government oversight and monitoring of the AI industry, creating a pessimistic environment that hinders progress. This approach disregards the potential for AI to greatly enhance people's lives when used correctly.



The Biden Administration justifies the abundance of red tape by citing threats to privacy, national security, and civil rights posed by AI. However, existing legislation, regulations, and practices within the tech world already address these concerns, rendering additional regulations ill-suited to the rapidly advancing technology landscape.

Ensuring the Ethical Use of AI: Practical Steps

1 Leveraging Current Laws

The American legislative tradition focuses on outlawing harmful actions and outcomes rather than banning the technology itself. For example, cars can be dangerous in the wrong hands, resulting in thousands of deaths annually. However, the legal system holds car manufacturers and drivers accountable instead of banning cars altogether. A similar legal framework exists for holding AI abusers responsible. Rather than burdening industries with new laws and regulations, lawmakers should explore existing legal remedies and fill any gaps as needed.

Product recalls prevent self-driving cars from going rogue, well-established laws address malicious deepfakes, and a variety of civil rights laws safeguard against AI discrimination. Additionally, academic standards prohibit cheating, regardless of the method. The American Council on Education [suggests](#) integrating long-standing academic guidelines to effectively incorporate AI and protect academic integrity. [Tools for detecting AI-based cheating](#) are continually evolving, supporting teachers in maintaining fairness.

An information gathering approach can assist policymakers in assessing whether current laws and regulations meet their concerns. Conducting an inventory of existing legislation and developing comprehensive reports enables informed decision-making based on familiarity with the legal landscape.

2 Market Accountability Is Key

Avoiding redundant and conflicting legal requirements encourages the private sector and tech companies to establish an ethical culture around AI, empowering users. The Center for Growth and Opportunity [underscores](#) the role of markets in disciplining companies and holding them accountable, using mechanisms like competition, reputation, customer feedback, pricing, and transparency. The market adapts more effectively to the evolving tech landscape compared to the sluggish legislative process. Excessive regulation stifles innovation and obstructs valuable advancements. Allowing the market to dictate AI production ensures consumer judgment in testing new developments.

Embracing responsible innovation in the free market, rather than excessive government regulation, is a crucial step in unlocking the potential of artificial intelligence, safeguarding against its dangers while maximizing its promise.

HOW CAN I LEARN MORE ABOUT ARTIFICIAL INTELLIGENCE (AI)?

Learning about AI and its capabilities can empower consumers and creators to harness the technology for good. Increased literacy about artificial intelligence will help manage its use and ensure that the apocalyptic visions of a society run by robots are never recognized. Education rather than edict is the best precaution against the risks of AI.

To learn more about the state of AI and AI regulation:

Helpful Articles

“Flexible, Pro-Innovation Governance Strategies for Artificial Intelligence”

<https://bit.ly/4b2MI3O>

“Principles for Lawmakers: How to Think about Emerging Technologies”

<https://bit.ly/3O6yJLd>

“Getting AI Innovation Culture Right”

<https://bit.ly/47BgZ1n>

AI in Healthcare

<https://bit.ly/3O8vWBg>

AI in Education

<https://bit.ly/3SI4wuh>

“Can Existing Laws Cope with the AI Revolution?”

<https://bit.ly/421OMQ5>

“What Might Good AI Policy Look Like?”

<https://bit.ly/41ZzKdR>

“The Many Ways Government Already Regulates Artificial Intelligence”

<https://bit.ly/48Ua84c>

“How Private Governance Mitigates AI Risk”

<https://bit.ly/3SIbAqL>

Trusted Organizations

Cato Institute

The Abundance Institute

James Madison Institute

Pelican Institute for Public Policy

R Street

Principles For Lawmakers: How To Think About Emerging Technologies

The technology sector is playing an increasing role in our day-to-day lives as consumers, and it's also having a major impact on state policy makers.

Today, the American technology sector is directly or indirectly responsible for 18 million American jobs, and it accounts for more than 10 percent of American Gross Domestic Product (GDP).¹



State policy makers are facing mounting questions over technology and innovation policy. For example, what steps should they take when considering new technologies, such as drones, autonomous vehicles, and 5G?

While there is no one size fits all solution to questions surrounding these vastly differing technologies, there are principles that can be utilized to help lawmakers think through these emerging technologies and the issues surrounding them.

Principles For State Lawmakers: How To Think About Emerging Technologies

1 Avoid Pre-emptive regulations of emerging technology:

The technologies we use today are drastically different from what they looked like 10 years ago. Pre-emptive regulation will stifle the ability for these technologies to grow and change, hurting both innovation and consumers.

2 Examine whether current laws can be applied to new technologies:

There are currently over 180 thousand pages published in the Code of Federal Regulations and thousands of pages of state regulations in every state. Lawmakers must understand the current rules and regulations before proposing new rules for an emerging technology. Otherwise, regulations may be either redundant at best or conflicting at worst.

1. Tech Sector Supports 18 Million U.S. Jobs, Represents 12% of GDP, Says CTA. (2019, April 29). Retrieved October 16, 2019, from <https://www.cta.tech/News-Press-Releases/2019/April/Tech-Sector-Supports-18-Million-U-S-Jobs,-Represe.aspx>.

3 Use emerging technology as an opportunity to reduce regulation in legacy industries:

Innovative technologies often provide opportunities to rethink legacy industries. Regulations, which might have made sense at one point to protect consumers, are now only a hindrance due to a technological solution. Lawmakers should examine how technologies can reduce regulation in these legacy industries and work to cut red tape.

4 Create statewide framework to ensure regulatory certainty:

Too many sets of local rules and regulations can slow or even stop technological progress. These local rules can cause confusion for consumers and companies alike about which rules to follow and where. Lawmakers should look to pass statewide frameworks to ensure regulatory certainty for companies and consumers across the state.

Conclusion

States have the potential to advance innovation and gain a competitive advantage with well thought out technology policy. These principles may not answer every question that emerges when thinking about new technology, but they provide a framework for dealing with emerging technologies.

With these principles in mind, states can have technology policy that rewards innovation and make them more attractive places to live and do business.

Examine whether current laws can be applied to new technologies

Case Study on Rule 2:

Artificial intelligence has allowed students and teachers alike to personalize learning and optimize studying, but the technology is not without risks. Concerns over cheating and plagiarism are common, especially with the rise in popularity of programs like ChatGPT. These have led to calls for new academic laws and disastrous predictions of the death of the essay. AI laws in the classroom will detract from long standing academic standards against cheating and dishonesty because they are redundant and overly complicated. Outlining a special penalty for AI usage or prohibiting the technology completely in all scenarios ignores the current laws made to help teachers and the potential of AI to enhance academic experiences.

Rather, teachers and administrators should frame the use of Artificial Intelligence as a matter of academic integrity, in the same way the use of the internet has been approached for decades. Syllabi can include examples of the appropriate use and citation of AI alongside the standard prohibitions against cheating, plagiarism, and dishonesty. Additionally, schools can incorporate training courses into their curriculum, to better prepare students for a professional world that increasingly relies on artificial intelligence.