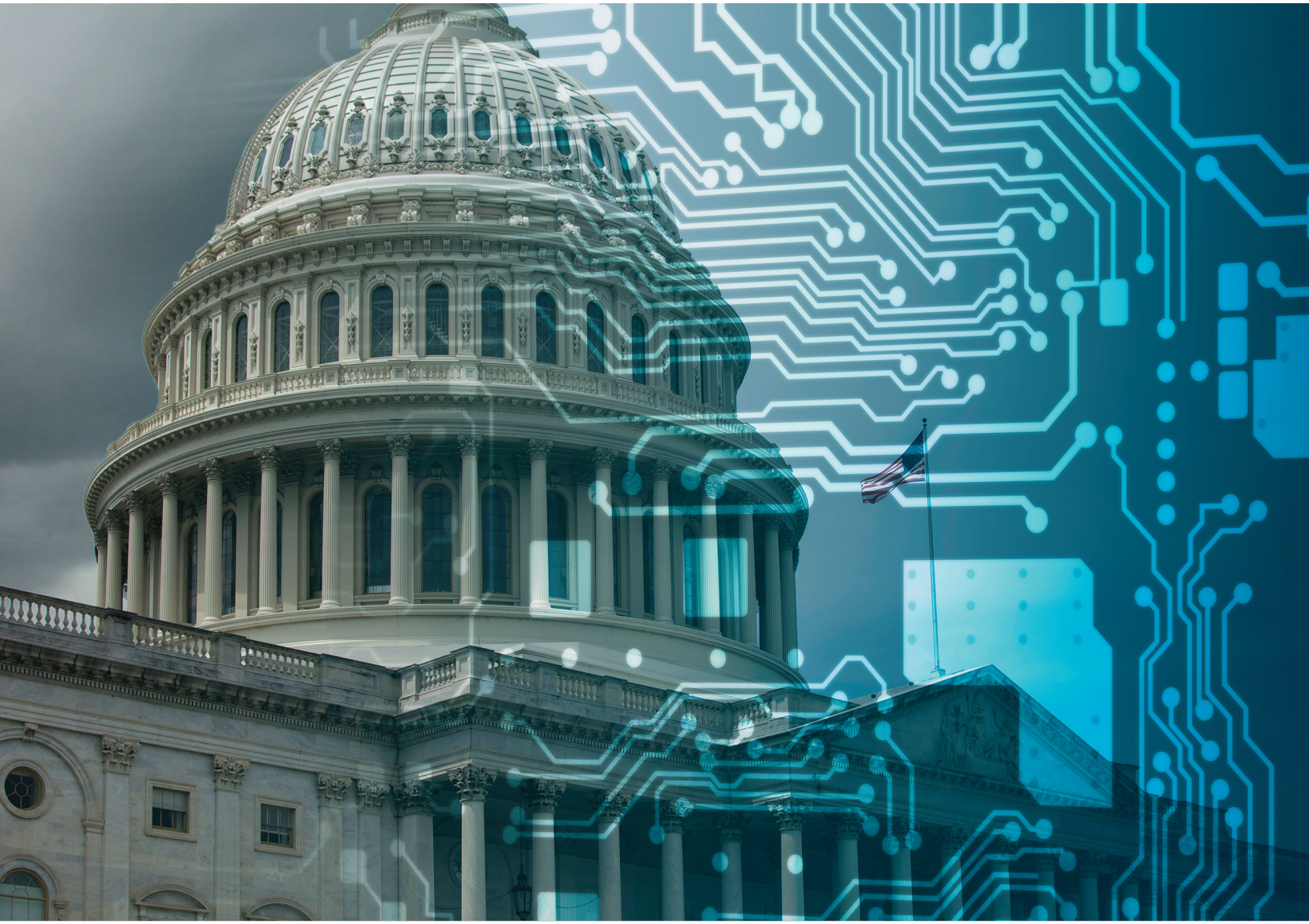
REPORT | ARTIFICIAL INTELLIGENCE, CYBERSECURITY AND PRIVACY TASK FORCE

Artificial Intelligence in Government

The Federal and State Legislative Landscape



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Artificial Intelligence in Government: The Federal and State Landscape

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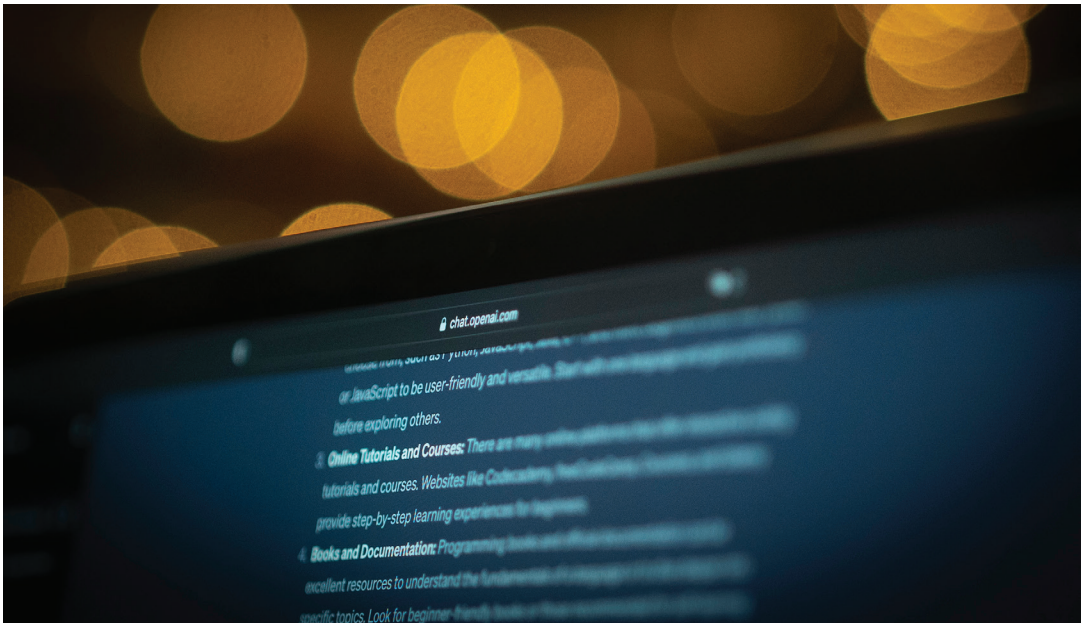
The National Conference of State Legislatures is the bipartisan organization dedicated to serving the lawmakers and staffs of the nation's 50 states, its commonwealths and territories.

NCSL provides research, technical assistance and opportunities for policymakers to exchange ideas on the most pressing state issues, and is an effective and respected advocate for the interests of the states in the American federal system. Its objectives are:

- Improve the quality and effectiveness of state legislatures.
- Promote policy innovation and communication among state legislatures.
- Ensure state legislatures a strong, cohesive voice in the federal system.

The conference operates from offices in Denver, Colorado and Washington, D.C.



Introduction

The rapid adoption of artificial intelligence tools is not specific to the private sector. Federal, state and local governments have started to adopt AI tools in their daily operations and to deliver government benefits and services.

With the rapid adoption of generative AI tools, all levels of government have sprung into action, working to understand current uses, set a common understanding around allowable uses, put guardrails around future uses and encourage the innovative development and use of AI tools to transform government services.

A recent survey by Ernst & Young LLP of federal, state and local government employees showed that 51% use an AI application daily or several times a week. The report also found that federal agencies are more frequent daily AI users than state and local agencies, with 64% of respondents indicating so. Government agency leaders surveyed also indicated an increased focus on data integrity with 45% taking measures to verify data within their agency. One last key finding revealed the top three barriers to AI expansion in government. These included unclear governance or ethical frameworks at 48%; lack of technology infrastructure at 30%; and the failure of AI applications to align with current agency needs at 30%.

Developers such as Microsoft have shared their perspective on how generative AI can help create a more effective, inclusive and responsive government by improving citizen services, increasing efficiency, better managing and analyzing data and serving as a creative aid. Deloitte's report on generative AI to enhance government services and programs identifies uses for citizen engagement, report generation, case management, knowledge management and back-office functions. The report warns that government use comes with additional concerns and considerations related to legal, ethical, privacy and security issues.

Technology companies are partnering and exploring opportunities to work with the public sector on deploying AI tools. Skydio, an autonomous drone manufacturer, offers solutions to the U.S. Border Patrol to improve national security. Credo AI offers solutions to assist with automating AI governance through a centralized registry of AI use cases, automated risk assessments, policy-based governance and standardized reporting to meet regulatory requirements.

Governments at all levels are striving to balance the risks and opportunities of AI adoption. They are discussing real world impacts, building governance structures and privacy standards to support responsible use and evaluating their own technology and data infrastructure to ensure the reliability, safety and security of AI applications. This brief reviews the current legislative and regulatory landscape at both federal and state levels concerning government use of AI.

Federal Action

Executive Branch Use of AI

The federal government has significantly expanded its use of AI in recent years. Agencies and Congress are discovering ways to leverage advanced technologies to improve their internal processes to improve efficiency and assist in ministerial decision-making. The federal government is implementing AI applications in many sectors, from public health and national security to finance and regulatory compliance.

In March 2024, the Office of Management and Budget submitted a memorandum to the heads of executive departments and agencies outlining directives for federal agencies to enhance their governance and risk management practices related to AI, consistent with the AI in Government Act of 2020, the Advancing American AI Act and the Biden administration's Executive Order 14110, which also set expectations and parameters on AI use throughout the federal government. The OMB encourages the use of AI in government to streamline operations, reduce costs and improve overall efficiency.

When it comes to risk mitigation, the OMB emphasizes how crucial it is for agencies to identify and assess risks associated with AI, develop contingency plans and continuously monitor AI systems for emerging risks. According to the memo, AI governance should also be integrated into agencies' strategic and IT plans, to ensure a unified approach to AI use across the federal government.

Having clear communication with the public about the use and impact of AI is also essential. The OMB suggests that agencies need to make sure that their AI systems are used ethically, with a major focus on fairness, accountability, and transparency. This guidance also elaborates on the role of the chief artificial intelligence officer, an agency position created by the Biden administration's Executive Order 14110. The chief AI officer will play a pivotal role in ensuring that AI technologies are acquired and used responsibly within federal agencies, balancing innovation with ethical consideration and risk management.

Pursuant to the release of the memo and the Biden administration's Executive Order 14110, the National Institute of Science and Technology published the Artificial Intelligence Risk Management Framework: Generative Artificial Intelligence Profile, which also provides a guideline to promote safe AI technologies by addressing the specific risks across AI platforms. NIST maintains that a framework is necessary to prioritize fairness, transparency, reliability and accountability. The framework aims to ensure ethical and safe use in both federal agencies and industries by setting standards for generative AI development and deployment.

The OMB issued additional guidance in September 2024, building on Executive Order 14110 and earlier OMB guidance, directing agencies to manage risks, promote competition and innovation, and ensure interagency collaboration across the federal government when acquiring and using AI technologies. The guidance includes best practices and specific requirements that impact rights and safety when it comes to the use of AI. To manage risks, the guidance states that agencies must have early and ongoing involvement with privacy officers to ensure control of privacy risks and comply with rules and regulations.

The OMB also makes recommendations for working with other agencies to support effective and responsible habits. The collaboration between departments should focus on identifying and prioritizing AI investments and developing best practices through interagency councils to safely deploy and promote the use of AI.

In the wake of the OMB guidance, many federal agencies have begun implementing AI. The U.S. Government Accountability Office reviewed federal agency efforts to safely develop and use AI in government as directed by the Biden administration's Executive Order. In their September 2024 report, Artificial Intelligence: Agencies Are Implementing Management and Personnel Requirements, the GAO found that federal agencies were on track to implement many of the AI management and talent requirements set forth in the Executive Order.

There are other examples. The Department of Health and Human Services has deployed AI tools to enhance medical research and track disease outbreaks. The Food and Drug Administration has been using AI to review drug applications. The Centers for Disease Control has been using machine learning to analyze

ALEX WONG/GETTY IMAGES

Left to right, CEO of Anthropic Dario Amodei, founder and scientific director of the Mila—Quebec, AI Institute and professor at the Universite de Montreal Department of Computer Science Yoshua Bengio, and professor of computer science at the University of California, Berkeley, Stuart Russell testify during a hearing before the Privacy, Technology, and the Law Subcommittee in Washington, D.C. The subcommittee held a hearing on the oversight of artificial intlligence.

medical images for health conditions or abnormalities and the National Institutes of Health (NIH) has been using the technology to predict disease the and identify scientific literature.

Like NIH, the Department of Veterans Affairs uses AI to help analyze medical records and data to predict risk-related incidents of suicide. The Department of Homeland Security is using AI to help advance its homeland security mission while still protecting privacy and individual rights for the public. For example, the U.S. Customs and Border Protection helps keep fentanyl and other drugs out of the country by using AI to identify a suspicious pattern in a car's border crossing history, screen cargo at ports of entry and identify objects in streaming video and imagery.

The General Services Administration is incorporating AI into its procurement and contracting processes to streamline operations, save time and reduce costs. The U.S. Departments of Agriculture and Transportation as well as the Environmental Protection Agency use machine learning to map satellite imagery of crops and vegetation, analyze regulatory comments from the public, predict flight delays and even for driving autonomous vehicles. The Department of Defense has been using machine learning for many years to help with predictive maintenance and military logistics.

Federal agencies are also using AI to address regulatory challenges and improve oversight. The Securities and Exchange Commission and the Federal Trade Commission use AI to detect fraud and other forms of financial misconduct by analyzing large datasets in real time. Additionally, the Internal Revenue Service is exploring AI to enhance tax compliance and identify inconsistencies in tax filings. This work aims to enhance public service delivery by making data-driven decisions faster and more accurately.

The federal government is incorporating AI to better serve the public while still establishing rules to ensure that AI will not violate people's rights. The website AI.gov provides additional information on how federal agencies are using AI to better serve the public, including a full inventory of AI use cases.

Congress' Internal Use of AI and Federal Legislation

In March 2024, the House of Representatives Committee on House Administration, which establishes internal procedures and technology updates for House daily operations, convened a roundtable and created guardrails for the chamber and legislative branch agencies. These guardrails emphasize human supervision of AI outputs, privacy protections, vigorous testing and re-testing of AI systems, transparency, and training and upskilling on AI systems.

The committee is also collecting use cases from agencies to evaluate the impact of AI in daily operations. For example, the Smithsonian Institution is experimenting with generative AI to improve public interaction and to increase internal efficiency as well as using years of well-curated research and scholarship for purposes of training generative AI.

As the federal government continues to incorporate AI into various functions, there is a growing emphasis on safeguarding transparency, accountability, and fairness in AI deployment, as well as developing policies to manage the risks associated with its use. Recent bipartisan legislative initiatives, introduced although not enacted, reflect the increasing importance of regulating AI in federal systems.

S. 2293—The AI Leadership to Enable Accountable Deployment Act, introduced by Sens. Gary Peters (D-Mich.) and John Cornyn (R-Texas), creates the Chief AI Officer Council, which would be run by chief AI officers of different federal agencies and aims to direct agencies AI practices and ensure interagency coordination regarding AI.

S. 3205—The Federal Artificial Intelligence Risk Management Act of 2024, introduced by Sens. Jerry Moran (R-Kan.) and Mark Warner (D-Va.), would require federal agencies and vendors to adopt the NIST AI Risk Management Framework. This legislation is designed to ensure the responsible use of AI within the federal government, focusing on mitigating risks like data privacy breaches and cybersecurity concerns. The bill aims to establish guidelines for federal AI applications, encouraging safe and transparent AI practices across government agencies.

S. 4230—The Secure Artificial Intelligence Act of 2024, introduced by Sens. Mark Warner (D-Va.) and Thom Tillis (R-N.C.), would improve the tracking and processing of security and safety incidents and risks from AI. The legislation would also create a voluntary database to record AI-related cybersecurity incidents.

S. 4495—The Promoting Responsible Evaluation and Procurement to Advance Readiness for Enterprise-Wide Deployment for Artificial Intelligence Act, introduced by Sens. Gary Peters (D-Mich.) and Thom Tillis (R-N.C.), aims to guide the federal government's use of AI. The bill requires that agencies classify the risk levels of their AI use to protect the public's rights and safety. This bill also requires agencies to establish a chief AI officer and other AI governance structures.

H.R. 7532—The Federal AI Governance and Transparency Act, introduced by Reps. James Comer (R-Ky.) and Jamie Raskin (D-Md.), builds on previous legislation like the Advancing American AI Act, to increase transparency in how federal agencies use AI. It mandates that agencies create AI governance charters and provide public access to details about AI systems used for decision-making. These efforts would improve public awareness and accountability regarding the use of AI in federal decisions.

State Action

Just as the federal government is using AI, state governments are using AI for government operations and to provide service to constituents. State legislatures, governors and state agencies have considered various means to study and drive the use of AI for improving and transforming government services and identifying its potential risks.

During the 2024 legislative session, state legislators considered over 150 bills relating to government use of AI, addressing inventories to track the use of AI, impact assessments, creating AI use guidelines, procurement standards and government oversight bodies. Governors in over 10 states including Alabama, Maryland, Massachusetts, Oklahoma, Oregon and Washington, D.C. have issued executive orders to study AI use in running government operations and providing government services and benefits.

Inventories and Impact Assessments

At least 10 states, including Connecticut, Delaware, Maryland, Vermont and West Virginia, have instructed state agencies to inventory and describe AI applications within their operations and that impact the services they deliver. Notable enactments include:

- In 2022, Vermont enacted legislation creating the Division of Artificial Intelligence within the Agency of Digital Services to review all aspects of AI developed, employed or procured by the state. The law requires the agency to conduct an inventory of all automated decision systems. Two inventories are publicly listed for 2023 and 2024.

- Washington enacted legislation directing the state chief information officer to prepare and make publicly available on its website an initial inventory of all automated decision systems being used by state agencies in 2022. In 2023, according to WaTech's inventory of automated decision systems, there were 8,379 applications and 129 of them were identified as an automated decision system.

- Texas enacted a law in 2023 that requires a newly created Texas AI Advisory Council to review automated decision system inventory reports created by state agencies. The guidance advises state agencies to not include items in the inventory where AI tools are embedded in common commercial products like spam filters or spell checkers.

- In 2024, Delaware and Idaho created a commission and a council to provide recommendations for statewide processes and guidelines, including overseeing required inventories.

To address concerns about possible bias, discrimination and disparate impact, states like Connecticut, Maryland, Vermont, Virginia and Washington mandated that state agencies run impact assessments to ensure that the AI systems in use are ethical, trustworthy and beneficial. State impact assessment requirements vary among states, including:

- California's 2023 Executive Order directs that states agencies draft a report to examine and explain potential risks associated with generative AI to individuals, communities and government and state government workers, focusing on high-risk use cases, including when generative AI is used to make a consequential decision affecting access to essential goods and services. The order also requires several state agencies to conduct a joint risk analysis of potential threats to and vulnerabilities of California's critical energy infrastructure presented by generative AI.

- In 2023, Connecticut enacted a law that requires an annual inventory of all systems that employ artificial intelligence and requires an impact assessment before deployment to ensure the system will not result in any unlawful discrimination or disparate impact. Through these assessments, systems will be categorized into risk tiers based on potential risks. Connecticut's AI Responsible Use Framework incorporates three different impact assessment templates including the Canadian government's algorithmic impact assessment tool. The framework specifies that if a state agency uses any AI tools when creating content or agency external-facing services, then the agency shall disclose the use of AI and what bias testing was done.

- Maryland enacted a law in 2024 requiring each unit of state government to conduct inventories of systems employing high-risk AI and conduct impact assessments.

- New York also passed a law in 2024, which is awaiting the governor's signature, specifying that state government cannot use automated decision-making systems without continued, operational and meaningful human review. An impact assessment is required before use is permitted to understand the purpose of the system; the design and data used to train the model; and, to test for accuracy, fairness, bias and discrimination, among other potential impacts.

Guidance and Oversight for Government AI Use

Minnesota's Transparent Artificial Intelligence Governance Alliance identified that AI use in government presents opportunities such as an enhanced quality of life; increased efficiency; equitable and inclusive access to services; proactive and personalized government services; an empowered workforce; transparency and trust; innovative economic growth; data-driven decision making; and improved education.

Georgia's AI Responsible Use guidance specifies that misuse of AI by state agencies can happen through AI-based fraud, discrimination, invasion of privacy, malicious use and spreading misinformation. The same guidance warns that unintentional misuse can happen in cases of bias and discrimination, privacy violations, inaccurate or misleading information, inappropriate context, or an over reliance on AI.

Guidance and reports coming out across states highlight similar opportunities and areas of concern. At least 30 states have issued guidance on state agency use through governor executive orders, agency collaboration, rulemaking and state legislation. Most state legislatures have enacted legislation setting forth specific requirements for AI use by state government or directing another entity to establish these guidelines.

States vary in how centralized or decentralized they are in their management of information technology resources across their state agencies, so the state entities tasked with analyzing and setting guidelines may fall to statewide CIOs, information technology agencies, operations and administration agencies or individual information technology personnel based in other agencies. Other states are discussing if they should create new positions to do this work. The Oklahoma Governor's Task Force on Emerging Technologies recommended establishing a CAIO. Rhode Island is creating a single data governance structure and a new chief data officer position.

State legislatures also have established offices and other authorities to oversee AI implementation and make recommendations. Vermont's newly established Division of Artificial Intelligence within the Agency of Digital Services is charged with reviewing all aspects of artificial intelligence systems developed, employed, or procured in its state government. The division must review AI systems developed, employed, or procured in the Vermont state government, propose a state code of ethics for AI use in government to be updated annually and make recommendations to the General Assembly on policies, laws, and regulations for AI systems in the state government. The division is required to file reports to the General Assembly on or before Jan. 15 each year. The legislation established the Artificial Intelligence Advisory Council to provide advice and counsel to the director of the Division of Artificial Intelligence regarding the division's responsibilities to review all aspects of AI systems use by the state and engage in public outreach and education on AI.

Florida created the Government Technology Modernization Council in 2024 to be an advisory council within the Department of Management Services in 2024. The council will study and monitor the development and deployment of new technologies and provide reports on recommendations for procurement and regulation of such systems to the governor, the president of the Senate, and the speaker of the House of Representatives. Meeting quarterly, the council will recommend legislative and administrative actions that the Legislature and state agencies may take to promote the development of data modernization in the state, assess and provide guidance on any necessary legislative reforms and the creation of a state code of ethics for artificial intelligence systems in state government and assess the manner in which governmental entities and the private sector are using AI with a focus on opportunity areas for deployments in systems across this state, among other duties.

At least one quarterly meeting of the council must be a joint meeting with the Florida Cybersecurity Advisory Council. The council must submit any legislative recommendations to modernize government technology, including accelerating adoption of technologies to increase productivity of state enterprise information technology systems, improve customer service levels of government, and reduce administrative or operating costs annually.

In 2024, Maryland established a governor's Artificial Intelligence Subcabinet within the governor's Executive Council to facilitate and enhance cooperation among units of state government, in consultation with academic institutions and industries using AI. The subcabinet is tasked with developing strategy, policy and monitoring processes for responsible and productive use of AI and associated data by units of the state

government, overseeing the state's implementation of its AI inventory, supporting AI and data innovation across state government and developing and implementing a comprehensive action plan for responsible and productive use of AI and associated data by the Maryland state government.

Other examples include Utah's Office of Artificial Intelligence Policy and Hawaii's state Data Office. The data office, with the state Data Task Force, is leading work focused on the responsible use of data and AI. In its advisory action plan, the Wisconsin Governor's Task Force on Workforce and Artificial Intelligence recommended creating an Office of Data and Privacy under the Department of Administration tasked with developing and implementing a strategy and governance structure supportive of AI because no single office or division in state government is tasked with data governance.

Principles Within State AI Guidelines

Common elements of state guidelines include specifying roles and responsibilities, guiding principles, new processes, inventory requirements and impact assessments. Some states have required working groups to suggest policies for internal government adoption and others have mandated certain requirements be added to procurement procedures for new equipment. Some states have created a new code of ethics; others have aligned with evolving international and national standards. Examples of state guidance principles include:

- Arizona's statewide policy requires users of the technology to adhere to requirements and considerations related to transparency, accountability, fairness, security, privacy, training, procurement, and collaboration.
- The Massachusetts Executive Office of Technology Services and Security established minimum requirements for the development and use of generative AI by state agencies. The guidelines incorporate the NIST AI Risk Management Framework to reduce risk and promote trustworthiness.

- Vermont's AI Code of Ethics identifies conflict of interest, bias and confidentiality concerns and highlights attributes to focus on such as safety, security, accountability and trustworthiness.
- Colorado, Georgia, Maine, Maryland, New York, North Carolina, North Dakota and Washington referenced the NIST standards within their guidelines, while New Hampshire based its guidelines on the European Union ethics guidelines document on AI.

Procurement

State employees responsible for information technology and purchasing are incorporating considerations for AI within their current processes. The 2024 National Association of State Technology Directors survey, AI in State Government IT Operations, reported that 9% of survey respondents have developed preferred contract language around the use of AI for IT procurements; 62% are in the process of doing so and 29% have not yet begun efforts. A report from the National Association of State Procurement Officials and the National Association of State Chief Information Officers shows that successful AI initiatives in public procurement require robust collaboration between procurement and chief information officers and must be supported by robust AI policies. The joint report identified seven key factors for AI public procurement to be successful: 1) develop comprehensive AI polices; 2) start with targeted use cases; 3) foster collaboration between procurement and IT; 4) engage vendors and suppliers effectively; 5) prioritize training and change management; 6) focus on ethical and responsible use; and 7) establish performance monitoring, continuous improvement and training.

Examples of state AI procurement processes include:

- California released guidelines for public sector procurement, uses and training for generative AI. To use a generative AI product, state entities must go through a multi-step process that includes outlining a problem definition, assessing impacts and requiring a "human to be in the loop." State entities are allowed to submit budget requests through the annual budget process for generative AI proof of concepts. California requires state purchasing officials to take training on how to identify generative AI purchases.
- In Ohio, the policy for procuring new generative AI software requires review and approval from a multi-agency AI council that includes representatives from the governor's office and the Department of Administrative Services. The request must include a risk assessment, a privacy assessment, and a security review.
- While the Oregon State Government Artificial Intelligence Advisory Council works to develop an AI framework, interim guidance instructs state entities to submit an information technology request prior to investments in AI proof of concepts or pilots.
- Washington released an automated decision systems procurement and use guidance that requires an assessment to be conducted before the system's development or procurement. The procurement and development process also must include testing and validation to assess performance, accuracy and potential bias before deployment.

How are state governments using AI?

State agencies are using tools that have a range of capabilities like robotic process automation, natural language processing, machine learning and content generation. This use is seen across sectors as AI assists states with improving physical infrastructure, optimizing government resources and assisting citizens with inquiries.

State agencies have seen a steady increase in chatbot use since the COVID-19 pandemic. During the pandemic, at least 35 states used chatbots to support pandemic inquiries relating to health, unemployment benefits, taxes, Supplemental Nutrition Assistance Program benefits and citizen services. A 2024 survey of state technology directors use of AI, showed half of states are using chatbots, 36% are using it for office productivity and 26% are using it for code development. This survey found the four highest-ranked use cases for AI were cybersecurity, citizen portals, data management/analytics and office worker efficiency.

State legislatures have enacted legislation that includes funding for specific AI use in state government. Examples of those actions are:

- In 2021, Ohio required the Department of Medicaid to pilot a program using automation and artificial intelligence to provide program savings.
- In 2022, the Florida Legislature appropriated funds to the Department of Health for the development of an AI customer service solution.
- In 2023, West Virginia created a pilot program to incorporate machine learning, AI or other advanced technologies to assess state roads.
- In 2024, the Hawaii Legislature appropriated funds to the University of Hawaii to establish and implement a two-year program to develop a wildfire forecast system for the state using AI.

States have started to pilot uses of AI through a variety of ways, with an increase in activity in 2024 and several in a proof-of-concept phase. Five states have initiated pilots through different approaches in 2024, including:

- In Arkansas, a working group launched by the governor is reviewing a set of pilot projects on unemployment insurance fraud and recidivism reduction to craft best practices for safe implementation of AI across state government.
- California announced partnerships with five vendors to test, iterate and evaluate generative AI proof of concepts looking at solutions for problems like: enhancing customer service; improving health care facility inspections, reducing highway congestion, and improving roadway safety.
- The Massachusetts General Court appropriated $25 million for studying, planning and procurement of AI and machine learning systems for state agencies in alignment with enterprise security policies.
- In Pennsylvania, the governor announced a pilot program in partnership with OpenAI's ChatGPT Enterprise. State employees in the Office of Administration will have access to the tool to help determine how AI tools can be incorporated into government operations.

- Utah enacted a law in 2024 that creates an Artificial Intelligence Learning Laboratory Program to analyze the risks and look at opportunities of AI to inform legislation and regulation. In exchange for the partnership with the state, a participant may apply to temporarily waive legal and regulatory requirements for AI testing purposes.

Many states have focused specifically on generative AI applications in their AI government guidance. Colorado's statewide GenAI policy prohibits the use of the free version of ChatGPT on any state-issued devices because the governor's Office of Information Technology identified the terms and conditions violated state law. Under the guidance, AI that uses machine learning without a generative component, such as fraud detection, spam filters or autocorrect software for spelling are allowable uses without further approval.

In 2024, New Hampshire enacted legislation setting prohibited and allowable uses of AI by state agencies. All materials produced with generative AI must include a disclosure. Additional examples of states issuing guidance on the government use of generative AI include: Kansas, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, North Carolina, Pennsylvania, South Dakota, Washington and Wyoming.

How are state legislatures currently using generative AI?

Some state legislatures have begun to experiment with open-source AI tools to assist with internal processes, while others have started to partner with large service providers like Microsoft and Amazon to build legislative applications. The Indiana General Assembly, for example, has developed the beta version of a generative AI chatbot that is open to the public and capable of answering questions about state statutes and regulations.

More broadly, results from a spring 2024 NCSL survey of state legislative staff show that they have begun using generative AI tools like ChatGPT and Claude for a variety of purposes, including for research, creating first drafts of documents and editing text. Staff reported they have also begun using, or considered using, other generative AI tools for tasks like transcribing hearings and debates, bill drafting, cybersecurity and constituent relations. Likewise, commonly used programs like those in the Microsoft suite and legal tools like LexisNexis are beginning to gain generative AI functionality, which some legislatures have begun experimenting with.

As legislative staff begin incorporating these tools into their work processes, some legislatures are drafting and implementing related policies, with particular attention being given to the risks around exposure of sensitive information and inaccuracies in AI-generated content.

According to the spring 2024 survey results and other information collected by NCSL, policies vary by state and in most instances apply to individual offices rather than legislatures as a whole. Some policies prohibit any use of these tools for legislative work, some provide general guidelines and encourage staff to exercise caution while using them, while others require permission from a manager or only allow use of certain approved applications.

For additional information about how state legislatures are using of these tools, see the results of the recent NCSL survey.

Conclusion

Federal and state leaders have jumped into action to understand current uses of AI and to measure its impacts. This activity has shown that leaders are carefully considering the risks, while exploring how new technology can transform government operations. Over the next few years, states and the federal government can expect continued rollout of AI use requirements and guidance, alongside increased adoption of these tools.

Delivering government programs and services with AI requires heightened sensitivity. As AI governance structures are built and allowable AI uses are determined, federal and state policymakers will continue to focus on government data and technology infrastructure, security, data privacy, bias and discrimination, and other potential misuse or unintended consequences by AI.

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