Devan N. Patel Keynote Speech 1, February 26, 2025; CEPROME Latin American Congress Summit on the Protection of Children in AI

Speech I: Artificial Intelligence Policy Lessons

I would like to begin my remarks today by thanking CEPROME and the Holy See for inviting me to address this important gathering. Of course, I would also like to acknowledge the recent developments this week regarding the Holy Father's health. I know that all of us in this room and watching online are keeping Pope Francis in our hearts and prayers at this difficult time for him and our Church.

When an emerging technology bursts onto the scene, it is impossible to predict or understand its full implications. And because of that, the initial reactions will often be instinctual, and dramatic. The "fault lines" are drawn quickly, and it can be hard for a community, let alone an entire country, to come to a nuanced and fair understanding of that technology's utility and its flaws.

My goal here, however, is to be as fair and nuanced as possible: to try to explain how Americans have approached the regulation of AI so far. Hopefully America's experience so far will help to give you a sense of what might come next, and some lessons we've learned so far.

Artificial intelligence has captured the collective consciousness of two power centers in the United States—two power centers of a very different character: namely, Silicon Valley on one coast and Washington D.C. on the other.

Silicon Valley packaged, marketed, and exported the American dream in one convenient item where all the necessities of modern life are easily accessible. The frontier spirit, the sense of freedom associated with westward expansion did not dissipate once physical boundaries became more and more limiting. With smart phones, virtual reality, and other technologies revolutionizing the lives of the elite and ordinary alike, a new domain exists for innovation and expansion.

The question which we must grapple with, moving forward, is the degree to which this form of so-called "progress" should be constrained to protect the individual, the family, the institutions of civil society, and the nation writ large from consequences that are intended or unintended. We will probe this question as it pertains to commonsense reforms that governments can pursue against some of the clearest excesses and potential harms of artificial intelligence.

First, we ought to turn to some large-scale cultural reflections on this issue. The Holy Father has spoken with conviction about the risks modern technology poses. He framed the challenge beautifully in his 2019 remarks in North Macedonia: "We fed ourselves on dreams of splendor and grandeur, and ended up consuming distraction, insularity and solitude. We gorged ourselves on networking, and lost the taste of fraternity. We looked for quick and safe results, only to find ourselves overwhelmed by impatience and anxiety. Prisoners of a virtual reality, we lost the taste and flavor of the truly real."[1] The remarks anticipated the Holy Father's exhortations in his third encyclical, *Fratelli Tutti*, released in

[1] https://www.vatican.va/content/francesco/en/homilies/2019/documents/papa-francesco_20190507_omelia-macedoniadelnord.html

2020 in the thick of the Covid-19 pandemic.[2] Pope Francis wrote of the "spectacle" of modern life, of lives lived "under constant surveillance."

"We fail to keep our attention focused, to penetrate to the heart of matters, and to recognize what is essential to give meaning to our lives," wrote the Holy Father. "Freedom thus becomes an illusion that we are peddled, easily confused with the ability to navigate the internet. The process of building fraternity, be it local or universal, can only be undertaken by spirits that are free and open to authentic encounters."

I cannot help but note that Pope Francis's words were published on the feast day of Saint Francis of Assisi—that is, the saint for whom America's own home for tech innovation, the city of San Francisco, is named. This is ironic, to say the least! The residents of San Francisco should pay closer attention to the wisdom of their city's namesake.

Pope Francis's own warnings are well taken. And it is easy to understand that transformative technologies will indeed transform many – if not all – aspects of modern society: from the way war is conducted, to something so fundamental as work itself.

Yes, take work for an example. And by "work" I mean not just the jobs that workers do, or the job prospects of those whose tasks can now be performed by robots or algorithms. I'm also speaking of the dignity associated with work.

[2] https://www.vatican.va/content/francesco/en/encyclicals/documents/papa-francesco_20201003_enciclica-fratelli-tutti.html

Rapid changes require rapid adaptation. And the institutions of civil society—and, indeed, the government—ought to pay attention and help the individuals that they consist of through such periods of instability. When technology eliminates work, it also risks eliminating a source of human dignity.

At the outset of my remarks, I mentioned the cultural and political fault lines that are emerging in our current debates. These include the divisions between critics of modern phenomena like the internet, social media, and artificial intelligence, and supporters of these innovations and of the modern convenience and connectivity these innovations offer users. Among those concerned with the rise of artificial intelligence, there exists a real distinction between those who emphasize “existential” risks and those who emphasize risks they would term as more concrete. The debate has spilled over from one coast to the other and engaged lawmakers on both sides of the aisle.

On the one hand, there are those who are influenced by the “effective altruism” movement. Supposedly worried about existential risks, they suggest that researchers could create an AI superintelligence able to outsmart people’s efforts to control it, with potentially disastrous results for the human species. The worst imaginable outcome in the minds of the effective altruists is a nuclear holocaust or biological war.

On the other hand, there are critics of artificial intelligence who focus on more “concrete” concerns like the spread of disinformation or the harm artificial intelligence poses to the safety and privacy of our children.

With agreement lacking amongst the critics of this technology, one might expect that the A.I. policy landscape does not exhibit the focus needed to properly control technology without stifling innovation. Indeed, at a panel hosted by America's University of Notre Dame last year to discuss federal AI legislation, there was consensus that the Biden administration's patchwork of executive actions was insufficient to address the panoply of challenges AI presents. That is not even to mention the fact that addressing a complex issue by executive order and agency rulemaking alone is insufficient given the fact that such actions are easily reversed by future administrations.

There have been three major executive orders in recent years, two during the first Trump administration and the third under President Biden:

In 2017, in an order entitled "Maintaining American Leadership in Artificial Intelligence," the Trump administration set AI as a research and development priority at agencies that perform or fund such activities.[3] Agency heads were instructed to consider AI as a priority area within existing Federal fellowship and service programs and they were also to review Federal data and models at their respective agencies to identify opportunities for collaboration with the AI community. Leadership in AI was to be pursued while protecting "civil liberties, privacy, American values."

[3] https://www.federalregister.gov/documents/2019/02/14/2019-02544/maintaining-american-leadership-in-artificial-intelligence

In 2020, President Trump signed an order titled "Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government," which maintained that promoting AI is the policy of the United States and touted agency AI implementation to accelerate regulatory reform and combat waste, fraud, and abuse, among other things.[4] The principles laid out in the order were "designed to foster public trust and confidence in the use of AI." A final noteworthy action was the establishment of an AI track to attract experts from industry and academia to undertake a period of work at a federal agency.

Leading up to the Biden administration's 2023 executive order on AI, top companies involved with artificial intelligence were engaged to voluntarily commit to manage the risks AI poses. They included tech behemoths like Google, Meta, and Microsoft and luminaries of this new technology like OpenAI, which rapidly developed generative AI models over the last few years. President Biden's executive order itself was entitled: "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence."

The executive order—one of the longest executive orders in American history, at 110 pages—included protections from AI risks emphasized by the different camps mentioned earlier. The effective altruists would have been relieved to find new standards set for biological synthesis screening to prevent against the risk of AI engineering dangerous biological materials. AI-enabled fraud and deception was another risk the executive order sought to mitigate.

[4] https://www.federalregister.gov/documents/2020/12/08/2020-27065/promoting-the-use-of-trustworthy-artificial-intelligence-in-the-federal-government

A unique feature of the executive order was its focus on mitigating discrimination and racial profiling, with the document stating that AI "policies must be consistent with [the] Administration's dedication to advancing equity and civil rights." Clear guidance was to be provided to landlords, Federal benefits programs, and federal contractors to keep AI algorithms from being used to exacerbate discrimination. The Department of Justice was engaged to develop "best practices for investigating and prosecuting civil rights violations related to AI." Finally, best practices were to be developed on the use of AI in the criminal justice system.

Other areas of focus in the executive order as they relate to AI were privacy, healthcare, education, and work. On the final item, the document called for the study and identification of options to strengthen federal support for workers facing labor disruptions. As in President Trump's final executive order during his first term, the Biden administration called for accelerated hiring of AI professionals. The order termed this directive "part of a government-wide AI talent surge."

A year later, the Brookings Institution, a major liberal American institution for policy research, commissioned a report on the impacts of the Biden executive order so far. Its authors found that one of the most consequential results of the Biden Administration's order came from the White House's own Office of Management and Budget, better known in US government as "OMB."[5]

[5] https://www.brookings.edu/articles/one-year-later-how-has-the-white-house-ai-executive-order-delivered-on-its-promises/?__cf_chl_tk=wnG1J0ydkdcAMGj4xwyRfBw2gwXKUHjVF1PvF2B2g3k-1734902481-1.0.1.1-aeUOctJK1RCpwW7TElvAP3lh5DzsjrrwLR9bL13eaHQ

In March 2024, OMB issued a major guidance document that distinguished two different kinds of impacts that AI is having on people's lives: namely, AI's impact on "rights," and its impacts on "safety."

For "rights," the OMB guidance focused on artificial intelligence that impacts "civil rights, civil liberties, or privacy…equal opportunities…or access to or the ability to apply for critical government resources."

And for "safety," OMB focused on risks to "human life and well-being…climate or environment…critical infrastructure…or strategic assets or resources."

These distinctions were highlighted by the Brookings Institutions authors because they expect that the OMB guidance's categories will echo through the marketplace for AI. US government agencies are customers for AI, so the US government's approach to risk will shape the companies' own internal and external discussions. Moreover, the OMB's definitions of risks to safety and rights also anticipated Europe's own approach — namely, the "high-risk" categories regulated in the EU Artificial Intelligence Act.

Of course, the United States just had another presidential election. President Trump, you may have heard, has returned to the White House. And he already has repealed President Biden's order. The Republican Party's more recent "platform," its official statement of policies and principles, called President Biden's restrictions on AI "dangerous." The

Republican Party further announced that "Republicans support AI Development rooted in Free Speech and Human Flourishing."[6]

This change from the Biden Administration to the Trump Administration, and the constant shuffle of executive orders from one presidency to the next, reminds us that we cannot have real policy certainty without Congress doing its own proper job of enacting legislation that does not simply disappear when a new president takes office. Only legislation, not executive orders, will provide a stable legal and regulatory framework for artificial intelligence, regardless of how rapid the development of this technology continues to be.

As President Trump begins his new four-year term, he surely will take a more deregulatory approach to AI. But it is no exaggeration to say that encouraging AI innovation will be one of the major priorities of his administration. His new administration is filling up with a variety of Silicon Valley entrepreneurs and other tech experts. Elon Musk is the most famous example, but not the only one. In December 2024, President Trump named tech entrepreneur David Sacks to a new post as artificial intelligence and crypto czar.

And the Trump Administration is focused broadly on AI—not just how it is designed and used, but also the many other ways in which it will affect our societies and our economies. During his presidential campaign, for example, Trump focused on the fact that AI technologies will create enormous demand for more energy resources. At the Republican

[6] https://cdn.nucleusfiles.com/be/beb1a388-1d88-4389-a67d-c1e2d7f8bedf/2024-gop-platform-july-7-final.pdf

Party's national convention, he pointed out in his keynote remarks that "AI needs tremendous energy…literally twice the electricity available now in our country."[7]

Another area where we might see real movement related to artificial intelligence is in its connection to antitrust. To replace Biden's Federal Trade Commission chief Lina Khan, who has gone after corporate mergers indiscriminately under the theory that "big is bad," Trump has named Andrew Ferguson to lead the agency tasked with antitrust enforcement. According to several reports, Ferguson plans to ease merger standards and reduce regulatory scrutiny of those related to AI.[8] But what this means in practice is unclear; during President Trump's first term, Trump himself was often a critic of Big Tech, and we can expect that to continue in his second term.

Furthermore, we also might expect a real effort by the Trump Administration to denounce some AI outputs as "woke," especially as it pertains to key priorities like shoring up freedom of speech.

While there is not yet comprehensive legislation on artificial intelligence, the 118th Congress, which concluded in December 2024, yielded reports from bipartisan working groups in the House and Senate on artificial intelligence.

[7] https://www.youtube.com/watch?v=WT0jqAQ9Omk&utm_source=www.theneurondaily.com&utm_medium=referral&utm_campaign=what-prez-trump-means-for-ai

[8] https://www.law.com/legaltechnews/2024/12/19/the-future-of-ai-and-antitrust-under-trump/?slreturn=20241222180916

The first recommendation of the Senate working group outlines support for emergency appropriations to reach $32 billion in annual non-defense spending on AI.[9] The emergency appropriations language is advised to include funding for AI and semiconductor research and development across federal agencies, outstanding AI programs under the CHIPS and Science Act, and the modernization federal government information technology. Among other things, the Senate AI Working Group supports a comprehensive federal data privacy law and it believes existing laws, including those related to consumer protection and civil rights, need to consistently and effectively apply to AI systems and their developers, deployers, and users.

Senator Todd Young (R., Ind.), one of the leaders of the Working Group, who has become a resource to his colleagues on AI, has argued that the need for legislation on this technology does not have a partisan valence.[10] However, he cautioned against taking anything other than a light-touch approach to regulating an industry where "the United States is in the lead."

"We want to keep it that way," Senator Young added at a 2024 interview on the issue.

The House of Representatives followed the Senate in producing a report on AI. According to one report, there is an indication from the House that the intersection of AI and energy will receive significant attention in the next Congress.[11]

[9] https://www.schumer.senate.gov/imo/media/doc/Roadmap_Electronic1.32pm.pdf
[10] https://a16z.com/why-america-must-lead-in-ai-investment/
[11] https://www.dlapiper.com/en/insights/publications/ai-outlook/2024/an-ai-blueprint-for-future-congressional-action

More generally, the report emphasized the need for sectoral regulatory reforms. In a press conference after the release of the report, Rep. Jay Obernolte (R., Calif.), one of the chairmen of the working group argued that comprehensive legislation on this issue in the very near term is not possible or desirable "We think that our sectoral regulators have the knowledge and experience needed to regulate AI within their sectoral spaces," the chairman argued, cautioning against "splitting off AI" and creating new bureaucracies to regulate this technology. The chairman's words provide us with an indication that comprehensive legislation on artificial intelligence is not immediately forthcoming.

In a federal system like that of the United States, there is also room for the states to craft AI policy according to their specific circumstances and also serve as laboratories of democracy, to repeat one well-worn cliché. A number of states have passed legislation providing for the creation of an artificial intelligence task force or position of chief artificial intelligence officer.

In March of 2024, Tennessee Governor Bill Lee signed into law the ELVIS Act, which enshrines in the Tennessee Code the following: "every individual has a property right in the use of that individual's name, photograph, voice, or likeness in any medium in any manner."[12] Many of you might remember the image of Pope Francis in a white puffer jacket that went viral last year. While that may have been innocuous enough, the action by Tennessee legislators this year emphasizes the fact we live in a changing environment

[12] https://www.capitol.tn.gov/Bills/113/Bill/SB2096.pdf

and makes plain the need for regulation to protect against more pernicious uses of a person's individual characteristics.

The Tennessee law was championed by the music recording industry and hailed as a landmark protection for artists. At the signing ceremony, one of America's most famous country music singers (Luke Bryan) explained that even he can't distinguish between genuine recordings of his voice, and deep fakes. According to Governor Lee, artificial intelligence "can rob an individual, these individual artists to whose unique God-given gifts transform people's lives."[13]

Colorado is another state at the forefront of artificial intelligence regulation. Governor Jared Polis signed a law providing protections against the use of deepfake related to a candidate for elected office.[14] In another, Colorado established requirements for both developers and deployers of "high-risk" AI systems by, for example, seeking to protect Colorado consumers from "reasonably foreseeable risks of algorithmic discrimination."[15]

Those Colorado and Tennessee laws will affect the residents of the particular states, but they will also help to shape the entire nation's eventual approach. In America, we often refer to the 50 state governments as "laboratories of democracy"—that is, places where new laws can be tried on a smaller scale. If one state's law turns out to be a success,

[13] https://eu.tennessean.com/story/entertainment/music/2024/03/21/elvis-act-tennessee-gov-lee-signs-act-musicians-ai/73019388007/
[14] https://legiscan.com/CO/bill/HB1147/2024
[15] https://legiscan.com/CO/text/SB205/2024

then similar laws might be adopted by other states, or even by the federal government. And they help to shape the national conversation.

Let me extend our discussion to one of the most pressing concerns facing policymakers today: the protection of children and families in an age of artificial intelligence. While we've discussed various risks posed by AI, perhaps none is more immediate or crucial than its impact on our youngest and most vulnerable citizens. The challenge here is particularly acute because children today are what we might call "digital natives" - they are growing up in a world where AI is not a novelty but a constant presence in their daily lives.

The risks to children from AI systems manifest in several troubling ways. We've seen how recommendation algorithms can lead young people down dangerous paths of content consumption, how AI-generated images can be used for harassment or exploitation, and how AI chatbots can become de facto companions for children seeking emotional connection. These technologies, designed primarily for adult users, are increasingly accessible to children who lack the maturity to navigate their complexities.

Several states have begun to address these concerns through targeted legislation. In Virginia, for instance, the legislature passed a law requiring age-appropriate design standards for AI systems that might be accessed by children. California's Age-Appropriate Design Code Act, which went into effect in 2024, requires companies to assess the impact of their AI systems on children and implement stringent privacy protections. These laws

represent what might be called a "children-first" approach to AI regulation, recognizing that protections for our youngest citizens cannot be an afterthought.

But perhaps most significantly, we're seeing a shift in how parents and families approach these technologies. The National PTA, in partnership with several tech companies, launched an AI literacy program in 2024 designed to help parents understand and guide their children's interactions with AI systems. This initiative recognizes that technology companies alone cannot be the guardians of our children's digital well-being. Parents must be equipped with the knowledge and tools to make informed decisions about their children's exposure to and use of AI technologies.

The challenge moving forward will be to strike a delicate balance: how do we harness the educational and developmental benefits that AI can offer while protecting children from its potential harms? This is not merely a technical question, but a moral one that goes to the heart of how we view the relationship between technology and human development. As we continue to grapple with these issues, we must ensure that our policy frameworks prioritize not just innovation, but the fundamental right of children to grow up in an environment that nurtures their full human potential.

Indeed, the legislative landscape regarding children's protection from AI has been marked by both ambitious proposals and frustrated attempts at reform. The Kids Online Safety Act of 2024, which garnered significant bipartisan support but ultimately failed to reach the Senate floor, represented perhaps the most comprehensive attempt to address

children's safety in the digital age. The Act would have required social media platforms and other online services to prevent their AI systems from recommending harmful content to minors, implement strict age verification protocols, and provide parents with robust tools to monitor and control their children's online experiences. Its failure to pass, despite support from both Senate Majority Leader Schumer and Minority Leader McConnell, illustrates the complexities of regulating AI technologies in a rapidly evolving landscape.

Another significant piece of legislation that faced headwinds was the Children and Teens' Online Privacy Protection Act, which sought to expand the decades-old COPPA framework to address modern AI challenges. The bill would have prohibited companies from using AI algorithms to target advertisements to children under 16 and required explicit consent for collecting data from teenagers. However, industry pushback regarding the technical feasibility of age verification and concerns about potential impacts on innovation led to the bill's stagnation in committee.

These legislative setbacks have not gone unnoticed by state attorneys general across the country. In a remarkable show of bipartisan cooperation, a coalition of 41 state attorneys general launched investigations into major tech companies' use of AI in products marketed to children. Their primary concern centers on what they term "persuasive design" - the use of AI algorithms to maximize engagement among young users, potentially at the expense of their mental health and development. This state-level scrutiny may prove more immediately effective than federal legislation in compelling technology companies to reform their practices.

The private sector has responded to these pressures with varying degrees of sincerity and success. Major AI companies have begun implementing what they call "youth-first design principles," though critics argue these measures often amount to little more than window dressing. More promising are initiatives like the Family Online Safety Institute's AI Guidelines for Youth, which have been voluntarily adopted by several leading tech companies. These guidelines mandate clear labeling of AI-generated content, age-appropriate content filters, and regular audits of AI systems' impacts on young users.

As we look toward future legislative efforts, there is growing recognition that protecting children from AI's potential harms requires a more nuanced approach than simple prohibitions or restrictions. The failed attempts at federal legislation have taught us valuable lessons about the need to balance protection with innovation, and to ensure that any new regulations can adapt to rapidly evolving technology. This new Congress will likely see renewed attempts at comprehensive legislation, building on these lessons and perhaps finding inspiration in successful state-level initiatives.

These concerns about AI's impact on children and families are reflected in broader public sentiment about artificial intelligence. According to polling data of Americans released by the Pew Research Center last year, Americans are relatively pessimistic about what AI will bring about. In that poll, concern about the use of artificial intelligence in daily life outweighs excitement by a comfortable margin.[16] Only 10 percent are more excited than

[16] https://www.pewresearch.org/short-reads/2023/11/21/what-the-data-says-about-americans-views-of-artificial-intelligence/

concerned, a drop from 15 percent who said the same in 2022 and 18 percent in 2021. In 2023, 52 percent of respondents said they are more concerned than excited, with 36 saying they feel each emotion equally.

The underlying data from Pew suggests two things:

First, while 90 percent of respondents say they've heard a little about artificial intelligence, only 1 in 3 say they've heard a lot. This suggests that there is room to educate the public about the benefits of AI while imparting a nuanced understanding of the risks and taking their broad concerns seriously.

Second, Americans are more concerned about insufficient government regulation than government overreach when it comes to chatbots like ChatGPT and AI-powered driverless vehicles. This underscores the point made earlier that comprehensive AI legislation is needed and is something that the people want from their elected representatives.

In a speech at the closed-door American Security Foundation's Ethics in AI Award Dinner in October 2024, a federal judge gave incisive remarks on the future of law and artificial intelligence, naming some of the potential pitfalls of this new technology and formulating a set of guiding principles. Not only is there a threat to fraternity, as we discussed earlier when we quoted Pope Francis, but there are threats to religious freedom and human dignity we must consider. On this last point, the judge recommended that we put human

dignity first and ensure that applications of this technology respect and enhance human dignity.[17]

The judge ended his speech with a note of optimism on AI: “artificial intelligence, for all its complexity, is a human creation. It is a testament to the ingenuity and creativity that God has bestowed upon us. As such, we have not just the ability, but the responsibility to shape its development in accordance with our highest ideals.” It can be harnessed “to uplift and empower each individual to live out their God-given potential,” he added.

The wisdom of lawmakers, policymakers, and judges is only enhanced by the wisdom of the people and the wisdom provided by the institutions of civil society. Fr. Paolo Benanti, a Franciscan friar who has become the Vatican’s chief advisor on matters of artificial intelligence, writes on the intersection of ethics and policy on this issue. His writing and speaking and advocacy prompt us to remember that we are not dealing with a simple question of policy or law when it comes to artificial intelligence, but an essential question of what it means to be human.

“What is the difference between a man who exists and a machine that functions?” said Benanti in an interview this week with the *Associated Press* in 2024. “This is perhaps the greatest question of these times, because we are witnessing a challenge that every day grows more profound with a machine that is humanizing.”[18]

[17] See Judge Nalbandian speech PDF.
[18] https://apnews.com/article/ai-ethics-benanti-vatican-italy-friar-microsoft-7a49d562633937efa0e826fb1fa08cc1

Thus, I'd like to conclude with a call to interdisciplinary and cross-society conversation. Just as we need a whole-of-government approach to artificial intelligence policy, we need a broad-based engagement by civil society on the ethical questions involved and how they illuminate the human condition in new ways. Thank you.