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## President Biden Signs Executive Order on “Safe, Secure, and Trustworthy” Artificial Intelligence

By Harry Rubin and Austin Manes

President Biden has signed an Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence.<sup>1</sup> The order establishes safety and security standards for artificial intelligence (AI), seeks to protect privacy and civil rights, and calls on multiple federal agencies to complete an extensive task list with deadlines that range from 90 days to one year.

### SAFETY AND SECURITY

- The order requires all companies developing any AI tool that poses a serious risk to national security, national economic security or national public health and safety to notify and share the results of safety tests with the government before releasing their products to the public.
- The National Institute of Standards and Technology must set standards to ensure that AI tools are safe before public release.

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- The Department of Homeland Security will apply those safety standards to critical infrastructure sectors and must establish an AI Safety and Security Board.
- The Departments of Energy and Homeland Security must also address threats from AI to critical infrastructure and chemical, biological, radiological, nuclear and cybersecurity risks.
- The order requires the Department of Commerce to develop guidance for authenticating and labeling AI-generated content to avert fraud and deception.

### PRIVACY

- The order calls on Congress to pass bipartisan, nationwide data privacy legislation and specifically references children’s privacy as a top priority.
- The order funds a “Research Coordination Network” to develop privacy-preserving techniques for training AI tools and directs the National Science Foundation to promote the use, by federal agencies, of AI tools that have been trained by such techniques.

# Artificial Intelligence

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- The order requires federal agencies to evaluate how they collect and use personal data, including data received from data brokers and other commercially available sources, to strengthen future privacy guidance for federal agencies.

## CIVIL RIGHTS AND EQUALITY

- The order requires the Department of Justice and federal civil rights offices to coordinate on best practices for investigating and prosecuting civil rights violations related to AI and for using AI in a wide range of policing and criminal prosecution contexts.
- The order promises to provide clear guidance to landlords, federal benefits programs and federal contractors to keep AI algorithms from being used to exacerbate discrimination.

## GENERAL CONSUMER PROTECTIONS

- The order requires the Department of Health and Human Services to establish a program to monitor and address unsafe health care practices stemming from AI, including in the development of lifesaving drugs.
- The order requires the Department of Labor to develop best practices to mitigate the harms, and maximize the benefits, that AI can cause for workers, and to write guidelines for federal contractors to prevent discrimination in AI-driven hiring systems.

- The Federal Housing Finance Agency and the Consumer Financial Protection Bureau must address bias caused by the use of AI for loan underwriting and the sale of other financial products.
- The order encourages the Federal Communications Commission to consider using AI to block unwanted robocalls and texts.

## FEDERAL GOVERNMENT USE OF AI

- The order seeks to encourage responsible use of AI by the federal government, calling for clear standards to protect rights and safety, improve AI procurement and strengthen AI deployment.
- The order seeks to spur a “government-wide AI talent surge” led by the Office of Personnel Management, U.S. Digital Service, U.S. Digital Corps and Presidential Innovation Fellowship, as well as requiring immigration officials to streamline visa requirements for foreign workers with AI expertise.

## CONCLUSION

This order builds on the White House’s previously issued Blueprint for an AI Bill of Rights<sup>2</sup> and joins similar regulations emerging around the world, including in Europe, China, California and Congress.

## Notes

1. <https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/30/fact-sheet-president-biden-issues-executive-order-on-safe-secure-and-trustworthy-artificial-intelligence/>.
2. <https://www.whitehouse.gov/ostp/ai-bill-of-rights/>.

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