

# A Timeline of Biden's AI Executive Order — AI: The Washington Report

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Welcome to this week's issue of *AI: The Washington Report*, a joint undertaking of Mintz and its government affairs affiliate, ML Strategies.

On October 30, 2023, President Biden promulgated Executive Order 14110, "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence." Below, we have put together a timeline detailing when some of the executive order's major provisions will come into effect. Please note that the descriptions provided are summaries. For a full account of each provision and for all provisions that are not specified as time-sensitive, please reference the [full text of the executive order](#).

### By November 29, 2023

- The **Secretary of Transportation** will have directed "the Nontraditional and Emerging Transportation Technology ("NETT") Council to assess the need for information, technical assistance, and guidance regarding the use of AI in transportation."
- The **Technology Modernization Board** will consider "prioritizing funding for AI projects for the Technology Modernization Fund for a period of at least 1 year."

### By December 14, 2023

- The **Secretary of Labor** will publish a request for information ("RFI") to solicit input on updates to the "Schedule A" list of occupations.
- The **heads of selected agencies** will have submitted to the Director of the National Science Foundation ("NSF") "a report identifying the agency resources that could be developed and integrated" into a pilot program for the National AI Research Resource.
- To lay the groundwork for a national surge in AI talent in the federal workforce, the **Director of the Office of Science and Technology Policy** ("OSTP") will begin to identify and implement strategies to increase federal AI talent.
- The **Assistant to the President and Deputy Chief of Staff for Policy** will convene an AI and Technology Talent Task Force.
- **Administrators of various federal technology talent programs** will develop and begin to "implement plans to support the rapid recruitment of individuals as part of a Federal Government-wide AI talent surge to accelerate the placement of key AI and AI-enabling talent in high-priority areas and to advance agencies' data and technology strategies."

### By December 29, 2023

- The **Director of the Office of Management and Budget** ("OMB") will convene "an interagency council to coordinate the development and use of AI in agencies' programs and operations, other than the use of AI in national security systems."
- The **Director of the Office of Personnel Management** ("OPM") will conduct an "evidence-based review on the need for hiring and workplace flexibility... and, where the Director of OPM finds such authority is appropriate, grant it..." The Director will also consider authorizing the use of excepted service appointments to address the need to hire staff to implement the executive order.

### By January 28, 2024

- The **Secretary of Commerce** will require companies developing "potential dual-use foundation models" to provide the federal government with key information regarding these models, including cybersecurity and testing measures deployed.
- The **Secretary of Commerce** will propose regulations that require US-based providers of Infrastructure as a Service ("IaaS") Products to report to the government when a foreign entity uses such services to train a model that could be used to conduct malicious cyber activities.

- The **heads of relevant agencies** will report to the Secretary of Homeland Security an “assessment of potential risks related to the use of AI in critical infrastructure,” including ways to mitigate these risks.
- The **Secretary of Homeland Security** and the **Secretary of State** will streamline the processing of visa applications for “noncitizens who seek to travel to the United States to work on, study, or conduct research in AI or other critical and emerging technologies...”
- The **Director of NSF** will launch a pilot program implementing the National AI Research Resource.
- The **Attorney General** will direct the Assistant Attorney General in charge of the Civil Rights Division to convene a meeting of the heads of federal civil rights offices to better coordinate efforts to “prevent and address discrimination in the use of automated systems...”
- The **Secretary of Health and Human Services** (“HHS”) will establish an HHS AI Task Force.
  - Within 365 days of the creation of the Task Force, it will develop a strategic plan on “responsible deployment and use of AI and AI-enabled technologies in the health and human services sector...”
- The **Secretary of Transportation** will direct appropriate committees in the Department of Transportation (“DOT”) “to provide advice on the safe and responsible use of AI in transportation.”
- The **Administrator of General Services** will issue “a framework for prioritizing critical and emerging technologies offerings in the Federal Risk and Authorization Management Program authorization process...”
- The **Director of the OPM** will “coordinate a pooled-hiring action informed by subject-matter experts and using skills-based assessments to support the recruitment of AI talent across agencies...”

### By February 27, 2024

- The **Secretary of Defense** and other agency heads will contract with the National Academies of Sciences, Engineering, and Medicine to conduct a study on AI and biosecurity threats.
- The **Secretary of State** will consider a rulemaking to “establish new criteria to designate countries and skills on the Department of State’s Exchange Visitor Skills List as it relates to the 2-year foreign residence requirement for certain J–1 nonimmigrants” and consider implementing a domestic visa renewal program “to facilitate the ability of qualified applicants, including highly skilled talent in AI and critical and emerging technologies, to continue their work in the United States without unnecessary interruption.”
- The **Secretary of Homeland Security** will develop and publish “informational resources to better attract and retain experts in AI and other critical and emerging technologies...”
- The **Secretary of Energy** will establish a pilot program “to enhance existing successful training programs for scientists, with the goal of training 500 new researchers by 2025 capable of meeting the rising demand for AI talent.”
- The **Director of the United States Patent and Trademark Office** (“USPTO”) will provide guidance to USPTO patent examiners and applicants “addressing inventorship and the use of AI, including generative AI, in the inventive process...”
- The **Director of NSF** will launch a Research Coordination Network on the advancement of privacy research.
- The **Director of the OPM** will “issue guidance for agency application of existing pay flexibilities or incentive pay programs for AI, AI-enabling, and other key technical positions to facilitate appropriate use of current pay incentives...”

### By March 28, 2024

- The **Secretary of the Treasury** will issue a report on “best practices for financial institutions to manage AI-specific cybersecurity risks.”
- The **NSF** will launch at least one NSF Regional Innovation Engine prioritizing AI-related work.
- The **Director of OMB** will “issue guidance to agencies to strengthen the effective and appropriate use of AI, advance AI innovation, and manage risks from AI in the Federal Government.”
  - Within 60 days of the issuance of this guidance, recipient agencies must designate a Chief Artificial Intelligence Officer. Within the same time frame, Chief Financial Officer agencies must create internal Artificial Intelligence Governance Boards. Also within the same time frame, the Director of the OMB will “develop a method for agencies to track and assess their ability to adopt AI into their programs and operations, manage its risks, and comply with Federal policy on AI.”
  - Within 90 days of the issuance of this guidance, the Secretary of Commerce will develop guidelines to “support implementation of the minimum risk-management practices” for “Government uses of AI that impact people’s rights or safety...”

### By April 27, 2024

- The **Secretary of Commerce** will propose regulations requiring that US IaaS providers “verify the identity of any foreign person that obtains an IaaS account...from the foreign reseller.”
- The **Secretary of Homeland Security** will incorporate the NIST AI Risk Management Framework “into relevant safety and security guidelines for use by critical infrastructure owners and operators.”
  - By 240 days after this, relevant agency heads will take steps to make such guidelines mandatory.
- The **Secretary of Defense** and the **Secretary of Homeland Security** will “complete an operational pilot project to identify, develop, test, evaluate, and deploy AI capabilities, such as large-language models, to aid in the discovery and remediation of vulnerabilities in critical United States Government software, systems, and networks.”

- The **Secretary of Homeland Security**, in collaboration with other relevant agency heads, will evaluate the threat of AI being misused to proliferate chemical, biological, radiological, or nuclear threats.
- The **Director of the OSTP**, in consultation with various agency heads, will establish a framework to “encourage providers of synthetic nucleic acid sequences to implement comprehensive, scalable, and verifiable synthetic nucleic acid procurement screening mechanisms, including standards and recommended incentives.”
  - Within 180 days of the establishment of this framework, all agencies that fund life sciences research will establish as a requirement of funding that synthetic nucleic acid procurement is only conducted through providers that adhere to this framework.
  - Within 180 days of the establishment of this framework, the Secretary of Homeland Security will develop a framework to conduct stress testing of nucleic acid synthesis procurement screening.
- The **Secretary of Commerce**, in consultation with various agency heads, will develop “specifications for effective nucleic acid synthesis procurement screening” for use by “synthetic nucleic acid sequence providers.”
- The **Secretary of Homeland Security** will “clarify and modernize immigration pathways for experts in AI and other critical and emerging technologies” and “continue its rulemaking process to modernize the H-1B program...”
- The **Secretary of Homeland Security** will “develop a training, analysis, and evaluation program to mitigate AI-related IP risks.”
- The **Secretary of Energy** will issue a public report describing the potential for AI to improve the operations of electric grid infrastructure and enable the equitable provision of clean energy, collaborate with relevant stakeholders to support the development of AI tools to mitigate climate risks, establish an office to coordinate the development of AI across Department of Energy (“DOE”) programs, and more.
- The **President’s Council of Advisors on Science and Technology** will submit to the president a report on the potential role of AI in “research aimed at tackling major societal and global challenges.”
- The **Chairman of the Council of Economic Advisers** will prepare a report to the president on the labor market effects of AI.
- The **Secretary of Labor** will submit to the president a report “analyzing the abilities of agencies to support workers displaced by the adoption of AI and other technological advancements.”
- The **Secretary of Labor** will publish best practices for employers that “could be used to mitigate AI’s potential harms to employees’ well-being and maximize its potential benefits.”
- An **interagency working group** will identify and share best practices for recruiting law enforcement professionals who have advanced technical expertise, including “machine-learning engineers, software and infrastructure [engineers], data privacy experts, data scientists, and user experience researchers...”
- The **Secretary of HHS** will publish a plan “addressing the use of automated or algorithmic systems in the implementation by States and localities of public benefits and services administered by the Secretary...”
- The **Secretary of Agriculture** will “issue guidance to State, local, Tribal, and territorial public-benefits administrators on the use of automated or algorithmic systems in implementing benefits or in providing customer support for benefit programs administered by the Secretary...”
- The **Secretary of Housing and Urban Development** and the **Director of the Consumer Financial Protection Bureau** are encouraged to issue guidance “addressing the use of tenant screening systems in ways that may violate the Fair Housing Act” and “how the Fair Housing Act, the Consumer Financial Protection Act of 2010...or the Equal Credit Opportunity Act...apply to the advertising of housing, credit, and other real estate-related transactions through digital platforms.”
- The **Secretary of HHS** will direct HHS components to develop a strategy to determine whether “AI-enabled technologies in the health and human services sector maintain appropriate levels of quality...”
- The **Secretary of HHS** will consider appropriate actions to advance compliance with “Federal nondiscrimination laws by health and human services providers that receive Federal financial assistance...”
- The **Secretary of Transportation** will direct the Advanced Research Projects Agency-Infrastructure to “explore the transportation-related opportunities and challenges of AI” and publish an RFI on the matter.
- The **Attorney General** will issue an RFI seeking “feedback regarding how privacy impact assessments may be more effective at mitigating privacy risks...”
- The **Director of OMB** will develop policies for the agency’s acquisition of AI systems and services.
- The **Director of the OPM** will develop guidance on the use of generative AI by the federal workforce.
- The **Administrator of General Services** will create resources to assist the federal acquisition workforce with matters relating to AI acquisition.
- The **AI and Technology Talent TaskForce** will submit a report to the president on the progress of the federal government’s AI hiring surge.
- The **Director of the OPM** will “establish guidance and policy on skills-based, Federal Government-wide hiring of AI, data, and technology talent in order to increase access to those with nontraditional academic backgrounds to Federal AI, data, and technology roles...”
- The **Director of the OPM** will establish an interagency working group to “facilitate Federal Government-wide hiring of people with AI and other technical skills...”
- The **Director of the OPM** will review existing Executive Core Qualifications for Senior Executive Service “positions informed by data and AI literacy competencies.”
- The **Director of OPM** will complete a review of competencies for civil engineers to ensure that “credentials in these occupations in the Federal Government reflect the increased use of AI in critical infrastructure...”

- The **Secretary of Defense** will submit a report to the president that includes recommendations on addressing gaps in AI talent for the national defense.

### By June 26, 2024

- The **Secretary of Commerce** will submit a report identifying “existing standards, tools, methods, and practices” for authenticating content, labeling and detecting synthetic content, and preventing generative AI from being used to create non-consensual imagery of real individuals and child abuse material.
  - Within 180 days of the submission of this report, the Secretary of Commerce will develop guidance “regarding the existing tools and practices for digital content authentication and synthetic content detection measures.”
  - Within 180 days of the development of this guidance, the Director of OMB will “issue guidance to agencies for labeling and authenticating such content that they produce or publish.”
- The **Director of the NSF** will “engage with agencies to identify ongoing work and potential opportunities to incorporate [privacy enhancing technologies] into their operations.”

### By July 26, 2024

- The **Secretary of Defense** and the **Secretary of Homeland Security** will follow up on their pilot program to deploy AI to discover and remediate vulnerabilities in US government systems by providing the Assistant to the President for National Security Affairs a report on the success of the pilot program.
- The **Secretary of Commerce**, in collaboration with other agency heads, will release guidelines, standards, and best practices for AI safety and security, including a companion resource to the AI Risk Management Framework for generative AI.
- The **Secretary of Energy** will implement a plan for developing AI model evaluation tools and AI testbeds for the purpose of evaluating the “nuclear, nonproliferation, biological, chemical, critical infrastructure, and energy-security threats or hazards” posed by AI models.
- The **Secretary of Commerce** will solicit input from a wide range of stakeholders on “appropriate policy and regulatory approaches related to dual-use foundation models for which the model weights are widely available...”
- The **Chief Data Officer Council** will develop initial guidelines for performing security reviews on the misuse of federal data.
  - Within 180 days of the development of these guidelines, agencies will conduct a security review of certain data assets and address the most pressing potential security threats that may come with the release of said data.
  - A National Security Memorandum on AI to the president will be submitted under the supervision of the Assistant to the President for National Security Affairs and the Assistant to the President and Deputy Chief of Staff for Policy.
- The **Director of the USPTO** will issue additional guidance to USPTO patent examiners and applicants to address “considerations at the intersection of AI and IP” not already covered in the initial guidance.
- The **Director of the USPTO** will issue recommendations to the president on potential executive actions relating to copyright and AI.
- The **Attorney General** may “develop additional general recommendations for State, local, Tribal, and territorial law enforcement agencies and criminal justice agencies seeking to recruit, hire, train, promote, and retain highly qualified and service-oriented officers and staff with relevant technical knowledge.”
- The **Secretary of Commerce** will establish a plan for “global engagement on promoting and developing AI standards...”
  - Within 180 days of establishing the plan, the Secretary of Commerce will submit a report to the president on actions taken pursuant to the plan.
- The **Secretary of Homeland Security** will develop a plan for “multilateral engagements to encourage the adoption of the AI safety and security guidelines for use by critical infrastructure owners and operators developed” by various agency heads in coordination with the Director of the Cybersecurity and Infrastructure Security Agency within the Department of Homeland Security.

### By October 29, 2024

- The **Secretary of Veterans Affairs** will host two three-month nationwide AI Tech Sprint competitions.
- The **Attorney General** will submit a report to the president addressing the use of AI in the criminal justice system.
- The **Attorney General** will assess “the existing capacity to investigate law enforcement deprivation of rights under color of law resulting from the use of AI...”
- The **Secretary of Labor** will publish guidance for “Federal contractors regarding nondiscrimination in hiring involving AI and other technology-based hiring systems.”
- The **Secretary of HHS** will establish an AI safety program that “establishes a common framework for approaches to identifying and capturing clinical errors resulting from AI deployed in healthcare settings...”
- The **Secretary of HHS** will develop a strategy for regulating the use of AI in the drug development process.
- The **Secretary of Education** will “develop resources, policies, and guidance regarding AI.”

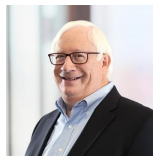
- The **Secretary of Commerce** will create guidelines for agencies “to evaluate the efficacy of differential-privacy-guarantee protections, including for AI.”
- The **Director of the OPM** will implement new Executive Core Qualifications in the Senior Executive Service assessment process.
- The **Secretary of State** will publish an AI in Global Development Playbook and a Global AI Research Agenda.
- The **Secretary of Homeland Security** will “lead efforts with international allies and partners to enhance cooperation to prevent, respond to, and recover from potential critical infrastructure disruptions resulting from incorporation of AI into critical infrastructure systems or malicious use of AI.”

## By April 22, 2025

- At least four new National AI Research Institutes will be established.

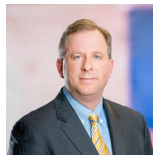
We will continue to monitor, analyze, and issue reports on these developments.

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