# EXECUTIVE ORDER ON ARTIFICIAL INTELLIGENCE SEEKS TO MAINTAIN GLOBAL LEADERSHIP FOR UNITED STATES

#### **FEBRUARY 2019**

On February 11, President Donald J. Trump promulgated an Executive Order on Maintaining American Leadership in Artificial Intelligence that maps a high-level strategy to guide artificial intelligence (AI) development in the United States. The nation's current global leadership in AI development is due primarily to the private sector. President Trump's push for a national approach responds to China's objective to take over global leadership as part of its Made in China 2025 plan. The Trump Administration seeks to increase national prosperity and enhance economic security by leveraging increased AI research and development and reforming government agencies to focus on AI development.

#### THE EXECUTIVE ORDER

The executive order makes available government resources to develop AI and focuses on five key areas of emphasis: (1) investing in AI research and development; (2) unleashing AI resources; (3) establishing AI governance standards; (4) building the AI workforce; and (5) international engagement and protecting the United States' AI advantage.

## Research and Development

The executive order aims to leverage the United States' existing vast ecosystem of industry, academia, and government to further grow the AI industry. The administration noted that an "integral part of the executive order will include federal agencies developing AI R&D budgets to support their core missions." The overarching goal of the research and development focus is to prioritize federal investments in cutting-edge technology.

## Unleashing Resources

The executive order directs agencies to make federal data, models, and computing resources available to AI experts and researchers to further promote scientific discovery and economic competitiveness. Sharing information could boost the transportation and healthcare industries and strengthen the training of AI algorithms to help software overcome the inherent biases of incomplete or misleading information. The administration expressed hope that this will foster public trust in AI systems, which has historically slowed the integration of AI into society.

## Setting Governance Standards

To promote trust in AI systems, federal agencies will establish guidelines for AI development and use. The National Institute of Standards and Technology will lead the development of standards to promote "reliable, robust, trustworthy, secure, portable, and interoperable AI systems." These standards are meant to advance innovation, while protecting national security and privacy.

## • Building the Workforce

Agencies are encouraged to prioritize apprenticeships and training programs to prepare the workforce for the skills needed to embrace AI. Among other things, these programs are tasked with recognizing and funding early-career university faculty who conduct AI research and development, provide scholarships for service programs, and encourage the integration of AI technologies into courses to facilitate personalized and adaptive learning experiences.

## International Engagement and Protection

Recently, China has been leading the world in publishing AI papers and has overtaken the United States as the world leader in AI patent filings. To address this, federal agencies are to develop plans to protect the United States' current position as the AI industry global leader, while implementing new methods of competing with foreign adversaries.

#### SUCCESS OF PUBLIC-PRIVATE COLLABORATION WILL DETERMINE IF THE INITIATIVE SUCCEEDS

The order discusses myriad means to grow the United States' AI industry, but several significant missing components – foremost, an absence of federal funding – pose a formidable barrier to success. Currently, 18 other countries have launched and funded their own AI strategies, with funding ranging from \$20 million to \$2 billion. Instead of allocating additional funds, the executive order directs agencies to reprioritize their work to facilitate AI development. In that light, the most promising aspect of the executive order may prove to be the directive to pursue public and private sector collaboration. Artificially segregating U.S. resources as either private sector or public sector has caused them to be underutilized; each sector is world class in its own right and the combination will prove potent if the executive order succeeds in promoting it.<sup>1</sup>

#### **ADDITIONAL INFORMATION**

For additional information, please contact:

- <u>Tod Northman</u> |216.696.5469 | <u>tod.northman@tuckerellis.com</u>
- Michael Craig | 216.696.3898 | michael.craig@tuckerellis.com
- Jay Campbell | 216.696.5639 | jay.campbell@tuckerellis.com

This Client Alert has been prepared by Tucker Ellis LLP for the use of our clients. Although prepared by professionals, it should not be used as a substitute for legal counseling in specific situations. Readers should not act upon the information contained herein without professional guidance.

©2019 Tucker Ellis LLP. All rights reserved.

<sup>&</sup>lt;sup>1</sup> This Client Alert was prepared with the invaluable assistance of Tucker Ellis intellectual property law clerk **Kelsey Ewing**, a third-year student at The University of Akron School of Law.