

ALERTS | 11.01.2023

The White House Issues Executive Order on AI

On October 30, 2023, President Biden issued an Executive Order (EO) that directs the National Institute of Standards and Technology (NIST) to develop standards for red-team testing of AI models, that is, adversarial testing for software risks and vulnerabilities. The EO also proposed using the Defense Production Act to compel AI companies to disclose their red-teaming results. The focus of the EO appears to be foundational AI companies like Google, Microsoft, and OpenAI that create neural network architectures, but may also affect other companies that use AI, such as pharmaceutical and biotech companies.

It is unclear what (if any) regulation will result from this EO, though it will likely drive dialogue in the near term. Commentators posit that concrete regulation may be at least a year away.

[Fact Sheet: President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence | The White House](#)

[Printable version.](#)

William R. Haulbrook, PhD

Partner

Kristen C. Buteau

Department Chair, Intellectual Property

Brian E. Reese, PhD, MBA

Partner