

# ARTIFICIAL INTELLIGENCE BRIEF

**MARCH 8, 2024**

As emerging Artificial Intelligence (AI) tools and chatbots capture attention across the country, both the Biden administration and Congressional leadership are moving quickly to learn about both its capabilities and potential drawbacks. AI will likely impact every industry, revolutionizing processes, enhancing productivity, and unlocking new opportunities for innovation. We cover it all in BGR's Artificial Intelligence Brief.

## RECENT ACTIONS

### *Biden-Harris Administration*

**Justice Dept. Posts Advance Notice Of Proposal For Limiting Data Transfers To 'Countries Of Concern':** The Department of Justice (DOJ) has issued an advance notice of proposed rulemaking (ANPRM) in response to a Biden executive order, aiming to prevent foreign adversaries from accessing personal and government data. The ANPRM addresses concerns related to data brokers and emphasizes threats from artificial intelligence, such as AI-powered cyber-attacks and the potential misuse of American citizens' data by hostile powers in advancing their AI capabilities. The DOJ is considering identifying two classes of prohibited data transactions involving bulk U.S. sensitive personal data or government-related data: data-brokerage transactions and transactions providing a country of concern or covered person with access to bulk human genomic data or human biospecimens. The ANPRM, posted on March 4, triggers a 45-day public comment period, with the proposed rule expected within 180 days, as mandated by the executive order released on February 28. ([Inside AI Policy](#))

**Biden Calls For Ban Of AI Voice Impersonations In State Of The Union**

**Address:** In his State of the Union address, President Joe Biden called for the banning of voice impersonations powered by artificial intelligence systems. The president emphasized the need to harness emerging technology while safeguarding people from its potential dangers. This call comes after an AI voice impersonation scam targeted Biden in January, wherein a robocalling operation used a cloned voice of the president to influence voters. The Federal Communications Commission (FCC) recently made AI-generated voices in robocalls illegal under the Telephone Consumer Protection Act, aiming to regulate such calls through the established national "Do Not Call" registry. ([NextGov](#))

**FCC's New Tech Advisory Committee To Focus On Using AI For Spectrum Sharing:**

The Federal Communications Commission (FCC) has introduced the members of a newly appointed Technological Advisory Committee (TAC) tasked with studying how artificial intelligence can enhance the efficient utilization of the nation's limited airwaves. The TAC will provide advice to the Commission on topics such as exploring advanced spectrum sharing techniques and incorporating AI and machine learning to improve spectrum utilization and administration. The announcement aligns with the National Telecommunications and Information Administration's efforts to implement a national spectrum strategy aimed at optimizing U.S. competitiveness in next-generation networking. Concurrently, private-sector initiatives like the AI-RAN Alliance, involving collaboration between Radio Access Network companies, Nvidia, and other chip makers, contribute to the broader objective of establishing dynamic spectrum sharing. The TAC's first meeting is scheduled for March 19.

([Inside AI Policy](#))

**FTC Finalizes Rule Addressing 'AI-Enabled Scam Calls,' Adds New Recordkeeping Requirements:**

The Federal Trade Commission (FTC) has released the final version of a regulation extending protections against telemarketing fraud, including scams involving artificial intelligence technologies, to business-to-business calls. The regulation also introduces new recordkeeping requirements and proposes a rule to apply protections to "inbound" technical support calls. Samuel Levine, the director of the FTC Bureau of Consumer Protection, emphasized that these changes provide crucial protections for small businesses and enable the FTC to address deceptive marketers utilizing AI robocalls and emerging technologies. The release states that these actions are part of the Commission's ongoing review of the Telemarketing Sales Rule (TSR), encompassing the Do Not Call Registry rules and provisions prohibiting nearly all telemarketing robocalls to consumers, with a specific affirmation of the TSR's prohibitions on robocalls utilizing voice cloning technology. The FTC encourages public comments on additional proposals to deter tech support scams and support efforts to return funds to defrauded consumers. ([Inside AI Policy](#))

**FTC Chair Khan's Principles For Enforcing Privacy Laws Driven By Artificial Intelligence:** Federal Trade Commission Chair Lina Khan outlined the principles guiding case selection for enforcement actions during the agency's annual "Privacy Con," emphasizing the impact of artificial intelligence developments on increased data collection. Khan highlighted the need to prevent companies from using claims of technological innovation as cover for lawbreaking in the fast-paced deployment and monetization of AI. She shared examples of how AI systems have harmed individuals based on the application of collected personal data, emphasizing the potential for AI models to entrench surveillance. Khan identified three key principles driving the FTC's enforcement efforts: accounting for business incentives driving unlawful conduct, prohibiting the sale of certain sensitive data, and examining upstream to establish liability for actors enabling unlawful conduct on a massive scale, such as data brokers and ad platforms facilitating commercial surveillance ecosystems. ([Inside AI Policy](#))

### *Congress & Legislative Issues*

**Congress Proposes \$10 Million for AI Safety Rules at Commerce:** The bipartisan spending deal includes provisions allocating up to \$10 million for a government-led initiative focused on establishing rules for artificial intelligence. The proposed \$436 billion spending package, comprising six bills, aims to support the creation of the US AI Safety Institute to facilitate the implementation of the executive order. Senate Appropriations Committee Chair Patty Murray (D-WA) highlighted the bill's role in safeguarding critical investments in research and development, including areas such as advanced manufacturing, AI, and clean energy, to uphold the United States' global leadership in science and innovation. ([Bloomberg Government](#))

**House AI Bill Clears Committee, Goes Beyond Similar Bipartisan Measures On Procurement:** The Federal AI Governance and Transparency Act has gained unanimous approval from the House Oversight and Accountability Committee, surpassing similar bills in other committees by mandating government contractors to publicly disclose the development and maintenance processes of federal artificial intelligence (AI) systems. Oversight Chairman James Comer (R-KY) highlighted the disjointed and sometimes contradictory directives resulting from recent executive orders and AI-related legislation, making it challenging for agencies and industries to adapt. The legislation, H.R. 7532, aims to address these issues by requiring federal agencies to establish "charters" for AI systems and to publish training data, audit details, and other information from suppliers on their web pages. Additionally, the bill repeals redundant provisions in the AI in Government Act of 2020 and the 2022 Advancing American AI Act. ([Inside AI Policy](#))

**Prospect Of AI Weaponization Fuels Committee Passage Of Bills To Restrict China's Access To Sensitive Data:** The House Energy and Commerce Committee has unanimously approved two bills designed to restrict foreign access to sensitive data amid concerns that such information could be exploited in the development of artificial intelligence systems posing national security risks. H.R. 7520, the Protecting Americans' Data from Foreign Adversaries Act of 2024, and H.R. 7521, the Protecting Americans from Foreign Adversary Controlled Applications Act, were advanced during a March 7 markup. Committee Chair Cathy McMorris Rodgers (R-WA) has previously connected data brokers, the focus of H.R. 7520, to potentially exploitative AI systems, emphasizing the extensive collection of sensitive information by brokers and its sale to foreign adversaries like China. Both bills target China, Russia, North Korea, and Iran, with H.R. 7521 explicitly mentioning TikTok, a popular social media app whose parent company, ByteDance Ltd., is based in Beijing. ([Inside AI Policy](#))

**SPOTLIGHT** – See BGR's coverage of the markup [here](#) and BGR Principal Robin Colwell's analysis below.



**ROBIN COLWELL**  
PRINCIPAL,  
COMMERCE PRACTICE

*Discussions around the two bills showed that Members, especially Democrats, are still eager to tackle comprehensive privacy legislation. Chair Rogers eased the unrest by insisting she is committed to continuing work in the space, indicating that she is not planning on slowing down on account of it being an election year. This is likely the beginning, not the end, of the committee's work on data privacy. Given the unanimous support and the swift timeline between introduction of the bills on Tuesday and full Committee markup today, we expect floor consideration to occur quickly as well, potentially before the upcoming two-week recess.*

**Key Senators Say AI Concerns Defy Traditional Party Politics:** Senators Todd Young (R-IN) and Mark Warner (D-VA) assert that efforts to promote the benefits and address the risks of artificial intelligence, particularly in countering China's technological influence, are fostering bipartisan collaboration on Capitol Hill that transcends traditional partisan divisions related to economic and national security issues. Speaking at an event hosted by Punchbowl News, Young noted the potential for partisan disagreements on specific topics like workforce policy but expressed optimism about broad bipartisan support for key AI-related issues identified by Senate leaders. These issues include increased funding for research and development and expanding the role of the National Institute of Standards and Technology in establishing industry-driven standards for testing, developing, and utilizing AI technologies. Warner concurred with Young, highlighting the less partisan nature of discussions on AI, framed more around the future versus the past, and suggested a collaborative approach to shaping policies for these transformative tools. ([Inside AI Policy](#))

### *State & Local*

**State privacy chiefs are watching AI closely:** Privacy practices in many states are in the early stages of development, with chief privacy officers highlighting AI as a crucial concern in their efforts to navigate policy challenges and discover beneficial tools. Indiana's Chief Privacy Officer, Ted Cotterill, acknowledged the state's emerging focus on privacy, especially with the increasing attention on utilizing technologies like generative artificial intelligence (AI). Cotterill emphasized the state's commitment to responsible AI governance, testifying before the Interim Study Committee on Commerce and Technology to establish guidelines for state agencies. Utah's Christopher Bramwell echoed the sentiment, emphasizing the need to define privacy practices in the context of emerging technologies like generative AI. ([State Scoop](#))

**Absence Of AI Hospital Rules Worries Nurses:** The use of artificial intelligence in healthcare, including applications such as automated administrative work, virtual nursing assistance, predictive analytics, and robotics in surgery, is raising practical and ethical concerns among healthcare providers. Nurse Judy Schmidt, CEO of the New Jersey State Nurses Association, emphasized the importance of human interpretation and application of AI-generated data to patients. While AI offers potential benefits in healthcare, concerns about the lack of regulations and protections for individuals affected by AI mistakes persist. State legislators are urged to address the regulatory gap, and experts advocate for nurses to be actively involved in discussions about AI policies. Existing legislation includes a Georgia law permitting the use of AI devices in eye exams, a Pennsylvania bill requiring insurers to disclose the use of AI-based algorithms in claims review, and an Illinois bill setting patient assignment limits for registered nurses with provisions for overriding AI recommendations. The American Nurses Association stresses the responsibility of nurses to be informed about AI use and advocates for an AI governance framework. ([Stateline](#))

**N.C. Tech Leaders Discuss Possibilities, Pitfalls of AI Tools:** North Carolina public-sector tech leaders cautioned against hasty adoption of artificial intelligence (AI) applications, emphasizing the need for caution and curiosity, particularly when dealing with sensitive data. During a webinar, city, county, and state IT heads acknowledged ongoing explorations into AI but stressed the complexity and unpredictability of AI model behaviors. Jonathan Feldman, the chief information officer at Wake County, highlighted the importance of avoiding negative publicity by not deploying AI models recklessly. Despite these concerns, Wake County is actively engaged in the "enslaved persons project," employing volunteers to investigate historical records related to enslaved individuals. Information Services officials are considering the use of AI to streamline document review processes, potentially saving volunteers significant time in their efforts. ([Government Technology](#))

**Connecticut Develops Plan For Regulating AI Based On Framework by Sens. Blumenthal, Hawley:** The final report from the Connecticut governor's working group on artificial intelligence heavily relies on the framework introduced by U.S. Sens. Richard Blumenthal (D-CT) and Josh Hawley (R-MO) last year, aiming to mitigate risks and ensure transparency in the data powering and training AI models. Released in February, the report, chaired by state Sen. James Maroney (D), focuses on recommendations to promote transparency and accountability, ensuring trustworthy AI. The adoption of this framework in Connecticut could bolster the senators' proposal, particularly as national AI-related legislation efforts gain momentum in the coming months. The report emphasizes the importance of intentional approaches to workforce development and training to ensure widespread benefits and prevent certain populations from being left behind in the evolving technological landscape. ([Inside AI Policy](#))

## LOOKING FORWARD

**NIST Eyes Mid-March Release Of Comments Summary Under Biden AI order:** The National Institute of Standards and Technology (NIST) plans to release a report by mid-March summarizing stakeholder input received in response to a request for information (RFI) regarding the agency's tasks under President Biden's executive order on artificial intelligence. NIST received 244 responses from various stakeholders, including industry, nonprofits, trade and professional associations, academia/research, government, unions, and individuals. The RFI, which closed on February 2, sought feedback on multiple topics outlined in the executive order, including guidelines, standards, and best practices for AI safety and security, reducing the risk of synthetic content, and advancing responsible global technical standards for AI development. ([Inside AI Policy](#))

## ANALYSIS

### **The Hill: [Without Immigration Reform And Higher Education, The US Risks Losing The Race For AI Talent](#)**

The opinion article by José-Marie Griffiths, B.Sc., Ph.D., D.Sc., president of Dakota State University in Madison, South Dakota, and a former commissioner of the National Security Commission on Artificial Intelligence, argues that the extensive deployment of artificial intelligence in various industries, including critical sectors like agriculture and manufacturing, necessitates a skilled and AI-ready workforce. Griffiths emphasizes the importance of building a robust talent pipeline through a multi-faceted approach. One key aspect involves reforming the U.S. immigration system to attract and retain highly skilled AI talent, trained both abroad and domestically. The article highlights the significant contributions of foreign-born or foreign-educated individuals to U.S. AI innovation and stresses the need to reform immigration policies, such as expanding H1-B visas and making the O-1 visa more accessible to AI talent. The Keep STEM Talent Act of 2023 is mentioned as a positive step, but Griffiths suggests additional measures, such as creating an emerging and disruptive technology visa and granting green cards to STEM Ph.D. students. Additionally, the article advocates for integrating AI across the education system, including K-12 curricula, and leveraging research universities to provide students with real-world AI experience through public-private partnerships. The overall goal is to address the shortage of qualified AI practitioners, ensuring the U.S. remains globally competitive in AI and fostering economic growth.

## GO DEEPER

- **AP: [Sports analytics may be outnumbered when it comes to artificial intelligence](#)**
- **Forbes: [The Rise Of Open Artificial Intelligence: Open-Source Best Practices](#)**
- **The Hill: [Why educators should embrace artificial intelligence](#)**
- **JD Supra: [Artificial Intelligence in Healthcare: New Avenues for Liability](#)**
- **Nature: [Artificial intelligence and illusions of understanding in scientific research](#)**