Policy Alert

Akin Gump
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Artificial Intelligence Updates

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There have been several recent announcements from the administration and Congress on artificial intelligence. Some of those highlights include:

- Following President Trump's executive order titled "American AI Initiative" to prioritize research and development of America's artificial intelligence capabilities, the Centers for Medicare & Medicaid Services (CMS) announced a new competition that aims to accelerate innovative solutions to better predict health outcomes and improve the quality of care for patients. The CMS Artificial Intelligence Health Outcomes Challenge is an opportunity for innovators from every sector to demonstrate how artificial intelligence tools, such as deep learning and neural networks, can be used to predict unplanned hospital and skilled facility admissions and adverse events for potential use in testing innovative payment and service delivery models. The three-stage competition will prioritize explainable artificial intelligence solutions to help front-line clinicians understand and trust artificial intelligence-driven data feedback to target scarce resources to sharpen health care delivery.

- Reps. Pete Olson (R-TX) and Jerry McNerney (D-CA) have indicated they plan to reintroduce bipartisan legislation to bolster artificial intelligence in healthcare, which would promote quicker recovery times and more accurate medical diagnoses. Rep. Olson recognized that AI technology has the capabilities to generate innovative lifesaving treatments.

- Additionally, Sens. Brian Schatz (D-HI) and Roy Blunt (R-MO) introduced the Commercial Facial Recognition Privacy Act of 2019. The bipartisan legislation seeks to strengthen consumer protections by prohibiting commercial users of facial recognition (FR) technology from collecting and re-sharing data for identifying or tracking consumers without their consent. The legislation recognizes that FR technology is a powerful and invasive new technology and is currently being developed at increasing rates for commercial applications. The bill puts in place guardrails to ensure that as FR technology continues to develop and create many new benefits for society, it is implemented responsibly and reinforcing of consumer transparency, privacy and choice.

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- Sens. Martin Heinrich (D-NM) and Rob Portman (R-OH) announced the formation of the bipartisan Senate Artificial Intelligence Caucus, which will also include Sens. Brian Schatz (D-HI), Cory Gardner (R-CO), Gary Peters (D-MI) and Joni Ernst (R-IA). Caucus leaders plan to collaborate with AI experts in private industry, academia, national labs, and the executive branch to harness the enormous potential of AI to the benefit of society and the American people. The Senate AI Caucus is complementary of the American AI Initiative, which calls upon all federal agencies to prioritize research and development of AI to build a workforce that is prepared to take on the enormous challenges AI will bring about. The AI Caucus plans to work to develop smart policy that balances AI's risks and rewards to ensure the competitiveness of the U.S. economy, while maintaining important ethical standards.

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