

Calendar No. 723

118TH CONGRESS
2D SESSION**S. 3312**

To provide a framework for artificial intelligence innovation and accountability, and for other purposes.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 15, 2023

Mr. THUNE (for himself, Ms. KLOBUCHAR, Mr. WICKER, Mr. HICKENLOOPER, Mr. LUJÁN, Mrs. CAPITO, Ms. BALDWIN, and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

DECEMBER 18 (legislative day, DECEMBER 16), 2024

Reported by Ms. CANTWELL, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**A BILL**

To provide a framework for artificial intelligence innovation and accountability, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Artificial Intelligence
5 Research, Innovation, and Accountability Act of 2023”.

1 **SEC. 2. TABLE OF CONTENTS.**

2 The table of contents for this Act is as follows:

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ARTIFICIAL INTELLIGENCE RESEARCH AND
INNOVATION

Sec. 101. Open data policy amendments.

Sec. 102. Online content authenticity and provenance standards research and
development.

Sec. 103. Standards for detection of emergent and anomalous behavior and AI-
generated media.

Sec. 104. Comptroller General study on barriers and best practices to usage of
AI in government.

TITLE H—ARTIFICIAL INTELLIGENCE ACCOUNTABILITY

Sec. 201. Definitions.

Sec. 202. Generative artificial intelligence transparency.

Sec. 203. Transparency reports for high-impact artificial intelligence systems.

Sec. 204. Recommendations to Federal agencies for risk management of high-
impact artificial intelligence systems.

Sec. 205. Office of Management and Budget oversight of recommendations to
agencies.

Sec. 206. Risk management assessment for critical-impact artificial intelligence
systems.

Sec. 207. Certification of critical-impact artificial intelligence systems.

Sec. 208. Enforcement.

Sec. 209. Artificial intelligence consumer education.

3 **TITLE I—ARTIFICIAL INTEL-**
4 **LIGENCE RESEARCH AND IN-**
5 **NOVATION**

6 **SEC. 101. OPEN DATA POLICY AMENDMENTS.**

7 Section 3502 of title 44, United States Code, is
8 amended—

9 (1) in paragraph (22)—

10 (A) by inserting “or data model” after “a
11 data asset”; and

12 (B) by striking “and” at the end;

1 (2) in paragraph (23), by striking the period at
2 the end and inserting a semicolon; and

3 (3) by adding at the end the following:

4 “(24) the term ‘data model’ means a mathe-
5 matical, economic, or statistical representation of a
6 system or process used to assist in making calcula-
7 tions and predictions; including through the use of
8 algorithms; computer programs; or artificial intel-
9 ligence systems; and

10 “(25) the term ‘artificial intelligence system’
11 means an engineered system that—

12 “(A) generates outputs, such as content,
13 predictions, recommendations, or decisions for a
14 given set of objectives; and

15 “(B) is designed to operate with varying
16 levels of adaptability and autonomy using ma-
17 chine and human-based inputs.”.

18 **SEC. 102. ONLINE CONTENT AUTHENTICITY AND PROVE-**
19 **NANCE STANDARDS RESEARCH AND DEVEL-**
20 **OPMENT.**

21 (a) **RESEARCH.—**

22 (1) **IN GENERAL.—**Not later than 180 days
23 after the date of the enactment of this Act, the
24 Under Secretary of Commerce for Standards and
25 Technology shall carry out research to facilitate the

1 development and standardization of means to pro-
2 vide authenticity and provenance information for
3 content generated by human authors and artificial
4 intelligence systems.

5 (2) ELEMENTS.—The research carried out pur-
6 suant to paragraph (1) shall cover the following:

7 (A) Secure and binding methods for
8 human authors of content to append statements
9 of provenance through the use of unique cre-
10 dentials, watermarking, or other data or
11 metadata-based approaches.

12 (B) Methods for the verification of state-
13 ments of content provenance to ensure authen-
14 ticity such as watermarking or classifiers, which
15 are trained models that distinguish artificial in-
16 telligence-generated media.

17 (C) Methods for displaying clear and con-
18 spicuous statements of content provenance to
19 the end user.

20 (D) Technologies or applications needed to
21 facilitate the creation and verification of con-
22 tent provenance information.

23 (E) Mechanisms to ensure that any tech-
24 nologies and methods developed under this sec-

tion are minimally burdensome on content producers.

(F) Such other related processes, technologies, or applications as the Under Secretary considers appropriate.

(G) Use of provenance technology to enable attribution for content creators.

(3) IMPLEMENTATION.—The Under Secretary shall carry out the research required by paragraph (1) as part of the research directives pursuant to section 22A(b)(1) of the National Institute of Standards and Technology Act (15 U.S.C. 278h–1(b)(1)).

(b) DEVELOPMENT OF STANDARDS.—

(1) IN GENERAL.—For methodologies and applications related to content provenance and authenticity deemed by the Under Secretary to be at a readiness level sufficient for standardization, the Under Secretary shall provide technical review and assistance to such other Federal agencies and non-governmental standards organizations as the Under Secretary considers appropriate.

(2) CONSIDERATIONS.—In providing any technical review and assistance related to the development of content provenance and authenticity stand-

ards under this subsection, the Under Secretary
may—

(A) consider whether a proposed standard
is reasonable, practicable, and appropriate for
the particular type of media and media environ-
ment for which the standard is proposed;

(B) consult with relevant stakeholders; and

(C) review industry standards issued by
nongovernmental standards organizations.

~~(c) PILOT PROGRAM.—~~

~~(1) IN GENERAL.—~~The Under Secretary shall
carry out a pilot program to assess the feasibility
and advisability of using available technologies and
creating open standards to facilitate the creation
and verification of content governance information
for digital content.

~~(2) LOCATIONS.—~~The pilot program required
by paragraph ~~(1)~~ shall be carried out at not more
than 2 Federal agencies the Under Secretary shall
select for purposes of the pilot program required by
paragraph ~~(1)~~.

~~(3) REQUIREMENTS.—~~In carrying out the pilot
program required by paragraph ~~(1)~~, the Under Sec-
retary shall—

1 (A) apply and evaluate methods for au-
2 thenticating the origin of and modifications to
3 government-produced digital content using tech-
4 nology and open standards described in para-
5 graph (1); and

6 (B) make available to the public digital
7 content embedded with provenance or other au-
8 thentication provided by the heads of the Fed-
9 eral agencies selected pursuant to paragraph
10 (2) for the purposes of the pilot program.

11 (4) BRIEFING REQUIRED.—Not later than 1
12 year after the date of the enactment of this Act, and
13 annually thereafter until the date described in para-
14 graph (5), the Under Secretary shall brief the Com-
15 mittee on Commerce, Science, and Transportation of
16 the Senate and the Committee on Science, Space,
17 and Technology of the House of Representatives on
18 the findings of the Under Secretary with respect to
19 the pilot program carried out under this subsection.

20 (5) TERMINATION.—The pilot program shall
21 terminate on the date that is 10 years after the date
22 of the enactment of this Act.

23 (d) REPORT TO CONGRESS.—Not later than 1 year
24 after the date of the enactment of this Act, the Under
25 Secretary shall submit to the Committee on Commerce,

1 Science, and Transportation of the Senate and the Com-
 2 mittee on Science, Space, and Technology of the House
 3 of Representatives a report outlining the progress of
 4 standardization initiatives relating to requirements under
 5 this section, as well as recommendations for legislative or
 6 administrative action to encourage or require the wide-
 7 spread adoption of such initiatives in the United States.

8 **SEC. 103. STANDARDS FOR DETECTION OF EMERGENT AND**
 9 **ANOMALOUS BEHAVIOR AND AI-GENERATED**
 10 **MEDIA.**

11 Section 22A(b)(1) of the National Institute of Stand-
 12 ards and Technology Act (~~15 U.S.C. 278h-1(b)(1)~~) is
 13 amended—

14 (1) by redesignating subparagraph (I) as sub-
 15 paragraph (K);

16 (2) in subparagraph (H), by striking “; and”
 17 and inserting a semicolon; and

18 (3) by inserting after subparagraph (H) the fol-
 19 lowing:

20 “(I) best practices for detecting outputs
 21 generated by artificial intelligence systems, in-
 22 cluding content such as text, audio, images, and
 23 videos;

24 “(J) methods to detect and understand
 25 anomalous behavior of artificial intelligence sys-

tems and safeguards to mitigate potentially adversarial or compromising anomalous behavior; and”.

**SEC. 104. COMPTROLLER GENERAL STUDY ON BARRIERS
AND BEST PRACTICES TO USAGE OF AI IN
GOVERNMENT.**

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of statutory, regulatory, and other policy barriers to the use of artificial intelligence systems to improve the functionality of the Federal Government; and

(2) identify best practices for the adoption and use of artificial intelligence systems by the Federal Government, including—

(A) ensuring that an artificial intelligence system is proportional to the need of the Federal Government;

(B) restrictions on access to and use of an artificial intelligence system based on the capabilities and risks of the artificial intelligence system; and

(C) safety measures that ensure that an artificial intelligence system is appropriately

1 limited to necessary data and compartment-
 2 talized from other assets of the Federal Govern-
 3 ment.

4 (b) REPORT.—Not later than 2 years after the date
 5 of enactment of this Act, the Comptroller General of the
 6 United States shall submit to the Committee on Com-
 7 merce, Science, and Transportation of the Senate and the
 8 Committee on Science, Space, and Technology of the
 9 House of Representatives a report that—

10 (1) summarizes the results of the review con-
 11 ducted under subsection (a)(1) and the best prac-
 12 tices identified under subsection (a)(2), including
 13 recommendations, as the Comptroller General of the
 14 United States considers appropriate;

15 (2) describes any laws, regulations, guidance
 16 documents, or other policies that may prevent the
 17 adoption of artificial intelligence systems by the
 18 Federal Government to improve certain functions of
 19 the Federal Government, including—

20 (A) data analysis and processing;
 21 (B) paperwork reduction;
 22 (C) contracting and procurement practices;
 23 and
 24 (D) other Federal Government services;
 25 and

1 (3) includes, as the Comptroller General of the
 2 United States considers appropriate, recommenda-
 3 tions to modify or eliminate barriers to the use of
 4 artificial intelligence systems by the Federal Govern-
 5 ment.

6 **TITLE II—ARTIFICIAL INTEL-** 7 **LIGENCE ACCOUNTABILITY**

8 **SEC. 201. DEFINITIONS.**

9 In this title:

10 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**
 11 **TEES.**—The term “appropriate congressional com-
 12 mittees” means—

13 (A) the Committee on Energy and Natural
 14 Resources and the Committee on Commerce,
 15 Science, and Transportation of the Senate;

16 (B) the Committee on Energy and Com-
 17 merce of the House of Representatives; and

18 (C) each congressional committee with ju-
 19 risdiction over an applicable covered agency.

20 (2) **ARTIFICIAL INTELLIGENCE SYSTEM.**—The
 21 term “artificial intelligence system” means an engi-
 22 neered system that—

23 (A) generates outputs, such as content,
 24 predictions, recommendations, or decisions for a
 25 given set of human-defined objectives; and

1 (B) is designed to operate with varying lev-
 2 els of adaptability and autonomy using machine
 3 and human-based inputs.

4 ~~(3) COVERED AGENCY.—~~the term “covered
 5 agency” means an agency for which the Under Sec-
 6 retary develops an NIST recommendation.

7 ~~(4) COVERED INTERNET PLATFORM.—~~

8 (A) IN GENERAL.—The term “covered
 9 internet platform”—

10 (i) means any public-facing website,
 11 consumer-facing internet application, or
 12 mobile application available to consumers
 13 in the United States; and

14 (ii) includes a social network site,
 15 video sharing service, search engine, and
 16 content aggregation service.

17 (B) EXCLUSIONS.—The term “covered
 18 internet platform” does not include a platform
 19 that—

20 (i) is wholly owned, controlled, and
 21 operated by a person that—

22 (I) during the most recent 180-
 23 day period, did not employ more than
 24 500 employees;

1 (II) during the most recent 3-
 2 year period, averaged less than
 3 \$50,000,000 in annual gross receipts;
 4 and

5 (III) on an annual basis, collects
 6 or processes the personal data of less
 7 than 1,000,000 individuals; or

8 (ii) is operated for the sole purpose of
 9 conducting research that is not directly or
 10 indirectly made for profit.

11 (5) ~~CRITICAL-IMPACT AI ORGANIZATION.~~—The
 12 term “critical-impact AI organization” means a non-
 13 government organization that serves as the deployer
 14 of a critical-impact artificial intelligence system.

15 (6) ~~CRITICAL-IMPACT ARTIFICIAL INTEL-~~
 16 ~~LIGENCE SYSTEM.~~—The term “critical-impact artifi-

17 cial intelligence system” means an artificial intel-

18 ligence system that—

19 (A) is deployed for a purpose other than
 20 solely for use by the Department of Defense or
 21 an intelligence agency (as defined in section
 22 3094(e) of the National Security Act of 1947
 23 (50 U.S.C. 3094(3))); and

24 (B) is used or intended to be used—

(i) to make decisions that have a legal or similarly significant effect on—

(I) the real-time or ex post facto collection of biometric data of natural persons by biometric identification systems without their consent;

(II) the direct management and operation of critical infrastructure (as defined in section 1016(e) of the USA PATRIOT Act (42 U.S.C. 5195e(e))) and space-based infrastructure; or

(III) criminal justice (as defined in section 901 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10251)); and

(ii) in a manner that poses a significant risk to rights afforded under the Constitution of the United States or safety.

(7) DEPLOYER.—The term “deployer”—

(A) means an entity that uses or operates an artificial intelligence system for internal use or for use by third parties; and

(B) does not include an entity that is solely an end user of a system.

1 (8) DEVELOPER.—The term “developer” means
2 an entity that—

3 (A) designs, codes, produces, or owns an
4 artificial intelligence system for internal use or
5 for use by a third party as a baseline model;
6 and

7 (B) does not act as a deployer of the arti-
8 ficial intelligence system described in subpara-
9 graph (A).

10 (9) GENERATIVE ARTIFICIAL INTELLIGENCE
11 SYSTEM.—The term “generative artificial intel-
12 ligence system” means an artificial intelligence sys-
13 tem that generates novel data or content in a writ-
14 ten, audio, or visual format.

15 (10) HIGH-IMPACT ARTIFICIAL INTELLIGENCE
16 SYSTEM.—The term “high-impact artificial intel-
17 ligence system” means an artificial intelligence sys-
18 tem—

19 (A) deployed for a purpose other than sole-
20 ly for use by the Department of Defense or an
21 intelligence agency (as defined in section
22 3094(e) of the National Security Act of 1947
23 (50 U.S.C. 3094(3))); and

24 (B) that is specifically developed with the
25 intended purpose of making decisions that have

1 a legal or similarly significant effect on the ac-
 2 cess of an individual to housing, employment,
 3 credit, education, healthcare, or insurance in a
 4 manner that poses a significant risk to rights
 5 afforded under the Constitution of the United
 6 States or safety.

7 (11) NIST RECOMMENDATION.—The term
 8 “NIST recommendation” means a sector-specific
 9 recommendation developed under section 22B(b)(1)
 10 of the National Institute of Standards and Tech-
 11 nology Act, as added by section 204 of this Act.

12 (12) SECRETARY.—The term “Secretary”
 13 means the Secretary of Commerce.

14 (13) SIGNIFICANT RISK.—The term “significant
 15 risk” means a combination of severe, high-intensity,
 16 high-probability, and long-duration risk of harm to
 17 individuals.

18 (14) TEVV.—The term “TEVV” means the
 19 testing, evaluation, validation, and verification of
 20 any artificial intelligence system that includes—

21 (A) open, transparent, testable, and
 22 verifiable specifications that characterize real-
 23 istic operational performance, such as precision
 24 and accuracy for relevant tasks;

1 (B) testing methodologies and metrics that
 2 enable the evaluation of system trustworthiness,
 3 including robustness and resilience;

4 (C) data quality standards for training and
 5 testing datasets;

6 (D) requirements for system validation and
 7 integration into production environments, auto-
 8 mated testing, and compliance with existing
 9 legal and regulatory specifications;

10 (E) methods and tools for—

11 (i) the monitoring of system behavior;

12 (ii) the tracking of incidents or errors
 13 reported and their management; and

14 (iii) the detection of emergent prop-
 15 erties and related impacts; and

16 (F) and processes for redress and re-
 17 sponse.

18 (15) UNDER SECRETARY.—The term “Under
 19 Secretary” means the Director of the National Insti-
 20 tute of Standards and Technology.

21 **SEC. 202. GENERATIVE ARTIFICIAL INTELLIGENCE TRANS-**
 22 **PARENCY.**

23 (a) PROHIBITION.—

24 (1) IN GENERAL.—Subject to paragraph (2), it
 25 shall be unlawful for a person to operate a covered

internet platform that uses a generative artificial intelligence system.

~~(2) DISCLOSURE OF USE OF GENERATIVE ARTIFICIAL INTELLIGENCE SYSTEMS.—~~

(A) IN GENERAL.—A person may operate a covered internet platform that uses a generative artificial intelligence system if the person provides notice to each user of the covered internet platform that the covered internet platform uses a generative artificial intelligence system to generate content the user sees.

~~(B) REQUIREMENTS.—~~A person providing the notice described in subparagraph (A) to a user—

(i) subject to clause (ii), shall provide the notice in a clear and conspicuous manner on the covered internet platform before the user interacts with content produced by a generative artificial intelligence system; and

(ii) may provide an option for the user to choose to see the notice described in clause (i) only upon the first interaction of the user with content produced by a generative artificial intelligence system.

1 (b) ~~ENFORCEMENT ACTION.~~—Upon learning that a
 2 covered internet platform does not comply with the re-
 3 quirements under this section, the Secretary—

4 (1) shall immediately—

5 (A) notify the covered internet platform of
 6 the finding; and

7 (B) order the covered internet platform to
 8 take remedial action to address the noncompli-
 9 ance of the generative artificial intelligence sys-
 10 tem operated by the covered internet platform;
 11 and

12 (2) may, as determined appropriate or nec-
 13 essary by the Secretary, take enforcement action
 14 under section 208 if the covered internet platform
 15 does not take sufficient action to remedy the non-
 16 compliance within 15 days of the notification under
 17 paragraph (1)(A).

18 (c) ~~EFFECTIVE DATE.~~—This section shall take effect
 19 on the date that is 180 days after the date of enactment
 20 of this Act.

21 **SEC. 203. TRANSPARENCY REPORTS FOR HIGH-IMPACT AR-**
 22 **TIFICIAL INTELLIGENCE SYSTEMS.**

23 (a) ~~TRANSPARENCY REPORTING.~~—

24 (1) ~~IN GENERAL.~~—Each deployer of a high-im-
 25 pact artificial intelligence system shall—

(A) before deploying the high-impact artificial intelligence system; and annually thereafter, submit to the Secretary a report describing the design and safety plans for the artificial intelligence system; and

(B) submit to the Secretary an updated report on the high-impact artificial intelligence system if the deployer makes a material change to—

(i) the purpose for which the high-impact artificial intelligence system is used;

or

(ii) the type of data the high-impact artificial intelligence system processes or uses for training purposes.

(2) CONTENTS.—Each transparency report submitted under paragraph (1) shall include, with respect to the high-impact artificial intelligence system—

(A) the purpose;

(B) the intended use cases;

(C) deployment context;

(D) benefits;

(E) a description of data that the high-impact artificial intelligence system, once deployed, processes as inputs;

(F) if available—

(i) a list of data categories and formats the deployer used to retrain or continue training the high-impact artificial intelligence system;

(ii) metrics for evaluating the high-impact artificial intelligence system performance and known limitations; and

(iii) transparency measures, including information identifying to individuals when a high-impact artificial intelligence system is in use;

(G) processes and testing performed before each deployment to ensure the high-impact artificial intelligence system is safe, reliable, and effective;

(H) if applicable, an identification of any third-party artificial intelligence systems or datasets the deployer relies on to train or operate the high-impact artificial intelligence system; and

1 (I) post-deployment monitoring and user
2 safeguards, including a description of the over-
3 sight process in place to address issues as
4 issues arise.

5 (b) DEVELOPER OBLIGATIONS.—The developer of a
6 high-impact artificial intelligence system shall be subject
7 to the same obligations as a developer of a critical impact
8 artificial intelligence system under section 206(c).

9 (c) CONSIDERATIONS.—In carrying out subsections
10 (a) and (b), a deployer or developer of a high-impact artifi-
11 cial intelligence system shall consider the best practices
12 outlined in the most recent version of the risk manage-
13 ment framework developed pursuant to section 22A(c) of
14 the National Institute of Standards and Technology Act
15 (15 U.S.C. 278h–1(c)).

16 (d) NONCOMPLIANCE AND ENFORCEMENT ACTION.—
17 Upon learning that a deployer of a high-impact artificial
18 intelligence system is not in compliance with the require-
19 ments under this section with respect to a high-impact ar-
20 tificial intelligence system, the Secretary—

21 (1) shall immediately—

22 (A) notify the deployer of the finding; and

23 (B) order the deployer to immediately sub-
24 mit to the Secretary the report required under
25 subsection (a)(1); and

1 (2) if the deployer fails to submit the report by
 2 the date that is 15 days after the date of the notifi-
 3 cation under paragraph (1)(A), may take enforce-
 4 ment action under section 208.

5 (e) AVOIDANCE OF DUPLICATION.—

6 (1) IN GENERAL.—Pursuant to the
 7 deconfliction of duplicative requirements under para-
 8 graph (2), the Secretary shall ensure that the re-
 9 quirements under this section are not unnecessarily
 10 burdensome or duplicative of requirements made or
 11 oversight conducted by a covered agency regarding
 12 the non-Federal use of high-impact artificial intel-
 13 ligence systems.

14 (2) DECONFLICTION OF DUPLICATIVE REQUIRE-
 15 MENTS.—Not later than 90 days after the date of
 16 the enactment of this Act, and annually thereafter,
 17 the Secretary, in coordination with the head of any
 18 relevant covered agency, shall complete the
 19 deconfliction of duplicative requirements relating to
 20 the submission of a transparency report for a high-
 21 impact artificial intelligence system under this sec-
 22 tion.

23 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
 24 tion shall be construed to require a deployer of a high-

1 impact artificial intelligence system to disclose any infor-
 2 mation, including data or algorithms—

- 3 (1) relating to a trade secret or other protected
- 4 intellectual property right;
- 5 (2) that is confidential business information; or
- 6 (3) that is privileged.

7 **SEC. 204. RECOMMENDATIONS TO FEDERAL AGENCIES FOR**
 8 **RISK MANAGEMENT OF HIGH-IMPACT ARTIFI-**
 9 **CIAL INTELLIGENCE SYSTEMS.**

10 The National Institute of Standards and Technology
 11 Act (15 U.S.C. 278h–1) is amended by inserting after sec-
 12 tion 22A the following:

13 **“SEC. 22B. RECOMMENDATIONS TO FEDERAL AGENCIES**
 14 **FOR SECTOR-SPECIFIC OVERSIGHT OF ARTI-**
 15 **FICIAL INTELLIGENCE.**

16 “(a) **DEFINITION OF HIGH-IMPACT ARTIFICIAL IN-**
 17 **TELLIGENCE SYSTEM.**—In this section, the term ‘high-im-
 18 pact artificial intelligence system’ means an artificial intel-
 19 ligence system—

- 20 “(1) deployed for purposes other than those
- 21 solely for use by the Department of Defense or an
- 22 element of the intelligence community (as defined in
- 23 section 3 of the National Security Act of 1947 (50
- 24 U.S.C. 3003)); and

1 “(2) that is specifically developed with the in-
 2 tended purpose of making decisions that have a legal
 3 or similarly significant effect on the access of an in-
 4 dividual to housing, employment, credit, education,
 5 health care, or insurance in a manner that poses a
 6 significant risk to rights afforded under the Con-
 7 stitution of the United States or to safety.

8 “(b) SECTOR-SPECIFIC RECOMMENDATIONS.—Not
 9 later than 1 year after the date of the enactment of the
 10 Artificial Intelligence Research, Innovation, and Account-
 11 ability Act of 2023, the Director shall—

12 “(1) develop sector-specific recommendations
 13 for individual Federal agencies to conduct oversight
 14 of the non-Federal, and, as appropriate, Federal use
 15 of high-impact artificial intelligence systems to im-
 16 prove the safe and responsible use of such systems;
 17 and

18 “(2) not less frequently than biennially, update
 19 the sector-specific recommendations to account for
 20 changes in technological capabilities or artificial in-
 21 telligence use cases.

22 “(c) REQUIREMENTS.—In developing recommenda-
 23 tions under subsection (b), the Director shall use the vol-
 24 untary risk management framework required by section

1 ~~22A(c)~~ to identify and provide recommendations to a Fed-
 2 eral agency—

3 ~~“(1) to establish regulations, standards, guide-~~
 4 ~~lines, best practices, methodologies, procedures, or~~
 5 ~~processes to facilitate oversight of non-Federal use~~
 6 ~~of high-impact artificial intelligence systems; and~~

7 ~~“(2) to mitigate risks from such high-impact~~
 8 ~~artificial intelligence systems.~~

9 ~~“(d) RECOMMENDATIONS.—In developing rec-~~
 10 ~~ommendations under subsection (b), the Director may in-~~
 11 ~~clude the following:~~

12 ~~“(1) Key design choices made during high-im-~~
 13 ~~pact artificial intelligence model development, includ-~~
 14 ~~ing rationale and assumptions made.~~

15 ~~“(2) Intended use and users, other possible use~~
 16 ~~cases, including any anticipated undesirable or po-~~
 17 ~~tentially harmful use cases, and what good faith ef-~~
 18 ~~forts model developers can take to mitigate the use~~
 19 ~~of the system in harmful ways.~~

20 ~~“(3) Methods for evaluating the safety of high-~~
 21 ~~impact artificial intelligence systems and approaches~~
 22 ~~for responsible use.~~

23 ~~“(4) Sector-specific differences in what con-~~
 24 ~~stitutes acceptable high-impact artificial intelligence~~
 25 ~~model functionality and trustworthiness, metrics~~

1 used to determine high-impact artificial intelligence
 2 model performance, and any test results reflecting
 3 application of these metrics to evaluate high-impact
 4 artificial intelligence model performance across dif-
 5 ferent sectors.

6 “(5) Recommendations to support iterative de-
 7 velopment of subsequent recommendations under
 8 subsection (b).

9 “(e) CONSULTATION.—In developing recommenda-
 10 tions under subsection (b), the Director shall, as the Di-
 11 rector considers applicable and practicable, consult with
 12 relevant covered agencies and stakeholders representing
 13 perspectives from civil society, academia, technologists, en-
 14 gineers, and creators.”.

15 **SEC. 205. OFFICE OF MANAGEMENT AND BUDGET OVER-**
 16 **SIGHT OF RECOMMENDATIONS TO AGENCIES.**

17 (a) RECOMMENDATIONS.—

18 (1) IN GENERAL.—Not later than 1 year after
 19 the date of enactment of this Act, the Under Sec-
 20 retary shall submit to the Director, the head of each
 21 covered agency, and the appropriate congressional
 22 committees each NIST recommendation.

23 (2) AGENCY RESPONSES TO RECOMMENDA-
 24 TIONS.—Not later than 90 days after the date on
 25 which the Under Secretary submits a NIST rec-

ommendation to the head of a covered agency under paragraph (1), the head of the covered agency shall transmit to the Director a formal written response to the NIST recommendation that—

(A) indicates whether the head of the covered agency intends to—

(i) carry out procedures to adopt the complete NIST recommendation;

(ii) carry out procedures to adopt a part of the NIST recommendation; or

(iii) refuse to carry out procedures to adopt the NIST recommendation; and

(B) includes—

(i) with respect to a formal written response described in clause (i) or (ii) of subparagraph (A), a copy of a proposed timetable for completing the procedures described in that clause;

(ii) with respect to a formal written response described in subparagraph (A)(ii), the reasons for the refusal to carry out procedures with respect to the remainder of the NIST recommendation described in that subparagraph; and

1 (iii) with respect to a formal written
 2 response described in subparagraph
 3 (A)(iii); the reasons for the refusal to carry
 4 out procedures.

5 (b) PUBLIC AVAILABILITY.—The Director shall make
 6 a copy of each NIST recommendation and each written
 7 formal response of a covered agency required under sub-
 8 section (a)(2) available to the public at reasonable cost.

9 (c) REPORTING REQUIREMENTS.—

10 (1) ANNUAL SECRETARIAL REGULATORY STA-
 11 TUS REPORTS.—

12 (A) IN GENERAL.—On the first February
 13 1 occurring after the date of enactment of this
 14 Act, and annually thereafter until the date de-
 15 scribed in subparagraph (B); the head of each
 16 covered agency shall submit to the Director a
 17 report containing the regulatory status of each
 18 NIST recommendation.

19 (B) CONTINUED REPORTING.—The date
 20 described in this subparagraph is the date on
 21 which the head of a covered agency—

22 (i) takes final regulatory action with
 23 respect to a NIST recommendation; and

24 (ii) determines and states in a report
 25 required under subparagraph (A) that no

1 regulatory action should be taken with re-
 2 spect to a NIST recommendation.

3 ~~(2) COMPLIANCE REPORT TO CONGRESS.—On~~
 4 ~~April 1 of each year, the Director shall—~~

5 ~~(A) review the reports received under para-~~
 6 ~~graph (1)(A); and~~

7 ~~(B) transmit comments on the reports to~~
 8 ~~the heads of covered agencies and the appro-~~
 9 ~~priate congressional committees.~~

10 ~~(3) FAILURE TO REPORT.—If, on March 1 of~~
 11 ~~each year, the Director has not received a report re-~~
 12 ~~quired under paragraph (1)(A) from the head of a~~
 13 ~~covered agency, the Director shall notify the appro-~~
 14 ~~priate congressional committees of the failure.~~

15 ~~(d) TECHNICAL ASSISTANCE IN CARRYING OUT REC-~~
 16 ~~OMMENDATIONS.—The Under Secretary shall provide as-~~
 17 ~~sistance to the heads of covered agencies relating to the~~
 18 ~~implementation of the NIST recommendations the heads~~
 19 ~~of covered agencies intend to carry out.~~

20 ~~(e) REGULATION REVIEW AND IMPROVEMENT.—The~~
 21 ~~Administrator of the Office of Information and Regulatory~~
 22 ~~Affairs of the Office of Management and Budget, in con-~~
 23 ~~sultation with the Under Secretary, shall develop and peri-~~
 24 ~~odically revise performance indicators and measures for~~
 25 ~~sector-specific regulation of artificial intelligence.~~

1 **SEC. 206. RISK MANAGEMENT ASSESSMENT FOR CRITICAL-**
 2 **IMPACT ARTIFICIAL INTELLIGENCE SYS-**
 3 **TEMS.**

4 ~~(a) REQUIREMENT.—~~

5 ~~(1) IN GENERAL.—Each critical-impact AI or-~~
 6 ~~ganization shall perform a risk management assess-~~
 7 ~~ment in accordance with this section.~~

8 ~~(2) ASSESSMENT.—Each critical-impact AI or-~~
 9 ~~ganization shall—~~

10 ~~(A) not later than 30 days before the date~~
 11 ~~on which a critical-impact artificial intelligence~~
 12 ~~system is made publicly available by the critical-~~
 13 ~~impact AI organization, perform a risk manage-~~
 14 ~~ment assessment; and~~

15 ~~(B) not less frequently than biennially dur-~~
 16 ~~ing the period beginning on the date of enact-~~
 17 ~~ment of this Act and ending on the date on~~
 18 ~~which the applicable critical-impact artificial in-~~
 19 ~~telligence system is no longer being made pub-~~
 20 ~~licly available by the critical-impact AI organi-~~
 21 ~~zation, as applicable, conduct an updated risk~~
 22 ~~management assessment that—~~

23 ~~(i) may find that no significant~~
 24 ~~changes were made to the critical-impact~~
 25 ~~artificial intelligence system; and~~

(ii) provides, to the extent practicable, aggregate results of any significant deviation from expected performance detailed in the assessment performed under subparagraph (A) or the most recent assessment performed under this subparagraph.

~~(3)~~ REVIEW.—

(A) IN GENERAL.—Not later than 90 days after the date of completion of a risk management assessment by a critical-impact AI organization under this section, the critical-impact AI organization shall submit to the Secretary a report—

(i) outlining the assessment performed under this section; and

(ii) that is in a consistent format, as determined by the Secretary.

~~(B)~~ ADDITIONAL INFORMATION.—Subject to subsection (d), the Secretary may request that a critical-impact AI organization submit to the Secretary any related additional or clarifying information with respect to a risk management assessment performed under this section.

1 (4) LIMITATION.—The Secretary may not pro-
 2 hibit a critical-impact AI organization from making
 3 a critical-impact artificial intelligence system avail-
 4 able to the public based on the review by the Sec-
 5 retary of a report submitted under paragraph (3)(A)
 6 or additional or clarifying information submitted
 7 under paragraph (3)(B).

8 (b) ASSESSMENT SUBJECT AREAS.—Each assess-
 9 ment performed by a critical-impact AI organization under
 10 subsection (a) shall describe the means by which the crit-
 11 ical-impact AI organization is addressing, through a docu-
 12 mented TEVV process, the following categories:

13 (1) Policies, processes, procedures, and prac-
 14 tices across the organization relating to transparent
 15 and effective mapping, measuring, and managing of
 16 artificial intelligence risks, including—

17 (A) how the organization understands,
 18 manages, and documents legal and regulatory
 19 requirements involving artificial intelligence;

20 (B) how the organization integrates char-
 21 acteristics of trustworthy artificial intelligence,
 22 which include valid, reliable, safe, secure, resil-
 23 ient, accountable, transparent, globally and lo-
 24 cally explainable, interpretable, privacy-en-
 25 hanced, and fair with harmful bias managed;

1 into organizational policies, processes, proce-
2 dures, and practices;

3 (C) a methodology to determine the needed
4 level of risk management activities based on the
5 organization's risk tolerance; and

6 (D) how the organization establishes risk
7 management processes and outcomes through
8 transparent policies, procedures, and other con-
9 trols based on organizational risk priorities.

10 (2) The structure, context, and capabilities of
11 the critical-impact artificial intelligence system or
12 critical-impact foundation model, including—

13 (A) how the context was established and
14 understood;

15 (B) capabilities, targeted uses, goals, and
16 expected costs and benefits; and

17 (C) how risks and benefits are mapped for
18 each system component.

19 (3) A description of how the organization em-
20 ploys quantitative, qualitative, or mixed-method
21 tools, techniques, and methodologies to analyze, as-
22 sess, benchmark, and monitor artificial intelligence
23 risk, including—

24 (A) identification of appropriate methods
25 and metrics;

1 ~~(B)~~ how artificial intelligence systems are
2 evaluated for trustworthy characteristics;

3 ~~(C)~~ mechanisms for tracking artificial in-
4 telligence system risks over time; and

5 ~~(D)~~ processes for gathering and assessing
6 feedback relating to the efficacy of measure-
7 ment.

8 (4) A description of allocation of risk resources
9 to map and measure risks on a regular basis as de-
10 scribed in paragraph (1), including—

11 ~~(A)~~ how artificial intelligence risks based
12 on assessments and other analytical outputs de-
13 scribed in paragraphs (2) and (3) are
14 prioritized, responded to, and managed;

15 ~~(B)~~ how strategies to maximize artificial
16 intelligence benefits and minimize negative im-
17 pacts were planned, prepared, implemented,
18 documented, and informed by input from rel-
19 evant artificial intelligence deployers;

20 ~~(C)~~ management of artificial intelligence
21 system risks and benefits; and

22 ~~(D)~~ regular monitoring of risk treatments,
23 including response and recovery, and commu-
24 nication plans for the identified and measured
25 artificial intelligence risks, as applicable.

1 ~~(e) DEVELOPER OBLIGATIONS.—~~The developer of a
 2 critical-impact artificial intelligence system that agrees
 3 through a contract or license to provide technology or serv-
 4 ices to a deployer of the critical-impact artificial intel-
 5 ligence system shall provide to the deployer of the critical-
 6 impact artificial intelligence system the information rea-
 7 sonably necessary for the deployer to comply with the re-
 8 quirements under subsection (a), including—

9 ~~(1) an overview of the data used in training the~~
 10 ~~baseline artificial intelligence system provided by the~~
 11 ~~developer, including—~~

12 ~~(A) data size;~~

13 ~~(B) data sources;~~

14 ~~(C) copyrighted data; and~~

15 ~~(D) personal identifiable information;~~

16 ~~(2) documentation outlining the structure and~~
 17 ~~context of the baseline artificial intelligence system~~
 18 ~~of the developer, including—~~

19 ~~(A) input modality;~~

20 ~~(B) output modality;~~

21 ~~(C) model size; and~~

22 ~~(D) model architecture;~~

23 ~~(3) known capabilities, limitations, and risks of~~
 24 ~~the baseline artificial intelligence system of the de-~~

1 veloper at the time of the development of the artifi-
2 cial intelligence system; and

3 ~~(4) documentation for downstream use, includ-~~
4 ~~ing—~~

5 ~~(A) a statement of intended purpose;~~

6 ~~(B) guidelines for the intended use of the~~
7 ~~artificial intelligence system, including a list of~~
8 ~~permitted, restricted, and prohibited uses and~~
9 ~~users; and~~

10 ~~(C) a statement of the potential for devi-~~
11 ~~ation from the intended purpose of the baseline~~
12 ~~artificial intelligence system.~~

13 ~~(d) TERMINATION OF OBLIGATION TO DISCLOSE IN-~~
14 ~~FORMATION.—~~

15 ~~(1) IN GENERAL.—~~The obligation of a critical-
16 impact AI organization to provide information, upon
17 request of the Secretary, relating to a specific as-
18 sessment category under subsection ~~(b)~~ shall end on
19 the date of issuance of a relevant standard applica-
20 ble to the same category of a critical-impact artifi-
21 cial intelligence system by—

22 ~~(A) the Secretary under section 207(c)~~
23 ~~with respect to a critical-impact artificial intel-~~
24 ~~ligence system;~~

1 ~~(B)~~ another department or agency of the
 2 Federal Government, as determined applicable
 3 by the Secretary; or

4 ~~(C)~~ a non-governmental standards organi-
 5 zation, as determined appropriate by the Sec-
 6 retary.

7 ~~(2) EFFECT OF NEW STANDARD.—~~In adopting
 8 any standard applicable to critical-impact artificial
 9 intelligence systems under section 207(e), the Sec-
 10 retary shall—

11 ~~(A)~~ identify the category under subsection
 12 ~~(b)~~ to which the standard relates, if any; and

13 ~~(B)~~ specify the information that is no
 14 longer required to be included in a report re-
 15 quired under subsection ~~(a)~~ as a result of the
 16 new standard.

17 ~~(e) RULE OF CONSTRUCTION.—~~Nothing in this sec-
 18 tion shall be construed to require a critical-impact AI or-
 19 ganization, or permit the Secretary, to disclose any infor-
 20 mation, including data or algorithms—

21 ~~(1)~~ relating to a trade secret or other protected
 22 intellectual property right;

23 ~~(2)~~ that is confidential business information; or

24 ~~(3)~~ that is privileged.

1 **SEC. 207. CERTIFICATION OF CRITICAL-IMPACT ARTIFICIAL**
 2 **INTELLIGENCE SYSTEMS.**

3 (a) **ESTABLISHMENT OF ARTIFICIAL INTELLIGENCE**
 4 **CERTIFICATION ADVISORY COMMITTEE.—**

5 (1) ~~IN GENERAL.~~—Not later than 180 days
 6 after the date of enactment of this Act, the Sec-
 7 retary shall establish an advisory committee to pro-
 8 vide advice and recommendations on TEVV stand-
 9 ards and the certification of critical-impact artificial
 10 intelligence systems.

11 (2) ~~DUTIES.~~—The advisory committee estab-
 12 lished under this section shall advise the Secretary
 13 on matters relating to the testing and certification
 14 of critical-impact artificial intelligence systems, in-
 15 cluding by—

16 (A) providing recommendations to the Sec-
 17 retary on proposed TEVV standards to ensure
 18 such standards—

19 (i) maximize alignment and interoper-
 20 ability with standards issued by nongovern-
 21 mental standards organizations and inter-
 22 national standards bodies;

23 (ii) are performance-based and im-
 24 pact-based; and

25 (iii) are applicable or necessary to fa-
 26 cilitate the deployment of critical-impact

1 artificial intelligence systems in a trans-
2 parent, secure, and safe manner;

3 ~~(B)~~ reviewing prospective TEVV standards
4 submitted by the Secretary to ensure such
5 standards align with recommendations under
6 subparagraph ~~(A)~~;

7 ~~(C)~~ upon completion of the review under
8 subparagraph ~~(B)~~, providing consensus rec-
9 ommendations to the Secretary on—

10 (i) whether a TEVV standard should
11 be issued, modified, revoked, or added; and

12 (ii) if such a standard should be
13 issued, how best to align the standard with
14 the considerations described in subsection
15 ~~(c)(2)~~ and recommendations described in
16 subparagraph ~~(A)~~; and

17 ~~(D)~~ reviewing and providing advice and
18 recommendations on the plan and subsequent
19 updates to the plan submitted under subsection
20 ~~(b)~~.

21 ~~(3)~~ COMPOSITION.—The advisory committee es-
22 tablished under this subsection shall be composed of
23 not more than 15 members with a balanced composi-
24 tion of representatives of the private sector, institu-

tions of higher education, and non-profit organizations, including—

(A) representatives of—

(i) institutions of higher education;

(ii) companies developing or operating artificial intelligence systems;

(iii) consumers or consumer advocacy groups; and

(iv) enabling technology companies;

and

(B) any other members the Secretary considers to be appropriate.

(b) ARTIFICIAL INTELLIGENCE CERTIFICATION PLAN.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Secretary shall establish a 3-year implementation plan for the certification of critical-impact artificial intelligence systems.

(2) PERIODIC UPDATE.—The Secretary shall periodically update the plan established under paragraph (1).

(3) CONTENTS.—The plan established under paragraph (1) shall include—

1 (A) a methodology for gathering and using
2 relevant, objective, and available information re-
3 lating to TEVV;

4 (B) a process for considering whether pre-
5 scribing certain TEVV standards under sub-
6 section (e) for critical-impact artificial intel-
7 ligence systems is appropriate, necessary, or du-
8 plicative of existing international standards;

9 (C) if TEVV standards are considered ap-
10 propriate, a process for prescribing such stand-
11 ards for critical-impact artificial intelligence
12 systems; and

13 (D) an outline of standards proposed to be
14 issued, including an estimation of the timeline
15 and sequencing of such standards.

16 (4) CONSULTATION.—In developing the plan re-
17 quired under paragraph (1), the Secretary shall con-
18 sult the following:

19 (A) The National Artificial Intelligence
20 Initiative Office.

21 (B) The interagency committee established
22 under section 5103 of the National Artificial
23 Intelligence Initiative Act of 2020 (15 U.S.C.
24 9413).

1 (C) The National Artificial Intelligence Ad-
2 visory Committee.

3 (D) Industry consensus standards issued
4 by non-governmental standards organizations.

5 (E) Other departments, agencies, and in-
6 strumentalities of the Federal Government, as
7 considered appropriate by the Secretary.

8 (5) SUBMISSION TO CERTIFICATION ADVISORY
9 COMMITTEE.—Upon completing the initial plan re-
10 quired under this subsection and upon completing
11 periodic updates to the plan under paragraph (2),
12 the Secretary shall submit the plan to the advisory
13 committee established under subsection (a) for re-
14 view.

15 (6) SUBMISSION TO COMMITTEES OF CON-
16 GRESS.—Upon completing the plan required under
17 this subsection, the Secretary shall submit to the rel-
18 evant committees of Congress a report containing
19 the plan.

20 (7) LIMITATION.—The Secretary may not issue
21 TEVV standards under subsection (c) until the date
22 of the submission of the plan under paragraphs (5)
23 and (6).

24 (c) STANDARDS.—

25 (1) STANDARDS.—

1 (A) IN GENERAL.—The Secretary shall
2 issue TEVV standards for critical-impact artifi-
3 cial intelligence systems.

4 (B) REQUIREMENTS.—Each standard
5 issued under this subsection shall—

6 (i) be practicable;

7 (ii) meet the need for safe, secure,
8 and transparent operations of critical-im-
9 pact artificial intelligence systems;

10 (iii) with respect to a relevant stand-
11 ard issued by a non-governmental stand-
12 ards organization that is already in place,
13 align with and be interoperable with that
14 standard;

15 (iv) provide for a mechanism to, not
16 less frequently than once every 2 years, so-
17 licit public comment and update the stand-
18 ard to reflect advancements in technology
19 and system architecture; and

20 (v) be stated in objective terms.

21 (2) CONSIDERATIONS.—In issuing TEVV
22 standards for critical-impact artificial intelligence
23 systems under this subsection, the Secretary shall—

1 (A) consider relevant available information
2 concerning critical-impact artificial intelligence
3 systems, including—

4 (i) transparency reports submitted
5 under section 203(a);

6 (ii) risk management assessments con-
7 ducted under section 206(a); and

8 (iii) any additional information pro-
9 vided to the Secretary pursuant to section
10 203(a)(1)(B);

11 (B) consider whether a proposed standard
12 is reasonable, practicable, and appropriate for
13 the particular type of critical-impact artificial
14 intelligence system for which the standard is
15 proposed;

16 (C) consult with relevant artificial intel-
17 ligence stakeholders and review industry stand-
18 ards issued by nongovernmental standards or-
19 ganizations;

20 (D) pursuant to paragraph (1)(B)(iii), con-
21 sider whether adoption of a relevant standard
22 issued by a nongovernmental standards organi-
23 zation as a TEVV standard is the most appro-
24 priate action; and

1 (E) consider whether the standard takes
2 into account—

3 (i) transparent, replicable, and objec-
4 tive assessments of critical-impact artificial
5 intelligence system risk, structure, capabili-
6 ties, and design;

7 (ii) the risk posed to the public by an
8 applicable critical-impact artificial intel-
9 ligence system; and

10 (iii) the diversity of methodologies and
11 innovative technologies and approaches
12 available to meet the objectives of the
13 standard.

14 (3) CONSULTATION.—Before finalizing a TEVV
15 standard issued under this subsection, the Secretary
16 shall submit the TEVV standard to the advisory
17 committee established under subsection (a) for re-
18 view.

19 (4) PUBLIC COMMENT.—Before issuing any
20 TEVV standard under this subsection, the Secretary
21 shall provide an opportunity for public comment.

22 (5) COOPERATION.—In developing a TEVV
23 standard under this subsection, the Secretary may,
24 as determined appropriate, advise, assist, and co-
25 operate with departments, agencies, and instrumen-

talities of the Federal Government, States, and other public and private agencies.

~~(6) EFFECTIVE DATE OF STANDARDS.—~~

~~(A) IN GENERAL.—~~The Secretary shall specify the effective date of a TEVV standard issued under this subsection in the order issuing the standard.

~~(B) LIMITATION.—~~Subject to subparagraph ~~(C)~~, a TEVV standard issued under this subsection may not become effective—

~~(i) during the 180-day period following the date on which the TEVV standard is issued; and~~

~~(ii) more than 1 year after the date on which the TEVV standard is issued.~~

~~(C) EXCEPTION.—~~Subparagraph ~~(B)~~ shall not apply to the effective date of a TEVV standard issued under this section if the Secretary—

~~(i) finds, for good cause shown, that a different effective date is in the public interest; and~~

~~(ii) publishes the reasons for the finding under clause (i).~~

1 (7) RULE OF CONSTRUCTION.—Nothing in this
 2 subsection shall be construed to authorize the Sec-
 3 retary to impose any requirements on or take any
 4 enforcement actions under this section or section
 5 208 relating to a critical-impact AI organization be-
 6 fore a TEVV standard relating to those require-
 7 ments is prescribed.

8 (d) EXEMPTIONS.—

9 (1) AUTHORITY TO EXEMPT AND PROCE-
 10 DURES.—

11 (A) IN GENERAL.—The Secretary may ex-
 12 empt, on a temporary basis, a critical-impact
 13 artificial intelligence system from a TEVV
 14 standard issued under subsection (c) on terms
 15 the Secretary considers appropriate.

16 (B) RENEWAL.—An exemption under sub-
 17 paragraph (A)—

18 (i) may be renewed only on reapplica-
 19 tion; and

20 (ii) shall conform to the requirements
 21 of this paragraph.

22 (C) PROCEEDINGS.—

23 (i) IN GENERAL.—The Secretary may
 24 begin a proceeding to grant an exemption
 25 to a critical-impact artificial intelligence

1 system under this paragraph if the critical-
 2 impact AI organization that deployed the
 3 critical-impact artificial intelligence sys-
 4 tems applies for an exemption or a renewal
 5 of an exemption.

6 (ii) NOTICE AND COMMENT.—The
 7 Secretary shall publish notice of the appli-
 8 cation under clause (i) and provide an op-
 9 portunity to comment.

10 (iii) FILING.—An application for an
 11 exemption or for a renewal of an exemp-
 12 tion under this paragraph shall be filed at
 13 such time and in such manner and contain
 14 such information as the Secretary may re-
 15 quire.

16 (D) ACTIONS.—The Secretary may grant
 17 an exemption under this paragraph upon find-
 18 ing that—

19 (i) the exemption is consistent with
 20 the public interest and this section; and

21 (ii) the exemption would facilitate the
 22 development or evaluation of a feature or
 23 characteristic of a critical-impact artificial
 24 intelligence system providing a safety and

1 security level that is not less than the
 2 TEVV standard level.

3 ~~(2) DISCLOSURE.—~~Not later than 30 days after
 4 the date on which an application is filed under this
 5 subsection, the Secretary may make public informa-
 6 tion contained in the application or relevant to the
 7 application, unless the information concerns or is re-
 8 lated to a trade secret or other confidential informa-
 9 tion not relevant to the application.

10 ~~(3) NOTICE OF DECISION.—~~The Secretary shall
 11 publish in the Federal Register a notice of each deci-
 12 sion granting or denying an exemption under this
 13 subsection and the reasons for granting or denying
 14 that exemption, including a justification with sup-
 15 porting information for the selected approach.

16 ~~(c) SELF-CERTIFICATION OF COMPLIANCE.—~~

17 ~~(1) IN GENERAL.—~~Subject to paragraph (2),
 18 with respect to each critical-impact artificial intel-
 19 ligence system of a critical-impact AI organization,
 20 the critical-impact AI organization shall certify to
 21 the Secretary that the critical-impact artificial intel-
 22 ligence system complies with applicable TEVV
 23 standards issued under this section.

24 ~~(2) EXCEPTION.—~~A critical-impact AI organi-
 25 zation may not issue a certificate under paragraph

1 (1) if, in exercising reasonable care, the critical-im-
 2 pact AI organization has constructive knowledge
 3 that the certificate is false or misleading in a mate-
 4 rial respect.

5 (f) NONCOMPLIANCE FINDINGS AND ENFORCEMENT
 6 ACTION.—

7 (1) FINDING OF NONCOMPLIANCE BY SEC-
 8 RETARY.—Upon learning that a critical-impact arti-
 9 ficial intelligence system deployed by a critical-im-
 10 pact AI organization does not comply with the re-
 11 quirements under this section, the Secretary shall—

12 (A) immediately—

13 (i) notify the critical-impact AI orga-
 14 nization of the finding; and

15 (ii) order the critical-impact AI orga-
 16 nization to take remedial action to address
 17 the noncompliance of the artificial intel-
 18 ligence system; and

19 (B) may, as determined appropriate or
 20 necessary by the Secretary, and if the Secretary
 21 determines that actions taken by a critical-im-
 22 pact AI organization are insufficient to remedy
 23 the noncompliance of the critical-impact AI or-
 24 ganization with this section, take enforcement
 25 action under section 208.

1 (2) ACTIONS BY CRITICAL-IMPACT AI ORGANIZA-
2 TION.—If a critical-impact AI organization finds
3 that a critical-impact artificial intelligence system
4 deployed by the critical-impact AI organization is
5 noncompliant with an applicable TEVV standard
6 issued under this section or the critical-impact AI
7 organization is notified of noncompliance by the Sec-
8 retary under paragraph (1)(A)(i), the critical-impact
9 AI organization shall—

10 (A) without undue delay, notify the Sec-
11 retary by certified mail or electronic mail of the
12 noncompliance or receipt of the notification of
13 noncompliance;

14 (B) take remedial action to address the
15 noncompliance; and

16 (C) not later than 10 days after the date
17 of the notification or receipt under subpara-
18 graph (A); submit to the Secretary a report
19 containing information on—

20 (i) the nature and discovery of the
21 noncompliant aspect of the critical-impact
22 artificial intelligence system;

23 (ii) measures taken to remedy such
24 noncompliance; and

1 (iii) actions taken by the critical-im-
 2 pact AI organization to address stake-
 3 holders affected by such noncompliance.

4 **SEC. 208. ENFORCEMENT.**

5 (a) IN GENERAL.—Upon discovering noncompliance
 6 with a provision of this Act by a deployer of a high-impact
 7 artificial intelligence system or a critical-impact AI organi-
 8 zation if the Secretary determines that actions taken by
 9 the critical-impact AI organization are insufficient to rem-
 10 edy the noncompliance, the Secretary shall take an action
 11 described in this section.

12 (b) CIVIL PENALTIES.—

13 (1) IN GENERAL.—The Secretary may impose a
 14 penalty described in paragraph (2) on deployer of a
 15 high-impact artificial intelligence system or a crit-
 16 ical-impact AI organization for each violation by
 17 that entity of this Act or any regulation or order
 18 issued under this Act.

19 (2) PENALTY DESCRIBED.—The penalty de-
 20 scribed in this paragraph is the greater of—

21 (A) an amount not to exceed \$300,000; or

22 (B) an amount that is twice the value of
 23 the transaction that is the basis of the violation
 24 with respect to which the penalty is imposed.

25 (c) VIOLATION WITH INTENT.—

1 (1) IN GENERAL.—If the Secretary determines
 2 that a deployer of a high-impact artificial intel-
 3 ligence system or a critical-impact AI organization
 4 intentionally violates this Act or any regulation or
 5 order issued under this Act, the Secretary may pro-
 6 hibit the critical-impact AI organization from de-
 7 ploying a critical-impact artificial intelligence sys-
 8 tem.

9 (2) IN ADDITION.—A prohibition imposed under
 10 paragraph (1) shall be in addition to any other civil
 11 penalties provided under this Act.

12 (d) FACTORS.—The Secretary may by regulation pro-
 13 vide standards for establishing levels of civil penalty under
 14 this section based upon factors such as the seriousness of
 15 the violation, the culpability of the violator, and such miti-
 16 gating factors as the violator's record of cooperation with
 17 the Secretary in disclosing the violation.

18 (e) CIVIL ACTION.—

19 (1) IN GENERAL.—Upon referral by the Sec-
 20 retary, the Attorney General may bring a civil action
 21 in a United States district court to—

22 (A) enjoin a violation of section 207; or

23 (B) collect a civil penalty upon a finding of
 24 noncompliance with this Act.

1 (2) VENUE.—A civil action may be brought
 2 under paragraph (1) in the judicial district in which
 3 the violation occurred or the defendant is found, re-
 4 sides, or does business.

5 (3) PROCESS.—Process in a civil action under
 6 paragraph (1) may be served in any judicial district
 7 in which the defendant resides or is found.

8 (f) RULE OF CONSTRUCTION.—Nothing in this sec-
 9 tion shall be construed to require a developer of a critical-
 10 impact artificial intelligence system to disclose any infor-
 11 mation, including data or algorithms—

12 (1) relating to a trade secret or other protected
 13 intellectual property right;

14 (2) that is confidential business information; or

15 (3) that is privileged.

16 **SEC. 209. ARTIFICIAL INTELLIGENCE CONSUMER EDU-**
 17 **CATION.**

18 (a) ESTABLISHMENT.—Not later than 180 days after
 19 the date of enactment of this Act, the Secretary shall es-
 20 tablish a working group relating to responsible education
 21 efforts for artificial intelligence systems.

22 (b) MEMBERSHIP.—

23 (1) IN GENERAL.—The Secretary shall appoint
 24 to serve as members of the working group estab-
 25 lished under this section not more than 15 individ-

uals with expertise relating to artificial intelligence
systems, including—

(A) representatives of—

(i) institutions of higher education;

(ii) companies developing or operating
artificial intelligence systems;

(iii) consumers or consumer advocacy
groups;

(iv) public health organizations;

(v) marketing professionals;

(vi) entities with national experience
relating to consumer education, including
technology education;

(vii) public safety organizations;

(viii) rural workforce development ad-
vocates;

(ix) enabling technology companies;

and

(x) nonprofit technology industry
trade associations; and

(B) any other members the Secretary con-
siders to be appropriate.

(2) COMPENSATION.—A member of the working
group established under this section shall serve with-
out compensation.

1 ~~(c) DUTIES.—~~

2 ~~(1) IN GENERAL.—~~The working group estab-
3 lished under this section shall—

4 ~~(A)~~ identify recommended education and
5 programs that may be voluntarily employed by
6 industry to inform—

7 ~~(i)~~ consumers and other stakeholders
8 with respect to artificial intelligence sys-
9 tems as those systems—

10 ~~(I)~~ become available; or

11 ~~(II)~~ are soon to be made widely
12 available for public use or consump-
13 tion; and

14 ~~(B)~~ submit to Congress, and make avail-
15 able to the public, a report containing the find-
16 ings and recommendations under subparagraph
17 ~~(A)~~.

18 ~~(2) FACTORS FOR CONSIDERATION.—~~The work-
19 ing group established under this section shall take
20 into consideration topics relating to—

21 ~~(A)~~ the intent, capabilities, and limitations
22 of artificial intelligence systems;

23 ~~(B)~~ use cases of artificial intelligence appli-
24 cations that improve lives of the people of the
25 United States, such as improving government

1 efficiency, filling critical roles, and reducing
 2 mundane work tasks;

3 (C) artificial intelligence research break-
 4 throughs;

5 (D) engagement and interaction methods,
 6 including how to adequately inform consumers
 7 of interaction with an artificial intelligence sys-
 8 tem;

9 (E) human-machine interfaces;

10 (F) emergency fallback scenarios;

11 (G) operational boundary responsibilities;

12 (H) potential mechanisms that could
 13 change function behavior in service; and

14 (I) consistent nomenclature and taxonomy
 15 for safety features and systems.

16 (3) CONSULTATION.—The Secretary shall con-
 17 sult with the Chair of the Federal Trade Commis-
 18 sion with respect to the recommendations of the
 19 working group established under this section, as ap-
 20 propriate.

21 (d) TERMINATION.—The working group established
 22 under this section shall terminate on the date that is 2
 23 years after the date of enactment of this Act.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Artificial Intelligence*
 3 *Research, Innovation, and Accountability Act of 2024”.*

4 **SEC. 2. TABLE OF CONTENTS.**

5 *The table of contents for this Act is as follows:*

Sec. 1. Short title.

Sec. 2. Table of contents.

TITLE I—ARTIFICIAL INTELLIGENCE RESEARCH AND INNOVATION

Sec. 101. Open data policy amendments.

Sec. 102. Online content authenticity and provenance standards research and development.

Sec. 103. Standards for detection of anomalous behavior and artificial intelligence-generated media.

Sec. 104. Comptroller general study on barriers and best practices to usage of AI in government.

TITLE II—ARTIFICIAL INTELLIGENCE ACCOUNTABILITY

Sec. 201. Definitions.

Sec. 202. Generative artificial intelligence transparency.

Sec. 203. Transparency reports for high-impact artificial intelligence systems.

Sec. 204. Guidelines for Federal agencies and plans for oversight of high-impact artificial intelligence systems.

Sec. 205. Office of Management and Budget Oversight guidelines and agency oversight plans.

Sec. 206. Risk management assessment for critical-impact artificial intelligence systems.

Sec. 207. Certification of critical-impact artificial intelligence systems.

Sec. 208. Enforcement.

Sec. 209. Developer and deployer overlap.

Sec. 210. Artificial intelligence consumer education.

Sec. 211. Severability.

6 **TITLE I—ARTIFICIAL INTEL-**
 7 **LIGENCE RESEARCH AND IN-**
 8 **NOVATION**

9 **SEC. 101. OPEN DATA POLICY AMENDMENTS.**

10 *Section 3502 of title 44, United States Code, is amend-*
 11 *ed—*

12 *(1) in paragraph (22)—*

1 (A) by inserting “or data model” after “a
2 data asset”; and

3 (B) by striking “and” at the end;

4 (2) in paragraph (23), by striking the period at
5 the end and inserting a semicolon; and

6 (3) by adding at the end the following:

7 “(24) the term ‘data model’ means a mathe-
8 matical, economic, or statistical representation of a
9 system or process used to assist in making calcula-
10 tions and predictions, including through the use of al-
11 gorithms, computer programs, or artificial intel-
12 ligence systems; and

13 “(25) the term ‘artificial intelligence system’
14 means a machine-based system that, for explicit or
15 implicit objectives, infers from the input the system
16 receives how to generate outputs, such as predictions,
17 content, recommendations, or decisions that can influ-
18 ence physical or virtual environments.”.

19 **SEC. 102. ONLINE CONTENT AUTHENTICITY AND PROVE-**
20 **NANCE STANDARDS RESEARCH AND DEVEL-**
21 **OPMENT.**

22 (a) *RESEARCH*.—

23 (1) *IN GENERAL*.—Not later than 180 days after
24 the date of the enactment of this Act, the Under Sec-
25 retary of Commerce for Standards and Technology

1 *shall carry out research to facilitate the development*
2 *and promote the standardization of means to provide*
3 *authenticity and provenance information for digital*
4 *content generated by human authors and artificial*
5 *intelligence systems.*

6 (2) *ELEMENTS.—The research carried out pursu-*
7 *ant to paragraph (1) shall cover the following:*

8 (A) *Secure and mandatory methods for*
9 *human content to append statements of prove-*
10 *nance information through the use of unique cre-*
11 *dentials, watermarking, or other data or*
12 *metadata-based approaches.*

13 (B) *Methods for the verification of state-*
14 *ments of digital content provenance to ensure au-*
15 *thenticity such as watermarking or classifiers,*
16 *which are trained models that distinguish artifi-*
17 *cial intelligence-generated content.*

18 (C) *Methods for displaying clear and con-*
19 *spicuous labels of digital content provenance to*
20 *users.*

21 (D) *Technologies, applications, or infra-*
22 *structure needed to facilitate the creation and*
23 *verification of digital content provenance infor-*
24 *mation.*

1 (E) *Mechanisms to ensure that any tech-*
 2 *nologies and methods developed under this sub-*
 3 *section are minimally burdensome on content*
 4 *producers to implement.*

5 (F) *Use of digital content transparency*
 6 *technologies to enable attribution for human-cre-*
 7 *ated content.*

8 (G) *Such other related processes, tech-*
 9 *nologies, or applications as the Under Secretary*
 10 *considers appropriate.*

11 (3) *IMPLEMENTATION.—The Under Secretary*
 12 *shall carry out the research required by paragraph*
 13 *(1) as part of the research directives pursuant to sec-*
 14 *tion 22A(b)(1) of the National Institute of Standards*
 15 *and Technology Act (15 U.S.C. 278h–1(b)(1)).*

16 (b) *TECHNICAL ASSISTANCE ON THE DEVELOPMENT*
 17 *OF STANDARDS.—*

18 (1) *IN GENERAL.—For methodologies and appli-*
 19 *cations related to content provenance and authen-*
 20 *ticity deemed by the Under Secretary to be at a read-*
 21 *iness level sufficient for standardization, the Under*
 22 *Secretary shall provide technical review and assist-*
 23 *ance to such other Federal agencies and nongovern-*
 24 *mental standards organizations as the Under Sec-*
 25 *retary considers appropriate.*

1 (2) *CONSIDERATIONS.*—*In providing any tech-*
 2 *nical review and assistance related to the development*
 3 *of digital content provenance and authenticity stand-*
 4 *ards under this subsection, the Under Secretary*
 5 *may—*

6 (A) *consider whether a proposed standard is*
 7 *reasonable, practicable, and appropriate for the*
 8 *particular type of media and media environment*
 9 *for which the standard is proposed;*

10 (B) *consult with relevant stakeholders; and*

11 (C) *review industry standards issued by*
 12 *nongovernmental standards organizations.*

13 (c) *PILOT PROGRAM.*—

14 (1) *IN GENERAL.*—*The Under Secretary shall*
 15 *carry out a pilot program to assess the feasibility and*
 16 *advisability of using available technologies and cre-*
 17 *ating guidelines to facilitate the creation and*
 18 *verification of digital content provenance informa-*
 19 *tion.*

20 (2) *LOCATIONS.*—*The pilot program required by*
 21 *paragraph (1) shall be carried out at not more than*
 22 *2 Federal agencies the Under Secretary shall select for*
 23 *purposes of the pilot program required by paragraph*
 24 *(1).*

1 (3) *REQUIREMENTS.*—*In carrying out the pilot*
2 *program required by paragraph (1), the Under Sec-*
3 *retary shall—*

4 (A) *apply and evaluate methods for authen-*
5 *ticating the origin of and modifications to gov-*
6 *ernment-produced digital content, either by Fed-*
7 *eral Government employees or a private entity*
8 *under the terms of a government contract, using*
9 *technology and guidelines described in para-*
10 *graph (1); and*

11 (B) *make available to the public digital*
12 *content embedded with provenance data or other*
13 *authentication provided by the heads of the Fed-*
14 *eral agencies selected pursuant to paragraph (2)*
15 *for the purposes of the pilot program.*

16 (4) *BRIEFING REQUIRED.*—*Not later than 1 year*
17 *after the date of the enactment of this Act, and annu-*
18 *ally thereafter until the date described in paragraph*
19 *(5), the Under Secretary shall brief the Committee on*
20 *Commerce, Science, and Transportation of the Senate*
21 *and the Committee on Science, Space, and Technology*
22 *of the House of Representatives on the findings of the*
23 *Under Secretary with respect to the pilot program*
24 *carried out under this subsection.*

1 (5) *TERMINATION.*—*The pilot program shall ter-*
 2 *minate on the date that is 10 years after the date of*
 3 *the enactment of this Act.*

4 (d) *REPORT TO CONGRESS.*—*Not later than 1 year*
 5 *after the date of the enactment of this Act, the Under Sec-*
 6 *retary shall submit to the Committee on Commerce, Science,*
 7 *and Transportation of the Senate and the Committee on*
 8 *Science, Space, and Technology of the House of Representa-*
 9 *tives a report outlining the progress of standardization ini-*
 10 *tiatives relating to requirements under this section, as well*
 11 *as recommendations for legislative or administrative action*
 12 *to encourage or require the widespread adoption of such ini-*
 13 *tiatives in the United States.*

14 **SEC. 103. STANDARDS FOR DETECTION OF ANOMALOUS BE-**
 15 **HAVIOR AND ARTIFICIAL INTELLIGENCE-GEN-**
 16 **ERATED MEDIA.**

17 *Section 22A(b)(1) of the National Institute of Stand-*
 18 *ards and Technology Act (15 U.S.C. 278h–1(b)(1)) is*
 19 *amended—*

20 (1) *by redesignating subparagraph (I) as sub-*
 21 *paragraph (K);*

22 (2) *in subparagraph (H), by striking “; and”*
 23 *and inserting a semicolon; and*

24 (3) *by inserting after subparagraph (H) the fol-*
 25 *lowing:*

“(I) best practices for detecting outputs generated by artificial intelligence systems, including content such as text, audio, images, and videos;

“(J) methods to detect and mitigate anomalous behavior of artificial intelligence systems and safeguards to mitigate potentially adversarial or compromising anomalous behavior; and”.

**SEC. 104. COMPTROLLER GENERAL STUDY ON BARRIERS
AND BEST PRACTICES TO USAGE OF AI IN
GOVERNMENT.**

(a) *IN GENERAL*.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall—

(1) conduct a review of statutory, regulatory, and other policy barriers to the use of artificial intelligence systems to improve the functionality of the Federal Government; and

(2) identify best practices for the adoption and responsible use of artificial intelligence systems by the Federal Government, including—

(A) ensuring that an artificial intelligence system is proportional to the need of the Federal Government;

1 (B) restrictions on access to and use of an
2 artificial intelligence system based on the capa-
3 bilities and risks of the artificial intelligence sys-
4 tem; and

5 (C) safety measures that ensure that an ar-
6 tificial intelligence system is appropriately lim-
7 ited to necessary data and compartmentalized
8 from other assets of the Federal Government.

9 (b) *REPORT.*—Not later than 2 years after the date
10 of enactment of this Act, the Comptroller General of the
11 United States shall submit to the Committee on Commerce,
12 Science, and Transportation of the Senate and the Com-
13 mittee on Science, Space, and Technology of the House of
14 Representatives a report that—

15 (1) summarizes the results of the review con-
16 ducted under subsection (a)(1) and the best practices
17 identified under subsection (a)(2), including rec-
18 ommendations, as the Comptroller General of the
19 United States considers appropriate;

20 (2) describes any laws, regulations, guidance
21 documents, or other policies that may prevent the
22 adoption of artificial intelligence systems by the Fed-
23 eral Government to improve certain functions of the
24 Federal Government, including—

25 (A) data analysis and processing;

- 1 (B) paperwork reduction;
- 2 (C) contracting and procurement practices;
- 3 and
- 4 (D) other Federal Government services; and
- 5 (3) includes, as the Comptroller General of the
- 6 United States considers appropriate, recommenda-
- 7 tions to modify or eliminate barriers to the use of ar-
- 8 tificial intelligence systems by the Federal Govern-
- 9 ment.

10 **TITLE II—ARTIFICIAL INTEL-**

11 **LIGENCE ACCOUNTABILITY**

12 **SEC. 201. DEFINITIONS.**

13 *In this title:*

14 (1) *APPROPRIATE CONGRESSIONAL COMMIT-*

15 *TEES.—The term “appropriate congressional commit-*

16 *tees” means—*

17 (A) *the Committee on Energy and Natural*

18 *Resources and the Committee on Commerce,*

19 *Science, and Transportation of the Senate;*

20 (B) *the Committee on Energy and Com-*

21 *merce of the House of Representatives; and*

22 (C) *each congressional committee with juris-*

23 *diction over an applicable covered agency.*

24 (2) *ARTIFICIAL INTELLIGENCE SYSTEM.—The*

25 *term “artificial intelligence system” means a ma-*

chine-based system that, for explicit and implicit objectives, infers from the input the system receives how to generate outputs such as predictions, content, recommendations, or decisions that can influence physical or virtual environments.

(3) COVERED AGENCY.—The term “covered agency” means an agency for which a guideline is developed under section 22B(b)(1) of the National Institute of Standards and Technology Act, as added by section 204 of this Act, including—

(A) the Department of Commerce;

(B) the Department of State;

(C) the Department of Homeland Security;

(D) the Department of Health and Human Services;

(E) the Department of Agriculture;

(F) the Department of Housing and Urban Development;

(G) the Department of the Interior;

(H) the Department of Education;

(I) the Department of Energy;

(J) the Department of Labor;

(K) the Department of Transportation;

(L) the Department of Justice;

(M) the Department of the Treasury;

1 (N) the Department of Veterans Affairs; and

2 (O) any other agency the Secretary deter-
3 mines appropriate.

4 (4) *CRITICAL-IMPACT AI ORGANIZATION.*—The
5 term “critical-impact AI organization” means a non-
6 governmental organization that serves as the deployer
7 of a critical-impact artificial intelligence system.

8 (5) *CRITICAL-IMPACT ARTIFICIAL INTELLIGENCE*
9 *SYSTEM.*—The term “critical-impact artificial intel-
10 ligence system” means an artificial intelligence sys-
11 tem that—

12 (A) is deployed for a purpose other than
13 solely for use by the Department of Defense or an
14 intelligence agency (as defined in section 504(e)
15 of the National Security Act of 1947 (50 U.S.C.
16 3094(3))); and

17 (B) is used or intended to be used—

18 (i) to make a decision or substantially
19 replace or facilitate the discretionary
20 human decisionmaking process regarding—

21 (I) the real-time or *ex post facto*
22 collection or analysis of biometric data
23 of a natural person by biometric iden-
24 tification systems without the consent
25 of the natural person;

1 (II) *an operational component in-*
2 *volved in the direct management of in-*
3 *frastructure determined by the Sec-*
4 *retary of Homeland Security to be crit-*
5 *ical infrastructure (as defined in sec-*
6 *tion 1016(e) of the USA PATRIOT Act*
7 *(42 U.S.C. 5195c(e))) that is—*

8 (aa) *transportation infra-*
9 *structure;*

10 (bb) *energy infrastructure;*

11 (cc) *electrical infrastructure;*

12 (dd) *communications infra-*
13 *structure;*

14 (ee) *manufacturing infra-*
15 *structure; or*

16 (ff) *infrastructure used in the*
17 *supply and production of water*
18 *and hazardous materials; or*

19 (III) *a government or government*
20 *contractor's actions pertaining to*
21 *criminal justice (as defined in section*
22 *901 of title I of the Omnibus Crime*
23 *Control and Safe Streets Act of 1968*
24 *(34 U.S.C. 10251)); and*

1 (ii) in a manner that poses a signifi-
2 cant risk to safety or violates rights afforded
3 under the Constitution of the United States.

4 (6) *DEPLOYER*.—The term “deployer”—

5 (A) means an entity that—

6 (i) uses or operates an artificial intel-
7 ligence system for internal use or for use by
8 a third party;

9 (ii) substantially modifies an artificial
10 intelligence system, or trains an artificial
11 intelligence system using new data, for in-
12 ternal use or for use by a third party; or

13 (iii) performs the functions described
14 in clauses (i) and (ii); and

15 (B) does not include an entity that is solely
16 an end user of a system.

17 (7) *DEVELOPER*.—The term “developer” means
18 an entity that—

19 (A) initially designs, codes, produces, or
20 owns an artificial intelligence system for inter-
21 nal use or for use by a third party as a baseline
22 model; and

23 (B) is not a deployer of the artificial intel-
24 ligence system described in subparagraph (A).

1 (8) *END USER.*—*The term “end user” means an*
 2 *entity that, with respect to an artificial intelligence*
 3 *system procured from a deployer for which the*
 4 *deployer submits a transparency report under section*
 5 *203 or a risk management assessment under section*
 6 *206—*

7 (A) *uses or operates the artificial intel-*
 8 *ligence system; and*

9 (B) *does not substantially edit or modify*
 10 *the artificial intelligence system.*

11 (9) *GENERATIVE ARTIFICIAL INTELLIGENCE SYS-*
 12 *TEM.*—*The term “generative artificial intelligence*
 13 *system” means an artificial intelligence system that*
 14 *generates output, such as data or content in a writ-*
 15 *ten, audio, or visual format.*

16 (10) *HIGH-IMPACT ARTIFICIAL INTELLIGENCE*
 17 *SYSTEM.*—*The term “high-impact artificial intel-*
 18 *ligence system” means an artificial intelligence sys-*
 19 *tem—*

20 (A) *deployed for a purpose other than solely*
 21 *for use by the Department of Defense or an intel-*
 22 *ligence agency (as defined in section 3094(e) of*
 23 *the National Security Act of 1947 (50 U.S.C.*
 24 *3094(3))); and*

1 (B) that is specifically deployed to make a
 2 decision or substantially replace the discre-
 3 tionary human decisionmaking process regard-
 4 ing the access of an individual to housing, em-
 5 ployment, credit, education, healthcare, govern-
 6 ment services, or insurance in a manner that
 7 poses a significant risk to safety or violates
 8 rights afforded under the Constitution of the
 9 United States or Federal law.

10 (11) *ONLINE PLATFORM*.—The term “online
 11 platform” means any public-facing website, online
 12 service, online application, or mobile application that
 13 predominantly provides a community forum for user-
 14 generated content, such as sharing videos, images,
 15 games, audio files, or other content, including a social
 16 media service, social network, or virtual reality envi-
 17 ronment.

18 (12) *SECRETARY*.—The term “Secretary” means
 19 the Secretary of Commerce.

20 (13) *SIGNIFICANT RISK*.—The term “significant
 21 risk” means the risk of—

22 (A) high-impact, severe, high-intensity, or
 23 long-duration harm to individuals; or

24 (B) a high probability of substantial harm
 25 to individuals.

1 (14) *TEVV*.—The term “*TEVV*” means the test-
 2 ing, evaluation, validation, and verification of any
 3 artificial intelligence system that includes—

4 (A) open, transparent, testable, and
 5 verifiable specifications that characterize real-
 6 istic operational performance, such as validity
 7 and reliability for relevant tasks;

8 (B) testing methodologies and metrics that
 9 enable the evaluation of system trustworthiness,
 10 including robustness and resilience;

11 (C) data quality standards for training and
 12 testing datasets;

13 (D) requirements for system validation and
 14 integration into production environments, auto-
 15 mated testing, and compliance with existing
 16 legal and regulatory specifications;

17 (E) methods and tools for—

18 (i) the monitoring of system behavior;

19 (ii) the tracking of incidents or errors
 20 reported and their management; and

21 (iii) the detection of emergent prop-
 22 erties and related impacts; and

23 (F) processes for redress and response.

1 (15) *UNDER SECRETARY.*—*The term “Under*
 2 *Secretary” means the Director of the National Insti-*
 3 *tute of Standards and Technology.*

4 **SEC. 202. GENERATIVE ARTIFICIAL INTELLIGENCE TRANS-**
 5 **PARENCY.**

6 (a) *PROHIBITION.*—

7 (1) *DISCLOSURE OF USE OF GENERATIVE ARTIFI-*
 8 *CIAL INTELLIGENCE SYSTEMS.*—

9 (A) *IN GENERAL.*—*A person operating an*
 10 *online platform that uses a generative artificial*
 11 *intelligence system shall provide notice to each*
 12 *user of the online platform that the online plat-*
 13 *form uses a generative artificial intelligence sys-*
 14 *tem to generate content the user sees.*

15 (B) *REQUIREMENTS.*—*A person providing*
 16 *the notice described in subparagraph (A) to a*
 17 *user—*

18 (i) *subject to clause (ii), shall provide*
 19 *the notice in a clear and conspicuous man-*
 20 *ner on the online platform before the user*
 21 *interacts with content produced by a gen-*
 22 *erative artificial intelligence system used by*
 23 *the online platform; and*

24 (ii) *may provide an option for the user*
 25 *to choose to see the notice described in*

1 *clause (i) only upon the first interaction of*
 2 *the user with content produced by a genera-*
 3 *tive artificial intelligence system.*

4 **(b) ENFORCEMENT ACTION.**—*Upon learning that a*
 5 *person operating an online platform violates this section*
 6 *after receiving a report of noncompliance or pursuant to*
 7 *an investigation conducted under section 208(f), the Sec-*
 8 *retary—*

9 *(1) shall immediately—*

10 *(A) notify the person operating the online*
 11 *platform of the finding; and*

12 *(B) order the person operating the online*
 13 *platform to take remedial action to address the*
 14 *noncompliance of the generative artificial intel-*
 15 *ligence system operated by the online platform;*
 16 *and*

17 *(2) may, as determined appropriate or necessary*
 18 *by the Secretary, take enforcement action under sec-*
 19 *tion 208 if the person operating the online platform*
 20 *does not take sufficient action to remedy the non-*
 21 *compliance by the date that is 15 days after the noti-*
 22 *fication issued under paragraph (1)(A).*

23 **(c) EFFECTIVE DATE.**—*This section shall take effect*
 24 *on the date that is 180 days after the date of enactment*
 25 *of this Act.*

1 **SEC. 203. TRANSPARENCY REPORTS FOR HIGH-IMPACT AR-**
2 **TIFICIAL INTELLIGENCE SYSTEMS.**

3 (a) *TRANSPARENCY REPORTING.*—

4 (1) *IN GENERAL.*—*Each deployer of a high-im-*
5 *pect artificial intelligence system shall—*

6 (A) *before deploying the high-impact artifi-*
7 *cial intelligence system, and annually thereafter,*
8 *submit to the Secretary a transparency report*
9 *for the high-impact artificial intelligence system;*
10 *and*

11 (B) *submit to the Secretary an updated*
12 *transparency report on the high-impact artificial*
13 *intelligence system if the deployer makes a mate-*
14 *rial change to—*

15 (i) *the purpose for which the high-im-*
16 *pect artificial intelligence system is used; or*
17 (ii) *the type of data or content the*
18 *high-impact artificial intelligence system*
19 *processes or uses for training purposes.*

20 (2) *CONTENTS.*—*Each transparency report sub-*
21 *mitted under paragraph (1) by a deployer of a high-*
22 *impact artificial intelligence system shall include—*

23 (A) *with respect to the organization of the*
24 *deployer—*

25 (i) *policies, processes, procedures, and*
26 *practices across the organization relating to*

1 *transparent and effective mapping, meas-*
2 *uring, and managing of artificial intel-*
3 *ligence risks, including—*

4 *(I) how the organization under-*
5 *stands, manages, and documents legal*
6 *and regulatory requirements involving*
7 *artificial intelligence;*

8 *(II) how the organization inte-*
9 *grates characteristics of trustworthy*
10 *artificial intelligence, which include*
11 *valid, reliable, safe, secure, resilient,*
12 *accountable, transparent, globally and*
13 *locally explainable, interpretable, pri-*
14 *vacv-enhanced, and protecting of rights*
15 *under the Constitution of the United*
16 *States, and compliant with all relevant*
17 *Federal laws, into organizational poli-*
18 *cies, processes, procedures, and prac-*
19 *tices;*

20 *(III) a methodology to determine*
21 *the needed level of risk management ac-*
22 *tivities based on the risk tolerance of*
23 *the organization; and*

24 *(IV) how the organization estab-*
25 *lishes risk management processes and*

1 *outcomes through transparent policies,*
 2 *procedures, and other controls based on*
 3 *organizational risk priorities;*

4 *(B) the structure, context, and capabilities*
 5 *of the high-impact artificial intelligence system,*
 6 *including—*

7 *(i) how the context was established and*
 8 *understood;*

9 *(ii) capabilities, targeted uses, goals,*
 10 *and expected costs and benefits; and*

11 *(iii) how risks and benefits are*
 12 *mapped for each system component;*

13 *(C) a description of how the organization of*
 14 *the deployer employs quantitative, qualitative, or*
 15 *mixed-method tools, techniques, and methodolo-*
 16 *gies to analyze, assess, benchmark, and monitor*
 17 *artificial intelligence risk, including—*

18 *(i) identification of appropriate meth-*
 19 *ods and metrics;*

20 *(ii) how artificial intelligence systems*
 21 *are evaluated for characteristics of trust-*
 22 *worthy artificial intelligence;*

23 *(iii) mechanisms for tracking artificial*
 24 *intelligence system risks over time; and*

1 (iv) processes for gathering and assess-
 2 ing feedback relating to the efficacy of meas-
 3 urement; and

4 (D) a description of allocation of risk re-
 5 sources to map and measure risks on a regular
 6 basis, including—

7 (i) how artificial intelligence risks
 8 based on assessments and other analytical
 9 outputs are prioritized, responded to, and
 10 managed;

11 (ii) how strategies to maximize artifi-
 12 cial intelligence benefits and minimize neg-
 13 ative impacts were planned, prepared, im-
 14 plemented, documented, and informed by
 15 input from relevant artificial intelligence
 16 deployers;

17 (iii) management of artificial intel-
 18 ligence system risks and benefits; and

19 (iv) regular monitoring of risk treat-
 20 ments, including response and recovery, and
 21 communication plans for the identified and
 22 measured artificial intelligence risks, as ap-
 23 plicable.

24 (3) *DEVELOPER OBLIGATIONS.*—The developer of
 25 a high-impact artificial intelligence system that

1 *agrees to provide technologies or services to a deployer*
2 *of the high-impact artificial intelligence system shall*
3 *provide to the deployer of the high-impact artificial*
4 *intelligence system the information reasonably nec-*
5 *essary for compliance with paragraph (1), includ-*
6 *ing—*

7 *(A) an overview of the data used in train-*
8 *ing the baseline artificial intelligence system*
9 *provided by the developer, including—*

10 *(i) size of datasets used;*

11 *(ii) content and data sources and types*
12 *of data used;*

13 *(iii) content and data that may be sub-*
14 *ject to copyright protection and any steps*
15 *taken to remove such content and data*
16 *prior to training or other uses; and*

17 *(iv) whether and to what extent per-*
18 *sonal identifiable information makes up a*
19 *portion of the training dataset, and what*
20 *risk mitigation measures have been taken to*
21 *prevent the disclosure of that personal iden-*
22 *tifiable information;*

23 *(B) documentation outlining the structure*
24 *and context of the baseline artificial intelligence*
25 *system of the developer, including—*

1 (i) input modality;

2 (ii) system output and modality;

3 (iii) model size; and

4 (iv) model architecture;

5 (C) known or reasonably foreseeable capa-
6 bilities, limitations, and risks of the baseline ar-
7 tificial intelligence system at the time of the de-
8 velopment of the artificial intelligence system;
9 and

10 (D) documentation for downstream use, in-
11 cluding—

12 (i) a statement of intended purpose;

13 (ii) guidelines for the intended use of
14 the artificial intelligence system, including
15 a list of permitted, restricted, and prohib-
16 ited uses and users; and

17 (iii) a description of the potential for
18 and risk of deviation from the intended
19 purpose of the baseline artificial intelligence
20 system, including recommended safeguards
21 to mitigate and prevent risks to safety or to
22 rights afforded under the Constitution of the
23 United States or Federal law.

24 (4) CONSIDERATIONS.—In carrying out this sub-
25 section, a deployer or developer of a high-impact arti-

1 *ficial intelligence system shall consider the best prac-*
 2 *tices outlined in the most recent version of the risk*
 3 *management framework developed pursuant to section*
 4 *22A(c) of the National Institute of Standards and*
 5 *Technology Act (15 U.S.C. 278h–1(c)).*

6 **(b) NONCOMPLIANCE AND ENFORCEMENT ACTION.**—
 7 *Upon learning that a deployer of a high-impact artificial*
 8 *intelligence system violates this section with respect to a*
 9 *high-impact artificial intelligence system after receiving a*
 10 *report of noncompliance or pursuant to an investigation*
 11 *conducted under section 208(f), the Secretary—*

12 *(1) shall immediately—*

13 *(A) notify the deployer of the finding; and*

14 *(B) order the deployer to immediately sub-*
 15 *mit to the Secretary the report required under*
 16 *subsection (a)(1); and*

17 *(2) if the deployer fails to submit the report by*
 18 *the date that is 15 days after the date of the notifica-*
 19 *tion under paragraph (1)(A), may take enforcement*
 20 *action under section 208.*

21 **(c) AVOIDANCE OF DUPLICATION.**—*With respect to a*
 22 *developer or deployer of a high-impact artificial intelligence*
 23 *system that maintains policies and procedures for risk*
 24 *management in accordance with any applicable rules, regu-*
 25 *lations, or supervisory guidance promulgated by a relevant*

1 *Federal agency, the Secretary shall deem the developer or*
 2 *deployer to be in compliance with this section.*

3 *(d) RULE OF CONSTRUCTION.—Nothing in this section*
 4 *shall be construed to require a deployer of a high-impact*
 5 *artificial intelligence system to disclose any information,*
 6 *including data, content, or algorithms—*

7 *(1) constituting a trade secret or other intellec-*
 8 *tual property right; or*

9 *(2) that is confidential business information.*

10 *(e) CONSOLIDATION.—With respect to an instance in*
 11 *which multiple deployers participate in the deployment of*
 12 *a high-impact artificial intelligence system, the Secretary*
 13 *may establish through regulation a process under which the*
 14 *deployers may submit a single transparency report under*
 15 *subsection (a).*

16 **SEC. 204. GUIDELINES FOR FEDERAL AGENCIES AND PLANS**
 17 **FOR OVERSIGHT OF HIGH-IMPACT ARTIFI-**
 18 **CIAL INTELLIGENCE SYSTEMS.**

19 *(a) GUIDELINES FOR FEDERAL AGENCIES FOR OVER-*
 20 *SIGHT OF ARTIFICIAL INTELLIGENCE.—The National Insti-*
 21 *tute of Standards and Technology Act (15 U.S.C. 271 et*
 22 *seq.) is amended by inserting after section 22A (15 U.S.C.*
 23 *278h–1) the following:*

1 **“SEC. 22B. GUIDELINES FOR FEDERAL AGENCIES FOR**
 2 **OVERSIGHT OF ARTIFICIAL INTELLIGENCE.**

3 “(a) *DEFINITION OF HIGH-IMPACT ARTIFICIAL INTEL-*
 4 *LIGENCE SYSTEM.*—*In this section, the term ‘high-impact*
 5 *artificial intelligence system’ means an artificial intel-*
 6 *ligence system—*

7 “(1) *deployed for purposes other than those solely*
 8 *for use by the Department of Defense or an element*
 9 *of the intelligence community (as defined in section 3*
 10 *of the National Security Act of 1947 (50 U.S.C.*
 11 *3003)); and*

12 “(2) *that is specifically deployed to make a deci-*
 13 *sion or substantially replace the discretionary human*
 14 *decisionmaking process regarding the access of an in-*
 15 *dividual to housing, employment, credit, education,*
 16 *health care, government services, or insurance in a*
 17 *manner that poses a significant risk to safety or vio-*
 18 *lates rights afforded under the Constitution of the*
 19 *United States.*

20 “(b) *GUIDELINES FOR OVERSIGHT OF HIGH-IMPACT*
 21 *ARTIFICIAL INTELLIGENCE SYSTEMS.*—*Not later than 1*
 22 *year after the date of the enactment of the Artificial Intel-*
 23 *ligence Research, Innovation, and Accountability Act of*
 24 *2024, the Director shall—*

25 “(1) *develop guidelines for Federal agencies to*
 26 *conduct oversight of the non-Federal and, as may be*

1 *appropriate, Federal use of high-impact artificial in-*
 2 *telligence systems to improve the safe and responsible*
 3 *use of such systems; and*

4 *“(2) not less frequently than biennially, update*
 5 *the guidelines to account for changes in technological*
 6 *capabilities or artificial intelligence use cases.*

7 *“(c) USE OF VOLUNTARY RISK MANAGEMENT FRAME-*
 8 *WORK.—In developing guidelines under subsection (b), the*
 9 *Director shall use the voluntary risk management frame-*
 10 *work required by section 22A(c) to identify and provide*
 11 *guidelines for Federal agencies on establishing regulations,*
 12 *standards, guidelines, best practices, methodologies, proce-*
 13 *dures, or processes—*

14 *“(1) to facilitate oversight of non-Federal use of*
 15 *high-impact artificial intelligence systems; and*

16 *“(2) to mitigate risks from such high-impact ar-*
 17 *tificial intelligence systems.*

18 *“(d) AUTHORIZED ELEMENTS.—In developing guide-*
 19 *lines under subsection (b), the Director may include the fol-*
 20 *lowing:*

21 *“(1) Key design choices made during high-im-*
 22 *pact artificial intelligence model development, includ-*
 23 *ing rationale and assumptions made.*

24 *“(2) Intended use and users, other possible use*
 25 *cases, including any anticipated undesirable or poten-*

1 *tially harmful use cases, and what good faith efforts*
 2 *model developers can take to mitigate the harms*
 3 *caused by the use of the system.*

4 *“(3) Methods for evaluating the safety of high-*
 5 *impact artificial intelligence systems and approaches*
 6 *for responsible use.*

7 *“(e) CONSULTATION.—In developing guidelines under*
 8 *subsection (b), the Director may consult with such stake-*
 9 *holders representing perspectives from civil society, aca-*
 10 *demia, technologists, engineers, and creators as the Director*
 11 *considers applicable, practicable, and relevant.”.*

12 *(b) AGENCY-SPECIFIC PLANS FOR OVERSIGHT OF*
 13 *HIGH-IMPACT ARTIFICIAL INTELLIGENCE SYSTEMS.—*

14 *(1) PLANS REQUIRED.—Not later than 2 years*
 15 *after the date of the enactment of this Act, the head*
 16 *of each covered agency shall—*

17 *(A) develop sector-specific plans for the cov-*
 18 *ered agency to conduct oversight of the non-Fed-*
 19 *eral and, as may be appropriate, Federal use of*
 20 *high-impact artificial intelligence systems to im-*
 21 *prove the safe and responsible use of such sys-*
 22 *tems; and*

23 *(B) not less frequently than biennially, up-*
 24 *date the sector-specific recommendations to ac-*

1 *count for changes in technological capabilities or*
2 *artificial intelligence use cases.*

3 (2) *REQUIREMENTS.—In developing plans under*
4 *paragraph (1), the head of each covered agency shall*
5 *follow the guidelines established under section 22B(b)*
6 *of the National Institute of Standards and Technology*
7 *Act, as added by subsection (a), to develop plans to*
8 *mitigate risks from such high-impact artificial intel-*
9 *ligence systems.*

10 (3) *AUTHORIZED ELEMENTS.—In developing*
11 *plans under paragraph (1), the head of a covered*
12 *agency may include the following:*

13 (A) *Intended use and users, other possible*
14 *use cases, including any anticipated undesirable*
15 *or potentially harmful use cases, and what good*
16 *faith efforts model developers can take to miti-*
17 *gate the use of the system in harmful ways.*

18 (B) *Methods for evaluating the safety of*
19 *high-impact artificial intelligence systems and*
20 *approaches for responsible use.*

21 (C) *Sector-specific differences in what con-*
22 *stitutes acceptable high-impact artificial intel-*
23 *ligence model functionality and trustworthiness,*
24 *metrics used to determine high-impact artificial*
25 *intelligence model performance, and any test re-*

1 sults reflecting application of these metrics to
 2 evaluate high-impact artificial intelligence model
 3 performance across different sectors.

4 (D) Recommendations to support iterative
 5 development of subsequent recommendations
 6 under paragraph (1).

7 (4) CONSULTATION.—In developing plans under
 8 paragraph (1), the head of each covered agency shall
 9 consult with—

10 (A) the Under Secretary; and

11 (B) such stakeholders representing perspec-
 12 tives from civil society, academia, technologists,
 13 engineers, and creators as the head of the agency
 14 considers applicable, practicable, and relevant.

15 **SEC. 205. OFFICE OF MANAGEMENT AND BUDGET OVER-**
 16 **SIGHT GUIDELINES AND AGENCY OVERSIGHT**
 17 **PLANS.**

18 (a) AGENCY OVERSIGHT PLAN.—In this section, the
 19 term “agency oversight plan” means a guideline developed
 20 under section 22B(b)(1) of the National Institute of Stand-
 21 ards and Technology Act, as added by section 204 of this
 22 Act.

23 (b) RECOMMENDATIONS.—Not later than 2 years after
 24 the date of enactment of this Act, the Under Secretary and
 25 the head of each covered agency shall submit to the Director

1 *of the Office of Management and Budget and the appro-*
 2 *priate congressional committees each agency oversight plan.*

3 *(c) REPORTING REQUIREMENTS.—*

4 *(1) ANNUAL AGENCY OVERSIGHT STATUS RE-*
 5 *PORTS.—*

6 *(A) IN GENERAL.—On the first February 1*
 7 *occurring after the date that is 2 years after the*
 8 *date of enactment of this Act, and annually*
 9 *thereafter until the date described in subpara-*
 10 *graph (B), the head of each covered agency shall*
 11 *submit to the Director of the Office of Manage-*
 12 *ment and Budget a report containing the imple-*
 13 *mentation status of each agency oversight plan.*

14 *(B) CONTINUED REPORTING.—The date de-*
 15 *scribed in this subparagraph is the date on*
 16 *which the head of a covered agency—*

17 *(i) takes final implementation action*
 18 *with respect to an agency oversight plan;*
 19 *and*

20 *(ii) determines and states in a report*
 21 *required under subparagraph (A) that no*
 22 *further implementation action should be*
 23 *taken with respect to an agency oversight*
 24 *plan.*

1 (2) *COMPLIANCE REPORT TO CONGRESS.*—On
2 *April 1 of each year occurring after the date that is*
3 *2 years after the date of enactment of this Act, the Di-*
4 *rector of the Office of Management and Budget shall*
5 *transmit comments on the reports required under*
6 *paragraph (1) to the heads of covered agencies and*
7 *the appropriate congressional committees.*

8 (3) *FAILURE TO REPORT.*—If, on March 1 of
9 *each year occurring after the date that is 2 years*
10 *after the date of enactment of this Act, the Director*
11 *of the Office of Management and Budget has not re-*
12 *ceived a report required from the head of a covered*
13 *agency under paragraph (1), the Director shall notify*
14 *the appropriate congressional committees of the fail-*
15 *ure.*

16 (d) *TECHNICAL ASSISTANCE IN CARRYING OUT AGEN-*
17 *CY OVERSIGHT PLANS.*—The Under Secretary shall provide
18 *assistance to the heads of covered agencies relating to the*
19 *implementation of the agency oversight plan the heads of*
20 *covered agencies intend to carry out.*

21 (e) *REGULATION REVIEW AND IMPROVEMENT.*—The
22 *Administrator of the Office of Information and Regulatory*
23 *Affairs of the Office of Management and Budget, in con-*
24 *sultation with the Under Secretary, shall develop and peri-*

1 *odically revise performance indicators and measures for sec-*
 2 *tor-specific regulation of artificial intelligence.*

3 **SEC. 206. RISK MANAGEMENT ASSESSMENT FOR CRITICAL-**
 4 **IMPACT ARTIFICIAL INTELLIGENCE SYSTEMS.**

5 *(a) REQUIREMENT.—*

6 *(1) IN GENERAL.—Each critical-impact AI orga-*
 7 *nization shall perform a risk management assessment*
 8 *in accordance with this section.*

9 *(2) ASSESSMENT.—Each critical-impact AI or-*
 10 *ganization shall—*

11 *(A) not later than 30 days before the date*
 12 *on which a critical-impact artificial intelligence*
 13 *system is deployed or made publicly available by*
 14 *the critical-impact AI organization, perform a*
 15 *risk management assessment; and*

16 *(B) not less frequently than biennially dur-*
 17 *ing the period beginning on the date of enact-*
 18 *ment of this Act and ending on the date on*
 19 *which the applicable critical-impact artificial*
 20 *intelligence system is no longer being deployed or*
 21 *made publicly available by the critical-impact*
 22 *AI organization, as applicable, conduct an up-*
 23 *dated risk management assessment that—*

24 *(i) if no significant changes were made*
 25 *to the critical-impact artificial intelligence*

1 system, may find that no significant
2 changes were made to the critical-impact
3 artificial intelligence system; and

4 (ii) provides, to the extent practicable,
5 aggregate results of any significant devi-
6 ation from expected performance detailed in
7 the assessment performed under subpara-
8 graph (A) or the most recent assessment
9 performed under this subparagraph.

10 (3) *REVIEW.*—

11 (A) *IN GENERAL.*—Not later than 90 days
12 after the date of completion of a risk manage-
13 ment assessment by a critical-impact AI organi-
14 zation under this section, the critical-impact AI
15 organization shall submit to the Secretary a re-
16 port—

17 (i) outlining the assessment performed
18 under this section; and

19 (ii) that is in a consistent format, as
20 determined by the Secretary.

21 (B) *ADDITIONAL INFORMATION.*—Subject to
22 subsection (d), the Secretary may request that a
23 critical-impact AI organization submit to the
24 Secretary any related additional or clarifying

1 *information with respect to a risk management*
 2 *assessment performed under this section.*

3 (4) *LIMITATION.—The Secretary may not pro-*
 4 *hibit a critical-impact AI organization from making*
 5 *a critical-impact artificial intelligence system avail-*
 6 *able to the public based on the review by the Sec-*
 7 *retary of a report submitted under paragraph (3)(A)*
 8 *or additional or clarifying information submitted*
 9 *under paragraph (3)(B).*

10 (b) *ASSESSMENT SUBJECT AREAS.—Each assessment*
 11 *performed by a critical-impact AI organization under sub-*
 12 *section (a) shall describe the means by which the critical-*
 13 *impact AI organization is addressing, through a docu-*
 14 *mented TEVV process, the following categories:*

15 (1) *Policies, processes, procedures, and practices*
 16 *across the organization relating to transparent and*
 17 *effective mapping, measuring, and managing of arti-*
 18 *ficial intelligence risks, including—*

19 (A) *how the organization understands,*
 20 *manages, and documents legal and regulatory re-*
 21 *quirements involving critical-impact artificial*
 22 *intelligence systems;*

23 (B) *how the organization integrates the*
 24 *characteristics of trustworthy artificial intel-*
 25 *ligence, which include valid, reliable, safe, secure,*

1 *resilient, accountable, transparent, globally and*
 2 *locally explainable, interpretable, privacy-en-*
 3 *hanced, protecting of rights under the Constitu-*
 4 *tion of the United States, and compliant with all*
 5 *relevant Federal laws, into organizational poli-*
 6 *cies, processes, procedures, and practices for de-*
 7 *ploying critical-impact artificial intelligence sys-*
 8 *tems;*

9 *(C) a methodology to determine the needed*
 10 *level of risk management activities for critical-*
 11 *impact artificial intelligence systems based on*
 12 *the organization's risk tolerance; and*

13 *(D) how the organization establishes risk*
 14 *management processes and outcomes through*
 15 *transparent policies, procedures, and other con-*
 16 *trols based on organizational risk priorities.*

17 *(2) The structure, context, and capabilities of the*
 18 *critical-impact artificial intelligence system, includ-*
 19 *ing—*

20 *(A) how the context was established and un-*
 21 *derstood;*

22 *(B) capabilities, targeted uses, goals, and*
 23 *expected costs and benefits; and*

24 *(C) how risks and benefits are mapped for*
 25 *each system component.*

1 (3) *A description of how the organization em-*
2 *loys quantitative, qualitative, or mixed-method tools,*
3 *techniques, and methodologies to analyze, assess,*
4 *benchmark, and monitor artificial intelligence risk,*
5 *including—*

6 (A) *identification of appropriate methods*
7 *and metrics;*

8 (B) *how artificial intelligence systems are*
9 *evaluated for characteristics of trustworthy arti-*
10 *ficial intelligence;*

11 (C) *mechanisms for tracking artificial intel-*
12 *ligence system risks over time; and*

13 (D) *processes for gathering and assessing*
14 *feedback relating to the efficacy of measurement.*

15 (4) *A description of allocation of risk resources*
16 *to map and measure risks on a regular basis as de-*
17 *scribed in paragraph (1), including—*

18 (A) *how artificial intelligence risks based on*
19 *assessments and other analytical outputs de-*
20 *scribed in paragraphs (2) and (3) are*
21 *prioritized, responded to, and managed;*

22 (B) *how strategies to maximize artificial*
23 *intelligence benefits and minimize negative im-*
24 *pacts were planned, prepared, implemented, doc-*

1 *umented, and informed by input from relevant*
 2 *artificial intelligence deployers;*

3 *(C) management of artificial intelligence*
 4 *system risks and benefits; and*

5 *(D) regular monitoring of risk treatments,*
 6 *including response and recovery, and commu-*
 7 *nication plans for the identified and measured*
 8 *artificial intelligence risks, as applicable.*

9 *(c) DEVELOPER OBLIGATIONS.—The developer of a*
 10 *critical-impact artificial intelligence system that agrees to*
 11 *provide technologies or services to a deployer of the critical-*
 12 *impact artificial intelligence system shall provide to the*
 13 *deployer of the critical-impact artificial intelligence system*
 14 *the information reasonably necessary for the deployer to*
 15 *comply with the requirements under subsection (a), includ-*
 16 *ing—*

17 *(1) an overview of the data used in training the*
 18 *baseline artificial intelligence system provided by the*
 19 *developer, including—*

20 *(A) content and size of datasets used;*

21 *(B) content and types of data used;*

22 *(C) content and data that may be subject to*
 23 *copyright protection, and any steps taken to re-*
 24 *move such content and data prior to training;*
 25 *and*

1 (D) whether and to what extent personal
 2 identifiable information makes up a portion of
 3 the training dataset, and what risk mitigation
 4 measures have been taken to prevent the disclo-
 5 sure of that personal identifiable information;

6 (2) documentation outlining the structure and
 7 context of the baseline artificial intelligence system of
 8 the developer, including—

9 (A) input modality;

10 (B) system output and modality;

11 (C) model size; and

12 (D) model architecture;

13 (3) known or reasonably foreseeable capabilities,
 14 limitations, and risks of the baseline artificial intel-
 15 ligence system at the time of the development of the
 16 artificial intelligence system; and

17 (4) documentation for downstream use, includ-
 18 ing—

19 (A) a statement of intended purpose;

20 (B) guidelines for the intended use of the
 21 artificial intelligence system, including a list of
 22 permitted, restricted, and prohibited uses and
 23 users; and

24 (C) a description of the potential for and
 25 risk of deviation from the intended purpose of

1 *the baseline artificial intelligence system, includ-*
 2 *ing recommended safeguards to mitigate and*
 3 *prevent risks to safety or to rights afforded under*
 4 *the Constitution of the United States or Federal*
 5 *law.*

6 (d) *TERMINATION OF OBLIGATION TO DISCLOSE IN-*
 7 *FORMATION.—*

8 (1) *IN GENERAL.—The obligation of a critical-*
 9 *impact AI organization to provide information, upon*
 10 *a request of the Secretary, relating to a specific as-*
 11 *essment category under subsection (b) shall end on*
 12 *the date of issuance of a relevant standard applicable*
 13 *to the same category of a critical -impact artificial*
 14 *intelligence system by—*

15 (A) *the Secretary under section 207(c) with*
 16 *respect to a critical-impact artificial intelligence*
 17 *system;*

18 (B) *another department or agency of the*
 19 *Federal Government, as determined applicable*
 20 *by the Secretary; or*

21 (C) *a nongovernmental standards organiza-*
 22 *tion, as determined appropriate by the Sec-*
 23 *retary.*

24 (2) *EFFECT OF NEW STANDARD.—In adopting*
 25 *any standard applicable to critical-impact artificial*

1 *intelligence systems under section 207(c), the Sec-*
2 *retary shall—*

3 *(A) identify the category under subsection*
4 *(b) to which the standard relates, if any; and*

5 *(B) specify the information that is no*
6 *longer required to be included in a report re-*
7 *quired under subsection (a) as a result of the*
8 *new standard.*

9 *(e) RULE OF CONSTRUCTION.—Nothing in this section*
10 *shall be construed to require a critical-impact AI organiza-*
11 *tion or permit the Secretary to disclose any information,*
12 *including data or algorithms—*

13 *(1) constituting a trade secret or other intellec-*
14 *tual property right; or*

15 *(2) that is confidential business information.*

16 *(f) CONSOLIDATION.—With respect to an instance in*
17 *which multiple critical-impact AI organizations partici-*
18 *pate in the deployment of a high-impact artificial intel-*
19 *ligence system, the Secretary may establish through regula-*
20 *tion a process under which the critical-impact AI organiza-*
21 *tions may submit a single risk management assessment*
22 *under subsection (a).*

1 **SEC. 207. CERTIFICATION OF CRITICAL-IMPACT ARTIFICIAL**
 2 **INTELLIGENCE SYSTEMS.**

3 (a) *ESTABLISHMENT OF ARTIFICIAL INTELLIGENCE*
 4 *CERTIFICATION ADVISORY COMMITTEE.*—

5 (1) *IN GENERAL.*—*Not later than 180 days after*
 6 *the date of enactment of this Act, the Secretary shall*
 7 *establish an advisory committee to provide advice and*
 8 *recommendations on TEVV standards and the certifi-*
 9 *cation of critical-impact artificial intelligence sys-*
 10 *tems.*

11 (2) *DUTIES.*—*The advisory committee estab-*
 12 *lished under this section shall advise the Secretary on*
 13 *matters relating to the testing and certification of*
 14 *critical-impact artificial intelligence systems, includ-*
 15 *ing by—*

16 (A) *providing recommendations to the Sec-*
 17 *retary on proposed TEVV standards to ensure*
 18 *such standards—*

19 (i) *maximize alignment and interoper-*
 20 *ability with standards issued by nongovern-*
 21 *mental standards organizations and inter-*
 22 *national standards bodies; and*

23 (ii) *are performance-based, impact-*
 24 *based, and risk-based;*

25 (B) *reviewing prospective TEVV standards*
 26 *submitted by the Secretary to ensure such stand-*

ards align with recommendations under subparagraph (A);

(C) upon completion of the review under subparagraph (B), providing consensus recommendations to the Secretary on—

(i) whether a TEVV standard should be issued, modified, revoked, or added; and

(ii) if such a standard should be issued, how best to align the standard with the considerations described in subsection (c)(2) and recommendations described in subparagraph (A); and

(D) reviewing and providing advice and recommendations on the plan and subsequent updates to the plan submitted under subsection (b).

(3) COMPOSITION.—The advisory committee established under this subsection shall be appointed by the Secretary and composed of not more than 15 members with a balanced composition of representatives of the private sector, institutions of higher education, and nonprofit organizations, including—

(A) representatives of—

(i) institutions of higher education;

- 1 (ii) companies developing or operating
 2 artificial intelligence systems;
 3 (iii) consumers or consumer advocacy
 4 groups;
 5 (iv) enabling technology companies;
 6 and
 7 (v) labor organizations representing
 8 the technology sector; and
 9 (B) any other members the Secretary con-
 10 siders to be appropriate.

11 (b) ARTIFICIAL INTELLIGENCE CERTIFICATION
 12 PLAN.—

13 (1) IN GENERAL.—Not later than 1 year after
 14 the date of enactment of this Act, the Secretary shall
 15 establish a 3-year implementation plan for the certifi-
 16 cation of critical-impact artificial intelligence sys-
 17 tems.

18 (2) PERIODIC UPDATE.—As the Secretary deter-
 19 mines appropriate, the Secretary shall update the
 20 plan established under paragraph (1).

21 (3) CONTENTS.—The plan established under
 22 paragraph (1) shall include—

23 (A) a methodology for gathering and using
 24 relevant, objective, and available information re-
 25 lating to TEVV;

1 (B) a process for considering whether pre-
 2 scribing certain TEVV standards under sub-
 3 section (c) for critical-impact artificial intel-
 4 ligence systems is appropriate, necessary, or du-
 5 plicative of existing international standards;

6 (C) if TEVV standards are considered ap-
 7 propriate, a process for prescribing such stand-
 8 ards for critical-impact artificial intelligence
 9 systems;

10 (D) a mechanism for determining compli-
 11 ance with TEVV standards; and

12 (E) an outline of standards proposed to be
 13 issued, including an estimation of the timeline
 14 and sequencing of such standards.

15 (4) CONSULTATION.—In developing the plan re-
 16 quired under paragraph (1), the Secretary shall con-
 17 sult the following:

18 (A) The National Artificial Intelligence Ini-
 19 tiative Office.

20 (B) The interagency committee established
 21 under section 5103 of the National Artificial In-
 22 telligence Initiative Act of 2020 (15 U.S.C.
 23 9413).

24 (C) The National Artificial Intelligence Ad-
 25 visory Committee.

1 (D) *Consensus standards issued by non-*
2 *governmental standards organizations.*

3 (E) *The Cybersecurity and Infrastructure*
4 *Security Agency.*

5 (F) *Other departments, agencies, and in-*
6 *strumentalities of the Federal Government, as*
7 *considered appropriate by the Secretary.*

8 (5) *SUBMISSION TO CERTIFICATION ADVISORY*
9 *COMMITTEE.—Upon completing the initial plan re-*
10 *quired under this subsection and upon completing*
11 *periodic updates to the plan under paragraph (2), the*
12 *Secretary shall submit the plan to the advisory com-*
13 *mittee established under subsection (a) for review.*

14 (6) *SUBMISSION TO COMMITTEES OF CON-*
15 *GRESS.—Upon completing the plan required under*
16 *this subsection, the Secretary shall submit to the ap-*
17 *propriate congressional committees a report con-*
18 *taining the plan.*

19 (7) *LIMITATION.—The Secretary may not issue*
20 *TEVV standards under subsection (c) until the date*
21 *of the submission of the plan under paragraphs (5)*
22 *and (6).*

23 (c) *STANDARDS.—*

24 (1) *STANDARDS.—*

1 (A) *IN GENERAL.*—*The Secretary shall issue*
 2 *TEVV standards for critical-impact artificial in-*
 3 *telligence systems.*

4 (B) *REQUIREMENTS.*—*Each standard*
 5 *issued under this subsection shall—*

6 (i) *be practicable;*

7 (ii) *meet the need for safe, secure, and*
 8 *transparent operations of critical-impact*
 9 *artificial intelligence systems;*

10 (iii) *with respect to a relevant stand-*
 11 *ard issued by a nongovernmental standards*
 12 *organization that is already in place, not*
 13 *unintentionally contradict that standard;*

14 (iv) *provide for a mechanism to, not*
 15 *less frequently than once every 2 years, so-*
 16 *licit public comment and update the stand-*
 17 *ard to reflect evidence about the utility of*
 18 *risk mitigation approaches and advance-*
 19 *ments in technology and system architec-*
 20 *ture; and*

21 (v) *be stated in objective terms.*

22 (2) *CONSIDERATIONS.*—*In issuing TEVV stand-*
 23 *ards for critical-impact artificial intelligence systems*
 24 *under this subsection, the Secretary shall—*

1 (A) consider relevant available information
2 concerning critical-impact artificial intelligence
3 systems, including—

4 (i) transparency reports submitted
5 under section 203(a);

6 (ii) risk management assessments con-
7 ducted under section 206(a); and

8 (iii) any additional information pro-
9 vided to the Secretary pursuant to section
10 203(a)(1)(B);

11 (B) consider whether a proposed standard is
12 reasonable, practicable, and appropriate for the
13 particular type of critical-impact artificial intel-
14 ligence system for which the standard is pro-
15 posed;

16 (C) consult with stakeholders with expertise
17 in addressing risks and design of artificial intel-
18 ligence systems and review standards issued by
19 nongovernmental standards organizations;

20 (D) pursuant to paragraph (1)(B)(iii), con-
21 sider whether adoption of a relevant standard
22 issued by a nongovernmental standards organi-
23 zation as a TEVV standard is the most appro-
24 priate action; and

1 (E) consider whether the standard takes
2 into account—

3 (i) transparent, replicable, and objec-
4 tive assessments of critical-impact artificial
5 intelligence system risk, structure, capabili-
6 ties, and design;

7 (ii) the risk posed to the public by an
8 applicable critical-impact artificial intel-
9 ligence system; and

10 (iii) the diversity of methodologies and
11 innovative technologies and approaches
12 available to meet the objectives of the stand-
13 ard.

14 (3) CONSULTATION.—Before finalizing a TEVV
15 standard issued under this subsection, the Secretary
16 shall submit the TEVV standard to the advisory com-
17 mittee established under subsection (a) for review.

18 (4) PUBLIC COMMENT.—Before issuing any
19 TEVV standard under this subsection, the Secretary
20 shall—

21 (A) publish a notice describing the TEVV
22 standard; and

23 (B) provide an opportunity for public com-
24 ment pursuant to section 553 of title 5, United
25 States Code.

1 (5) *COOPERATION.*—*In developing a TEVV*
 2 *standard under this subsection, the Secretary may, as*
 3 *determined appropriate, advise, assist, and cooperate*
 4 *with departments, agencies, and instrumentalities of*
 5 *the Federal Government, States, and other public and*
 6 *private agencies.*

7 (6) *EFFECTIVE DATE OF STANDARDS.*—

8 (A) *IN GENERAL.*—*The Secretary shall*
 9 *specify the effective date of a TEVV standard*
 10 *issued under this subsection in the order issuing*
 11 *the standard.*

12 (B) *LIMITATION.*—*Subject to subparagraph*
 13 *(C), a TEVV standard issued under this sub-*
 14 *section may not become effective—*

15 (i) *during the 180-day period following*
 16 *the date on which the TEVV standard is*
 17 *issued; and*

18 (ii) *more than 1 year after the date on*
 19 *which the TEVV standard is issued.*

20 (C) *EXCEPTION.*—*Subparagraph (B) shall*
 21 *not apply to the effective date of a TEVV stand-*
 22 *ard issued under this section if the Secretary—*

23 (i) *finds, for good cause shown, that a*
 24 *different effective date is in the public inter-*
 25 *est; and*

1 (ii) publishes the reasons for the find-
2 ing under clause (i).

3 (7) *RULE OF CONSTRUCTION.*—Nothing in this
4 subsection shall be construed to authorize the Sec-
5 retary to impose any requirements on or take any en-
6 forcement actions under this section or section 208 re-
7 lating to a critical-impact AI organization before a
8 TEVV standard relating to those requirements is pre-
9 scribed.

10 (d) *EXEMPTIONS.*—

11 (1) *AUTHORITY TO EXEMPT AND PROCEDURES.*—

12 (A) *IN GENERAL.*—The Secretary may ex-
13 empt, on a temporary basis, a critical-impact
14 artificial intelligence system from a TEVV
15 standard issued under subsection (c) on terms
16 the Secretary considers appropriate.

17 (B) *RENEWAL.*—An exemption under sub-
18 paragraph (A)—

19 (i) may be renewed only on reapplica-
20 tion; and

21 (ii) shall conform to the requirements
22 of this paragraph.

23 (C) *PROCEEDINGS.*—

24 (i) *IN GENERAL.*—The Secretary may
25 begin a proceeding to grant an exemption to

1 *a critical-impact artificial intelligence sys-*
 2 *tem under this paragraph if the critical-im-*
 3 *pact AI organization that deployed the crit-*
 4 *ical-impact artificial intelligence system*
 5 *applies for an exemption or a renewal of an*
 6 *exemption.*

7 (ii) *NOTICE AND COMMENT.*—*The Sec-*
 8 *retary shall publish notice of the applica-*
 9 *tion under clause (i) and provide an oppor-*
 10 *tunity for public comment under section*
 11 *553 of title 5, United States Code.*

12 (iii) *FILING.*—*An application for an*
 13 *exemption or for a renewal of an exemption*
 14 *under this paragraph shall be filed at such*
 15 *time and in such manner and contain such*
 16 *information as the Secretary may require.*

17 (D) *ACTIONS.*—*The Secretary may grant*
 18 *an exemption under this paragraph upon find-*
 19 *ing that—*

20 (i) *the exemption is consistent with the*
 21 *public interest and this section; and*

22 (ii) *the exemption would facilitate the*
 23 *development or evaluation of a feature or*
 24 *characteristic of a critical-impact artificial*
 25 *intelligence system providing a safety and*

1 *security level that is not less than the TEVV*
2 *standard level.*

3 (2) *DISCLOSURE.*—*Not later than 30 days after*
4 *the date on which an application is filed under this*
5 *subsection, the Secretary may make public informa-*
6 *tion contained in the application or relevant to the*
7 *application, unless the information concerns or con-*
8 *stitutes a trade secret or other confidential informa-*
9 *tion not relevant to the application.*

10 (3) *NOTICE OF DECISION.*—*The Secretary shall*
11 *publish in the Federal Register a notice of each deci-*
12 *sion granting or denying an exemption under this*
13 *subsection and the reasons for granting or denying*
14 *that exemption, including a justification with sup-*
15 *porting information for the selected approach.*

16 (e) *CERTIFICATION OF COMPLIANCE.*—

17 (1) *IN GENERAL.*—*Subject to paragraph (2),*
18 *with respect to each critical-impact artificial intel-*
19 *ligence system of a critical-impact AI organization,*
20 *the critical-impact AI organization shall certify to the*
21 *Secretary that the critical-impact artificial intel-*
22 *ligence system complies with applicable TEVV stand-*
23 *ards issued under this section.*

24 (2) *EXCEPTION.*—*A critical-impact AI organiza-*
25 *tion may not issue a certification under paragraph*

1 (1) *if, in exercising reasonable care, the critical-im-*
 2 *pact AI organization has constructive knowledge that*
 3 *the certification is false or misleading in a material*
 4 *respect.*

5 (3) *DEVELOPER OBLIGATIONS.—The developer of*
 6 *a critical-impact artificial intelligence system that*
 7 *enters into a contractual or licensing agreement with*
 8 *a critical impact AI organization shall be subject to*
 9 *the same disclosure obligations as a developer of a*
 10 *critical impact artificial intelligence system under*
 11 *section 206(c).*

12 (f) *NONCOMPLIANCE FINDINGS AND ENFORCEMENT*
 13 *ACTION.—*

14 (1) *FINDING OF NONCOMPLIANCE BY SEC-*
 15 *RETARY.—Upon learning that a critical-impact arti-*
 16 *ficial intelligence system deployed by a critical-im-*
 17 *pact AI organization violates this section upon receiv-*
 18 *ing a report of noncompliance pursuant to an inves-*
 19 *tigation conducted under section 208(f) or through*
 20 *other means established through TEVV standards pur-*
 21 *suant to this section, the Secretary shall—*

22 (A) *immediately—*

23 (i) *notify the critical-impact AI orga-*
 24 *nization of the finding; and*

1 (ii) order the critical-impact AI orga-
 2 nization to take remedial action to address
 3 the noncompliance of the artificial intel-
 4 ligence system; and

5 (B) may, as determined appropriate or nec-
 6 essary by the Secretary, and if the Secretary de-
 7 termines that actions taken by a critical-impact
 8 AI organization are insufficient to remedy the
 9 noncompliance of the critical-impact AI organi-
 10 zation with this section, take enforcement action
 11 under section 208.

12 (2) ACTIONS BY CRITICAL-IMPACT AI ORGANIZA-
 13 TION.—If a critical-impact AI organization finds that
 14 a critical-impact artificial intelligence system de-
 15 ployed by the critical-impact AI organization is non-
 16 compliant with an applicable TEVV standard issued
 17 under this section or the critical-impact AI organiza-
 18 tion is notified of noncompliance by the Secretary
 19 under paragraph (1)(A)(i), the critical-impact AI or-
 20 ganization shall—

21 (A) without undue delay, notify the Sec-
 22 retary by certified mail or electronic mail of the
 23 noncompliance or receipt of the notification of
 24 noncompliance;

1 (B) take remedial action to address the non-
2 compliance; and

3 (C) not later than 10 days after the date of
4 the notification or receipt under subparagraph
5 (A), submit to the Secretary a report containing
6 information on—

7 (i) the nature and discovery of the
8 noncompliant aspect of the critical-impact
9 artificial intelligence system;

10 (ii) measures taken to remedy such
11 noncompliance; and

12 (iii) actions taken by the critical-im-
13 pact AI organization to address stakeholders
14 affected by such noncompliance.

15 **SEC. 208. ENFORCEMENT.**

16 (a) *IN GENERAL.*—The Secretary shall take an action
17 described in this section—

18 (1) upon discovering noncompliance with a pro-
19 vision of this Act by a deployer of a high-impact arti-
20 ficial intelligence system, a critical-impact AI organi-
21 zation, or a developer of a critical-impact artificial
22 intelligence system; and

23 (2) if the Secretary determines that actions taken
24 by the deployer of a high-impact artificial intelligence
25 system, a critical-impact AI organization, or the de-

1 *veloper of a critical-impact artificial intelligence sys-*
 2 *tem are insufficient to remedy the noncompliance.*

3 *(b) CIVIL PENALTIES.—*

4 *(1) IN GENERAL.—The Secretary may impose a*
 5 *penalty described in paragraph (2) on a deployer of*
 6 *a high-impact artificial intelligence system or a crit-*
 7 *ical-impact AI organization for each violation by that*
 8 *entity of this Act or any regulation or order issued*
 9 *under this Act.*

10 *(2) PENALTY DESCRIBED.—The penalty de-*
 11 *scribed in this paragraph is the greater of—*

12 *(A) an amount not to exceed \$300,000; or*

13 *(B) an amount that is twice the value of the*
 14 *artificial intelligence system product deployed*
 15 *that is the basis of the violation with respect to*
 16 *which the penalty is imposed.*

17 *(c) VIOLATION WITH INTENT.—*

18 *(1) IN GENERAL.—If the Secretary determines*
 19 *that a deployer of a high-impact artificial intelligence*
 20 *system or a critical-impact AI organization inten-*
 21 *tionally violates this Act or any regulation or order*
 22 *issued under this Act, the Secretary may prohibit the*
 23 *critical-impact AI organization or deployer, as appli-*
 24 *cable, from deploying a critical-impact artificial in-*

1 *telligence system or a high-impact artificial intel-*
 2 *ligence system.*

3 (2) *IN ADDITION .—A prohibition imposed under*
 4 *paragraph (1) shall be in addition to any other civil*
 5 *penalties provided under this Act.*

6 (d) *FACTORS.—The Secretary may by regulation pro-*
 7 *vide standards for establishing levels of civil penalty under*
 8 *this section based upon factors, such as the seriousness of*
 9 *the violation, the culpability of the violator, and such miti-*
 10 *gating factors as the violator’s record of cooperation with*
 11 *the Secretary in disclosing the violation.*

12 (e) *CIVIL ACTION.—*

13 (1) *IN GENERAL.—Upon referral by the Sec-*
 14 *retary, the Attorney General may bring a civil action*
 15 *in a United States district court to—*

16 (A) *enjoin a violation of section 207; or*

17 (B) *collect a civil penalty upon a finding of*
 18 *noncompliance with this Act.*

19 (2) *VENUE.—A civil action may be brought*
 20 *under paragraph (1) in the judicial district in which*
 21 *the violation occurred or the defendant is found, re-*
 22 *sides, or does business.*

23 (3) *PROCESS.—Process in a civil action under*
 24 *paragraph (1) may be served in any judicial district*
 25 *in which the defendant resides or is found.*

1 (f) *AUTHORITY TO INVESTIGATE.*—*The Secretary may*
 2 *conduct an investigation—*

3 (1) *that may be necessary to enforce this Act or*
 4 *a TEVV standard or regulation prescribed pursuant*
 5 *to this Act; or*

6 (2) *related to a report of noncompliance with*
 7 *this Act from a third party, a deployer or developer*
 8 *of an artificial intelligence system subject to the re-*
 9 *quirements of this Act, or discovered by the Secretary.*

10 (g) *RULE OF CONSTRUCTION.*—*Nothing in this section*
 11 *shall be construed to require a deployer of a critical-impact*
 12 *artificial intelligence system to disclose any information,*
 13 *including data or algorithms—*

14 (1) *constituting a trade secret or other protected*
 15 *intellectual property right; or*

16 (2) *that is confidential business information.*

17 **SEC. 209. DEVELOPER AND DEPLOYER OVERLAP.**

18 *With respect to an entity that is a deployer and a de-*
 19 *veloper, the entity shall be subject to the requirements of*
 20 *deployers and developers under this Act.*

21 **SEC. 210. ARTIFICIAL INTELLIGENCE CONSUMER EDU-**
 22 **CATION.**

23 (a) *ESTABLISHMENT.*—*Not later than 180 days after*
 24 *the date of enactment of this Act, the Secretary shall estab-*

1 *lish a working group relating to responsible education ef-*
 2 *forts for artificial intelligence systems.*

3 *(b) MEMBERSHIP.—*

4 *(1) IN GENERAL.—The Secretary shall appoint*
 5 *to serve as members of the working group established*
 6 *under this section not more than 15 individuals with*
 7 *expertise relating to artificial intelligence systems, in-*
 8 *cluding—*

9 *(A) representatives of—*

10 *(i) institutions of higher education;*

11 *(ii) companies developing or operating*
 12 *artificial intelligence systems;*

13 *(iii) consumers or consumer advocacy*
 14 *groups;*

15 *(iv) public health organizations;*

16 *(v) marketing professionals;*

17 *(vi) entities with national experience*
 18 *relating to consumer education, including*
 19 *technology education;*

20 *(vii) public safety organizations;*

21 *(viii) rural workforce development ad-*
 22 *vocates;*

23 *(ix) enabling technology companies;*

24 *and*

1 (x) nonprofit technology industry trade
2 associations; and

3 (B) any other members the Secretary con-
4 siders to be appropriate.

5 (2) COMPENSATION.—A member of the working
6 group established under this section shall serve with-
7 out compensation.

8 (c) DUTIES.—

9 (1) IN GENERAL.—The working group established
10 under this section shall—

11 (A) identify recommended education and
12 programs that may be voluntarily employed by
13 industry to inform—

14 (i) consumers and other stakeholders
15 with respect to artificial intelligence sys-
16 tems as those systems—

17 (I) become available; or

18 (II) are soon to be made widely
19 available for public use or consump-
20 tion; and

21 (B) submit to Congress, and make available
22 to the public, a report containing the findings
23 and recommendations under subparagraph (A).

1 (2) *FACTORS FOR CONSIDERATION.*—*The work-*
 2 *ing group established under this section shall take*
 3 *into consideration topics relating to—*

4 (A) *the intent, capabilities, and limitations*
 5 *of artificial intelligence systems;*

6 (B) *use cases of artificial intelligence appli-*
 7 *cations that improve lives of the people of the*
 8 *United States, such as improving government ef-*
 9 *iciency, filling critical roles, and reducing mun-*
 10 *dane work tasks;*

11 (C) *artificial intelligence research break-*
 12 *throughs;*

13 (D) *engagement and interaction methods,*
 14 *including how to adequately inform consumers of*
 15 *interaction with an artificial intelligence system;*

16 (E) *human-machine interfaces;*

17 (F) *emergency fallback scenarios;*

18 (G) *operational boundary responsibilities;*

19 (H) *potential mechanisms that could change*
 20 *function behavior in service;*

21 (I) *consistent nomenclature and taxonomy*
 22 *for safety features and systems; and*

23 (J) *digital literacy.*

24 (3) *CONSULTATION.*—*The Secretary shall consult*
 25 *with the Chair of the Federal Trade Commission with*

1 *respect to the recommendations of the working group*
2 *established under this section, as appropriate.*

3 (d) *TERMINATION.*—*The working group established*
4 *under this section shall terminate on the date that is 2 years*
5 *after the date of enactment of this Act.*

6 **SEC. 211. SEVERABILITY.**

7 *If any provision of this title, or an amendment made*
8 *by this title, or the application of such provision to any*
9 *person or circumstance is held to be unconstitutional, the*
10 *remainder of this title, or an amendment made by this title,*
11 *and the application of the provisions of such to all other*
12 *persons or circumstances shall not be affected thereby.*

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S. 3312

A BILL

To provide a framework for artificial intelligence innovation and accountability, and for other purposes.

DECEMBER 18 (legislative day, DECEMBER 16), 2024
Reported with an amendment