

118TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

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

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IN THE SENATE OF THE UNITED STATES

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

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## 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”.

6 **SEC. 2. TABLE OF CONTENTS.**

7 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 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. 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.

## 1 **TITLE I—ARTIFICIAL INTEL-** 2 **LIGENCE RESEARCH AND IN-** 3 **NOVATION**

### 4 **SEC. 101. OPEN DATA POLICY AMENDMENTS.**

5 Section 3502 of title 44, United States Code, is  
 6 amended—

7 (1) in paragraph (22)—

8 (A) by inserting “or data model” after “a  
 9 data asset”; and

10 (B) by striking “and” at the end;

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

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

14 “(24) the term ‘data model’ means a mathe-  
 15 matical, economic, or statistical representation of a

1 system or process used to assist in making calcula-  
2 tions and predictions, including through the use of  
3 algorithms, computer programs, or artificial intel-  
4 ligence systems; and

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

7 “(A) generates outputs, such as content,  
8 predictions, recommendations, or decisions for a  
9 given set of objectives; and

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

13 **SEC. 102. ONLINE CONTENT AUTHENTICITY AND PROVE-**  
14 **NANCE STANDARDS RESEARCH AND DEVEL-**  
15 **OPMENT.**

16 (a) RESEARCH.—

17 (1) IN GENERAL.—Not later than 180 days  
18 after the date of the enactment of this Act, the  
19 Under Secretary of Commerce for Standards and  
20 Technology shall carry out research to facilitate the  
21 development and standardization of means to pro-  
22 vide authenticity and provenance information for  
23 content generated by human authors and artificial  
24 intelligence systems.

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

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

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

13                  (C) Methods for displaying clear and con-  
14          spicuous statements of content provenance to  
15          the end user.

16                  (D) Technologies or applications needed to  
17          facilitate the creation and verification of con-  
18          tent provenance information.

19                  (E) Mechanisms to ensure that any tech-  
20          nologies and methods developed under this sec-  
21          tion are minimally burdensome on content pro-  
22          ducers.

23                  (F) Such other related processes, tech-  
24          nologies, or applications as the Under Secretary  
25          considers appropriate.

1 (G) Use of provenance technology to en-  
2 able attribution for content creators.

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

8 (b) DEVELOPMENT OF STANDARDS.—

9 (1) IN GENERAL.—For methodologies and ap-  
10 plications related to content provenance and authen-  
11 ticity deemed by the Under Secretary to be at a  
12 readiness level sufficient for standardization, the  
13 Under Secretary shall provide technical review and  
14 assistance to such other Federal agencies and non-  
15 governmental standards organizations as the Under  
16 Secretary considers appropriate.

17 (2) CONSIDERATIONS.—In providing any tech-  
18 nical review and assistance related to the develop-  
19 ment of content provenance and authenticity stand-  
20 ards under this subsection, the Under Secretary  
21 may—

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

1 (B) consult with relevant stakeholders; and

2 (C) review industry standards issued by

3 nongovernmental standards organizations.

4 (c) PILOT PROGRAM.—

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

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

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

19 (A) apply and evaluate methods for au-  
20 thenticating the origin of and modifications to  
21 government-produced digital content using tech-  
22 nology and open standards described in para-  
23 graph (1); and

24 (B) make available to the public digital  
25 content embedded with provenance or other au-

1           thentication provided by the heads of the Fed-  
2           eral agencies selected pursuant to paragraph  
3           (2) for the purposes of the pilot program.

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

13          (5) TERMINATION.—The pilot program shall  
14          terminate on the date that is 10 years after the date  
15          of the enactment of this Act.

16          (d) REPORT TO CONGRESS.—Not later than 1 year  
17          after the date of the enactment of this Act, the Under  
18          Secretary shall submit to the Committee on Commerce,  
19          Science, and Transportation of the Senate and the Com-  
20          mittee on Science, Space, and Technology of the House  
21          of Representatives a report outlining the progress of  
22          standardization initiatives relating to requirements under  
23          this section, as well as recommendations for legislative or  
24          administrative action to encourage or require the wide-  
25          spread adoption of such initiatives in the United States.

1 **SEC. 103. STANDARDS FOR DETECTION OF EMERGENT AND**  
2 **ANOMALOUS BEHAVIOR AND AI-GENERATED**  
3 **MEDIA.**

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

7 (1) by redesignating subparagraph (I) as sub-  
8 paragraph (K);

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

11 (3) by inserting after subparagraph (H) the fol-  
12 lowing:

13 “(I) best practices for detecting outputs  
14 generated by artificial intelligence systems, in-  
15 cluding content such as text, audio, images, and  
16 videos;

17 “(J) methods to detect and understand  
18 anomalous behavior of artificial intelligence sys-  
19 tems and safeguards to mitigate potentially ad-  
20 versarial or compromising anomalous behavior;  
21 and”.



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

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

7 (1) conduct a review of statutory, regulatory,  
8 and other policy barriers to the use of artificial intel-  
9 ligence systems to improve the functionality of the  
10 Federal Government; and

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

14 (A) ensuring that an artificial intelligence  
15 system is proportional to the need of the Fed-  
16 eral Government;

17 (B) restrictions on access to and use of an  
18 artificial intelligence system based on the capa-  
19 bilities and risks of the artificial intelligence  
20 system; and

21 (C) safety measures that ensure that an  
22 artificial intelligence system is appropriately  
23 limited to necessary data and compartmen-  
24 talized from other assets of the Federal Govern-  
25 ment.

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

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

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

17 (A) data analysis and processing;

18 (B) paperwork reduction;

19 (C) contracting and procurement practices;

20 and

21 (D) other Federal Government services;

22 and

23 (3) includes, as the Comptroller General of the  
24 United States considers appropriate, recommenda-  
25 tions to modify or eliminate barriers to the use of

1 artificial intelligence systems by the Federal Govern-  
2 ment.

3 **TITLE II—ARTIFICIAL INTEL-**  
4 **LIGENCE ACCOUNTABILITY**

5 **SEC. 201. DEFINITIONS.**

6 In this title:

7 (1) **APPROPRIATE CONGRESSIONAL COMMIT-**  
8 **TEES.**—The term “appropriate congressional com-  
9 mittees” means—

10 (A) the Committee on Energy and Natural  
11 Resources and the Committee on Commerce,  
12 Science, and Transportation of the Senate;

13 (B) the Committee on Energy and Com-  
14 merce of the House of Representatives; and

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

17 (2) **ARTIFICIAL INTELLIGENCE SYSTEM.**—The  
18 term “artificial intelligence system” means an engi-  
19 neered system that—

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

23 (B) is designed to operate with varying lev-  
24 els of adaptability and autonomy using machine  
25 and human-based inputs.

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

4           (4) COVERED INTERNET PLATFORM.—

5           (A) IN GENERAL.—The term “covered  
6 internet platform”—

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

11           (ii) includes a social network site,  
12 video sharing service, search engine, and  
13 content aggregation service.

14           (B) EXCLUSIONS.—The term “covered  
15 internet platform” does not include a platform  
16 that—

17           (i) is wholly owned, controlled, and  
18 operated by a person that—

19           (I) during the most recent 180-  
20 day period, did not employ more than  
21 500 employees;

22           (II) during the most recent 3-  
23 year period, averaged less than  
24 \$50,000,000 in annual gross receipts;  
25 and

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

4 (ii) is operated for the sole purpose of  
5 conducting research that is not directly or  
6 indirectly made for profit.

7 (5) CRITICAL-IMPACT AI ORGANIZATION.—The  
8 term “critical-impact AI organization” means a non-  
9 government organization that serves as the deployer  
10 of a critical-impact artificial intelligence system.

11 (6) CRITICAL-IMPACT ARTIFICIAL INTEL-  
12 LIGENCE SYSTEM.—The term “critical-impact artifi-  
13 cial intelligence system” means an artificial intel-  
14 ligence system that—

15 (A) is deployed for a purpose other than  
16 solely for use by the Department of Defense or  
17 an intelligence agency (as defined in section  
18 3094(e) of the National Security Act of 1947  
19 (50 U.S.C. 3094(3)) ; and

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

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

23 (I) the real-time or ex post facto  
24 collection of biometric data of natural

1 persons by biometric identification  
2 systems without their consent;

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

8 (III) criminal justice (as defined  
9 in section 901 of title I of the Omni-  
10 bus Crime Control and Safe Streets  
11 Act of 1968 (34 U.S.C. 10251)); and

12 (ii) in a manner that poses a signifi-  
13 cant risk to rights afforded under the Con-  
14 stitution of the United States or safety.

15 (7) DEPLOYER.—The term “deployer”—

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

19 (B) does not include an entity that is sole-  
20 ly an end user of a system.

21 (8) DEVELOPER.—The term “developer” means  
22 an entity that—

23 (A) designs, codes, produces, or owns an  
24 artificial intelligence system for internal use or

1 for use by a third party as a baseline model;  
2 and

3 (B) does not act as a deployer of the artifi-  
4 cial intelligence system described in subpara-  
5 graph (A).

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

11 (10) HIGH-IMPACT ARTIFICIAL INTELLIGENCE  
12 SYSTEM.—The term “high-impact artificial intel-  
13 ligence system” means an artificial intelligence sys-  
14 tem—

15 (A) deployed for a purpose other than sole-  
16 ly for use by the Department of Defense or an  
17 intelligence agency (as defined in section  
18 3094(e) of the National Security Act of 1947  
19 (50 U.S.C. 3094(3)); and

20 (B) that is specifically developed with the  
21 intended purpose of making decisions that have  
22 a legal or similarly significant effect on the ac-  
23 cess of an individual to housing, employment,  
24 credit, education, healthcare, or insurance in a  
25 manner that poses a significant risk to rights

1           afforded under the Constitution of the United  
2           States or safety.

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

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

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

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

17                 (A) open, transparent, testable, and  
18                 verifiable specifications that characterize real-  
19                 istic operational performance, such as precision  
20                 and accuracy for relevant tasks;

21                 (B) testing methodologies and metrics that  
22                 enable the evaluation of system trustworthiness,  
23                 including robustness and resilience;

24                 (C) data quality standards for training and  
25                 testing datasets;



1 (D) requirements for system validation and  
2 integration into production environments, auto-  
3 mated testing, and compliance with existing  
4 legal and regulatory specifications;

5 (E) methods and tools for—

6 (i) the monitoring of system behavior;

7 (ii) the tracking of incidents or errors  
8 reported and their management; and

9 (iii) the detection of emergent prop-  
10 erties and related impacts; and

11 (F) and processes for redress and re-  
12 sponse.

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

16 **SEC. 202. GENERATIVE ARTIFICIAL INTELLIGENCE TRANS-**  
17 **PARENCY.**

18 (a) PROHIBITION.—

19 (1) IN GENERAL.—Subject to paragraph (2), it  
20 shall be unlawful for a person to operate a covered  
21 internet platform that uses a generative artificial in-  
22 telligence system.

23 (2) DISCLOSURE OF USE OF GENERATIVE ARTI-  
24 FICIAL INTELLIGENCE SYSTEMS.—

1 (A) IN GENERAL.—A person may operate  
2 a covered internet platform that uses a genera-  
3 tive artificial intelligence system if the person  
4 provides notice to each user of the covered  
5 internet platform that the covered internet plat-  
6 form uses a generative artificial intelligence sys-  
7 tem to generate content the user sees.

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

11 (i) subject to clause (ii), shall provide  
12 the notice in a clear and conspicuous man-  
13 ner on the covered internet platform before  
14 the user interacts with content produced  
15 by a generative artificial intelligence sys-  
16 tem; and

17 (ii) may provide an option for the user  
18 to choose to see the notice described in  
19 clause (i) only upon the first interaction of  
20 the user with content produced by a gen-  
21 erative artificial intelligence system.

22 (b) ENFORCEMENT ACTION.—Upon learning that a  
23 covered internet platform does not comply with the re-  
24 quirements under this section, the Secretary—

25 (1) shall immediately—

1 (A) notify the covered internet platform of  
2 the finding; and

3 (B) order the covered internet platform to  
4 take remedial action to address the noncompli-  
5 ance of the generative artificial intelligence sys-  
6 tem operated by the covered internet platform;  
7 and

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

14 (c) EFFECTIVE DATE.—This section shall take effect  
15 on the date that is 180 days after the date of enactment  
16 of this Act.

17 **SEC. 203. TRANSPARENCY REPORTS FOR HIGH-IMPACT AR-**  
18 **TIFICIAL INTELLIGENCE SYSTEMS.**

19 (a) TRANSPARENCY REPORTING.—

20 (1) IN GENERAL.—Each deployer of a high-im-  
21 pact artificial intelligence system shall—

22 (A) before deploying the high-impact artifi-  
23 cial intelligence system, and annually there-  
24 after, submit to the Secretary a report describ-

1           ing the design and safety plans for the artificial  
2           intelligence system; and

3                   (B) submit to the Secretary an updated re-  
4           port on the high-impact artificial intelligence  
5           system if the deployer makes a material change  
6           to—

7                           (i) the purpose for which the high-im-  
8           pact artificial intelligence system is used;  
9           or

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

13           (2) CONTENTS.—Each transparency report sub-  
14           mitted under paragraph (1) shall include, with re-  
15           spect to the high-impact artificial intelligence sys-  
16           tem—

17                   (A) the purpose;

18                   (B) the intended use cases;

19                   (C) deployment context;

20                   (D) benefits;

21                   (E) a description of data that the high-im-  
22           pact artificial intelligence system, once de-  
23           ployed, processes as inputs;

24                   (F) if available—

1 (i) a list of data categories and for-  
2 mats the deployer used to retrain or con-  
3 tinue training the high-impact artificial in-  
4 telligence system;

5 (ii) metrics for evaluating the high-im-  
6 pact artificial intelligence system perform-  
7 ance and known limitations; and

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

12 (G) processes and testing performed before  
13 each deployment to ensure the high-impact arti-  
14 ficial intelligence system is safe, reliable, and  
15 effective;

16 (H) if applicable, an identification of any  
17 third-party artificial intelligence systems or  
18 datasets the deployer relies on to train or oper-  
19 ate the high-impact artificial intelligence sys-  
20 tem; and

21 (I) post-deployment monitoring and user  
22 safeguards, including a description of the over-  
23 sight process in place to address issues as  
24 issues arise.

1 (b) DEVELOPER OBLIGATIONS.—The developer of a  
2 high-impact artificial intelligence system shall be subject  
3 to the same obligations as a developer of a critical impact  
4 artificial intelligence system under section 206(c).

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

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

17 (1) shall immediately—

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

19 (B) order the deployer to immediately sub-  
20 mit to the Secretary the report required under  
21 subsection (a)(1); and

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

1 (e) AVOIDANCE OF DUPLICATION.—

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

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

19 (f) RULE OF CONSTRUCTION.—Nothing in this sec-  
20 tion shall be construed to require a deployer of a high-  
21 impact artificial intelligence system to disclose any infor-  
22 mation, including data or algorithms—

23 (1) relating to a trade secret or other protected  
24 intellectual property right;

25 (2) that is confidential business information; or

1 (3) that is privileged.

2 **SEC. 204. RECOMMENDATIONS TO FEDERAL AGENCIES FOR**  
3 **RISK MANAGEMENT OF HIGH-IMPACT ARTIFI-**  
4 **CIAL INTELLIGENCE SYSTEMS.**

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

8 **“SEC. 22B. RECOMMENDATIONS TO FEDERAL AGENCIES**  
9 **FOR SECTOR-SPECIFIC OVERSIGHT OF ARTI-**  
10 **FICIAL INTELLIGENCE.**

11 “(a) DEFINITION OF HIGH-IMPACT ARTIFICIAL IN-  
12 TELLIGENCE SYSTEM.—In this section, the term ‘high-im-  
13 pact artificial intelligence system’ means an artificial intel-  
14 ligence system—

15 “(1) deployed for purposes other than those  
16 solely for use by the Department of Defense or an  
17 element of the intelligence community (as defined in  
18 section 3 of the National Security Act of 1947 (50  
19 U.S.C. 3003)); and

20 “(2) that is specifically developed with the in-  
21 tended purpose of making decisions that have a legal  
22 or similarly significant effect on the access of an in-  
23 dividual to housing, employment, credit, education,  
24 health care, or insurance in a manner that poses a



1 significant risk to rights afforded under the Con-  
2 stitution of the United States or to safety.

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

7 “(1) develop sector-specific recommendations  
8 for individual Federal agencies to conduct oversight  
9 of the non-Federal, and, as appropriate, Federal use  
10 of high-impact artificial intelligence systems to im-  
11 prove the safe and responsible use of such systems;  
12 and

13 “(2) not less frequently than biennially, update  
14 the sector-specific recommendations to account for  
15 changes in technological capabilities or artificial in-  
16 telligence use cases.

17 “(c) REQUIREMENTS.—In developing recommenda-  
18 tions under subsection (b), the Director shall use the vol-  
19 untary risk management framework required by section  
20 22A(c) to identify and provide recommendations to a Fed-  
21 eral agency—

22 “(1) to establish regulations, standards, guide-  
23 lines, best practices, methodologies, procedures, or  
24 processes to facilitate oversight of non-Federal use  
25 of high-impact artificial intelligence systems;

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

3           “(d) RECOMMENDATIONS.—In developing rec-  
4           ommendations under subsection (b), the Director may in-  
5           clude the following:

6           “(1) Key design choices made during high-im-  
7           pact artificial intelligence model development, includ-  
8           ing rationale and assumptions made.

9           “(2) Intended use and users, other possible use  
10          cases, including any anticipated undesirable or po-  
11          tentially harmful use cases, and what good faith ef-  
12          forts model developers can take to mitigate the use  
13          of the system in harmful ways.

14          “(3) Methods for evaluating the safety of high-  
15          impact artificial intelligence systems and approaches  
16          for responsible use.

17          “(4) Sector-specific differences in what con-  
18          stitutes acceptable high-impact artificial intelligence  
19          model functionality and trustworthiness, metrics  
20          used to determine high-impact artificial intelligence  
21          model performance, and any test results reflecting  
22          application of these metrics to evaluate high-impact  
23          artificial intelligence model performance across dif-  
24          ferent sectors.

1           “(5) Recommendations to support iterative de-  
2           velopment of subsequent recommendations under  
3           subsection (b).

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

10 **SEC. 205. OFFICE OF MANAGEMENT AND BUDGET OVER-**  
11 **SIGHT OF RECOMMENDATIONS TO AGENCIES.**

12           (a) RECOMMENDATIONS.—

13           (1) IN GENERAL.—Not later than 1 year after  
14           the date of enactment of this Act, the Under Sec-  
15           retary shall submit to the Director, the head each  
16           covered agency, and the appropriate congressional  
17           committees each NIST recommendation.

18           (2) AGENCY RESPONSES TO RECOMMENDA-  
19           TIONS.—Not later than 90 days after the date on  
20           which the Under Secretary submits a NIST rec-  
21           ommendation to the head of a covered agency under  
22           paragraph (1), the head of the covered agency shall  
23           transmit to the Director a formal written response  
24           to the NIST recommendation that—

1 (A) indicates whether the head of the cov-  
2 ered agency intends to—

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

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

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

9 (B) includes—

10 (i) with respect to a formal written re-  
11 sponse described in clause (i) or (ii) of sub-  
12 paragraph (A), a copy of a proposed time-  
13 table for completing the procedures de-  
14 scribed in that clause;

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

21 (iii) with respect to a formal written  
22 response described in subparagraph  
23 (A)(iii), the reasons for the refusal to carry  
24 out procedures.

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

5 (c) REPORTING REQUIREMENTS.—

6 (1) ANNUAL SECRETARIAL REGULATORY STA-  
7 TUS REPORTS.—

8 (A) IN GENERAL.—On the first February  
9 1 occurring after the date of enactment of this  
10 Act, and annually thereafter until the date de-  
11 scribed in subparagraph (B), the head of each  
12 covered agency shall submit to the Director a  
13 report containing the regulatory status of each  
14 NIST recommendation.

15 (B) CONTINUED REPORTING.—The date  
16 described in this subparagraph is the date on  
17 which the head of a covered agency—

18 (i) takes final regulatory action with  
19 respect to a NIST recommendation; and

20 (ii) determines and states in a report  
21 required under subparagraph (A) that no  
22 regulatory action should be taken with re-  
23 spect to a NIST recommendation.

24 (2) COMPLIANCE REPORT TO CONGRESS.—On  
25 April 1 of each year, the Director shall—

1 (A) review the reports received under para-  
2 graph (1)(A); and

3 (B) transmit comments on the reports to  
4 the heads of covered agencies and the appro-  
5 priate congressional committees.

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

11 (d) TECHNICAL ASSISTANCE IN CARRYING OUT REC-  
12 OMMENDATIONS.—The Under Secretary shall provide as-  
13 sistance to the heads of covered agencies relating to the  
14 implementation of the NIST recommendations the heads  
15 of covered agencies intend to carry out.

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

22 **SEC. 206. RISK MANAGEMENT ASSESSMENT FOR CRITICAL-**  
23 **IMPACT ARTIFICIAL INTELLIGENCE SYS-**  
24 **TEMS.**

25 (a) REQUIREMENT.—



1 paragraph (A) or the most recent assess-  
2 ment performed under this subparagraph.

3 (3) REVIEW.—

4 (A) IN GENERAL.—Not later than 90 days  
5 after the date of completion of a risk manage-  
6 ment assessment by a critical-impact AI organi-  
7 zation under this section, the critical-impact AI  
8 organization shall submit to the Secretary a re-  
9 port—

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

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

14 (B) ADDITIONAL INFORMATION.—Subject  
15 to subsection (d), the Secretary may request  
16 that a critical-impact AI organization submit to  
17 the Secretary any related additional or clari-  
18 fying information with respect to a risk man-  
19 agement assessment performed under this sec-  
20 tion.

21 (4) LIMITATION.— The Secretary may not pro-  
22 hibit a critical-impact AI organization from making  
23 a critical-impact artificial intelligence system avail-  
24 able to the public based on the review by the Sec-  
25 retary of a report submitted under paragraph (3)(A)



1 or additional or clarifying information submitted  
2 under paragraph (3)(B).

3 (b) ASSESSMENT SUBJECT AREAS.—Each assess-  
4 ment performed by a critical-impact AI organization under  
5 subsection (a) shall describe the means by which the crit-  
6 ical-impact AI organization is addressing, through a docu-  
7 mented TEVV process, the following categories:

8 (1) Policies, processes, procedures, and prac-  
9 tices across the organization relating to transparent  
10 and effective mapping, measuring, and managing of  
11 artificial intelligence risks, including—

12 (A) how the organization understands,  
13 manages, and documents legal and regulatory  
14 requirements involving artificial intelligence;

15 (B) how the organization integrates char-  
16 acteristics of trustworthy artificial intelligence,  
17 which include valid, reliable, safe, secure, resil-  
18 ient, accountable, transparent, globally and lo-  
19 cally explainable, interpretable, privacy-en-  
20 hanced, and fair with harmful bias managed,  
21 into organizational policies, processes, proce-  
22 dures, and practices;

23 (C) a methodology to determine the needed  
24 level of risk management activities based on the  
25 organization's risk tolerance; and

1           (D) how the organization establishes risk  
2 management processes and outcomes through  
3 transparent policies, procedures, and other con-  
4 trols based on organizational risk priorities.

5           (2) The structure, context, and capabilities of  
6 the critical-impact artificial intelligence system or  
7 critical-impact foundation model, including—

8           (A) how the context was established and  
9 understood;

10           (B) capabilities, targeted uses, goals, and  
11 expected costs and benefits; and

12           (C) how risks and benefits are mapped for  
13 each system component.

14           (3) A description of how the organization em-  
15 ploys quantitative, qualitative, or mixed-method  
16 tools, techniques, and methodologies to analyze, as-  
17 sess, benchmark, and monitor artificial intelligence  
18 risk, including—

19           (A) identification of appropriate methods  
20 and metrics;

21           (B) how artificial intelligence systems are  
22 evaluated for trustworthy characteristics;

23           (C) mechanisms for tracking artificial in-  
24 telligence system risks over time; and

1 (D) processes for gathering and assessing  
2 feedback relating to the efficacy of measure-  
3 ment.

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

7 (A) how artificial intelligence risks based  
8 on assessments and other analytical outputs de-  
9 scribed in paragraphs (2) and (3) are  
10 prioritized, responded to, and managed;

11 (B) how strategies to maximize artificial  
12 intelligence benefits and minimize negative im-  
13 pacts were planned, prepared, implemented,  
14 documented, and informed by input from rel-  
15 evant artificial intelligence deployers;

16 (C) management of artificial intelligence  
17 system risks and benefits; and

18 (D) regular monitoring of risk treatments,  
19 including response and recovery, and commu-  
20 nication plans for the identified and measured  
21 artificial intelligence risks, as applicable.

22 (c) DEVELOPER OBLIGATIONS.—The developer of a  
23 critical-impact artificial intelligence system that agrees  
24 through a contract or license to provide technology or serv-  
25 ices to a deployer of the critical-impact artificial intel-

1 ligitance system shall provide to the deployer of the critical-  
2 impact artificial intelligence system the information rea-  
3 sonably necessary for the deployer to comply with the re-  
4 quirements under subsection (a), including—

5 (1) an overview of the data used in training the  
6 baseline artificial intelligence system provided by the  
7 developer, including—

8 (A) data size;

9 (B) data sources;

10 (C) copyrighted data; and

11 (D) personal identifiable information;

12 (2) documentation outlining the structure and  
13 context of the baseline artificial intelligence system  
14 of the developer, including—

15 (A) input modality;

16 (B) output modality;

17 (C) model size; and

18 (D) model architecture;

19 (3) known capabilities, limitations, and risks of  
20 the baseline artificial intelligence system of the de-  
21 veloper at the time of the development of the artifi-  
22 cial intelligence system; and

23 (4) documentation for downstream use, includ-  
24 ing—

25 (A) a statement of intended purpose;

1 (B) guidelines for the intended use of the  
2 artificial intelligence system, including a list of  
3 permitted, restricted, and prohibited uses and  
4 users; and

5 (C) a statement of the potential for devi-  
6 ation from the intended purpose of the baseline  
7 artificial intelligence system.

8 (d) TERMINATION OF OBLIGATION TO DISCLOSE IN-  
9 FORMATION.—

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

17 (A) the Secretary under section 207(c)  
18 with respect to a critical-impact artificial intel-  
19 ligence system;

20 (B) another department or agency of the  
21 Federal Government, as determined applicable  
22 by the Secretary; or

23 (C) a non-governmental standards organi-  
24 zation, as determined appropriate by the Sec-  
25 retary.

1 (2) EFFECT OF NEW STANDARD.—In adopting  
2 any standard applicable to critical-impact artificial  
3 intelligence systems under section 207(c), the Sec-  
4 retary shall—

5 (A) identify the category under subsection  
6 (b) to which the standard relates, if any; and

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

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

15 (1) relating to a trade secret or other protected  
16 intellectual property right;

17 (2) that is confidential business information; or

18 (3) that is privileged.

19 **SEC. 207. CERTIFICATION OF CRITICAL-IMPACT ARTIFICIAL**  
20 **INTELLIGENCE SYSTEMS.**

21 (a) ESTABLISHMENT OF ARTIFICIAL INTELLIGENCE  
22 CERTIFICATION ADVISORY COMMITTEE.—

23 (1) IN GENERAL.—Not later than 180 days  
24 after the date of enactment of this Act, the Sec-  
25 retary shall establish an advisory committee to pro-

1       vide advice and recommendations on TEVV stand-  
2       ards and the certification of critical-impact artificial  
3       intelligence systems.

4               (2) DUTIES.—The advisory committee estab-  
5       lished under this section shall advise the Secretary  
6       on matters relating to the testing and certification  
7       of critical-impact artificial intelligence systems, in-  
8       cluding by—

9               (A) providing recommendations to the Sec-  
10       retary on proposed TEVV standards to ensure  
11       such standards—

12                       (i) maximize alignment and interoper-  
13                       ability with standards issued by nongovern-  
14                       mental standards organizations and inter-  
15                       national standards bodies;

16                       (ii) are performance-based and im-  
17                       pact-based; and

18                       (iii) are applicable or necessary to fa-  
19                       cilitate the deployment of critical-impact  
20                       artificial intelligence systems in a trans-  
21                       parent, secure, and safe manner;

22               (B) reviewing prospective TEVV standards  
23       submitted by the Secretary to ensure such  
24       standards align with recommendations under  
25       subparagraph (A);

1 (C) upon completion of the review under  
2 subparagraph (B), providing consensus rec-  
3 ommendations to the Secretary on—

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

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

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

15 (3) COMPOSITION.—The advisory committee es-  
16 tablished under this subsection shall be composed of  
17 not more than 15 members with a balanced composi-  
18 tion of representatives of the private sector, institu-  
19 tions of higher education, and non-profit organiza-  
20 tions, including—

21 (A) representatives of—

22 (i) institutions of higher education;

23 (ii) companies developing or operating  
24 artificial intelligence systems;



1 (iii) consumers or consumer advocacy  
2 groups; and  
3 (iv) enabling technology companies;  
4 and  
5 (B) any other members the Secretary con-  
6 siders to be appropriate.

7 (b) ARTIFICIAL INTELLIGENCE CERTIFICATION  
8 PLAN.—

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

14 (2) PERIODIC UPDATE.—The Secretary shall  
15 periodically update the plan established under para-  
16 graph (1).

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

19 (A) a methodology for gathering and using  
20 relevant, objective, and available information re-  
21 lating to TEVV;

22 (B) a process for considering whether pre-  
23 scribing certain TEVV standards under sub-  
24 section (c) for critical-impact artificial intel-

1 intelligence systems is appropriate, necessary, or du-  
2 plicative of existing international standards;

3 (C) if TEVV standards are considered ap-  
4 propriate, a process for prescribing such stand-  
5 ards for critical-impact artificial intelligence  
6 systems; and

7 (D) an outline of standards proposed to be  
8 issued, including an estimation of the timeline  
9 and sequencing of such standards.

10 (4) CONSULTATION.—In developing the plan re-  
11 quired under paragraph (1), the Secretary shall con-  
12 sult the following:

13 (A) The National Artificial Intelligence  
14 Initiative Office.

15 (B) The interagency committee established  
16 under section 5103 of the National Artificial  
17 Intelligence Initiative Act of 2020 (15 U.S.C.  
18 9413).

19 (C) The National Artificial Intelligence Ad-  
20 visory Committee.

21 (D) Industry consensus standards issued  
22 by non-governmental standards organizations.

23 (E) Other departments, agencies, and in-  
24 strumentalities of the Federal Government, as  
25 considered appropriate by the Secretary.

1           (5) SUBMISSION TO CERTIFICATION ADVISORY  
2           COMMITTEE.—Upon completing the initial plan re-  
3           quired under this subsection and upon completing  
4           periodic updates to the plan under paragraph (2),  
5           the Secretary shall submit the plan to the advisory  
6           committee established under subsection (a) for re-  
7           view.

8           (6) SUBMISSION TO COMMITTEES OF CON-  
9           GRESS.—Upon completing the plan required under  
10          this subsection, the Secretary shall submit to the rel-  
11          evant committees of Congress a report containing  
12          the plan.

13          (7) LIMITATION.—The Secretary may not issue  
14          TEVV standards under subsection (c) until the date  
15          of the submission of the plan under paragraphs (5)  
16          and (6).

17          (c) STANDARDS.—

18                 (1) STANDARDS.—

19                         (A) IN GENERAL.—The Secretary shall  
20                         issue TEVV standards for critical-impact artifi-  
21                         cial intelligence systems.

22                         (B) REQUIREMENTS.—Each standard  
23                         issued under this subsection shall—

24                                 (i) be practicable;

1 (ii) meet the need for safe, secure,  
2 and transparent operations of critical-im-  
3 pact artificial intelligence systems;

4 (iii) with respect to a relevant stand-  
5 ard issued by a non-governmental stand-  
6 ards organization that is already in place,  
7 align with and be interoperable with that  
8 standard;

9 (iv) provide for a mechanism to, not  
10 less frequently than once every 2 years, so-  
11 licit public comment and update the stand-  
12 ard to reflect advancements in technology  
13 and system architecture; and

14 (v) be stated in objective terms.

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

18 (A) consider relevant available information  
19 concerning critical-impact artificial intelligence  
20 systems, including—

21 (i) transparency reports submitted  
22 under section 203(a);

23 (ii) risk management assessments con-  
24 ducted under section 206(a); and

1 (iii) any additional information pro-  
2 vided to the Secretary pursuant to section  
3 203(a)(1)(B);

4 (B) consider whether a proposed standard  
5 is reasonable, practicable, and appropriate for  
6 the particular type of critical-impact artificial  
7 intelligence system for which the standard is  
8 proposed;

9 (C) consult with relevant artificial intel-  
10 ligence stakeholders and review industry stand-  
11 ards issued by nongovernmental standards or-  
12 ganizations;

13 (D) pursuant to paragraph (1)(B)(iii), con-  
14 sider whether adoption of a relevant standard  
15 issued by a nongovernmental standards organi-  
16 zation as a TEVV standard is the most appro-  
17 priate action; and

18 (E) consider whether the standard takes  
19 into account—

20 (i) transparent, replicable, and objec-  
21 tive assessments of critical-impact artificial  
22 intelligence system risk, structure, capabili-  
23 ties, and design;

1 (ii) the risk posed to the public by an  
2 applicable critical-impact artificial intel-  
3 ligence system; and

4 (iii) the diversity of methodologies and  
5 innovative technologies and approaches  
6 available to meet the objectives of the  
7 standard.

8 (3) CONSULTATION.—Before finalizing a TEVV  
9 standard issued under this subsection, the Secretary  
10 shall submit the TEVV standard to the advisory  
11 committee established under subsection (a) for re-  
12 view.

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

16 (5) COOPERATION.—In developing a TEVV  
17 standard under this subsection, the Secretary may,  
18 as determined appropriate, advise, assist, and co-  
19 operate with departments, agencies, and instrumen-  
20 talities of the Federal Government, States, and other  
21 public and private agencies.

22 (6) EFFECTIVE DATE OF STANDARDS.—

23 (A) IN GENERAL.—The Secretary shall  
24 specify the effective date of a TEVV standard

1 issued under this subsection in the order  
2 issuing the standard.

3 (B) LIMITATION.—Subject to subpara-  
4 graph (C), a TEVV standard issued under this  
5 subsection may not become effective—

6 (i) during the 180-day period fol-  
7 lowing the date on which the TEVV stand-  
8 ard is issued; and

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

11 (C) EXCEPTION.—Subparagraph (B) shall  
12 not apply to the effective date of a TEVV  
13 standard issued under this section if the Sec-  
14 retary—

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

18 (ii) publishes the reasons for the find-  
19 ing under clause (i).

20 (7) RULE OF CONSTRUCTION.—Nothing in this  
21 subsection shall be construed to authorize the Sec-  
22 retary to impose any requirements on or take any  
23 enforcement actions under this section or section  
24 208 relating to a critical-impact AI organization be-

1       fore a TEVV standard relating to those require-  
2       ments is prescribed.

3       (d) EXEMPTIONS.—

4           (1) AUTHORITY TO EXEMPT AND PROCE-  
5       DURES.—

6           (A) IN GENERAL.—The Secretary may ex-  
7       empt, on a temporary basis, a critical-impact  
8       artificial intelligence system from a TEVV  
9       standard issued under subsection (c) on terms  
10      the Secretary considers appropriate.

11          (B) RENEWAL.—An exemption under sub-  
12      paragraph (A)—

13           (i) may be renewed only on reapplica-  
14      tion; and

15           (ii) shall conform to the requirements  
16      of this paragraph.

17          (C) PROCEEDINGS.—

18           (i) IN GENERAL.—The Secretary may  
19      begin a proceeding to grant an exemption  
20      to a critical-impact artificial intelligence  
21      system under this paragraph if the critical-  
22      impact AI organization that deployed the  
23      critical-impact artificial intelligence sys-  
24      tems applies for an exemption or a renewal  
25      of an exemption.



1                   (ii) NOTICE AND COMMENT.—The  
2                   Secretary shall publish notice of the appli-  
3                   cation under clause (i) and provide an op-  
4                   portunity to comment.

5                   (iii) FILING.—An application for an  
6                   exemption or for a renewal of an exemp-  
7                   tion under this paragraph shall be filed at  
8                   such time and in such manner and contain  
9                   such information as the Secretary may re-  
10                  quire.

11                 (D) ACTIONS.—The Secretary may grant  
12                  an exemption under this paragraph upon find-  
13                  ing that—

14                         (i) the exemption is consistent with  
15                         the public interest and this section; and

16                         (ii) the exemption would facilitate the  
17                         development or evaluation of a feature or  
18                         characteristic of a critical-impact artificial  
19                         intelligence system providing a safety and  
20                         security level that is not less than the  
21                         TEVV standard level.

22                 (2) DISCLOSURE.—Not later than 30 days after  
23                  the date on which an application is filed under this  
24                  subsection, the Secretary may make public informa-  
25                  tion contained in the application or relevant to the

1 application, unless the information concerns or is re-  
2 lated to a trade secret or other confidential informa-  
3 tion not relevant to the application.

4 (3) NOTICE OF DECISION.—The Secretary shall  
5 publish in the Federal Register a notice of each deci-  
6 sion granting or denying an exemption under this  
7 subsection and the reasons for granting or denying  
8 that exemption, including a justification with sup-  
9 porting information for the selected approach.

10 (e) SELF-CERTIFICATION OF COMPLIANCE.—

11 (1) IN GENERAL.—Subject to paragraph (2),  
12 with respect to each critical-impact artificial intel-  
13 ligence system of a critical-impact AI organization,  
14 the critical-impact AI organization shall certify to  
15 the Secretary that the critical-impact artificial intel-  
16 ligence system complies with applicable TEVV  
17 standards issued under this section.

18 (2) EXCEPTION.—A critical-impact AI organi-  
19 zation may not issue a certificate under paragraph  
20 (1) if, in exercising reasonable care, the critical-im-  
21 pact AI organization has constructive knowledge  
22 that the certificate is false or misleading in a mate-  
23 rial respect.

24 (f) NONCOMPLIANCE FINDINGS AND ENFORCEMENT  
25 ACTION.—

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

6                   (A) immediately—

7                           (i) notify the critical-impact AI orga-  
8                           nization of the finding; and

9                           (ii) order the critical-impact AI orga-  
10                          nization to take remedial action to address  
11                          the noncompliance of the artificial intel-  
12                          ligence system; and

13                   (B) may, as determined appropriate or  
14                   necessary by the Secretary, and if the Secretary  
15                   determines that actions taken by a critical-im-  
16                   pact AI organization are insufficient to remedy  
17                   the noncompliance of the critical-impact AI or-  
18                   ganization with this section, take enforcement  
19                   action under section 208.

20           (2) ACTIONS BY CRITICAL-IMPACT AI ORGANIZA-  
21           TION.—If a critical-impact AI organization finds  
22           that a critical-impact artificial intelligence system  
23           deployed by the critical-impact AI organization is  
24           noncompliant with an applicable TEVV standard  
25           issued under this section or the critical-impact AI

1 organization is notified of noncompliance by the Sec-  
2 retary under paragraph (1)(A)(i), the critical-impact  
3 AI organization shall—

4 (A) without undue delay, notify the Sec-  
5 retary by certified mail or electronic mail of the  
6 noncompliance or receipt of the notification of  
7 noncompliance;

8 (B) take remedial action to address the  
9 noncompliance; and

10 (C) not later than 10 days after the date  
11 of the notification or receipt under subpara-  
12 graph (A), submit to the Secretary a report  
13 containing information on—

14 (i) the nature and discovery of the  
15 noncompliant aspect of the critical-impact  
16 artificial intelligence system;

17 (ii) measures taken to remedy such  
18 noncompliance; and

19 (iii) actions taken by the critical-im-  
20 pact AI organization to address stake-  
21 holders affected by such noncompliance.

22 **SEC. 208. ENFORCEMENT.**

23 (a) IN GENERAL.—Upon discovering noncompliance  
24 with a provision of this Act by a deployer of a high-impact  
25 artificial intelligence system or a critical-impact AI organi-

1 zation if the Secretary determines that actions taken by  
2 the critical-impact AI organization are insufficient to rem-  
3 edy the noncompliance, the Secretary shall take an action  
4 described in this section.

5 (b) CIVIL PENALTIES.—

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

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

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

15 (B) an amount that is twice the value of  
16 the transaction that is the basis of the violation  
17 with respect to which the penalty is imposed.

18 (c) VIOLATION WITH INTENT.—

19 (1) IN GENERAL.—If the Secretary determines  
20 that a deployer of a high-impact artificial intel-  
21 ligence system or a critical-impact AI organization  
22 intentionally violates this Act or any regulation or  
23 order issued under this Act, the Secretary may pro-  
24 hibit the critical-impact AI organization from de-

1        plying a critical-impact artificial intelligence sys-  
2        tem.

3            (2) IN ADDITION .—A prohibition imposed  
4        under paragraph (1) shall be in addition to any  
5        other civil 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) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to require a developer of a critical-  
3 impact artificial intelligence system to disclose any infor-  
4 mation, including data or algorithms—

5 (1) relating to a trade secret or other protected  
6 intellectual property right;

7 (2) that is confidential business information; or

8 (3) that is privileged.

9 **SEC. 209. ARTIFICIAL INTELLIGENCE CONSUMER EDU-**  
10 **CATION.**

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

15 (b) MEMBERSHIP.—

16 (1) IN GENERAL.—The Secretary shall appoint  
17 to serve as members of the working group estab-  
18 lished under this section not more than 15 individ-  
19 uals with expertise relating to artificial intelligence  
20 systems, including—

21 (A) representatives of—

22 (i) institutions of higher education;

23 (ii) companies developing or operating  
24 artificial intelligence systems;

- 1 (iii) consumers or consumer advocacy  
2 groups;  
3 (iv) public health organizations;  
4 (v) marketing professionals;  
5 (vi) entities with national experience  
6 relating to consumer education, including  
7 technology education;  
8 (vii) public safety organizations;  
9 (viii) rural workforce development ad-  
10 vocates;  
11 (ix) enabling technology companies;  
12 and  
13 (x) nonprofit technology industry  
14 trade associations; and

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

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

20 (c) DUTIES.—

21 (1) IN GENERAL.—The working group estab-  
22 lished under this section shall—

23 (A) identify recommended education and  
24 programs that may be voluntarily employed by  
25 industry to inform—



1 (i) consumers and other stakeholders  
2 with respect to artificial intelligence sys-  
3 tems as those systems—

4 (I) become available; or

5 (II) are soon to be made widely  
6 available for public use or consump-  
7 tion; and

8 (B) submit to Congress, and make avail-  
9 able to the public, a report containing the find-  
10 ings and recommendations under subparagraph  
11 (A).

12 (2) FACTORS FOR CONSIDERATION.—The work-  
13 ing group established under this section shall take  
14 into consideration topics relating to—

15 (A) the intent, capabilities, and limitations  
16 of artificial intelligence systems;

17 (B) use cases of artificial intelligence appli-  
18 cations that improve lives of the people of the  
19 United States, such as improving government  
20 efficiency, filling critical roles, and reducing  
21 mundane work tasks;

22 (C) artificial intelligence research break-  
23 throughs;

24 (D) engagement and interaction methods,  
25 including how to adequately inform consumers

1 of interaction with an artificial intelligence sys-  
2 tem;

3 (E) human-machine interfaces;

4 (F) emergency fallback scenarios;

5 (G) operational boundary responsibilities;

6 (H) potential mechanisms that could  
7 change function behavior in service; and

8 (I) consistent nomenclature and taxonomy  
9 for safety features and systems.

10 (3) CONSULTATION.—The Secretary shall con-  
11 sult with the Chair of the Federal Trade Commis-  
12 sion with respect to the recommendations of the  
13 working group established under this section, as ap-  
14 propriate.

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