


Thune-Klobuchar Substitute

S.L.C.  


AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

**S. 3312**

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

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by \_\_\_\_\_

Viz:

1 Strike all after the enacting clause and insert the following:  
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Artificial Intelligence  
5 Research, Innovation, and Accountability Act of 2024”.

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 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.

## 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  
 16 system or process used to assist in making calcula-  
 17 tions and predictions, including through the use of

1 algorithms, computer programs, or artificial intel-  
2 ligence systems; and

3 “(25) the term ‘artificial intelligence system’  
4 means a machine-based system that, for explicit or  
5 implicit objectives, infers from the input the system  
6 receives how to generate outputs, such as pre-  
7 dictions, content, recommendations, or decisions that  
8 can influence physical or virtual environments.”.

9 **SEC. 102. ONLINE CONTENT AUTHENTICITY AND PROVE-**  
10 **NANCE STANDARDS RESEARCH AND DEVEL-**  
11 **OPMENT.**

12 (a) RESEARCH.—

13 (1) IN GENERAL.—Not later than 180 days  
14 after the date of the enactment of this Act, the  
15 Under Secretary of Commerce for Standards and  
16 Technology shall carry out research to facilitate the  
17 development and promote the standardization of  
18 means to provide authenticity and provenance infor-  
19 mation for digital content generated by human au-  
20 thors and artificial intelligence systems.

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

23 (A) Secure and mandatory methods for  
24 human content to append statements of prove-  
25 nance information through the use of unique

1           credentials, watermarking, or other data or  
2           metadata-based approaches.

3           (B) Methods for the verification of state-  
4           ments of digital content provenance to ensure  
5           authenticity such as watermarking or classi-  
6           fiers, which are trained models that distinguish  
7           artificial intelligence-generated content.

8           (C) Methods for displaying clear and con-  
9           spicuous labels of digital content provenance to  
10          users.

11          (D) Technologies, applications, or infra-  
12          structure needed to facilitate the creation and  
13          verification of digital content provenance infor-  
14          mation.

15          (E) Mechanisms to ensure that any tech-  
16          nologies and methods developed under this sub-  
17          section are minimally burdensome on content  
18          producers to implement.

19          (F) Use of digital content transparency  
20          technologies to enable attribution for human-  
21          created content.

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

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

6           (b) TECHNICAL ASSISTANCE ON THE DEVELOPMENT  
7 OF STANDARDS.—

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

16           (2) CONSIDERATIONS.—In providing any tech-  
17 nical review and assistance related to the develop-  
18 ment of digital content provenance and authenticity  
19 standards under this subsection, the Under Sec-  
20 retary may—

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

25           (B) consult with relevant stakeholders; and

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

3 (e) PILOT PROGRAM.—

4 (1) IN GENERAL.—The Under Secretary shall  
5 carry out a pilot program to assess the feasibility  
6 and advisability of using available technologies and  
7 creating guidelines to facilitate the creation and  
8 verification of digital content provenance informa-  
9 tion.

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

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

18 (A) apply and evaluate methods for au-  
19 thenticating the origin of and modifications to  
20 government-produced digital content, either by  
21 Federal Government employees or a private en-  
22 tity under the terms of a government contract,  
23 using technology and guidelines described in  
24 paragraph (1); and

1           (B) make available to the public digital  
2           content embedded with provenance data or  
3           other authentication provided by the heads of  
4           the Federal agencies selected pursuant to para-  
5           graph (2) for the purposes of the pilot program.

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

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

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

1 administrative action to encourage or require the wide-  
2 spread adoption of such initiatives in the United States.

3 **SEC. 103. STANDARDS FOR DETECTION OF ANOMALOUS BE-**  
4 **HAVIOR AND ARTIFICIAL INTELLIGENCE-**  
5 **GENERATED MEDIA.**

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

9 (1) by redesignating subparagraph (I) as sub-  
10 paragraph (K);

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

13 (3) by inserting after subparagraph (H) the fol-  
14 lowing:

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

19 “(J) methods to detect and mitigate anom-  
20 alous behavior of artificial intelligence systems  
21 and safeguards to mitigate potentially adver-  
22 sarial or compromising anomalous behavior;  
23 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 responsible use of artificial intelligence systems by  
13 the Federal 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 a ma-  
19 chine-based system that, for explicit or implicit ob-  
20 jectives, infers, from the input the system receives,  
21 how to generate outputs such as predictions, con-  
22 tent, recommendations, or decisions that can influ-  
23 ence physical or virtual environments.

24 (3) COVERED AGENCY.—The term “covered  
25 agency” means an agency for which a guideline is

1 developed under section 22B(b)(1) of the National  
2 Institute of Standards and Technology Act, as added  
3 by section 204 of this Act, including—

- 4 (A) the Department of Commerce;
- 5 (B) the Department of State;
- 6 (C) the Department of Homeland Security;
- 7 (D) the Department of Health and Human  
8 Services;
- 9 (E) the Department of Agriculture;
- 10 (F) the Department of Housing and Urban  
11 Development;
- 12 (G) the Department of the Interior;
- 13 (H) the Department of Education;
- 14 (I) the Department of Energy;
- 15 (J) the Department of Labor;
- 16 (K) the Department of Transportation;
- 17 (L) the Department of Justice;
- 18 (M) the Department of the Treasury;
- 19 (N) the Department of Veterans Affairs;
- 20 and
- 21 (O) any other agency the Secretary deter-  
22 mines appropriate.

23 (4) CRITICAL-IMPACT AI ORGANIZATION.—The  
24 term “critical-impact AI organization” means a non-

1 government organization that serves as the deployer  
2 of a critical-impact artificial intelligence system.

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

7 (A) is deployed for a purpose other than  
8 solely for use by the Department of Defense or  
9 an intelligence agency (as defined in section  
10 3094(e) of the National Security Act of 1947  
11 (50 U.S.C. 3094(3)); and

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

13 (i) to make a decision or substantially  
14 replace the discretionary human decision-  
15 making process regarding—

16 (I) the real-time or ex post facto  
17 collection or analysis of biometric data  
18 of a natural person by biometric iden-  
19 tification systems without the consent  
20 of the natural person;

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

1 (III) a government or govern-  
2 ment contractor's actions pertaining  
3 to criminal justice (as defined in sec-  
4 tion 901 of title I of the Omnibus  
5 Crime Control and Safe Streets Act of  
6 1968 ( 34 U.S.C. 10251)); and

7 (ii) in a manner that poses a signifi-  
8 cant risk to safety or violates rights af-  
9 farded under the Constitution of the  
10 United States.

11 (6) DEPLOYER.—The term “deployer”—

12 (A) means an entity that—

13 (i) uses or operates an artificial intel-  
14 ligence system for internal use or for use  
15 by a third party;

16 (ii) substantially modifies an artificial  
17 intelligence system, or trains an artificial  
18 intelligence system using new data, for in-  
19 ternal use or for use by a third party; or

20 (iii) performs the functions described  
21 in clauses (i) and (ii); and

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

24 (7) DEVELOPER.—The term “developer” means  
25 an entity that—

1 (A) initially designs, codes, produces, or  
2 owns an artificial intelligence system for inter-  
3 nal use or for use by a third party as a baseline  
4 model; and

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

7 (8) END USER.—The term “end user” means  
8 an entity that, with respect to an artificial intel-  
9 ligence system procured from a deployer for which  
10 the deployer submits a transparency report under  
11 section 203 or a risk management assessment under  
12 section 206—

13 (A) uses or operates the artificial intel-  
14 ligence system; and

15 (B) does not substantially edit or modify  
16 the artificial intelligence system.

17 (9) GENERATIVE ARTIFICIAL INTELLIGENCE  
18 SYSTEM.—The term “generative artificial intel-  
19 ligence system” means an artificial intelligence sys-  
20 tem that generates output, such as data or content  
21 in a written, audio, or visual format.

22 (10) HIGH-IMPACT ARTIFICIAL INTELLIGENCE  
23 SYSTEM.—The term “high-impact artificial intel-  
24 ligence system” means an artificial intelligence sys-  
25 tem—

1 (A) deployed for a purpose other than sole-  
2 ly for use by the Department of Defense or an  
3 intelligence agency (as defined in section  
4 3094(e) of the National Security Act of 1947  
5 (50 U.S.C. 3094(3)); and

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

15 (11) ONLINE PLATFORM.—The term “online  
16 platform” means any public-facing website, online  
17 service, online application, or mobile application that  
18 predominantly provides a community forum for user-  
19 generated content, such as sharing videos, images,  
20 games, audio files, or other content, including a so-  
21 cial media service, social network, or virtual reality  
22 environment.

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



1           (13) SIGNIFICANT RISK.—The term “significant  
2 risk” means the risk of—

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

5           (B) a high probability of substantial harm  
6 to individuals.

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

10           (A) open, transparent, testable, and  
11 verifiable specifications that characterize real-  
12 istic operational performance, such as validity  
13 and reliability for relevant tasks;

14           (B) testing methodologies and metrics that  
15 enable the evaluation of system trustworthiness,  
16 including robustness and resilience;

17           (C) data quality standards for training and  
18 testing datasets;

19           (D) requirements for system validation and  
20 integration into production environments, auto-  
21 mated testing, and compliance with existing  
22 legal and regulatory specifications;

23           (E) methods and tools for—

24           (i) the monitoring of system behavior;

- 1 (ii) the tracking of incidents or errors  
2 reported and their management; and  
3 (iii) the detection of emergent prop-  
4 erties and related impacts; and  
5 (F) processes for redress and response.

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

9 **SEC. 202. GENERATIVE ARTIFICIAL INTELLIGENCE TRANS-**  
10 **PARENCY.**

11 (a) PROHIBITION.—

12 (1) DISCLOSURE OF USE OF GENERATIVE ARTI-  
13 FICIAL INTELLIGENCE SYSTEMS.—

14 (A) IN GENERAL.—A person operating an  
15 online platform that uses a generative artificial  
16 intelligence system shall provide notice to each  
17 user of the online platform that the online plat-  
18 form uses a generative artificial intelligence sys-  
19 tem to generate content the user sees.

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

23 (i) subject to clause (ii), shall provide  
24 the notice in a clear and conspicuous man-  
25 ner on the online platform before the user

1 interacts with content produced by a gen-  
2 erative artificial intelligence system used  
3 by the online platform; and

4 (ii) may provide an option for the user  
5 to choose to see the notice described in  
6 clause (i) only upon the first interaction of  
7 the user with content produced by a gen-  
8 erative artificial intelligence system.

9 (b) ENFORCEMENT ACTION.—Upon learning that a  
10 person operating an online platform violates this section  
11 after receiving a report of noncompliance or pursuant to  
12 an investigation conducted under section 208(f), the Sec-  
13 retary—

14 (1) shall immediately—

15 (A) notify the person operating the online  
16 platform of the finding; and

17 (B) order the person operating the online  
18 platform to take remedial action to address the  
19 noncompliance of the generative artificial intel-  
20 ligence system operated by the online platform;  
21 and

22 (2) may, as determined appropriate or nec-  
23 essary by the Secretary, take enforcement action  
24 under section 208 if the person operating the online  
25 platform does not take sufficient action to remedy

1 the noncompliance by the date that is 15 days after  
2 the notification issued under paragraph (1)(A).

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

6 **SEC. 203. TRANSPARENCY REPORTS FOR HIGH-IMPACT AR-**  
7 **TIFICIAL INTELLIGENCE SYSTEMS.**

8 (a) TRANSPARENCY REPORTING.—

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

11 (A) before deploying the high-impact artifi-  
12 cial intelligence system, and annually there-  
13 after, submit to the Secretary a transparency  
14 report for the high-impact artificial intelligence  
15 system; and

16 (B) submit to the Secretary an updated  
17 transparency report on the high-impact artifi-  
18 cial intelligence system if the deployer makes a  
19 material change to—

20 (i) the purpose for which the high-im-  
21 pact artificial intelligence system is used;

22 or

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



1 tional policies, processes, procedures,  
2 and practices;

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

7 (IV) how the organization estab-  
8 lishes risk management processes and  
9 outcomes through transparent poli-  
10 cies, procedures, and other controls  
11 based on organizational risk priorities;

12 (B) the structure, context, and capabilities  
13 of the high-impact artificial intelligence system,  
14 including—

15 (i) how the context was established  
16 and understood;

17 (ii) capabilities, targeted uses, goals,  
18 and expected costs and benefits; and

19 (iii) how risks and benefits are  
20 mapped for each system component;

21 (C) a description of how the organization  
22 of the deployer employs quantitative, quali-  
23 tative, or mixed-method tools, techniques, and  
24 methodologies to analyze, assess, benchmark,

1 and monitor artificial intelligence risk, includ-  
2 ing—

3 (i) identification of appropriate meth-  
4 ods and metrics;

5 (ii) how artificial intelligence systems  
6 are evaluated for characteristics of trust-  
7 worthy artificial intelligence;

8 (iii) mechanisms for tracking artificial  
9 intelligence system risks over time; and

10 (iv) processes for gathering and as-  
11 sessing feedback relating to the efficacy of  
12 measurement; and

13 (D) a description of allocation of risk re-  
14 sources to map and measure risks on a regular  
15 basis, including—

16 (i) how artificial intelligence risks  
17 based on assessments and other analytical  
18 outputs are prioritized, responded to, and  
19 managed;

20 (ii) how strategies to maximize artifi-  
21 cial intelligence benefits and minimize neg-  
22 ative impacts were planned, prepared, im-  
23 plemented, documented, and informed by  
24 input from relevant artificial intelligence  
25 deployers;

1 (iii) management of artificial intel-  
2 ligence system risks and benefits; and

3 (iv) regular monitoring of risk treat-  
4 ments, including response and recovery,  
5 and communication plans for the identified  
6 and measured artificial intelligence risks,  
7 as applicable.

8 (3) DEVELOPER OBLIGATIONS.—The developer  
9 of a high-impact artificial intelligence system that  
10 agrees to provide technologies or services to a  
11 deployer of the high-impact artificial intelligence sys-  
12 tem shall provide to the deployer of the high-impact  
13 artificial intelligence system the information reason-  
14 ably necessary for compliance with paragraph (1),  
15 including—

16 (A) an overview of the data used in train-  
17 ing the baseline artificial intelligence system  
18 provided by the developer, including—

19 (i) size of datasets used;

20 (ii) content and data sources and  
21 types of data used;

22 (iii) content and data that may be  
23 subject to copyright protection and any  
24 steps taken to remove such content and  
25 data prior to training or other uses; and



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

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

- 10 (i) input modality;  
11 (ii) system output and modality;  
12 (iii) model size; and  
13 (iv) model architecture;

14 (C) known or reasonably foreseeable capa-  
15 bilities, limitations, and risks of the baseline ar-  
16 tificial intelligence system at the time of the de-  
17 velopment of the artificial intelligence system;  
18 and

19 (D) documentation for downstream use, in-  
20 cluding—

- 21 (i) a statement of intended purpose;  
22 (ii) guidelines for the intended use of  
23 the artificial intelligence system, including  
24 a list of permitted, restricted, and prohib-  
25 ited uses and users; and

1 (iii) a description of the potential for  
2 and risk of deviation from the intended  
3 purpose of the baseline artificial intel-  
4 ligence system, including recommended  
5 safeguards to mitigate and prevent risks to  
6 safety or to rights afforded under the Con-  
7 stitution of the United States or Federal  
8 law.

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

16 (c) NONCOMPLIANCE AND ENFORCEMENT ACTION.—  
17 Upon learning that a deployer of a high-impact artificial  
18 intelligence system violates this section with respect to a  
19 high-impact artificial intelligence system after receiving a  
20 report of noncompliance or pursuant to an investigation  
21 conducted under section 208(f), the Secretary—

22 (1) shall immediately—

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

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

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

8 (d) AVOIDANCE OF DUPLICATION.—

9 (1) REPORTING OF DUPLICATIVE REQUIRE-  
10 MENTS.—

11 (A) IN GENERAL.—Not later than 90 days  
12 after the date of the enactment of this Act, and  
13 annually thereafter, the Secretary, in coordina-  
14 tion with the head of any relevant covered agen-  
15 cy, shall publish a report of duplicative require-  
16 ments relating to the submission of a trans-  
17 parency report for a high-impact artificial intel-  
18 ligence system under this section.

19 (B) PUBLIC COMMENT.—Not later than 90  
20 days after the publication of the report required  
21 under subparagraph (A), the Secretary shall  
22 provide an opportunity for public comment to  
23 solicit input from stakeholders on the findings  
24 and recommendations of the report.

25 (2) EXEMPTION.—

1           (A) IN GENERAL.—Using information from  
2 the report required under paragraph (1)(A), the  
3 Secretary shall ensure that the requirements  
4 under this section are not unnecessarily burden-  
5 some or duplicative of requirements made or  
6 oversight conducted by a covered agency relat-  
7 ing to the non-Federal use of high-impact artifi-  
8 cial intelligence systems.

9           (B) EXEMPTION.—If the Secretary deter-  
10 mines in the report required under paragraph  
11 (1)(A) that there are significantly duplicative  
12 requirements with respect to a high-impact arti-  
13 ficial intelligence system used by a covered  
14 agency, the deployer and the developer of the  
15 high-impact artificial intelligence system shall  
16 be exempt from the significantly duplicative re-  
17 quirements under this section.

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

22           (1) constituting a trade secret or other intellec-  
23 tual property right; or

24           (2) that is confidential business information.

1 (f) CONSOLIDATION.—With respect to an instance in  
2 which multiple deployers participate in the deployment of  
3 a high-impact artificial intelligence system, the Secretary  
4 may establish through regulation a process under which  
5 the deployers may submit a single transparency report  
6 under subsection (a).

7 **SEC. 204. GUIDELINES FOR FEDERAL AGENCIES AND**  
8 **PLANS FOR OVERSIGHT OF HIGH-IMPACT AR-**  
9 **TIFICIAL INTELLIGENCE SYSTEMS.**

10 (a) GUIDELINES FOR FEDERAL AGENCIES FOR  
11 OVERSIGHT OF ARTIFICIAL INTELLIGENCE.—The Na-  
12 tional Institute of Standards and Technology Act (15  
13 U.S.C. 271 et seq.) is amended by inserting after section  
14 22A (15 U.S.C. 278h-1) the following:

15 **“SEC. 22B. GUIDELINES FOR FEDERAL AGENCIES FOR**  
16 **OVERSIGHT OF ARTIFICIAL INTELLIGENCE.**

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

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

1           “(2) that is specifically deployed to make a de-  
2           cision or substantially replace the discretionary  
3           human decisionmaking process regarding the access  
4           of an individual to housing, employment, credit, edu-  
5           cation, health care, government services, or insur-  
6           ance in a manner that poses a significant risk to  
7           safety or violates rights afforded under the Constitu-  
8           tion of the United States.

9           “(b) GUIDELINES FOR OVERSIGHT OF HIGH-IMPACT  
10          ARTIFICIAL INTELLIGENCE SYSTEMS.—Not later than 1  
11          year after the date of the enactment of the Artificial Intel-  
12          ligence Research, Innovation, and Accountability Act of  
13          2024, the Director shall—

14                 “(1) develop guidelines for Federal agencies to  
15                 conduct oversight of the non-Federal and, as may be  
16                 appropriate, Federal use of high-impact artificial in-  
17                 telligence systems to improve the safe and respon-  
18                 sible use of such systems; and

19                 “(2) not less frequently than biennially, update  
20                 the guidelines to account for changes in techno-  
21                 logical capabilities or artificial intelligence use cases.

22           “(c) USE OF VOLUNTARY RISK MANAGEMENT  
23          FRAMEWORK.—In developing guidelines under subsection  
24          (b), the Director shall use the voluntary risk management  
25          framework required by section 22A(c) to identify and pro-

1 vide guidelines for Federal agencies on establishing regu-  
2 lations, standards, guidelines, best practices, methodolo-  
3 gies, procedures, or processes—

4 “(1) to facilitate oversight of non-Federal use  
5 of high-impact artificial intelligence systems; and

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

8 “(d) AUTHORIZED ELEMENTS.—In developing guide-  
9 lines under subsection (b), the Director may include the  
10 following:

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

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

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

22 “(e) CONSULTATION.—In developing guidelines  
23 under subsection (b), the Director may consult with such  
24 stakeholders representing perspectives from civil society,

1 academia, technologists, engineers, and creators as the Di-  
2 rector considers applicable, practicable, and relevant.”.

3 (b) AGENCY-SPECIFIC PLANS FOR OVERSIGHT OF  
4 HIGH-IMPACT ARTIFICIAL INTELLIGENCE SYSTEMS.—

5 (1) PLANS REQUIRED.—Not later than 2 years  
6 after the date of the enactment of this Act, the head  
7 of each covered agency shall—

8 (A) develop sector-specific plans for the  
9 covered agency to conduct oversight of the non-  
10 Federal and, as may be appropriate, Federal  
11 use of high-impact artificial intelligence systems  
12 to improve the safe and responsible use of such  
13 systems; and

14 (B) not less frequently than biennially, up-  
15 date the sector-specific recommendations to ac-  
16 count for changes in technological capabilities  
17 or artificial intelligence use cases.

18 (2) REQUIREMENTS.—In developing plans  
19 under paragraph (1), the head of each covered agen-  
20 cy shall follow the guidelines established under sec-  
21 tion 22B(b) of the National Institute of Standards  
22 and Technology Act, as added by subsection (a), to  
23 develop plans to mitigate risks from such high-im-  
24 pact artificial intelligence systems.



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

4           (A) Intended use and users, other possible  
5 use cases, including any anticipated undesirable  
6 or potentially harmful use cases, and what good  
7 faith efforts model developers can take to miti-  
8 gate the use of the system in harmful ways.

9           (B) Methods for evaluating the safety of  
10 high-impact artificial intelligence systems and  
11 approaches for responsible use.

12           (C) Sector-specific differences in what con-  
13 stitutes acceptable high-impact artificial intel-  
14 ligence model functionality and trustworthiness,  
15 metrics used to determine high-impact artificial  
16 intelligence model performance, and any test re-  
17 sults reflecting application of these metrics to  
18 evaluate high-impact artificial intelligence model  
19 performance across different sectors.

20           (D) Recommendations to support iterative  
21 development of subsequent recommendations  
22 under paragraph (1).

23           (4) CONSULTATION.—In developing plans under  
24 paragraph (1), the head of each covered agency shall  
25 consult with—

1 (A) the Under Secretary; and

2 (B) such stakeholders representing per-  
3 spectives from civil society, academia, tech-  
4 nologists, engineers, and creators as the head of  
5 the agency considers applicable, practicable,  
6 and relevant.

7 **SEC. 205. OFFICE OF MANAGEMENT AND BUDGET OVER-**  
8 **SIGHT GUIDELINES AND AGENCY OVERSIGHT**  
9 **PLANS.**

10 (a) AGENCY OVERSIGHT PLAN.—In this section, the  
11 term “agency oversight plan” means a guideline developed  
12 under section 22B(b)(1) of the National Institute of  
13 Standards and Technology Act, as added by section 204  
14 of this Act.

15 (b) RECOMMENDATIONS.—Not later than 2 years  
16 after the date of enactment of this Act, the Under Sec-  
17 retary and the head of each covered agency shall submit  
18 to the Director of the Office of Management and Budget  
19 and the appropriate congressional committees each agency  
20 oversight plan.

21 (c) REPORTING REQUIREMENTS.—

22 (1) ANNUAL AGENCY OVERSIGHT STATUS RE-  
23 PORTS.—

24 (A) IN GENERAL.—On the first February  
25 1 occurring after the date that is 2 years after

1           the date of enactment of this Act, and annually  
2           thereafter until the date described in subpara-  
3           graph (B), the head of each covered agency  
4           shall submit to the Director of the Office of  
5           Management and Budget a report containing  
6           the implementation status of each agency over-  
7           sight plan.

8           (B) CONTINUED REPORTING.—The date  
9           described in this subparagraph is the date on  
10          which the head of a covered agency—

11                 (i) takes final implementation action  
12                 with respect to an agency oversight plan;  
13                 and

14                 (ii) determines and states in a report  
15                 required under subparagraph (A) that no  
16                 further implementation action should be  
17                 taken with respect to an agency oversight  
18                 plan.

19          (2) COMPLIANCE REPORT TO CONGRESS.—On  
20          April 1 of each year occurring after the date that is  
21          2 years after the date of enactment of this Act, the  
22          Director of the Office of Management and Budget  
23          shall transmit comments on the reports required  
24          under paragraph (1) to the heads of covered agen-  
25          cies and the appropriate congressional committees.

1           (3) FAILURE TO REPORT.—If, on March 1 of  
2 each year occurring after the date that is 2 years  
3 after the date of enactment of this Act, the Director  
4 of the Office of Management and Budget has not re-  
5 ceived a report required from the head of a covered  
6 agency under paragraph (1), the Director shall no-  
7 tify the appropriate congressional committees of the  
8 failure.

9           (d) TECHNICAL ASSISTANCE IN CARRYING OUT  
10 AGENCY OVERSIGHT PLANS.—The Under Secretary shall  
11 provide assistance to the heads of covered agencies relat-  
12 ing to the implementation of the agency oversight plan the  
13 heads of covered agencies intend to carry out.

14           (e) REGULATION REVIEW AND IMPROVEMENT.—The  
15 Administrator of the Office of Information and Regulatory  
16 Affairs of the Office of Management and Budget, in con-  
17 sultation with the Director, shall develop and periodically  
18 revise performance indicators and measures for sector-spe-  
19 cific regulation of artificial intelligence.

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

23           (a) REQUIREMENT.—

1           (1) IN GENERAL.—Each critical-impact AI or-  
2 organization shall perform a risk management assess-  
3 ment in accordance with this section.

4           (2) ASSESSMENT.—Each critical-impact AI or-  
5 ganization shall—

6                   (A) not later than 30 days before the date  
7 on which a critical-impact artificial intelligence  
8 system is deployed or made publicly available by  
9 the critical-impact AI organization, perform a  
10 risk management assessment; and

11                   (B) not less frequently than biennially dur-  
12 ing the period beginning on the date of enact-  
13 ment of this Act and ending on the date on  
14 which the applicable critical-impact artificial in-  
15 telligence system is no longer being deployed or  
16 made publicly available by the critical-impact  
17 AI organization, as applicable, conduct an up-  
18 dated risk management assessment that—

19                           (i) if no significant changes were  
20 made to the critical-impact artificial intel-  
21 ligence system, may find that no signifi-  
22 cant changes were made to the critical-im-  
23 pact artificial intelligence system; and

24                           (ii) provides, to the extent practicable,  
25 aggregate results of any significant devi-

1           ation from expected performance detailed  
2           in the assessment performed under sub-  
3           paragraph (A) or the most recent assess-  
4           ment performed under this subparagraph.

5           (3) REVIEW.—

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

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

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

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

23           (4) LIMITATION.—The Secretary may not pro-  
24          hibit a critical-impact AI organization from making  
25          a critical-impact artificial intelligence system avail-

1 able to the public based on the review by the Sec-  
2 retary of a report submitted under paragraph (3)(A)  
3 or additional or clarifying information submitted  
4 under paragraph (3)(B).

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

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

14 (A) how the organization understands,  
15 manages, and documents legal and regulatory  
16 requirements involving critical-impact artificial  
17 intelligence systems;

18 (B) how the organization integrates the  
19 characteristics of trustworthy artificial intel-  
20 ligence, which include valid, reliable, safe, se-  
21 cure, resilient, accountable, transparent, glob-  
22 ally and locally explainable, interpretable, pri-  
23 vacy-enhanced, protecting of rights under the  
24 Constitution of the United States, and compli-  
25 ant with all relevant Federal laws, into organi-

1 zational policies, processes, procedures, and  
2 practices for deploying critical-impact artificial  
3 intelligence systems;

4 (C) a methodology to determine the needed  
5 level of risk management activities for critical-  
6 impact artificial intelligence systems based on  
7 the organization's risk tolerance; and

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

12 (2) The structure, context, and capabilities of  
13 the critical-impact artificial intelligence system, in-  
14 cluding—

15 (A) how the context was established and  
16 understood;

17 (B) capabilities, targeted uses, goals, and  
18 expected costs and benefits; and

19 (C) how risks and benefits are mapped for  
20 each system component.

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



1 (A) identification of appropriate methods  
2 and metrics;

3 (B) how artificial intelligence systems are  
4 evaluated for characteristics of trustworthy arti-  
5 ficial intelligence;

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

8 (D) processes for gathering and assessing  
9 feedback relating to the efficacy of measure-  
10 ment.

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

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

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

23 (C) management of artificial intelligence  
24 system risks and benefits; and

1 (D) regular monitoring of risk treatments,  
2 including response and recovery, and commu-  
3 nication plans for the identified and measured  
4 artificial intelligence risks, as applicable.

5 (c) DEVELOPER OBLIGATIONS.—The developer of a  
6 critical-impact artificial intelligence system that agrees to  
7 provide technologies or services to a deployer of the crit-  
8 ical-impact artificial intelligence system shall provide to  
9 the deployer of the critical-impact artificial intelligence  
10 system the information reasonably necessary for the  
11 deployer to comply with the requirements under subsection  
12 (a), including—

13 (1) an overview of the data used in training the  
14 baseline artificial intelligence system provided by the  
15 developer, including—

16 (A) content and size of datasets used;

17 (B) content and types of data used;

18 (C) content and data that may be subject  
19 to copyright protection, and any steps taken to  
20 remove such content and data prior to training;  
21 and

22 (D) whether and to what extent personal  
23 identifiable information makes up a portion of  
24 the training dataset, and what risk mitigation

1           measures have been taken to prevent the dislo-  
2           sure of that personal identifiable information;

3           (2) documentation outlining the structure and  
4           context of the baseline artificial intelligence system  
5           of the developer, including—

6                   (A) input modality;

7                   (B) system output and modality;

8                   (C) model size; and

9                   (D) model architecture;

10          (3) known or reasonably foreseeable capabili-  
11          ties, limitations, and risks of the baseline artificial  
12          intelligence system at the time of the development of  
13          the artificial intelligence system; and

14          (4) documentation for downstream use, includ-  
15          ing—

16                   (A) a statement of intended purpose;

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

21                   (C) a description of the potential for and  
22                   risk of deviation from the intended purpose of  
23                   the baseline artificial intelligence system, in-  
24                   cluding recommended safeguards to mitigate  
25                   and prevent risks to safety or to rights afforded

1 under the Constitution of the United States or  
2 Federal law.

3 (d) TERMINATION OF OBLIGATION TO DISCLOSE IN-  
4 FORMATION.—

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

12 (A) the Secretary under section 207(c)  
13 with respect to a critical-impact artificial intel-  
14 ligence system;

15 (B) another department or agency of the  
16 Federal Government, as determined applicable  
17 by the Secretary; or

18 (C) a non-governmental standards organi-  
19 zation, as determined appropriate by the Sec-  
20 retary.

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



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

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

12                   (Λ) providing recommendations to the Sec-  
13 retary on proposed TEVV standards to ensure  
14 such standards—

15                           (i) maximize alignment and interoper-  
16 ability with standards issued by nongovern-  
17 mental standards organizations and inter-  
18 national standards bodies; and

19                           (ii) are performance-based, impact-  
20 based, and risk-based;

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

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 appointed by  
17 the Secretary and composed of not more than 15  
18 members with a balanced composition of representa-  
19 tives of the private sector, institutions of higher edu-  
20 cation, and non-profit organizations, 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) enabling technology companies;  
4 and  
5 (v) labor organizations representing  
6 the technology sector; and  
7 (B) any other members the Secretary con-  
8 siders to be appropriate.

9 (b) ARTIFICIAL INTELLIGENCE CERTIFICATION  
10 PLAN.—

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

16 (2) PERIODIC UPDATE.—As the Secretary de-  
17 termines appropriate, the Secretary shall update the  
18 plan established under paragraph (1).

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

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

24 (B) a process for considering whether pre-  
25 scribing certain TEVV standards under sub-



1 section (c) for critical-impact artificial intel-  
2 ligence systems is appropriate, necessary, or du-  
3 plicative of existing international standards;

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

8 (D) a mechanism for determining compli-  
9 ance with TEVV standards; and

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

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

16 (A) The National Artificial Intelligence  
17 Initiative Office.

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

22 (C) The National Artificial Intelligence Ad-  
23 visory Committee.

24 (D) Consensus standards issued by non-  
25 governmental standards organizations.

1           (E) The Cybersecurity and Infrastructure  
2           Security Agency.

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

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

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

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

22          (c) STANDARDS.—

23                (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 not unintentionally contradict that stand-  
14 ard;

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 evidence about the utility of  
19 risk mitigation approaches and advance-  
20 ments in technology and system architec-  
21 ture; and

22 (v) be stated in objective terms.

23 (2) CONSIDERATIONS.—In issuing TEVV  
24 standards for critical-impact artificial intelligence  
25 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 stakeholders with exper-  
17 tise in addressing risks and design of artificial  
18 intelligence systems and review standards  
19 issued by nongovernmental standards organiza-  
20 tions;

21 (D) pursuant to paragraph (1)(B)(iii), con-  
22 sider whether adoption of a relevant standard  
23 issued by a nongovernmental standards organi-  
24 zation as a TEVV standard is the most appro-  
25 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—

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

1 (B) provide an opportunity for public com-  
2 ment pursuant to the section 553 of title 5,  
3 United States Code.

4 (5) COOPERATION.—In developing a TEVV  
5 standard under this subsection, the Secretary may,  
6 as determined appropriate, advise, assist, and co-  
7 operate with departments, agencies, and instrumen-  
8 talities of the Federal Government, States, and other  
9 public and private agencies.

10 (6) EFFECTIVE DATE OF STANDARDS.—

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

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

18 (i) during the 180-day period fol-  
19 lowing the date on which the TEVV stand-  
20 ard is issued; and

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

23 (C) EXCEPTION.—Subparagraph (B) shall  
24 not apply to the effective date of a TEVV

1 standard issued under this section if the Sec-  
2 retary—

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

6 (ii) publishes the reasons for the find-  
7 ing under clause (i).

8 (7) RULE OF CONSTRUCTION.—Nothing in this  
9 subsection shall be construed to authorize the Sec-  
10 retary to impose any requirements on or take any  
11 enforcement actions under this section or section  
12 208 relating to a critical-impact AI organization be-  
13 fore a TEVV standard relating to those require-  
14 ments is prescribed.

15 (d) EXEMPTIONS.—

16 (1) AUTHORITY TO EXEMPT AND PROCE-  
17 DURES.—

18 (A) IN GENERAL.—The Secretary may ex-  
19 empt, on a temporary basis, a critical-impact  
20 artificial intelligence system from a TEVV  
21 standard issued under subsection (c) on terms  
22 the Secretary considers appropriate.

23 (B) RENEWAL.—An exemption under sub-  
24 paragraph (A)—

1 (i) may be renewed only on reapplica-  
2 tion; and

3 (ii) shall conform to the requirements  
4 of this paragraph.

5 (C) PROCEEDINGS.—

6 (i) IN GENERAL.—The Secretary may  
7 begin a proceeding to grant an exemption  
8 to a critical-impact artificial intelligence  
9 system under this paragraph if the critical-  
10 impact AI organization that deployed the  
11 critical-impact artificial intelligence sys-  
12 tems applies for an exemption or a renewal  
13 of an exemption.

14 (ii) NOTICE AND COMMENT.—The  
15 Secretary shall publish notice of the appli-  
16 cation under clause (i) and provide an op-  
17 portunity for public comment under section  
18 553 of title 5, United States Code.

19 (iii) FILING.—An application for an  
20 exemption or for a renewal of an exemp-  
21 tion under this paragraph shall be filed at  
22 such time and in such manner and contain  
23 such information as the Secretary may re-  
24 quire.



1           (D) ACTIONS.—The Secretary may grant  
2           an exemption under this paragraph upon find-  
3           ing that—

4                   (i) the exemption is consistent with  
5                   the public interest and this section; and

6                   (ii) the exemption would facilitate the  
7                   development or evaluation of a feature or  
8                   characteristic of a critical-impact artificial  
9                   intelligence system providing a safety and  
10                  security level that is not less than the  
11                  TEVV standard level.

12           (2) DISCLOSURE.—Not later than 30 days after  
13           the date on which an application is filed under this  
14           subsection, the Secretary may make public informa-  
15           tion contained in the application or relevant to the  
16           application, unless the information concerns or con-  
17           stitutes a trade secret or other confidential informa-  
18           tion not relevant to the application.

19           (3) NOTICE OF DECISION.—The Secretary shall  
20           publish in the Federal Register a notice of each deci-  
21           sion granting or denying an exemption under this  
22           subsection and the reasons for granting or denying  
23           that exemption, including a justification with sup-  
24           porting information for the selected approach.

25           (e) CERTIFICATION OF COMPLIANCE.—

1           (1) IN GENERAL.—Subject to paragraph (2),  
2           with respect to each critical-impact artificial intel-  
3           ligence system of a critical-impact AI organization,  
4           the critical-impact AI organization shall certify to  
5           the Secretary that the critical-impact artificial intel-  
6           ligence system complies with applicable TEVV  
7           standards issued under this section.

8           (2) EXCEPTION.—A critical-impact AI organi-  
9           zation may not issue a certification under paragraph  
10          (1) if, in exercising reasonable care, the critical-im-  
11          pact AI organization has constructive knowledge  
12          that the certification is false or misleading in a ma-  
13          terial respect.

14          (3) DEVELOPER OBLIGATIONS.—The developer  
15          of a critical-impact artificial intelligence system who  
16          enters into a contractual or licensing agreement with  
17          a critical impact AI organization shall be subject to  
18          the same disclosure obligations as a developer of a  
19          critical impact artificial intelligence system under  
20          section 206(c).

21          (f) NONCOMPLIANCE FINDINGS AND ENFORCEMENT  
22          ACTION.—

23                (1) FINDING OF NONCOMPLIANCE BY SEC-  
24                RETARY.—Upon learning that a critical-impact arti-  
25                ficial intelligence system deployed by a critical-im-

1       pact AI organization violates this section upon re-  
2       ceiving a report of noncompliance pursuant to an in-  
3       vestigation conducted under section 208(f) or  
4       through other means established through TEVV  
5       standards pursuant to this section, the Secretary  
6       shall—

7               (A) immediately—

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

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

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

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

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

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

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

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

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

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

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

23 **SEC. 208. ENFORCEMENT.**

24 (a) IN GENERAL.—The Secretary shall take an action  
25 described in this section—

1           (1) upon discovering noncompliance with a pro-  
2           vision of this Act by a deployer of a high-impact ar-  
3           tificial intelligence system, a critical-impact AI orga-  
4           nization, or a developer of a critical-impact artificial  
5           intelligence system; and

6           (2) if the Secretary determines that actions  
7           taken by the deployer of a high-impact artificial in-  
8           telligence system, the critical-impact AI organiza-  
9           tion, or the developer of a critical-impact artificial  
10          intelligence system are insufficient to remedy the  
11          noncompliance.

12          (b) CIVIL PENALTIES.—

13           (1) IN GENERAL.—The Secretary may impose a  
14           penalty described in paragraph (2) on a deployer of  
15           a 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 artificial intelligence system product de-  
24           ployed that is the basis of the violation with re-  
25           spect to which the penalty is imposed.

1 (c) VIOLATION WITH INTENT.—

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

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

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

19 (e) CIVIL ACTION.—

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

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

24 (B) collect a civil penalty upon a finding of  
25 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) AUTHORITY TO INVESTIGATE.—The Secretary  
9 may conduct an investigation—

10           (1) that may be necessary to enforce this Act  
11 or a TEVV standard or regulation prescribed pursu-  
12 ant to this Act; or

13           (2) related to a report of noncompliance with  
14 this Act from a third party, a deployer or developer  
15 of an artificial intelligence system subject to the re-  
16 quirements of this Act, or discovered by the Sec-  
17 retary.

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

22           (1) constituting a trade secret or other pro-  
23 tected intellectual property right; or

24           (2) that is confidential business information.

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

2 With respect to an entity that is a deployer and a  
3 developer, the entity shall be subject to the requirements  
4 of deployers and developers under this Act.

5 **SEC. 210. ARTIFICIAL INTELLIGENCE CONSUMER EDU-**  
6 **CATION.**

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

11 (b) MEMBERSHIP.—

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

17 (A) representatives of—

- 18 (i) institutions of higher education;
- 19 (ii) companies developing or operating  
20 artificial intelligence systems;
- 21 (iii) consumers or consumer advocacy  
22 groups;
- 23 (iv) public health organizations;
- 24 (v) marketing professionals;



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

4 (vii) public safety organizations;

5 (viii) rural workforce development ad-  
6 vocates;

7 (ix) enabling technology companies;

8 and

9 (x) nonprofit technology industry  
10 trade associations; and

11 (B) any other members the Secretary con-  
12 siderers to be appropriate.

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

16 (c) DUTIES.—

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

19 (A) identify recommended education and  
20 programs that may be voluntarily employed by  
21 industry to inform—

22 (i) consumers and other stakeholders  
23 with respect to artificial intelligence sys-  
24 tems as those systems—

25 (I) become available; or

1 (II) are soon to be made widely  
2 available for public use or consump-  
3 tion; and

4 (B) submit to Congress, and make avail-  
5 able to the public, a report containing the find-  
6 ings and recommendations under subparagraph  
7 (A).

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

11 (A) the intent, capabilities, and limitations  
12 of artificial intelligence systems;

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

18 (C) artificial intelligence research break-  
19 throughs;

20 (D) engagement and interaction methods,  
21 including how to adequately inform consumers  
22 of interaction with an artificial intelligence sys-  
23 tem;

24 (E) human-machine interfaces;

25 (F) emergency fallback scenarios;

- 1 (G) operational boundary responsibilities;
- 2 (H) potential mechanisms that could
- 3 change function behavior in service;
- 4 (I) consistent nomenclature and taxonomy
- 5 for safety features and systems; and
- 6 (J) digital literacy.

7 (3) CONSULTATION.—The Secretary shall con-

8 sult with the Chair of the Federal Trade Commis-

9 sion with respect to the recommendations of the

10 working group established under this section, as ap-

11 propriate.

12 (d) TERMINATION.—The working group established

13 under this section shall terminate on the date that is 2

14 years after the date of enactment of this Act.

15 **SEC. 211. SEVERABILITY.**

16 If any provision of this title, or an amendment made

17 by this title, or the application of such provision to any

18 person or circumstance is held to be unconstitutional, the

19 remainder of this title, or an amendment made by this

20 title, and the application of the provisions of such to all

21 other persons or circumstances shall not be affected there-

22 by.