

Calendar No. 283

117TH CONGRESS
2^D SESSION**S. 3035****[Report No. 117–82]**

To establish the Artificial Intelligence Hygiene Working Group, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. PETERS (for himself and Mr. PORTMAN) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

FEBRUARY 28, 2022

Reported by Mr. PETERS, with an amendment

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

A BILL

To establish the Artificial Intelligence Hygiene Working Group, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Government Owner-
3 ship and Oversight of Data in Artificial Intelligence Act
4 of 2021” or the “GOOD AI Act of 2021”.

5 **SEC. 2. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL**
6 **INTELLIGENCE IN GOVERNMENT.**

7 (a) **DEFINITIONS.**—In this Act:

8 (1) **AGENCY.**—The term “agency” has the
9 meaning given the term in section 3502 of title 44,
10 United States Code.

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

14 (A) the Committee on Homeland Security
15 and Governmental Affairs of the Senate; and

16 (B) the Committee on Oversight and Re-
17 form of the House of Representatives.

18 (3) **ARTIFICIAL INTELLIGENCE.**—The term “ar-
19 tificial intelligence” has the meaning given the term
20 in section 238(g) of the John S. McCain National
21 Defense Authorization Act for Fiscal Year 2019 (10
22 U.S.C. 2358 note).

23 (4) **ARTIFICIAL INTELLIGENCE SYSTEM.**—The
24 term “artificial intelligence system”—

25 (A) means any data system, software, ap-
26 plication, tool, or utility that operates in whole

or in part using dynamic or static machine learning algorithms or other forms of artificial intelligence, including a data system, software, application, tool, or utility—

(i) that is established primarily for the purpose of researching, developing, or implementing artificial intelligence technology; and

(ii) for which the artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common or commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(5) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

(b) GUIDANCE FOR AGENCY USE OF ARTIFICIAL INTELLIGENCE.—

(1) IN GENERAL.—In developing an update under section 104(d) of the AI in Government Act of 2020 (40 U.S.C. 11301 note) to the memo-

1 random issued under subsection (a) of that section;
2 the Director shall consider—

3 (A) the considerations and recommended
4 practices identified by the National Security
5 Commission on Artificial Intelligence in the re-
6 port entitled “Key Considerations for Respon-
7 sible Development and Fielding of AI”, as up-
8 dated in April 2021;

9 (B) the principles articulated in Executive
10 Order 13960 (85 Fed. Reg. 78939; relating to
11 promoting the use of trustworthy artificial intel-
12 ligence in the Federal Government); and

13 (C) the input of—

14 (i) the Privacy and Civil Liberties
15 Oversight Board;

16 (ii) relevant interagency councils, such
17 as the Federal Privacy Council, the Chief
18 Information Officers Council, and the
19 Chief Data Officers Council;

20 (iii) other governmental and non-
21 governmental privacy, civil rights, and civil
22 liberties experts; and

23 (iv) any other individual or entity the
24 Director determines appropriate.

1 (2) SUNSET.—This subsection shall cease to
 2 have force or effect on the date that is 4 years after
 3 the date of enactment of this Act.

4 (c) ARTIFICIAL INTELLIGENCE HYGIENE AND PRO-
 5 TECTION OF GOVERNMENT INFORMATION, PRIVACY,
 6 CIVIL RIGHTS, AND CIVIL LIBERTIES.—

7 (1) ESTABLISHMENT.—Not later than 45 days
 8 after the date of enactment of this Act, the Director
 9 shall establish a working group to be known as the
 10 “Artificial Intelligence Hygiene Working Group”.

11 (2) MEMBERSHIP.—The Director shall appoint
 12 members to the Artificial Intelligence Hygiene Work-
 13 ing Group from among members of appropriate
 14 interagency councils.

15 (3) IMPLEMENTATION.—Not later than 1 year
 16 after the date of enactment of this Act, the Director,
 17 in consultation with the Artificial Intelligence Hy-
 18 giene Working Group, shall implement a means by
 19 which to—

20 (A) ensure that contracts for the acquisi-
 21 tion of artificial intelligence and artificial intel-
 22 ligence systems—

23 (i) align with the memorandum
 24 issued, and periodically updated, by the
 25 Director under subsections (a) and (d), re-

1 spectively, of section 104 of the AI in Gov-
 2 ernment Act of 2020 (40 U.S.C. 11301
 3 note);

4 (ii) address the protection of privacy;
 5 civil rights, and civil liberties;

6 (iii) address the ownership and secu-
 7 rity of data and other information created,
 8 used, processed, stored, maintained, dis-
 9 seminated, disclosed, or disposed of by a
 10 contractor or subcontractor on behalf of
 11 the Federal Government; and

12 (iv) include requirements for securing
 13 the training data, algorithms, and other
 14 components of any artificial intelligence
 15 system against—

16 (I) misuse;

17 (II) unauthorized alteration;

18 (III) degradation; or

19 (IV) being rendered inoperable;

20 and

21 (B) address any other issue or concern the

22 Director determines relevant to ensure—

23 (i) the appropriate use of artificial in-
 24 telligence and artificial intelligence sys-
 25 tems; and

1 (ii) the protection of privacy, Federal
 2 Government data, and other information of
 3 the Federal Government.

4 (4) **UPDATES.**—On a continuous basis, not
 5 later than 2 years after the date of enactment of
 6 this Act, and not less frequently than once every 2
 7 years thereafter, the Director shall update the
 8 means implemented under paragraph (3).

9 (5) **BRIEFING.**—Not later than 90 days after
 10 the date of enactment of this Act, quarterly there-
 11 after until the date on which the Director imple-
 12 ments the means required under paragraph (3), and
 13 annually thereafter, the Director shall brief the ap-
 14 propriate congressional committees on the implemen-
 15 tation of this subsection.

16 (6) **SUNSET.**—This subsection shall cease to
 17 have force or effect on the date that is 10 years
 18 after the date of enactment of this Act.

19 **SECTION 1. SHORT TITLE.**

20 *This Act may be cited as the “Government Ownership*
 21 *and Oversight of Data in Artificial Intelligence Act of*
 22 *2021” or the “GOOD AI Act of 2021”.*

23 **SEC. 2. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL**
 24 **INTELLIGENCE IN GOVERNMENT.**

25 (a) **DEFINITIONS.**—*In this Act:*

1 (1) *AGENCY*.—The term “agency” has the mean-
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 3 States Code.

4 (2) *APPROPRIATE CONGRESSIONAL COMMIT-*
 5 *TEES*.—The term “appropriate congressional commit-
 6 *tees” means—*

7 (A) *the Committee on Homeland Security*
 8 *and Governmental Affairs of the Senate; and*

9 (B) *the Committee on Oversight and Reform*
 10 *of the House of Representatives.*

11 (3) *ARTIFICIAL INTELLIGENCE*.—The term “arti-
 12 ficial intelligence” has the meaning given the term in
 13 section 238(g) of the John S. McCain National De-
 14 fense Authorization Act for Fiscal Year 2019 (10
 15 U.S.C. 2358 note).

16 (4) *ARTIFICIAL INTELLIGENCE SYSTEM*.—The
 17 term “artificial intelligence system”—

18 (A) *means any data system, software, ap-*
 19 *plication, tool, or utility that operates in whole*
 20 *or in part using dynamic or static machine*
 21 *learning algorithms or other forms of artificial*
 22 *intelligence, including a data system, software,*
 23 *application, tool, or utility—*

24 (i) *that is established primarily for the*
 25 *purpose of researching, developing, or im-*

plementing artificial intelligence technology;

and

(ii) for which the artificial intelligence capability is integrated into another system or agency business process, operational activity, or technology system; and

(B) does not include any common or commercial product within which artificial intelligence is embedded, such as a word processor or map navigation system.

(5) *DIRECTOR*.—The term “Director” means the Director of the Office of Management and Budget.

(b) *GUIDANCE FOR AGENCY USE OF ARTIFICIAL INTELLIGENCE*.—

(1) *IN GENERAL*.—In developing an update under section 104(d) of the AI in Government Act of 2020 (40 U.S.C. 11301 note) to the memorandum issued under subsection (a) of that section, the Director shall consider—

(A) the considerations and recommended practices identified by the National Security Commission on Artificial Intelligence in the report entitled “Key Considerations for Responsible Development and Fielding of AI”, as updated in April 2021;

1 (B) the principles articulated in Executive
 2 Order 13960 (85 Fed. Reg. 78939; relating to
 3 promoting the use of trustworthy artificial intel-
 4 ligence in the Federal Government); and

5 (C) the input of—

6 (i) the Privacy and Civil Liberties
 7 Oversight Board;

8 (ii) relevant interagency councils, such
 9 as the Federal Privacy Council, the Chief
 10 Information Officers Council, and the Chief
 11 Data Officers Council;

12 (iii) other governmental and non-
 13 governmental privacy, civil rights, and civil
 14 liberties experts; and

15 (iv) any other individual or entity the
 16 Director determines appropriate.

17 (2) *SUNSET.*—This subsection shall cease to have
 18 force or effect on the date that is 4 years after the date
 19 of enactment of this Act.

20 (c) *ARTIFICIAL INTELLIGENCE HYGIENE AND PROTEC-*
 21 *TION OF GOVERNMENT INFORMATION, PRIVACY, CIVIL*
 22 *RIGHTS, AND CIVIL LIBERTIES.*—

23 (1) *ESTABLISHMENT.*—Not later than 45 days
 24 after the date of enactment of this Act, the Director

1 *shall establish a working group to be known as the*
2 *“Artificial Intelligence Hygiene Working Group”.*

3 (2) *MEMBERSHIP.—The Director shall appoint*
4 *members to the Artificial Intelligence Hygiene Work-*
5 *ing Group from among members of appropriate inter-*
6 *agency councils.*

7 (3) *IMPLEMENTATION.—Not later than 1 year*
8 *after the date of enactment of this Act, the Director,*
9 *in consultation with the Artificial Intelligence Hy-*
10 *giene Working Group, shall implement a means by*
11 *which to—*

12 (A) *ensure that contracts for the acquisition*
13 *of artificial intelligence and artificial intel-*
14 *ligence systems—*

15 (i) *align with the memorandum issued,*
16 *and periodically updated, by the Director*
17 *under subsections (a) and (d), respectively,*
18 *of section 104 of the AI in Government Act*
19 *of 2020 (40 U.S.C. 11301 note);*

20 (ii) *address the protection of privacy,*
21 *civil rights, and civil liberties;*

22 (iii) *address the ownership and secu-*
23 *rity of data and other information created,*
24 *used, processed, stored, maintained, dissemi-*
25 *nated, disclosed, or disposed of by a con-*

1 tractor or subcontractor on behalf of the
2 Federal Government; and

3 (iv) address requirements for securing
4 the training data, algorithms, and other
5 components of any artificial intelligence
6 system against—

7 (I) misuse;

8 (II) unauthorized alteration;

9 (III) degradation; or

10 (IV) being rendered inoperable;

11 and

12 (B) address any other issue or concern the
13 Director determines relevant to ensure—

14 (i) the appropriate use of artificial in-
15 telligence and artificial intelligence systems;

16 and

17 (ii) the protection of privacy, Federal
18 Government data, and other information of
19 the Federal Government.

20 (4) APPROACHES.—In carrying out paragraph
21 (3), the Director may use 1 or more approach and
22 tailor requirements based on risk or any other factor
23 determined relevant by the Director and the Artificial
24 Intelligence Hygiene Working Group.

1 (5) *UPDATES.*—*On a continuous basis, not later*
2 *than 2 years after the date of enactment of this Act,*
3 *and not less frequently than once every 2 years there-*
4 *after, the Director shall update the means imple-*
5 *mented under paragraph (3).*

6 (6) *BRIEFING.*—*Not later than 90 days after the*
7 *date of enactment of this Act, quarterly thereafter*
8 *until the date on which the Director implements the*
9 *means required under paragraph (3), and annually*
10 *thereafter, the Director shall brief the appropriate*
11 *congressional committees on the implementation of*
12 *this subsection.*

13 (7) *SUNSET.*—*This subsection shall cease to have*
14 *force or effect on the date that is 10 years after the*
15 *date of enactment of this Act.*

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