

117TH CONGRESS
1ST SESSION

S. _____

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

IN THE SENATE OF THE UNITED STATES

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

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,*

3 **SECTION 1. SHORT TITLE.**

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

7 **SEC. 2. PRINCIPLES AND POLICIES FOR USE OF ARTIFICIAL**
8 **INTELLIGENCE IN GOVERNMENT.**

9 (a) **DEFINITIONS.**—In this Act:

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

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

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

9 (B) the Committee on Oversight and Re-
10 form of the House of Representatives.

11 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
12 tificial intelligence” has the meaning given the term
13 in section 238(g) of the John S. McCain National
14 Defense 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
25 the purpose of researching, developing, or

1 implementing artificial intelligence tech-
2 nology; and

3 (ii) for which the artificial intelligence
4 capability is integrated into another system
5 or agency business process, operational ac-
6 tivity, or technology system; and

7 (B) does not include any common or com-
8 mercial product within which artificial intel-
9 ligence is embedded, such as a word processor
10 or map navigation system.

11 (5) DIRECTOR.—The term “Director” means
12 the Director of the Office of Management and Budg-
13 et.

14 (b) GUIDANCE FOR AGENCY USE OF ARTIFICIAL IN-
15 TELLIGENCE.—

16 (1) IN GENERAL.—In developing an update
17 under section 104(d) of the AI in Government Act
18 of 2020 (40 U.S.C. 11301 note) to the memo-
19 randum issued under subsection (a) of that section,
20 the Director shall consider—

21 (A) the considerations and recommended
22 practices identified by the National Security
23 Commission on Artificial Intelligence in the re-
24 port entitled “Key Considerations for Respon-

1 sible Development and Fielding of AI”, as up-
2 dated in April 2021;

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

7 (C) the input of—

8 (i) the Privacy and Civil Liberties
9 Oversight Board;

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

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

17 (iv) any other individual or entity the
18 Director determines appropriate.

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

22 (c) ARTIFICIAL INTELLIGENCE HYGIENE AND PRO-
23 TECTION OF GOVERNMENT INFORMATION, PRIVACY,
24 CIVIL RIGHTS, AND CIVIL LIBERTIES.—

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

5 (2) MEMBERSHIP.—The Director shall appoint
6 members to the Artificial Intelligence Hygiene Work-
7 ing Group from among members of appropriate
8 interagency councils.

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

14 (A) ensure that contracts for the acquisi-
15 tion of artificial intelligence and artificial intel-
16 ligence systems—

17 (i) align with the memorandum
18 issued, and periodically updated, by the
19 Director under subsections (a) and (d), re-
20 spectively, of section 104 of the AI in Gov-
21 ernment Act of 2020 (40 U.S.C. 11301
22 note);

23 (ii) address the protection of privacy,
24 civil rights, and civil liberties;

1 (iii) address the ownership and secu-
2 rity of data and other information created,
3 used, processed, stored, maintained, dis-
4 seminated, disclosed, or disposed of by a
5 contractor or subcontractor on behalf of
6 the Federal Government; and

7 (iv) include requirements for securing
8 the training data, algorithms, and other
9 components of any artificial intelligence
10 system against—

11 (I) misuse;

12 (II) unauthorized alteration;

13 (III) degradation; or

14 (IV) being rendered inoperable;

15 and

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

18 (i) the appropriate use of artificial in-
19 telligence and artificial intelligence sys-
20 tems; and

21 (ii) the protection of privacy, Federal
22 Government data, and other information of
23 the Federal Government.

24 (4) UPDATES.—On a continuous basis, not
25 later than 2 years after the date of enactment of

1 this Act, and not less frequently than once every 2
2 years thereafter, the Director shall update the
3 means implemented under paragraph (3).

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

11 (6) SUNSET.—This subsection shall cease to
12 have force or effect on the date that is 10 years
13 after the date of enactment of this Act.