

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 3035

A bill to establish the Artificial Intelligence Hygiene Working Group, 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 Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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:

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

1 (2) APPROPRIATE CONGRESSIONAL COMMIT-
2 TEES.—The term “appropriate congressional com-
3 mittees” means—

4 (A) the Committee on Homeland Security
5 and Governmental Affairs of the Senate; and

6 (B) the Committee on Oversight and Re-
7 form of the House of Representatives.

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

13 (4) ARTIFICIAL INTELLIGENCE SYSTEM.—The
14 term “artificial intelligence system”—

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

21 (i) that is established primarily for
22 the purpose of researching, developing, or
23 implementing artificial intelligence tech-
24 nology; and

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

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

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

12 (b) GUIDANCE FOR AGENCY USE OF ARTIFICIAL IN-
13 TELLIGENCE.—

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

19 (A) the considerations and recommended
20 practices identified by the National Security
21 Commission on Artificial Intelligence in the re-
22 port entitled “Key Considerations for Respon-
23 sible Development and Fielding of AI”, as up-
24 dated 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
11 Chief 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
18 have force or effect on the date that is 4 years after
19 the date of enactment of this Act.

20 (c) ARTIFICIAL INTELLIGENCE HYGIENE AND PRO-
21 TECTION OF GOVERNMENT INFORMATION, PRIVACY,
22 CIVIL 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
6 interagency 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 acquisi-
13 tion of artificial intelligence and artificial intel-
14 ligence systems—

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

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

23 (iii) address the ownership and secu-
24 rity of data and other information created,
25 used, processed, stored, maintained, dis-

1 seminated, disclosed, or disposed of by a
2 contractor or subcontractor on behalf of
3 the Federal Government; and

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

8 (I) misuse;

9 (II) unauthorized alteration;

10 (III) degradation; or

11 (IV) being rendered inoperable;

12 and

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

15 (i) the appropriate use of artificial in-
16 telligence and artificial intelligence sys-
17 tems; and

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

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

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

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

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