# [DISCUSSION DRAFT]

117TH CONGRESS
1ST SESSION

# H. R. _____

To amend chapter 3 of title 5, United States Code, to require Executive agencies to establish and implement an AI strategy, objectives, and metrics plan for trustworthy artificial intelligence adoption to better achieve the missions of such agencies to serve the people of the United States, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

M__. _____ introduced the following bill; which was referred to the Committee on _____

_____

# A BILL

To amend chapter 3 of title 5, United States Code, to require Executive agencies to establish and implement an AI strategy, objectives, and metrics plan for trustworthy artificial intelligence adoption to better achieve the missions of such agencies to serve the people of the United States, 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 ''Artificial Intelligence

3    for Agency Impact Act'' or the ''AI for Agency Impact

4    Act''.

5    **SEC. 2. AI STRATEGY, OBJECTIVES, AND METRICS PLANS.**

6    (a) AMENDMENT.—Chapter 3 of title 5, United

7    States Code, is amended by adding at the end the fol-

8    lowing new subchapter:

9    ''SUBCHAPTER III—ARTIFICIAL INTELLIGENCE

10    **''§ 321. Definitions**

11    ''In this subchapter:

12    ''(1) AGENCY.—The term 'agency' has the

13    meaning given that term in paragraph (1) section

14    3502 of title 44, United States Code, except that

15    term shall not include independent regulatory agen-

16    cies (as defined in paragraph (5) of such section).

17    ''(2) APPROPRIATE CONGRESSIONAL COMMIT-

18    TEES.—The term 'appropriate congressional com-

19    mittees' means the Committee on Oversight and Re-

20    form of the House of Representatives and the Com-

21    mittee on Homeland Security and Governmental Af-

22    fairs of the Senate.

23    ''(3) ARTIFICIAL INTELLIGENCE.—The term

24    'artificial intelligence' has the meaning given that

25    term in section 238(g) of the John S. McCain Na-

1 tional Defense Authorization Act for Fiscal Year

2 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

3 ''(4) DIRECTOR.—The term 'Director' means

4 the Director of the Office of Management and Budg-

5 et.

6 ''(5) RELIABILITY.—The term 'reliability'

7 means, with respect to the artificial intelligence, the

8 extent to which—

9 ''(A) data collected for use by the artificial

10 intelligence is a valid measure of the underlying

11 concepts addressed in the objectives of using

12 the artificial intelligence;

13 ''(B) the safety, security, and robustness

14 has been tested and assured across each phase

15 of development and use of the artificial intel-

16 ligence according to defined objectives;

17 ''(C) data records and fields are present

18 and sufficiently populated; and

19 ''(D) data records reflect the actual under-

20 lying information.

21 ''(6) REPRESENTATIVENESS.—The term 'rep-

22 resentativeness' means the extent to which data sets

23 used for training the artificial intelligence is rep-

24 resentative of the population or operational environ-

25 ment to be assessed by the artificial intelligence.

4

1 **"§ 322. AI Strategy, Objectives, and Metrics Plan**

2 "(a) AI STRATEGY, OBJECTIVES, AND METRICS

3 PLAN.—The head of each agency shall establish an AI

4 Strategy, Objectives, and Metrics Plan that contains strat-

5 egies, objectives, and metrics for the trustworthy adoption

6 of artificial intelligence by the agency to better achieve the

7 mission of the agency to serve the people of the United

8 States, including the following:

9    "(1) Defined roles, responsibilities, and delega-

10    tion of authority for the use and oversight of artifi-

11    cial intelligence used by the agency, including over-

12    sight of compliance with relevant laws, regulations,

13    standards, and guidance.

14    "(2) Defined values, ethics, and principles to

15    foster public trust and responsible use of artificial

16    intelligence by the agency.

17    "(3) Procedures—

18        "(A) to ensure the security and privacy of

19        data used by artificial intelligence used by the

20        agency; and

21        "(B) for human supervision of, and ac-

22        countability for, artificial intelligence used by

23        the agency.

24    "(4) For each artificial intelligence used by the

25    agency at the time the plan is established—

1          "(A) performance objectives and accom-
2     panying metrics that clearly reflect or convey
3     the intended purpose of the artificial intel-
4     ligence;

5          "(B) a process—

6               "(i) for the continuous or routine
7          monitoring and assessment the perform-
8          ance of the artificial intelligence against
9          the objectives and metrics established for
10         the artificial intelligence under subpara-
11         graph (A) to ensure that the artificial in-
12         telligence functions as intended and carries
13         out the goals and objectives of using the
14         artificial intelligence; and

15              "(ii) that includes a plan to systemati-
16         cally identify, analyze, and mitigate any
17         risks associated with the artificial intel-
18         ligence; and

19         "(C) documentation demonstrating that
20    the artificial intelligence relies on high quality,
21    reliable, representative data, including—

22              "(i) the sources and origins of data
23         used to train each artificial intelligence;
24         and

1                  ''(ii) assessments of the reliability,

2           quality, and representativeness of—

3                     ''(I) data used to train the artifi-

4               cial intelligence;

5                     ''(II) attributes used to cat-

6               egorize data;

7                     ''(III) data variables used by the

8               artificial intelligence; and

9                     ''(IV) interconnectivities and de-

10               pendencies of data streams that

11               operationalize the artificial intel-

12               ligence; and

13                     ''(iii) a description of the range of

14               data and model drift that is acceptable for

15               each artificial intelligence.

16          ''(5) Performance objectives and accompanying

17 metrics, for each opportunity identified by the agen-

18 cy to incorporate the use of artificial intelligence into

19 the platforms, processes, and operations of the agen-

20 cy.

21          ''(6) A description of how artificial intelligence

22 used by the agency are monitored, including a de-

23 scription of any actions taken to correct the func-

24 tioning or performance of the artificial intelligence.

1    "(7) A description of how information on the
2    design, operation, limitations, and updates of the ar-
3    tificial intelligence is made available to the public.

4    "(b) RELATIONSHIP TO EXECUTIVE ORDER 13859,
5    MEMORANDA.—A plan developed under subsection (a) by
6    an agency shall be consistent with—

7        "(1) section 3 of Executive Order 13960 (89
8        Fed. Reg. 13859) titled 'Promoting the Use of
9        Trustworthy Artificial Intelligence in the Federal
10       Government', issued on December 8, 2020; and

11       "(2) the memorandum issued by the Director to
12       the agency under section 104 of the AI in Govern-
13       ment Act of 2020 (Public Law 116–260; 40 U.S.C.
14       11301 note).

15   "(c) REPORTS.—

16       "(1) INITIAL REPORT.—Not later than 180
17       days after the memorandum required by section
18       104(a) of the AI in Government Act of 2020 (Public
19       Law 116–260; 40 U.S.C. 11301 note) is issued, the
20       head of each agency shall submit to the Director,
21       the Inspector General of the agency, and the appro-
22       priate congressional committees a report that con-
23       tains—

1 ''(A) the AI Strategy, Objectives, and
2 Metrics Plan established by the agency under
3 subsection (a);

4 ''(B) an inventory (including a catalogue of
5 model and non-model components, specifica-
6 tions, and parameters) of all artificial intel-
7 ligence in use by the agency, in accordance with
8 the guidance issued under paragraph (3); and

9 ''(C) a description and assessment of op-
10 portunities to incorporate the use artificial in-
11 telligence into the platforms, processes, and op-
12 erations of the agency to enhance the effective-
13 ness of the agency in accomplishing the mis-
14 sion, operations, and programs of the agency.

15 ''(2) PROGRESS REPORTS.—In 2023, and every
16 two years thereafter until 2033, the head of each
17 agency shall submit to the Director and the appro-
18 priate congressional committees a report—

19 ''(A) on the implementation of the AI
20 Strategy, Objectives, and Metrics Plan estab-
21 lished by the agency under subsection (a); and

22 ''(B) that identifies and assesses any op-
23 portunities for, and risks any associated with,
24 the use, or potential use, of artificial intel-
25 ligence by the agency.

1      ''(3) AGENCY INVENTORY GUIDANCE.—Not
2      later than 30 days after the date of the enactment
3      of this Act, the Chief Information Officers Council
4      shall issue, and make publicly available, guidance
5      that includes the criteria, format, and mechanisms
6      for the inventory required to be included in the re-
7      port under paragraph (1).

8      ''(4) REPORTING RECIPROCITY.—The reports
9      required by paragraphs (1) and (2) shall fulfill the
10     requirements of the AI in Government Act of 2020
11     (Public Law 116–260; 40 U.S.C. 11301 note) and
12     subsections (b) and (c) of section 5 of Executive
13     Order 13960 (89 Fed. Reg. 13859) titled 'Pro-
14     moting the Use of Trustworthy Artificial Intelligence
15     in the Federal Government', issued on December 8,
16     2020, and shall include all information required by
17     such provisions.

18     ''(d) CONSULTATION.—In developing a plan required
19     to be submitted under subsection (a) and the reports re-
20     quired by subsection (c), the head of the agency shall con-
21     sult with the National Cyber Director and the heads of
22     the National Artificial Intelligence Initiative Office, the
23     National Artificial Intelligence Advisory Committee, the
24     Artificial Intelligence Center of Excellence.

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1    "(e) CLASSIFIED ANNEX.—The reports required by

2 paragraphs (1) and (2) of subsection (b) shall be made

3 publicly available upon submission to the entities described

4 in such paragraphs, but such reports may include a classi-

5 fied annex.

6    "(f) RULE OF CONSTRUCTION.—Nothing in this sub-

7 chapter may be construed as authorizing the use by agen-

8 cies of, or an appropriation for, artificial intelligence.".

9    (b) CLERICAL AMENDMENT.—The table of contents

10 for chapter 3 of title 5, United States Code, is amended

11 by adding after the item relating to section 315 the fol-

12 lowing:

"SUBCHAPTER III—ARTIFICIAL INTELLIGENCE

"321. Definitions
"322. AI strategy, objectives, and metrics plans required".