

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MR. COMER OF KENTUCKY

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal A.I. Govern-
3 ance and Transparency Act of 2024”.

4 **SEC. 2. ESTABLISHMENT OF FEDERAL AGENCY ARTIFICIAL**
5 **INTELLIGENCE SYSTEM GOVERNANCE RE-**
6 **QUIREMENTS.**

7 (a) FEDERAL AI SYSTEM GOVERNANCE.—

8 (1) AMENDMENT.—Chapter 35 of title 44,
9 United States Code, is amended by adding at the
10 end the following:

11 “SUBCHAPTER IV—ARTIFICIAL INTELLIGENCE
12 SYSTEM GOVERNANCE

13 **“§ 3591. Purposes**

14 “The purposes of this subchapter, with respect to the
15 design, development, acquisition, use, management, and
16 oversight of artificial intelligence in the Federal Govern-
17 ment, are to ensure the following:

1 “(1) Actions that are consistent with the Con-
2 stitution and any other applicable law and policy, in-
3 cluding those addressing freedom of speech, privacy,
4 civil rights, civil liberties, and an open and trans-
5 parent Government.

6 “(2) Any such action is purposeful and per-
7 formance-driven, including ensuring the following:

8 “(A) Such action promotes the consistent
9 and systemic treatment of all individuals in a
10 fair, just, and impartial manner.

11 “(B) The public benefits of such action
12 significantly outweigh the risks.

13 “(C) The risks and operations of such ac-
14 tion do not unfairly and disproportionately ben-
15 efit or harm an individual or subgroup of the
16 public.

17 “(D) The risk of such action is assessed
18 and responsibly managed, including before the
19 use of artificial intelligence.

20 “(3) Any application of artificial intelligence is
21 consistent with the use cases for which the artificial
22 intelligence was trained, and the deployers of such
23 application promote verifiably accurate, ethical, reli-
24 able, and effective use.

1 “(4) The safety, security, and resiliency of arti-
2 ficial intelligence applications, including resilience
3 when confronted with any systematic vulnerability,
4 adversarial manipulation, and other malicious exploi-
5 tation.

6 “(5) The purpose, operations, risks, and out-
7 comes of artificial intelligence applications are suffi-
8 ciently explainable and understandable, to the extent
9 practicable, by subject matter experts, users, im-
10 pacted parties, and others, as appropriate.

11 “(6) Such action is responsible and accountable,
12 including by ensuring the following:

13 “(A) Human roles and responsibilities are
14 clearly defined, understood, and appropriately
15 assigned.

16 “(B) Artificial intelligence is used in a
17 manner consistent with the purposes described
18 in this section and the purposes for which each
19 use of artificial intelligence is intended.

20 “(C) Such action, as well as relevant in-
21 puts and outputs of artificial intelligence appli-
22 cations, are well documented and accountable.

23 “(7) Responsible management and oversight by
24 ensuring the following:

1 “(A) Artificial intelligence applications are
2 regularly tested against the purposes described
3 in this section.

4 “(B) Mechanisms are maintained to super-
5 sede, disengage, or deactivate applications of
6 artificial intelligence that demonstrate perform-
7 ance or outcomes that are inconsistent with the
8 intended use or this subchapter.

9 “(C) Engagement with impacted commu-
10 nities.

11 “(8) Transparency in publicly disclosing rel-
12 evant information regarding the use of artificial in-
13 telligence to appropriate stakeholders, to the extent
14 practicable and in accordance with any applicable
15 law and policy, including with respect to the protec-
16 tion of privacy, civil liberties, and of sensitive law
17 enforcement, national security, trade secrets or pro-
18 prietary information, and other protected informa-
19 tion.

20 “(9) Accountability for the following:

21 “(A) Implementing and enforcing appro-
22 priate safeguards necessary to comply with the
23 purposes described in this section and the re-
24 quirements of this subchapter, for the proper

1 use and functioning of the applications of artificial
2 intelligence.

3 “(B) Monitoring, auditing, and documenting compliance with those safeguards, as
4 appropriate.
5

6 “(C) Providing appropriate training to all
7 agency personnel responsible for the design, development, acquisition, use, management, and
8 oversight of artificial intelligence.
9

10 **“§ 3592. Definitions**

11 “In this subchapter:

12 “(1) IN GENERAL.—Except as provided in paragraph (2), the definitions under sections 3502 shall
13 apply to this subchapter.
14

15 “(2) ADDITIONAL DEFINITIONS.—In this subchapter:
16

17 “(A) ADMINISTRATOR.—The term ‘Administrator’ means the Administrator of General
18 Services.
19

20 “(B) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional
21 committees’ means the Committee on Oversight and Accountability of the House of Representatives
22 and the Committee on Homeland Security and Governmental Affairs of the Senate.
23
24
25

1 “(C) ARTIFICIAL INTELLIGENCE.—The
2 term ‘artificial intelligence’ has the meaning
3 given the term in section 238(g) of the John S.
4 McCain National Defense Authorization Act for
5 Fiscal Year 2019 (Public Law 115–232; 10
6 U.S.C. note prec. 4061).

7 “(D) ARTIFICIAL INTELLIGENCE SYS-
8 TEM.—The term ‘artificial intelligence system’
9 means any data system, software, application,
10 tool, or utility that operates in whole or in part
11 using dynamic or static machine learning algo-
12 rithms or other forms of artificial intelligence,
13 whether—

14 “(i) the data system, software, appli-
15 cation, tool, or utility is established pri-
16 marily for the purpose of researching, de-
17 veloping, or implementing artificial intel-
18 ligence technology; or

19 “(ii) artificial intelligence capability is
20 integrated into another system or business
21 process, operational activity, or technology
22 system.

23 “(E) FEDERAL ARTIFICIAL INTELLIGENCE
24 SYSTEM.—The term ‘Federal artificial intel-
25 ligence system’ means an artificial intelligence

1 system used in connection with a Federal infor-
2 mation system.

3 “(F) FEDERAL INFORMATION SYSTEM.—
4 The term ‘Federal information system’ has the
5 meaning given the term in section 11331(g) of
6 title 40.

7 “(G) NATIONAL SECURITY SYSTEM.—The
8 term ‘national security system’ has the meaning
9 given that term in section 3552(b) of title 44.

10 **“§ 3593. Authority and functions of the Director**

11 “The Director shall oversee the design, development,
12 acquisition, use, management, and oversight of Federal
13 artificial intelligence systems by agencies to implement the
14 purposes described in section 3591. In performing such
15 oversight, the Director shall do the following:

16 “(1) Develop, coordinate, and oversee the imple-
17 mentation of policies, purposes, standards, and
18 guidelines to ensure appropriate use of Federal arti-
19 ficial intelligence systems and the protection of civil
20 rights, civil liberties, and privacy, including in con-
21 formity with section 552a of title 5 and other appli-
22 cable laws, as well as the integrity of Federal infor-
23 mation systems and information technology in ac-
24 cordance with the other requirements of this chap-
25 ter.

1 “(2) Oversee agency compliance with the re-
2 quirements of this subchapter, including through
3 any authorized enforcement action under section
4 11303(b)(5) of title 40 to ensure agency account-
5 ability and compliance.

6 “(3) Issue and update, as necessary, guidance
7 to agencies to take steps to advance the governance
8 of Federal artificial intelligence systems, manage
9 risk, and remove relevant barriers to innovation,
10 consistent with the requirements of this subchapter
11 and, as appropriate the standards promulgated
12 under section 22A of the National Institute of
13 Standards and Technology Act (15 U.S.C. 278h-1)
14 pursuant to section 5302 of the William M. (Mac)
15 Thornberry National Defense Authorization Act for
16 Fiscal Year 2021 (15 U.S.C. 9441) that addresses
17 the following:

18 “(A) The development of policies regarding
19 Federal acquisition, procurement, and use by
20 agencies regarding artificial intelligence, includ-
21 ing an identification of the responsibilities of
22 agency officials managing the use of such tech-
23 nology.

24 “(B) The ownership and protection of data
25 and other information created, used, processed,

1 stored, maintained, disseminated, disclosed, or
2 disposed of by a contractor or subcontractor (at
3 any tier) on behalf of the Federal Government.

4 “(C) The protection of training data, algo-
5 rithms, and other components of any Federal
6 artificial intelligence system against misuse, un-
7 authorized alteration, degradation, or being ren-
8 dered inoperable.

9 “(D) The removal of barriers to respon-
10 sible agency use of artificial intelligence, such
11 as information technology, data, workforce, and
12 budgetary barriers, in order to promote the in-
13 novative application of those technologies while
14 protecting privacy, civil liberties, civil rights,
15 and economic and national security.

16 “(E) The establishment of best practices
17 for identifying, assessing, and mitigating any
18 discrimination in violation of title VI of the
19 Civil Rights Act of 1964 (42. U.S.C. 2000d et
20 seq.), or any unintended consequence of the use
21 of artificial intelligence, including policies to—

22 “(i) identify data used to train artifi-
23 cial intelligence;

1 “(ii) identify data analyzed or in-
2 gested by Federal artificial intelligence sys-
3 tems used by the agencies; and

4 “(iii) require periodic evaluation of
5 Federal artificial intelligence systems, as
6 appropriate.

7 “(4) Issue guidance for agencies to establish a
8 plain language notification process, as necessary and
9 appropriate and in conformity with applicable law,
10 including section 552a of title 5, for individuals or
11 entities impacted by an agency determination that
12 has been based solely on an output from, or sub-
13 stantively and meaningfully informed, augmented, or
14 assisted by a Federal artificial intelligence system,
15 including the contents of any notice, including exam-
16 ples of what the notice may look like in practice.

17 “(5) Issue guidance for agencies to review their
18 appeals process and to make modifications, as nec-
19 essary and appropriate, to account for determina-
20 tions made solely by or substantively and meaning-
21 fully informed, augmented, or assisted by a Federal
22 artificial intelligence system, including guidance on
23 how an agency provides the impacted individual or
24 entity the opportunity for an alternative review inde-

1 pendent of the Federal artificial intelligence system,
2 as appropriate.

3 “(6) Provide guidance and a template for the
4 required contents of the agency plans described in
5 section 3594(6) that uses a uniform resource locator
6 that is in a consistent format across agencies such
7 as the format ‘agencyname.gov/AI’.

8 “(7) Issue guidance, including a uniform re-
9 quired submission format and criteria for updating
10 entries after significant changes, for the establish-
11 ment of agency AI governance charters under sec-
12 tion 3595, including defining high-risk Federal arti-
13 ficial intelligence systems, and publication under sec-
14 tion 3596.

15 **“§ 3594. Federal agency responsibilities**

16 “The head of each agency shall do the following:

17 “(1) Comply with the requirements of this sub-
18 chapter and related policies, purposes, standards,
19 and guidelines, including those under section 552a
20 of title 5 and in guidance issued by the Director
21 under section 3593.

22 “(2) Ensure that Federal artificial intelligence
23 system management processes are integrated with
24 agency strategic, operational, data, workforce plan-

1 ning, and budgetary planning processes, and other
2 requirements under this chapter.

3 “(3) Ensure that senior agency officials, includ-
4 ing the Chief Information Officer, the Chief Data
5 Officer, and the senior agency official for privacy,
6 implement policies and procedures regarding Federal
7 artificial intelligence systems under the control of
8 such officers, assess and reduce any risks to such
9 systems to an acceptable level, and periodically as-
10 sess and validate management procedures and con-
11 trols to ensure effective implementation of this sub-
12 chapter.

13 “(4) Delegate to the agency Chief Information
14 Officer established under section 3506 (or com-
15 parable official in an agency not covered by such
16 section) the primary authority and accountability to
17 ensure compliance with the agency requirements
18 under this subchapter in coordination with any other
19 appropriate senior agency official designated by the
20 head of the agency.

21 “(5) Ensure that contracts for the acquisition
22 and procurement of a Federal artificial intelligence
23 system are consistent with the requirements of this
24 subchapter and any guidance issued by the Director
25 under section 3593(3).

1 “(6) Maintain a plan, posted on a publicly
2 available and centralized webpage of the agency and
3 prepared in accordance with the template provided
4 by the Director under section 3593(6), to—

5 “(A) achieve consistency with the require-
6 ments of this subchapter and guidance issued
7 by the Director; and

8 “(B) provide the public information about
9 agency policies and procedures for governing
10 Federal artificial intelligence systems, including
11 the inventory of artificial intelligence use cases
12 required by section 7225(a) of the Advancing
13 American AI Act (subtitle B of title LXXII of
14 Public Law 117–263; 40 U.S.C. 11301 note).

15 “(7) Establish procedures for notifying an indi-
16 vidual or entity impacted by an agency determina-
17 tion made solely by an output from, or substantively
18 and meaningfully informed, augmented, or assisted
19 by a Federal artificial intelligence system in accord-
20 ance with guidance issued by the Director under sec-
21 tion 3593(4).

22 “(8) Modify the agency appeals process, as nec-
23 essary and appropriate, to account for determina-
24 tions made solely by or substantively and meaning-
25 fully informed, augmented, or assisted by a Federal

1 artificial intelligence system, and to provide the im-
2 pacted individual or entity the opportunity for an al-
3 ternative review independent of the Federal artificial
4 intelligence system, as appropriate, as established by
5 the Director under section 3593(5).

6 “(9) In accordance with guidance issued by the
7 Director under section 3593(7), oversee the estab-
8 lishment of AI governance charters for Federal arti-
9 ficial intelligence systems, including by—

10 “(A) establishing a process, led by each of-
11 ficial identified in section 3594(4) to ensure
12 that each Federal artificial intelligence system
13 has an established AI governance charter that
14 is regularly updated in accordance with the re-
15 quirements under section 3595 and made pub-
16 licly available on the webpage under paragraph
17 (6);

18 “(B) submitting each AI governance char-
19 ter to the Federal Register not later than 30-
20 days after the initial establishment or termi-
21 nation of the charter, in conformity with guid-
22 ance from the Director; and

23 “(C) submitting each AI governance char-
24 ter to the Administrator for publication in a

1 format established in the Directors guidance in
2 accordance with section 3596.

3 “(10) In consultation with the Director, the Di-
4 rector of the Office of Personnel Management, and
5 the Administrator of General Services, conduct reg-
6 ular training programs to educate relevant agency
7 program and management officials, including em-
8 ployees supporting the functions of the Chief Infor-
9 mation Officer, the Chief Data Officer, the Evalua-
10 tion Officer, the senior privacy official, and the sta-
11 tistical official, as appropriate, about the manage-
12 ment of Federal artificial intelligence systems and
13 compliance with the requirements of this subchapter,
14 which may be integrated with the training require-
15 ments and covered topics established by the Artifi-
16 cial Intelligence Training for the Acquisition Work-
17 force Act (Public Law 117–207; 41 U.S.C. 1703
18 note).

19 **“§ 3595. Agency AI Governance Charters**

20 “(a) IN GENERAL.—In accordance with the guidance
21 established under section 3593(7), the head of each agen-
22 cy shall ensure that an accurate and complete AI govern-
23 ance charter is established for each Federal artificial intel-
24 ligence system in use by the agency that is designated as
25 a high-risk Federal artificial intelligence system or was

1 trained on, uses, or produces a record maintained on an
2 individual (as defined under section 552a(a) of title 5).

3 “(b) CONTENTS OF CHARTERS.—An AI governance
4 charter for a Federal artificial intelligence system shall,
5 at a minimum, include the following:

6 “(1) The name and an identifying summary of
7 the Federal artificial intelligence system, including
8 the following:

9 “(A) A descriptive summary of each pur-
10 pose and relevant use case of the system, as
11 may be documented on the inventory estab-
12 lished under section 7225 of the Advancing
13 American AI Act (subtitle B of title LXXII of
14 Public Law 117–263; 40 U.S.C. 11301 note).

15 “(B) The bureau, department, or office
16 using or operating the system, and to the extent
17 practicable, each program designated on the
18 website required under section 1122(a)(2) of
19 title 31 associated with use of the system.

20 “(C) The name and direct contact informa-
21 tion for a designated agency official responsible
22 for the overall outputs of the system.

23 “(D) The name and direct contact infor-
24 mation for a designated agency official respon-
25 sible for the ongoing maintenance of the system

1 which may be the same official designated
2 under subparagraph (C).

3 “(2) Information about how the Federal artifi-
4 cial intelligence system was developed and funded,
5 including the following:

6 “(A) Other individuals or entities that
7 have developed, maintained, managed, and op-
8 erated the system.

9 “(B) Information about any relevant Fed-
10 eral award including any associated contract,
11 grant, cooperative agreement, or other trans-
12 action agreement.

13 “(3) Information about the training, validation,
14 and testing of the Federal artificial intelligence sys-
15 tem, including the following:

16 “(A) A description of the type of data or
17 data assets used in the training, validation, and
18 testing of the Federal artificial intelligence sys-
19 tem or, if such information is not available, a
20 statement describing why such information is
21 not available.

22 “(B) A designation of whether any of the
23 data or data assets used in training, validating,
24 or testing the Federal artificial intelligence sys-
25 tem are classified as an open Government data

1 asset or a public data asset or a designated sys-
2 tem of record described under paragraph (7).

3 “(C) Information on how to access any
4 open Government data asset or public data
5 asset identified under subparagraph (B).

6 “(D) A listing of audits, testing, or other
7 risk assessments of the Federal artificial intel-
8 ligence system, including contact information of
9 the individual or entity that conducted such as-
10 sessments.

11 “(4) Information about ongoing oversight and
12 maintenance of the Federal artificial intelligence sys-
13 tem, including a description of the ongoing testing,
14 monitoring, or auditing of the Federal artificial in-
15 telligence system, including information about the
16 cadence of testing, as appropriate, and the entity re-
17 sponsible for such testing.

18 “(5) Information about how the system is used
19 by the agency, including—

20 “(A) the date the agency began using the
21 system and the intended life span of use, if ap-
22 propriate; and

23 “(B) whether any agency determinations
24 have been or are intended to be based solely on
25 an output from, or informed, augmented, or as-

1 sisted by the Federal artificial intelligence sys-
2 tem, and—

3 “(i) a summary of how the Federal
4 artificial intelligence system or the data or
5 data assets produced by the Federal artifi-
6 cial intelligence system is used to inform,
7 augment, or assist in making these deter-
8 minations;

9 “(ii) information about other agencies
10 or federally funded entities that use or rely
11 on these determinations; and

12 “(iii) a description of any associated
13 notice or modified appeal process as re-
14 quired under section 3593(4) and 3593(5).

15 “(6) Information about data or data assets pro-
16 duced by the Federal artificial intelligence system,
17 including a description of the data or data assets
18 produced, altered, or augmented by the system, in-
19 cluding—

20 “(A) a designation of whether any of the
21 data or data assets are classified as an open
22 Government data asset or a public data asset or
23 are included in a designated system of record
24 described under paragraph (7);

1 “(B) information on how to access any
2 such open Government data asset or public data
3 asset identified under subparagraph (A); and

4 “(C) information about any other agency
5 or federally funded entity known to use or oth-
6 erwise rely upon the data or data assets identi-
7 fied under this paragraph.

8 “(7) Information on whether the system was
9 trained on, uses, or produces a record maintained on
10 an individual (as defined under section 552a(a) of
11 title 5), including—

12 “(A) a listing of any designated system of
13 record including a reference to any associated
14 notice in the Federal Register for the establish-
15 ment or revision of such system of record, as
16 required under section 552a(d) of title 5; or

17 “(B) a description of any system of record
18 that has been exempted under subsection (j) or
19 (k) of section 552a of title 5, including the
20 statement required under section 553(c) of title
21 5 that documents the reasons why the system
22 of records is exempted.

23 “(c) **REGULAR UPDATES REQUIRED.**—The head of
24 each agency shall establish procedures to ensure that each
25 AI governance charter for the agency is updated to cap-

1 ture any significant change to the Federal artificial intel-
2 ligence system, consistent with guidance established in
3 section 3593(7) and not less than 30 days after such
4 change has been implemented.

5 “(d) REQUIREMENT FOR PUBLICATION.—An AI gov-
6 ernance charter required under subsection (a) shall be
7 made public on the agency webpage noticed in the Federal
8 Register, and published on the Federal AI System Inven-
9 tory established under section 3596, in accordance with
10 procedures established by the agency under section
11 3594(9) in conformity with guidance issued by the Direc-
12 tor under section 3593(7) before a Federal artificial intel-
13 ligence system is used by an agency, except that—

14 “(1) the head of an agency may, with advance
15 approval of the Director and notification to the ap-
16 propriate congressional committees, including the
17 relevant authorizing committee in the House of Rep-
18 resentatives and the Senate, and the relevant agency
19 Inspector General, waive the publication requirement
20 under this subsection; or

21 “(2) in order to protect properly classified na-
22 tional security information, a charter may be sub-
23 mitted to the Director, appropriate congressional
24 committees, including the relevant authorizing com-
25 mittee in the House of Representatives and the Sen-

1 ate, and the relevant agency Inspector General in
2 lieu of the publication requirement of this sub-
3 section.

4 “(e) EXEMPTIONS.—A Federal artificial intelligence
5 system is exempt from the requirements of this section
6 if the system is used—

7 “(1) solely for the purpose of research or devel-
8 opment, except that the purposes described and
9 guidance promulgated under this subchapter should
10 inform any such research, development, testing, or
11 evaluation directed at future applications of Federal
12 artificial intelligence systems; or

13 “(2) in a national security system, in whole or
14 in part, if the agency maintains a complete and reg-
15 ularly updated nonpublic version of each AI govern-
16 ance charter in accordance with subsections (a) and
17 (b) and the guidance required by section 3593(7).

18 **“§ 3596. AI Governance Charter Inventory**

19 “The Administrator of General Services shall main-
20 tain a single, public online interface for centrally cata-
21 logging agency AI governance charters which shall be
22 known as the ‘Federal AI System Inventory’. The Admin-
23 istrator and the Director shall—

24 “(1) ensure that each agency, as appropriate,
25 submits AI governance charters for publication on

1 the interface, in a publicly accessible machine-read-
2 able and open format to facilitate searchability and
3 bulk download of the inventory; and

4 “(2) provide a clear process and mechanism for
5 each agency to make timely revisions and updates.

6 **“§ 3597. Independent evaluation**

7 “(a) IN GENERAL.—Not later than 2 years after the
8 date of the enactment of this subchapter, and every 2
9 years thereafter, the Inspector General appointed under
10 chapter 4 of title 5 for each agency shall perform an inde-
11 pendent evaluation of the Federal artificial intelligence
12 governance policies and practices of the agency and submit
13 to the head of the agency, the Director, and the appro-
14 priate congressional committees, a report which may in-
15 clude a classified annex. The report shall include at a min-
16 imum—

17 “(1) an assessment of the comprehensive com-
18 pliance of the agency with the requirement under
19 section 3595 for each Federal artificial intelligence
20 system in use or maintained by an agency to have
21 an established, and appropriately noticed, AI govern-
22 ance charter, including timely revisions to reflect sig-
23 nificant changes and appropriate use of the exemp-
24 tions described under section 3595(e); and

1 “(2) an assessment of compliance by the agency
2 with artificial intelligence governance policies and
3 practices with the requirements of this subchapter.

4 “(b) COMPTROLLER GENERAL.—The Comptroller
5 General shall periodically evaluate and submit to Congress
6 a report on the—

7 “(1) effectiveness of agency Federal artificial
8 intelligence system governance policies and practices;

9 “(2) implementation of the requirements of this
10 subchapter by the Director, Administrator, and
11 agencies; and

12 “(3) extent to which the requirements of this
13 subchapter and related implementing guidance and
14 policies reflect technology advancements and provide
15 any legislative recommendations as appropriate.”.

16 (2) TABLE OF SECTIONS.—The table of sections
17 for chapter 35 of title 44, United States Code, is
18 amended by adding at the end the following:

“SUBCHAPTER IV—ARTIFICIAL INTELLIGENCE SYSTEM GOVERNANCE

- “3591. Purposes.
- “3592. Definitions.
- “3593. Authority and functions of the Director.
- “3594. Federal agency responsibilities.
- “3595. Agency AI Governance Charters.
- “3596. Federal AI System Inventory.
- “3597. Independent evaluation.”.

19 (b) OMB GUIDANCE.—Not later than 1 year after
20 the date of the enactment of this Act, the Director of the
21 Office of Management and Budget, in consultation with

1 the Director of the National Institute of Standards and
2 Technology, the Administrator of General Services, the
3 Director of the Office of Science and Technology Policy,
4 and the head of any other relevant agency as determined
5 by the Director of the Office of Management and Budget,
6 shall issue a memorandum to the head of each agency es-
7 tablishing guidance that implements the requirements of
8 subchapter IV of title 35 of title 44, as added by this sec-
9 tion, that—

10 (1) does not conflict with the requirements of
11 and uses the working group established under sec-
12 tion 7224(d) of the Advancing American AI Act
13 (Public Law 117–263; 40 U.S.C. 11301 note); and
14 (2) shall be reviewed and updated, as necessary,
15 every 2 years for the next 10 years after the first
16 such issuance and periodically thereafter.

17 (c) REQUIREMENT TO LIST AI GOVERNANCE CHAR-
18 TERS IN AGENCY SYSTEM OF RECORDS NOTICE UNDER
19 THE PRIVACY ACT.—Section 552a(e) of title 5, United
20 States Code, is amended—

21 (1) in paragraph (4), by adding at the end the
22 following new subparagraph:

23 “(J) a reference to any agency AI govern-
24 ance charter required under section 3595 of
25 title 44 that is associated with a Federal artifi-

1 cial intelligence system which was trained on,
2 uses, or produces records contained within the
3 system of record;” and

4 (2) by redesignating paragraphs (11) and (12)
5 as paragraphs (12) and (13), respectively; and

6 (3) by inserting after paragraph (10) the fol-
7 lowing new paragraph:

8 “(11) establish appropriate policies and proce-
9 dures, in accordance with the requirements of sub-
10 chapter IV of chapter 35 of title 44 to ensure the
11 security, confidentiality, and integrity of records that
12 a Federal artificial intelligence system uses, pro-
13 duces, or modifies;”.

14 (d) TECHNICAL AND CONFORMING REPEALS.—The
15 following are repealed:

16 (1) Subsections (a) and (d) of section 7224 of
17 the Advancing American AI Act (subtitle B of title
18 LXXII of Public Law 117–263; 40 U.S.C. 11301
19 note).

20 (2) Section 104 of the AI in Government Act
21 of 2020 (Public Law 116–260; 40 U.S.C. 11301
22 note).

23 (e) CONTRACTING REGULATIONS.—Not later than 6
24 months after the date on which the first guidance is estab-

1 lished pursuant to subsection (b), the Federal Acquisition
2 Regulation shall be revised to—

3 (1) implement the amendments made by this
4 section; and

5 (2) require that any contractor or subcontractor
6 (at any tier) with the Federal Government that
7 builds, provides, operates, or maintains (pursuant to
8 a contract entered into on or after such date of en-
9 actment) Federal artificial intelligence systems is re-
10 quired to provide the information that the agency is
11 required to report in accordance with the guidance
12 issued pursuant to section 3593(5) of title 44,
13 United States Code, as added by subsection (a), and
14 any agency requirement under section 3595(a) of
15 such title.

16 (f) RULES OF CONSTRUCTION.—

17 (1) AGENCY ACTIONS.—Nothing in this Act, or
18 an amendment made by this Act, shall be construed
19 to authorize the head of an agency to take an action
20 that is not authorized by this Act, an amendment
21 made by this Act, or other law.

22 (2) PROTECTION OF RIGHTS.—Nothing in this
23 Act, or an amendment made by this Act, shall be
24 construed to permit the violation of the rights of any
25 individual protected by the Constitution of the

1 United States, including through censorship of
2 speech protected by the Constitution of the United
3 States or unauthorized surveillance.

4 (3) PROTECTION OF PRIVACY.—Nothing in this
5 Act, or any amendment made by this Act, shall be
6 construed to impinge on the privacy rights of indi-
7 viduals or allow unauthorized access, sharing, or use
8 of personal data.

9 (4) PROTECTION OF INFORMATION.—Nothing
10 in this Act, or any amendment made by this Act,
11 shall be construed to require, or otherwise compel,
12 the public disclosure of information that could be
13 withheld under section 552(b) of title 5, United
14 States Code.

15 (g) DEFINITIONS.—In this section:

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

19 (2) DIRECTOR.—The term “Director” means
20 the Director of the Office of Management and Budg-
21 et, unless otherwise indicated.

