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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R. _____

To amend chapter 35 of title 44, United States Code, to establish Federal AI system governance requirements, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

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

A BILL

To amend chapter 35 of title 44, United States Code, to establish Federal AI system governance requirements, 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 “Federal AI Governance
5 and Transparency Act”.

1 **SEC. 2. ESTABLISHMENT OF FEDERAL AGENCY ARTIFICIAL**
2 **INTELLIGENCE SYSTEM GOVERNANCE RE-**
3 **QUIREMENTS.**

4 (a) FEDERAL AI SYSTEM GOVERNANCE.—

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

8 “SUBCHAPTER IV—ARTIFICIAL INTELLIGENCE
9 SYSTEM GOVERNANCE

10 “§ 3591. Purposes

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

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

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

22 “(A) Such action promotes the consistent
23 and systemic treatment of all individuals in a
24 fair, just, and impartial manner.

25 “(B) The public benefits of such action
26 significantly outweigh the risks.

1 “(C) The risks and operations of such ac-
2 tion do not unfairly and disproportionately ben-
3 efit or harm an individual or subgroup of the
4 public.

5 “(D) The risk of such action is assessed
6 and responsibly managed, including before the
7 use of artificial intelligence.

8 “(3) Any application of artificial intelligence is
9 consistent with the use cases for which the artificial
10 intelligence was trained, and the deployers of such
11 application promote verifiably accurate, ethical, reli-
12 able, and effective use.

13 “(4) The safety, security, and resiliency of arti-
14 ficial intelligence applications, including resilience
15 when confronted with any systematic vulnerability,
16 adversarial manipulation, and other malicious exploi-
17 tation.

18 “(5) The purpose, operations, risks, and out-
19 comes of artificial intelligence applications are suffi-
20 ciently explainable and understandable, to the extent
21 practicable, by subject matter experts, users, im-
22 pacted parties, and others, as appropriate.

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

1 “(A) Human roles and responsibilities are
2 clearly defined, understood, and appropriately
3 assigned.

4 “(B) Artificial intelligence is used in a
5 manner consistent with the purposes described
6 in this section and the purposes for which each
7 use of artificial intelligence is intended.

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

11 “(7) Responsible management and oversight by
12 ensuring the following:

13 “(A) Artificial intelligence applications are
14 regularly tested against the purposes described
15 in this section.

16 “(B) Mechanisms are maintained to super-
17 sede, disengage, or deactivate applications of
18 artificial intelligence that demonstrate perform-
19 ance or outcomes that are inconsistent with the
20 intended use or this subchapter.

21 “(C) Engagement with impacted commu-
22 nities.

23 “(8) Transparency in publicly disclosing rel-
24 evant information regarding the use of artificial in-
25 telligence to appropriate stakeholders, to the extent

1 practicable and in accordance with any applicable
2 law and policy, including with respect to the protec-
3 tion of privacy, civil liberties, and of sensitive law
4 enforcement, national security, trade secrets or pro-
5 prietary information, and other protected informa-
6 tion.

7 “(9) Accountability for the following:

8 “(A) Implementing and enforcing appro-
9 priate safeguards necessary to comply with the
10 purposes described in this section and the re-
11 quirements of this subchapter, for the proper
12 use and functioning of the applications of artifi-
13 cial intelligence.

14 “(B) Monitoring, auditing, and docu-
15 menting compliance with those safeguards, as
16 appropriate.

17 “(C) Providing appropriate training to all
18 agency personnel responsible for the design, de-
19 velopment, acquisition, use, management, and
20 oversight of artificial intelligence.

21 **“§ 3592. Definitions**

22 “In this subchapter:

23 “(1) IN GENERAL.—Except as provided in para-
24 graph (2), the definitions under sections 3502 shall
25 apply to this subchapter.

1 “(2) ADDITIONAL DEFINITIONS.—In this sub-
2 chapter:

3 “(A) ADMINISTRATOR.—The term ‘Admin-
4 istrator’ means the Administrator of General
5 Services.

6 “(B) APPROPRIATE CONGRESSIONAL COM-
7 MITTEES.—The term ‘appropriate congressional
8 committees’ means the Committee on Oversight
9 and Accountability of the House of Representa-
10 tives and the Committee on Homeland Security
11 and Governmental Affairs of the Senate.

12 “(C) ARTIFICIAL INTELLIGENCE.—The
13 term ‘artificial intelligence’ has the meaning
14 given the term in section 238(g) of the John S.
15 McCain National Defense Authorization Act for
16 Fiscal Year 2019 (Public Law 115–232; 10
17 U.S.C. note prec. 4061).

18 “(D) ARTIFICIAL INTELLIGENCE SYS-
19 TEM.—The term ‘artificial intelligence system’
20 means any data system, software, application,
21 tool, or utility that operates in whole or in part
22 using dynamic or static machine learning algo-
23 rithms or other forms of artificial intelligence,
24 whether—

1 “(i) the data system, software, appli-
2 cation, tool, or utility is established pri-
3 marily for the purpose of researching, de-
4 veloping, or implementing artificial intel-
5 ligence technology; or

6 “(ii) artificial intelligence capability is
7 integrated into another system or business
8 process, operational activity, or technology
9 system.

10 “(E) FEDERAL ARTIFICIAL INTELLIGENCE
11 SYSTEM.—The term ‘Federal artificial intel-
12 ligence system’ means an artificial intelligence
13 system used in connection with a Federal infor-
14 mation system.

15 “(F) FEDERAL INFORMATION SYSTEM.—
16 The term ‘Federal information system’ has the
17 meaning given the term in section 11331 of
18 title 40.

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

22 **“§ 3593. Authority and functions of the Director**

23 “The Director shall oversee the design, development,
24 acquisition, use, management, and oversight of Federal
25 artificial intelligence systems by agencies to implement the

1 purposes described in section 3591. In performing such
2 oversight, the Director shall do the following:

3 “(1) Develop, coordinate, and oversee the imple-
4 mentation of policies, purposes, standards, and
5 guidelines to ensure appropriate use of Federal arti-
6 ficial intelligence systems and the protection of civil
7 rights, civil liberties, and privacy, including in con-
8 formity with section 552a of title 5 and other appli-
9 cable laws, as well as the integrity of Federal infor-
10 mation systems and information technology in ac-
11 cordance with the other requirements of this chap-
12 ter.

13 “(2) Oversee agency compliance with the re-
14 quirements of this subchapter, including through
15 any authorized enforcement action under section
16 11303(b)(5) of title 40 to ensure agency account-
17 ability and compliance.

18 “(3) Issue and update, as necessary, guidance
19 to agencies to take steps to advance the governance
20 of Federal artificial intelligence systems, manage
21 risk, and remove relevant barriers to innovation,
22 which shall be consistent with the requirements of
23 this subchapter and, as appropriate the standards
24 promulgated under section 22A of the National In-
25 stitute of Standards and Technology Act (15 U.S.C.

1 278h–1) pursuant to section 5302 of the William M.
2 (Mac) Thornberry National Defense Authorization
3 Act for Fiscal Year 2021 (15 U.S.C. 9441). The
4 guidance shall address the following:

5 “(A) The development of policies regarding
6 Federal acquisition, procurement, and use by
7 agencies regarding artificial intelligence, includ-
8 ing an identification of the responsibilities of
9 agency officials managing the use of such tech-
10 nology.

11 “(B) The ownership and protection of data
12 and other information created, used, processed,
13 stored, maintained, disseminated, disclosed, or
14 disposed of by a contractor or subcontractor (at
15 any tier) on behalf of the Federal Government.

16 “(C) The protection of training data, algo-
17 rithms, and other components of any Federal
18 artificial intelligence system against misuse, un-
19 authorized alteration, degradation, or being ren-
20 dered inoperable.

21 “(D) The removal of barriers to respon-
22 sible agency use of artificial intelligence, such
23 as information technology, data, workforce, and
24 budgetary barriers, in order to promote the in-
25 novative application of those technologies while

1 protecting privacy, civil liberties, civil rights,
2 and economic and national security.

3 “(E) The establishment of best practices
4 for identifying, assessing, and mitigating any
5 discrimination in violation of title VI of the
6 Civil Rights Act of 1964 (42. U.S.C. 2000d et
7 seq.), or any unintended consequence of the use
8 of artificial intelligence, including policies to—

9 “(i) identify data used to train artifi-
10 cial intelligence;

11 “(ii) identify data analyzed or in-
12 gested by Federal artificial intelligence sys-
13 tems used by the agencies; and

14 “(iii) require periodic evaluation of
15 Federal artificial intelligence systems, as
16 appropriate.

17 “(4) Issue guidance for agencies to establish a
18 plain language notification process, as necessary and
19 appropriate and in conformity with applicable law,
20 including section 552a of title 5, for individuals, or
21 entities impacted by an agency determination that
22 has been based solely on an output from, or sub-
23 stantively and meaningfully informed, augmented, or
24 assisted by a Federal artificial intelligence system,

1 including the contents of any notice, including exam-
2 ples of what the notice may look like in practice.

3 “(5) Issue guidance for agencies to review their
4 appeals process and to make modifications, as nec-
5 essary and appropriate, to account for determina-
6 tions made solely by or substantively and meaning-
7 fully informed, augmented, or assisted by a Federal
8 artificial intelligence system, including guidance on
9 how an agency provides the impacted individual or
10 entity the opportunity for an alternative review inde-
11 pendent of the Federal artificial intelligence system,
12 as appropriate.

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

18 “(7) Issue guidance, including a uniform re-
19 quired submission format and criteria for updating
20 entries after significant changes, for the establish-
21 ment of agency AI governance charters under sec-
22 tion 3595, including defining high-risk Federal arti-
23 ficial intelligence systems, and publication under sec-
24 tion 3596.

1 **“§ 3594. Federal agency responsibilities**

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

3 “(1) Comply with the requirements of this sub-
4 chapter and related policies, purposes, standards,
5 and guidelines, including those under section 552a
6 of title 5 and in guidance issued by the Director
7 under section 3593.

8 “(2) Ensure that Federal artificial intelligence
9 system management processes are integrated with
10 agency strategic, operational, data, workforce plan-
11 ning, and budgetary planning processes, and other
12 requirements under this chapter.

13 “(3) Ensure that senior agency officials, includ-
14 ing the Chief Information Officer, the Chief Data
15 Officer, and the senior agency official for privacy,
16 implement policies and procedures regarding Federal
17 artificial intelligence systems under the control of
18 such officers, assess and reduce any risks to such
19 systems to an acceptable level, and periodically as-
20 sess and validate management procedures and con-
21 trols to ensure effective implementation of this sub-
22 chapter.

23 “(4) Delegate to the agency Chief Information
24 Officer established under section 3506 (or com-
25 parable official in an agency not covered by such
26 section) the primary authority and accountability to

1 ensure compliance with the agency requirements
2 under this subchapter in coordination with any other
3 appropriate senior agency official designated by the
4 head of the agency.

5 “(5) Ensure that contracts for the acquisition
6 and procurement of a Federal artificial intelligence
7 system are consistent with the requirements of this
8 subchapter and any guidance issued by the Director
9 under section 3593(3).

10 “(6) Maintain a plan, posted on a publicly
11 available and centralized webpage of the agency and
12 prepared in accordance with the template provided
13 by the Director under section 3593(6), to—

14 “(A) achieve consistency with the require-
15 ments of this subchapter and guidance issued
16 by the Director; and

17 “(B) provide the public information about
18 agency policies and procedures for governing
19 Federal artificial intelligence systems, including
20 the inventory of artificial intelligence use cases
21 required by section 7225(a) of the Advancing
22 American AI Act (subtitle B of title LXXII of
23 Public Law 117–263; 40 U.S.C. 11301 note).

24 “(7) Establish procedures for notifying an indi-
25 vidual or entity impacted by an agency determina-

1 tion made solely by an output from, or substantively
2 and meaningfully informed, augmented, or assisted
3 by a Federal artificial intelligence system in accord-
4 ance with guidance issued by the Director under sec-
5 tion 3593(4).

6 “(8) Modify the agency appeals process, as nec-
7 essary and appropriate, to account for determina-
8 tions made solely by or substantively and meaning-
9 fully informed, augmented, or assisted by a Federal
10 artificial intelligence system, and to provide the im-
11 pacted individual, group, or entity the opportunity
12 for an alternative review independent of the Federal
13 artificial intelligence system, as appropriate, as es-
14 tablished by the Director under section 3593(5).

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

19 “(A) establishing a process, led by the offi-
20 cial or officials identified in section 3594(4) to
21 ensure that each Federal artificial intelligence
22 system has an established AI governance char-
23 ter that is regularly updated in accordance with
24 the requirements under section 3595 and made

1 publicly available on the webpage under para-
2 graph (6);

3 “(B) submitting each AI governance char-
4 ter to the Federal Register not later than 30-
5 days after the initial establishment or termi-
6 nation of the charter, in conformity with guid-
7 ance from the Director; and

8 “(C) submitting each AI governance char-
9 ter to the Administrator for publication in a
10 format established in the Directors guidance in
11 accordance with section 3596.

12 “(10) In consultation with the Director, the Di-
13 rector of the Office of Personnel Management, and
14 the Administrator of the General Services Adminis-
15 tration, conduct regular training programs to edu-
16 cate relevant agency program and management offi-
17 cials, including employees supporting the functions
18 of the Chief Information Officer, the Chief Data Of-
19 ficer, the Evaluation Officer, the senior privacy offi-
20 cial, and the statistical official, as appropriate, about
21 the management of Federal artificial intelligence
22 systems and compliance with the requirements of
23 this subchapter, which may be integrated with the
24 training requirements and covered topics established
25 by the Artificial Intelligence Training for the Acqui-

1 sition Workforce Act (Public Law 117–207; 41
2 U.S.C. 1703 note).

3 **“§ 3595. Agency AI Governance Charters**

4 “(a) IN GENERAL.—In accordance with the guidance
5 established under section 3593(7), the head of each agen-
6 cy shall ensure that an accurate and complete AI govern-
7 ance charter is established for each Federal artificial intel-
8 ligence system in use by the agency that is designated as
9 a high-risk Federal artificial intelligence system or was
10 trained on, uses, or produces a record maintained on an
11 individual (as defined under section 552a(a) of title 5).

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

15 “(1) The name and an identifying summary of
16 the Federal artificial intelligence system, including
17 the following:

18 “(A) A descriptive summary of the purpose
19 or purposes and relevant use case or use cases
20 of the system, as may be documented on the in-
21 ventory established under section 7225 of the
22 Advancing American AI Act (subtitle B of title
23 LXXII of Public Law 117–263; 40 U.S.C.
24 11301 note).

1 “(B) The bureau, department, or office
2 using or operating the system, and to the extent
3 practicable, the program or programs des-
4 ignated on the website required under section
5 1122(a)(2) of title 31 associated with use of the
6 system.

7 “(C) The name and direct contact informa-
8 tion for a designated agency official responsible
9 for the system’s overall outputs.

10 “(D) The name and direct contact infor-
11 mation for a designated agency official respon-
12 sible for the ongoing maintenance of the system
13 which may be the same official designated
14 under subparagraph (C).

15 “(2) Information about how the Federal artifi-
16 cial intelligence system was developed and funded,
17 including the following:

18 “(A) Other individuals or entities that
19 have developed, maintained, managed, and op-
20 erated the system.

21 “(B) Information about any relevant Fed-
22 eral award including any associated contract,
23 grant, cooperative agreement, or other trans-
24 action agreement.

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

4 “(A) A description of the type of data or
5 data assets used in the training, validation, and
6 testing of the Federal artificial intelligence sys-
7 tem or, if such information is not available, a
8 statement describing why such information is
9 not available.

10 “(B) A designation of whether any of the
11 data or data assets used in training, validating,
12 or testing the Federal artificial intelligence sys-
13 tem are classified as an open Government data
14 asset or a public data asset or a designated sys-
15 tem of record described under paragraph (7).

16 “(C) Information on how to access any
17 open Government data asset or public data
18 asset identified under subparagraph (B).

19 “(D) A listing of audits, testing, or other
20 risk assessments of the Federal artificial intel-
21 ligence system, including contact information of
22 the individual or entity that conducted such as-
23 sessments.

24 “(4) Information about ongoing oversight and
25 maintenance of the Federal artificial intelligence sys-

1 tem, including a description of the ongoing testing,
2 monitoring, or auditing of the Federal artificial in-
3 telligence system, including information about the
4 cadence of testing, as appropriate, and the entity re-
5 sponsible for such testing.

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

8 “(A) the date the agency began using the
9 system and the intended life span of use, if ap-
10 propriate; and

11 “(B) whether any agency determinations
12 have been or are intended to be based solely on
13 an output from, or informed, augmented, or as-
14 sisted by the Federal artificial intelligence sys-
15 tem, and—

16 “(i) a summary of how the Federal
17 artificial intelligence system or the data or
18 data assets produced by the Federal artifi-
19 cial intelligence system is used to inform,
20 augment, or assist in making these deter-
21 minations;

22 “(ii) information about other agencies
23 or federally funded entities that use or rely
24 on these determinations; and

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

4 “(6) Information about data or data assets pro-
5 duced by the Federal artificial intelligence system,
6 including a description of the data or data assets
7 produced, altered, or augmented by the system, in-
8 cluding—

9 “(A) a designation of whether any of the
10 data or data assets are classified as an open
11 Government data asset or a public data asset or
12 are included in a designated system of record
13 described under paragraph (7);

14 “(B) information on how to access any
15 such open Government data asset or public data
16 asset identified under subparagraph (A); and

17 “(C) information about any other agency
18 or federally funded entity known to use or oth-
19 erwise rely upon the data or data assets identi-
20 fied under this paragraph.

21 “(7) Information on whether the system was
22 trained on, uses, or produces a record maintained on
23 an individual (as defined under section 552a(a) of
24 title 5), including—

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

6 “(B) a description of any system of record
7 that has been exempted under subsection (j) or
8 (k) of section 552a of title 5, including the
9 statement required under section 553(c) of title
10 5 that documents the reasons why the system
11 of records is exempted.

12 “(c) REGULAR UPDATES REQUIRED.—The head of
13 each agency shall establish procedures to ensure that each
14 AI governance charter for the agency is updated to cap-
15 ture any significant change to the Federal artificial intel-
16 ligence system, consistent with guidance established in
17 section 3593(7) and not less than 30 days after such
18 change has been implemented.

19 “(d) REQUIREMENT FOR PUBLICATION.—An AI gov-
20 ernance charter required under subsection (a) shall be
21 made public on the agency webpage noticed in the Federal
22 Register, and published on the Federal AI System Inven-
23 tory established under section 3596, in accordance with
24 procedures established by the agency under section
25 3594(9) in conformity with guidance issued by the Direc-

1 tor under section 3593(7) before a Federal artificial intel-
2 ligence system is used by an agency, except that—

3 “(1) the head of an agency may, with advance
4 approval of the Director and notification to the ap-
5 propriate congressional committees, including the
6 relevant authorizing committee in the House of Rep-
7 resentatives and the Senate, and the relevant agency
8 Inspector General, waive the publication requirement
9 under this subsection; or

10 “(2) in order to protect properly classified na-
11 tional security information, a charter may be sub-
12 mitted to the Director, appropriate congressional
13 committees, including the relevant authorizing com-
14 mittee in the House of Representatives and the Sen-
15 ate, and the relevant agency Inspector General in
16 lieu of the publication requirement of this sub-
17 section.

18 “(e) EXEMPTIONS.—A Federal artificial intelligence
19 system is exempt from the requirements of this section
20 if the system is used—

21 “(1) solely for the purpose of research or devel-
22 opment, except that the purposes described and
23 guidance promulgated under this subchapter should
24 inform any such research, development, testing, or

1 evaluation directed at future applications of Federal
2 artificial intelligence systems; or

3 “(2) in a national security system (as defined
4 in this subchapter), in whole or in part, if the agen-
5 cy maintains a complete and regularly updated non-
6 public version of each AI governance charter in ac-
7 cordance with subsections (a) and (b) and the guid-
8 ance required by section 3593(5).

9 **“§ 3596. IA Governance Charter Inventory**

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

15 “(1) ensure that each agency, as appropriate,
16 submits AI governance charters for publication on
17 the interface, in a publicly accessible machine-read-
18 able and open format to facilitate searchability and
19 bulk download of the inventory; and

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

22 **“§ 3597. Independent evaluation**

23 “(a) IN GENERAL.—Not later than 2 years after the
24 date of the enactment of this subchapter, and every 2
25 years thereafter, the Inspector General appointed under

1 chapter 4 of title 5 for each agency shall perform an inde-
2 pendent evaluation of the Federal artificial intelligence
3 governance policies and practices of the agency and submit
4 to the head of the agency, the Director, and the appro-
5 priate congressional committees, a report which may in-
6 clude a classified annex. The report shall include at a min-
7 imum—

8 “(1) an assessment of the comprehensive com-
9 pliance of the agency with the requirement under
10 section 3595 for each Federal artificial intelligence
11 system in use or maintained by an agency to have
12 an established, and appropriately noticed, AI govern-
13 ance charter, including timely revisions to reflect sig-
14 nificant changes and appropriate use of the exemp-
15 tions described under section 3595(e); and

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

19 “(b) COMPTROLLER GENERAL.—The Comptroller
20 General shall periodically evaluate and submit to Congress
21 a report on the—

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

1 “(2) implementation of the requirements of this
2 subchapter by the Director, Administrator, and
3 agencies; and

4 “(3) extent to which the requirements of this
5 subchapter and related implementing guidance and
6 policies reflect technology advancements and provide
7 any legislative recommendations as appropriate.”.

8 (2) TABLE OF SECTIONS.—The table of sections
9 for chapter 35 of title 44, United States Code, is
10 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.”.

11 (b) OMB GUIDANCE.—Not later than 1 year after
12 the date of the enactment of this Act, the Director of the
13 Office of Management and Budget, in consultation with
14 the Director of the National Institute of Standards and
15 Technology, the Administrator of General Services, the
16 Director of the Office of Science and Technology Policy,
17 and the head of any other relevant agency as determined
18 by the Director of the Office of Management and Budget,
19 shall issue a memorandum to the head of each agency es-
20 tablishing guidance that implements the requirements of

1 subchapter IV of title 35 of title 44, as added by this sec-
2 tion, that—

3 (1) does not conflict with the requirements of
4 and uses the working group established under sec-
5 tion 7224(d) of the Advancing American AI Act
6 (Public Law 117–263; 40 U.S.C. 11301 note); and

7 (2) shall be reviewed and updated, as necessary,
8 every 2 years for the next 10 years after the first
9 such issuance and periodically thereafter.

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

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

16 “(J) a reference to any agency AI govern-
17 ance charter required under section 3595 of
18 title 44 that is associated with a Federal artifi-
19 cial intelligence system which was trained on,
20 uses, or produces records contained within the
21 system of record;” and

22 (2) by redesignating paragraphs (11) and (12)
23 as paragraphs (12) and (13), respectively; and

24 (3) by inserting after paragraph (10) the fol-
25 lowing new paragraph:

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

7 (d) **TECHNICAL AND CONFORMING REPEALS.**—The
8 following are repealed:

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

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

16 (e) **CONTRACTING REGULATIONS.**—Not later than 6
17 months after the initial issuance of the guidance required
18 under subsection (b) of this Act, the Federal Acquisition
19 Regulation shall be revised to—

20 (1) implement the amendments made by this
21 section; and

22 (2) require that any contractor or subcontractor
23 (at any tier) with the Federal Government that
24 builds, provides, operates, or maintains (pursuant to
25 a contract entered into on or after such date of en-

1 actment) Federal artificial intelligence systems is re-
2 quired to provide the information that the agency is
3 required to report in accordance with the guidance
4 issued pursuant to section 3593(5) of title 44,
5 United States Code, as added by subsection (a), and
6 any agency requirement under section 3595(a) of
7 such title.

8 (f) RULES OF CONSTRUCTION.—

9 (1) AGENCY ACTIONS.—Nothing in this Act, or
10 an amendment made by this Act, shall be construed
11 to authorize the head of an agency to take an action
12 that is not authorized by this Act, an amendment
13 made by this Act, or other law.

14 (2) PROTECTION OF RIGHTS.—Nothing in this
15 Act, or an amendment made by this Act, shall be
16 construed to permit the violation of the rights of any
17 individual protected by the Constitution of the
18 United States, including through censorship of
19 speech protected by the Constitution of the United
20 States or unauthorized surveillance.

21 (3) PROTECTION OF PRIVACY.—Nothing in this
22 Act, or any amendment made by this Act, shall be
23 construed to impinge on the privacy rights of indi-
24 viduals or allow unauthorized access, sharing, or use
25 of personal data.

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

7 (g) DEFINITIONS.—In this section:

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

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