

118TH CONGRESS
1ST SESSION

S. 2293

To establish the Chief Artificial Intelligence Officers Council, Chief Artificial Intelligence Officers, and Artificial Intelligence Governance Boards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JULY 13, 2023

Mr. PETERS introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To establish the Chief Artificial Intelligence Officers Council, Chief Artificial Intelligence Officers, and Artificial Intelligence Governance Boards, 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 “AI Leadership To En-
5 able Accountable Deployment Act” or the “AI LEAD
6 Act”.

7 **SEC. 2. DEFINITIONS.**

8 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) ARTIFICIAL INTELLIGENCE.—The term “ar-
5 tificial intelligence” has the meaning given the term
6 in section 238(g) of the John S. McCain National
7 Defense Authorization Act for Fiscal Year 2019 (10
8 U.S.C. note prec. 4061; Public Law 115–232).

9 (3) CHIEF ARTIFICIAL INTELLIGENCE OFFI-
10 CER.—The term “Chief Artificial Intelligence Offi-
11 cer” means an official appointed or designated by
12 the head of an agency pursuant to section 4(b)(1).

13 (4) COUNCIL.—The term “Council” means the
14 Chief Artificial Intelligence Officers Council estab-
15 lished under section 3(a).

16 (5) DIRECTOR.—The term “Director” means
17 the Director of the Office of Management and Budg-
18 et.

19 (6) RELEVANT CONGRESSIONAL COMMIT-
20 TEES.—The term “relevant congressional commit-
21 tees” means the Committee on Homeland Security
22 and Governmental Affairs of the Senate and the
23 Committee on Oversight and Accountability of the
24 House of Representatives.

1 **SEC. 3. CHIEF ARTIFICIAL INTELLIGENCE OFFICERS COUN-**
2 **CIL.**

3 (a) ESTABLISHMENT.—Not later than 90 days after
4 the date of enactment of this Act, the Director shall estab-
5 lish a Chief Artificial Intelligence Officers Council.

6 (b) DUTIES.—The Council shall—

7 (1) promote coordination regarding agency
8 practices relating to the design, acquisition, develop-
9 ment, modernization, use, operation, sharing, risk
10 management, and performance of artificial intel-
11 ligence technologies;

12 (2) ensure interagency coordination regarding
13 Federal artificial intelligence activities;

14 (3) share experiences, ideas, best practices, and
15 innovative approaches relating to artificial intel-
16 ligence; and

17 (4) assist the Director, as necessary, in—

18 (A) the identification, development, and co-
19 ordination of multi-agency projects and other
20 initiatives to improve Government performance;
21 and

22 (B) the management of risks relating to
23 developing, obtaining or using artificial intel-
24 ligence, including by—

25 (i) promoting the development and
26 use of efficient, common, and shared ap-

1 proaches to key processes that improve the
2 delivery of services for the public; and

3 (ii) soliciting and providing perspec-
4 tives on matters of concern to the Council,
5 as appropriate, from and to—

6 (I) the Chief Financial Officers
7 Council;

8 (II) the Chief Human Capital Of-
9 ficers Council;

10 (III) the Chief Acquisition Offi-
11 cers Council;

12 (IV) the Chief Information Offi-
13 cers Council;

14 (V) the Chief Data Officers
15 Council;

16 (VI) other interagency councils;

17 (VII) other key groups of the
18 Federal Government;

19 (VIII) industry;

20 (IX) academia;

21 (X) State, local, Tribal, terri-
22 torial, and international governments;
23 and

1 (XI) other individuals and enti-
2 ties, as determined necessary by the
3 Director.

4 (c) MEMBERSHIP OF CAIOC.—

5 (1) CHAIR.—The Director shall serve as the
6 Chair of the Council.

7 (2) COCHAIR.—The Cochair of the Council shall
8 be—

9 (A) nominated by a majority of the mem-
10 bers of the Council; and

11 (B) designated as the Cochair of the Coun-
12 cil by the Director.

13 (3) MEMBERS.—Members of the Council shall
14 include—

15 (A) the Chief Artificial Intelligence Officer
16 of each agency described in section 901(b) of
17 title 31, United States Code;

18 (B) a representative from an agency
19 with—

20 (i) advisory experience in scientific
21 and technological issues that require atten-
22 tion at the highest level of Government;
23 and

24 (ii) a role working with agencies to
25 create strategies, plans, policies and pro-

1 grams for science and technology, includ-
2 ing artificial intelligence; and

3 (C) other members, as determined nec-
4 essary by the Director.

5 (4) STANDING COMMITTEES; WORKING
6 GROUPS.—The Council shall have the authority to
7 establish standing committees and working groups
8 as necessary to consider items of concern to the
9 Council.

10 **SEC. 4. AGENCY ARTIFICIAL INTELLIGENCE OFFICERS.**

11 (a) DUTIES OF AGENCIES.—The head of each agency
12 shall ensure the responsible research, development, acqui-
13 sition, application, governance, and use of artificial intel-
14 ligence by the agency that is consistent with democratic
15 values, including—

- 16 (1) privacy;
- 17 (2) civil rights and civil liberties;
- 18 (3) information security;
- 19 (4) nondiscrimination;
- 20 (5) transparency; and
- 21 (6) reliability.

22 (b) CHIEF ARTIFICIAL INTELLIGENCE OFFICER.—

23 (1) IN GENERAL.—The head of each agency
24 shall hire or designate a Chief Artificial Intelligence
25 Officer with responsibility for—

1 (A) promoting artificial intelligence innova-
2 tion;

3 (B) developing, in coordination with other
4 responsible officials of the agency, the policies
5 of the agency regarding the use of artificial in-
6 telligence technologies;

7 (C) ensuring policies of the agency are in
8 compliance with governmentwide requirements;

9 (D) in coordination with other responsible
10 officials of the agency, the processes of the
11 agency regarding the risk management, govern-
12 ance, and oversight of the use of artificial intel-
13 ligence by the agency;

14 (E) producing a risk management plan for
15 agency-specific use cases of artificial intel-
16 ligence, including a procedure for classifying
17 risk levels in agency use of artificial intel-
18 ligence;

19 (F) ensuring standards, regulations, in-
20 vestments, practices, systems, and other mat-
21 ters are designed, developed, and deployed in a
22 manner that protects the rights and safety of
23 individuals;

24 (G) providing input on the decision proc-
25 esses for annual and multi-year planning, pro-

1 gramming, budgeting, and execution decisions,
2 related reporting requirements, and reports re-
3 lating to artificial intelligence of the agency;

4 (H) participating in internal control proc-
5 esses or entities convened for the purpose of re-
6 viewing artificial intelligence acquisitions during
7 the acquisition life cycle; and

8 (I) performing other functions relating to
9 artificial intelligence, as determined by the Di-
10 rector or the head of the agency.

11 (2) STRUCTURE.—The Director shall issue
12 guidance on the appropriate reporting structure,
13 qualifications, and seniority level for the role of a
14 Chief Artificial Intelligence Officer.

15 (3) SENIORITY.—With respect to the Chief Ar-
16 tificial Intelligence Officer of any agency described
17 in section 901(b) of title 31, United States Code, the
18 Chief Artificial Intelligence Officer shall be an exec-
19 utive with a position classified above GS–15 of the
20 General Schedule or the equivalent.

21 (4) ROLES.—The head of each agency shall en-
22 sure that the Chief Artificial Intelligence Officer of
23 the agency has a significant role in—

24 (A) the decision processes for all annual
25 and multi-year planning, programming, budg-

1 eting, and execution decisions, related reporting
2 requirements, and reports relating to artificial
3 intelligence of the agency; and

4 (B) the management, governance, acquisi-
5 tion, and oversight processes of the agency re-
6 lating to artificial intelligence.

7 (c) INFORMING CONGRESS.—Not later than 1 year
8 after the date of the enactment of this Act, the head of
9 each agency shall—

10 (1) inform the relevant congressional commit-
11 tees of the appointment of a Chief Artificial Intel-
12 ligence Officer pursuant to subsection (b); and

13 (2) if relevant, provide to the appropriate con-
14 gressional committees a full description of any au-
15 thorities and responsibilities of the individual serving
16 as the Chief Artificial Intelligence Officer that are
17 performed in addition to the authorities and respon-
18 sibilities of the individual in the role of the Chief Ar-
19 tificial Intelligence Officer.

20 **SEC. 5. AGENCY COORDINATION ON ARTIFICIAL INTEL-**
21 **LIGENCE.**

22 (a) ESTABLISHMENT.—Not later than 120 days after
23 the date of enactment of this Act, the Director shall issue
24 guidance directing the head of each agency described in
25 section 901(b) of title 31, United States Code, to establish

1 within the agency an Artificial Intelligence Governance
2 Board to coordinate and govern artificial intelligence
3 issues of the agency.

4 (b) CONTENTS.—The guidance issued under sub-
5 section (a) shall—

6 (1) define the structure and activities of Artifi-
7 cial Intelligence Government Boards of agencies; and

8 (2) ensure that the membership of the Artificial
9 Intelligence Governance Board of an agency in-
10 cludes, to the extent applicable to the agency—

11 (A) the deputy head of the agency;

12 (B) the Chief Artificial Intelligence Officer
13 of the agency, who shall serve as the Chair of
14 the Artificial Intelligence Governance Board of
15 the agency;

16 (C) the chief information officer of the
17 agency;

18 (D) the chief acquisition officer of the
19 agency;

20 (E) the senior procurement executive of
21 the agency;

22 (F) the chief data officer of the agency;

23 (G) the chief human capital officer of the
24 agency;

1 (H) the chief financial officer of the agen-
2 cy;

3 (I) the senior agency official for privacy of
4 the agency;

5 (J) the senior agency official for civil
6 rights and civil liberties of the agency; and

7 (K) other individuals, as determined by the
8 Director.

9 (c) STRATEGY.—

10 (1) IN GENERAL.—The head of each agency
11 shall establish an artificial intelligence strategy for
12 the trustworthy adoption of artificial intelligence by
13 the agency to better achieve the mission of the agen-
14 cy to serve the people of the United States.

15 (2) CONTENTS.—The strategy required under
16 paragraph (1) shall include the following:

17 (A) Defined roles and responsibilities for
18 the use and oversight of artificial intelligence by
19 the agency, including oversight of compliance
20 with relevant laws, regulations, standards, and
21 guidance.

22 (B) Defined values, ethics, and principles
23 to foster public trust and responsible use of ar-
24 tificial intelligence by the agency.

1 (C) The standards, regulations, invest-
2 ments, practices, and other items the agency
3 will use to improve trust and safety and ensure
4 that artificial intelligence systems are designed,
5 developed, and deployed in a manner that pro-
6 tects the rights and safety of individuals.

7 (D) How the agency will oversee artificial
8 intelligence systems and applications to identify
9 and mitigate risk and prevent harm.

10 (E) The considerations and safeguards the
11 agency will use to protect the rights and safety
12 of the public with respect to artificial intel-
13 ligence, including mitigation of algorithmic dis-
14 crimination.

15 (F) The domains or areas in which the
16 agency uses or anticipates using artificial intel-
17 ligence.

18 (G) The steps the agency will take to
19 strengthen workforce knowledge to maximize
20 the value artificial intelligence can bring to mis-
21 sion outcomes while mitigating any associated
22 risks.

23 (H) How and under what conditions the
24 agency can use artificial intelligence to improve
25 the interactions of the agency with the public

1 and the fulfillment of the mission of the agency,
2 while protecting against harmful impacts on
3 agency employees or the public.

4 (I) How the agency will coordinate and
5 work across components, offices, and programs
6 of the agency on artificial intelligence-related
7 matters.

8 (J) How the agency will engage in inter-
9 agency governance and coordination with re-
10 spect to artificial intelligence, including to lever-
11 age shared resources, expertise, and lessons
12 learned to better leverage artificial intelligence
13 to improve Federal Government operations and
14 mitigate the risks of artificial intelligence.

15 (K) How the agency will promote the use
16 and availability of data to support the artificial
17 intelligence efforts of the agency in accordance
18 with statutory, regulatory, and policy require-
19 ments.

20 (L) How the agency will work with the pri-
21 vate sector to ensure that procured artificial in-
22 telligence systems or capabilities include protec-
23 tions to safeguard the rights and safety of indi-
24 viduals and to secure Federal Government data
25 and other information.

1 (M) An outline of specific actions to imple-
2 ment the strategy of the agency and desired
3 outcomes.

4 (d) GAO REPORT.—Not later than 2 years after the
5 date of enactment of this Act, the Comptroller General
6 of the United States shall submit to the relevant congres-
7 sional committees a report on—

8 (1) the implementation and effectiveness of Ar-
9 tificial Intelligence Governance Boards established
10 pursuant to guidance issued under subsection (a);

11 (2) an assessment of the effectiveness of Chief
12 Artificial Intelligence Officers;

13 (3) recommendations for improving the imple-
14 mentation and effectiveness of Artificial Intelligence
15 Governance Boards established pursuant to guidance
16 issued under subsection (a) and Chief Artificial In-
17 telligence Officers; and

18 (4) other relevant matters, as determined by
19 the Comptroller General of the United States.

20 **SEC. 6. SUNSET.**

21 Effective on the date that is 10 years after the date
22 of enactment of this Act, this Act shall have no force or
23 effect.

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