

ARTIFICIAL INTELLIGENCE ACCOUNTABILITY ACT

OCTOBER 25, 2023.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mrs. RODGERS of Washington, from the Committee on Energy and Commerce, submitted the following

R E P O R T

[To accompany H.R. 3369]

The Committee on Energy and Commerce, to whom was referred the bill (H.R. 3369) to direct the Assistant Secretary of Commerce for Communications and Information to conduct a study and hold public meetings with respect to artificial intelligence systems, and for other purposes, having considered the same, reports favorably thereon with an amendment and recommends that the bill as amended do pass.

CONTENTS

	Page
Purpose and Summary	2
Background and Need for Legislation	3
Committee Action	4
Committee Votes	4
Oversight Findings and Recommendations	6
New Budget Authority, Entitlement Authority, and Tax Expenditures	6
Congressional Budget Office Estimate	6
Federal Mandates Statement	6
Statement of General Performance Goals and Objectives	6
Duplication of Federal Programs	6
Related Committee and Subcommittee Hearings	6
Committee Cost Estimate	6
Earmark, Limited Tax Benefits, and Limited Tariff Benefits	7
Advisory Committee Statement	7
Applicability to Legislative Branch	7
Section-by-Section Analysis of the Legislation	7
Changes in Existing Law Made by the Bill, as Reported	8

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the “Artificial Intelligence Accountability Act” or the “AI Accountability Act”.

SEC. 2. STUDY ON ACCOUNTABILITY MEASURES FOR ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) **STUDY.**—The Assistant Secretary of Commerce for Communications and Information shall conduct a study on accountability measures for artificial intelligence systems, which shall include an analysis of the following:

(1) How accountability measures are being incorporated into artificial intelligence systems used by communications networks (including telecommunications networks and social media platforms) and electromagnetic spectrum sharing applications.

(2) How accountability measures for artificial intelligence systems can facilitate the closing of the digital divide and assist the promotion of digital inclusion in the United States.

(3) How accountability measures may reduce risks related to artificial intelligence systems, including cybersecurity risks.

(4) How the term “trustworthy” is used and defined in the context of artificial intelligence, including how the term may be applied in various contexts related to artificial intelligence.

(5) The relationship, with respect to artificial intelligence, between the term “trustworthy” and other terms such as “responsible” and “human-centric”.

(b) **STAKEHOLDER CONSULTATION.**—In carrying out the study required by subsection (a), the Assistant Secretary shall hold public meetings to consult with relevant stakeholders for the purpose of soliciting feedback on accountability measures for artificial intelligence systems.

(c) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the study required by subsection (a) that shall include—

(1) the results of the analysis required by subsection (a);

(2) a description of the feedback provided during the meetings required by subsection (b); and

(3) recommendations for governmental and nongovernmental actions to support effective accountability measures for artificial intelligence systems.

(d) **ACCOUNTABILITY MEASURE DEFINED.**—In this section, the term “accountability measure” means a mechanism, including an audit, an assessment, or a certification, designed to provide assurance that a system is trustworthy.

SEC. 3. AVAILABILITY OF INFORMATION ON ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) **MEETINGS.**—The Assistant Secretary of Commerce for Communications and Information shall hold public meetings to consult with relevant stakeholders (including representatives of industry, academia, and consumers) for the purpose of soliciting feedback on—

(1) the information that should be available to individuals, communities, and businesses that interact with, are affected by, or study artificial intelligence systems; and

(2) the most effective methods for making such information available to such individuals, communities, and businesses.

(b) **REPORT.**—Not later than 18 months after the date of the enactment of this Act, the Assistant Secretary shall submit to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate a report on the results of the meetings required by subsection (a) that shall include—

(1) a description of the feedback provided during the meetings; and

(2) recommendations with respect to—

(A) the information that should be available to individuals, communities, and businesses that interact with, are affected by, or study artificial intelligence systems; and

(B) the methods to be used for making such information available to such individuals, communities, and businesses.

PURPOSE AND SUMMARY

H.R. 3369, the “Artificial Intelligence Accountability Act” or “AI Accountability Act” directs the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary) to conduct a study on accountability measures for artificial intelligence (AI)

systems, including holding public meetings with relevant stakeholders for soliciting feedback, and then provide a report on such matters to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation not later than 18 months after the bill's enactment. Among other things, the report must contain recommendations for governmental and nongovernmental actions to support effective accountability measures for AI systems. Additionally, the AI Accountability Act requires the Assistant Secretary to hold public meetings with relevant stakeholders, including representatives of industry, academia, and consumers, to solicit feedback on the information that should be available to individuals, communities, and businesses that interact with, are affected by, or study AI systems, and the most effective methods for making such information available to such individuals, communities, and businesses. Not later than 18 months after the AI Accountability Act's enactment, the Assistant Secretary must provide a report to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation detailing a description of the feedback and recommendations with respect to the information that should be available to individuals, communities, and businesses that interact with, are affected by, or study AI systems and the methods of making such information available to the relevant parties.

BACKGROUND AND NEED FOR LEGISLATION

Artificial Intelligence systems are increasingly shaping the daily lives of Americans. From wearable fitness trackers to chatbots to online product recommendations, AI systems are helping drive significant routine consumer experiences for Americans. Yet too many Americans are still unaware of the multitude of ways AI systems are being incorporated into their daily lives and remain cautious about the impact of these systems on American life.¹ And with the advancements in generative AI systems, there is a recognition among experts that AI will continue to transform many aspects of daily life, both possibly to the benefit and detriment of American society.²

Given this, it is imperative that Congress evaluate whether AI systems are safe, responsible, trustworthy, and otherwise accountable to the American public. While AI systems offer enormous potential, tools must be established to ensure they are designed with consumers in mind and there must be accountability when they are not. Accordingly, H.R. 3369 requires the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary) to conduct a study on accountability measures for AI systems, including how the term “trustworthy” is used in the AI context, as well as to study the information that should be available to individuals, communities, and businesses that are interacting with, are affected by, or study AI systems. The Assistant Secretary must report its findings on both studies to Congress.

¹*Public Awareness of Artificial Intelligence in Everyday Activities*, Pew Research Center (Feb. 15, 2023).

²*As AI Spreads, Experts Predict the Best and Worst Changes in Digital Life by 2035*, Pew Research Center (June 21, 2023).

COMMITTEE ACTION

On May 23, 2023, the Subcommittee on Communications and Technology held a hearing on H.R. 3369. The title of the hearing was “Oversight and Reauthorization of the National Telecommunications and Information Administration.” The Subcommittee received testimony on H.R. 3369 from:

- The Honorable Alan Davidson, Assistant Secretary of Commerce for Communications and Information and Administrator, National Telecommunications and Information Administration.

On July 12, 2023, the Subcommittee on Communications and Technology met in open markup session and forwarded H.R. 3369, as amended, to the full Committee by a voice vote. On July 27, 2023, the full Committee on Energy and Commerce met in open markup session and ordered H.R. 3369, as amended, favorably reported to the House by a record vote of 50 yeas and 0 nays.

COMMITTEE VOTES

Clause 3(b) of rule XIII requires the Committee to list the record votes on the motion to report legislation and amendments thereto. The following reflects the record votes taken during the Committee consideration:

**COMMITTEE ON ENERGY AND COMMERCE
118TH CONGRESS
ROLL CALL VOTE # 2**

BILL: H.R. 3369, the AI Accountability Act

AMENDMENT: A motion by Mrs. Rodgers to order H.R. 3369 favorably reported to the House, as amended (Final Passage).

DISPOSITION: **AGREED TO**, by a roll call vote of 50 yeas to 0 nays.

REPRESENTATIVE	YEAS	NAYS	PRESENT	REPRESENTATIVE	YEAS	NAYS	PRESENT
Rep. Rodgers	X			Rep. Pallone	X		
Rep. Burgess	X			Rep. Eshoo	X		
Rep. Latta	X			Rep. DeGette	X		
Rep. Guthrie	X			Rep. Schakowsky	X		
Rep. Griffith	X			Rep. Matsui	X		
Rep. Bilirakis	X			Rep. Castor	X		
Rep. Johnson	X			Rep. Sarbanes	X		
Rep. Bucshon	X			Rep. Tonko	X		
Rep. Hudson	X			Rep. Clarke	X		
Rep. Walberg	X			Rep. Cárdenas	X		
Rep. Carter	X			Rep. Ruiz	X		
Rep. Duncan	X			Rep. Peters	X		
Rep. Palmer				Rep. Dingell	X		
Rep. Dunn	X			Rep. Veasey	X		
Rep. Curtis	X			Rep. Kuster	X		
Rep. Lesko	X			Rep. Kelly	X		
Rep. Pence	X			Rep. Barragán	X		
Rep. Crenshaw				Rep. Blunt Rochester	X		
Rep. Joyce	X			Rep. Soto	X		
Rep. Armstrong	X			Rep. Craig	X		
Rep. Weber	X			Rep. Schrier	X		
Rep. Allen	X			Rep. Trahan	X		
Rep. Balderson	X			Rep. Fletcher	X		
Rep. Fulcher	X						
Rep. Pfluger	X						
Rep. Harshbarger	X						
Rep. Miller-Meeks	X						
Rep. Cammack	X						
Rep. Obernolte	X						

07/27/2023

OVERSIGHT FINDINGS AND RECOMMENDATIONS

Pursuant to clause 2(b)(1) of rule X and clause 3(c)(1) of rule XIII, the Committee held a hearing and made findings that are reflected in this report.

NEW BUDGET AUTHORITY, ENTITLEMENT AUTHORITY, AND TAX EXPENDITURES

Pursuant to clause 3(c)(2) of rule XIII, the Committee finds that H.R. 3369 would result in no new or increased budget authority, entitlement authority, or tax expenditures or revenues.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

Pursuant to clause 3(c)(3) of rule XIII, at the time this report was filed, the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974 was not available.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act.

STATEMENT OF GENERAL PERFORMANCE GOALS AND OBJECTIVES

Pursuant to clause 3(c)(4) of rule XIII, the general performance goal or objective of this legislation is to study accountability measures for and the availability of information on AI systems.

DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII, no provision of H.R. 3369 is known to be duplicative of another Federal program, including any program that was included in a report to Congress pursuant to section 21 of Public Law 111–139 or the most recent Catalog of Federal Domestic Assistance.

RELATED COMMITTEE AND SUBCOMMITTEE HEARINGS

Pursuant to clause 3(c)(6) of rule XIII, the following related hearing was used to develop or consider H.R. 3369:

- On May 23, 2023, the Subcommittee on Communications and Technology held a hearing on H.R. 3369. The hearing title was “Oversight and Reauthorization of the National Telecommunications and Information Administration.” The Subcommittee received testimony on H.R. 3369 from:
 - The Honorable Alan Davidson, Assistant Secretary of Commerce for Communications and Information and Administrator, National Telecommunications and Information Administration.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d)(1) of rule XIII, the Committee adopts as its own the cost estimate prepared by the Director of the Congressional Budget Office pursuant to section 402 of the Congressional Budget Act of 1974. At the time this report was filed, the estimate was not available.

EARMARK, LIMITED TAX BENEFITS, AND LIMITED TARIFF BENEFITS

Pursuant to clause 9(e), 9(f), and 9(g) of rule XXI, the Committee finds that H.R. 3369 contains no earmarks, limited tax benefits, or limited tariff benefits.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act.

SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

Section 1. Short title

This section provides that the Act may be cited as the “Artificial Intelligence Accountability Act” or the “AI Accountability Act.”

Section 2. Study on accountability measures for artificial intelligence systems

This section would direct the Assistant Secretary of Commerce for Communications and Information (Assistant Secretary) to conduct a study on the accountability measures for AI systems. Among other things, the study must include an analysis of how accountability measures are being incorporated into AI systems used by communications networks (including telecommunications networks and social media platforms); how accountability measures for AI systems can help facilitate the closing of the digital divide, promote digital inclusion, and reduce the risks related to AI systems; and how the term “trustworthy” is used and defined in the context of AI systems as well as the relationship between the term “trustworthy” and other terms, such as “responsible” and “human-centric.”

This section also would require the Assistant Secretary to hold public meetings to seek feedback from stakeholders on accountability measures for AI systems.

Finally, this section would mandate the Assistant Secretary to submit a report to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation not later than 18 months after the enactment of the AI Accountability Act (Act) that includes the results of the study, a description of the stakeholder feedback, and recommendations for governmental and nongovernmental actions to support effective accountability measures for AI systems.

Section 3. Availability of information on artificial intelligence systems

This section would direct the Assistant Secretary to hold public meetings with relevant stakeholders (including representatives of industry, academia, and consumers) to solicit feedback on the information that should be available to individuals, communities, and

businesses that interact with, are affected by, or study AI systems, and the most effective methods for making this information available to individuals, communities, and businesses.

This section also would require the Assistant Secretary to submit a report to the House Committee on Energy and Commerce and the Senate Committee on Commerce, Science, and Transportation not later than 18 months after the Act's enactment. The report would include a description of the feedback provided during the meetings, as well as recommendations with respect to the information that should be available to individuals, communities, and businesses that interact with, are affected by, or study AI systems and the methods needed for making this information available to such individuals, communities, and businesses.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

This legislation does not amend any existing Federal statute.

