AMENDMENT TO

RULES COMMITTEE PRINT 118-36

OFFERED BY MR. LIEU OF CALIFORNIA

At the end of subtitle C of title XVII, insert the following new section:

1 **SEC. 17___. FEDERAL STANDARDS FOR ARTIFICIAL INTEL-**
2 **LIGENCE.**

3 Division E of the William M. (Mac) Thornberry Na-
4 tional Defense Authorization Act for Fiscal Year 2021
5 (Public Law 116–283; 134 Stat. 4523) is amended by in-
6 serting after section 5303 the following new section:

7 **"SEC. 5304. FEDERAL STANDARDS FOR ARTIFICIAL INTEL-**
8 **LIGENCE.**

9 "(a) IN GENERAL.—The Director of the National In-
10 stitute of Standards and Technology shall—

11 "(1) develop standards and guidelines, includ-
12 ing minimum requirements, for artificial intelligence
13 systems used or operated by an agency or by a con-
14 tractor of an agency or other organization on behalf
15 of an agency, other than national security systems
16 (as defined in section 3552(b)(6) of title 44);

17 "(2) develop standards and guidelines, includ-
18 ing minimum requirements, for managing risks asso-

1 ciated with artificial intelligence systems for all
2 agency operations and assets, but such standards
3 and guidelines shall not apply to national security
4 systems;

5   "(3) develop standards and guidelines, includ-
6 ing minimum requirements, for authenticating,
7 tracking provenance, and labeling synthetic content
8 generated by an agency or by a contractor of an
9 agency or other organization on behalf of an agency,
10 other than national security systems; and

11   "(4) conduct research and analysis pursuant to
12 section 5301 of this Act to inform the development
13 of standards and guidelines for activities described
14 in this section.

15 "(b) STANDARDS AND GUIDELINES.—In developing
16 standards and guidelines required by subsections (a), the
17 Director shall—

18   "(1) provide standards and guidelines, prac-
19 tices, profiles, and tools consistent with the frame-
20 work established under subsection (c) of section 22A
21 of the National Institute of Standards and Tech-
22 nology Act (14 U.S.C. 278h–1), and information on
23 how federal agencies can leverage the framework to
24 reduce risks caused by agency implementation in the

1 development, procurement, and use of artificial intel-

2 ligence systems;

3   ''(2) provide standards and guidelines that—

4   ''(A) are consistent with the framework,

5   successor document, or technical standard that

6   is functionally equivalent to the framework;

7   ''(B) are consistent with Circular A–119 of

8   the Office of Management and Budget; and

9   ''(C) enable conformity assessment;

10   ''(3) recommend training on standards and

11 guidelines for each agency responsible for procuring

12 artificial intelligence;

13   ''(4) develop and periodically revise performance

14 indicators and measures for agency artificial intel-

15 ligence related standards and guidelines;

16   ''(5) provide standards and guidelines, including

17 minimum requirements, for developing profiles for

18 agency use of artificial intelligence consistent with

19 the framework;

20   ''(6) develop profiles for framework use for an

21 entity that is a small business concern (as defined

22 in section 3 of the Small Business Act (15 U.S.C.

23 632));

24   ''(7) evaluate artificial intelligence policies and

25 practices developed for national security systems to

1 assess potential application by agencies to strength-

2 en risk management of artificial intelligence systems;

3 and

4 "(8) periodically assess the effectiveness of

5 standards and guidelines developed under this sec-

6 tion and undertake revisions as appropriate.

7 "(c) READINESS.—For standards and guidelines de-

8 veloped pursuant to subsection (a) that are deemed by the

9 Director to be at a readiness level sufficient for standard-

10 ization, the Director—

11 "(1) shall submit standards and guidelines to

12 the Secretary of Commerce for promulgation under

13 section 11331 of title 40;

14 "(2) where practicable and appropriate, shall

15 provide technical review and assistance to Federal

16 agencies; and

17 "(3) shall evaluate the effectiveness and suffi-

18 ciency of, and challenges to, Federal agencies' imple-

19 mentation of standards and guidelines developed

20 under this section and standards and guidelines pro-

21 mulgated under section 11331 of title 40.

22 "(d) TESTING AND EVALUATION OF ARTIFICIAL IN-

23 TELLIGENCE ACQUISITIONS.—

24 "(1) STUDY.—Subject to the availability of ap-

25 propriations, the Director shall complete a study to

1 review the existing and forthcoming voluntary tech-

2 nical standards for the test, evaluation, verification,

3 and validation of artificial intelligence acquisitions.

4 "(2) TESTING AND EVALUATION STANDARDS.—

5 Not later than 90 days after the date of the comple-

6 tion of the study required by paragraph (1), the Di-

7 rector shall—

8   "(A) convene relevant stakeholders to fa-

9 cilitate the development of technical standards

10 for the test, evaluation, verification, and valida-

11 tion of artificial intelligence acquisitions;

12   "(B) develop standards and guidelines for

13 the conduct of test, evaluation, verification, and

14 validation of artificial intelligence acquisitions

15 pursuant to this section;

16   "(C) review and make recommendations to

17 the head of each agency on risk management

18 policies and principles for relevant artificial in-

19 telligence acquisitions; and

20   "(D) continuously update the standards

21 and guidelines described in this paragraph.

22 "(e) DEFINTITIONS.—In this section:

23 "(1) The term 'agency' means any department,

24 independent establishment, Government corporation,

1 or other agency of the executive branch of the Fed-

2 eral Government.

3 ''(2) The term 'artificial intelligence system'

4 has the meaning given such term in section 7223 of

5 the Advancing American AI Act (40 U.S.C. 11301

6 note).

7 ''(3) The term 'Director' means the Director of

8 the National Institute of Standards and Technology.

9 ''(4) The term 'framework' means document

10 number NIST AI 100–1 of the National Institute of

11 Standards and Technology entitled 'Artificial Intel-

12 ligence Risk Management Framework', or any suc-

13 cessor document.

14 ''(5) The term 'profile' means an implementa-

15 tion of the artificial intelligence risk management

16 functions, categories, and subcategories for a specific

17 setting or application based on the requirements,

18 risk tolerance, and resources of the framework user.

19 ''(6) The term 'synthetic content' means infor-

20 mation, such as images, videos, audio clips, and text,

21 that has been significantly modified or generated by

22 algorithms, including by AI.''.

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