

AMENDMENT TO RULES COMM. PRINT 119-33
OFFERED BY MR. LIEU OF CALIFORNIA

At the end of subtitle A of title XVII, add the following:

1 **SEC. 17___ . STANDARDS FOR ARTIFICIAL INTELLIGENCE**
2 **SYSTEMS.**

3 (a) IN GENERAL.—Title LIII of National Artificial
4 Intelligence Initiative Act of 2020 (15 U.S.C. 9441 et
5 seq.) is amended by adding at the end the following new
6 section:

7 **“SEC. 5304. STANDARDS FOR ARTIFICIAL INTELLIGENCE**
8 **SYSTEMS.**

9 “(a) IN GENERAL.—The Director of the National In-
10 stitute of Standards and Technology, in consultation with
11 the Director of the Office of Management and Budget and
12 the heads of other Federal agencies, as appropriate,
13 shall—

14 “(1) develop Federal standards and guidelines,
15 including minimum requirements, for artificial intel-
16 ligence systems used or operated by an agency or by
17 a contractor of an agency or other organization on
18 behalf of an agency, other than national security

1 systems (as defined in section 3552(b)(6) of title 44,
2 United States Code);

3 “(2) develop standards and guidelines, includ-
4 ing minimum requirements, for managing risks asso-
5 ciated with the trustworthiness of artificial intel-
6 ligence systems for all agency operations and assets,
7 but such standards and guidelines shall not apply to
8 national security systems;

9 “(3) develop standards and guidelines, includ-
10 ing minimum requirements, for authenticating,
11 tracking provenance of, and labeling synthetic con-
12 tent generated by an agency or by a contractor of
13 an agency or other organization on behalf of an
14 agency, other than national security systems; and

15 “(4) conduct research and analysis pursuant to
16 section 5301 of this Act to inform the development
17 of standards and guidelines for activities described
18 in this section.

19 “(b) STANDARDS AND GUIDELINES.—In developing
20 the standards and guidelines required by subsections (a),
21 the Director shall—

22 “(1) provide standards, guidelines, and best
23 practices consistent with the framework established
24 under section 22A(c) of the National Institute of
25 Standards and Technology Act (15 U.S.C. 278h–

1 1(c)), as appropriate, and tools that Federal agen-
2 cies can use to leverage the framework to reduce
3 risks caused by agency implementation in the devel-
4 opment, procurement, and use of artificial intel-
5 ligence systems;

6 “(2) to the extent practicable, provide stand-
7 ards and guidelines that—

8 “(A) are consistent with the framework,
9 successor document, or Federal standard that is
10 functionally equivalent to the framework;

11 “(B) are consistent with Circular A–119 of
12 the Office of Management and Budget; and

13 “(C) enable conformity assessment;

14 “(3) recommend training on standards and
15 guidelines for each agency responsible for procuring
16 artificial intelligence systems;

17 “(4) identify or develop, and as appropriate pe-
18 riodically revise, performance indicators and meas-
19 ures that support the implementation of standards
20 and guidelines for agency artificial intelligence sys-
21 tems;

22 “(5) provide guidelines for developing profiles
23 for agency use of artificial intelligence systems con-
24 sistent with the framework;

1 “(6) evaluate policies and practices developed
2 for artificial intelligence systems that are national
3 security systems to assess potential application by
4 agencies to strengthen risk management of artificial
5 intelligence systems; and

6 “(7) periodically assess the effectiveness of
7 standards and guidelines developed under this sec-
8 tion and undertake revisions as appropriate.

9 “(c) READINESS.—For standards and guidelines de-
10 veloped pursuant to subsection (a) that are deemed by the
11 Director to be at a readiness level sufficient for widespread
12 adoption by Federal agencies, the Director—

13 “(1) shall submit said Federal standards and
14 guidelines to the Secretary of Commerce for promul-
15 gation under section 11331 of title 40, United
16 States Code;

17 “(2) where practicable and appropriate, shall
18 provide technical review and assistance to Federal
19 agencies, including assisting Federal agencies in as-
20 sessing the effectiveness and sufficiency of imple-
21 mentation of standards and guidelines developed
22 under this section; and

23 “(3) shall evaluate the effectiveness and suffi-
24 ciency of, and challenges to, Federal agencies imple-
25 mentation of Federal standards and guidelines devel-

1 oped under this section and Federal standards and
2 guidelines promulgated under section 11331 of title
3 40, United States Code.

4 “(d) TESTING AND EVALUATION OF ARTIFICIAL IN-
5 TELLIGENCE ACQUISITIONS.—

6 “(1) STUDY.—Subject to the availability of ap-
7 propriations, the Director shall conduct a gap anal-
8 ysis to review the existing and forthcoming voluntary
9 technical standards for the testing, evaluation,
10 verification, and validation related to acquisitions of
11 an artificial intelligence system or service.

12 “(2) STANDARDS FOR TESTING AND EVALUA-
13 TION.—After the date of the completion of the study
14 required by paragraph (1), the Director shall—

15 “(A) convene relevant stakeholders to fa-
16 cilitate the development of standards for the
17 testing, evaluation, verification, and validation
18 related to acquisitions of an artificial intel-
19 ligence system or service;

20 “(B) develop and periodically update
21 standards and guidelines for testing, evaluation,
22 verification, and validation related to acquisi-
23 tions of an artificial intelligence system or serv-
24 ice pursuant to subsection (a); and

1 “(C) when determined by the Director to
2 be at a readiness level sufficient for widespread
3 adoption by Federal agencies, submit standards
4 and guidelines to the Secretary of Commerce
5 for promulgation under section 11331 of title
6 40, United States Code.

7 “(3) REPORT.—Not later than 90 days after
8 the date on which the Director conducts the analysis
9 described in paragraph (1), the Director shall sub-
10 mit a report to the Committee on Science, Space,
11 and Technology of the House of Representatives and
12 the Committee on Commerce, Science, and Trans-
13 portation of the Senate that includes—

14 “(A) the gap analysis described in para-
15 graph (1); and

16 “(B) a plan for activities described in
17 paragraph (2).

18 “(e) DEFINITIONS.—In this section:

19 “(1) AGENCY.—The term ‘agency’ means any
20 department, independent establishment, Government
21 corporation, or other agency of the executive branch
22 of the Federal Government.

23 “(2) ARTIFICIAL INTELLIGENCE.—The term
24 ‘artificial intelligence system’ means—

1 “(A) any system that satisfies the defini-
2 tion given the term ‘artificial intelligence’ in
3 section 5002; or

4 “(B) any data system, software, hardware,
5 application, tool, or utility that operates, in
6 whole or in part, using a system described by
7 subparagraph (A).

8 “(4) DIRECTOR.—The term ‘Director’ means
9 the Director of the National Institute of Standards
10 and Technology.

11 “(5) FRAMEWORK.—The term ‘framework’
12 means document number NIST AI 100–1 of the Na-
13 tional Institute of Standards and Technology enti-
14 tled ‘Artificial Intelligence Risk Management Frame-
15 work’, or any successor document.

16 “(6) PROFILE.—The term ‘profile’ means an
17 implementation of the artificial intelligence risk
18 management functions, categories, and subcategories
19 for a specific setting or application based on the re-
20 quirements, risk tolerance, and resources of the
21 framework user.

22 “(7) SYNTHETIC CONTENT.—The term ‘syn-
23 thetic content’ means information, such as images,
24 videos, audio clips, and text, that has been signifi-

1 cantly modified or generated by algorithms, includ-
2 ing by artificial intelligence systems.”.

3 (b) CLERICAL AMENDMENT.—The table of contents
4 in section 2 and title LIII of division E of the William
5 M. (Mac) Thornberry National Defense Authorization Act
6 for Fiscal Year 2021 (Public Law 116–283) are each
7 amended by inserting after the item relating to section
8 5303 the following new item:

“Sec. 5304. Standards for artificial intelligence systems.”.

