

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: In the nature of a substitute.

**IN THE SENATE OF THE UNITED STATES—118th Cong., 1st Sess.**

**S. 2293**

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

Referred to the Committee on \_\_\_\_\_ and  
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended  
to be proposed by Mr. PETERS

Viz:

1 Strike all after the enacting clause and insert the fol-  
2 lowing:

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:

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

1           (2) ARTIFICIAL INTELLIGENCE.—The term “ar-  
2           tificial intelligence” has the meaning given the term  
3           in section 5002 of the National Artificial Intelligence  
4           Initiative Act of 2020 (15 U.S.C. 9401).

5           (3) CHIEF ARTIFICIAL INTELLIGENCE OFFI-  
6           CER.—The term “Chief Artificial Intelligence Offi-  
7           cer” means an official designated by the head of an  
8           agency pursuant to section 4(b)(1).

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

12          (5) DIRECTOR.—The term “Director” means  
13          the Director of the Office of Management and Budg-  
14          et.

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

21 **SEC. 3. CHIEF ARTIFICIAL INTELLIGENCE OFFICERS COUN-**  
22 **CIL.**

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

1 (b) DUTIES.—The Council shall—

2 (1) promote artificial intelligence innovation  
3 and responsible design, development, and applica-  
4 tion;

5 (2) oversee compliance with Government-wide  
6 requirements, including existing requirements for  
7 agencies to inventory and publish use cases of artifi-  
8 cial intelligence;

9 (3) develop recommendations for, and advise  
10 agencies on, best practices for the design, acquisi-  
11 tion, development, modernization, use, operation,  
12 sharing, risk management, auditing, and perform-  
13 ance of artificial intelligence technologies while en-  
14 suring privacy, security, and the protection of civil  
15 rights and civil liberties;

16 (4) share experiences, ideas, and promising  
17 practices, including work process redesign and the  
18 development of performance measures to optimize  
19 Federal Government use of and investments in arti-  
20 ficial intelligence;

21 (5) in coordination with the Director of the Of-  
22 fice of Personnel Management, assess and monitor  
23 the hiring, training, classification, and professional  
24 development needs of the Federal workforce relating  
25 to artificial intelligence;



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

4 (I) the Chief Financial Officers  
5 Council;

6 (II) the Chief Human Capital Of-  
7 ficers Council;

8 (III) the Chief Acquisition Offi-  
9 cers Council;

10 (IV) the Chief Information Offi-  
11 cers Council;

12 (V) the Chief Data Officers  
13 Council;

14 (VI) other interagency councils;

15 (VII) other key groups of the  
16 Federal Government;

17 (VIII) industry;

18 (IX) academia;

19 (X) State, local, Tribal, terri-  
20 torial, and international governments;  
21 and

22 (XI) other individuals and enti-  
23 ties, as determined necessary by the  
24 Director;

1 (iii) creating a framework for how  
2 agencies can reduce risk in the design, de-  
3 velopment, and use of artificial intelligence  
4 systems; and

5 (iv) implementing measurements and  
6 producing specific guidance on use cases  
7 for which the Federal Government should  
8 not be developing, procuring, or using arti-  
9 ficial intelligence systems;

10 (C) ensuring artificial intelligence systems  
11 used and procured by agencies are and have  
12 been responsibly developed and evaluated such  
13 that the artificial intelligence systems are trans-  
14 parent and secure, do not infringe on privacy,  
15 and promote civil interests;

16 (D) continually monitoring the capabilities  
17 of artificial intelligence systems used and pro-  
18 cured by the Federal Government; and

19 (E) ensuring accountability for the use and  
20 procurement of artificial intelligence systems  
21 that result in flawed, inaccurate, or biased deci-  
22 sions that would impact individuals.

23 (c) MEMBERSHIP OF CAIOC.—

24 (1) CHAIR.—The Director shall serve as the  
25 Chair of the Council.

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

3           (A) nominated by a majority of the mem-  
4     bers of the Council; and

5           (B) designated as the Cochair of the Coun-  
6     cil by the Director.

7           (3) MEMBERS.—Members of the Council shall  
8     include—

9           (A) the Chief Artificial Intelligence Officer  
10    of each agency described in section 901(b) of  
11    title 31, United States Code;

12          (B) a representative from an agency  
13    with—

14           (i) advisory experience in scientific  
15    and technological issues that require atten-  
16    tion at the highest level of Government;  
17    and

18           (ii) a role working with agencies to  
19    create strategies, plans, policies and pro-  
20    grams for science and technology, includ-  
21    ing artificial intelligence; and

22          (C) other members, as determined nec-  
23    essary by the Director.

24          (4) STANDING COMMITTEES; WORKING  
25    GROUPS.—The Council shall have the authority to

1 establish standing committees and working groups  
2 as necessary to consider items of concern to the  
3 Council.

4 (d) ADMINISTRATIVE SUPPORT.—The Administrator  
5 of General Services shall provide administrative support  
6 for the Council.

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

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

- 13 (1) privacy;
- 14 (2) civil rights and civil liberties;
- 15 (3) information security;
- 16 (4) nondiscrimination;
- 17 (5) transparency; and
- 18 (6) trustworthiness.

19 (b) CHIEF ARTIFICIAL INTELLIGENCE OFFICER.—

20 (1) IN GENERAL.—Not later than 45 days after  
21 the date of enactment of this Act, the head of each  
22 agency shall designate a Chief Artificial Intelligence  
23 Officer with responsibility for—



1 (A) promoting artificial intelligence innova-  
2 tion and use within the agency to further the  
3 agency's effectiveness and efficiency;

4 (B) providing input on the decision proc-  
5 esses for annual and multi-year planning, pro-  
6 gramming, budgeting, and execution decisions,  
7 related reporting requirements, and reports re-  
8 lating to artificial intelligence of the agency;

9 (C) participating in internal control proc-  
10 esses or entities convened for the purpose of re-  
11 viewing artificial intelligence acquisitions  
12 throughout the acquisition life cycle;

13 (D) producing a risk management plan for  
14 agency-specific use cases of artificial intel-  
15 ligence, including—

16 (i) a procedure for classifying risk lev-  
17 els in agency use of artificial intelligence;  
18 and

19 (ii) specific guidance on use cases for  
20 which the agency should not developing,  
21 procuring, or using artificial intelligence  
22 systems;

23 (E) in coordination with other responsible  
24 officials of the agency—

1 (i) assessing and addressing agency  
2 personnel requirements and professional  
3 development requirements relating to arti-  
4 ficial intelligence; and

5 (ii) developing and overseeing agency  
6 processes regarding the design, acquisition,  
7 development, modernization, use, data  
8 management, operation, sharing, and au-  
9 diting of artificial intelligence systems by  
10 the agency including existing requirements  
11 to inventory and publish agency use cases;

12 (iii) ensuring artificial intelligence  
13 policies of the agency comply with the Con-  
14 stitution of the United States and Govern-  
15 ment-wide requirements;

16 (iv) ensuring all artificial intelligence  
17 systems used and procured by agencies are  
18 and have been responsibly developed and  
19 evaluated such that the systems are trans-  
20 parent and secure, do not infringe on pri-  
21 vacy, and promote civil interests;

22 (v) continually monitoring the capa-  
23 bilities and impacts of artificial intelligence  
24 systems used and procured by the agency;  
25 and

1 (vi) ensuring accountability for the  
2 use and procurement of artificial intel-  
3 ligence systems that result in flawed, inac-  
4 curate, or biased decisions that would im-  
5 pact individuals;

6 (F) helping to improve the ability of the  
7 agency to understand artificial intelligence and  
8 to intervene in crisis;

9 (G) reviewing and analyzing already de-  
10 ployed artificial intelligence systems of the  
11 agency for potential harm; and

12 (H) performing other functions relating to  
13 artificial intelligence, as determined by the Di-  
14 rector or the head of the agency.

15 (2) STRUCTURE.—The Director shall issue  
16 guidance on the appropriate reporting structure,  
17 qualifications, and seniority level for the role of a  
18 Chief Artificial Intelligence Officer.

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

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

4                   (A) the decision processes for all annual  
5                   and multi-year planning, programming, budg-  
6                   eting, and execution decisions, related reporting  
7                   requirements, and reports relating to artificial  
8                   intelligence of the agency; and

9                   (B) the management, governance, acquisi-  
10                  tion, and oversight processes of the agency re-  
11                  lating to artificial intelligence.

12          (5) FULL-TIME EMPLOYEE.—

13                  (A) IN GENERAL.—To the extent prac-  
14                  ticable, each Chief Artificial Intelligence Officer  
15                  designated under paragraph (1) shall be a full-  
16                  time employee of the agency on the date of the  
17                  designation.

18                  (B) JUSTIFICATION.—If the head of an  
19                  agency designates a Chief Artificial Intelligence  
20                  Officer of the agency who is not a full time em-  
21                  ployee on the date of the designation, the head  
22                  of the agency shall provide the Comptroller  
23                  General of the United States a justification for  
24                  the designation of an individual who is not a

1 full-time employee, such as a lack of qualified  
2 personnel.

3 (C) INCLUSION IN REPORT.—The Comp-  
4 troller General of the United States shall in-  
5 clude each justification provided by the head of  
6 agency under subparagraph (A) in the report  
7 required under section 6(a).

8 (c) INFORMING CONGRESS.—Not later than 60 days  
9 after the date of the enactment of this Act, the head of  
10 each agency shall—

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

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

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

23 (a) ESTABLISHMENT.—Not later than 120 days after  
24 the date of enactment of this Act, the Director shall issue  
25 guidance directing the head of each agency described in

1 section 901(b) of title 31, United States Code, to establish  
2 within the agency an Artificial Intelligence Coordination  
3 Board to—

4 (1) coordinate artificial intelligence issues of the  
5 agency; and

6 (2) to the extent applicable to the agency, pub-  
7 lish a statement of principles and goals relating to  
8 artificial intelligence.

9 (b) CONTENTS.—The guidance issued under sub-  
10 section (a) shall—

11 (1) define the structure and activities of Artifi-  
12 cial Intelligence Coordination Boards of agencies;  
13 and

14 (2) ensure that the membership of the Artificial  
15 Intelligence Coordination Board of an agency may  
16 include, to the extent applicable to the agency—

17 (A) the deputy head of the agency;

18 (B) the Chief Artificial Intelligence Officer  
19 of the agency, who shall serve as the Chair of  
20 the Artificial Intelligence Coordination Board of  
21 the agency;

22 (C) the chief information officer of the  
23 agency;

24 (D) the chief acquisition officer of the  
25 agency;

1 (E) the senior procurement executive of  
2 the agency;

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

4 (G) the chief human capital officer of the  
5 agency;

6 (H) the chief financial officer of the agen-  
7 cy;

8 (I) the senior agency official for privacy of  
9 the agency;

10 (J) the senior agency official for civil  
11 rights and civil liberties of the agency; and

12 (K) other individuals, as determined by the  
13 Director.

14 (c) STRATEGY.—

15 (1) IN GENERAL.—The head of each agency  
16 shall establish an artificial intelligence strategy for  
17 the responsible and trustworthy adoption of artificial  
18 intelligence by the agency to better achieve the mis-  
19 sion of the agency to serve the people of the United  
20 States.

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

23 (A) Defined roles and responsibilities for  
24 the use and oversight of artificial intelligence by  
25 the agency, including oversight of compliance

1 with relevant laws, regulations, standards, and  
2 guidance.

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

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

12 (D) How the agency will oversee artificial  
13 intelligence systems and applications to identify  
14 and mitigate risk and prevent harm, including  
15 with respect to privacy, civil rights, civil lib-  
16 erties, and information security.

17 (E) The considerations and safeguards the  
18 agency will use to protect the rights and safety  
19 of the public with respect to artificial intel-  
20 ligence, including mitigation of algorithmic dis-  
21 crimination.

22 (F) The domains or areas in which the  
23 agency uses or anticipates using artificial intel-  
24 ligence.



1           (G) The steps the agency will take to  
2 strengthen workforce knowledge to maximize  
3 the value artificial intelligence can bring to mis-  
4 sion outcomes while mitigating any associated  
5 risks.

6           (H) How and under what conditions the  
7 agency can use artificial intelligence to improve  
8 the interactions of the agency with the public  
9 and the fulfillment of the mission of the agency,  
10 while protecting against harmful impacts on  
11 agency employees or the public.

12           (I) How the agency will coordinate and  
13 work across components, offices, and programs  
14 of the agency on artificial intelligence-related  
15 matters.

16           (J) How the agency will engage in inter-  
17 agency governance and coordination with re-  
18 spect to artificial intelligence, including to lever-  
19 age shared resources, expertise, and lessons  
20 learned to better leverage artificial intelligence  
21 to improve Federal Government operations and  
22 mitigate the risks of artificial intelligence.

23           (K) How the agency will promote the use  
24 and availability of data to support the artificial  
25 intelligence efforts of the agency in accordance

1 with statutory, regulatory, and policy require-  
2 ments.

3 (L) How the agency will work with the pri-  
4 vate sector to ensure that procured artificial in-  
5 telligence systems or capabilities include protec-  
6 tions to safeguard the rights and safety of indi-  
7 viduals and to secure Federal Government data  
8 and other information.

9 (M) An outline of specific actions to imple-  
10 ment the strategy of the agency and desired  
11 outcomes.

12 **SEC. 6. GAO REPORTS.**

13 (a) IN GENERAL.—Not later than 2 years after the  
14 date of enactment of this Act, the Comptroller General  
15 of the United States shall submit to the relevant congres-  
16 sional committees a report on—

17 (1) the implementation and effectiveness of Ar-  
18 tificial Intelligence Coordination Boards established  
19 pursuant to guidance issued under section 5(a);

20 (2) an assessment of agency implementation  
21 and the effectiveness of Chief Artificial Intelligence  
22 Officers;

23 (3) recommendations for improving the imple-  
24 mentation and effectiveness of Artificial Intelligence  
25 Coordination Boards established pursuant to guid-

1           ance issued under subsection (a) and Chief Artificial  
2           Intelligence Officers;

3           (4) an analysis by the Comptroller General of  
4           the United States with respect to the costs and ben-  
5           efits of—

6                   (A) the Federal implementation of artifi-  
7                   cial intelligence; and

8                   (B) the activities of the Artificial Intel-  
9                   ligence Coordination Boards established pursu-  
10                  ant to guidance issued under section 5(a);

11           (5) an assessment of the extent to which select  
12           agencies appropriately consider the costs and bene-  
13           fits of the design, development, deployment, and  
14           continuous monitoring of artificial intelligence;

15           (6) an assessment of jobs that could be at risk  
16           of dislocation and opportunities of other jobs with  
17           the Federal Government and the economy of the  
18           United States as a result of technological develop-  
19           ments with respect to artificial intelligence, including  
20           potential effects on blue collar and white collar occu-  
21           pational categories;

22           (7) an inventory of artificial intelligence use  
23           cases of each agency, including an assessment of  
24           how each agency protects privacy and mitigates bias  
25           in the use by the agency of artificial intelligence; and

1           (8) other relevant matters, as determined by  
2           the Comptroller General of the United States.

3           (b) **ADDITIONAL REPORT.**—Not later than 2 years  
4 after the date of enactment of this Act, the Comptroller  
5 General of the United States shall submit to the relevant  
6 congressional committees a report on the impact of biased  
7 datasets on Federal use and implementation of artificial  
8 intelligence systems.

9 **SEC. 7. POST-ENACTMENT GUIDANCE FROM THE DIREC-**  
10 **TOR.**

11           Not later than 5 years after the date of enactment  
12 of this Act, the Director shall—

13           (1) consider technological and other develop-  
14 ments, current and future requirements, and options  
15 for artificial intelligence governance; and

16           (2) issue a directive to agencies—

17                   (A) updating leadership roles, organiza-  
18 tional structures, and other matters relating to  
19 artificial intelligence, as determined relevant by  
20 the Director; and

21                   (B) that includes an action plan and  
22 timeline for implementation.

1 **SEC. 8. SUNSET.**

2       Effective on the date that is 90 days after the date  
3 of issuance of the directive under section 7, this Act shall  
4 have no force or effect.