

AMENDMENT NO. _____ Calendar No. _____

Purpose: To establish a task force on organizational structure for artificial intelligence governance and oversight.

IN THE SENATE OF THE UNITED STATES—117th Cong., 1st Sess.

S. 1260

A bill to establish a new Directorate for Technology and Innovation in the National Science Foundation, to establish a regional technology hub program, to require a strategy and report on economic security, science, research, innovation, manufacturing, and job creation, to establish a critical supply chain resiliency program, 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 intended to be proposed by Mr. BENNET (for himself and Mr. SASSE) to the amendment (No. 1502) proposed by Mr. SCHUMER

Viz:

1 At the end of title V of division B, add the following:

2 **SEC. 25 . TASK FORCE ON ORGANIZATIONAL STRUCTURE**

3 **FOR ARTIFICIAL INTELLIGENCE GOVERN-**

4 **ANCE AND OVERSIGHT.**

5 (a) ESTABLISHMENT.—Not later than 90 days after

6 the date of the enactment of this Act, the President shall

7 appoint a task force to assess the privacy, civil rights, and

1 civil liberties implications of artificial intelligence (referred
2 to in this section as the “AI Task Force”).

3 (b) MEMBERSHIP OF TASK FORCE.—

4 (1) IN GENERAL.—The AI Task Force shall in-
5 clude—

6 (A) the Attorney General or his or her des-
7 ignee;

8 (B) the Director of the Office of Manage-
9 ment and Budget or his or her designee;

10 (C) the Director of the National Institute
11 of Standards and Technology or his or her des-
12 ignee;

13 (D) the Director of the Office of Science
14 and Technology Policy or his or her designee;

15 (E) the Deputy Director for Technology at
16 the National Science and Technology Founda-
17 tion;

18 (F) the Comptroller General or his or her
19 designee;

20 (G) the Inspectors General for the fol-
21 lowing agencies—

22 (i) the Department of State;

23 (ii) the Department of the Treasury;

24 (iii) the Department of Defense;

25 (iv) the Department of Justice;

1 (v) the Department of Health and
2 Human Services;

3 (vi) the Department of Homeland Se-
4 curity;

5 (vii) the Department of Commerce;

6 (viii) the Department of Labor;

7 (ix) the Department of Education;

8 and

9 (x) the Office of the Director of Na-
10 tional Intelligence;

11 (H) the chief privacy and civil liberties of-
12 ficers of each agency described in subparagraph
13 (G);

14 (I) the Chair of the Privacy and Civil Lib-
15 erties Oversight Board;

16 (J) the Chair of the National Artificial In-
17 telligence Advisory Committee's Subcommittee
18 on Artificial Intelligence and Law Enforcement;

19 and

20 (K) representatives from civil society, in-
21 cluding organizational leaders with expertise in
22 technology, privacy, civil liberties, and civil
23 rights, representatives from industry, and rep-
24 resentatives from academia, as appointed by the
25 President.

1 (2) TASK FORCE CHAIR AND VICE CHAIR.—The
2 President shall designate a Chair and Vice Chair of
3 the AI Task Force from among its members.

4 (c) DUTIES.—The AI Task Force shall carry out the
5 following duties:

6 (1) Identifying policy and legal gaps and mak-
7 ing recommendations to ensure that uses of artificial
8 intelligence (referred to in this section as “AI”) and
9 associated data in United States Government oper-
10 ations comport with freedom of expression, equal
11 protection, privacy, and due process.

12 (2) Assessing existing policy and legal gaps for
13 current AI applications and making recommenda-
14 tions for—

15 (A) legislative and regulatory reforms on
16 the development and fielding of AI; and

17 (B) institutional changes to ensure sus-
18 tained assessment and recurring guidance on
19 privacy and civil liberties implications of AI ap-
20 plications.

21 (3) Conducting an assessment and making rec-
22 ommendations to Congress and to the President to
23 ensure that the development and fielding of artificial
24 intelligence by the Federal Government provides pro-
25 tections for the privacy, civil liberties, and civil

1 rights of individuals in the United States in a man-
2 ner that is appropriately balanced against critical
3 law enforcement and national security needs.

4 (4) Recommending baseline standards for Fed-
5 eral Government use of biometric identification tech-
6 nologies, including facial recognition, voiceprint, gait
7 recognition, and keyboard entry technologies.

8 (5) Recommending baseline standards for the
9 protection and integrity of data in the custody of the
10 Federal Government.

11 (6) Recommending proposals to address any
12 gaps in Federal law or regulation with respect to fa-
13 cial recognition technologies in order to enhance pro-
14 tections of privacy, civil liberties, and civil rights of
15 individuals in the United States.

16 (7) Recommending best practices and contrac-
17 tual requirements to strengthen protections for pri-
18 vacy, information security, fairness, nondiscrimina-
19 tion, auditability, and accountability in artificial in-
20 telligence systems and technologies and associated
21 data procured by the Federal Government.

22 (8) Considering updates to and reforms of Gov-
23 ernment data privacy and retention requirements to
24 address implications to privacy, civil liberties, and
25 civil rights.

1 (9) Assessing ongoing efforts to regulate com-
2 mercial development and fielding of artificial intel-
3 ligence and associated data in light of privacy, civil
4 liberties, and civil rights implications, and as appro-
5 priate, considering and recommending institutional
6 or organizational changes to facilitate applicable reg-
7 ulation.

8 (10) Assessing the utility of establishing a new
9 organization within the Federal Government to pro-
10 vide ongoing governance for and oversight over the
11 fielding of artificial intelligence technologies by Fed-
12 eral agencies as technological capabilities evolve over
13 time.

14 (d) ORGANIZATIONAL CONSIDERATIONS.—In con-
15 ducting the assessments required by paragraphs (2) and
16 (3) of subsection (c), the AI Task Force shall consider—

17 (1) the organizational placement, structure,
18 composition, authorities, and resources that a new
19 organization would require to provide ongoing guid-
20 ance and baseline standards for—

21 (A) the Federal Government’s develop-
22 ment, acquisition, and fielding of artificial intel-
23 ligence systems to ensure they comport with
24 privacy, civil liberties, and civil rights and civil

1 liberties law, including guardrails for their use;
2 and

3 (B) providing transparency to oversight en-
4 tities and the public regarding the Federal Gov-
5 ernment's use of artificial systems and the per-
6 formance of those systems;

7 (2) the existing interagency and intra-agency
8 efforts to address AI oversight;

9 (3) the need for and scope of national security
10 carve outs, and any limitations or protections that
11 should be built into any such carve outs; and

12 (4) the research, development, and application
13 of new technologies to mitigate privacy and civil lib-
14 erties risks inherent in artificial intelligence systems.

15 (e) REPORTING.—

16 (1) INTERIM REPORT TO CONGRESS.—Not later
17 than 1 year after the establishment of the AI Task
18 Force, the AI Task Force shall prepare and submit
19 an interim report to Congress and the President
20 containing the AI Task Force's legislative and regu-
21 latory recommendations.

22 (2) UPDATES.—The AI Task Force shall pro-
23 vide periodic updates to the President and to Con-
24 gress.

1 (3) FINAL REPORT.—Not later than 18 months
2 after the establishment of the AI Task Force, the AI
3 Task Force shall prepare and submit a final report
4 to the President and to Congress containing its as-
5 sessment on organizational considerations, to include
6 any recommendations for organizational changes.

7 (f) OTHER EMERGING TECHNOLOGIES.—At any time
8 before the submission of the final report under subsection
9 (e)(3), the AI Task Force may recommend to Congress
10 the creation of a similar task force focused on another
11 emerging technology.

12 (g) SUNSET.—The AI Task Force shall terminate on
13 the date that is 18 months after the establishment of the
14 Task Force.