

118TH CONGRESS
1ST SESSION

S. 1356

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

IN THE SENATE OF THE UNITED STATES

APRIL 27, 2023

Mr. BENNET introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

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

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Assuring Safe, Secure,
5 Ethical, and Stable Systems for AI Act” or the “ASSESS
6 AI Act”.

7 **SEC. 2. TASK FORCE ON ARTIFICIAL INTELLIGENCE GOV-**
8 **ERNANCE AND OVERSIGHT.**

9 (a) ESTABLISHMENT.—Not later than 90 days after
10 the date of enactment of this Act, the President shall ap-

1 point a task force to assess the privacy, civil rights, and
2 civil liberties implications of artificial intelligence (referred
3 to in this section as the “AI Task Force”).

4 (b) MEMBERSHIP OF AI TASK FORCE.—

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

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

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

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

14 (D) the Assistant Director of the Direc-
15 torate for Technology, Innovation, and Partner-
16 ships at the National Science Foundation;

17 (E) the Secretary of Health and Human
18 Services or his or her designee;

19 (F) the Secretary of Transportation or his
20 or her designee;

21 (G) the Secretary of Housing and Urban
22 Development or his or her designee;

23 (H) the Comptroller General of the United
24 States or his or her designee;

1 (I) the Chairman of the Federal Trade
2 Commission or his or her designee;

3 (J) the Chairperson of the Equal Employ-
4 ment Opportunity Commission or his or her
5 designee;

6 (K) the Chair of the Council of Inspectors
7 General on Integrity and Efficiency or his or
8 her designee;

9 (L) the Principal Deputy Assistant Attor-
10 ney General for the Civil Rights Division of the
11 Department of Justice or his or her designee;

12 (M) the chief privacy and civil liberties of-
13 ficers for the following agencies:

14 (i) the Department of State;

15 (ii) the Department of the Treasury;

16 (iii) the Department of Defense;

17 (iv) the Department of Justice;

18 (v) the Department of Health and
19 Human Services;

20 (vi) the Department of Homeland Se-
21 curity;

22 (vii) the Department of Commerce;

23 (viii) the Department of Labor;

24 (ix) the Department of Education;

25 and

1 (x) the Office of the Director of Na-
2 tional Intelligence;

3 (N) the Chair of the Privacy and Civil Lib-
4 erties Oversight Board;

5 (O) the Chair of the National Artificial In-
6 telligence Advisory Committee's Subcommittee
7 on Artificial Intelligence and Law Enforcement;

8 (P) any other governmental representative
9 determined necessary by the President; and

10 (Q) not fewer than 6, but not more than
11 10, representatives from civil society, including
12 organizational leaders with expertise in tech-
13 nology, privacy, civil liberties, and civil rights,
14 representatives from industry, and representa-
15 tives from academia, as appointed by the Presi-
16 dent.

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

20 (c) DUTIES.—

21 (1) IN GENERAL.—The AI Task Force shall—

22 (A) assess existing policy, regulatory, and
23 legal gaps for artificial intelligence (referred to
24 in this section as “AI”) applications and associ-

1 ated data, as of the date of enactment of this
2 Act; and

3 (B) make recommendations to Congress
4 and the President for legislative and regulatory
5 reforms to ensure that uses of artificial intel-
6 ligence and associated data in Federal Govern-
7 ment operations comport with freedom of ex-
8 pression, equal protection, privacy, civil lib-
9 erties, civil rights, and due process.

10 (2) SPECIFIC REQUIREMENTS.—The assess-
11 ments and recommendations under paragraph (1)
12 shall—

13 (A) address—

14 (i) the application of Federal anti-
15 discrimination laws to Federal Government
16 use of AI;

17 (ii) the application of Federal dis-
18 parate impact standards to Federal Gov-
19 ernment use of AI;

20 (iii) artificial intelligence validation
21 and auditing for Federal Government use
22 of AI;

23 (iv) artificial intelligence risk and im-
24 pact assessment reporting regarding Fed-
25 eral Government use of AI; and

1 (v) institutional changes to ensure
2 sustained assessment and recurring guid-
3 ance on privacy and civil liberties implica-
4 tions of artificial intelligence applications,
5 emerging technologies, and associated
6 data;

7 (B) include recommendations regarding—

8 (i) baseline standards for Federal
9 Government use of biometric identification
10 technologies, including facial recognition,
11 voiceprint, gait recognition, and keyboard
12 entry technologies;

13 (ii) proposals to address any gaps in
14 Federal law, including regulations, with re-
15 spect to facial recognition technologies in
16 order to enhance protections of privacy,
17 civil liberties, and civil rights of individuals
18 in the United States;

19 (iii) baseline standards for the protec-
20 tion and integrity of data in the custody of
21 the Federal Government; and

22 (iv) best practices and contractual re-
23 quirements to strengthen protections for
24 privacy, information security, fairness,
25 nondiscrimination, auditability, and ac-

1 countability in artificial intelligence sys-
2 tems and technologies and associated data
3 procured by the Federal Government; and
4 (C) assess—

5 (i) whether existing and proposed AI
6 regulations are appropriately balanced
7 against critical law enforcement and na-
8 tional security needs;

9 (ii) ongoing efforts to regulate com-
10 mercial development and fielding of artifi-
11 cial intelligence and associated data in
12 light of privacy, civil liberties, and civil
13 rights implications, and, as appropriate,
14 consider and recommend institutional or
15 organizational changes to facilitate applica-
16 ble regulation; and

17 (iii) the utility of establishing a new
18 organization within the Federal Govern-
19 ment to provide ongoing governance for
20 and oversight over the fielding of artificial
21 intelligence technologies by Federal agen-
22 cies as technological capabilities evolve over
23 time, including—

1 (I) the review of Federal funds
2 used for the procurement and develop-
3 ment of artificial intelligence; and

4 (II) the enforcement of Federal
5 law for commercial artificial intel-
6 ligence products used in government.

7 (3) ORGANIZATIONAL CONSIDERATIONS.—In
8 conducting the assessments required under this sub-
9 section, the AI Task Force shall consider—

10 (A) the organizational placement, struc-
11 ture, composition, authorities, and resources
12 that a new organization would require to pro-
13 vide ongoing guidance and baseline standards
14 for—

15 (i) the Federal Government’s develop-
16 ment, acquisition, and fielding of artificial
17 intelligence systems to ensure the systems
18 comport with privacy, civil liberties, and
19 civil rights and civil liberties law, including
20 guardrails for their use; and

21 (ii) providing transparency to over-
22 sight entities and the public regarding
23 Federal Government use of artificial sys-
24 tems and the performance of those sys-
25 tems;

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

3 (C) the need for and scope of national se-
4 curity carve-outs, and any limitations or protec-
5 tions that should be built into any such carve-
6 outs; and

7 (D) the research, development, and appli-
8 cation of new technologies to mitigate privacy
9 and civil liberties risks inherent in artificial in-
10 telligence systems.

11 (d) POWERS OF THE TASK FORCE.—

12 (1) HEARINGS.—The Task Force may, for the
13 purpose of carrying out this section, hold hearings,
14 sit and act at times and places, take testimony, and
15 receive evidence as the AI Task Force considers ap-
16 propriate.

17 (2) POWERS OF MEMBERS AND AGENTS.—Any
18 member of the AI Task Force may, upon authoriza-
19 tion by the AI Task Force, take any action that the
20 AI Task Force is authorized to take under this sec-
21 tion.

22 (3) OBTAINING OFFICIAL DATA.—Subject to ap-
23 plicable privacy laws and relevant regulations, the AI
24 Task Force may secure directly from any depart-
25 ment or agency of the United States information

1 and data necessary to enable it to carry out this sec-
2 tion. Upon written request of the Chair of the AI
3 Task Force, the head or acting representative of
4 that department or agency shall furnish the re-
5 quested information to the AI Task Force not later
6 than 30 days after receipt of the request.

7 (e) OPERATING RULES AND PROCEDURE.—

8 (1) INITIAL MEETING.—The AI Task Force
9 shall meet not later than 30 days after the date on
10 which a majority of the members of the AI Task
11 Force have been appointed.

12 (2) VOTING.—Each member of the AI Task
13 Force shall have 1 vote.

14 (3) RECOMMENDATIONS.—The AI Task Force
15 shall adopt recommendations only upon a majority
16 vote.

17 (4) QUORUM.—A majority of the members of
18 the AI Task Force shall constitute a quorum, but a
19 lesser number of members may hold meetings, gath-
20 er information, and review draft reports from staff.

21 (f) STAFF.—

22 (1) PERSONNEL.—The chairperson of the AI
23 Task Force may appoint staff to inform, support,
24 and enable AI Task Force members in the fulfill-
25 ment of their responsibilities. A staff member may

1 not be a local, State, or Federal elected official or
2 be affiliated with or employed by, such an elected of-
3 ficial during the duration of the AI Task Force.

4 (2) DETAILEES.—The head of any Federal de-
5 partment or agency may detail, on a non-reimburs-
6 able basis, any of the personnel of that department
7 or agency to the AI Task Force to assist the AI
8 Task Force in carrying out its purposes and func-
9 tions.

10 (3) SECURITY CLEARANCES FOR MEMBERS AND
11 STAFF.—The appropriate Federal departments or
12 agencies shall cooperate with the AI Task Force in
13 expeditiously providing to the AI Task Force mem-
14 bers and staff appropriate security clearances to the
15 extent possible pursuant to existing procedures and
16 requirements, except that no person may be provided
17 with access to classified information under this sec-
18 tion without the appropriate security clearances.

19 (4) EXPERT CONSULTANTS.—As needed, the AI
20 Task Force may commission intermittent research
21 or other information from experts and provide sti-
22 pends for engagement consistent with relevant stat-
23 utes and regulations.

24 (g) ASSISTANCE FROM PRIVATE SECTOR.—

1 (1) PRIVATE ENGAGEMENT.—The Chair of the
2 AI Task Force may engage with representatives
3 from a private sector organization for the purpose of
4 carrying out the mission of the AI Task Force, and
5 any such engagement shall not be subject to chapter
6 10 of title 5, United States Code.

7 (2) TEMPORARY ASSIGNMENT OF PER-
8 SONNEL.—The Chair of the AI Task Force, with the
9 agreement of a private sector organization, may ar-
10 range for the temporary assignment of employees of
11 the organization to the Task Force in accordance
12 with paragraphs (1) and (4) of subsection (f).

13 (3) DURATION.—An assignment under this sub-
14 section may, at any time and for any reason, be ter-
15 minated by the Chair or the private sector organiza-
16 tion concerned and shall be for a total period of not
17 more than 18 months.

18 (h) APPLICATION OF ETHICS RULES.—

19 (1) IN GENERAL.—An employee of a private
20 sector organization assigned under subsection (g)—

21 (A) shall be deemed to be a special govern-
22 ment employee for purposes of Federal law, in-
23 cluding chapter 11 of title 18, United States
24 Code, and chapter 135 of title 5, United States
25 Code; and

1 (B) notwithstanding section 202(a) of title
2 18, United States Code, may be assigned to the
3 Task Force for a period of not longer than 18
4 months.

5 (2) NO FINANCIAL LIABILITY.—Any agreement
6 subject to this subsection shall require the private
7 sector organization concerned to be responsible for
8 all costs associated with the assignment of an em-
9 ployee under subsection (g).

10 (i) REPORTING.—

11 (1) INTERIM REPORT TO CONGRESS.—Not later
12 than 1 year after the establishment of the AI Task
13 Force, the AI Task Force shall prepare and submit
14 an interim report to Congress and the President
15 containing the AI Task Force’s legislative and regu-
16 latory recommendations.

17 (2) UPDATES.—The AI Task Force shall pro-
18 vide periodic updates to the President and to Con-
19 gress.

20 (3) FINAL REPORT.—Not later than 18 months
21 after the establishment of the AI Task Force, the AI
22 Task Force shall prepare and submit a final report
23 to the President and to Congress containing its as-
24 sessment on organizational considerations, to include
25 any recommendations for organizational changes.

1 (j) OTHER EMERGING TECHNOLOGIES.—At any time
2 before the submission of the final report under subsection
3 (i)(3), the AI Task Force may recommend to Congress
4 the creation of a similar task force focused on another
5 emerging technology.

6 (k) SUNSET.—The AI Task Force shall terminate on
7 the date that is 18 months after the establishment of the
8 AI Task Force under subsection (a).

○