

118TH CONGRESS  
1ST SESSION

# S. 3004

To specify control and management of Department of Defense data and to establish the Chief Digital and Artificial Intelligence Officer Governing Council, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

OCTOBER 3, 2023

Mr. MANCHIN (for himself and Mr. ROUNDS) introduced the following bill;  
which was read twice and referred to the Committee on Armed Services

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## A BILL

To specify control and management of Department of Defense data and to establish the Chief Digital and Artificial Intelligence Officer Governing Council, and for other purposes.

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. CONTROL AND MANAGEMENT OF DEPARTMENT**  
4                               **OF DEFENSE DATA AND ESTABLISHMENT OF**  
5                               **CHIEF DIGITAL AND ARTIFICIAL INTEL-**  
6                               **LIGENCE OFFICER GOVERNING COUNCIL.**

7       (a) CONTROL AND MANAGEMENT OF DEPARTMENT  
8       OF DEFENSE DATA.—The Chief Digital and Artificial In-

1 telligence Officer of the Department of Defense shall  
2 maintain the authority, but not the requirement, to access  
3 and control, on behalf of the Secretary of Defense, of all  
4 data collected, acquired, accessed, or utilized by Depart-  
5 ment of Defense components consistent with section 1513  
6 of the James M. Inhofe National Defense Authorization  
7 Act for Fiscal Year 2023 (Public Law 117–263; 10 U.S.C.  
8 4001 note).

9 (b) CHIEF DIGITAL AND ARTIFICIAL INTELLIGENCE  
10 OFFICER GOVERNING COUNCIL.—Section 238(d) of the  
11 John S. McCain National Defense Authorization Act for  
12 Fiscal Year 2019 (Public Law 115–232; 10 U.S.C. note  
13 prec. 4061) is amended by striking paragraph (3) and in-  
14 serting the following new paragraph (3):

15 “(3) CHIEF DIGITAL AND ARTIFICIAL INTEL-  
16 LIGENCE OFFICER GOVERNING COUNCIL.—

17 “(A) ESTABLISHMENT.—(i) The Secretary  
18 shall establish a council to provide policy over-  
19 sight to ensure the responsible, coordinated,  
20 and ethical employment of data and artificial  
21 intelligence capabilities across Department of  
22 Defense missions and operations.

23 “(ii) The council established pursuant to  
24 clause (i) shall be known as the ‘Chief Digital

1 and Artificial Intelligence Officer Governing  
2 Council' (in this paragraph the 'Council').

3 "(B) MEMBERSHIP.—The Council shall be  
4 composed of the following:

5 "(i) Joint Staff J-6.

6 "(ii) The Under Secretary of Defense  
7 for Acquisition and Sustainment.

8 "(iii) The Under Secretary of Defense  
9 for Research and Engineering.

10 "(iv) The Under Secretary of Defense  
11 for Intelligence and Security.

12 "(v) The Under Secretary of Defense  
13 for Policy.

14 "(vi) The Director of Cost Analysis  
15 and Program Evaluation.

16 "(vii) The Chief Information Officer  
17 of the Department.

18 "(viii) The Director of Administration  
19 and Management.

20 "(ix) The service acquisition execu-  
21 tives of each of the military departments.

22 "(C) HEAD OF COUNCIL.—The Council  
23 shall be headed by the Chief Digital and Artifi-  
24 cial Intelligence Officer of the Department.

1           “(D) MEETINGS.—The Council shall meet  
2 not less frequently than twice each fiscal year.

3           “(E) DUTIES OF COUNCIL.—The duties of  
4 the Council are as follows:

5           “(i) To streamline the organizational  
6 structure of the Department as it relates  
7 to artificial intelligence development, im-  
8 plementation, and oversight.

9           “(ii) To improve coordination on arti-  
10 ficial intelligence governance with the de-  
11 fense industry sector.

12           “(iii) To establish and oversee artifi-  
13 cial intelligence guidance on ethical re-  
14 quirements and protections for usage of ar-  
15 tificial intelligence supported by Depart-  
16 ment funding and reduces or mitigates in-  
17 stances of unintended bias in artificial in-  
18 telligence algorithms.

19           “(iv) To identify, monitor, and peri-  
20 odically update appropriate recommenda-  
21 tions for operational usage of artificial in-  
22 telligence.

23           “(v) To review, as the head of the  
24 Council considers necessary, artificial intel-  
25 ligence program funding to ensure that

1 any Department investment in an artificial  
2 intelligence tool, system, or algorithm ad-  
3 heres to all Department established policy  
4 related to artificial intelligence.

5 “(vi) To provide periodic status up-  
6 dates on the efforts of the Department to  
7 develop and implement artificial intel-  
8 ligence into existing Department programs  
9 and processes.

10 “(vii) To provide guidance on access  
11 and distribution restrictions relating to  
12 data, models, tool sets, or testing or valida-  
13 tion infrastructure.

14 “(viii) to implement and oversee a  
15 data and artificial intelligence educational  
16 program for the purpose of familiarizing  
17 the Department at all levels on the applica-  
18 tions of artificial intelligence in their oper-  
19 ations.

20 “(ix) To implement and oversee a  
21 data decree scorecard.

22 “(x) Such other duties as the Council  
23 determines appropriate.

24 “(F) PERIODIC REPORTS.—Not later than  
25 180 days after the date of the enactment of this

1 paragraph and not less frequently than once  
2 every 18 months thereafter, the Council shall  
3 submit to the Secretary and the congressional  
4 defense committees a report on the activities of  
5 the Council during the period covered by the re-  
6 port.”.

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