

118TH CONGRESS
2D SESSION

S. 4306

To direct the Secretary of Defense to establish a working group to develop and coordinate an artificial intelligence initiative among the Five Eyes countries, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2024

Ms. ROSEN (for herself and Mr. BUDD) introduced the following bill; which was read twice and referred to the Committee on Foreign Relations

A BILL

To direct the Secretary of Defense to establish a working group to develop and coordinate an artificial intelligence initiative among the Five Eyes countries, 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. SHORT TITLE.**

4 This Act may be cited as the “Five AIs Act 2024”.

1 **SEC. 2. ESTABLISHMENT OF WORKING GROUP FOR ARTIFI-**
2 **CIAL INTELLIGENCE INITIATIVE AMONG FIVE**
3 **EYES COUNTRIES.**

4 (a) ESTABLISHMENT.—Not later than 90 days after
5 the date of the enactment of this Act, the Secretary of
6 Defense, in coordination with the Director of National In-
7 telligence, shall establish a working group to be known as
8 the “Five AIs Strategic Artificial Intelligence Working
9 Group” (in this section referred to as the “Working
10 Group”).

11 (b) PURPOSE.—The purpose of the Working Group
12 shall be to develop and coordinate an artificial intelligence
13 initiative among the Five Eyes countries.

14 (c) ORGANIZATION.—

15 (1) DESIGNATION OF HEAD.—The Secretary of
16 Defense, in coordination with the Director of Na-
17 tional Intelligence, shall designate a senior civilian
18 officer of the Department of Defense or senior mili-
19 tary officer with experience leading relevant efforts,
20 as determined by the Secretary, to serve as the head
21 of the Working Group.

22 (2) PARTICIPATION BY OTHER MEMBER COUN-
23 TRIES.—The Secretary of Defense, in coordination
24 with the Director of National Intelligence, shall en-
25 courage participation in the Working Group by the

1 members of the Five Eyes Intelligence Oversight and
2 Review Council.

3 (d) RESPONSIBILITIES.—The responsibilities of the
4 Working Group shall be to develop and coordinate efforts
5 to implement an artificial intelligence initiative between
6 the Department of Defense, the Office of the Intelligence
7 Community Inspector General of the United States, and
8 the other members of the Five Eyes Intelligence Oversight
9 and Review Council to—

10 (1) compare—

11 (A) the various artificial intelligence sys-
12 tems and the elements thereof (including ma-
13 chine learning and generative artificial intel-
14 ligence such as large language models) used for
15 covered operational uses by such members; and

16 (B) the respective practices associated with
17 the employment of such systems for covered
18 operational uses by such members;

19 (2) identify (including by experimenting, test-
20 ing, and evaluating) potential solutions to advance
21 and accelerate the interoperability of artificial intel-
22 ligence systems used for intelligence sharing,
23 battlespace awareness, and other covered operational
24 uses;

1 (3) test and evaluate the effects of artificial in-
2 telligence model redundancy, including the risks and
3 safety measures associated with operating multiple
4 artificial intelligence systems, including in tandem
5 with one another;

6 (4) develop a shared strategy for the research,
7 development, test, evaluation, and employment of ar-
8 tificial intelligence systems for covered operational
9 uses carried out jointly by the Five Eyes countries;

10 (5) develop a shared strategy for—

11 (A) managing data-informed artificial in-
12 telligence systems; and

13 (B) testing and evaluating artificial intel-
14 ligence systems with combined data sets at the
15 unclassified and classified levels;

16 (6) test and evaluate the capabilities of the de-
17 fense industrial base of the Five Eyes countries to
18 incorporate artificial intelligence systems into sys-
19 tems used for covered operational uses;

20 (7) compare and use ethical frameworks to ac-
21 celerate technological advancements with respect to
22 artificial intelligence systems;

23 (8) expand innovation efforts by the Five Eyes
24 countries and share among such countries best prac-
25 tices for the accelerated procurement and adoption

1 of artificial intelligence technologies for covered
2 operational uses;

3 (9) leverage commercially available artificial in-
4 telligence technologies to advance near-term
5 jointness between the armed forces and intelligence
6 components of the Five Eyes countries;

7 (10) jointly identify and source artificial intel-
8 ligence systems, as practicable, and advise Five Eyes
9 countries with respect to export controls applicable
10 to such systems;

11 (11) share, to the extent practicable and as
12 agreed upon by the Working Group, the results, op-
13 portunities, and frameworks assessed or otherwise
14 identified by the Working Group for the informed
15 use of artificial intelligence with allies and partners
16 of the United States other than Five Eyes countries;
17 and

18 (12) carry out such other activities as the Sec-
19 retary of Defense, in consultation with the Director
20 of National Intelligence and any members of the
21 Five Eyes Intelligence Oversight and Review Council
22 participating in the Working Group, determines to
23 be relevant to such responsibilities.

24 (e) CONTROL OF KNOWLEDGE AND TECHNICAL
25 DATA.—The Secretary of Defense shall seek to ensure

1 that any knowledge or technical data produced by a Five
2 Eyes country under any cooperative project carried out by
3 the Working Group shall be controlled by that country
4 under the export control laws and regulations of that
5 country and shall not be subject to the jurisdiction or con-
6 trol of any other Five Eyes country.

7 (f) PLAN AND REPORTS.—

8 (1) PLAN.—

9 (A) SUBMISSION.—Not later than 60 days
10 after the date of the enactment of this Act, the
11 Secretary of Defense, in coordination with the
12 Director of National Intelligence, shall submit
13 to the appropriate congressional committees a
14 plan for the establishment and activities of the
15 Working Group.

16 (B) ELEMENTS.—The plan under subpara-
17 graph (A) shall include—

18 (i) a plan for the establishment of the
19 Working Group, including for efforts to en-
20 gage with the members of the Five Eyes
21 Intelligence Oversight and Review Council
22 with respect to such establishment;

23 (ii) a description of any funding re-
24 quirements or administrative support nec-
25 essary to carry out this section;

1 (iii) a description of any additional
2 statutory authorities necessary to carry out
3 this section;

4 (iv) a plan for the fulfilment of re-
5 sponsibilities under subsection (e) by the
6 Working Group;

7 (v) an evaluation of existing joint ef-
8 forts by the Five Eyes countries to fulfill
9 similar responsibilities;

10 (vi) a plan for the integration of the
11 artificial intelligence initiative developed
12 and coordinated by the Working Group
13 with other programs and initiatives of the
14 elements of the Department of Defense or
15 the Office of Director of National Intel-
16 ligence with responsibilities relating to mu-
17 tual security and artificial intelligence ef-
18 forts among the Five Eyes countries;

19 (vii) performance indicators by which
20 the activities of the Working Group will be
21 assessed; and

22 (viii) a description of how efforts of
23 the commanders of the combatant com-
24 mands relating to military interoperability
25 and test and evaluation of artificial intel-

1 ligence systems will be tasked and executed
2 by and through the Working Group.

3 (2) BIENNIAL REPORT.—Not later than 180
4 days after the date of the enactment of this Act, and
5 on a semiannual basis thereafter until the date of
6 termination under subsection (f), the Secretary of
7 Defense shall submit to the appropriate congress-
8 sional committees a report on the activities and
9 milestones of the Working Group. Each such report
10 shall include, with respect to the period covered by
11 the report—

12 (A) an assessment of the activities of the
13 Working Group based on the performance indi-
14 cators set forth in the plan under paragraph
15 (1)(B)(vii); and

16 (B) a description of any efforts of the com-
17 manders of the combatant commands taken in
18 support of the responsibilities of the Working
19 Group.

20 (g) TERMINATION.—

21 (1) IN GENERAL.—Except as provided in para-
22 graph (2), the Working Group shall terminate on
23 September 30, 2028.

24 (2) AUTHORITY TO EXTEND.—The Secretary of
25 Defense may extend the termination date under

1 paragraph (1) if the Secretary determines such ex-
2 tension to be in the national security interests of the
3 United States.

4 (h) DEFINITIONS.—In this section:

5 (1) The term “appropriate congressional com-
6 mittees” means—

7 (A) the congressional defense committees,
8 as such term is defined in section 101 of title
9 10, United States Code; and

10 (B) the congressional intelligence commit-
11 tees, as such term is defined in section 3 of the
12 National Security Act of 1947 (50 U.S.C.
13 3003).

14 (2) The term “battlespace awareness” has the
15 meaning given that term in the Joint Publication 1–
16 02 of the Department of Defense, titled “Depart-
17 ment of Defense Dictionary of Military and Associ-
18 ated Terms”, or successor publication.

19 (3) The term “covered operational use” means
20 use by a government for operations in a defense or
21 intelligence context.

22 (4) The term “Five Eyes countries” means the
23 following:

24 (A) Australia.

25 (B) Canada.

1 (C) New Zealand.

2 (D) The United Kingdom.

3 (E) The United States.

4 (5) The term “Five Eyes Intelligence Oversight
5 and Review Council” means the council established
6 pursuant to the agreement entered into between the
7 Inspector General of the Intelligence Community of
8 the United States and the relevant foreign counter-
9 parts of the governments of the Five Eyes countries,
10 titled “Charter of the Five Eyes Intelligence Over-
11 sight and Review Council”, done on October 2,
12 2017.

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