

117TH CONGRESS
1ST SESSION

H. R. 4468

To amend chapter 3 of title 5, United States Code, to require Executive agencies to establish and implement an AI strategy, objectives, and metrics plan for trustworthy artificial intelligence adoption to better achieve the missions of such agencies to serve the people of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend chapter 3 of title 5, United States Code, to require Executive agencies to establish and implement an AI strategy, objectives, and metrics plan for trustworthy artificial intelligence adoption to better achieve the missions of such agencies to serve the people of the United States, 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 “Artificial Intelligence
5 for Agency Impact Act” or the “AI for Agency Impact
6 Act”.

1 **SEC. 2. AI STRATEGY, OBJECTIVES, AND METRICS PLANS.**

2 (a) AMENDMENT.—Chapter 3 of title 5, United
3 States Code, is amended by adding at the end the fol-
4 lowing new subchapter:

5 “SUBCHAPTER III—ARTIFICIAL INTELLIGENCE

6 “§ 321. Definitions

7 “In this subchapter:

8 “(1) AGENCY.—The term ‘agency’ has the
9 meaning given that term in paragraph (1) section
10 3502 of title 44, United States Code, except that
11 term shall not include independent regulatory agen-
12 cies (as defined in paragraph (5) of such section).

13 “(2) APPROPRIATE CONGRESSIONAL COMMIT-
14 TEES.—The term ‘appropriate congressional com-
15 mittees’ means the Committee on Oversight and Re-
16 form of the House of Representatives and the Com-
17 mittee on Homeland Security and Governmental Af-
18 fairs of the Senate.

19 “(3) ARTIFICIAL INTELLIGENCE.—The term
20 ‘artificial intelligence’ has the meaning given that
21 term in section 238(g) of the John S. McCain Na-
22 tional Defense Authorization Act for Fiscal Year
23 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

24 “(4) DIRECTOR.—The term ‘Director’ means
25 the Director of the Office of Management and Budg-
26 et.

1 “(5) RELIABILITY.—The term ‘reliability’
2 means, with respect to the artificial intelligence, the
3 extent to which—

4 “(A) data collected for use by the artificial
5 intelligence is a valid measure of the underlying
6 concepts addressed in the objectives of using
7 the artificial intelligence;

8 “(B) the safety, security, and robustness
9 has been tested and assured across each phase
10 of development and use of the artificial intel-
11 ligence according to defined objectives;

12 “(C) data records and fields are present
13 and sufficiently populated; and

14 “(D) data records reflect the actual under-
15 lying information.

16 “(6) REPRESENTATIVENESS.—The term ‘rep-
17 resentativeness’ means the extent to which data sets
18 used for training the artificial intelligence is rep-
19 resentative of the population or operational environ-
20 ment to be assessed by the artificial intelligence.

21 **“§ 322. AI Strategy, Objectives, and Metrics Plan**

22 “(a) AI STRATEGY, OBJECTIVES, AND METRICS
23 PLAN.—The head of each agency shall establish an AI
24 Strategy, Objectives, and Metrics Plan that contains strat-
25 egies, objectives, and metrics for the trustworthy adoption

1 of artificial intelligence by the agency to better achieve the
2 mission of the agency to serve the people of the United
3 States, including the following:

4 “(1) Defined roles, responsibilities, and delega-
5 tion of authority for the use and oversight of artifi-
6 cial intelligence used by the agency, including over-
7 sight of compliance with relevant laws, regulations,
8 standards, and guidance.

9 “(2) Defined values, ethics, and principles to
10 foster public trust and responsible use of artificial
11 intelligence by the agency.

12 “(3) Procedures—

13 “(A) to ensure the security and privacy of
14 data used by artificial intelligence used by the
15 agency; and

16 “(B) for human supervision of, and ac-
17 countability for, artificial intelligence used by
18 the agency.

19 “(4) For each artificial intelligence used by the
20 agency at the time the plan is established—

21 “(A) performance objectives and accom-
22 panying metrics that clearly reflect or convey
23 the intended purpose of the artificial intel-
24 ligence;

25 “(B) a process—

1 “(i) for the continuous or routine
2 monitoring and assessment the perform-
3 ance of the artificial intelligence against
4 the objectives and metrics established for
5 the artificial intelligence under subpara-
6 graph (A) to ensure that the artificial in-
7 telligence functions as intended and carries
8 out the goals and objectives of using the
9 artificial intelligence; and

10 “(ii) that includes a plan to systemati-
11 cally identify, analyze, and mitigate any
12 risks associated with the artificial intel-
13 ligence; and

14 “(C) documentation demonstrating that
15 the artificial intelligence relies on high quality,
16 reliable, representative data, including—

17 “(i) the sources and origins of data
18 used to train each artificial intelligence;
19 and

20 “(ii) assessments of the reliability,
21 quality, and representativeness of—

22 “(I) data used to train the artifi-
23 cial intelligence;

24 “(II) attributes used to cat-
25 egorize data;

1 “(III) data variables used by the
2 artificial intelligence; and

3 “(IV) interconnectivities and de-
4 pendencies of data streams that
5 operationalize the artificial intel-
6 ligence; and

7 “(iii) a description of the range of
8 data and model drift that is acceptable for
9 each artificial intelligence.

10 “(5) Performance objectives and accompanying
11 metrics, for each opportunity identified by the agen-
12 cy to incorporate the use of artificial intelligence into
13 the platforms, processes, and operations of the agen-
14 cy.

15 “(6) A description of how artificial intelligence
16 used by the agency are monitored, including a de-
17 scription of any actions taken to correct the func-
18 tioning or performance of the artificial intelligence.

19 “(7) A description of how information on the
20 design, operation, limitations, and updates of the ar-
21 tificial intelligence is made available to the public.

22 “(b) RELATIONSHIP TO EXECUTIVE ORDER 13859,
23 MEMORANDA.—A plan developed under subsection (a) by
24 an agency shall be consistent with—

1 “(1) section 3 of Executive Order 13960 (89
2 Fed. Reg. 13859) titled ‘Promoting the Use of
3 Trustworthy Artificial Intelligence in the Federal
4 Government’, issued on December 8, 2020; and

5 “(2) the memorandum issued by the Director to
6 the agency under section 104 of the AI in Govern-
7 ment Act of 2020 (Public Law 116–260; 40 U.S.C.
8 11301 note).

9 “(c) REPORTS.—

10 “(1) INITIAL REPORT.—Not later than 180
11 days after the memorandum required by section
12 104(a) of the AI in Government Act of 2020 (Public
13 Law 116–260; 40 U.S.C. 11301 note) is issued, the
14 head of each agency shall submit to the Director,
15 the Inspector General of the agency, and the appro-
16 priate congressional committees a report that con-
17 tains—

18 “(A) the AI Strategy, Objectives, and
19 Metrics Plan established by the agency under
20 subsection (a);

21 “(B) an inventory (including a catalogue of
22 model and non-model components, specifica-
23 tions, and parameters) of all artificial intel-
24 ligence in use by the agency, in accordance with
25 the guidance issued under paragraph (3); and

1 “(C) a description and assessment of op-
2 portunities to incorporate the use artificial in-
3 telligence into the platforms, processes, and op-
4 erations of the agency to enhance the effective-
5 ness of the agency in accomplishing the mis-
6 sion, operations, and programs of the agency.

7 “(2) PROGRESS REPORTS.—In 2023, and every
8 two years thereafter until 2033, the head of each
9 agency shall submit to the Director and the appro-
10 priate congressional committees a report—

11 “(A) on the implementation of the AI
12 Strategy, Objectives, and Metrics Plan estab-
13 lished by the agency under subsection (a); and

14 “(B) that identifies and assesses any op-
15 portunities for, and risks any associated with,
16 the use, or potential use, of artificial intel-
17 ligence by the agency.

18 “(3) AGENCY INVENTORY GUIDANCE.—Not
19 later than 30 days after the date of the enactment
20 of this Act, the Chief Information Officers Council
21 shall issue, and make publicly available, guidance
22 that includes the criteria, format, and mechanisms
23 for the inventory required to be included in the re-
24 port under paragraph (1).

1 “(4) REPORTING RECIPROCITY.—The reports
2 required by paragraphs (1) and (2) shall fulfill the
3 requirements of the AI in Government Act of 2020
4 (Public Law 116–260; 40 U.S.C. 11301 note) and
5 subsections (b) and (c) of section 5 of Executive
6 Order 13960 (89 Fed. Reg. 13859) titled ‘Pro-
7 moting the Use of Trustworthy Artificial Intelligence
8 in the Federal Government’, issued on December 8,
9 2020, and shall include all information required by
10 such provisions.

11 “(d) CONSULTATION.—In developing a plan required
12 to be submitted under subsection (a) and the reports re-
13 quired by subsection (c), the head of the agency shall con-
14 sult with the National Cyber Director and the heads of
15 the National Artificial Intelligence Initiative Office, the
16 National Artificial Intelligence Advisory Committee, the
17 Artificial Intelligence Center of Excellence.

18 “(e) CLASSIFIED ANNEX.—The reports required by
19 paragraphs (1) and (2) of subsection (b) shall be made
20 publicly available upon submission to the entities described
21 in such paragraphs, but such reports may include a classi-
22 fied annex.

23 “(f) RULE OF CONSTRUCTION.—Nothing in this sub-
24 chapter may be construed as authorizing the use by agen-
25 cies of, or an appropriation for, artificial intelligence.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 for chapter 3 of title 5, United States Code, is amended
3 by adding after the item relating to section 315 the fol-
4 lowing:

“SUBCHAPTER III—ARTIFICIAL INTELLIGENCE

“321. Definitions

“322. AI strategy, objectives, and metrics plans required”.

