118TH CONGRESS
1ST SESSION

S. _____

To require Federal agencies to use the Artificial Intelligence Risk Management Framework developed by the National Institute of Standards and Technology with respect to the use of artificial intelligence.

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IN THE SENATE OF THE UNITED STATES

_____

Mr. MORAN (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on _____

_____

A BILL

To require Federal agencies to use the Artificial Intelligence Risk Management Framework developed by the National Institute of Standards and Technology with respect to the use of artificial intelligence.

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 "Federal Artificial Intel-

5 ligence Risk Management Act of 2023".

6 **SEC. 2. AGENCY USE OF ARTIFICIAL INTELLIGENCE.**

7   (a) DEFINITIONS.—In this section:

 1   (1) ADMINISTRATOR.—The term "Adminis-

 2   trator" means the Administrator of Federal Pro-

 3   curement Policy.

 4   (2) AGENCY.—The term "agency" means any

 5   department, independent establishment, Government

 6   corporation, or other agency of the executive branch

 7   of the Federal Government.

 8   (3) ARTIFICIAL INTELLIGENCE.—The term "ar-

 9   tificial intelligence" has the meaning given the term

10   in section 5002 of the National Artificial Intelligence

11   Initiative Act of 2020 (15 U.S.C. 9401).

12   (4) DIRECTOR.—The term "Director" means

13   the Director of the National Institute of Standards

14   and Technology.

15   (5) FRAMEWORK.—The term "framework"

16   means document number NIST AI 100–1 of the Na-

17   tional Institute of Standards and Technology enti-

18   tled "Artificial Intelligence Risk Management

19   Framework", or any successor document.

20   (6) PLAYBOOK.—The term "playbook" means

21   the AI RMF Playbook developed by the National In-

22   stitute of Standards and Technology.

23   (7) PROFILE.—The term "profile" means an

24   implementation of the artificial intelligence risk

25   management functions, categories, and subcategories

1 for a specific setting or application based on the re-

2 quirements, risk tolerance, and resources of the

3 framework user.

4 (b) REQUIREMENTS FOR AGENCY USE OF ARTIFI-

5 CIAL INTELLIGENCE.—

6 (1) OMB GUIDANCE.—Not later than 180 days

7 after the date on which the Director of the National

8 Institute of Standards and Technology issues guide-

9 lines under paragraph (2), the Director of the Office

10 of Management and Budget shall issue guidance re-

11 quiring agencies to incorporate the framework and

12 the guidelines into their artificial intelligence risk

13 management efforts, consistent with such guidelines.

14 (2) NIST GUIDELINES.—Not later than 1 year

15 after the date of the enactment of this Act, the Di-

16 rector of the National Institute of Standards and

17 Technology shall, in consultation with the Adminis-

18 trator, issue guidance for agencies to incorporate the

19 framework into the artificial intelligence risk man-

20 agement efforts of the agency, which shall—

21 (A) provide standards, practices, and tools

22 consistent with the framework and how they

23 can leverage the framework to reduce risks to

24 people and the planet for agency implementa-

1   tion in the development, procurement, and use

2   of artificial intelligence;

3   (B) specify appropriate cybersecurity strat-

4   egies and the installation of effective cybersecu-

5   rity tools to improve security of artificial intel-

6   ligence systems;

7   (C) provide standards—

8   (i) that are consistent with the frame-

9   work and Circular A–119 of the Office of

10   Management and Budget;

11   (ii) that are tailored to risks that

12   could endanger people and the planet; and

13   (iii) which a supplier of artificial intel-

14   ligence for the agency must attest to meet

15   before the head of an agency may procure

16   artificial intelligence from that supplier;

17   (D) recommend training on the framework

18   and the guidelines for each agency responsible

19   for procuring artificial intelligence;

20   (E) set minimum requirements for devel-

21   oping profiles for agency use of artificial intel-

22   ligence consistent with the framework; and

23   (F) develop profiles for framework use for

24   an entity that is a small business concern (as

5

1   defined in section 3 of the Small Business Act

2   (15 U.S.C. 632)).

3   (3) ADDITIONAL REQUIREMENTS.—

4   (A) DRAFT CONTRACT LANGUAGE.—The

5   Administrator shall, in consultation with the

6   Director, provide draft contract language for

7   each agency to use in procurement that requires

8   a supplier of artificial intelligence—

9   (i) to adhere to certain actions that

10   are consistent with the framework; and

11   (ii) to provide appropriate access to

12   data, models, and parameters, as defined

13   by the Director, to enable sufficient test

14   and evaluation, verification, and validation.

15   (B) TEMPLATES.—The Director of the Of-

16   fice of Management and Budget shall, in con-

17   sultation with the Director, provide a template

18   for agency use on the guidance issued under

19   paragraph (1) that includes recommended pro-

20   cedures for implementation.

21   (4) CONFORMING REQUIREMENT.—The head of

22   each agency shall conform any policy, principle,

23   practice, procedure, or guideline governing the de-

24   sign, development, implementation, deployment, use,

25   or evaluation of an artificial intelligence system by

1   the agency to the framework and to the guidance

2   issued under paragraph (1).

3   (5) SUPPORTING MATERIAL.—In carrying out

4   paragraph (4), the head of each agency may use the

5   supporting materials of the framework, including the

6   playbook.

7   (6) STUDY.—Not later than 1 year after the

8   date of enactment of this Act, the Comptroller Gen-

9   eral of the United States shall conduct a study on

10   the impact of the application of the framework on

11   agency use of artificial intelligence.

12   (7) REPORTING REQUIREMENT.—Not later than

13   1 year after the date of the enactment of this Act,

14   and not less frequently than once every 3 years

15   thereafter, the Director of the Office of Management

16   and Budget shall submit to Congress a report on

17   agency implementation of and conformity to the

18   framework.

19   (8) EXCEPTION FOR NATIONAL SECURITY SYS-

20   TEMS.—Nothing in this subsection shall apply to a

21   national security system (as defined in section 3552

22   of title 44, United States Code).

23   (c) REQUIREMENTS FOR AGENCY PROCUREMENT OF

24 ARTIFICIAL INTELLIGENCE.—Not later than 1 year after

25 the issuance of guidance pursuant to subsection (b)(1), the

1 Federal Acquisition Regulatory Council shall promulgate

2 regulations that provide for—

3   (1) the requirements for the acquisition of arti-

4   ficial intelligence products, services, tools, and sys-

5   tems, to include risk-based compliance with the

6   framework; and

7   (2) solicitation provisions and contract clauses

8   that include references to the requirements described

9   in paragraph (1) and the framework for use in arti-

10   ficial intelligence acquisitions.

11 (d) ARTIFICIAL INTELLIGENCE WORKFORCE.—

12   (1) IN GENERAL.—Not later than 180 days

13   after the date of the enactment of this Act, the Di-

14   rector of the Office of Management and Budget

15   shall, in consultation with the Administrator of the

16   General Services Administration, establish an initia-

17   tive to provide to agencies expertise on artificial in-

18   telligence pursuant to requests for such expertise by

19   the heads of such agencies.

20   (2) ELEMENTS.—The initiative established pur-

21   suant to paragraph (1) shall include the following:

22   (A) The recruitment and hiring of inter-

23   disciplinary experts who can assist agencies in

24   the development, procurement, use, and assess-

25   ment of artificial intelligence tools.

1   (B) A process for establishing development

2   and deployment guidelines and tools for man-

3   aging artificial intelligence risks under which

4   the initiative can assist agencies.

5   (C) Consultation with existing initiatives,

6   including United States Digital Service and the

7   technology transformation services of the Gen-

8   eral Services Administration, to incorporate

9   best practices for assisting agencies in the de-

10   velopment, procurement, use, and assessment of

11   artificial intelligence tools.

12 (e) TESTING AND EVALUATION OF ARTIFICIAL IN-

13 TELLIGENCE.—

14   (1) STUDY.—Not later than 90 days after the

15 date of the enactment of this Act, the Director of

16 the National Institute of Standards and Technology

17 shall complete a study to review the existing and

18 forthcoming voluntary consensus standards for the

19 test, evaluation, verification, and validation of artifi-

20 cial intelligence acquisitions.

21   (2) DEVELOPMENT OF VOLUNTARY CONSENSUS

22 STANDARDS.—Not later than 90 days after the date

23 of the completion of the study required by paragraph

24 (1), the Director shall—

9

1   (A) convene relevant stakeholders to de-
2   velop voluntary consensus standards for the
3   test, evaluation, verification, and validation of
4   artificial intelligence acquisitions;

5   (B) upon completion of the standards de-
6   scribed in subparagraph (A) or within 1 year,
7   whichever is sooner—

8   (i) develop methods and principles,
9   based on the standards described in sub-
10   paragraph (A), for the conduct of test,
11   evaluation, verification, and validation of
12   artificial intelligence acquisitions;

13   (ii) establish the resources for the
14   conduct of test, evaluation, verification,
15   and validation of artificial intelligence ac-
16   quisitions;

17   (iii) monitor and review all test, eval-
18   uation, verification, and validation of artifi-
19   cial intelligence acquisitions; and

20   (iv) review and make recommenda-
21   tions to the head of each agency of risks
22   to people and the plant on relevant artifi-
23   cial intelligence acquisitions; and

24   (C) continuously update the methods and
25   principles described in subparagraph (B)(i)

1   based on evolving voluntary consensus stand-

2   ards.