

BLACKBURN - SUBSTITUTE (AS MODIFIED)

AMENDMENT NO. _____

Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 3849

To promote United States leadership in technical standards by directing the National Institute of Standards and Technology and the Department of State to take certain actions to encourage and enable United States participation in developing standards and specifications for artificial intelligence and other critical and emerging technologies, and for other purposes.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended to be proposed by Mrs. BLACKBURN

Viz:

1 Strike all after the enacting clause and insert the following:
2

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Promoting United
5 States Leadership in Standards Act of 2024".

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) **ARTIFICIAL INTELLIGENCE AND OTHER**
9 **CRITICAL AND EMERGING TECHNOLOGIES.**—The

1 term “artificial intelligence and other critical and
2 emerging technologies” means a subset of artificial
3 intelligence and other critical and emerging tech-
4 nologies included in the list of such technologies
5 identified and maintained by the National Science
6 and Technology Council of the Office of Science and
7 Technology Policy as the Director considers appro-
8 priate for purposes of this Act.

9 (2) DIRECTOR.—The term “Director” means
10 the Director of the National Institute of Standards
11 and Technology.

12 **SEC. 3. UNITED STATES PARTICIPATION IN ORGANIZA-**
13 **TIONS DEVELOPING STANDARDS AND SPECI-**
14 **FICATIONS FOR ARTIFICIAL INTELLIGENCE**
15 **AND OTHER CRITICAL AND EMERGING TECH-**
16 **NOLOGIES.**

17 (a) BRIEFING REQUIRED.—

18 (1) IN GENERAL.—Not later than 1 year after
19 the date of the enactment of this Act, the Director
20 shall provide to Congress a briefing to assist in the
21 evaluation and identification of opportunities for
22 Federal Government support for industry-led efforts
23 in the development of technical standards for artifi-
24 cial intelligence and other critical and emerging
25 technologies.

1 (2) INTERAGENCY CONSULTATION.—In pre-
2 paring the briefing required by paragraph (1), the
3 Director shall consult with the heads of such Fed-
4 eral agencies as the Director considers relevant.

5 (3) ELEMENTS.—The briefing provided pursu-
6 ant to paragraph (1) shall include the following:

7 (A) An overview of standards activities re-
8 lating to artificial intelligence and other critical
9 and emerging technologies and information
10 about the following:

11 (i) Key technical standards that are
12 the subject of ongoing activity.

13 (ii) Key standards bodies hosting
14 these activities.

15 (iii) Any Federal agency that is par-
16 ticipating in these activities.

17 (B) An analysis identifying where partici-
18 pation by United States industry and Federal
19 agencies in standards activities in artificial in-
20 telligence and other critical and emerging tech-
21 nologies would be facilitated or enhanced by
22 conducting standards meetings hosted in the
23 United States.

24 (C) Recommendations for effectively in-
25 forming United States industry and Federal

1 agencies on ongoing standardization activities
2 with the objective of increasing participation of
3 such industry and agencies in such activities.

4 (4) FEDERAL AGENCY NOTICE REQUIRE-
5 MENT.—

6 (A) IN GENERAL.—Using the mechanism
7 established pursuant to subparagraph (B), each
8 head of a Federal agency shall transmit to the
9 Director notice of the participation of their re-
10 spective Federal agency in a standards activity
11 relating to artificial intelligence and other crit-
12 ical and emerging technologies.

13 (B) MECHANISM.—The Director shall, in
14 coordination with the Director of the Office of
15 Management and Budget, develop a mechanism
16 for reporting participation by Federal agencies
17 in standards activities.

18 (b) WEB PORTAL.—

19 (1) IN GENERAL.—In order to inform United
20 States industry and Federal agencies about existing
21 and ongoing international efforts to develop tech-
22 nical standards for artificial intelligence and other
23 critical and emerging technologies and opportunities
24 for participation in such efforts, the Director shall
25 establish an accessible web portal to help such indus-

1 try and agencies navigate and participate in such ef-
2 forts.

3 (2) CONTENTS.—The web portal established
4 pursuant to paragraph (1) shall include regularly
5 updated lists of the following:

6 (A) International efforts described in para-
7 graph (1) and information on opportunities for
8 participation in such efforts.

9 (B) Information on accessing standards,
10 both in development and published, for artificial
11 intelligence and other critical and emerging
12 technologies.

13 (3) ADMINISTRATION.—The Director may inter-
14 into such cooperative agreements with such non-
15 governmental organizations as the Director considers
16 appropriate to establish the web portal required by
17 paragraph (1).

18 **SEC. 4. PILOT PROGRAM TO SUPPORT STANDARDS MEET-**
19 **INGS FOR ARTIFICIAL INTELLIGENCE AND**
20 **OTHER CRITICAL AND EMERGING TECH-**
21 **NOLOGIES IN THE UNITED STATES.**

22 (a) PILOT PROGRAM REQUIRED.—

23 (1) IN GENERAL.—Not later than 180 days
24 after the date of the enactment of this Act, and sub-
25 ject to the availability of appropriated funds, the Di-

1 rector shall, in coordination with the heads of such
2 other Federal agencies as the Director considers ap-
3 propriate, establish a pilot program on supporting
4 standards meetings for artificial intelligence and
5 other critical and emerging technologies in the
6 United States by awarding grants to eligible entities
7 described in subsection (b) hosting meetings of orga-
8 nizations described in paragraph (1) of such sub-
9 section to support the hosting of such meetings in
10 the United States.

11 (2) ADMINISTRATION.—The Director may carry
12 out the pilot program required by paragraph (1) by
13 entering into such cooperative agreements with such
14 nongovernmental organizations as the Director con-
15 siders appropriate to establish and administer the
16 pilot program.

17 (b) ELIGIBLE ENTITIES.—For purposes of the pilot
18 program required by subsection (a), an eligible entity is—

19 (1) an organization that is developing standards
20 and specifications for artificial intelligence and other
21 critical and emerging technologies for at least 1
22 technical standard that affects the interests of 1 or
23 more Federal agencies; or

24 (2) an entity that hosts an organization de-
25 scribed in paragraph (1).

1 (c) GRANTS.—

2 (1) IN GENERAL.—In carrying out the pilot
3 program required by subsection (a), the Director
4 shall award grants to eligible entities to host meet-
5 ings as described in such subsection.

6 (2) USE OF FUNDS.—An eligible entity receiv-
7 ing a grant under this subsection to host a meeting
8 in the United States may use the amount of the
9 grant for such costs as the Director considers rea-
10 sonable for hosting the meeting in the United
11 States, but not more than fifty percent of antici-
12 pated cost of hosting the meeting and not more than
13 a maximum amount that the Director shall establish
14 for purposes of this subsection. Such costs may in-
15 clude the following:

16 (A) Costs related to the preparation and
17 planning of meetings described in subsection
18 (a).

19 (B) Meeting venue-related expenses.

20 (C) Such other costs that may support the
21 eligible entity in conducting a standards meet-
22 ing in the United States.

23 (3) CONSIDERATIONS.—In deciding whether to
24 award a grant under this subsection to an eligible

1 entity to host a meeting, the Director may consider
2 the extent to which the eligible entity—

3 (A) is or hosts an organization that admin-
4 isters technical standards activity in artificial
5 intelligence and other critical and emerging
6 technologies that involves United States-based
7 participants, including but not limited to par-
8 ticipants from Federal agencies of the United
9 States;

10 (B) has a demonstrable history of partici-
11 pating in or hosting successful meetings; and

12 (C) has a stable or growing participant
13 base.

14 (d) GUIDANCE.—

15 (1) IN GENERAL.—The Director shall develop
16 and periodically update guidance for the pilot pro-
17 gram carried out under this section.

18 (2) ELEMENTS.—The guidance developed and
19 updated pursuant to paragraph (1) shall cover the
20 following:

21 (A) Eligibility for grants awarded under
22 the pilot program.

23 (B) How grants are awarded under sub-
24 section (c).

1 (C) The duration and amounts of grants
2 awarded under subsection (c).

3 (D) The merit review process for the pilot
4 program.

5 (E) Priority areas for technical standards
6 activity.

7 (F) Means for recipients of grants under
8 the pilot program to report expenses relating to
9 costs described in subsection (c)(2)(D).

10 (G) Such additional matters as the Direc-
11 tor determines appropriate for purposes of the
12 pilot program.

13 (e) BRIEFINGS FOR CONGRESS.—

14 (1) IN GENERAL.—During the third year of the
15 pilot program carried out under this section and in
16 each subsequent year of the pilot program, the Di-
17 rector shall provide Congress with a briefing on the
18 pilot program.

19 (2) ELEMENTS.—Each briefing provided pursu-
20 ant to paragraph (1) shall include the following:

21 (A) An assessment of the effectiveness of
22 the pilot program with respect to improving the
23 hosting of standards meetings in the United
24 States.

1 (B) Identification of the recipients of
2 grants under the pilot program.

3 (C) The geographic distribution of
4 attendees at meetings supported with grants
5 under the pilot program.

6 (D) A summary of the expenses for which
7 the amounts of grants awarded under the pilot
8 program were used.

9 (f) RECOMMENDATIONS FOR PERMANENT IMPLE-
10 MENTATION.—If, before the date that is 2 years after the
11 date of the enactment of this Act, the Director determines
12 that providing support as described in subsection (a) is
13 feasible and advisable, the Director shall, not later than
14 2 years after the date of the enactment of this Act—

15 (1) develop recommendations for such legisla-
16 tive or administrative action as the Director con-
17 siders appropriate to establish a permanent imple-
18 mentation of the pilot program; and

19 (2) submit to Congress the recommendations
20 developed pursuant to paragraph (1).

21 (g) TERMINATION.—The pilot program required by
22 subsection (a)(1) shall terminate on the date that is 5
23 years after the date of the enactment of this Act.

24 (h) AUTHORIZATION OF APPROPRIATIONS.—There is
25 authorized to be appropriated to carry out this section

1 \$5,000,000 for the period of fiscal years 2024 through
2 2028.