

118TH CONGRESS  
1ST SESSION

# S. 2346

To require the Secretary of Health and Human Services to develop a strategy for public health preparedness and response to artificial intelligence threats, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 18, 2023

Mr. BUDD (for himself and Mr. MARKEY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## A BILL

To require the Secretary of Health and Human Services to develop a strategy for public health preparedness and response to artificial intelligence threats, 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 “Strategy for Public  
5 Health Preparedness and Response to Artificial Intel-  
6 ligence Threats”.

1 **SEC. 2. STRATEGY FOR PUBLIC HEALTH PREPAREDNESS**  
2 **AND RESPONSE TO ARTIFICIAL INTEL-**  
3 **LIGENCE THREATS.**

4 (a) DEFINITIONS.—In this section:

5 (1) ARTIFICIAL INTELLIGENCE.—The term “ar-  
6 tificial intelligence” has the meaning given the term  
7 in section 238(g) of the John S. McCain National  
8 Defense Authorization Act for Fiscal Year 2019 (10  
9 U.S.C. note prec. 4061; Public Law 115–232).

10 (2) PHSA DEFINITIONS.—The terms “qualified  
11 countermeasure”, “security countermeasure”, and  
12 “qualified pandemic or epidemic product” have the  
13 meanings given the terms in sections 319F–1(a)(2),  
14 319F–2(c)(1)(B), and 319F–3(i), respectively, of the  
15 Public Health Service Act (42 U.S.C. 247d–  
16 6a(a)(2); (42 U.S.C. 247d–6b(c)(1)(B); (42 U.S.C.  
17 247d–6d(i)).

18 (3) SECRETARY.—The term “Secretary” means  
19 the Secretary of Health and Human Services.

20 (b) STRATEGY FOR PUBLIC HEALTH PREPAREDNESS  
21 AND RESPONSE TO ARTIFICIAL INTELLIGENCE  
22 THREATS.—

23 (1) STRATEGY.—Not later than 180 days after  
24 the date of enactment of this Act, the Secretary, in  
25 consultation with stakeholders, including stake-  
26 holders developing qualified countermeasures, secu-

1 rity countermeasures, or qualified pandemic or epi-  
2 demic products and stakeholders with an under-  
3 standing of artificial intelligence technologies, shall  
4 prepare and submit to the relevant committees of  
5 Congress a strategy for public health preparedness  
6 and response and biodefense to address the risks of  
7 misuse of artificial intelligence that present a threat  
8 to national health security.

9 (2) INCLUSIONS.—The strategy under para-  
10 graph (1) shall include—

11 (A) a framework for public health pre-  
12 paredness and response to mitigate the risks of  
13 misuse of artificial intelligence that present a  
14 threat to national health security;

15 (B) identifying the duties, functions, and  
16 preparedness goals for which the Secretary is  
17 responsible in order to prepare for, respond to,  
18 and mitigate the risks of such artificial intel-  
19 ligence threats, including metrics by which to  
20 measure success in meeting preparedness and  
21 risk mitigation goals;

22 (C) identifying gaps in public health capa-  
23 bilities to achieve such preparedness and risk  
24 mitigation goals;

1 (D) strategies to address identified gaps  
2 and strengthen public health emergency pre-  
3 paredness and response capabilities to address  
4 such artificial intelligence threats; and

5 (E) strategies to mitigate—

6 (i) the risks posed by the threat of the  
7 misuse of artificial intelligence, at a min-  
8 imum of—

9 (I) the development of biological  
10 weapons; and

11 (II) the design of viruses and  
12 bacteria that are resistant to treat-  
13 ment; and

14 (ii) such other risks posed by the  
15 threat of the misuse of artificial intel-  
16 ligence as are determined by the Secretary.

17 (3) PROTECTION OF NATIONAL SECURITY.—

18 The Secretary shall make the strategy under para-  
19 graph (1) available to the Committee on Health,  
20 Education, Labor, and Pensions of the Senate, the  
21 Committee on Energy and Commerce of the House  
22 of Representatives, and other congressional commit-  
23 tees of jurisdiction, in a manner that does not com-  
24 promise national security.

1 (c) COORDINATION OF PREPAREDNESS FOR AND RE-  
2 SPONSE TO ALL-HAZARDS PUBLIC HEALTH EMER-  
3 GENCIES.—Section 2811(b)(4)(D) of the Public Health  
4 Service Act (42 U.S.C. 300hh–10(b)(4)(D)) is amended—

5 (1) by striking “deployment of the Federal re-  
6 sponse” and inserting the following: “deployment  
7 of—

8 “(i) the Federal response”;

9 (2) in clause (i) (as so designated), by striking  
10 “and such Federal responses” and inserting the fol-  
11 lowing:

12 “(ii) such Federal responses”;

13 (3) in clause (ii) (as so designated), by striking  
14 the period at the end and inserting “; and”; and

15 (4) by adding at the end the following:

16 “(iii) such Federal responses covered  
17 by the strategy for public health prepared-  
18 ness and response to address the risks of  
19 misuse of artificial intelligence that present  
20 a threat to national health security de-  
21 scribed in section 2(b) of the Strategy for  
22 Public Health Preparedness and Response  
23 to Artificial Intelligence Threats.”.

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