

116TH CONGRESS  
1ST SESSION

# S. 1363

To authorize an AI Center of Excellence within the General Services Administration, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

MAY 8, 2019

Mr. SCHATZ (for himself, Mr. GARDNER, Mr. PORTMAN, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To authorize an AI Center of Excellence within the General Services Administration, 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 “AI in Government Act  
5 of 2019”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act—

8 (1) the term “Administration” means the Gen-  
9 eral Services Administration;

1           (2) the term “Administrator” means the Ad-  
2           ministrators of General Services;

3           (3) the term “agency” has the meaning given  
4           the term in section 3502 of title 44, United States  
5           Code;

6           (4) the term “AI CoE” means the AI Center of  
7           Excellence described in section 3;

8           (5) the term “artificial intelligence” means any  
9           method implemented on a computer, including any  
10          method that is drawn from machine learning, data  
11          science, or statistics, to enable the computer to carry  
12          out a task or behavior that would require intel-  
13          ligence if performed by a human;

14          (6) the term “Board” means the advisory board  
15          established under section 5(a);

16          (7) the term “Director” means the Director of  
17          the Office of Management and Budget;

18          (8) the term “institution of higher education”  
19          has the meaning given the term in section 102 of the  
20          Higher Education Act of 1965 (20 U.S.C. 1002);  
21          and

22          (9) the term “nonprofit organization” means an  
23          organization described in section 501(c)(3) of the  
24          Internal Revenue Code of 1986 and exempt from  
25          taxation under section 501(a) of that Code.

1 **SEC. 3. AI CENTER OF EXCELLENCE.**

2 (a) IN GENERAL.—There is established within the  
3 Administration an office to be known as the “AI Center  
4 of Excellence”, which shall—

5 (1) advise and promote the efforts of the Fed-  
6 eral Government in developing innovative uses of ar-  
7 tificial intelligence by the Federal Government to the  
8 benefit of the public; and

9 (2) improve cohesion and competency in the use  
10 of artificial intelligence.

11 (b) DUTIES.—The duties of the AI CoE shall in-  
12 clude—

13 (1) regularly convening individuals from agen-  
14 cies, industry, Federal laboratories, nonprofit organi-  
15 zations, institutions of higher education, and other  
16 entities to discuss recent developments in artificial  
17 intelligence, including the dissemination of informa-  
18 tion regarding programs, pilots, and other initiatives  
19 at agencies, as well as recent trends and relevant in-  
20 formation on artificial intelligence;

21 (2) advising Federal Government acquisition  
22 and use of artificial intelligence through technical in-  
23 sight and expertise, as needed;

24 (3) assisting agencies in applying the manage-  
25 ment and use of data in applications of artificial in-  
26 telligence;

1           (4) identifying and disseminating information  
2 regarding educational and workforce development  
3 opportunities for agency employees relative to artifi-  
4 cial intelligence topics, and leading those opportuni-  
5 ties, as needed;

6           (5) studying economic, policy, legal, and ethical  
7 challenges and implications related to the use of ar-  
8 tificial intelligence by the Federal Government, in-  
9 cluding how the privacy, civil liberties, and civil  
10 rights of individuals are or will be affected by the  
11 use of artificial intelligence by the Federal Govern-  
12 ment;

13           (6) encouraging and assisting joint initiatives  
14 with State or local governments, regional organiza-  
15 tions, private businesses, institutions of higher edu-  
16 cation, nonprofit organizations, and Federal labora-  
17 tories to advance the innovative use of artificial in-  
18 telligence in government; and

19           (7) assisting relevant agencies in developing  
20 and maintaining plans for the governance of agency  
21 artificial intelligence systems.

22 (c) STAFF.—

23           (1) IN GENERAL.—The Administrator shall pro-  
24 vide necessary staff, resources, and administrative  
25 support for the AI CoE.

1           (2) TEMPORARY OR TERM APPOINTMENTS.—  
2           The Administrator may hire temporary or term em-  
3           ployees in accordance with part 316 of title 5, Code  
4           of Federal Regulations, or any successor regulation,  
5           to serve as AI CoE employees.

6           (3) FELLOWS.—The Administrator may, to the  
7           maximum extent practicable, appoint fellows to par-  
8           ticipate in the AI CoE from nonprofit organizations,  
9           think tanks, institutions of higher education, and in-  
10          dustry.

11          (4) DETAILS.—When appropriate, and to the  
12          maximum extent practicable, the Administrator may  
13          detail AI CoE employees to agencies on a reimburs-  
14          able or non-reimbursable basis in accordance with  
15          section 3341 of title 5, United States Code.

16          (d) REPORT TO CONGRESS.—The Administrator shall  
17          submit to Congress an annual report on the AI CoE,  
18          which shall include, for the preceding year—

19                (1) a summary of the activity of the AI CoE,  
20                including a description of specific projects worked on  
21                in partnership with agencies;

22                (2) recommendations on ways in which agencies  
23                can better support the development and deployment  
24                of artificial intelligence, including initiatives de-

1 signed to promote knowledge of those technologies  
2 among the Federal workforce; and

3 (3) an identification of joint initiatives encour-  
4 aged or assisted under subsection (b)(6).

5 (e) TRANSFER OF FUNCTIONS.—All functions of the  
6 Emerging Citizen Technology Office of the Administra-  
7 tion, including the personnel, assets, and obligations of the  
8 Emerging Citizen Technology Office, as in existence before  
9 the date of enactment of this Act, shall be transferred to  
10 the AI CoE.

11 (f) DEEMING OF NAME.—Any reference in law, regu-  
12 lation, document, paper, or other record of the United  
13 States to the Emerging Citizen Technology Office of the  
14 Administration shall be deemed a reference to the AI CoE.

15 **SEC. 4. AGENCY GOVERNANCE PLANS FOR ARTIFICIAL IN-**  
16 **TELLIGENCE SYSTEMS.**

17 (a) GUIDANCE.—In order to develop a clear and com-  
18 prehensive understanding of how artificial intelligence can  
19 be used to deliver benefits to citizens of the United States  
20 while mitigating risks, the Director, in coordination with  
21 the Administrator, the head of any relevant agency as de-  
22 termined by the Director, and key stakeholders, shall issue  
23 a memorandum to the head of each agency that shall—

1 (1) inform the development of artificial intel-  
2 ligence governance approaches by those agencies re-  
3 garding technologies and applications that—

4 (A) are empowered or enabled by the use  
5 of artificial intelligence within that agency; and

6 (B) advance the innovative use of artificial  
7 intelligence for the benefit of the public while  
8 upholding civil liberties, privacy, and civil  
9 rights;

10 (2) consider ways to reduce barriers to the use  
11 of artificial intelligence in order to promote innova-  
12 tive application of those technologies for the benefit  
13 of the public, while protecting civil liberties, privacy,  
14 and civil rights;

15 (3) establish best practices for identifying, as-  
16 sessing, and mitigating any bias on the basis of any  
17 classification protected under Federal nondiscrimina-  
18 tion laws or other negative unintended consequence  
19 stemming from the use of artificial intelligence sys-  
20 tems; and

21 (4) provide a template of the required contents  
22 of the agency Governance Plans described in sub-  
23 section (b).

24 (b) AGENCY GOVERNANCE PLANS.—Not later than  
25 180 days after the date on which the memorandum is

1 issued under subsection (a), the head of each agency  
2 shall—

3           (1) review the applications of artificial intel-  
4           ligence at the agency;

5           (2) identify and prioritize applications of artifi-  
6           cial intelligence that would significantly benefit the  
7           public while upholding civil liberties, privacy, and  
8           civil rights; and

9           (3) submit to the Director and the Adminis-  
10          trator a Governance Plan to achieve consistency with  
11          the memorandum.

12          (c) PUBLIC AVAILABILITY.—Each agency described  
13          in subsection (b) shall—

14               (1) not later than 1 year after the date on  
15               which the head of the agency submits the Govern-  
16               ance Plan of the agency under subsection (b), and  
17               each year thereafter, update the Governance Plan  
18               pursuant to any change in the factors described in  
19               (a)(1);

20               (2) solicit public feedback during the develop-  
21               ment of the Governance Plan in the form of public  
22               hearings and online submission of comments; and

23               (3) make available each Governance Plan cen-  
24               trally available in a machine-readable format at a



1 publicly available online portal on the website of the  
2 agency.

3 (d) CENTRAL ONLINE GOVERNANCE PLANS POR-  
4 TAL.—

5 (1) IN GENERAL.—The Administrator shall  
6 maintain a single public interface online to compile  
7 published agency Governance Plans in accordance  
8 with subsection (c).

9 (2) SUBMISSION OF LINKS.—The Administrator  
10 and the Director shall ensure that agencies can sub-  
11 mit links, with appropriate descriptive metadata, to  
12 the public Governance Plans for publication and  
13 public availability on the interface described in para-  
14 graph (1).

15 **SEC. 5. ADVISORY BOARD.**

16 (a) IN GENERAL.—The Administrator shall establish  
17 an advisory board to advise the Administrator on issues  
18 that are relevant to the mission and duties of the AI CoE  
19 and to inform the priorities and projects worked on by  
20 the AI CoE.

21 (b) COMPOSITION.—

22 (1) CHAIR.—The Director shall serve as Chair  
23 of the Board.

24 (2) OTHER MEMBERS.—The Board shall be  
25 composed of the following members:

1 (A) One designee from each of the fol-  
2 lowing:

3 (i) The Office of Science and Tech-  
4 nology Policy.

5 (ii) The Department of Commerce.

6 (B) Six designees from agencies not listed  
7 in subparagraph (A), who shall be designated  
8 by the Chair of the Board once every 12  
9 months.

10 (C) Eight members designated by the  
11 Chair of the Board once every 6 months, of  
12 whom—

13 (i) four shall be representatives of rel-  
14 evant industries;

15 (ii) two shall be representatives of in-  
16 stitutions of higher education; and

17 (iii) two shall be representatives of  
18 public interest groups representing civil lib-  
19 erties, privacy, and civil rights issues.

20 (3) QUALIFICATIONS.—Each member of the  
21 Board designated under subparagraph (B) or (C) of  
22 paragraph (2) shall have demonstrated experience  
23 and expertise in the field of artificial intelligence.

24 (c) MEETINGS.—The Board shall meet not less fre-  
25 quently than once every 12 months.

1 (d) ANNUAL LIST.—Each year, the Board shall pub-  
2 lish on a publicly available website a list of areas of im-  
3 provement within the Federal Government that would ben-  
4 efit from additional technical or technical policy expertise.

5 (e) COMPENSATION.—Members of the Board shall  
6 serve on the Board without compensation, except that  
7 members of the Board may be allowed travel expenses, in-  
8 cluding per diem in lieu of subsistence, at rates authorized  
9 for employees of agencies under subchapter I of chapter  
10 57 of title 5, United States Code, while away from their  
11 homes or regular places of business in the performance  
12 of services for the Board.

13 (f) DURATION.—Section 14 of the Federal Advisory  
14 Committee Act (5 U.S.C. App.) shall not apply to the  
15 Board.

16 **SEC. 6. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFI-**  
17 **CIAL INTELLIGENCE.**

18 Not later than 180 days after the date of enactment  
19 of this Act, and in accordance with chapter 51 of title 5,  
20 United States Code, the Director of the Office of Per-  
21 sonnel Management shall—

22 (1) identify key skills and competencies needed  
23 for positions related to artificial intelligence; and

24 (2) establish an occupational series, or update  
25 and improve an existing occupational job series, to

1 include positions the primary duties of which relate  
2 to artificial intelligence.

3 **SEC. 7. SUNSET.**

4 Sections 3 and 5 of this Act shall cease to be effective  
5 on the date that is 5 years after the date of enactment  
6 of this Act.

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