

Calendar No. 456

116TH CONGRESS
2^D SESSION

S. 1363

[Report No. 116–225]

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

IN THE SENATE OF THE UNITED STATES

MAY 8, 2019

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

JUNE 1, 2020

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act—

3 (1) the term “Administration” means the Gen-
4 eral Services Administration;

5 (2) the term “Administrator” means the Ad-
6 ministrator of General Services;

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

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

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

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

20 (7) the term “Director” means the Director of
21 the Office of Management and Budget;

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

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

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

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

9 (1) advise and promote the efforts of the Fed-
10 eral Government in developing innovative uses of ar-
11 tificial intelligence by the Federal Government to the
12 benefit of the public; and

13 (2) improve cohesion and competency in the use
14 of artificial intelligence.

15 (b) **DUTIES.**—The duties of the AI CoE shall in-
16 clude—

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

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

4 (3) assisting agencies in applying the manage-
5 ment and use of data in applications of artificial in-
6 telligence;

7 (4) identifying and disseminating information
8 regarding educational and workforce development
9 opportunities for agency employees relative to artifi-
10 cial intelligence topics, and leading those opportuni-
11 ties, as needed;

12 (5) studying economic, policy, legal, and ethical
13 challenges and implications related to the use of ar-
14 tificial intelligence by the Federal Government, in-
15 cluding how the privacy, civil liberties, and civil
16 rights of individuals are or will be affected by the
17 use of artificial intelligence by the Federal Govern-
18 ment;

19 (6) encouraging and assisting joint initiatives
20 with State or local governments, regional organiza-
21 tions, private businesses, institutions of higher edu-
22 cation, nonprofit organizations, and Federal labora-
23 tories to advance the innovative use of artificial in-
24 telligence in government; and

1 (7) assisting relevant agencies in developing
2 and maintaining plans for the governance of agency
3 artificial intelligence systems.

4 (e) STAFF.—

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

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

13 (3) FELLOWS.—The Administrator may, to the
14 maximum extent practicable, appoint fellows to par-
15 ticipate in the AI CoE from nonprofit organizations,
16 think tanks, institutions of higher education, and in-
17 dustry.

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

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

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

4 (2) recommendations on ways in which agencies
5 can better support the development and deployment
6 of artificial intelligence, including initiatives de-
7 signed to promote knowledge of those technologies
8 among the Federal workforce; and

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

11 (e) TRANSFER OF FUNCTIONS.—All functions of the
12 Emerging Citizen Technology Office of the Administra-
13 tion, including the personnel, assets, and obligations of the
14 Emerging Citizen Technology Office, as in existence before
15 the date of enactment of this Act, shall be transferred to
16 the AI CoE.

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

21 **SEC. 4. AGENCY GOVERNANCE PLANS FOR ARTIFICIAL IN-**
22 **TELLIGENCE SYSTEMS.**

23 (a) GUIDANCE.—In order to develop a clear and com-
24 prehensive understanding of how artificial intelligence can
25 be used to deliver benefits to citizens of the United States

1 while mitigating risks, the Director, in coordination with
2 the Administrator, the head of any relevant agency as de-
3 termined by the Director, and key stakeholders, shall issue
4 a memorandum to the head of each agency that shall—

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

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

10 (B) advance the innovative use of artificial
11 intelligence for the benefit of the public while
12 upholding civil liberties, privacy, and civil
13 rights;

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

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

1 (4) provide a template of the required contents
2 of the agency Governance Plans described in sub-
3 section (b).

4 (b) AGENCY GOVERNANCE PLANS.—Not later than
5 180 days after the date on which the memorandum is
6 issued under subsection (a), the head of each agency
7 shall—

8 (1) review the applications of artificial intel-
9 ligence at the agency;

10 (2) identify and prioritize applications of artifi-
11 cial intelligence that would significantly benefit the
12 public while upholding civil liberties, privacy, and
13 civil rights; and

14 (3) submit to the Director and the Adminis-
15 trator a Governance Plan to achieve consistency with
16 the memorandum.

17 (c) PUBLIC AVAILABILITY.—Each agency described
18 in subsection (b) shall—

19 (1) not later than 1 year after the date on
20 which the head of the agency submits the Govern-
21 ance Plan of the agency under subsection (b), and
22 each year thereafter, update the Governance Plan
23 pursuant to any change in the factors described in
24 (a)(1);

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

4 (3) make available each Governance Plan cen-
5 trally available in a machine-readable format at a
6 publicly available online portal on the website of the
7 agency.

8 (d) CENTRAL ONLINE GOVERNANCE PLANS POR-
9 TAL.—

10 (1) IN GENERAL.—The Administrator shall
11 maintain a single public interface online to compile
12 published agency Governance Plans in accordance
13 with subsection (c).

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

20 **SEC. 5. ADVISORY BOARD.**

21 (a) IN GENERAL.—The Administrator shall establish
22 an advisory board to advise the Administrator on issues
23 that are relevant to the mission and duties of the AI CoE
24 and to inform the priorities and projects worked on by
25 the AI CoE.

1 (b) COMPOSITION.—

2 (1) CHAIR.—The Director shall serve as Chair
3 of the Board.

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

6 (A) One designee from each of the fol-
7 lowing:

8 (i) The Office of Science and Tech-
9 nology Policy.

10 (ii) The Department of Commerce.

11 (B) Six designees from agencies not listed
12 in subparagraph (A), who shall be designated
13 by the Chair of the Board once every 12
14 months.

15 (C) Eight members designated by the
16 Chair of the Board once every 6 months, of
17 whom—

18 (i) four shall be representatives of rel-
19 evant industries;

20 (ii) two shall be representatives of in-
21 stitutions of higher education; and

22 (iii) two shall be representatives of
23 public interest groups representing civil lib-
24 erties, privacy, and civil rights issues.

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

5 (e) MEETINGS.—The Board shall meet not less fre-
6 quently than once every 12 months.

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

11 (e) COMPENSATION.—Members of the Board shall
12 serve on the Board without compensation, except that
13 members of the Board may be allowed travel expenses, in-
14 cluding per diem in lieu of subsistence, at rates authorized
15 for employees of agencies under subchapter I of chapter
16 57 of title 5, United States Code, while away from their
17 homes or regular places of business in the performance
18 of services for the Board.

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

22 **SEC. 6. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFI-**
23 **CIAL INTELLIGENCE.**

24 Not later than 180 days after the date of enactment
25 of this Act, and in accordance with chapter 51 of title 5,

1 United States Code, the Director of the Office of Per-
2 sonnel Management shall—

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

5 (2) establish an occupational series, or update
6 and improve an existing occupational job series, to
7 include positions the primary duties of which relate
8 to artificial intelligence.

9 **SEC. 7. SUNSET.**

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

13 **SECTION 1. SHORT TITLE.**

14 *This Act may be cited as the “AI in Government Act*
15 *of 2019”.*

16 **SEC. 2. DEFINITIONS.**

17 *In this Act—*

18 (1) *the term “Administrator” means the Admin-*
19 *istrator of General Services;*

20 (2) *the term “agency” has the meaning given the*
21 *term in section 3502 of title 44, United States Code;*

22 (3) *the term “AI CoE” means the AI Center of*
23 *Excellence described in section 3;*

24 (4) *the term “artificial intelligence” has the*
25 *meaning given the term in section 238(g) of the John*

1 *S. McCain National Defense Authorization Act for*
2 *Fiscal Year 2019 (10 U.S.C. 2358 note);*

3 (5) *the term “Director” means the Director of the*
4 *Office of Management and Budget;*

5 (6) *the term “institution of higher education”*
6 *has the meaning given the term in section 101 of the*
7 *Higher Education Act of 1965 (20 U.S.C. 1001); and*

8 (7) *the term “nonprofit organization” means an*
9 *organization described in section 501(c)(3) of the In-*
10 *ternal Revenue Code of 1986 and exempt from tax-*
11 *ation under section 501(a) of that Code.*

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

13 (a) *IN GENERAL.—There is created within the General*
14 *Services Administration an office to be known as the “AI*
15 *Center of Excellence”, which shall—*

16 (1) *promote the efforts of the Federal Government*
17 *in developing innovative uses of and acquiring artifi-*
18 *cial intelligence technologies by the Federal Govern-*
19 *ment;*

20 (2) *improve cohesion and competency in the*
21 *adoption and use of artificial intelligence within the*
22 *Federal Government; and*

23 (3) *carry out paragraphs (1) and (2) for the*
24 *purposes of benefitting the public and enhancing the*

1 *productivity and efficiency of Federal Government*
2 *operations.*

3 *(b) DUTIES.—The duties of the AI CoE shall include—*

4 *(1) regularly convening individuals from agen-*
5 *cies, industry, Federal laboratories, nonprofit organi-*
6 *zations, institutions of higher education, and other*
7 *entities to discuss recent developments in artificial in-*
8 *telligence, including the dissemination of information*
9 *regarding programs, pilots, and other initiatives at*
10 *agencies, as well as recent trends and relevant infor-*
11 *mation on the understanding, adoption, and use of*
12 *artificial intelligence;*

13 *(2) collecting, aggregating, and publishing on a*
14 *publicly available website information regarding pro-*
15 *grams, pilots, and other initiatives led by other agen-*
16 *cies and any other information determined appro-*
17 *priate by the Administrator;*

18 *(3) advising the Administrator, the Director,*
19 *and agencies on the acquisition and use of artificial*
20 *intelligence through technical insight and expertise, as*
21 *needed;*

22 *(4) assisting agencies in the procurement and*
23 *technical application of artificial intelligence and ap-*
24 *plying Federal policies regarding the management*

1 *and use of data in applications of artificial intel-*
2 *ligence;*

3 (5) *consulting with agencies, including the De-*
4 *partment of Defense, the Department of Commerce,*
5 *the Department of Energy, the Department of Home-*
6 *land Security, the Office of Management and Budget,*
7 *and the National Science Foundation, that operate*
8 *programs, create standards and guidelines, or other-*
9 *wise fund internal projects or coordinate between the*
10 *public and private sectors relating to artificial intel-*
11 *ligence;*

12 (6) *advising the Director on developing policy*
13 *related to the use of artificial intelligence by agencies;*
14 *and*

15 (7) *advising the Director of the Office of Science*
16 *and Technology Policy on developing policy related to*
17 *research and national investment in artificial intel-*
18 *ligence.*

19 (c) *STAFF.—*

20 (1) *IN GENERAL.—The Administrator shall pro-*
21 *vide necessary staff, resources, and administrative*
22 *support for the AI CoE.*

23 (2) *TEMPORARY OR TERM APPOINTMENTS.—The*
24 *Administrator may hire temporary or term employees*
25 *in accordance with part 316 of title 5, Code of Fed-*

1 *eral Regulations, or any successor regulation, to serve*
2 *as AI CoE employees.*

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

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

13 (d) *BRIEFING TO CONGRESS.*—*The Administrator*
14 *shall, on an annual basis, brief the Committee on Homeland*
15 *Security and Governmental Affairs of the Senate and the*
16 *Committee on Oversight and Reform of the House of Rep-*
17 *resentatives on an overview of the activities supported by*
18 *the AI CoE, which shall include, for the preceding year—*

19 (1) *a summary of the activity of the AI CoE, in-*
20 *cluding a description of specific projects and acquisi-*
21 *tions worked on in partnership with agencies;*

22 (2) *recommendations on ways in which agencies*
23 *can continue to support the adoption of artificial in-*
24 *telligence; and*

1 (3) any other information determined relevant
2 by the Administrator.

3 (e) *SUNSET.*—This section shall cease to be effective on
4 the date that is 10 years after the date of enactment of this
5 Act.

6 **SEC. 4. GUIDANCE FOR AGENCY USE OF ARTIFICIAL INTEL-**
7 **LIGENCE.**

8 (a) *GUIDANCE.*—Not later than 270 days after the date
9 of enactment of this Act, the Director, in coordination with
10 the Director of the Office of Science and Technology Policy
11 and in consultation with the Administrator and any other
12 relevant agencies and key stakeholders as determined by the
13 Director, shall issue a memorandum to the head of each
14 agency that shall—

15 (1) inform the development of policies regarding
16 Federal acquisition and use by agencies regarding
17 technologies that are empowered or enabled by artifi-
18 cial intelligence;

19 (2) recommend approaches to remove barriers for
20 use by agencies of artificial intelligence technologies
21 in order to promote the innovative application of
22 those technologies while protecting civil liberties, pri-
23 vacy, civil rights, and economic and national secu-
24 rity; and

1 (3) *identify best practices for identifying, assess-*
2 *ing, and mitigating any discriminatory impact or*
3 *bias on the basis of any classification protected under*
4 *Federal nondiscrimination laws, or any unintended*
5 *consequence of the use of artificial intelligence by the*
6 *Federal Government.*

7 (b) *PUBLIC COMMENT.*—*To help ensure public trust in*
8 *the applications of artificial intelligence technologies, the*
9 *Director shall issue a draft version of the memorandum re-*
10 *quired under subsection (a) for public comment not later*
11 *than 180 days after date of enactment of this Act.*

12 (c) *PLANS.*—*Not later than 180 days after the date on*
13 *which the Director issues the memorandum required under*
14 *subsection (a), the head of each agency that uses or antici-*
15 *pates using artificial intelligence shall submit to the Direc-*
16 *tor and post on a publicly available page on the website*
17 *of the agency a plan to achieve consistency with the memo-*
18 *randum.*

19 (d) *UPDATES.*—*Not later than 2 years after the date*
20 *on which the Director issues the memorandum required*
21 *under subsection (a), and every 2 years thereafter for 10*
22 *years, the Director shall issue updates to the memorandum.*

1 **SEC. 5. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFI-**
2 **CIAL INTELLIGENCE.**

3 (a) *IN GENERAL.*—Not later than 1 year after the date
4 of enactment of this Act, and in accordance with chapter
5 51 of title 5, United States Code, the Director of the Office
6 of Personnel Management shall—

7 (1) *identify key skills and competencies needed*
8 *for positions related to artificial intelligence;*

9 (2) *establish an occupational series, or update an*
10 *existing occupational job series, to include positions*
11 *the primary duties of which relate to artificial intel-*
12 *ligence;*

13 (3) *establish an estimate of the number of Fed-*
14 *eral employees in positions related to artificial intel-*
15 *ligence, by each agency; and*

16 (4) *using the estimate established in paragraph*
17 *(3), prepare a 3-year and 10-year forecast of the*
18 *number of Federal employees in positions related to*
19 *artificial intelligence that each agency will need to*
20 *employ.*

21 (b) *PLAN.*—Not later than 120 days after the date of
22 enactment of this Act, the Director of the Office of Personnel
23 Management shall submit to the Committee on Homeland
24 Security and Governmental Affairs of the Senate and the
25 Committee on Oversight and Reform of the House of Rep-

- 1 *representatives a comprehensive plan with a timeline to com-*
- 2 *plete requirements described in subsection (a).*

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