

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.

S. 1363

To authorize an AI Center of Excellence within the General Services Administration, 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 _____

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

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 “Administrator” means the Ad-
9 ministrator of General Services;

10 (2) the term “agency” has the meaning given
11 the term in section 3502 of title 44, United States
12 Code;

1 (3) the term “AI CoE” means the AI Center of
2 Excellence described in section 3;

3 (4) the term “artificial intelligence” has the
4 meaning given the term in section 238(g) of the
5 John S. McCain National Defense Authorization Act
6 for Fiscal Year 2019 (10 U.S.C. 2358 note);

7 (5) the term “Director” means the Director of
8 the Office of Management and Budget;

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

13 (7) the term “nonprofit organization” means an
14 organization described in section 501(c)(3) of the
15 Internal Revenue Code of 1986 and exempt from
16 taxation under section 501(a) of that Code.

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

18 (a) IN GENERAL.—There is created within the Gen-
19 eral Services Administration an office to be known as the
20 “AI Center of Excellence”, which shall—

21 (1) promote the efforts of the Federal Govern-
22 ment in developing innovative uses of and acquiring
23 artificial intelligence technologies by the Federal
24 Government;

1 (2) improve cohesion and competency in the
2 adoption and use of artificial intelligence within the
3 Federal Government; and

4 (3) carry out paragraphs (1) and (2) for the
5 purposes of benefitting the public and enhancing the
6 productivity and efficiency of Federal Government
7 operations.

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

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

19 (2) collecting, aggregating, and publishing on a
20 publicly available website information regarding pro-
21 grams, pilots, and other initiatives led by other
22 agencies and any other information determined ap-
23 propriate by the Administrator;

24 (3) advising the Administrator, the Director,
25 and agencies on the acquisition and use of artificial

1 intelligence through technical insight and expertise,
2 as needed;

3 (4) assisting agencies in the procurement and
4 technical application of artificial intelligence and ap-
5 plying Federal policies regarding the management
6 and use of data in applications of artificial intel-
7 ligence;

8 (5) consulting with agencies, including the De-
9 partment of Defense, the Department of Commerce,
10 the Department of Energy, the Department of
11 Homeland Security, the Office of Management and
12 Budget, and the National Science Foundation, that
13 operate programs, create standards and guidelines,
14 or otherwise fund internal projects or coordinate be-
15 tween the public and private sectors relating to arti-
16 ficial intelligence;

17 (6) advising the Director on developing policy
18 related to the use of artificial intelligence by agen-
19 cies; and

20 (7) advising the Director of the Office of
21 Science and Technology Policy on developing policy
22 related to research and national investment in artifi-
23 cial intelligence.

24 (c) STAFF.—

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

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

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

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

19 (d) BRIEFING TO CONGRESS.—The Administrator
20 shall, on an annual basis, brief the Committee on Home-
21 land Security and Governmental Affairs of the Senate and
22 the Committee on Oversight and Reform of the House of
23 Representatives on an overview of the activities supported
24 by the AI CoE, which shall include, for the preceding
25 year—

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

4 (2) recommendations on ways in which agencies
5 can continue to support the adoption of artificial in-
6 telligence; and

7 (3) any other information determined relevant
8 by the Administrator.

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

12 **SEC. 4. GUIDANCE FOR AGENCY USE OF ARTIFICIAL INTEL-**
13 **LIGENCE.**

14 (a) GUIDANCE.—Not later than 270 days after the
15 date of enactment of this Act, the Director, in coordina-
16 tion with the Director of the Office of Science and Tech-
17 nology Policy and in consultation with the Administrator
18 and any other relevant agencies and key stakeholders as
19 determined by the Director, shall issue a memorandum to
20 the head of each agency that shall—

21 (1) inform the development of policies regarding
22 Federal acquisition and use by agencies regarding
23 technologies that are empowered or enabled by arti-
24 ficial intelligence;

1 (2) recommend approaches to remove barriers
2 for use by agencies of artificial intelligence tech-
3 nologies in order to promote the innovative applica-
4 tion of those technologies while protecting civil lib-
5 erties, privacy, civil rights, and economic and na-
6 tional security; and

7 (3) identify best practices for identifying, as-
8 sessing, and mitigating any discriminatory impact or
9 bias on the basis of any classification protected
10 under Federal nondiscrimination laws, or any unin-
11 tended consequence of the use of artificial intel-
12 ligence by the Federal Government.

13 (b) PUBLIC COMMENT.—To help ensure public trust
14 in the applications of artificial intelligence technologies,
15 the Director shall issue a draft version of the memo-
16 randum required under subsection (a) for public comment
17 not later than 180 days after date of enactment of this
18 Act.

19 (c) PLANS.—Not later than 180 days after the date
20 on which the Director issues the memorandum required
21 under subsection (a), the head of each agency that uses
22 or anticipates using artificial intelligence shall submit to
23 the Director and post on a publicly available page on the
24 website of the agency a plan to achieve consistency with
25 the memorandum.

1 (d) UPDATES.—Not later than 2 years after the date
2 on which the Director issues the memorandum required
3 under subsection (a), and every 2 years thereafter for 10
4 years, the Director shall issue updates to the memo-
5 randum.

6 **SEC. 5. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFI-**
7 **CIAL INTELLIGENCE.**

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

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

14 (2) establish an occupational series, or update
15 an existing occupational job series, to include posi-
16 tions the primary duties of which relate to artificial
17 intelligence;

18 (3) establish an estimate of the number of Fed-
19 eral employees in positions related to artificial intel-
20 ligence, by each agency; and

21 (4) using the estimate established in paragraph
22 (3), prepare a 3-year and 10-year forecast of the
23 number of Federal employees in positions related to
24 artificial intelligence that each agency will need to
25 employ.

1 (b) PLAN.—Not later than 120 days after the date
2 of enactment of this Act, the Director of the Office of Per-
3 sonnel Management shall submit to the Committee on
4 Homeland Security and Governmental Affairs of the Sen-
5 ate and the Committee on Oversight and Reform of the
6 House of Representatives a comprehensive plan with a
7 timeline to complete requirements described in subsection
8 (a).