

S 1363 -- Redline

Introduced to Reported -- AI in Government Act of 2019

Deletions ~~struck~~ · Insertions underlined

1363 ~~Introduced~~Reported in Senate ~~(IS)](RS)]~~ <DOC> ~~116th~~Calendar ~~CONGRESS~~No. 1st Session S.
~~1363~~456 ~~To~~authorize ~~CONGRESS~~ ~~an~~2d ~~AI~~Session ~~Center~~S. ~~of Excellence within the General Services~~
~~Administration, and for other purposes.~~

1363 [Report No.

116-225] To authorize an AI Center of Excellence within the General Services Administration, and for
other purposes.

Portman, ~~and~~-Ms.

~~Harris)~~Harris, introduced and the Mr. following bill;

~~which Peters) was introduced read twice and referred to the Committee following on bill; Homeland Security~~
~~and Governmental Affairs~~ ~~_____~~ ~~A BILL~~

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

~~Be which it was enacted read by twice the and Senate referred and to House the of Committee Representatives on~~
~~of Homeland the Security United and States Governmental of Affairs America June in 1, Congress 2020~~
~~assembled, Reported SECTION by 1-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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress
assembled, <DELETED>SECTION 1.

SHORT TITLE.</DELETED> <DELETED> This Act may be cited as the ``AI in Government Act of
2019''.</DELETED> <DELETED>SEC.

2.

DEFINITIONS.</DELETED> <DELETED> In this Act--</DELETED> <DELETED> (1) the term ``Administration'' means
the General Services Administration;</DELETED> <DELETED> (2) the term ``Administrator'' means the
Administrator of General Services;</DELETED> <DELETED> (3) the term ``agency'' has the meaning given the
term in section 3502 of title 44, United States Code;</DELETED> <DELETED> (4) the term ``AI CoE'' means
the AI Center of Excellence described in section 3;</DELETED> <DELETED> (5) the term ``artificial
intelligence'' means any method implemented on a computer, including any method that is drawn from
machine learning, data science, or statistics, to enable the computer to carry out a task or behavior
that would require intelligence if performed by a human;</DELETED> <DELETED> (6) the term ``Board''
means the advisory board established under section 5(a);</DELETED> <DELETED> (7) the term ``Director''
means the Director of the Office of Management and Budget;</DELETED> <DELETED> (8) the term ``institution
of higher education'' has the meaning given the term in section 102 of the Higher Education Act of 1965
(20 U.S.C.

1002);

and</DELETED> <DELETED> (9) the term ``nonprofit organization'' means an organization described in
section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of
that Code.</DELETED> <DELETED>SEC.

3.

AI CENTER OF EXCELLENCE.</DELETED> <DELETED> (a) In General.--There is established within the
Administration an office to be known as the ``AI Center of Excellence'', which shall--</DELETED>
<DELETED> (1) advise and promote the efforts of the Federal Government in developing innovative uses of
artificial intelligence by the Federal Government to the benefit of the public;

and</DELETED> <DELETED> (2) improve cohesion and competency in the use of artificial

intelligence.</DELETED> <DELETED> (b) Duties.--The duties of the AI CoE shall include-- </DELETED>

<DELETED> (1) regularly convening individuals from agencies, industry, Federal laboratories, nonprofit
organizations, institutions of higher education, and other entities to discuss recent developments in
artificial intelligence, including the dissemination of information regarding programs, pilots, and
other initiatives at agencies, as well as recent trends and relevant information on artificial
intelligence;</DELETED> <DELETED> (2) advising Federal Government acquisition and use of artificial
intelligence through technical insight and expertise, as needed;</DELETED> <DELETED> (3) assisting
agencies in applying the management and use of data in applications of artificial
intelligence;</DELETED> <DELETED> (4) identifying and disseminating information regarding educational
and workforce development opportunities for agency employees relative to artificial intelligence topics,
and leading those opportunities, as needed;</DELETED> <DELETED> (5) studying economic, policy, legal,

and ethical challenges and implications related to the use of artificial intelligence by the Federal Government, including how the privacy, civil liberties, and civil rights of individuals are or will be affected by the use of artificial intelligence by the Federal Government;

(6) encouraging and assisting joint initiatives with State or local governments, regional organizations, private businesses, institutions of higher education, nonprofit organizations, and Federal laboratories to advance the innovative use of artificial intelligence in government;

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

(c) Staff.--The Administrator shall provide necessary staff, resources, and administrative support for the AI CoE.

(2) Temporary or term appointments.--The Administrator may hire temporary or term employees in accordance with part 316 of title 5, Code of Federal Regulations, or any successor regulation, to serve as AI CoE employees.

(3) Fellows.--The Administrator may, to the maximum extent practicable, appoint fellows to participate in the AI CoE from nonprofit organizations, think tanks, institutions of higher education, and industry.

(4) Details.--When appropriate, and to the maximum extent practicable, the Administrator may detail AI CoE employees to agencies on a reimbursable or non-reimbursable basis in accordance with section 3341 of title 5, United States Code.

(d) Report to Congress.--The Administrator shall submit to Congress an annual report on the AI CoE, which shall include, for the preceding year--

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

(2) recommendations on ways in which agencies can better support the development and deployment of artificial intelligence, including initiatives designed to promote knowledge of those technologies among the Federal workforce;

(3) an identification of joint initiatives encouraged or assisted under subsection (b)(6).

(e) Transfer of Functions.--All functions of the Emerging Citizen Technology Office of the Administration, including the personnel, assets, and obligations of the Emerging Citizen Technology Office, as in existence before the date of enactment of this Act, shall be transferred to the AI CoE.

(f) Deeming of Name.--Any reference in law, regulation, document, paper, or other record of the United States to the Emerging Citizen Technology Office of the Administration shall be deemed a reference to the AI CoE.

SEC.

4.

AGENCY GOVERNANCE PLANS FOR ARTIFICIAL INTELLIGENCE SYSTEMS.

(a) Guidance.--In order to develop a clear and comprehensive understanding of how artificial intelligence can be used to deliver benefits to citizens of the United States while mitigating risks, the Director, in coordination with the Administrator, the head of any relevant agency as determined by the Director, and key stakeholders, shall issue a memorandum to the head of each agency that shall--

(1) inform the development of artificial intelligence governance approaches by those agencies regarding technologies and applications that--

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

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

(2) consider ways to reduce barriers to the use of artificial intelligence in order to promote innovative application of those technologies for the benefit of the public, while protecting civil liberties, privacy, and civil rights;

(3) establish best practices for identifying, assessing, and mitigating any bias on the basis of any classification protected under Federal nondiscrimination laws or other negative unintended consequence stemming from the use of artificial intelligence systems;

(4) provide a template of the required contents of the agency Governance Plans described in subsection (b).

(b) Agency Governance Plans.--Not later than 180 days after the date on which the memorandum is issued under subsection (a), the head of each agency shall--

(1) review the applications of artificial intelligence at the agency;

(2) identify and prioritize applications of artificial intelligence that would significantly benefit the public while upholding civil liberties, privacy, and civil rights;

(3) submit to the Director and the Administrator a Governance Plan to achieve consistency with the memorandum.

(c) Public Availability.--Each agency described in subsection (b) shall--

(1) not later than 1 year after the date on which the head of the agency submits the Governance Plan of the agency under subsection (b), and each year thereafter, update the Governance Plan pursuant to any change in the factors described in (a)(1);

(2) solicit public feedback during the development of the Governance Plan in the form of public hearings and online submission of comments;

(3) make available each Governance Plan centrally available in a machine-readable format at a publicly available online portal on the website of the agency.

(d) Central Online Governance Plans Portal.--

(1) In general.--The Administrator shall maintain a single public interface online to compile published agency Governance Plans in accordance with subsection (c).

(2) Submission of links.--The Administrator and the

Director shall ensure that agencies can submit links, with appropriate descriptive metadata, to the public Governance Plans for publication and public availability on the interface described in paragraph (1).</DELETED> <DELETED>SEC.

5.

ADVISORY BOARD.</DELETED> <DELETED> (a) In General.--The Administrator shall establish an advisory board to advise the Administrator on issues that are relevant to the mission and duties of the AI CoE and to inform the priorities and projects worked on by the AI CoE.</DELETED> <DELETED> (b) Composition.--</DELETED> <DELETED> (1) Chair.--The Director shall serve as Chair of the Board.</DELETED> <DELETED> (2) Other members.--The Board shall be composed of the following members:</DELETED> <DELETED> (A) One designee from each of the following:</DELETED> <DELETED> (i) The Office of Science and Technology Policy.</DELETED> <DELETED> (ii) The Department of Commerce.</DELETED> <DELETED> (B) Six designees from agencies not listed in subparagraph (A), who shall be designated by the Chair of the Board once every 12 months.</DELETED> <DELETED> (C) Eight members designated by the Chair of the Board once every 6 months, of whom--</DELETED> <DELETED> (i) four shall be representatives of relevant industries;</DELETED> <DELETED> (ii) two shall be representatives of institutions of higher education; and</DELETED> <DELETED> (iii) two shall be representatives of public interest groups representing civil liberties, privacy, and civil rights issues.</DELETED> <DELETED> (3) Qualifications.--Each member of the Board designated under subparagraph (B) or (C) of paragraph (2) shall have demonstrated experience and expertise in the field of artificial intelligence.</DELETED> <DELETED> (c) Meetings.--The Board shall meet not less frequently than once every 12 months.</DELETED> <DELETED> (d) Annual List.--Each year, the Board shall publish on a publicly available website a list of areas of improvement within the Federal Government that would benefit from additional technical or technical policy expertise.</DELETED> <DELETED> (e) Compensation.--Members of the Board shall serve on the Board without compensation, except that members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Board.</DELETED> <DELETED> (f) Duration.--Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.</DELETED> <DELETED>SEC.

6.

UPDATE OF OCCUPATIONAL SERIES FOR ARTIFICIAL INTELLIGENCE.</DELETED> <DELETED> Not later than 180 days after the date of enactment of this Act, and in accordance with chapter 51 of title 5, United States Code, the Director of the Office of Personnel Management shall-- </DELETED> <DELETED> (1) identify key skills and competencies needed for positions related to artificial intelligence; and</DELETED> <DELETED> (2) establish an occupational series, or update and improve an existing occupational job series, to include positions the primary duties of which relate to artificial intelligence.</DELETED> <DELETED>SEC.

7.

SUNSET.</DELETED> <DELETED> Sections 3 and 5 of this Act shall cease to be effective on the date that is 5 years after the date of enactment of this Act.</DELETED> SECTION 1.

In this Act-- (1) the term ~~''Administration''~~ ~~''Administrator''~~ means the ~~General Administrator Services of Administration; General Services;~~

(2) the term ~~''Administrator''~~ ~~''agency''~~ means ~~has the Administrator meaning given the term in section 3502 of General title Services; 44, United States Code;~~

(3) the term ~~''agency''~~ ~~''AI has CoE''~~ ~~the means meaning given the term AI in Center section 3502 of title Excellence 44, described United in States section Code; 3;~~

(4) the term ~~''AI''~~ ~~''artificial CoE''~~ ~~intelligence''~~ means ~~has the AI meaning Center given of the Excellence term described in section 3; 238(g) of the John S.~~

~~(5) McCain the National term Defense ''artificial Authorization intelligence'' Act means for any Fiscal method Year implemented 2019 on (10 a U.S.C. computer, including any method that is drawn from machine learning, data science, or statistics, to enable the computer to carry out a task or behavior that would require intelligence if performed by a human;~~

~~(6) 2358 the note); term ''Board'' means the advisory board established under section 5(a);~~

~~(7) (5) the term ''Director'' means the Director of the Office of Management and Budget;~~

~~(8) (6) the term ''institution of higher education'' has the meaning given the term in section 102101 of the Higher Education Act of 1965 (20 U.S.C. 1002); 1001);~~

and ~~(9) (7) the term ''nonprofit organization'' means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code.~~

(a) In General.--There is ~~established~~ ~~created~~ within the ~~General Services Administration~~ an office to be known as the ~~''AI Center of Excellence''~~, which shall-- (1) ~~advise and~~ promote the efforts of the Federal Government in developing innovative uses of ~~and acquiring~~ artificial intelligence ~~technologies~~ by the Federal ~~Government Government;~~ ~~to the benefit of the public;~~

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

~~(b) and Duties.--The (3) duties carry out the paragraphs AI CoE shall include--~~ (1) regularly convening individuals from agencies, industry, Federal laboratories, nonprofit organizations, institutions of higher education, and other (2) entities for to discuss recent developments in artificial intelligence, including the dissemination purposes of information benefitting regarding the programs, public pilots, and other enhancing initiatives the at productivity agencies, as well as recent trends and relevant efficiency information of on Federal artificial Government intelligence; operations.

~~(2)(b) advising Duties.--The duties of the AI CoE shall include--~~ (1) regularly convening individuals from agencies, industry, Federal Government laboratories, ~~acquisition nonprofit and organizations, use~~ institutions of higher education, and other entities to discuss recent developments in artificial intelligence ~~intelligence, through including technical the insight~~ dissemination of information regarding programs, pilots, and ~~expertise, other~~ initiatives at agencies, as ~~needed;~~ well as recent trends and relevant information on the understanding, adoption, and use of artificial intelligence;

~~(3)(2) assisting collecting, agencies aggregating, in and applying publishing the on management a publicly available website information regarding programs, pilots, and use other of initiatives data led in by applications other of agencies artificial and intelligence; any other information determined appropriate by the Administrator;~~

~~(4)(3) identifying advising and the disseminating Administrator, information the regarding Director, educational and workforce agencies development on opportunities the for acquisition agency and employees use relative of to artificial intelligence topics, through and technical leading insight those and opportunities, expertise, as needed;~~

~~(5)(4) studying assisting economic, agencies policy, in legal, the and procurement ethical challenges and implications technical related application to the use of artificial intelligence by and the applying Federal Government, policies including regarding how the privacy, management civil liberties, and civil use rights of individuals data are in or applications will be affected by the use of artificial intelligence; intelligence; by the Federal Government;~~

~~(6)(5) encouraging consulting and with assisting agencies, joint including initiatives the with Department State of or Defense, local the governments, Department regional of organizations, Commerce, private the businesses, Department institutions of Energy, the Department of higher Homeland education, Security, nonprofit the organizations, Office of Management and Federal Budget, laboratories and to the advance National Science Foundation, that operate programs, create standards and guidelines, or otherwise fund internal projects or coordinate between the innovative public use and of private artificial sectors intelligence relating into government; artificial intelligence;~~

~~and (6) (7) advising assisting the relevant Director agencies on in developing and policy maintaining related plan to for the governance use of agency artificial intelligence systems. by agencies;~~

~~and (7) advising the Director of the Office of Science and Technology Policy on developing policy related to research and national investment in artificial intelligence.~~

~~(d) Report Briefing to Congress.--The Administrator shall shall, submit on to Congress an annual report basis, brief the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives on an overview of the activities supported by the AI CoE, which shall include, for the preceding year--~~ (1) a summary of the activity of the AI CoE, including a description of specific projects and acquisitions worked on in partnership with agencies;

(2) recommendations on ways in which agencies can better continue to support the development adoption and deployment of artificial intelligence; intelligence; including initiatives designed to promote knowledge of those technologies among the Federal workforce;

and (3) any identification other of information joint determined initiatives relevant encouraged by or the assisted Administrator. under subsection (b)(6).

~~(e) Transfer Sunset.--This of section Functions.--All shall functions cease of to the be Emerging effective Citizen on Technology Office of the Administration, date including that the is personnel, 10 assets, years and after obligations of the Emerging Citizen Technology Office, as in existence before the date of enactment of this Act, Act, shall be transferred to the AI CoE.~~

~~(f) Deeming of Name.--Any reference in law, regulation, document, paper, or other record of the United States to the Emerging Citizen Technology Office of the Administration shall be deemed a reference to the AI CoE.~~

AGENCY GUIDANCE GOVERNANCE FOR PLANS AGENCY FOR USE OF ARTIFICIAL INTELLIGENCE INTELLIGENCE. SYSTEMS.

(a) Guidance.--In Guidance.--Not order later to than develop 270 a days clear after and the comprehensive date understanding of how enactment artificial of intelligence this can Act, be the used Director, to in deliver coordination benefits with to the citizens Director of the United Office States of while Science mitigating and risks, Technology the Policy Director, and in coordination consultation with the Administrator, Administrator the and head of any other relevant agency agencies and key stakeholders as determined by the Director, and key stakeholders, shall issue a memorandum to the head of each agency

that shall-- (1) inform the development of artificial intelligence policies regarding governance Federal approaches acquisition by and those use by agencies regarding technologies and that applications that-- (A) are empowered or enabled by the use of artificial intelligence intelligence; within that agency; and (2) (B) recommend advance approaches that to innovative remove barriers for use by agencies of artificial intelligence for technologies in order to promote the benefit innovative application of the those public technologies while upholding protecting civil liberties, privacy, civil rights, and civil economic rights; and national security;

(2) and consider (3) ways identify to best reduce practices barriers for to identifying, the assessing, use and of mitigating artificial any intelligence discriminatory in impact order or to bias promote on innovative the application basis of those any technologies classification for protected the under benefit Federal nondiscrimination laws, or any unintended consequence of the public, use while of protecting artificial civil intelligence liberties, by privacy, the and Federal civil Government. rights;

(3) (b) establish Public best Comment.--To practices help for ensure identifying, public assessing, trust and in mitigating the any applications bias of on artificial intelligence technologies, the basis Director shall issue a draft version of any the classification memorandum protected required under Federal subsection nondiscrimination (a) laws for or public other comment negative not unintended later consequence than stemming 180 from days the after use date of artificial enactment intelligence of systems; this Act.

and (c) (4) Plans.--Not provide later than a template 180 of days after the date on which the Director issues the memorandum required contents under subsection (a), the head of each agency that uses or anticipates using artificial intelligence shall submit to the Director and post on a publicly available page on the website of the agency Governance a Plans plan described to in achieve subsection consistency (b) with the memorandum.

(b) (d) Agency Updates.--Not Governance Plans.--Not later than 180 2 days years after the date on which the memorandum Director is issues issued the memorandum required under subsection (a), the and head every of years each thereafter agency for shall -- 10 (1) years, review the applications Director of shall artificial issue intelligence updates at to the agency; memorandum.

(2) identify and prioritize applications of artificial intelligence that would significantly benefit the public while upholding civil liberties, privacy, and civil rights;

and (3) submit to the Director and the Administrator a Governance Plan to achieve consistency with the memorandum.

(c) Public Availability.--Each agency described in subsection (b) shall-- (1) not later than 1 year after the date on which the head of the agency submits the Governance Plan of the agency under subsection (b), and each year thereafter, update the Governance Plan pursuant to any change in the factors described in (a) (1);

(2) solicit public feedback during the development of the Governance Plan in the form of public hearings and online submission of comments;

and (3) make available each Governance Plan centrally available in a machine-readable format at a publicly available online portal on the website of the agency.

(d) Central Online Governance Plans Portal.-- (1) In general.--The Administrator shall maintain a single public interface online to compile published agency Governance Plans in accordance with subsection (c).

(2) Submission of links.--The Administrator and the Director shall ensure that agencies can submit links, with appropriate descriptive metadata, to the public Governance Plans for publication and public availability on the interface described in paragraph (1).

ADVISORY BOARD.

(a) In General.--The Administrator shall establish an advisory board to advise the Administrator on issues that are relevant to the mission and duties of the AI CoE and to inform the priorities and projects worked on by the AI CoE.

(b) Composition.-- (1) Chair.--The Director shall serve as Chair of the Board.

(2) Other members.--The Board shall be composed of the following members:

(A) One designee from each of the following:

(i) The Office of Science and Technology Policy.

(ii) The Department of Commerce.

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

(C) Eight members designated by the Chair of the Board once every 6 months, of whom-- (i) four shall be representatives of relevant industries;

(ii) two shall be representatives of institutions of higher education;

and (iii) two shall be representatives of public interest groups representing civil liberties, privacy, and civil rights issues.

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

~~(c) Meetings.--The Board shall meet not less frequently than once every 12 months.~~

~~(d) Annual List.--Each year, the Board shall publish on a publicly available website a list of areas of improvement within the Federal Government that would benefit from additional technical or technical policy expertise.~~

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

~~(f) Duration.--Section 14 of the Federal Advisory Committee Act (5 U.S.C. App.) shall not apply to the Board.~~

~~SEC.~~

~~6-~~

~~Not~~(a) In General.--Not later than ~~180~~1 ~~days~~year after the date of enactment of this Act, and in accordance with chapter 51 of title 5, United States Code, the Director of the Office of Personnel Management shall-- (1) identify key skills and competencies needed for positions related to artificial intelligence;

~~and~~(2) establish an occupational series, or update ~~and improve~~an existing occupational job series, to include positions the primary duties of which relate to artificial ~~intelligence~~intelligence;

~~SEC.~~(3) establish an estimate of the number of Federal employees in positions related to artificial intelligence, by each agency;

~~7-~~and (4) using the estimate established in paragraph (3), prepare a 3-year and 10-year forecast of the number of Federal employees in positions related to artificial intelligence that each agency will need to employ.

~~SUNSET.~~(b) Plan.--Not later than 120 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a comprehensive plan with a timeline to complete requirements described in subsection (a).

~~Sections~~Calendar ~~3~~No. ~~and 5 of this Act shall cease to be effective on the date that is 5 years after the date of enactment of this Act.~~

~~<all>~~456 116th CONGRESS 2d Session S.

1363 [Report No.

116-225]

A BILL To authorize an

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

June 1, 2020 Reported with an

amendment