

116TH CONGRESS
1ST SESSION

S. 1363

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, and Ms. HARRIS) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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 ministrator 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 artificial
4 intelligence topics, and leading those opportunities,
5 as needed;

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

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

(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; and

(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

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.

