

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2575
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “AI in Government Act
3 of 2019”.

4 SEC. 2. DEFINITIONS.

5 In this Act—

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

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

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

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

1 (5) the term “Director” means the Director of
2 the Office of Management and Budget;

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

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

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

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

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

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

22 (3) carry out paragraphs (1) and (2) for the
23 purposes of benefitting the public and enhancing the
24 productivity and efficiency of Federal Government
25 operations.

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

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

12 (2) collecting, aggregating, and publishing on a
13 publicly available website information regarding pro-
14 grams, pilots, and other initiatives led by other
15 agencies and any other information determined ap-
16 propriate by the Administrator;

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

21 (4) assisting agencies in the procurement and
22 technical application of artificial intelligence and ap-
23 plying Federal policies regarding the management
24 and use of data in applications of artificial intel-
25 ligence;

1 (5) consulting with agencies, including the De-
2 partment of Defense, the Department of Commerce,
3 the Department of Energy, the Department of
4 Homeland Security, the Office of Management and
5 Budget, and the National Science Foundation, that
6 operate programs, create standards and guidelines,
7 or otherwise fund internal projects or coordinate be-
8 tween the public and private sectors relating to arti-
9 ficial intelligence;

10 (6) advising the Director on developing policy
11 related to the use of artificial intelligence by agen-
12 cies; and

13 (7) advising the Director of the Office of
14 Science and Technology Policy on developing policy
15 related to research and national investment in artifi-
16 cial intelligence.

17 (c) STAFF.—

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

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

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

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

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

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

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

24 (3) any other information determined relevant
25 by the Administrator.

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

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

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

13 (1) inform the development of policies regarding
14 Federal acquisition and use by agencies regarding
15 technologies that are empowered or enabled by arti-
16 ficial intelligence;

17 (2) recommend approaches to remove barriers
18 for use by agencies of artificial intelligence tech-
19 nologies in order to promote the innovative applica-
20 tion of those technologies while protecting civil lib-
21 erties, privacy, civil rights, and economic and na-
22 tional security; and

23 (3) identify best practices for identifying, as-
24 sessing, and mitigating any discriminatory impact or
25 bias on the basis of any classification protected

1 under Federal nondiscrimination laws, or any unin-
2 tended consequence of the use of artificial intel-
3 ligence by the Federal Government.

4 (b) PUBLIC COMMENT.—To help ensure public trust
5 in the applications of artificial intelligence technologies,
6 the Director shall issue a draft version of the memo-
7 randum required under subsection (a) for public comment
8 not later than 180 days after date of enactment of this
9 Act.

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

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

22 **SEC. 5. UPDATE OF OCCUPATIONAL SERIES FOR ARTIFI-**
23 **CIAL INTELLIGENCE.**

24 (a) IN GENERAL.—Not later than 1 year after the
25 date of enactment of this Act, and in accordance with

1 chapter 51 of title 5, United States Code, the Director
2 of the Office of Personnel Management shall—

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

5 (2) establish an occupational series, or update
6 an existing occupational job series, to include posi-
7 tions the primary duties of which relate to artificial
8 intelligence;

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

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

17 (b) PLAN.—Not later than 120 days after the date
18 of enactment of this Act, the Director of the Office of Per-
19 sonnel Management shall submit to the Committee on
20 Homeland Security and Governmental Affairs of the Sen-
21 ate and the Committee on Oversight and Reform of the
22 House of Representatives a comprehensive plan with a
23 timeline to complete requirements described in subsection
24 (a).

