

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 10151
OFFERED BY MR. COMER OF KENTUCKY**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Modernizing Data
3 Practices to Improve Government Act”.

**4 SEC. 2. MODERNIZING DATA PRACTICES TO IMPROVE GOV-
5 ERNMENT.**

6 (a) DEFINITIONS.—Section 3502 of title 44, United
7 States Code, is amended—

8 (1) in paragraph (22), by striking “; and” and
9 inserting a semicolon;

10 (2) in paragraph (23), by striking the period at
11 the end and inserting a semicolon; and

12 (3) by adding at the end the following:

13 “(24) the term ‘artificial intelligence’—

14 “(A) has the meaning given the term ‘arti-
15 ficial intelligence’ in section 5002 of the Na-
16 tional Artificial Intelligence Initiative Act of
17 2020 (15 U.S.C. 9401); and

1 “(B) includes the artificial systems and
2 techniques described in paragraphs (1) through
3 (5) of section 238(g) of the John S. McCain
4 National Defense Authorization Act for Fiscal
5 Year 2019 (Public Law 115–232; 10 U.S.C.
6 4061 note prec.); and

7 “(25) the term ‘data governance’ means the
8 policies and procedures of an agency to manage data
9 throughout the lifecycle of such data, including ac-
10 quisition, collection, analysis, protection, use, dis-
11 semination, disposal, or archival, including—

12 “(A) any data asset; and

13 “(B) any action taken and any technology
14 or process used by an agency to manage such
15 data or data asset.”.

16 (b) CHIEF DATA OFFICER QUALIFICATIONS.—Sub-
17 section (b) of section 3520 of title 44, United States Code,
18 is amended by striking “data management, governance
19 (including creation, application, and maintenance of data
20 standards), collection, analysis, protection, use, and dis-
21 semination, including with respect to” and inserting “data
22 management and data governance, including with respect
23 to creation, application, and maintenance of data stand-
24 ards and”.

1 (c) REVIVAL OF LAW.—In the case of a termination
2 and repeal under subsection (e)(2) of section 3520A of
3 title 44, United States Code, such section 3520A shall be
4 effective as in effect on December 14, 2024, as if such
5 section had not been repealed, and such section shall apply
6 retroactively to any period of repeal.

7 (d) CHIEF DATA OFFICER COUNCIL.—Section
8 3520A of title 44, United States Code, is amended—

9 (1) in subsection (b), by striking paragraph (5)
10 and inserting the following:

11 “(5) identify opportunities and procedures to—

12 “(A) evaluate new technology solutions for
13 improving data governance;

14 “(B) ensure the public data assets are
15 transparent, accessible, and of sufficient quality
16 for the intended use of the data asset; and

17 “(C) support the head of each agency with
18 the efforts by the agency to reliably and se-
19 curely use emerging technology and artificial in-
20 telligence, including to improve mission out-
21 comes and operational efficiency across agencies
22 and provide useful information to the public.”;

23 (2) in subsection (c), by striking paragraph (4)
24 and inserting the following:

1 “(4) EX OFFICIO MEMBERS.—The Director
2 shall select a representative to serve as an ex-officio
3 member of the Council for each of the following:

4 “(A) Agency Chief Information Officers.

5 “(B) Agency Evaluation Officers.

6 “(C) Senior agency officials for privacy.”;

7 and

8 (3) by striking subsections (d) and (e) and in-
9 serting the following:

10 “(d) REPORTS.—The Council shall submit to the Di-
11 rector, the Committee on Homeland Security and Govern-
12 mental Affairs of the Senate, and the Committee on Over-
13 sight and Accountability of the House of Representatives
14 the following:

15 “(1) Not later than 2 years after the date of
16 the enactment of this subsection, and every two
17 years thereafter, a report on the work of the Council
18 that includes—

19 “(A) a description of any work of the
20 Council to ensure progress on each purpose and
21 function of the Council described under sub-
22 section (b); and

23 “(B) any update to the recommendations
24 provided in the report required under para-
25 graph (2).

1 “(2) Not later than 1 year after the date of the
2 enactment of this subsection, a report that includes
3 the following:

4 “(A) Recommendations and best practices
5 for agencies on developing data assets, data
6 governance policies, and infrastructure, includ-
7 ing to enable adoption, maintenance, use, and
8 interoperability of emerging technology and ar-
9 tificial intelligence, such as for use in training,
10 testing, and operation of artificial intelligence
11 within agencies, that includes the following:

12 “(i) An assessment of the key data
13 governance and data sharing challenges,
14 including those that prevent adoption and
15 interoperability of emerging technologies
16 and artificial intelligence across agencies.

17 “(ii) An assessment of ways to
18 strengthen and clarify the roles and re-
19 sponsibilities of senior agency officials with
20 respect to data governance.

21 “(iii) An identification of data avail-
22 able to 1 or more agencies at the time of
23 the submission of the report that would
24 benefit other agencies if the data were

1 shared or made accessible to such other
2 agencies.

3 “(iv) Criteria agencies should consider
4 when using data to train any artificial in-
5 telligence used by agencies, including rec-
6 ommendations for—

7 “(I) ways to make such data
8 more transparent to the public and
9 the employees of the agency using the
10 trained artificial intelligence; and

11 “(II) processes and procedures to
12 analyze and test such data for poten-
13 tial risks.

14 “(v) Recommendations for defining,
15 generating, using, and ensuring the privacy
16 and security of synthetic data in the Fed-
17 eral Government.

18 “(vi) Recommendations for ways to
19 expand public access to Federal data as-
20 sets in a machine-readable format while
21 also taking into account the criteria listed
22 under section 3511(a)(2)(E).

23 “(B) An indication of how agencies can in-
24 corporate such recommendations and best prac-

1 tices into agency processes and statutory re-
2 quirements.

3 “(e) DIRECTOR RESPONSIBILITIES.—

4 “(1) DATA GOVERNANCE GUIDANCE.—The Di-
5 rector, upon receipt of a report required under sub-
6 section (d), may issue or amend, as necessary, guid-
7 ance to agencies with respect to the implementation
8 of any recommendation included in the report in ac-
9 cordance with this chapter.

10 “(2) CHIEF DATA OFFICER INVENTORY.—Not
11 later than 270 days after the date of the enactment
12 of this subsection, the Director, in consultation with
13 the Council, shall make available on a public
14 website, and update not less frequently than annu-
15 ally, an inventory of Chief Data Officers, including,
16 with respect to each agency—

17 “(A) a list of each Chief Data Officer, in-
18 cluding, with respect to each Chief Data Offi-
19 cer—

20 “(i) any additional role or title the
21 Chief Data Officer holds at the agency;
22 and

23 “(ii) each responsibility and statutory
24 authority of the Chief Data Officer relat-

1 ing to data and artificial intelligence that
2 are not described in section 3520(c); and
3 “(B) an identification of resources needed
4 by Chief Data Officers, including to support the
5 adoption of artificial intelligence at agencies.

6 “(f) EVALUATION.—Not later than 2 years after the
7 date of the enactment of this subsection, and not less fre-
8 quently than every 2 years thereafter, the Comptroller
9 General shall submit to Congress a report on—

10 “(1) whether the duties of the Council improved
11 the use of evidence, data, and program evaluation in
12 the Federal Government; and

13 “(2) any barrier or challenge preventing the
14 Council from accomplishing the requirements under
15 this section.

16 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-
17 tion shall be construed to require an agency to implement
18 any recommendation developed pursuant to subsection (d).

19 “(h) SUNSET.—Beginning on the date that is 7 years
20 after the date of the enactment of this subsection, this
21 section shall have no force or effect.”.

22 **SEC. 3. NO ADDITIONAL FUNDS.**

23 No additional funds are authorized to be appro-
24 priated for the purpose of carrying out this Act.

