

AMENDMENT TO
RULES COMMITTEE PRINT 117-54
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK

At the end of division E, insert the following:

1 **SEC. 5806. AI IN COUNTERTERRORISM OVERSIGHT EN-**
2 **HANCEMENT.**

3 (a) **SHORT TITLE.**—This section may be cited as the
4 “AI in Counterterrorism Oversight Enhancement Act”.

5 (b) **OVERSIGHT OF USE OF ARTIFICIAL INTEL-**
6 **LIGENCE-ENABLED TECHNOLOGIES BY EXECUTIVE**
7 **BRANCH FOR COUNTERTERRORISM PURPOSES.**—

8 (1) **AMENDMENTS TO AUTHORITIES AND RE-**
9 **SPONSIBILITIES OF PRIVACY AND CIVIL LIBERTIES**
10 **OFFICERS.**—Section 1062 of the Intelligence Reform
11 and Terrorism Prevention Act of 2004 (42 U.S.C.
12 2000ee-1) is amended—

13 (A) in subsection (a)—

14 (i) by redesignating paragraphs (3)
15 and (4) as paragraphs (4) and (5);

16 (ii) by inserting after paragraph (2)
17 the following new paragraph:

1 “(3) provide to the Privacy and Civil Liberties
2 Oversight Board, with respect to covered artificial
3 intelligence-enabled technologies—

4 “(A) not later than 180 days after the date
5 on which this paragraph takes effect, and every
6 6 months thereafter, written notice of the use
7 of such technologies or the planned evaluation,
8 use, development, acquisition, retention of serv-
9 ices for, or repurposing of such technologies;

10 “(B) access to associated impact state-
11 ments, including system of record notices, pri-
12 vacy impact assessments, and civil liberties im-
13 pact assessments;

14 “(C) access to associated information and
15 materials documenting—

16 “(i) the processes for data collection
17 related to such technologies, for obtaining
18 consent related to the use of such tech-
19 nologies, or for the disclosure of the use of
20 such technologies;

21 “(ii) the algorithms and models of
22 such technologies;

23 “(iii) the data resources used, or to be
24 used, in the training of such technologies,
25 including a comprehensive listing of any

1 data assets or public data assets (or any
2 combination thereof) used, or to be used,
3 in the training of such technologies;

4 “(iv) data governance processes and
5 procedures, including acquisition, protec-
6 tion, retention, sharing, and access, related
7 to data resources associated with such
8 technologies; and

9 “(v) processes for training and test-
10 ing, evaluating, validating, and modifying
11 such technologies; and

12 “(D) access to all other associated infor-
13 mation and materials.”;

14 (B) in subsection (d)(1), by inserting “(in-
15 cluding as described under subsection (a)(3))”
16 after “officer”; and

17 (C) by adding at the end the following:

18 “(i) DEFINITIONS.—In this section:

19 “(1) ARTIFICIAL INTELLIGENCE.—The term
20 ‘artificial intelligence’ has the meaning given that
21 term in section 238(g) of the John S. McCain Na-
22 tional Defense Authorization Act for Fiscal Year
23 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

24 “(2) COVERED ARTIFICIAL INTELLIGENCE-EN-
25 ABLED TECHNOLOGY.—The term ‘covered artificial

1 intelligence-enabled technology’ means an artificial
2 intelligence-enabled technology (including a classified
3 technology)—

4 “(A) in use by the applicable department,
5 agency, or element to protect the Nation from
6 terrorism; or

7 “(B) that the applicable department, agen-
8 cy, or element plans to evaluate, develop, ac-
9 quire, retain, or repurpose to protect the Nation
10 from terrorism.

11 “(3) DATA ASSET; PUBLIC DATA ASSET.—The
12 terms ‘data asset’ and ‘public data asset’ have the
13 meaning given those terms in section 3502 of title
14 44, United States Code.”.

15 (2) SELF-ASSESSMENT BY PRIVACY AND CIVIL
16 LIBERTIES OVERSIGHT BOARD.—Not later than one
17 year after the date of the enactment of this Act, the
18 Privacy and Civil Liberties Oversight Board under
19 section 1061 of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (42 U.S.C. 2000ee)
21 shall provide to the appropriate committees (as de-
22 scribed in subsection (e) of such section) a self-as-
23 sessment of any change in authorities, resources, or
24 organizational structure that may be necessary to
25 carry out the functions described in subsection (d)

1 of such section related to artificial intelligence-en-
2 abled technologies.

3 (3) DEFINITION.—In this section, the term “ar-
4 tificial intelligence” has the meaning given that term
5 in section 238(g) of the John S. McCain National
6 Defense Authorization Act for Fiscal Year 2019
7 (Public Law 115–232; 10 U.S.C. 2358 note).

8 (4) EFFECTIVE DATE.—Paragraphs (1) and
9 (2), and the amendments made by such paragraphs,
10 shall take effect on the date that is one year after
11 the date of the enactment of this Act.

