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:

SEC. 5806. AI IN COUNTERTERRORISM OVERSIGHT ENHANCEMENT.

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

(b) OVERSIGHT OF USE OF ARTIFICIAL INTELLIGENCE-ENABLED TECHNOLOGIES BY EXECUTIVE BRANCH FOR COUNTERTERRORISM PURPOSES.—

(1) Amendments to authorities and responsibilities of Privacy and Civil Liberties Officers.—Section 1062 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee–1) is amended—

(A) in subsection (a)—

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

(ii) by inserting after paragraph (2) the following new paragraph:
“(3) provide to the Privacy and Civil Liberties Oversight Board, with respect to covered artificial intelligence-enabled technologies—

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

“(B) access to associated impact statements, including system of record notices, privacy impact assessments, and civil liberties impact assessments;

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

“(i) the processes for data collection related to such technologies, for obtaining consent related to the use of such technologies, or for the disclosure of the use of such technologies;

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

“(iii) the data resources used, or to be used, in the training of such technologies, including a comprehensive listing of any
data assets or public data assets (or any combination thereof) used, or to be used, in the training of such technologies;

“(iv) data governance processes and procedures, including acquisition, protection, retention, sharing, and access, related to data resources associated with such technologies; and

“(v) processes for training and testing, evaluating, validating, and modifying such technologies; and

“(D) access to all other associated information and materials.”;

(B) in subsection (d)(1), by inserting “(including as described under subsection (a)(3))” after “officer”; and

(C) by adding at the end the following:

“(i) DEFINITIONS.—In this section:

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

“(2) COVERED ARTIFICIAL INTELLIGENCE-ENABLED TECHNOLOGY.—The term ‘covered artificial
intelligence-enabled technology’ means an artificial intelligence-enabled technology (including a classified technology)—

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

“(B) that the applicable department, agency, or element plans to evaluate, develop, acquire, retain, or repurpose to protect the Nation from terrorism.

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

(2) SELF-ASSESSMENT BY PRIVACY AND CIVIL LIBERTIES OVERSIGHT BOARD.—Not later than one year after the date of the enactment of this Act, the Privacy and Civil Liberties Oversight Board under section 1061 of the Intelligence Reform and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee) shall provide to the appropriate committees (as described in subsection (e) of such section) a self-assessment of any change in authorities, resources, or organizational structure that may be necessary to carry out the functions described in subsection (d)
of such section related to artificial intelligence-enabled technologies.

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

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