

AMENDMENT TO RULES COMMITTEE PRINT 116-

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OFFERED BY MS. CLARKE OF NEW YORK

At the end of subtitle E of title X, add the following:

1 **SEC. 1052. PROHIBITION ON USE OF FUNDS FOR DISCRIMI-**
2 **NATORY ALGORITHMIC DECISIONMAKING**
3 **SYSTEMS.**

4 None of the funds authorized to be appropriated by
5 this Act or otherwise made available for fiscal year 2021
6 for the Joint Artificial Intelligence Center to acquire or
7 develop new artificial intelligence systems may be obli-
8 gated or expended unless the Department of Defense, or
9 the vendor of such new system, has—

10 (1) assessed such algorithmic decision-making
11 system, or commits to assess such system within 1
12 year of the date of such acquisition or completion of
13 development, with respect to its potential to perpet-
14 uate or introduce discriminatory bias against pro-
15 tected classes of persons, including on the basis of
16 sex, race, age, disability, color, creed, national ori-
17 gin, or religion, and after the completion of such as-
18 sessment, transmits to the Secretary a description of

1 the methodology by which such assessment was con-
2 ducted;

3 (2) sought to address any unintended discrimi-
4 natory bias identified pursuant to paragraph (1)
5 prior to deploying such system, and through periodic
6 assessments during use of such systems, in any con-
7 text where such usage poses a tangible risk of result-
8 ing in an action which could reasonably be seen to
9 violate any law, policy, regulation, or other codified
10 practice of the United States with respect to anti-
11 discrimination, equal protection, or civil rights, and
12 transmitted to the Secretary a description of the
13 measures undertaken to comply with the require-
14 ments of this section; and

15 (3) ensured that such system conforms to the
16 DoD AI Ethics Principles for purposes of identifying
17 and addressing the causes of potential discrimina-
18 tory biases in the system.

