AMENDMENT TO RULES COMMITTEE PRINT 116-57

OFFERED BY MS. CLARKE OF NEW YORK

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

SEC. 1052. PROHIBITION ON USE OF FUNDS FOR DISCRIMINATORY ALGORITHMIC DECISIONMAKING SYSTEMS.

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

(1) assessed such algorithmic decision-making system, or commits to assess such system within 1 year of the date of such acquisition or completion of development, with respect to its potential to perpetuate or introduce discriminatory bias against protected classes of persons, including on the basis of sex, race, age, disability, color, creed, national origin, or religion, and after the completion of such assessment, transmits to the Secretary a description of
the methodology by which such assessment was conducted;

(2) sought to address any unintended discriminatory bias identified pursuant to paragraph (1) prior to deploying such system, and through periodic assessments during use of such systems, in any context where such usage poses a tangible risk of resulting in an action which could reasonably be seen to violate any law, policy, regulation, or other codified practice of the United States with respect to anti-discrimination, equal protection, or civil rights, and transmitted to the Secretary a description of the measures undertaken to comply with the requirements of this section; and

(3) ensured that such system conforms to the DoD AI Ethics Principles for purposes of identifying and addressing the causes of potential discriminatory biases in the system.