

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. _____
OFFERED BY MRS. CAROLYN B. MALONEY OF
NEW YORK**

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “AI in Counterterrorism
3 Oversight Enhancement Act”.

**4 SEC. 2. OVERSIGHT OF USE OF ARTIFICIAL INTELLIGENCE-
5 ENABLED TECHNOLOGIES BY EXECUTIVE
6 BRANCH FOR COUNTERTERRORISM PUR-
7 POSES.**

8 (a) AMENDMENTS TO AUTHORITIES AND RESPON-
9 SIBILITIES OF THE PRIVACY AND CIVIL LIBERTIES OVER-
10 SIGHT BOARD.—Section 1061 of the Intelligence Reform
11 and Terrorism Prevention Act of 2004 (42 U.S.C. 2000ee)
12 is amended—

13 (1) in subsection (d)—

14 (A) in paragraph (2)—

15 (i) in subparagraph (B), by striking “;
16 and” and inserting a semicolon;

1 (ii) by redesignating subparagraph
2 (C) as subparagraph (D); and

3 (iii) by inserting after subparagraph
4 (B) the following:

5 “(C) artificial intelligence-enabled tech-
6 nologies to protect the Nation from terrorism to
7 determine whether they appropriately protect
8 privacy and civil liberties and adhere to policies
9 regarding privacy and civil liberties; and”;

10 (2) in subsection (g)(1)—

11 (A) by redesignating paragraphs (2)
12 through (5) as subparagraphs (3) through (6);
13 and

14 (B) by inserting after paragraph (1) the
15 following new paragraph:

16 “(2) INCLUSION OF CERTAIN INFORMATION RE-
17 LATED TO ARTIFICIAL INTELLIGENCE.—Relevant
18 material and information to which the Board is au-
19 thorized to have access under subparagraph (A) of
20 paragraph (1) or to subpoena under subparagraph
21 (D) of such paragraph may include information on
22 artificial intelligence-enabled technologies that are in
23 use by, or that have been proposed to be acquired
24 by the executive branch, such as materials docu-
25 menting—

1 “(A) the processes for data collection re-
2 lated to artificial intelligence-enabled tech-
3 nologies, for obtaining consent related to the
4 use of such technologies, or for the disclosure of
5 the use of such technologies;

6 “(B) the models of such technologies in
7 use or that have been proposed to be acquired;
8 and

9 “(C) processes for training and testing re-
10 lated to such technologies.”; and

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

12 “(n) DEFINITION.—In this subtitle, the term
13 ‘artificial intelligence’ has the meaning given that
14 term in section 238(g) of the John S. McCain Na-
15 tional Defense Authorization Act for Fiscal Year
16 2019 (Public Law 115–232; 10 U.S.C. 2358 note).”.

17 (b) AMENDMENTS TO AUTHORITIES AND RESPON-
18 SIBILITIES OF PRIVACY AND CIVIL LIBERTIES OFFI-
19 CERS.—Section 1062 of the Intelligence Reform and Ter-
20 rorism Prevention Act of 2004 (42 U.S.C 2000ee–1) is
21 amended—

22 (1) in subsection (a)—

23 (A) by redesignating paragraphs (3) and
24 (4) as paragraphs (4) and (5); and

1 (B) by inserting after paragraph (2) the
2 following new paragraph:

3 “(3) provide to the Privacy and Civil Liberties
4 Oversight Board—

5 “(A) notice of the use by such department,
6 agency, or element of any artificial intelligence-
7 enabled technologies to protect the Nation from
8 terrorism (including classified technologies) that
9 may have an impact on privacy or civil liberties;
10 and

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

15 (2) in subsection (d)(1), by inserting “(includ-
16 ing as described under subsection (a)(3))” after “of-
17 ficer”.

18 (c) SELF-ASSESSMENT BY PRIVACY AND CIVIL LIB-
19 RTIES BOARD.—Not later than 180 days after the date
20 of the enactment of this Act, the Privacy and Civil Lib-
21 erties Oversight Board under section 1061 of the Intel-
22 ligence Reform and Terrorism Prevention Act of 2004 (42
23 U.S.C. 2000ee) shall provide to the appropriate commit-
24 tees (as described in subsection (e) of such section) a self-
25 assessment of any change in resources or organizational

1 structure that may be necessary to carry out the require-
2 ments related to artificial intelligence-enabled technologies
3 described under subsections (a) and (b).

4 (d) EFFECTIVE DATE.—Subsections (a) and (b), and
5 the amendments made by such subsections, shall take ef-
6 fect on the date that is one year after the date of the en-
7 actment of this Act.

