

Suspend the Rules and Pass the Bill, H.R. 4469, With an Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

117TH CONGRESS
1ST SESSION

H. R. 4469

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to strengthen the ability of the Privacy and Civil Liberties Oversight Board to provide meaningful oversight and governance related to the use of artificial intelligence technologies for counterterrorism purposes, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 16, 2021

Mrs. CAROLYN B. MALONEY of New York (for herself, Mr. LYNCH, and Mr. RASKIN) introduced the following bill; which was referred to the Committee on Oversight and Reform, and in addition to the Committees on Homeland Security, the Judiciary, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend the Intelligence Reform and Terrorism Prevention Act of 2004 to strengthen the ability of the Privacy and Civil Liberties Oversight Board to provide meaningful oversight and governance related to the use of artificial intelligence technologies for counterterrorism purposes, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “AI in Counterterrorism
5 Oversight Enhancement Act”.

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

10 (a) AMENDMENTS TO AUTHORITIES AND RESPON-
11 SIBILITIES OF PRIVACY AND CIVIL LIBERTIES OFFI-
12 CERS.—Section 1062 of the Intelligence Reform and Ter-
13 rorism Prevention Act of 2004 (42 U.S.C. 2000ee–1) is
14 amended—

15 (1) in subsection (a)—

16 (A) by redesignating paragraphs (3) and
17 (4) as paragraphs (4) and (5);

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

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

23 “(A) not later than 180 days after the date
24 on which this paragraph takes effect, and every
25 6 months thereafter, written notice of the use

1 of such technologies or the planned evaluation,
2 use, development, acquisition, retention of serv-
3 ices for, or repurposing of such technologies;

4 “(B) access to associated impact state-
5 ments, including system of record notices, pri-
6 vacy impact assessments, and civil liberties im-
7 pact assessments;

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

10 “(i) the processes for data collection
11 related to such technologies, for obtaining
12 consent related to the use of such tech-
13 nologies, or for the disclosure of the use of
14 such technologies;

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

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

23 “(iv) data governance processes and
24 procedures, including acquisition, protec-
25 tion, retention, sharing, and access, related

1 to data resources associated with such
2 technologies; and

3 “(v) processes for training and test-
4 ing, evaluating, validating, and modifying
5 such technologies; and

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

8 (2) in subsection (d)(1), by inserting “(includ-
9 ing as described under subsection (a)(3))” after “of-
10 ficer”; and

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

12 “(i) DEFINITIONS.—In this section:

13 “(1) ARTIFICIAL INTELLIGENCE.—The term
14 ‘artificial intelligence’ has the meaning given that
15 term in section 238(g) of the John S. McCain Na-
16 tional Defense Authorization Act for Fiscal Year
17 2019 (Public Law 115–232; 10 U.S.C. 2358 note).

18 “(2) COVERED ARTIFICIAL INTELLIGENCE-EN-
19 ABLED TECHNOLOGY.—The term ‘covered artificial
20 intelligence-enabled technology’ means an artificial
21 intelligence-enabled technology (including a classified
22 technology)—

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

1 “(B) that the applicable department, agen-
2 cy, or element plans to evaluate, develop, ac-
3 quire, retain, or repurpose to protect the Nation
4 from terrorism.

5 “(3) DATA ASSET; PUBLIC DATA ASSET.—The
6 terms ‘data asset’ and ‘public data asset’ have the
7 meaning given those terms in section 3502 of title
8 44, United States Code.”.

9 (b) SELF-ASSESSMENT BY PRIVACY AND CIVIL LIB-
10 ERTIES OVERSIGHT BOARD.—Not later than one year
11 after the date of the enactment of this Act, the Privacy
12 and Civil Liberties Oversight Board under section 1061
13 of the Intelligence Reform and Terrorism Prevention Act
14 of 2004 (42 U.S.C. 2000ee) shall provide to the appro-
15 priate committees (as described in subsection (e) of such
16 section) a self-assessment of any change in authorities, re-
17 sources, or organizational structure that may be necessary
18 to carry out the functions described in subsection (d) of
19 such section related to artificial intelligence-enabled tech-
20 nologies.

21 (c) DEFINITION.—In this section, the term “artificial
22 intelligence” has the meaning given that term in section
23 238(g) of the John S. McCain National Defense Author-
24 ization Act for Fiscal Year 2019 (Public Law 115–232;
25 10 U.S.C. 2358 note).

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