

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,*

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;

17 (ii) by redesignating subparagraph
18 (C) as subparagraph (D); and

19 (iii) by inserting after subparagraph
20 (B) the following:

21 “(C) artificial intelligence-enabled tech-
22 nologies to protect the Nation from terrorism to
23 determine whether they appropriately protect
24 privacy and civil liberties and adhere to policies
25 regarding privacy and civil liberties; and”;

26 (2) in subsection (g)(1)—

1 (A) by redesignating paragraphs (2)
2 through (5) as subparagraphs (3) through (6);
3 and

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

6 “(2) INCLUSION OF CERTAIN INFORMATION RE-
7 LATED TO ARTIFICIAL INTELLIGENCE.—Relevant
8 material and information to which the Board is au-
9 thorized to have access under subparagraph (A) of
10 paragraph (1) or to subpoena under subparagraph
11 (D) of such paragraph may include information on
12 artificial intelligence-enabled technologies that are in
13 use by, or that have been proposed to be acquired
14 by the executive branch, such as materials docu-
15 menting—

16 “(A) the processes for data collection re-
17 lated to artificial intelligence-enabled tech-
18 nologies, for obtaining consent related to the
19 use of such technologies, or for the disclosure of
20 the use of such technologies;

21 “(B) the models of such technologies in
22 use or that have been proposed to be acquired;
23 and

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

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

2 “(n) DEFINITION.—In this subtitle, the term
3 ‘artificial intelligence’ has the meaning given that
4 term in section 238(g) of the John S. McCain Na-
5 tional Defense Authorization Act for Fiscal Year
6 2019 (Public Law 115–232; 10 U.S.C. 2358 note).”.

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

12 (1) in subsection (a)—

13 (A) by redesignating paragraphs (3) and
14 (4) as paragraphs (4) and (5); and

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

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

19 “(A) notice of the use by such department,
20 agency, or element of any artificial intelligence-
21 enabled technologies to protect the Nation from
22 terrorism (including classified technologies) that
23 may have an impact on privacy or civil liberties;
24 and

1 “(B) access to associated impact state-
2 ments, including system of record notices, pri-
3 vacy impact assessments, and civil liberties im-
4 pact assessments.”; and

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

8 (c) SELF-ASSESSMENT BY PRIVACY AND CIVIL LIB-
9 ERTIES BOARD.—Not later than 270 days after the date
10 of the enactment of this Act, the Privacy and Civil Lib-
11 erties Oversight Board under section 1061 of the Intel-
12 ligence Reform and Terrorism Prevention Act of 2004 (42
13 U.S.C. 2000ee) shall provide to the appropriate commit-
14 tees (as described in subsection (e) of such section) a self-
15 assessment of any change in resources or organizational
16 structure that may be necessary to carry out the require-
17 ments related to artificial intelligence-enabled technologies
18 under sections 1061 and 1062 of such Act, as amended
19 by this section.

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