



June 24, 2020

The Honorable Marco Rubio
Acting Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Mark Warner
Vice Chairman
Select Committee on Intelligence
United States Senate
Washington, DC 20510

The Honorable Adam Schiff
Chairman
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20515

The Honorable Devin Nunes
Ranking Member
Permanent Select Committee on Intelligence
United States House of Representatives
Washington, DC 20515

Dear Acting Chairman Rubio, Vice Chairman Warner, Chairman Smith, Ranking Member Nunes:

On behalf of the National Security Commission on Artificial Intelligence (NSCAI), I write to inform you that — based on the U.S. District Court for the District of Columbia’s June 1, 2020 decision (Case No. 1:19-cv-02906) that the NSCAI is an advisory committee as defined by the Federal Advisory Committee Act (FACA) — NSCAI is establishing an independent Presidential advisory committee. In compliance with FACA section 9(c), the NSCAI is filing its charter “with the standing committees of the Senate and of the House of Representatives having legislative jurisdiction” of the NSCAI.

Please let me know if you have any questions or need additional information.

Respectfully submitted,

Michael Gable
Committee Management Officer and Chief of Staff
National Security Commission on Artificial Intelligence

Attached: Official Charter for the National Security Commission on Artificial Intelligence

Charter

National Security Commission on Artificial Intelligence

Committee's Official Designation. National Security Commission on Artificial Intelligence (“Commission”)

Authority. The Commission is a committee established by Congress in the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (“FY2019 NDAA”), Pub. L. No. 115-232, § 1051, 132 Stat. 1636, 1962-65 (2018), as amended and extended by the National Defense Authorization Act for Fiscal Year 2020 (“FY2020 NDAA”), Pub. L. 116-92, § 1735 (2019) and in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. App.

Objectives and Scope of Activities. The Commission, pursuant to section 1051(b) of the FY2019 NDAA, shall review advances in artificial intelligence, related machine learning developments, and associated technologies. In conducting the review, the Commission shall consider the following:

1. The competitiveness of the United States in artificial intelligence, machine learning, and other associated technologies, including matters related to national security, defense, public-private partnerships, and investments.
2. Means and methods for the United States to maintain a technological advantage in artificial intelligence, machine learning, and other associated technologies related to national security and defense.
3. Developments and trends in international cooperation and competitiveness, including foreign investments in artificial intelligence, related machine learning, and computer science fields that are materially related to national security and defense.
4. Means by which to foster greater emphasis and investments in basic and advanced research to stimulate private, public, academic and combined initiatives in artificial intelligence, machine learning, and other associated technologies, to the extent that such efforts have application materially related to national security and defense.
5. Workforce and education incentives to attract and recruit leading talent in artificial intelligence and machine learning disciplines, including science, technology, engineering, and math programs.
6. Risks associated with United States and foreign country advances in military employment of artificial intelligence and machine learning, including international law of armed conflict, international humanitarian law, and escalation dynamics.
7. Associated ethical considerations related to artificial intelligence and machine learning as it will be used for future applications related to national security and defense.

8. Means to establish data standards, and incentivize the sharing of open training data within related national security and defense data-driven industries.
9. Consideration of the evolution of artificial intelligence and appropriate mechanism for managing such technology related to national security and defense.
10. Any other matters the Commission deems relevant to the common defense of the Nation.

Description of Duties. Pursuant to section 1051(b) & (c) of the FY2019 NDAA, the Commission shall:

1. Consider and make recommendations related to the methods and means necessary to advance the development of artificial intelligence, machine learning, and associated technologies by the United States to comprehensively address the national security and defense needs of the United States.
2. Submit to the President and Congress reports on the findings of the Commission and such recommendations that the Commission may have for action by the executive branch and Congress related to artificial intelligence, machine learning, and associated technologies, including recommendations to more effectively organize the Federal Government.

Agency or Official to Whom the Committee Reports. According to the FY2019 NDAA, the Commission is an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code, and a temporary organization under section 3161 of such title. The Commission does not report to any executive branch agency. It reports its recommendations directly to both Congress and the President in accordance with the FY2019 NDAA, as amended by the FY2020 NDAA. The Commission will ensure compliance with Section 6(b) of FACA if so delegated by the President.

Support. The Commission is an independent establishment of the Federal Government as defined by section 104 of title 5, United States Code. The Commission will be supported by funds authorized by Congress in the FY2019 NDAA, section 1051(d). The Department of Defense transferred \$10 million to the Commission for the purposes of the Commission's duties. The following year, Congress, in the FY2020 NDAA, section 1735(a)(8), provided the Commission with gift authority to further assist the Commission in supporting its mission.

Estimated Annual Operating Costs and Staffing. The Commission estimates an annual budget of \$5 million, which includes both Commission administrative operating costs and execution of its mission. It also anticipates a staffing requirement of 26 full-time-equivalent personnel, not including detailees. The Commission's personnel will be divided to support the research of the Commission and its subcommittees. As an independent establishment and a temporary organization, the Commission may hire staff, accept detailees from other Federal agencies on a non-reimbursable basis, procure temporary or intermittent services, and accept volunteer services.

Designated Federal Officer. The Designated Federal Officer (DFO) is a full-time Federal staff employee of the Commission. In the absence of the Commission's DFO, an Alternate DFO—also a full-time Federal staff employee of the Commission—will assume the duties of the DFO for Commission or subcommittee meetings.

The DFO, or in the absence of the DFO, the Alternate DFO, will call all of the Commission and subcommittee meetings; prepare and approve all meeting agendas; chair meetings when directed to do so by the Chair; and adjourn any meeting when the DFO, or the Alternate DFO, determines adjournment to be in the public interest.

Estimated Number and Frequency of Meetings. The Commission will meet at the call of the Commission's DFO, in consultation with the Commission's Chair and Vice Chair. The estimated number of Commission meetings is four per year.

Reports. The Commission shall issue public reports—and, as necessary, a non-public classified annex—to Congress and the President on timelines as required by Congress in the FY2019 NDAA, section 1051(c), as amended by the FY2020 NDAA, section 1735(c).

Duration and Termination. The Commission shall terminate on October 1, 2021, pursuant to section 1051(e) of the FY2019 NDAA, as amended by section 1735 of the FY2020 NDAA.

Membership and Designation. The Commission shall be comprised of 15 members as designated in the FY2019 NDAA, section 1051(a)(4). The Commission members shall serve as Special Government Employees. Commission members are appointed for the life of the Commission as follows:

1. The Secretary of Defense shall appoint 2 members.
2. The Secretary of Commerce shall appoint 1 member.
3. The Chairman of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.
4. The Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.
5. The Chairman of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.
6. The Ranking Member of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.
7. The Chairman of the Committee on Armed Services of the Senate shall appoint 1 member.
8. The Ranking Member of the Committee on Armed Services of the Senate shall appoint 1 member.

9. The Chairman of the Committee on Armed Services of the House of Representatives shall appoint 1 member.
10. The Ranking Member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.
11. The Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.
12. The Vice Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.
13. The Chairman of the Permanent Select Committee on Intelligence of the House of Representatives shall appoint 1 member.
14. The Ranking Member of the Permanent Select Committee Intelligence of the House of Representatives shall appoint 1 member.

A vacancy in the membership of the Commission shall not affect the powers of the Commission and shall be filled in the same manner as the original appointment. The Commission shall select a Chair and Vice-Chair from among its members. Members may receive compensation. Reimbursement for official travel expenses and per diem will be allowed.

Subcommittees. The Commission may create subcommittees, in consultation with Commission staff, as necessary to support the Commission's work. Such subcommittees shall not work independently of the Commission and shall report all their recommendations and advice solely to the Commission for deliberation and discussion. No subcommittee can report directly to any Federal officers or employees, whether verbally or in writing.

Recordkeeping. The records of the Commission and any subcommittees shall be handled in accordance with the General Records Schedule 6.2. These records will be available for public inspection and copying subject to the Freedom of Information Act, 5 U.S.C. § 552.

Date Filed. June 24, 2020