

**U.S. DEPARTMENT OF COMMERCE
NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
NATIONAL ARTIFICIAL INTELLIGENCE ADVISORY COMMITTEE**

CHARTER

- 1. Committee's Official Designation.** National Artificial Intelligence Advisory Committee.
- 2. Authority.** In accordance with the requirements of Section 5104 of the National Artificial Intelligence Initiative Act of 2020 (Pub. L. No. 116-283), hereinafter referred to as the Act, the Secretary of Commerce, in consultation with the Director of the Office of Science and Technology Policy, the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Attorney General, and the Director of National Intelligence, established the National Artificial Intelligence Advisory Committee, hereinafter referred to as the NAIAC or the Committee, in accordance with the Federal Advisory Committee Act, as amended (FACA), 5 U.S.C. § 1001 *et seq.*
- 3. Objectives and Scope of Activities.** The Committee shall provide advice to the President and the National Artificial Intelligence Initiative Office on matters related to the National Artificial Intelligence Initiative (Initiative). The purposes of the Initiative are: (1) ensuring continued United States leadership in artificial intelligence research and development; (2) leading the world in the development and use of trustworthy artificial intelligence systems in the public and private sectors; (3) preparing the present and future United States workforce for the integration of artificial intelligence systems across all sectors of the economy and society; and (4) coordinating ongoing artificial intelligence research, development, and demonstration activities among the civilian agencies, the Department of Defense, and the Intelligence Community to ensure that each informs the work of the others.

In addition, pursuant to Section 5104(e) of the Act, the Committee's Chairperson established a Subcommittee on Artificial Intelligence and Law Enforcement, a subcommittee that provides advice to the President, through the Committee, on matters relating to the development of artificial intelligence relating to law enforcement, including advice on the following:

- a. Bias, including whether the use of facial recognition by government authorities, including law enforcement agencies, is taking into account ethical considerations and addressing whether such use should be subject to additional oversight, controls, and limitations.
- b. Security of data, including law enforcement's access to data and the security parameters for that data.
- c. Adoptability, including methods to allow the United States Government and industry to take advantage of artificial intelligence systems for security or law enforcement purposes while at the same time ensuring the potential abuse of such technologies is sufficiently mitigated.

- d. Legal standards, including those designed to ensure the use of artificial intelligence systems are consistent with the privacy rights, civil rights and civil liberties, and disability rights issues raised by the use of these technologies.

4. Description of Duties. Under the Act, the President established and implemented the National Artificial Intelligence Initiative, and the Director of the Office of Science and Technology Policy established the National Artificial Intelligence Initiative Office (the Initiative Office). The Committee will function solely as an advisory body, in accordance with the provisions of the FACA.

The Committee advises the President and the Initiative Office on matters related to the Initiative, including recommendations related to:

- a. The current state of United States competitiveness and leadership in artificial intelligence, including the scope and scale of United States investments in artificial intelligence research and development in the international context;
- b. The progress made in implementing the Initiative, including a review of the degree to which the Initiative has achieved the goals according to the metrics established by the Interagency Committee under Section 5103(d)(2) of the Act;
- c. The state of the science around artificial intelligence, including progress toward artificial general intelligence;
- d. Issues related to artificial intelligence and the United States workforce, including matters relating to the potential for using artificial intelligence for workforce training, the possible consequences of technological displacement, and supporting workforce training opportunities for occupations that lead to economic self-sufficiency for individuals with barriers to employment and historically underrepresented populations, including minorities, Indians (as defined in 25 U.S.C. § 5304), low-income populations, and persons with disabilities;
- e. How to leverage the resources of the Initiative to streamline and enhance operations in various areas of government operations, including health care, cybersecurity, infrastructure, and disaster recovery;
- f. The need to update the Initiative;
- g. The balance of activities and funding across the Initiative;
- h. Whether the strategic plan developed or updated by the Interagency Committee established under Section 5103(d)(2) of the Act is helping to maintain United States leadership in artificial intelligence;
- i. The management, coordination, and activities of the Initiative;
- j. Whether ethical, legal, safety, security, and other appropriate societal issues are adequately addressed by the Initiative;
- k. Opportunities for international cooperation with strategic allies on artificial intelligence research activities, standards development, and the compatibility of international regulations;
- l. Accountability and legal rights, including matters relating to oversight of artificial intelligence systems using regulatory and nonregulatory approaches, the

- responsibility for any violations of existing laws by an artificial intelligence system, and ways to balance advancing innovation while protecting individual rights; and
- m. How artificial intelligence can enhance opportunities for diverse geographic regions of the United States, including urban, Tribal, and rural communities.

The Committee shall submit to the President, the Committee on Science, Space, and Technology, the Committee on Energy and Commerce, the House Permanent Select Committee on Intelligence, the Committee on the Judiciary, and the Committee on Armed Services of the House of Representatives, and the Committee on Commerce, Science, and Transportation, the Senate Select Committee on Intelligence, the Committee on Homeland Security and Governmental Affairs, the Committee on the Judiciary, and the Committee on Armed Services of the Senate, a report on the Committee's findings and recommendations under Section 5104(d) and Section 5104(e) of the Act not less frequently than once every three years. The report on the Committee's findings and recommendations will be administratively delivered to the President and Congress through the Secretary of Commerce.

5. **Agency or Official to Whom the Committee Reports.** The Committee shall advise the President and the National Artificial Intelligence Initiative Office and will report administratively through the Secretary of Commerce for the purpose of delivering the required reports to the President and Congress.
6. **Support.** The National Institute of Standards and Technology (NIST), through the NIST Information Technology Laboratory and the NIST Director's Office, shall provide support for the performance of the Committee's function and shall ensure compliance with the requirements of the FACA, governing Federal statutes and regulations, and established Department of Commerce (Commerce) policies and procedures.
7. **Estimated Annual Operating Costs and Staff Years.** The estimated annual operating cost to NIST, including travel, meetings, and contract support, is approximately \$750,000. The estimated annual personnel cost to NIST is 2.0 full-time equivalent.
8. **Designated Federal Officer.** The Director of NIST will appoint the Designated Federal Officer (DFO) and one or more Alternate DFOs from among the employees in the NIST Information Technology Laboratory. The DFO will approve or call all of the Committee and subcommittee meetings, prepare and approve all meeting agendas, attend all Committee and subcommittee meetings, adjourn any meeting when the DFO determines adjournment to be in the public interest, and chair meetings when directed to do so by the President. The Alternate DFO shall execute the duties of the DFO when the DFO is incapacitated or unavailable.
9. **Estimated Number and Frequency of Meetings.** The Committee will meet at least twice each year at the call of the DFO or an Alternate DFO in consultation with the Committee Chairperson. Additional meetings may be called whenever requested by the President or the DFO. Meetings may be in-person or in the form of telephone conference

calls and/or videoconferences. The Committee shall not act in the absence of a quorum, which shall consist of a simple majority of the members of the Committee not having a conflict of interest in the matter being considered by the Committee, except that, if the number of members on the Committee is even, half will suffice.

10. Duration. Continuing.

11. Termination. Pursuant to Section 5104(h) of the Act, Section 14 of the FACA (5 U.S.C. § 1013) shall not apply to this Committee. The charter shall terminate four (4) years from the date of its filing with the standing committees of the U.S. Senate and House of Representatives having legislative jurisdiction of the agency unless earlier terminated or renewed by proper authority.

12. Membership and Designation. Members of the Committee shall be appointed by the Secretary of Commerce. The Committee shall consist of not less than 9 members and not more than 35 members, who represent broad and interdisciplinary expertise and perspectives, including from academic institutions, companies across diverse sectors, nonprofit and civil society entities, including civil rights and disability rights organizations, and Federal laboratories, who are representing geographic diversity, and who are qualified to provide advice and information on science and technology research, development, ethics, standards, education, technology transfer, commercial application, security, and economic competitiveness related to artificial intelligence. Members serve at the discretion of the Secretary of Commerce.

In selecting the members of the Committee, the Secretary of Commerce shall seek and give consideration to recommendations from Congress, industry, nonprofit organizations, the scientific community (including the National Academies of Sciences, Engineering, and Medicine, scientific professional societies, and academic institutions), the defense and law enforcement communities, and other appropriate organizations.

Committee members generally will serve three-year terms but may be appointed to a one- or two-year term at the Secretary's discretion to allow for staggered membership. A member who has served two consecutive terms, regardless of the length, is ineligible to serve a third term for a period of one year following the expiration of the second term.

Vacancies are filled as soon as highly qualified candidates in a needed area of expertise, sector, or perspective are identified and available to serve. Members of the Committee who are not full-time or permanent part-time Federal officers or employees and are appointed for their individual expertise and experience will be appointed to serve as Special Government Employee (SGE) members as that term is defined in 18 U.S.C. § 202. Special Government Employees are subject to conflict of interest laws and regulations, including (but not limited to) the obligation to annually file a New Entrant Confidential Financial Disclosure Report (OGE Form 450) and complete ethics training. Members of the Committee appointed on behalf of specific interests will serve as Representatives. Members of the Committee who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102.3.130(d) to

serve as Regular Government Employee (RGE) members. Members will be individually advised of the capacity in which they will serve by the DFO.

Members shall be selected on the basis of established records of distinguished service and shall be eminent in their fields.

The Secretary of Commerce shall appoint the Chairperson and the Vice Chairperson from among the members of the Committee. The Chairperson's and the Vice Chairperson's tenure shall be up to two years and can be modified at the discretion of the Secretary of Commerce. The Vice Chairperson shall perform the duties of the Chairperson in his or her absence. In case a vacancy occurs in the position of the Chairperson or Vice Chairperson, the Secretary of Commerce shall select a member to fill such a vacancy; the Vice Chairperson will succeed the Chairperson in the interim until the Secretary of Commerce's appointment of a member to fill the Chairperson vacancy.

Members of the Committee shall not be compensated for their services. Non-Federal members of the Committee, while attending meetings of the Committee or while otherwise serving at the request of the head of the Committee away from their homes or regular place of business, may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by Section 5703 of Title 5, United States Code, for individuals in the Government serving without pay. Nothing in this subsection shall be construed to prohibit members of the Committee who are officers of employees of the United States from being allowed travel expenses, including per diem in lieu of subsistence, in accordance with existing law.

The Director of NIST, on behalf of the Secretary of Commerce, pursuant to Commerce policies and procedures, may appoint, as deemed necessary, non-voting subject matter experts (SMEs) to assist the Committee or its subcommittees on an ad hoc basis. These non-voting SMEs are not members of the Committee or its subcommittees and will not engage or participate in any deliberations by the Committee or its subcommittees. These non-voting SMEs, if not full-time or permanent part-time Federal officers or employees, will be appointed pursuant to 5 U.S.C. § 3109 on an intermittent basis to address specific issues under consideration by the Committee.

Members shall not reference or otherwise utilize their membership on the Committee or a subcommittee in connection with public statements made in their personal capacities without a disclaimer that the views expressed are their own and do not represent the views of the Committee, subcommittee, NIST, the Office of Science and Technology Policy, the Department of Defense, the Department of Energy, the Department of State, the Attorney General, the Office of National Intelligence, the Initiative Office, the President, the Department of Commerce, or the U.S. Government.

- 13. Subcommittees.** NIST, when necessary and consistent with the Committee's mission and Commerce policies and procedures, may create subcommittees, task forces, and working groups pursuant to the provisions of FACA, the FACA implementing regulations, and applicable Commerce guidance. Subcommittees must report back to the

Committee and must not provide advice or work products directly to NIST, the Secretary of Commerce, the Initiative Office, or the President, and any recommendations based on their work will be deliberated and agreed upon by the Committee prior to dissemination.

14. Recordkeeping. The records of the Committee, formally and informally established subcommittees, or other subgroups of the Committee, shall be handled in accordance with the General Records Schedule 6.2 or other approved agency records disposition schedule. Subject to the Freedom of Information Act, 5 U.S.C. § 552, records presented to or prepared for or by the Committee are available for public inspection.

15. Filing Date. The charter is filed on the date indicated below.

JEREMY PELTER

Digitally signed by JEREMY PELTER
Date: 2024.09.12 14:28:16 -04'00'

Deputy Assistant Secretary for Administration
Performing the non-exclusive functions and duties of the
Chief Financial Officer and Assistant Secretary
for Administration

Date

9/13/2024

Filing Date