National Security Commission on Artificial Intelligence
Public Minutes of Commission Meeting

Monday, March 1, 2021 – 12:00pm – 1:00pm EST
Location: Video Teleconference

ATTENDANCE

Commissioners Present:

- · Dr. Eric Schmidt, Chairman
- · Hon. Robert Work, Vice-Chair
- · Ms. Safra Catz
- · Dr. Steve Chien
- · Hon. Mignon Clyburn
- · Dr. Ken Ford
- · Dr. José-Marie Griffiths
- · Dr. Eric Horvitz
- · Mr. Andy Jassy
- · Mr. Gilman Louie
- · Dr. William Mark
- · Hon. Katharina McFarland
- · Dr. Andrew Moore

Commissioners Not Present:

- · Mr. Chris Darby
- · Dr. Jason Matheny

Staff Present:

- · Yll Bajraktari, Executive Director
- · Michael Gable, Chief of Staff, Committee Management Officer
- · Angela Ponmakha, Designated Federal Officer
- · Michael Lueptow, General Counsel
- · Tara Rigler, Director, Strategy, Communications, and Engagement
- · Commission Staff

AGENDA ITEM: CALL TO ORDER AND OPENING REMARKS

Ms. Ponmakha, the Designated Federal Officer, called the meeting to order.

Mr. Bajraktari, Dr. Schmidt, and Hon. Work, gave brief opening remarks.

AGENDA ITEM: COMMISSIONER STATEMENTS

Before voting on the Final Report, the Commissioners were invited to make individual statements.

Dr. Horvitz stated that it was an honor to work with his fellow Commissioners and the NSCAI staff. He remarked on the good dialogue and debate across all lines of effort and covering a broad spectrum of national security issues. Dr. Horvitz also noted that the guidance in the report will be important for the vibrancy and national security of the United States and our country's leading role among nations for pursuing freedom, democracy, and the rule of law. He also noted that beyond the U.S., there are a number of recommendations that are important for other nations to take note of as well. Dr. Horvitz also thanked his fellow Commissioners and the staff on Line of Effort 1, as well as Line of Effort 6 on trustworthiness and AI ethics that he had the honor of chairing. Dr. Horvitz noted that the United States has an important opportunity and critical responsibility to lead with its values and set norms for the world on responsible developing and fielding of AI technologies.

Hon. McFarland thanked Dr. Schmidt and Hon. Work for helping to lead the Commission and take the weight off the shoulders of the other Commissioners. She also gave background into the work that was done to get to the Final Report and the support the Commission has received, particularly from the Intelligence Community. Hon. McFarland expressed her hope that those reading the Final Report and its implementation plans will take the recommendations to heart and use them to improve our future. She also praised the Commission's staff, noting that the staff has acquired a vast amount of knowledge and value that should be utilized going forward.

Ms. Catz highlighted that this report is meant to be a wake up call that requires bold action. She noted that this is a critical moment for our country and the investment that the Commission calls out as necessary is meant to ensure that our nation is successful. Ms. Catz noted that the United States must work together with friends and allies to boldly change the way we are doing things and to make sure our government has the best technology in the world. Finally, Ms. Catz praised her fellow Commissioners and the Commission staff and stated that she was looking forward to working towards the implementation of the Final Report.

Mr. Louie expressed his gratitude for the expertise and input of the members of the public, institutions, departments and agencies, companies, and allies that worked with the Commission. He stated that the United States must unite as a nation to make AI a national priority. The Commission believes AI should serve humankind, not the other way around. Mr. Louie stated his hope that AI will bring us together, make our life safer, improve quality of life for all, and unleash power for future generations to make our nation and the world a better and safer place.

Dr. Chien stated that it has been a tremendous honor to serve on the Commission. He commented that this Commission and its staff represents what is best about the United States--that people of diverse backgrounds and different perspectives can come together around a common purpose and to work for the common good and work for the good of all humanity. Dr. Chien noted that the U.S. has tremendous responsibility and has the tools to affect change in the world. We have an incredible pool of talent, incredible pool of resources. In the future, the United States must demonstrate the will to carry through on this responsibility. We must embark in the use of AI for the good of the entire world, particularly in the areas of information, cyber, and space. Dr. Chien noted that this will take a joint effort from government, academia, and industry all working together. The largest and most challenging part will be the cultural change that must occur and change all orders of business in this country, not just national security. The future leadership in this area is up to us as a country to bring the potential of AI and its societal benefits to the good of all of humanity, not just the United States.

Hon. Clyburn commented that this report acknowledges a human deficit in AI and highlights what that means for winning the technology competition. However, it also affirms our ability to address that challenge and win. Hon. Clyburn noted that the United States has a talent scarcity, but does not have a deficit in the potential to narrow and address these gaps. With a whole-of nation and allies approach, we can accelerate innovation and defend against malign AI uses. Hon. Clyburn noted that she is more confident than ever in our ability to do so and wished to thank an exceptionally talented staff and her fellow Commissioners for affirming this.

Dr. Griffiths commented that this was an impressive process with impressive results. She noted that these results include not just the Final Report, but the set of actionable and well-vetted recommendations that make up the whole effort that will make a difference. Dr. Griffiths also expressed her hope that the Commission has conveyed a collective sense of urgency. She emphasized the need for bold action, noting that incrementalism or passivity will not win this competition. She also praised that talent needs and competition took a key role rather than an adjunct one in this process, stating that often people focus on exciting elements and ignore workforce and talent. However, in this Commission, talent has come through in every working group as very important. As an educator, Dr. Griffiths was very pleased to see this. She also praised the Commission's consideration of the importance of principles about responsible use, which is also often an afterthought. Lastly, Dr. Griffiths noted that the Final Report and its

recommendations represent a hopeful future, especially for the young people of the United States.

Mr. Jassy echoed that it has been an honor to work on this Commission with his fellow Commissioners and with the Commission staff. He also expressed his hope that Congress will consider these recommendations. Mr. Jassy agreed with Dr. Griffiths that there is hope in these recommendations, but also meaningful urgency. He noted that implementing the Commission's recommendations will take steady, hard work over time, and that he and his fellow Commissioners are ready to begin working on implementing recommendations and helping in any way they can.

Dr. Ford echoed the comments of his fellow Commissioners. He noted that the Final Report lays out an actionable path toward a positive AI-enabled future. Dr. Ford stated his hope that others enjoy reading it and that it serves as a blueprint for action.

Dr. Schmidt moved to vote to approve the Commission's Final Report.

AGENDA ITEM: FORMAL VOTE ON FINAL REPORT

Mr. Bajraktari called a roll call vote to approve the Final Report.

Dr. Schmidt voted to approve the Final Report.

Hon. Work voted to approve the Final Report.

Ms. Catz voted to approve the Final Report.

Dr. Chien voted to approve the Final Report.

Hon. Clyburn voted to approve the Final Report.

Mr. Darby was unable to attend the plenary session. Prior to the meeting, he provided NSCAI staff with this statement of support to be included in the meeting minutes: "As a member of the National Security Commission on AI, I vote to approve the Final Report and its associated materials. The NSCAI team has delivered an extraordinary report and I am appreciative of your hard work, long hours, and unwavering patience over the past two years. Out of an abundance of caution, I have abstained from the development of the Intelligence Community-related recommendations found in Chapter 5 and its associated Blueprint for Action in order to prevent a potential conflict or the appearance of a conflict of interest."

Dr. Ford voted to approve the Final Report.

Dr. Griffiths voted to approve the Final Report.

Dr. Horvitz voted to approve the Final Report. Dr. Horvitz also read the following statement: "Out of an abundance of caution, I have abstained from the development of the recommendations related to government partnership with the private sector related to technology development found in Chapters 2 and 11 and their associated Blueprints for Action in order to prevent a potential conflict or the appearance of a conflict of interest."

Mr. Jassy voted to approve the Final Report.

Mr. Louie voted to approve the Final Report.

Dr. Mark voted to approve the Final Report.

Mr. Bajraktari read the following statement regarding Dr. Matheny: "Commissioner Jason Matheny served on the Commission from the start and until just recently, when he was asked by President Biden to join the Office of Science and Technology Policy. He was instrumental in many of the Commission's recommendations and an incredibly valuable member of the NSCAI."

Hon. McFarland voted to approve the Final Report.

Dr. Moore voted to approve the Final Report, adding "We are the human race. We are tool users. It is kind of what we are known for and we have now hit the point where our tools are, in some limited sense, more intelligent than ourselves. It is a very exciting future which we have to take seriously for the benefit of the United States and for the world." Dr. Moore also read the following statement: "Out of an abundance of caution, I have abstained from the development of the recommendations related to government partnership with the private sector related to technology development found in Chapters 2 and 11 and their associated Blueprints for Action in order to prevent a potential conflict or the appearance of a conflict of interest."

Mr. Bajraktari noted that the Final Report was approved unanimously. As Executive Director, he informed the Commissioners that he would transmit the Final Report to Congress and to the President.

AGENDA ITEM: PRESS QUESTIONS

In the time remaining, Ms. Rigler posed questions from the media to the Commissioners for answers. All received comments and questions are included in the appendix of these minutes.

AGENDA ITEM: CLOSING REMARKS

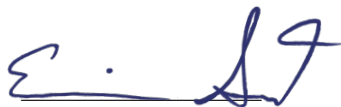Dr. Schmidt and Hon. Work gave closing remarks.

ADJOURNMENT:

The meeting was adjourned at 12:58 PM EST by Ms. Ponmakha, the Designated Federal Officer.

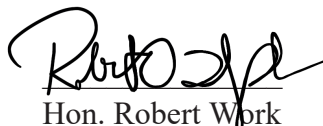Meeting minutes prepared by: Commission Staff

Approved and signed by the Commission's Designated Federal Officer: March 29, 2021

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Ms. Angela Ponmakha
Designated Federal Officer

Approved and signed by the Commission's Chair and Vice Chair: March 29, 2021

Dr. Eric Schmidt
Chair

Hon. Robert Work
Vice Chair

Appendix: Comments and Questions Received for the March 1, 2021 Meeting:

Questions received by members of the press that were answered during the meeting:

Yasmin Tadjdeh, National Defense Magazine
Chairman Schmidt, you have previously said that the United States is two years ahead of China in artificial intelligence. How will the recommendations in this report better posture the United States to counter China? If these recommendations are implemented fully, how much further ahead could the United States be?

What kind of reception do you expect the final report to have in the administration and on the Hill? Do you think there are any recommendations that may prove to be controversial or receive pushback?

Andrew Eversden, C4ISRNET
What are the initial steps that need to be taken by DoD or Congress to ensure DoD is AI ready by 2025?

Demetri Sevastopulo, Financial Times
In terms of AI with military applications, where has China leapfrogged (or about to leapfrog) the US?

How concerned are you that the polarization in US politics makes it hard for the US to come up with sustainable strategies while the authoritarian nature of the Chinese regime makes their planning much easier?

Matt O'Brien, Associated Press
How do you respond to concerns that these recommendations are coming from a panel with a membership heavily weighted toward tech executives and government contractors?

Jackson Barnett, FedScoop
Was there a briefing or document that particularly illuminated the national security threat of AI in military applications?

Jory Heckman, Federal News Network
How has the commission's thinking for the Digital Service Academy and Digital Service Academy evolved over the past year? How would these recommendations address the AI talent gap in the federal workforce?

Dave Perera, MLex
Want to ask about the likelihood of CFIUS recommendations becoming law. Also broadly comment on what is the danger of unregulated FDI into AI. Is it technology transfer? Spying?

Leo Kelion, BBC News
The draft report mentioned that you thought China could leapfrog the US and cause it to lose military technical superiority within the next 5yrs. Final report changes that to "the next decade". Does that signify that you think existing export restrictions and other efforts have slowed Beijing's ambitions?

Comments/Questions received during the meeting via YouTube:

Tom Creely: NSCAI work informs the research of the Naval War College Ethics and Emerging Military Technology Graduate Research Program. The Ethics & Emerging Military Graduate Program stands by to assist.

Alan P: I work with people from countries devastated by the wakes of US-USSR competition. They face issues like perpetual poverty. What would you recommend I say to them that the US will be competing China?

Comments/Questions received through event registration or email:

Jules Zackher: How can AI make nuclear weapons more in line with IHL if nuclear weapons are inherently illegal?

Letter submitted by Marc Rotenberg and Tuan Nguyen, on behalf of the Center for AI and Digital Policy (full text of letter, including footnotes copied below):
We write to you, on behalf of the Center for AI and Digital Policy (CAIDP), regarding the final report of the National Security Commission on AI.[1] We understand that the Report is still a draft. We have therefore provided recommendations to be incorporated in the final report. We believe it is vitally important for the United States to pursue a policy for artificial intelligence that reflects democratic values.

The Center for AI and Digital Policy was established by the Michael Dukakis Institute to advise national governments on AI and Digital Policy. We have recently published *Artificial Intelligence and Democratic Values*,[2] a comprehensive report on the AI policies and practices in 30 countries, and the Social Contract for the Age of AI. Regarding the United States, we noted favorably that the US has supported both the OECD AI Principles and the G20 AI Guidelines, two key global frameworks for AI.[3] We also reported on Executive Orders on AI from both the Trump and Obama administrations that support democratic values, as well as a

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[1] National Security Commission on Artificial Intelligence, Draft Final Report (January 2021) (hereinafter "NSCAI Report"), https://www.nscai.gov/wp-content/uploads/2021/01/NSCAI-Draft-Final-Report-1.19.21.pdf

[2] Center for AI and Digital Policy, *Artificial Intelligence and Democratic Values* (2020) (hereinafter "CAIDP Report"), https://caidp.dukakis.org/aisci-2020/

[3] CAIDP Report 289-297 (2020) (Country Reports – United States), https://caidp.dukakis.org/app/download/8292103463/AISCI-2020a-UnitedStates.pdf

proposed rulemaking by the OMB that will provide an opportunity for public comment on federal AI regulations.[4] And we recently noted legislation in the Congress to establish a national AI strategy for AI that addresses concerns about bias and fairness.[5]

However, in the CAIDP Report, we also expressed concern about the opaque policy process in the United States.[6] We are aware that the National Security Commission on AI had opposed both public participation in meetings and access to agency records until a lawsuit forced the Commission to become more transparent and accountable. We also noted the failure of the Federal Trade Commission to act on several consumer complaints regarding the use of discriminatory AI techniques.[7] And we observed that the United States, alone among democratic nations, lacks a comprehensive federal privacy law and an agency with the specific competence for data protection and the related challenges of AI decision-making.[8] In our rankings, the CAIDP Report placed the United States in Tier III, approximately in the middle of the countries we evaluated across 12 metrics.[9]

Regarding the just released NSCAI Draft Final Report, we want to first acknowledge the substantial work of the Commission over a two-year period on this complex and important issue. The draft Report reflects the extensive work of the Commission on several AI topics of great importance to the United States. We also appreciate the frequent references in the draft Report to "democratic values" as the United States seeks to shape a national AI strategy.[10] We specifically endorse the call to promote "human rights and democracy through joint efforts to counter censorship, malign information operations, human trafficking, and illiberal [sic] uses of surveillance technologies."[11]

We also support the proposal of the Commission to bring together democratic nations in support of the International Digital Democracy Initiative (IDDI).[12] We believe it is vitally important for democratic governments to collaborate on AI policies and practices. And we appreciate the recognition that data minimization techniques are fully compatible with AI innovation,[13] a point that has also been made by Professor Judea Pearl, one of the honorees of the Michael Dukakis Institute.[14]

Still, many of the problems we identified in the CAIDP Report regarding the earlier work of the NSCAI remain. Although we appreciate the brief opportunity to comment on the draft of

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[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] *Id.*

[8] *Id.*

[9] *CAIDP Report* 299-303 (2020) (Country Evaluations), https://caidp.dukakis.org/app/download/8292102563/AISCI-2020a-CountryEvaluations.pdf

[10] *NSCAI Report* at 11, 34, 67-73, 77, 78, 115, 116-17.

[11] We also oppose "liberal" uses of surveillance technology.

[12] *Id*. at 116-17.

[13] *Id.* at 69.

[14] Judea Pearl, *The Book of Why: The New Science of Cause and Effect* (2018)

the final report, there was too little input from the general public in the work of the Commission and too few opportunities for formal comment. The US Commission on AI did not even assess whether the US had taken steps to implement the OECD AI Principles or the G20 AI Guidelines, formal international commitments that the United States has already made. Key challenges, such as the need to update US laws and regulations, were put over for future work by others. As compared with the national AI strategies of other leading democratic nations, this was not sufficient.

We are also concerned by the decision of the Commission not to "support a global prohibition of AI-enabled and autonomous weapon systems." Although the CAIDP has not yet considered Lethal Autonomous Weapons Systems (LAWS) as a formal criteria in evaluating national AI policies and practices, our recent review of country policies strongly indicates support among democratic nations for limits on these systems.[15] As we noted in our report, "one of the first AI applications to focus the attention of global policymakers was the use of AI for warfare."[16]

On the use of AI for biometric mass surveillance, such as facial surveillance, we acknowledge that the NSCAI Report discussed applications that clearly violate human rights, such as the surveillance of Uyghers by the Chinese government,[17] but we were disappointed that the Commission did not propose any actual prohibitions on face surveillance in the United States. As you must certainly be aware, there are efforts underway across the United States to prohibit the use of face surveillance. The *Facial Recognition and Biometric Technology Moratorium Act,* legislation to stop government use of biometric technology, has gained widespread support in Congress.[18]

Regarding the metrics the CAIDP has established to evaluate a country's AI policies and practices, we specifically advise that the final report of the National Security Commission on AI put forward these recommendations:

- The United States should implement the OECD AI Principles
- The United States should establish a process for meaningful public participation in the development of national AI policy
- The United States should establish an independent agency for AI oversight
- The United States should establish a right to algorithmic transparency

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[15] *CAIDP Report* at 24-25.

[16] *Id.* at 24, fn. 75.

[17] *NSCAI Report* at 110. Also of concern was the use of AI techniques by the Chinese Communist Party in the summer of 2020 to suppress democratic protests in Hong Kong. CAIDP Report at 67-77 (Country Reports – China).

[18] Senator Ed Markey, *Momentum Builds for Markey-Merkley-Jayapal-Pressley Legislation to Ban Government Use of Facial Recognition and Other Biometric Technologies* (July 22, 2020), https://www.markey.senate.gov/news/press-releases/momentum-builds-for-markey-merkley-jayapal- pressley-legislation-to-ban-government-use-of-facial-recognition-other-biometric-technologies

- The United States should support the Universal Guidelines for AI
- The United States should support the Social Contract for AI
- The United States should establish a data protection agency so that it can participate in the work of the Global Privacy Assembly, and support such initiatives as the GPA Resolution on AI and Ethics (2018) and the GPA Resolution on AI and Accountability (2020)

All of these recommendations follow from the CAIDP's earlier review of national AI policies and practices, contained in *Artificial Intelligence and Democratic Values*, and the relevant international AI frameworks and norms.[19] We also strongly recommend that the United States support an International Accord for AI, a recommendation put forward by European Commission President von der Leyen in December 2020.[20] And we would ask you to reconsider the opposition to a ban on lethal autonomous weapons. Several leading experts on AI have expressed grave concerns about the risks associated with autonomous weapons systems.

Finally, we are encouraged by the recent comments of President Biden for the Munich Security Conference.[21] The President called for "rules that will govern the advance of technology and the norms of behavior" for artificial intelligence.[22] President Biden said that technologies such as AI should "lift people up and not pin them down."

Governor Dukakis has also emphasized the need to ensure that AI policies uphold human rights and the rule of law:

> *We must also recognize that these choices about AI carry real consequences for the rights and freedoms of citizens. We already see how authoritarian governments can use AI techniques to monitor social protest through facial recognition and analysis of communications and travel records. And once these systems are established, they will be difficult to dismantle. World leaders will need to speak clearly about the need to protect democratic values even as they promote this new technology.[23]*

We hope that the changes we propose will be made to the final report of the AI Commission to better reflect the AI priorities of the incoming administration and the aspirations of a democratic nation.

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[19] See also Marc Rotenberg, *Time to Assess National AI Policies,* Communications of the ACM (Nov. 24, 2020), https://cacm.acm.org/blogs/blog-cacm/248921-time-to-assess-national-ai-policies/fulltext

[20] European Commission, *Speech by President von der Leyen at the World Leader for Peace and Security Award* (Dec. 12, 2020), https://ec.europa.eu/commission/presscorner/detail/en/speech_20_2402

[21] *Speaking to G7 Leaders, President Biden Calls for AI Rules that "Lift People Up,"* CAIDP Update, 2.07 (Feb. 22, 2021), *reprinted in* Boston Global Forum, *AI World Society Newsletter*, https://dukakis.org/center-for-ai-and-digital-policy/speaking-to-g7-leaders-president-biden-calls-for-ai- rules-that-lift-people-up/

[22] *Id.*

[23] *CAIDP Report* iii (2020) (Foreword – Gov. Michael Dukakis), https://caidp.dukakis.org/app/download/8284002763/AISCI-2020-Foreword.pdf

Thank you for your consideration of our views.