To establish the National Security Commission on Artificial Intelligence, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 9, 2018

Mrs. Ernst (for herself and Ms. Cortez Masto) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To establish the National Security Commission on Artificial Intelligence, 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 “National Security
5 Commission on Artificial Intelligence Act of 2018”.

6 SEC. 2. NATIONAL SECURITY COMMISSION ON ARTIFICIAL

7 INTELLIGENCE.

8 (a) DEFINITIONS.—In this section:

9 (1) ARTIFICIAL INTELLIGENCE.—The term “ar-

10 tificial intelligence” includes each of the following:
(A) Any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets.

(B) An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.

(C) An artificial system designed to think or act like a human, including cognitive architectures and neural networks.

(D) A set of techniques, including machine learning, that is designed to approximate a cognitive task.

(E) An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision making, and acting.

(2) Commission.—The term “Commission” means the National Security Commission on Artificial Intelligence established under subsection (b)(1).

(b) Establishment.—
(1) IN GENERAL.—There is established in the executive branch an independent commission to review advances in artificial intelligence, related machine learning developments, and associated technologies.

(2) TREATMENT.—The Commission shall be considered an independent establishment (as defined in section 104 of title 5, United States Code) and a temporary organization (as defined in section 3161(a) of such title).

(3) DESIGNATION.—The commission established under paragraph (1) shall be known as the “National Security Commission on Artificial Intelligence”.

(4) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 15 members appointed as follows:

(i) The Secretary of Commerce shall appoint 1 member.

(ii) The Secretary of Defense shall appoint 2 members.

(iii) The Chairman of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.
(iv) The Ranking Member of the Committee on Commerce, Science, and Transportation of the Senate shall appoint 1 member.

(v) The Chairman of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.

(vi) The Ranking Member of the Committee on Energy and Commerce of the House of Representatives shall appoint 1 member.

(vii) The Chairman of the Committee on Armed Services of the Senate shall appoint 1 member.

(viii) The ranking minority member of the Committee on Armed Services of the Senate shall appoint 1 member.

(ix) The Chairman of the Committee on Armed Services of the House of Representatives shall appoint 1 member.

(x) The ranking minority member of the Committee on Armed Services of the House of Representatives shall appoint 1 member.
(xi) The Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(xii) The Vice Chairman of the Select Committee on Intelligence of the Senate shall appoint 1 member.

(xiii) The Chairman of the Permanent Select Committee on Intelligence of the House of Representatives shall appoint 1 member.

(xiv) The ranking member of the Permanent Select Committee on Intelligence of the House of representatives shall appoint 1 member.

(B) DEADLINE FOR APPOINTMENT.—Members shall be appointed to the Commission under paragraph (1) not later than 90 days after the date of the enactment of this Act.

(C) EFFECT OF LACK OF APPOINTMENT BY APPOINTMENT DATE.—If one or more appointments under paragraph (1) is not made by the date specified in paragraph (2), the authority to make such appointment or appointments shall expire, and the number of members of the Commission shall be reduced by the number
equal to the number of appointments so not made.

(5) **Chair and Vice Chair.**—The Commission shall elect a Chair and Vice Chair from among its members, one of whom shall be a national security practitioner or academic and one of whom shall be an economist or expert in the United States economy.

(6) **Terms.**—Members shall be appointed for the life of the Commission. A vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original appointment was made.

(7) **Status as Federal Employees.**—Notwithstanding the requirements of section 2105 of title 5, United States Code, including the required supervision under subsection (a)(3) of such section, the members of the Commission shall be deemed to be Federal employees.

(c) **Duties.**—

(1) **In General.**—The Commission shall carry out the review described in subsection (b)(1). In carrying out such review, the Commission shall consider 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 and economic
security needs of the United States, including eco-

(2) SCOPE OF THE REVIEW.—In conducting the
review under paragraph (1), the Commission shall
consider the following:

 (A) The competitiveness of the United
States in artificial intelligence, machine learn-
ing, and other associated technologies, including
matters relating to national security, economic
security, public-private partnerships, and invest-
ments.

 (B) Means and methods for the United
States to maintain a technological advantage in
artificial intelligence, machine learning, and
other associated technologies, including quan-
tum computing and high performance com-
puting.

 (C) Developments and trends in inter-
national cooperation and competitiveness, in-
cluding foreign investments in artificial intel-
ligence, machine learning, and computer science
fields.
(D) 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, including quantum computing and high performance computing.

(E) Education effects and incentives to attract and recruit leading talent in artificial intelligence and machine learning, including science, technology, engineering, and math programs.

(F) Workforce effects, displacement of workers, and the role of government or industry in retraining displaced workers.

(G) Risks associated with United States and foreign country and non-state actors advances in military employment of artificial intelligence and machine learning, or acquisition of the same, including under the international law of armed conflict, international humanitarian law, and escalation dynamics.

(H) Associated ethical considerations related to artificial intelligence and machine
learning as it will be used for future applications.

(I) Means to establish data standards and provide incentives for the sharing of open training data within related data-driven industries.

(J) The opportunities or vulnerabilities of intellectual property theft, copyright infringement concerns and risk associated with outside influences, whether friendly or adversarial.

(K) The potential legal use by law enforcement to address technological barriers to bringing criminals to justice or aiding in broader criminal investigations.

(L) Development of privacy- and security-protecting measures for data, and broader cyber security protections, in artificial intelligence, machine learning, and associated technologies.

(M) Consideration of the evolution of artificial intelligence and appropriate mechanisms for managing such technology.

(N) Such other matters as the Commission considers relevant to the common defense or economic security of the United States.

(d) REPORTS.—
(1) Initial report.—Not later than 180 days after the date of the enactment of this Act, the Commission shall submit to the President and Congress an initial report 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 and machine learning and associated technologies, including recommendations to more effectively organize the Federal Government.

(2) Annual comprehensive reports.—Not later than one year after the date of this enactment of this Act and not less frequently than once each year thereafter until the date specified in subsection (f), the Commission shall submit to the President and to Congress a comprehensive report on the review required under subsection (c).

(3) Form of reports.—Reports submitted under this subsection shall be made publically available, but may include a classified annex.

(4) Dissenting opinions.—Reports submitted under this subsection shall provide the opportunity for dissenting opinions from within the Commission, provided for within the appendices of the public report, and in the classified annexes as appropriate.
(e) FUNDING.—Of the amounts authorized to be appropriated for fiscal year 2019 for the Department of Defense, not more than $10,000,000 shall be made available to the Commission to carry out its duties under this section. Funds made available to the Commission under the preceding sentence shall remain available until expended.

(f) TERMINATION.—The Commission shall terminate on October 1, 2020.