National Artificial Intelligence Advisory Committee
Listening Session Minutes
July 9, 2024

The National Artificial Intelligence Advisory Committee (NAIAC) held a virtual public listening session from 2:00 pm – 3:30 pm EST on Tuesday, July 9, 2024. The listening session was recorded and will be available online.

NAIAC Members
- David Danks
- Susan Gonzales
- Janet Haven
- Ashley Llorens
- Haniyeh Mahmoudian
- Christina Montgomery
- Fred Oswald
- Trooper Sanders
- Miriam Vogel (Chair)

NAIAC-LE Members
- Armando Aguilar

NIST Staff Members
- Melissa Taylor, NAIAC Program Manager
- Rachel Trello, Acting Designated Federal Officer (DFO)

Meeting Minutes

Opening Remarks
- Trello called the meeting to order at 2:05 pm EST and confirmed that the committee is operating under the Federal Advisory Committee Act. Trello noted that the meeting is open to the public via livestream. Members of the public can sign up for the Committee mailing list on the NAIAC website and contact NAIAC by emailing naiac@nist.gov.

- Taylor thanked invited speakers and members of the public for their participation, and NAIAC members for their ongoing service advising the President and the National AI Initiative Office.

- Vogel and Gonzales thanked invited speakers for sharing their insights with the Committee and voiced appreciation for the many community leaders whose input has informed NAIAC's work. Since the series of community listening sessions NAIAC held in June 2023, the United States AI policy landscape has developed significantly, including through the release

of Executive Order 14110. As NAIAC begins its third year in this evolving landscape, NAIAC again seeks to learn from community leaders about their priorities, concerns, and insights.

Civil Society and AI Leaders

Invited Briefers

- **Nikitra Bailey**, Executive Vice President, National Fair Housing Alliance (NFHA)
- **Talisha Bekavac**, Executive Vice President, U.S. Black Chambers, Inc.
- **Derrick Johnson**, President and CEO, National Association for the Advancement of Colored People (NAACP)
- **Laura MacCleery**, Senior Director of Policy, UnidosUS
- **Laura Montoya**, Founder/Executive Director, Accel.AI and President, Latinx in AI (LXAI)
- **Anna Tumadóttir**, CEO, Creative Commons

Presenter Remarks

- Presenters were invited to give prepared remarks to the Committee. The accompanying recording of the briefing includes each presenter's remarks, which may be viewed in full via a link at https://ai.gov/naiac.

- **Laura Montoya,** Founder and Executive Director of Accel.AI and President of LXAI, discussed the need for inclusive career, funding, and collaboration opportunities that enable diverse participation in AI, including individuals and groups outside the United States and older generations of workers. Montoya also discussed the need for policies to protect individual privacy, Indigenous data sovereignty, and data workers who review harmful content.

- **Anna Tumadóttir,** CEO of Creative Commons, called for balancing protections for copyright holders and policies that promote innovative uses of published work. Tumadóttir discussed the potential value of increased investment in public AI, nuanced author control over how work is used to train AI (beyond opt-in/opt-out), and consideration of how restricted data access may favor incumbent companies.

- **Derrick Johnson**, President and CEO of the NAACP, observed that AI has a wide range of potential use cases and contexts of application. Johnson discussed the need for guardrails and caution to promote appropriate uses and curtail harmful applications that may increase social inequity, undermine democratic processes, or coopt individuals' likenesses or other data for harmful purposes.

- **Nikitra Bailey**, Executive Vice President of the NFHA, explained that algorithms trained on data that reflects a history of racial bias are likely to reproduce these biases when used to support decision-making about education and career opportunities, financial and social services, housing, and other critical needs. Bailey called for measures to mitigate and provide remedies for this discriminatory algorithmic bias, especially in housing contexts.

- **Laura MacCleery**, Senior Director of Policy for UnidosUS, discussed the risk that longstanding racial disparities in wealth, skills training, and technological access may be further entrenched if AI is not appropriately governed. MacCleery commented on ways to reduce this risk, such as inclusive AI governance and investment in workforce development, technology access, and advocacy mechanisms for communities impacted by AI.

- **Talisha Bekavac,** Executive Vice President of U.S. Black Chambers, Inc., called for equitable AI development and distribution that enables small businesses to leverage AI in their operations. Bekavac discussed options for AI access, training, and resources for small businesses and the potential positive impacts of open-source AI development for improving small business access to AI tools.

Question and Answer Session
- Vogel thanked the presenters and invited NAIAC members to ask follow-up questions. NAIAC members:

  o Asked whether Accel.AI has applied for and received National Science Foundation (NSF) funding.

  o Asked Montoya to elaborate on the challenges and nuances of Indigenous data rights and governance, particularly when working in international contexts.

  o Invited Montoya to share additional details about the privacy protections and data worker protections she might suggest.

  o Asked participants, particularly those representing UnidosUS and the NAACP, whether their communities have identified particular concerns, opportunities, and constructive policy directions regarding AI and the workforce.

  o Asked participants whether their organizations have implemented basic AI education to promote AI literacy among their members and, if so, whether their organizations develop their own curricula or primarily use materials created by industry partners.

  o Building on the previous question, asked participants about barriers they face to expanding the distribution of their AI literacy curricula.

  o Solicited input on measures beyond training and job skills to promote worker success in an AI-enabled workforce.

  o Observed that many participants emphasized the need for community-engaged AI governance and meaningful mechanisms of participation and thanked them for offering concrete, practical guidance to achieve these ends.

Closing Comments

- Vogel thanked participants for sharing their time and insights, and outlining practical steps to ensure safer, more inclusive AI whose benefits are widely shared.

- Trello announced that a recording and summary of the day's briefing would be posted to the NAIAC website and reminded attendees that the next NAIAC public listening session would take place the following day, July 10, at 2:00 EST. Trello concluded the session at 3:31 pm EST.

National Artificial Intelligence Advisory Committee
Public Comments
July 9, 2024

The National Artificial Intelligence Advisory Committee (NAIAC) held a virtual public meeting on Tuesday – Thursday, July 9, 10 & 11, 2024. The meeting was recorded and is available online. The following pages contain public comments and additional speaker comments received related to this meeting. We have also included two public comment received off-topic, prior to the meeting.
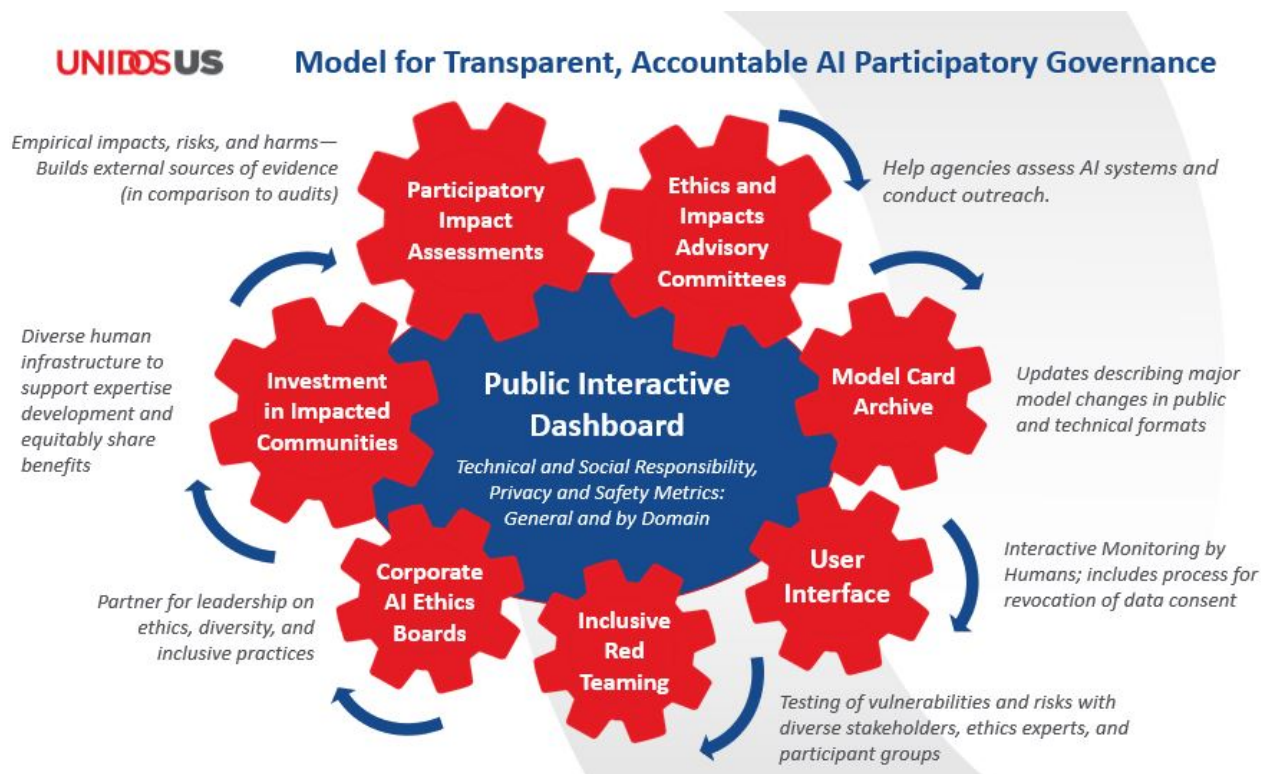
"We have proposed creation of real-time..." – anytime in there

Laura MacCleery **|** Senior Policy Director **|** Policy & Advocacy

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UNIDOSUS — Model for Transparent, Accountable AI Participatory Governance

Empirical impacts, risks, and harms—Builds external sources of evidence (in comparison to audits)

Help agencies assess AI systems and conduct outreach.

Diverse human infrastructure to support expertise development and equitably share benefits

Participatory Impact Assessments

Ethics and Impacts Advisory Committees

Investment in Impacted Communities

Public Interactive Dashboard
Technical and Social Responsibility, Privacy and Safety Metrics: General and by Domain

Model Card Archive

Updates describing major model changes in public and technical formats

Corporate AI Ethics Boards

Inclusive Red Teaming

User Interface

Interactive Monitoring by Humans; includes process for revocation of data consent

Partner for leadership on ethics, diversity, and inclusive practices

Testing of vulnerabilities and risks with diverse stakeholders, ethics experts, and participant groups

UNIDOSUS

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On Panel for National AI Committee, UnidosUS Calls for Accountable and Democratic Policies on Artificial Intelligence

on July 10, 2024

On June 9, 2024, Laura MacCleery, senior policy director for UnidosUS, joined esteemed colleagues from civil rights organizations on a panel **before** the National Artificial Intelligence Advisory Committee (NAIAC). The panel reflected on **the Committee's work** on artificial intelligence (AI) policy and leadership **over the**

past year *and looked forward on steps to regulate AI. The meeting was open to the public and was recorded for later viewing online at* **ai.gov/naiac***.*

In her remarks, Ms. MacCleery said:

"At UnidosUS, the nation's largest Latino-serving civil rights and advocacy organization, we see first-hand how communities of color have been left out and left behind by technological advances. The racialized wealth gap **has not budged** for forty years—so while technology has transformed our world, it has failed to change much of what truly matters.

"And now the spread of artificial intelligence (AI) could lock that into every place it touches. We just cannot afford more waves of alleged progress that leave fundamental forms of inequality unchallenged. For the Latino community, both the risks and the possibilities of AI are enormous. Latinos will be a stunning 78% of new workers from 2020 to 2030. But gaps in skills training and access to devices and broadband exclude many from emerging tech roles and mean that Latinos' lives may not even be in the models' training data.

"At the same time, if it could be governed accountably, AI can be a powerful force for good: facilitating connection across language and learning barriers, personalizing education, driving nuanced research, and matching diverse talent with quality jobs of the future.

"When we think about these problems and possibilities, we connect three concepts—constitutional principles, participatory oversight, and capacity-building. We call these **Values, Voice, and Investment.**

"First, **Values**. We owe communities who will be impacted first and worst a system that embeds core democratic freedoms and holds technology accountable to shared values. We must protect our elections, bar unaccountable uses of AI by governments and private actors—including predictive law enforcement—create binding rules for data minimization and privacy, require consent and ownership of personal data, study and develop safeguards to prevent manipulation, create provenance and labeling systems for synthetic media, bar non-consensual sexual imagery, compensate and incentivize human creators, and provide legal accountability for harms.

"Second, **Voice.** Inclusive AI governance is essential. In this area, there has been real progress. The Biden Administration, including the President, **Office of Management and Budget**, National Institutes for Standards and Technology, and the National Artificial Intelligence Advisory Committee (NAIAC), as well as many federal departments and agencies, spent the past year

grappling squarely with the challenges of regulating and integrating artificial intelligence (AI) into the fabric of government and examining its risks for the public.

"As the final set of deadlines in the Executive Order come due, it's clear the real work is still ahead. We have a new set of standards and practices for federal agencies—including basic safeguards for rights- and privacy-impacting uses—but these have loopholes for the most important uses by law enforcement and national security, as we noted in **recent testimony**. And all of these provisions must leave the page, to be realized and evaluated in practice as agencies build a muscle behind them.

"NAIAC's work over the past year has been notable for pushing to close some of the gaps, including on **transparency and law enforcement uses** and reporting on **high-risk uses of AI**, **envisioning** the AI Safety Institute, addressing **fairness and privacy needs**, operationalizing a **rights-respecting approach**, leveraging **procurement**, and needed steps to bolster **AI safety**, among other topics. Your reports and findings are thoughtful, and a sound complement to larger efforts.

"Still, the response to AI from both policymakers and Congress requires far more urgency. We must discard the often-unstated presumption that an AI-driven solution is necessarily preferable or inevitable. Instead we must ask ourselves, as a threshold question, whether an AI tool or model is **sufficiently accurate, accountable, transparent, fair, and safe** to be used in this way. And we must ensure that deployers of AI tools—in both government and the private sector —understand, train for, and communicate publicly about limitations and biases.

"Many AI uses today would fail such a basic test. More than a decade of research demonstrates that algorithms already deployed for consequential decisions in areas like lending and housing are biased. It is likely a mistake, then, to talk of "trustworthy" AI – trust is not inherent to a car or computer, for example, and it is not inherent to AI. Instead, trust is an earned and human quality, is always measured to purpose and place—and can be squandered in an instant.

"AI is a powerful tool, even a revolutionary one, but it does not have magical or human qualities, and its uses occur within the same power dynamics of any human institution. It therefore needs the same democratic checks. We agree with NAIAC that we need more robust safeguards for AI, but would urge work over the next year to channel efforts into a cohesive vision for AI accountability and fairness. The Committee's papers **highlight** red teaming, **incident reporting**, and other tools, including impact assessments, participatory approaches, and sharing safety information, for example, but has not yet articulated how these should work together.

"We have proposed creation of real-time public dashboards for large models, alongside shared governance of consequential models in specific settings like housing and lending. Our **AI governance framework** includes real-time benchmarking, user feedback—also called incident reporting, but far more public and participatory—community advisory committees to assist federal agencies, inclusive red-teaming and impact assessments, and more.

"We envision these as part of an interlocking, layered approach that could create a community of learning for the public sector and level setting on AI outcomes and gaps. We must build a regulatory ecosystem informed by public and lived experience and by evidence. We have developed such systems in the past around new technologies like cars and drugs, and we can do it again.

"The technology sector has dashboards and metrics, psychologists, and ethicists. So our proposals build on tools that are already in use but are not well attuned to public needs or building public sector metrics. We must learn what companies already know—or do not care to know—about the impacts of models in use every day, and develop a public evidence base that is as robust, but more inclusive. To do this, we should democratize technology policy and standards development.

"**Third, Investment.** We must engage impacted communities as equal partners, not just performatively. Investing directly and specifically in impacted communities would ensure the design of AI models is inclusive and accountable, and technological advances are more likely to benefit communities equitably. We **have proposed** a public-private foundation to be chartered by Congress modeled on the **CDC Foundation** to provide investments at the community level on workforce development, up-skilling, and advocacy for accountability in tech. Such programs could smooth workforce transitions, generate new education pathways and skills-based hiring, expand broadband access, and support impacted groups to participate peer-to-peer with the tech sector in the AI governance model described here.

"The future of AI should foster shared democratic values and human empowerment, be shaped by inclusive public oversight and real-world grounding about its impacts, and accompanied by a robust vision for how it can change lives and power economic opportunity for every community. In sum, we urge the Committee to unite the work of NAIAC around a shared vision for prosperity and accountability, and to set out specific recommendations on the governance mechanisms to bring this vision into being."

To learn more about UnidosUS's commitment to including the Latino community in conversations around AI, see the documents below:

- ► **Testimony** on Three Pillars for AI work: Values, Voice, Investment

- ► **Op-ed** on Lessons Learned at the AI Insight Forum

- ► **Written Statement** of Janet Murguia at the first AI Insight Forum

- ► **Press Statement on AI EO** with Fact Sheet

- ► **Comments and Fact Sheet** on OMB Memorandum on AI Executive Order

- ► **Comments** on Federal Election Commission Rulemaking on Deepfakes in Elections

▶ **Comments** Addressing Concerns on Law Enforcement Technologies

▶ **Written Testimony on Civil Rights Implications of Federal Use of Facial Recognition Technology**

▶ **Supplemental Written Testimony** on Civil Rights Implications of Federal Use of Facial Recognition Technology

▶ **Press Statement on the Final OMB AI Memo**

▶ **Statement** on Support of Three AI Elections Bills

▶ **Statement** on Release of AI Congressional Roadmap

▶ **Op-Ed in Tech Policy Press** on American Privacy Rights Act

About UnidosUS

UnidosUS is a nonprofit, nonpartisan organization that serves as the nation's largest Hispanic civil rights and advocacy organization. Since 1968, we have challenged the social, economic, and political barriers that affect Latinos through our unique combination of expert research, advocacy, programs, and an Affiliate Network of nearly 300 community-based organizations across the United States and Puerto Rico. We believe in an America where economic, political, and social progress is a reality for all Latinos, and we collaborate across communities to achieve it. For more information on UnidosUS, visit unidosus.org or follow us on Facebook, Instagram, LinkedIn and X.

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Media Contact

National Artificial Intelligence Advisory Committee
Public Comments
Non-Meeting related, received prior to 7/9/2024

Subcommittee members:

Thank you in advance for your consideration of my questions.

Specifically, I would like the members of the Law Enforcement Subcommittee to answer **how** the Police Body-Worn camera footage will be processed by LLMs if NAIAC accepts the recommendation to encourage state repositories of Police Body-Worn camera videos. Will the audio be transcribed by an LLM, or will labels be generated by AI and attached? What will be done with the video data?

Secondly, how will that data be **quarantined** so that it is not used to train AI models outside of this proposed project? Will the video footage be protected from being turned into patches? Add to that any provisions for data retention schedules.

Lastly, how will **deidentification** be handled?

 Thank you again,

Christine Axsmith

Independent Writer

From: Executive Administration <admin@oandpvisas.com>
Date: July 3, 2024 at 09:39:13 EDT

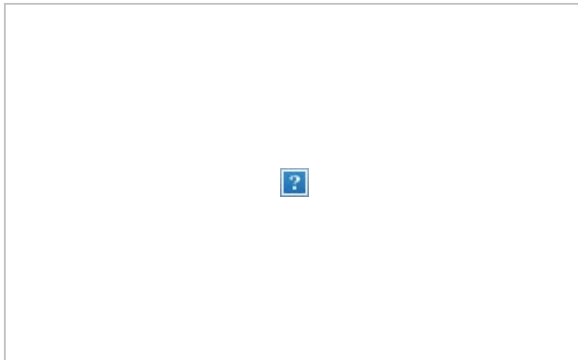**Subject: Suggestions for improving AI related Immigration to the US - attended NAIAC meeting**

Hello,

I am reaching out on behalf of Sherrod Seward, Esq.

He had the pleasure of attending an NAIAC meeting in person a few months ago. He really enjoyed the conversation and would like to contribute to the conversation - we made some suggestions on making immigration improvements for AI professionals.

https://oandpvisas.com/biden-ai-statement/ have a good week and keep up the great work!

Regards,

WWW.OANDPVISAS.COM

1500 GATEWAY BLVD, SUITE 220, BOYNTON BEACH, FLORIDA, 33426

January 24, 2024
1500 Gateway Blvd. Suite 220, Boynton Beach,
Florida 33426

National Artificial Intelligence Advisory Committee
U.S. Department of Commerce
National Institute of Standards and Technology

Re: Recommendations for Simplifying AI Professionals Immigration

Dear Members of the National Artificial Intelligence Advisory Committee,
I am writing on behalf of Innovative Immigration Law, a firm specializing in navigating complex immigration pathways for foreign workers with extraordinary abilities, notably the O-1 and EB-1A visa categories. Our clientele spans a diverse range of professionals, from data scientists to world-champion athletes. Over the past six months, we have dedicated ourselves to developing our AI practice, recognizing the transformative impact of AI on various sectors.

Given our expertise and commitment to facilitating talent mobility, we wish to present recommendations aligned with the Executive Order on the "Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence." Our

suggestions aim to **simplify AI professionals Immigration process**, a step crucial for maintaining U.S. leadership in AI and fostering innovation.

1. Clear Comparable Evidence Criteria for O-1 Visa Eligibility:

We propose that accomplishments related to AI projects, GPTs, and companies' achievements be considered for O-1 visa eligibility under the comparable evidence standard. This approach acknowledges the unique nature of AI professionals' contributions, which may not always align with traditional benchmarks of individual achievement. Instead, AI professionals would be able to use the success of their projects, former employers, and customized products for O-1 eligibility.

2. Recognition of AI Projects as Artistic For O-1B Criteria Purposes:

We suggest that deliverables and developments in AI be recognized as artistic contributions for O-1B visa eligibility. O-1B visa category is very popular for industries such as motion pictures, writing, and even influencers. The eligibility criteria are generally easier to obtain as a contributor to a larger project rather than a standalone achiever. This recognition will open pathways for AI professionals whose work melds technical innovation with creative problem-solving. It will offer them a better chance of obtaining approvals, and O-1Bs are more supportive of O-2 Essential Support Staff compared to the O-1A category.

3. Streamlining USCIS Internal Policies Regarding Consultation Letters for AI Professionals:

To facilitate smoother application processes, we recommend that USCIS establish an understanding that there is no suitable labor union representation for AI professionals. This adjustment will prevent unnecessary evidence requests and denials.

4. National Interest Waivers for AI Professionals:

We advocate for recognizing AI as a priority area for National Interest Waivers under the E2 Immigration Visa Category. This change would empower AI professionals to independently contribute to the U.S. AI sector, fostering innovation and economic growth as the waiver would alleviate the requirement of having a job offer before applying for the EB2 immigration visa category.

5. O-2 Visas for Support Staff of O-1A AI Professionals:

To maintain the continuity and efficiency of AI teams, we recommend that individuals approved for O-1 visas as AI professionals be allowed to apply for O-2 visas for their essential support staff, even if they are approved under O-1A. In many instances, USCIS is unwilling to grant O-2 Essential Support Visas to O-1A visa holders whose industry is considered science or business. This will enable cohesive teams to continue their collaborative efforts within the U.S.

These recommendations are rooted in our extensive experience and understanding of both the immigration landscape and the evolving field of AI. We firmly believe that implementing these changes will significantly benefit the United States' position as a leader in AI innovation and development.

The National Artificial Intelligence Advisory Committee's mission to advise on matters related to the National Artificial Intelligence Initiative aligns closely with our proposals. By embracing these recommendations, the U.S. will ensure a robust, dynamic, and inclusive approach to AI development, keeping pace with global advancements and maintaining its competitive edge.

We look forward to the possibility of collaborating to refine and realize these proposals. Our team at Innovative Immigration Law is eager to provide further insights and support in any capacity deemed helpful by the Committee.

AI professionals seeking to understand the broader context of immigration for extraordinary abilities in STEM can refer to "[O-1A Visa Guide for STEM Graduates.](#)" This guide expands the focus beyond AI, offering STEM graduates insights into documenting achievements, navigating the O-1A visa application process, and understanding the totality of evidence standard applied by USCIS, thereby providing a holistic view of the extraordinary ability visa pathway.

Thank you for considering our recommendations. We are committed to contributing positively to the U.S.'s strategic AI initiatives and the broader goal of maintaining global leadership in this critical growing industry.

Sincerely,

Innovative Immigration Law

Read Online at https://oandpvisas.com/biden-ai-statement/