

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
ARTIFICIAL INTELLIGENCE SAFETY AND SECURITY BOARD
CHARTER

1. Committee’s Official Designation

Artificial Intelligence Safety and Security Board (also referred to as “the Board”).

2. Authority

This charter establishes the Artificial Intelligence Safety and Security Board pursuant to subsection 4.3(a)(v) of Executive Order (EO) 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, dated October 30, 2023, and section 871(a) of the *Homeland Security Act of 2002*, 6 United States Code (U.S.C.) § 451(a). In recognition of the sensitive nature of the subject matter involved, the Secretary of Homeland Security (also referred to as “the Secretary”) hereby exempts the Board from *The Federal Advisory Committee Act (FACA)*, 5 U.S.C. Ch. 10.

3. Objectives and Scope of Activities

The Board will provide the Secretary information, advice, and recommendations to advance the security and resilience of our nation’s critical infrastructure in its use of artificial intelligence (AI). The Board’s advice and recommendations are to be specific, actionable, timely, and strategic, and targeted to mitigate emerging risks to critical infrastructure from its use.

The scope of the Board’s activities can include, but need not be limited to, information about emergent risks, threat mitigation guidance, guardrails for critical infrastructure owners’ and operators’ use of AI, and the review of significant AI-enabled incidents and formulation of best practices to mitigate incidents in the future.

4. Description of Duties

The duties of the Board are solely advisory in nature and shall extend only to the submission of information, advice, and recommendations to the Secretary.

5. Official to Whom the Committee Reports

The Board will report to the Secretary.

6. Agency Responsible for Providing Necessary Support

The Department of Homeland Security (DHS) is responsible for providing financial and administrative support to the Board.

7. Estimated Cost, Compensation, and Staff Support Staff

Annual operating costs for the Board include administrative expenses, contract support, three full-time-equivalent employees, and other expenses. Board Members

shall not be paid for their time or service. As representatives, Board Members may be reimbursed for their travel-related expenses and provided per diem to attend Board meetings in accordance with 5 U.S.C. § 5703. All travel for Board business must be approved in advance by DHS's Designated Federal Officer.

8. Designated Federal Officer

The Secretary shall appoint full-time federal employees to serve as the Designated Federal Officer ("DFO") and the Alternate DFO. The DFO or ADFO will schedule Board meetings and Board subcommittee meetings, if any, prepare meeting agendas, and provide other support as directed by the Chair.

9. Frequency of Meetings

It is the Chair's intention that the Board will meet quarterly, though it shall meet at least twice per year to carry out its duties. Meetings may be held more frequently, as necessary and appropriate at the direction of the Chair and in coordination with the DFO or ADFO, to address mission requirements.

10. Duration and Termination

The Board shall function on a continuing basis until the earlier of (A) two years from the date of its establishment as identified below; or (B) termination by the Secretary. This Charter shall be in effect for two years and may be amended at any time at the discretion of the Secretary, and, unless otherwise directed by the President, the Secretary may renew this Charter at the end of this two-year period pursuant to 6 U.S.C. § 451(b).

11. Membership and Designation

The Board shall consist of no more than thirty-five (35) Members and the Secretary. The Secretary shall Chair the Board and shall appoint a Vice Chair. The Secretary shall be a non-voting member of the Board.

The term of office of the Vice Chair shall be two years. The Vice Chair may be reappointed by the Secretary, not to exceed two additional terms. If the Vice Chair is not able to serve for an entire term, the Secretary shall make a new appointment.

The Board Members shall be appointed by and serve at the pleasure of the Secretary. Members shall serve a term of two years, with opportunities to be reappointed for up to two additional terms.

In order for the Secretary to fully leverage broad-ranging experience and education, the Board shall be diverse with regard to the professional and technical expertise of its Members. DHS is committed to pursuing opportunities, consistent with applicable law, to compose a Board that reflects the diversity of the AI community. In accordance with EO 14110, the Board shall include AI experts from the private sector, academia, and government, as appropriate.

Board Members shall be comprised of representative Members only. Members shall not serve as Special Government Employees as defined in 18 U.S.C. § 202(a). The DHS Office of Partnership and Engagement shall ensure that the Board reflects a balanced membership and includes a cross-section of Members having an interest in the duties and authorities of DHS. Appointments shall be made without regard to political affiliation. In the event the Board is terminated, all appointments to the Board shall terminate automatically.

The Secretary shall Chair the Board in accordance with the meeting procedures below:

Regular Meetings. The Secretary, as Chair, may call regular meetings of the Board. In regular meetings, Board Members may provide individual or multi-Member, non-consensus advice and recommendations. The Secretary may lead discussions, facilitate debate among Board Members, and identify for the Board or receive from the Board Members the topics for discussion. Board consensus advice and recommendations shall not be sought in regular meetings. The Board shall not vote on individual or multi-Member, non-consensus advice and recommendations, and the Secretary may adopt non-consensus Board Member recommendations at his discretion. Regardless of the number of Members who agree with an opinion, the Board shall not produce consensus advice, and any opinions expressed shall not be referred to as consensus recommendations of the Board. Meeting minutes shall capture individual and multi-Member, non-consensus opinions and recommendations made to the Secretary. The Secretary may request that an individual Board Member formalize the individual or multi-Member opinions in writing. The Secretary may deliver individual or multi-Member recommendations he has approved to the Government and Private Sector AI community and otherwise disclose the recommendations publicly, as appropriate and consistent with relevant legal authority. The Secretary may refer matters from a regular meeting to a voting meeting to determine by vote if consensus, supermajority, or unanimity is achieved on a particular recommendation, as described in the Board's Bylaws.

Voting Meetings. The Secretary may task the Board to provide consensus advice and recommendations to the Secretary on certain matters. To preserve the Board's ability to develop independent consensus advice and recommendations, the Secretary shall not participate in deliberations or voting during a voting meeting. The Secretary, at his discretion, may meet with the Board to discuss the taskings. The Vice Chair shall serve as the Chair during deliberations and voting when the Board formulates consensus advice. The Secretary shall establish deadlines for reaching consensus. A quorum of Board Members is necessary for a vote and a majority of voting Board Members represents consensus. The Secretary may require a supermajority or a unanimous vote on a matter for which he seeks consensus recommendations. The Secretary may approve consensus recommendations of the Board in whole or in part.

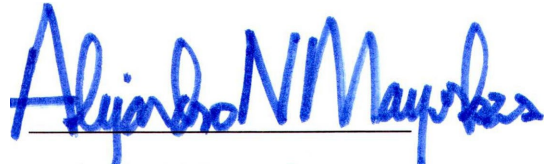
12. Subcommittees

The Secretary may establish Subcommittees for any purpose consistent with this Charter. Subcommittees shall be comprised of at least two Board Members and may include non-Board Members with expertise relevant to the Subcommittee's subject of focus. The Secretary shall designate a Chair and, as necessary, a Vice Chair for each Subcommittee, and the Chair and Vice Chair will be selected from among the Board Members.

Subcommittees shall not work independently of the Board and must present their recommendations to the Board for full deliberation and discussion in a regular meeting. Subcommittees shall not have the authority to make decisions on behalf of the Board and shall not report to any entity other than the Board. In the event a Subcommittee terminates, all appointments to the Subcommittee shall terminate automatically.

13. Recordkeeping

The records of the Board and any established Subcommittees shall be handled in accordance with General Records Schedule 6.2, or other applicable and approved agency records disposition schedule. These records shall be available for public inspection and copying in accordance with the *Freedom of Information Act (FOIA)*, 5 U.S.C. § 552, subject to any applicable FOIA exemptions or exclusions.



Alejandro N. Mayorkas
Secretary of Homeland Security
Date: January 25, 2024