



January 10, 2022

MEMORANDUM

To: Vermont House of Representatives, House Committee on Energy and Technology
From: Jared Brown and Carlos Ignacio Gutierrez, Future of Life Institute
Subject: Comments on Draft 1.4 - H. 410

This memorandum responds to the request of the Vermont House of Representatives, in particular Rep. Lucy Rogers, for specific comments on H.410: An act relating to the creation of the Artificial Intelligence Commission. We appreciate the opportunity to provide comments on these important pieces of legislation. Please contact Jared Brown, Director of U.S. and International Policy at FLI at jared@futureoflife.org for additional information as required.

Page 5, line 20, on the requirements of the automated decision system inventory

Clause 5(C) suggests an important disclosure of information in the form of a technology's intended benefits. FLI would like to suggest the addition of a new clause that clarifies the potential liabilities and risks assumed by the State of Vermont due to the use of an automated decision system. The new clause (D) could be written in the following manner:

5 (D) any potential liabilities or negative externalities that the State of Vermont would incur from its implementation.

In addition, some of the outputs by automated decision systems come from the data used to train them, while others stem from a misspecification of goals or conflicts of interests within the objectives of the system itself. The bill currently addresses the first point, but not the latter. For example, an automated decision system used by one actor may make improper decisions because it was directed by the goals of a third-party entity. Entities should be required to disclose whose goals their technology are aligned with, hence the need to disclose any conflicts of interest via the addition of a new clause (E) in the form of:

5 (E) whether its decisions are subject to any conflicts of interests with respect to how the State agency intends to implement it.

Page 9, line 1, on the yearly report by the AI Commission

FLI believes that policymakers would be well-served by adding three elements to clause 4 on the annual report from the AI commission. The first are suggested changes to clause 4 (A), which highlight the need to distinguish the temporality of effects caused by AI systems on State government. Its inclusion would facilitate how representatives prioritize their decision-making regarding the adoption of this technology by government agencies. The second addition is related to the consideration and mitigation of risks. If these are neglected, the State could find itself in a disadvantaged position. The new wording suggested for this clause is:

(A) the extent of the use of artificial intelligence systems by State government and any **short or long-term** actions needed to optimize that usage **or mitigate their risks**;

The third and last change is the suggestion of a new clause. It will serve as a means of providing Vermont with updated information on federal policy action related to A.I., in particular the applicable recommendations being made by a forthcoming authorized entity, the National A.I. Advisory Committee, established in federal law in Sec. 5004 of the National AI Initiative Act, Division E of P.L. 116-283. The wording of this clause is the following:

(X) a summary of the recommendations of any relevant national bodies on artificial intelligence, particularly but not exclusively the National Artificial Intelligence Advisory Committee established by the U.S. Secretary of Commerce, and their applicability to Vermont;