



AI Accountability in the US Federal Government – A Primer

Emerging Technology Community of Interest
Artificial Intelligence Working Group

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Synopsis

Artificial Intelligence has been implemented for hundreds of use cases across the Federal Government. Given this increased adoption, federal leaders have an opportunity to lean in to take responsible and prudent measures to address AI accountability in the context of their unique mission. This paper outlines minimum requirements and related policy guidance and provides recommendations on actions agencies can take to proactively manage risks associated with poor AI accountability.

The March update includes information on the new Executive Order 14091, “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” and on the ‘Blueprint for an AI Bill of Rights’ published by the White House Office of Science and Technology Policy.

American Council for Technology-Industry Advisory Council (ACT-IAC)

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The information, conclusions, and recommendations contained in this publication were produced by volunteers from government and industry who share the ACT-IAC vision of a more effective and innovative government. ACT-IAC volunteers represent a wide diversity of organizations (public and private) and functions. These volunteers use the ACT-IAC collaborative process, refined over forty years of experience, to produce outcomes that are consensus-based.

To maintain the objectivity and integrity of its collaborative process, ACT-IAC welcomes the participation of all public and private organizations committed to improving the delivery of public services through the effective and efficient use of technology. For additional information, visit the ACT-IAC website at www.actiac.org.

Emerging Technology Community of Interest

The Emerging Technology COI AI Working Group collaborates with Federal CXOs and other government executives responsible for identifying, assessing, and deploying emerging technology and maturing it to become a major component of the IT and business strategy, as well as industry, government, academia, and the greater community to provide products, services, processes, and business models enabling innovative approaches for solving government issues and challenges.

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Executive Summary

Artificial Intelligence (AI) Accountability is an important opportunity for agencies because AI capabilities present risks not anticipated by other federal regulations and policies.

Federal mission offices intending to build, acquire or consume AI capabilities should understand AI governance, in respect to accountability. Federal guidance doesn't currently provide a precise definition of Artificial Intelligence (AI) accountability. Agencies therefore have a lot of latitude and a significant opportunity to lean in and take responsible and prudent measures to address AI accountability in the context of their unique mission. This paper describes the current federal AI accountability landscape as the set of activities federal agencies take to ensure the proper functioning of the AI systems that they design, develop, purchase, operate or deploy. Failure to plan for accountability in the adoption of AI may result in greater risks.

EO 13960 is the principal governing document requiring action on AI accountability. It lists minimum requirements for the responsible and ethical use of AI in government, including those pertaining to AI accountability, and specifies safeguards on the proper use and functioning of AI in the Federal Government. In February of 2023, Executive Order 14091 was published containing an initial requirement for agencies on advancing equity in AI systems and consulting with civil rights offices on AI system evaluations. Other resources, including the Blueprint for an AI Bill of Rights, NIST AI RMF and GAO accountability framework, provide valuable guidance for federal managers who are looking to proactively lean in to manage key risks posed by their agency's use of AI.

This paper represents author opinions, informed by research and experience, and highlights significant considerations in developing an agency's approach to AI accountability.

Recommended Actions

- Know your agency's AI use cases (as documented in the agency's AI inventory) - this has been compiled by OMB; public use cases are published at ai.gov and the internal inventory is on [OMB Max](#).^{i ii}
- In compliance with EO 13960, agencies must have justification for the use of each of their AI systems in their inventory or be prepared to retire that system.
- Leverage the Responsible AI Official Council as a forum for coordinating interagency activities and sharing resources (in collaboration with entities such as the National AI Initiative Office, CIO Council, CDO Council, and GSA AI Community of Practice) relating to EO 13960 implementation, EO 14091 implementation, and related trustworthy AI activities, such as incorporating recommendations from the Blueprint for an AI Bill of Rights into agency efforts.
- In compliance with EO 14091, Responsible AI Officials should provide an overview of their agency's use of artificial intelligence to their agency's civil rights office to lay the foundation for future collaboration.
- As informed by EO 13960, which is the principal governing document requiring action on AI accountability, decide how AI accountability applies in the context of your agency's operations and mission and incorporate additional guidance from EO 14091, the Blueprint for an AI Bill of Rights, and future executive orders, regulations and laws.

- Agencies should establish or reinforce existing AI accountability practices in keeping with guidance in the Blueprint for an AI Bill of Rights, NIST AI RMF and GAO AI Accountability Framework¹; being accountable for behavior is to **answer to individuals who are affected by the behavior**.
- Conduct periodic reviews of present AI policies and practices, which identify areas of improvement, and plan for measures and guidelines to ensure effective AI accountability.
- As AI use cases may require a blend of disciplines and expertise so a Responsible, Accountable, Consulted and Informed (RACI) matrix may be helpful in developing a common understanding of how these different disciplines contribute to agency AI accountability.
- The Federal CIO Council should facilitate an AI accountability discussion group, possibly in partnership with industry. ACT-IAC is willing to facilitate discussions on accountability definitions and implementation challenges.

AI Governance Landscape

Primary documents shaping the AI governance landscape include:

#	Title	Purpose	Issuer	Date
1	Executive Order 13859 , Maintaining American Leadership in Artificial Intelligence ⁱⁱⁱ	Mandating establishment of the Guidance for Regulation of AI Applications	EOP	2019
2	Executive Order 13960 , Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government ^{iv}	Outlines principles guiding acquisition and use of the AI and establishes a process for their implementation	EOP	2020
3	M-21-06 , Guidance for Regulation of Artificial Intelligence Applications ^v	Implementing the Guidance set forth by the EO 13859	OMB	2020
4	Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities ^{vi}	Identifies key practices to help ensure accountability and responsible AI use by federal agencies	GAO	2021
5	Artificial Intelligence Risk Management Framework ^{vii}	A guidance intended to help addressing risks in the design, development, use, and evaluation of AI products, services, and systems	NIST	2022
6	Blueprint for an AI Bill of Rights ^{viii}	A non-binding AI Bill of Rights blueprint in October 2022, with recommendations to protect individuals from discrimination and privacy breaches; includes case examples	OSTP	2022
7	Executive Order 14091, Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government	Outlines initial requirement for consultation with civil rights office on design and use of AI systems	EOP	2023

Executive Order 13960

Following the initial guidance of EO 13859 and its implementing circular M-21-06, EO 13960 was published in December of 2020, outlining baseline requirements for agencies:

1. Complete an inventory of their AI systems
2. To share that information with one another and to share it with the American public (to the extent permitted under existing policy and law)

Key requirements for implementation that pertain to AI accountability are described below:

Roadmap for Policy and Public Engagement (Section 4): Section 4.b requires that OMB publish a roadmap for the policy guidance that OMB intends to create or revise to better support the use of AI by June 1st, 2021. OMB’s publication of this roadmap, which may include additional AI accountability requirements, was still pending as of March 21st, 2023.

Agency Inventory of AI Use Cases (Section 5): Asset Management is fundamental to any accountability; an inventory of AI in use or planned for acquisition or implementation has to be created. Documenting AI use cases in the inventory helps to understand risk landscape.

- a. So far, the Federal CIO Council has published a template for AI Use Cases and each agency has created an AI use case inventory. Consistent with EO 13960, agencies have also shared their AI inventories with other agencies.
- b. By now, agencies should already have:
 - i. Developed plans either to achieve consistency with this order for each AI application or to retire AI applications found to be developed or used in a manner that is not consistent with this order. Resources permitting, within 180 days of the creation of these plans, they are required to be implemented.
 - ii. Made their inventories available to the public, to the extent practicable and consistent with applicable law and policy.

Interagency Coordination and AI Implementation Expertise (Sections 6 and 7): Ultimately the decisions must be made by informed government leaders. The Federal CIO Council has published guidelines to assist agencies with establishing AI accountability.^{ix} These guidelines are not prescriptive, but they do outline key questions government AI leaders can use to assist in maturing their AI accountability.

Personnel providing guidance at each agency (Section 8c): The EO identifies 9 principles agencies should adhere to when designing, developing, acquiring, and using AI in the Federal Government. Each agency is required to appoint an individual responsible for coordinating implementation of these principles. Federal AI leaders should anticipate that this agency point of contact will likely be charged with discrete responsibilities to promote AI accountability in their agency.

Accountability principle is formulated as “Agencies shall be accountable for implementing and enforcing appropriate safeguards for the proper use and functioning of their applications of AI, and shall monitor, audit, and document compliance with those safeguards”.

In this context “safeguards” can be interpreted as any collection of controls (physical, technical or administrative).

1. Limiting the use of AI by the authorized parties to only intended functionality
2. Ensuring proper functioning of AI as a system

Executive Order 14091

This Executive Order, “Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government,” lays out the requirement for agencies to design and use artificial intelligence in a manner that advances equity; agencies are further required to consult with their civil rights office on design, deployment, acquisition, and use of AI systems.

Sources of guidance for AI Accountability likely to shape future requirements

Supplementing the minimal requirements currently outlined in EO 13960 are a draft AI risk management framework publication from [NIST](#) and an accountability framework for AI published by the Government Accountability Office in [GAO-21-519SP](#).

NIST AI RMF

The risk management framework (RMF) from NIST, presented in Section 6, is a useful methodology for understanding potential implications of deploying AI in the context of your organization's mission. Compliance with the NIST RMF is optional. We recommend using the AI systems map and measure to avoid or mitigate AI risks.

GAO Accountability Framework

The GAO accountability framework provides guidance and is not mandatory. It highlights practices to ensure accountability and responsible use of AI. The GAO framework recommends examining use of systems that involve AI from data, governance, monitoring and performance perspectives.

Blueprint for an AI Bill of Rights

In October 2022, the White House Office of Science and Technology Policy released the Blueprint for an AI Bill of Rights: Making Automated Systems Work for the American People. The Blueprint contains non-binding recommendations for the use of AI systems to ensure that those impacted by automated decisions are protected from harm, including discrimination and breaches of privacy. To this end, the Blueprint contains concrete case examples to help practitioners apply the values of the document to real-life situations.

Conclusion

Given the EO 13960 and EO 14091 mandates and guidance associated with AI Accountability, we have outlined minimum requirements and recommend agencies lean in to manage risks associated with poor AI accountability.

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