ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

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Agency Use of Artificial Intelligence

What is AI?

Artificial intelligence (AI) refers broadly to machine-based systems that have the ability to learn to solve complex problems, make predictions, or undertake tasks that otherwise require human decision making or intervention.

How do agencies use AI?

There are many possible uses for AI by agencies, and many agencies maintain online inventories of how they use AI.

Agencies use, or have considered using, AI to support procedures like rulemaking, adjudication, and enforcement. ACUS has addressed the use of AI to:

- Manage large volumes of comments received during rulemakings (2021-1);
- Make guidance more accessible, such as through chatbots (2022-3);
- Keep regulations clear, current, and accurate (2023-3);
- Assure the quality of decisions made in individual adjudications (2021-10); and
- Improve the operation of high-volume adjudication programs (2018-3).

What are the benefits and risks of agency AI use?

AI use may lower costs and improve the quality, consistency, and predictability of agency decisions. But AI use also raises concerns about the displacement of human decision making, the potential for bias, and oversight challenges.

What laws and policies govern agency AI use?

The framework for agency AI use is still developing. General laws and policies on IT use, procurement, cybersecurity, and data quality may apply. AI-specific laws, executive orders, and guidance are available at AI.gov. Additional resources are available from the General Services Administration and the National Institute of Standards and Technology.

How should agencies use AI and oversee AI systems?

ACUS Statement #20 identifies nine key issues that agencies should consider when adopting or modifying AI systems and developing practices and procedures for their use and regular monitoring.

Transparency
Being transparent about how they use AI systems can help agencies legitimize their AI systems, facilitate internal or external review of AI-based decision making, or coordinate different AI-based activities.

Harmful Bias
Agencies should carefully evaluate the harmful biases that might result from using AI systems and periodically review them to identify and mitigate biases.

Technical Capacity
Agencies should evaluate the short- and long-term costs and benefits of using AI systems and ensure they have the technical expertise needed to make informed decisions about their acquisition, use, and oversight.

Obtaining AI Systems
Agencies should evaluate the costs and benefits of obtaining AI systems from external systems versus building them in house. Agencies should also rely on government resources available to help agencies with IT-related decisions.

Data
Agencies should evaluate whether they have the capacity to obtain and securely maintain the vast amounts of high-quality data that AI systems require.

Privacy
Agencies must protect personally identifiable information in AI systems, should consider privacy risks throughout the entire lifecycle of a system, and should consider using relevant privacy risk management frameworks.

Security
Agencies must ensure that their data and the manner in which their AI systems are trained are secure by regularly assessing their security and resilience.

Decisional Authority
Agencies should ensure that they do not delegate too much responsibility to AI systems and that officials have the knowledge and power to be accountable for decisions made by or using AI systems.

Oversight
Agencies should subject their AI systems to regular oversight, developing internal and external mechanisms which take into account their system-level risk management, authorization to operate, and monitoring responsibilities.

Additional Resources

ACUS Key Topics: Artificial Intelligence
ACUS Statement #20, *Agency Use of Artificial Intelligence*
David Freeman Engstrom et al., Government by Algorithm (2020)
Cary Coglianese, A Framework for Governmental Use of Machine Learning (2020)
National Artificial Intelligence Initiative, AI.gov
General Services Administration, AI Center of Excellence
National Institute of Standards and Technology, Artificial Intelligence