EO 13960: Artificial Intelligence (AI) Use Case Inventories

GUIDANCE FOR CREATING AGENCY INVENTORIES OF AI USE CASES PER EO 13960

Pursuant to Section 5 of Executive Order (EO) 13960, "Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government,"[1] Federal agencies[2] are required to conduct an annual inventory of their Artificial Intelligence (AI) use cases and share their inventories with other government agencies and the public. The Federal Chief Information Officers Council (CIO Council), in coordination with other interagency bodies as it deems appropriate, is charged to identify, provide guidance on, and make publicly available the criteria, format, and mechanisms for agency inventories of non-classified and non-sensitive use cases of AI by agencies.

This guidance provides the *criteria*, *format*, and *mechanisms* for Federal agencies, designated under Section 8 of the EO, to create and make public their annual AI use case inventories.

As noted in the disseminated 2021 Federal Chief Information Officers Council guidance, the consolidated inventory from 2021 was intended to serve as a baseline, upon which to expand in subsequent year(s). The Federal Chief Information Officers (CIO) Council will continue to update the required guidance, as deemed necessary, to mature this effort and ensure incorporation of technological advances, increased usability, and alignment with best practices.

AI INVENTORY
Scope

In determining which AI use cases should be included in their inventories, agencies shall use the following criteria, in line with EO 13960:

Definition of AI

1. Agencies shall apply the definition of AI as described in section 238(g) of the Fiscal Year 2019 National Defense Authorization Act.[3] If in doubt, agencies shall err on the side of inclusion, except for the exclusions set forth below.
2. For the purposes of this inventory, agencies should note that the following AI use cases are examples[4] of AI systems which agencies should list in the inventory:
   a. An AI system that uses logistic regression, linear regression, decision trees, or other machine learning models, regardless of the complexity of the model;

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[1] Exec. Order No. 13960, 85 Fed. Reg. 78939 (Dec. 3, 2020).
[2] Per Executive Order 13960, this excludes the Department of Defense and agencies or agency components with functions that lie wholly within the Intelligence Community (as defined in 50 U.S.C. § 3003)
[3] National Defense Authorization Act for Fiscal Year 2019, Pub. L. No. 115-232, 132 Stat. 1636, 1695 (Aug. 13, 2018) (codified at 10 U.S.C. § 2358)
[4] These examples are provided to clarify specific points of prior confusion; they do not represent the full scope of what agencies should report in this inventory (for that, refer to Section 238(g) of the FY19 NDAA).

b. AI systems, including machine learning models, regardless of how many parameters or data points they use; and

c. An AI system that has complete oversight by a human. [5]

Included AI Use Cases

3. Except for the exclusions set forth below and in section 9(d) of EO 13960, or provided for by applicable law, the agencies shall include as AI use cases in the inventory those applications of AI designed, developed, acquired, or used specifically to advance the execution of agencies' missions, enhance decision making, or provide the public with a specified benefit;

    a. Agencies shall inventory both existing and new uses of AI; both stand-alone AI and AI embedded within other systems or applications; AI developed both by the agency or by third parties on behalf of agencies for the fulfilment of specific agency missions, including relevant data inputs used to train AI and outputs used in support of decision making; and agencies' procurement of AI applications;

Excluded AI Use Cases

4. Agencies shall exclude sensitive AI use cases, where a sensitive use case is defined as one that cannot be released practically or consistent with applicable law and policy, including those concerning the protection of privacy and sensitive law-enforcement, national security, and other protected interests;

    a. Agencies shall not consider a use case to be sensitive to conceal inefficiency, violations of law, administrative error, or to prevent embarrassment to an organization or agency;

5. Agencies shall exclude AI used in defense and national security systems, where a "defense system" is defined as a system used primarily for the conduct of military operations and "national security system" has the meaning defined in defined in 44 U.S.C. 3552(b)(6).

6. Agencies shall exclude AI embedded within common commercial products, such as word processors or map navigation systems, while noting that Government use of such products must nevertheless comply with applicable law and policy to assure the protection of safety, security, privacy, civil rights, civil liberties, and American values; and

7. Agencies shall exclude AI research and development (R&D) activities, including any AI use case that is unlikely to be incorporated into agency operations.

Inventory Instructions

As required by EO 13960, agencies shall share their inventories with other agencies, to the extent practicable and consistent with applicable law and policy, including those concerning protection of privacy and of sensitive law enforcement, national security, and other protected information. This sharing shall be coordinated through the Chief Information Officer Council, the Chief Data Officer Council, the National AI Initiative Office, and other interagency bodies, as appropriate, to improve interagency coordination and information sharing for common use cases.

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[5] A system needs only to satisfy one of the subsections under section 238(g) of the FY19 NDAA to be included in the inventory. For example, the definition includes (but is not limited to) "A set of techniques, including machine learning, that is designed to approximate a cognitive task." Regressions, decision trees, and machine learning models used to enhance decision making or automate agency operations should be included in the inventory, as do machine learning systems that have complete human oversight.

Agencies shall post one AI inventory per agency/department. Agencies shall post the full version of their inventory via MAX Community, and post a public version of their inventory publicly:

a) Agencies shall post the full version of their AI inventory via MAX Federal Community (see submission location details above). Inventory files uploaded to MAX should be titled "2023 Agency Inventory of AI Use Cases - <insert agency abbreviation>" (see official agency abbreviation posted via the ITDB Agency Reference Table - https://www.itdashboard.gov/reports). And follow the schema below.

b) Agencies shall also post a public version of their AI inventory in CSV format at [agency.gov]/data/ai_inventory.csv. In their public inventories, agencies may remove the columns "Contact Name" and "Contact Email" and instead add an email address designated for public inquiries. Alternatively, if agencies do not utilize AI, agencies shall post a notice at [agency.gov]/data/ai_inventory with a statement indicating no current use of AI technology. Notices should be posted in HTML format. All AI use case inventories will be linked at [ai.gov/ai-use-case-inventories/]. If your inventory is not present on this site, please email your OFCIO desk officer with 1) the URL of your public AI use case inventory and 2) the request to have the public inventory reflected on ai.gov/ai-use-case-inventories/.

Agency AI inventories shall include the below information:

FIELD	DATA TYPE	REQUIRED?	DESCRIPTION
Use Case ID	[Agency Code]-[#]	Required	Unique identifier for AI use case. Use cases should maintain the same ID if included in inventories across multiple years.
Use Case Name	Text	Required	Title of the AI use case
Agency	Text	Required	Agency (or agencies) with the AI use case
Bureau / Department	Text	Required	Specific bureau / department with the AI use case
Summary of Use Case	Text	Required	Description of the AI use case
Stage of System Development Life Cycle[6]	Initiation, Development and Acquisition, Implementation, Operation and Maintenance	Required	Current stage of production of the AI use case.
Date Initiated, If Applicable	Date (if any)	Required	When the AI's purpose and high-level requirements were first defined.
Date when Development and/or Acquisition began, If Applicable	Date (if any)	Required if Stage of System Development Lifecycle = Development and Acquisition, Implementation, or Operation and Maintenance	When the development and/or acquisition of the AI was started.

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[6] System Development Life Cycle (SDLC) - Glossary | CSRC (nist.gov) (https://csrc.nist.gov/glossary/term/system_development_life_cycle)

Date Implemented, If Applicable	Date (if any)	Required if Stage of System Development Lifecycle = Operation and Maintenance	When the AI was fully implemented and deployed into use.
Contact Name	Text	Required	Name of the individual responsible for the AI use case.
Contact Email	Text / Email address	Required	
Developer Information	In-house, Contracted, Commercial-off-the-shelf	Required	1. In-House: The system was design and developed by federal personnel, rather than contractors. 2. Contracted: Contract personnel played a role in design and development. 3. Commercial-off-the-shelf: The AI system was purchased pre-built from a third-party, allowing the agency to skip design and development by federal or contract personnel.
Consistent with EO 13960?	Yes / No	Required	Is the use case consistent with the requirements outlined in Executive Order 13960 on Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government?[7]
Explanation for inconsistencies with EO 13960	Text	Optional	Agencies are encouraged, but not required, to provide additional details when the use case is inconsistent with EO 13960, such as a summary of why the use case is inconsistent with EO 13960 and plans to achieve consistency.
What specific AI techniques were used?	Text	Optional	
Where did/does the training data originate?	Agency generated, purchased, from another agency, other	Optional	If the agency trained this AI use case, where did/does the training data originate?
Does the agency have access to the code associated with the AI use case?	Yes/No	Optional	
If the source code is publicly available, provide link.	Text	Optional	
Is the agency able to conduct ongoing testing on the code?	Yes/No	Optional	
Is the agency able to monitor and/or audit performance?	Yes/No	Optional	

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[7] https://www.govinfo.gov/content/pkg/FR-2020-12-08/pdf/2020-27065.pdf

RESPONSIBLE AI OFFICIALS

Additionally, agencies shall review the list of responsible AI officials in the **IDC Agency Contact List** (see Appendix B for details). Agencies shall ensure that at least one responsible AI official is correctly designated for their agency. Agencies shall update the contact information for their responsible AI official if needed (e.g., if the responsible AI official has changed).