**2021 Guidance for Creating Agency Inventories of**

**Artificial Intelligence Use Cases**

Pursuant to Section 5 of Executive Order (EO) 13960, “Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government”[[1]](#footnote-2), federal agencies are required to inventory their Artificial Intelligence (AI) use cases and share their inventories with other government agencies and the public. This guidance provides the *criteria*, *format*, and *mechanisms* for federal agencies, designated under Section 8 of the EO, to create their inaugural AI use case inventories.

This guidance is designed to collect a specific set of information for the initial inventory with the intent to expand upon this foundation for subsequent inventories. The Federal Chief Information Officers (CIO) Council will update these instructions annually to mature this effort and ensure incorporation of technological advances, increased usability, and alignment with relevant authorities and stakeholders. Results from the 2021 inventory will inform any future guidance for subsequent inventories.

To aid agencies in the completion of their AI use case inventory, please refer to “FAQs: 2021 Guidance for Creating Agency Inventories of Artificial Intelligence Use Cases” maintained at <https://community.max.gov/x/RBASgw>. If there are additional agency questions, please submit to feedback@cio.gov.

**Required Actions**

Within 180 days of this memorandum, designated agencies under EO 13960 shall:

1. Email the Office of the Federal Chief Information Officer (OFCIO) at feedback@cio.gov with the name(s) of their:

	1. Responsible Official(s), per Section 8(c) of the EO
	2. Chief Information Officer, per the Clinger-Cohen Act of 1996
	3. Chief Data Officer, per the Foundations for Evidence-based Policymaking Act

OFCIO will share the submitted information with the Federal CIO Council and Federal Chief Data Officers Council.

1. Responsible agency official(s) shall apply the definition of AI as described in section 238(g) of the National Defense Authorization Act[[2]](#footnote-3) and follow the inventory criteria, format, and mechanisms listed below to coordinate and create their respective inventories, including sharing compiled information with relevant stakeholders pursuant to EO 13960.

**Inventory Criteria**

Agencies shall use the following guidance to determine what AI use cases should be included in their agency inventory:

* Agencies shall assess their use of AI and include criteria that aligns with the definition of AI as described in section 238(g) of the National Defense Authorization Act.
* In accordance with Section 5(b) of EO 13960, agencies shall inventory only non-classified and non-sensitive use cases, and agencies shall include current and planned uses, consistent with the agency’s mission.
* Inventories shall include all uses of AI itemized in Sections 9(b) and 9(c) of EO 13960. For quick reference, the Sections are provided below:

“(b) Except for the exclusions set forth in section 9(d) of this order, or provided for by applicable law, the Principles and implementation guidance in this order shall apply to 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.

(c) This order applies to 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.”

* Inventories shall not include uses as itemized in Section 9(d)(i) – (iii) of EO 13960 or otherwise excluded by applicable law. For quick reference, the Sections are provided below:

“(i) AI used in defense or national security systems (as defined in [44 U.S.C. 3552](https://www.govinfo.gov/link/uscode/44/3552?type=usc&year=mostrecent&link-type=html)(b)(6) or as determined by the agency), in whole or in part, although agencies shall adhere to other applicable guidelines and principles for defense and national security purposes, such as those adopted by the Department of Defense and the Office of the Director of National Intelligence;

(ii) 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

(iii) AI research and development (R&D) activities, although the Principles and OMB implementation guidance should inform any R&D directed at potential future applications of AI in the Federal Government.”

**Inventory Format**

For reference, the following information will be collected for each agency’s AI use case.

| **Field** |  | **Field Description**  |
| --- | --- | --- |
| 1. AI Use Case Identifying Information
 | 1A.1B.1C. | AI use case name [open text]Agency/sub-agency with AI use case [pick list]Optional Note Field: To clarify 1B or to provide additional information (e.g. Agency co-development) [open text]Office with AI use case [open text] |
| 1. Contact Information (Note: List the point of contact that will be made available for inter-agency and public inquires)
 | 2A.2B.2C. | Last Name, First Name [open text]Email address [open text]Additional point of contact name and email address [open text] |
| 1. Summary
 |  | Provide a short summary (200 words max) of what the AI does. Include a high-level description of system inputs and outputs. [open text] |
| 1. Lifecycle Stage
 | 4A.4B. | What stage of production is the AI in? [picklist: planned (not in production), in production: less than six months, in production: less than one year, in production: more than one year]Additional comments related to lifecycle stage. [open text] |
| 1. AI Techniques (optional)
 |  | What specific AI techniques were used?[open text] |
| 1. Data Approach (optional)
 | 6A.6B.6C.6D. | Did/does the agency train this AI use case? [yes/no]If yes:Where did/does the training data originate? [picklist: agency generated, purchased, from another agency, other]Is the training data, the validation data, and/or test data included in the agency enterprise data inventory? [yes/no]If the data is publicly available, provide link(s). [open text]  |
| 1. Technical Solution (optional)
 | 7A.7B.7C.7D.7E.  | Does the agency have access to the code associated with this AI use case? [yes/no] If yes:Is the code included in the agency source code inventory (e.g., Code.gov)? [yes/no]If the source code is publicly available, provide link. [open text]Is the agency able to conduct ongoing testing on the code? [yes/no]Is the agency able to monitor and/or audit performance? [yes/no] |
| 1. Information System (optional)
 |  | Provide the name of the Information System (e.g., FISMA system name) associated with the AI use case. [open text] |
| 1. Use Case Releasability
 | 9A.9B. | Should this use case be withheld from the public inventory? If yes, the use case will only be shared in the internal government inventory. [yes/no]If the answer to 9A is yes, provide an explanation (this explanation will be included in the internal government inventory). [open text] |

**Inventory Mechanisms**

By March 22, 2022, Agencies shall use the provided Excel workbook, “Agency AI Use Case Inventory” to compile their AI use cases and upload one file per agency to the MAX site at:

[Agency AI Inventory Instructions and Submission - E-Government Community - MAX Federal Community](https://community.max.gov/pages/viewpage.action?spaceKey=Egov&title=Agency+AI+Inventory+Instructions+and+Submission).

**AI Definition (provided for reference)**

EO 13960 references Section 238(g) of the National Defense Authorization Act of 20192 to define AI to include the following:

1. Any artificial system that performs tasks under varying and unpredictable circumstances without significant human oversight, or that can learn from experience and improve performance when exposed to data sets.
2. An artificial system developed in computer software, physical hardware, or other context that solves tasks requiring human-like perception, cognition, planning, learning, communication, or physical action.
3. An artificial system designed to think or act like a human, including cognitive architectures and neural networks.
4. A set of techniques, including machine learning that is designed to approximate a cognitive task.
5. An artificial system designed to act rationally, including an intelligent software agent or embodied robot that achieves goals using perception, planning, reasoning, learning, communicating, decision making and acting.
1. [Exec. Order No. 13960, 85 Fed. Reg. 78939 (Dec. 3, 2020).](https://www.federalregister.gov/documents/2020/12/08/2020-27065/promoting-the-use-of-trustworthy-artificial-intelligence-in-the-federal-government) [↑](#footnote-ref-2)
2. [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)](https://www.congress.gov/115/plaws/publ232/PLAW-115publ232.pdf) [↑](#footnote-ref-3)