Compliance Plan for OMB Memoranda M-24-10

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Prepared by: Sivaram Ghorakavi
                      Deputy Chief Information Officer & Chief AI Officer

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The Equal Employment Opportunity Commission (EEOC) is actively engaged in efforts to align its internal principles, guidelines, and policies to ensure the responsible and trustworthy deployment and use of Artificial Intelligence (AI) in accordance with **Executive Order 14110 (https://www.whitehouse.gov/briefing-room/presidential-actions/2023/10/30/executive-order-on-the-safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence/)** and associated OMB memorandum **M-24-10 (https://www.whitehouse.gov/wp-content/uploads/2024/03/M-24-10-Advancing-Governance-Innovation-and-Risk-Management-for-Agency-Use-of-Artificial-Intelligence.pdf)** , Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence. The Commission has recently initiated an assessment of its current internal policies to ensure they meet the new requirements for AI transparency, fairness, and security. The Agency plans to develop a more detailed framework based on CAIO council recommendations and guidance.

1. STRENGTHENING AI GOVERNANCE

The Agency has formed a new AI governing body and is in the initial phases of its work. The group includes members from the Office of Information Technology (OIT), Office of the Chair (OCH), and the Office of General Counsel (OGC). This group's primary objectives are to develop guidelines for evaluating AI products and ensure compliance with the M-24-10 rules. To accomplish these goals, the group collaborates closely across offices, seeking advice from external experts as needed. As the primary federal agency charged with enforcing the federal laws against employment discrimination, in evaluating the agency's potential uses of AI, the EEOC considers, among other things, the impact of such use in light of applicable civil rights laws and the agency's mission.

In accordance with the 2024 AI Use Case Inventory instructions provided by the Chief AI Council, the governance group is reviewing all existing IT applications and Commercial Off the Shelf (COTS) systems in use to establish an inventory of AI-based use cases.

The Agency's process for soliciting and collecting AI use cases is a collaborative effort that begins with the OIT and the governance team reviewing all software inventory to identify and assess any AI elements. The AI governance group is also developing internal evaluation processes and associated templates to consider and address AI risks related to performance, reliability, bias, fairness, accountability, transparency, security, and privacy. The AI use case inventory and evaluation process will be reviewed and updated on an ongoing basis as policies, guidelines, and use cases develop, but at minimum every two years.

The new process includes an AI questionnaire for use during the IT and Acquisition departments' assessment. This ensures that all AI-related tools and systems are thoroughly documented and evaluated, making the Acquisition department an integral part of our AI governance process.

2. ADVANCING RESPONSIBLE AI INNOVATION

The EEOC is conducting an internal review of its acquisition process to capture the necessary process steps and contractual language to remove procurement barriers and ensure that all technology vendors are held to the same Responsible AI standards. Additionally, OIT, in collaboration with other Agency departments, routinely reviews the Agency's technical infrastructure and software needs. As AI use cases arise or adapt, this new AI Evaluation Process will allow for the identification of internal barriers that must be addressed.

The EEOC recognizes the importance of cultivating AI knowledge and skills to effectively meet our Agency's mission and strategic objectives. We have been assessing our current and future needs for AI expertise across the Agency and are actively reviewing professional development and learning opportunities for our staff to support AI and other technology-related enforcement and policy-making activities. As the Agency's AI strategy and approach evolves, we will continue to monitor developments and remain open to collaborative opportunities to attract, retain, and develop AI talent within the agency.

Currently, the EEOC does not plan to have custom-developed AI code. However, as the agency's AI initiatives expand, the Agency is committed to developing a comprehensive strategy that will address these requirements.

3. MANAGING RISKS FROM THE USE OF ARTIFICIAL INTELLIGENCE

On March 21, 2024, agency leadership issued a statement to all employees and contractors on the use of generative AI. This communication outlined the risks associated with generative AI and the existing internal policies on employee and contractor use of technology for Agency-related activities. Our OIT continues to assess how generative AI is evolving and how it is being adopted across federal, state, and local agencies to inform internal policies.

As stated in the Strengthening AI Governance and Advancing Responsible Innovation sections, the new AI evaluation process, checklists, and procurement

questionnaire developed by the Agency AI governance group will help determine which AI technologies are presumed to be Safety-Impacting or Rights-Impacting. Additionally, the CAIO and the AI governance group will actively engage with inter-agency AI sessions to learn and develop minimum risk management practices for the Agency.