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**Re:** Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence (AI) Draft Memorandum

As the bipartisan, national membership association representing state, county, and city human services agencies, the American Public Human Services Association (APHSA) welcomes the opportunity to submit comment on the Office of Management and Budget's Proposed Memorandum: *Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence (memo)*, accompanying Executive Order 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence (EO)*. APHSA's members administer economic assistance and child and family well-being services and benefits – such as the Supplemental Nutrition Assistance Program (SNAP), Temporary Assistance for Needy Families (TANF), child welfare, child care and others – at the state, county, and city levels. Our members are experts in overseeing and aligning these programs, which bolster community well-being through access to food, health care, employment, child care, and other key building blocks.

In addition, APHSA's members are leading experts in data analysis, health and human services IT systems, workforce development and training, and legal dimensions of the sector. By convening affinity groups such as IT Solutions Management for Human Services (ISM)<sup>1</sup> and the Public Human Services Attorneys (PHSA),<sup>2</sup> APHSA stays informed on common interests and concerns of IT and legal professionals in the human services sector. In addition to these affinity groups, APHSA convenes a Process Innovation Community of Practice, which focuses on person-centered process improvements in human services to enhance service delivery and improve customer experience, and its associated AI Workgroup. The input reflected in this comment letter is deeply informed by the insight and input of these member groups.

## **Overview: Inputs & Engagements Informing Response**

Over the past year, APHSA engaged its membership and partner networks across the country in dialogue about Artificial Intelligence (AI), building on our established history of leading technology conversations among human services practitioners and creating productive space for person-centered innovation. Because our membership stands to be directly impacted by forthcoming federal regulations and guidance that this EO and memo direct, we consulted cross-sections of human services practitioners through the above-mentioned groups, through attendees at its conferences and events, and through special project teams to understand state, county, and city human services practitioners' reactions to

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<sup>1</sup> For more information on ISM, see <https://aphsa.org/ISM/>.

<sup>2</sup> For more information on PHSA, see <https://aphsa.org/PHSA/>.

the Executive Order and Implementation Memo, their needs from forthcoming guidance, and their early ideas for how AI might enhance public programs.

From these conversations, APHSA has learned that – overall – our membership is eager to safely and securely use AI technology to optimize their service delivery and customer experience, and the available network of government partners is equally eager to support. To do this effectively, members and partners are readying themselves through early education and exploration of newly unlocked possibilities but have expressed a need for federal guidance to ensure further development, testing, and implementation of AI-enabled technologies that align with regulations and best practices.

With this, APHSA – on behalf of its membership – encourages OMB to heed the following considerations upon implementation of the Executive Order, including in the process of issuing guidance, exploring regulatory changes, developing use case inventories, and other EO required actions.

## Key Considerations for Federal Agencies Implementing EO

1. **Federal level coordination is key to state, county, and city government success.** State, county, and city agencies stand to benefit greatly from a coordinated approach across federal agencies that lead human services programs such as CMS, ACF, and FNS. The coordination directives outlined in the EO and Memo represent significant steps towards this goal. See more discussion of key considerations and potential challenges to successful implementation of coordination directives in response to prompts 1 and 2 below.
2. **Federal supports can boost agency adoption of human-centered practices.** To enable the human services sector to effectively harness the potential of AI to advance Equity, Diversity, Inclusion, and Belonging as well as an ethos of customer centricity, federal supports should focus on enhancing agency skillsets in user research and human-centered design while promoting transparent procurement for technology solutions. See more discussion on this consideration in response to prompts 3, 7, and 8 below.
3. **Customer and end-user input is key to tech-enabled, community-driven process innovation.** We recognize and appreciate the EO and Memo's emphasis on equity and customer involvement. However, we believe these elements should be even more central to AI implementation, especially in domains like human services, health, labor, and other community-serving supports. In our desired future state, such inclusive and community-driven process innovations are not just beneficial, but necessary. More insights on this are provided in our response to prompt 4.



## Memo Prompt Responses

1. The composition of Federal agencies varies significantly in ways that will shape the way they approach governance. An overarching Federal policy must account for differences in an agency's size, organization, budget, mission, organic AI talent, and more. **Are the roles, responsibilities, seniority, position, and reporting structures outlined for Chief AI Officers sufficiently flexible and achievable for the breadth of covered agencies?**

The roles, responsibilities, seniority, position, and reporting structures outlined for CAIOs outlined in the Memo are comprehensive and do offer significant flexibility in their structure. However, members and partners have highlighted potential challenges with the rapid implementation of these directives. A common anticipated challenge is in filling the CAIO position quickly, especially for agencies without a clear precursor in their Chief Technology or Data Officer, or similar roles. Insufficient capacity to recruit a well-equipped CAIO could result in inequitable levels of support and stewardship of human-centered, technology-enabled innovation at the federal level. Without strong leadership and AI sponsorship, agencies will struggle to meet the reasonable minimum standards for AI innovation outlined in the EO, which in turn may prevent human services programs from advancing their AI innovation goals.

In addition to support with recruiting and onboarding CAIO roles onto their teams, FNS, ACF, the Centers for Medicaid and Medicare Services (CMS), and other Federal agencies will benefit greatly from their CAIO's participation in intentionally coordinated bodies, as discussed in response to prompt 2 below.

2. What **types of coordination mechanisms**, either in the public or private sector, would be particularly effective for agencies to model in their establishment of an AI Governance Body? What are the **benefits or drawbacks** to having agencies establishing a new body to perform AI governance versus updating the scope of an existing group (for example, agency bodies focused on privacy, IT, or data)?

State, county, and city agencies stand to benefit greatly from a well-coordinated approach to EO implementation, as is reflected in mandates in the EO and Implementation memo, including the directed approaches to meetings. Ensuring that there are dedicated positions at the agencies to drive coordination is also critical, which we appreciate seeing in the EO. However, these federal agencies currently vary vastly in their levels of readiness and face a spectrum of resource constraints. The Office of Management and Budget (OMB) can play a critical role in bolstering essential coordination by consulting with federal agencies to assess the feasibility of proposed timelines and ensure their ensuing guidance and support are comprehensive and tailored to the needs of state, county, and city governments.

As is clearly recognized in the EO and memo, effective coordination mechanisms are essential for the success of an AI Governance Body in both public and private sectors. Establishing a governance body of CAIOs requires a framework that fosters collaboration, federal alignment, and efficient operation. This is crucial to mitigate the known downstream impacts of federal silos on critical public supports like food, cash, and healthcare access. Of particular import, agency leadership personnel with technological oversight must coordinate with their counterparts who oversee program business operations and policy to ensure cohesion not only across agencies but also across functions within agencies.

To enhance coordination, OMB should consider its ability to support CAIOs through setting up peer networks of expertise and support for the individuals in these roles. Examples of such supportive actions could include facilitating regular meetings, creating digital networks, and supplying administrative assistance. This support should be both initial and ongoing, focusing on harmonizing the diverse



capabilities of different agencies. Such alignment not only ensures compliance with governance standards but also promotes active contribution to human-centered AI innovation.

*Coordination Features, Mechanisms, & Strategies:*

- Coordination and alignment require intentional relationship establishment and maintenance to foster trust among members of the group.
- Coordinated bodies work together on joint activity and initiatives.
- The coordinated group has shared responsibility and accountability.
- A core feature of true coordination is regular attendance at scheduled recurring meetings that have intentional agendas and follow-up actions.

These strategies can be helpful for ensuring CAIOs and their groups are not only operational but also efficient and synergistic in their efforts.

In response to the second part of this question, we acknowledge that there are benefits and drawbacks to either of the approaches outlined: setting up a new AI governance body or expanding the scope of existing groups. While using existing bodies offers the advantage of involving individuals already invested in related areas, this approach will limit diverse representation in the new body, which is crucial for risk mitigation and bias avoidance. Even if agencies start by leveraging existing bodies, we encourage robust consideration of the additional needed perspectives and characteristics of people that make up AI governance bodies with expanded scopes and purviews.

### 3. How can OMB best advance responsible AI innovation?

To advance responsible AI innovation, we encourage OMB to focus its support on two key areas:

**Coordinated AI Governance:** OMB can help federal agencies in adopting a unified approach to AI governance. This should include facilitating coordinated rulemaking and providing clear guidance, particularly with regard to use of AI across agency supports that require Advance Planning Documents (APDs) for allocating costs across funding streams.<sup>3</sup> By ensuring that agencies work together harmoniously, OMB can help establish consistent, effective AI policies and practices across the federal landscape.

**AI Competitive Procurement:** OMB should encourage competition among contractors in AI-related procurements to prevent the entrenchment of incumbents and foster a diverse market of AI solutions. Requiring publication of vendor documentation requirements can further enhance transparency and accountability in this process and can be done without disclosure of proprietary knowledge, as is discussed further in response to prompt 8 below.

These strategies will contribute to a more competitive and responsible AI ecosystem, aligning various affected parties under common governance frameworks and procurement practices.

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<sup>3</sup> For example, see overview of FNS Advance Planning Document: <https://www.fns.usda.gov/sso>



4. With adequate safeguards in place, how should agencies take advantage of **generative AI to improve agency missions or business operations?**

For agencies to effectively use AI to enhance their operations and as a tool to aid in everyday tasks, approaches to implementation should focus on equity and customer involvement and prioritize best practices for seeking input from end-users. This approach builds toward modernization in a way that ensures that the technology works in service of inclusive, equitable outcomes aligned with the agency's mission. APHSA encourages agencies to anchor to our desired future state for human services when embedding AI into operations, which is importantly led by people with lived expertise and driven by a fierce commitment to equity, diversity, inclusion, and belonging.<sup>4</sup>



APHSA is currently leading a research project on this subject specifically focused on how AI is currently used, and how it might be used in the future, to support administrative actions agency staff complete when processing customers' SNAP cases. Through this project, a team is analyzing statutory and regulatory issues affecting current and potential future use cases for artificial intelligence in SNAP case processing, with an overarching theme of assessing potential for bias and other negative impacts to the customer. Our research in this context has led to our understanding that the incorporation of generative AI into agency business operations offers a transformative opportunity for government entities, particularly in public-serving sectors like human services, to advance their missions.

This research and related member feedback has also clarified that to harness this technology effectively and responsibly, agencies must prioritize equity and customer involvement at the core of their AI implementation strategies.

**Streamlining administrative processes for customer-centered service delivery:** Generative AI has the potential to revolutionize how human services agencies run by simplifying processes and workflows that

<sup>4</sup> For further discussion of APHSA's Desired Future State for Human Services, see:

- APHSA's 2023 Action Plan - <https://files.constantcontact.com/391325ca001/81b1eb42-5f8f-4975-8b3f-8668343ee016.pdf>
- APHSA's Strategic Playbook: <https://files.constantcontact.com/391325ca001/a307409a-6ff4-4e11-ad9c-e3f419e0ab48.pdf>

undergird accurate and timely benefit and service delivery, and that thereby free up valuable human resources for more complex and nuanced tasks and for authentic, dignified customer interactions. State, county, and city agencies that administer benefits and services look forward to being able to use AI work aids for staff – such as AI tools can undertake rote and tedious tasks like data re-entry, scheduling, and notetaking. By automating routine functions agencies can operate more efficiently and effectively, leading more accurate benefit determinations at government agencies, more efficient and responsible use of federal funds, and ultimately and most importantly to improved service delivery for customers.

**User-led technology development and service design:** When developing generative AI use cases, those leading the development must build into their development process the critical step of obtaining input from end-users and impacted parties. Their feedback should guide the development and deployment of AI tools to ensure that technology truly meet the needs of those it is designed to serve.

**Accessibility in communications and information sharing:** Generative AI can play a significant role in enhancing user-centered communications. Its capability to assist with lingual and visual translations can reduce the impact of language barriers and make information and services more accessible to a diverse population. Furthermore, this technology can contribute to significant improvements in accessibility, ensuring equitable access to government services and information. Examples of how AI can advance accessible in the human services sector include, but are not limited to:

- Integration of advanced screen readers and audio aids into government websites and digital services;
- Conversion of text into braille for government documents, forms, and notices, ensuring that visually impaired citizens have equal access to essential information;
- Real-time transcription and translation for hearing-impaired individuals and people with limited English proficiency;
- Leveraging tools for language simplification to translate policy, legal, and bureaucratic verbiage into plain language, making government communications more accessible to individuals with various levels of literacy or those who are not native speakers of the primary language used in these communications;
- Virtual sign language interpretation to supply real-time translation of spoken or written language into sign language; and,
- Creating customizable communication formats to allow people who receive government communications about their public benefits to choose how they receive information (e.g., larger text, high-contrast colors, audio descriptions), thereby catering to various accessibility needs.

5. Are there **use cases for presumed safety-impacting and rights-impacting AI** (Section 5 (b)) that should be **included, removed, or revised**? If so, why?

It is incredibly valuable and necessary to carefully define safety-impacting and rights-impacting use cases of AI while emphasizing that in many cases, these concepts are interconnected. APHSA takes particular interest in the rights-impacting use cases detailed, which are most relevant to the health and human services sectors, and we applaud the comprehensiveness of activities and decisions detailed. It is particularly meaningful to our membership to see an acknowledgment that public benefits innovation and protection falls under “rights-impacting” AI.



Our members have underscored the need for caution regarding AI use cases that might lead to adverse impacts on customers. Examples include AI applications for predicting behavior that could restrict service access, for determining program eligibility, for detecting fraud, and for automating other scenarios where there's potential for causing harm or perpetuating existing biases and inequalities. As we progress towards modernizing technology, it's crucial that Federal agencies approach these sensitive use cases not as initial forays into AI, but rather as areas for future consideration once a more mature phase of AI implementation is reached. This approach enables swift innovation in lower-risk scenarios and necessitates rigorous testing and de-biasing efforts to mitigate risks for broader uses so that we can collectively ensure equitable design and delivery of human services.

**6. Do the minimum practices identified for safety-impacting and rights-impacting AI set an appropriate baseline that is applicable across all agencies** and all such uses of AI? How can the minimum practices be improved, recognizing that agencies will need to apply context-specific risk mitigations in addition to what is listed?

The minimum practices set for safety-impacting and rights-impacting AI are critical, so we encourage OMB and implementing agencies to carefully consider and plan for implementation, particularly in instances when these requirements will be passed down to states through federal regulations and guidance. To enhance these practices, it would be beneficial for agencies to have access to tools and tailored support to meet these standards, as is further discussed in response to prompt 7 below. Implementing these practices will also require investment of time and funding to be successful.

As the memo mentions, OMB should also encourage agencies to develop their own context-specific practices; in this aspect, support through funding, technical assistance, or other avenues would be valuable to human services leaders. Providing templates for assessments and reports, along with examples of AI project implementation checklists, best practices, and training will support state- and local-level success, ensuring that customers benefit from the intentions behind these minimum practices.

**7. What types of materials or resources** would be most valuable to help agencies, as appropriate, incorporate the requirements and recommendations of this memorandum into relevant contracts?

**IT & Data Supports.** Human services agencies commonly struggle with IT infrastructure and data readiness, which are pivotal for AI maturity. Treating relevant data, including its modification such as cleaning and formatting/standardizing, as a critical asset is essential, and agencies require materials and resources to do so. In addition, agencies at the state and local levels require guidance and resource materials on what constitutes AI for human services programs (as opposed to non-AI automation). Human services agencies would also find resources and materials on how to execute or modify data sharing agreements (DSAs) with consideration for AI-enabled data systems extremely valuable, especially considering the new capacities AI stands to unlock for aligned operability across human services systems.

**Vendor Quality Supports.** APHSA's membership appreciates that this guidance paves a lane toward better transparency and relationship between vendors and government. To this end, agencies would benefit from access to resources like template requirements agencies can adapt and include in their vendor contracts, independent evaluator tools, vendor quality assessments, and support for confident procurement of AI and other advanced technologies.



**User Experience (UX) & Design Resources.** As we have mentioned throughout, it is crucial for programs to develop and deploy mechanisms for customer feedback loops and satisfaction measurement in program design as human service system transforms into an AI-enabled, modernized state. Education and technical assistance on UX and design are vital for agencies to develop in-house expertise or manage external services effectively, ensuring they demand best practices in requests for proposals and procurements. In addition to Subject Matter Expert vendors, agencies at the state and local levels will need education and technical assistance to eventually be able to bring such functions in house, or at minimum, to develop in-house expertise for effectively managing external. When developing user research plans, our experience has been that agencies require assistance and guidance for building comprehensive processes for conducting ethical, fairly compensated user research.

**8. What kind of information should be made public about agencies' use of AI in their annual use case inventory?**

For the annual use case inventory on agencies' use of AI, the information made public should enable action toward transparent procurement and tech solutions which include implementation details, documentation or links to tools, vendors or partners involved, and costs. It will also be beneficial to include details that state-level agencies might need for their own research into AI tools for adoption. This comprehensive information will aid in making informed decisions and fostering responsible AI use within agencies. APHSA's membership appreciates that this guidance paves a lane toward better transparency and relationship between vendors and government.

**Conclusion**

As proposed, the memorandum would establish new requirements in areas of AI governance, innovation, and risk management, and would direct agencies to adopt specific minimum risk management practices for uses of AI that impact the rights and safety of the public. With this, we should acknowledge that a wide spectrum of responses has already begun emerging from AI skeptics to early adopters and AI champions – some are primarily fearful of risks, biases, and privacy implications that come with AI use, while others are primarily eager to innovate their programs with modern technology, and many are somewhere in the middle. This memo and ensuing federal actions stand to even out this spectrum and create a secure middle from which agencies can confidently run, modernize, and improve programs. Above all, AI implementation, especially for human serving agencies and those administering benefits and services to historically underserved populations, should be connected into a desired future state where community and people with lived experience are central to program design and service delivery.

Thank you for considering our feedback and for your dedication to enabling safe, secure innovation of government programs that support economic security and community well-being.

Sincerely,

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