

December 4, 2023

Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Re: Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence Draft Memorandum (Document ID: OMB-2023-0020-0001)

Dear Director Young:

On behalf of the Partnership for Public Service, I am writing to share comments on the Office of Management and Budget’s draft memorandum regarding “Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence” released on November 3, 2023.

The Partnership is a nonprofit, nonpartisan organization committed to building a better government and a stronger democracy. Core to our mission is the belief that a merit-based, nonpartisan civil service, who represents the diversity of the country, is central to our system of government. Since the Partnership’s founding over two decades ago, we have advocated across administrations for changes to federal law, regulations, policies, and programs that improve our government’s ability to attract, hire and retain a talented and diverse workforce that effectively serves the public.

The Partnership commends OMB for its thoughtful approach to leveraging artificial intelligence (AI) in government and we appreciate the chance to comment on this guidance. AI can be a powerful tool, but it is important not to lose sight of the people using and enabling its functions in government. Without the appropriate workforce and human capital mechanisms in place—including recruitment, hiring, training, development, and retention efforts—the federal government won’t be able to effectively, securely and appropriately utilize these technologies.

There are references to human capital issues throughout the guidance, but agencies would benefit from clearer direction to shape their AI efforts. We recommend that OMB pull the disparate references to human capital and talent into a separate strategic human capital framework section in its guidance, so agencies incorporate human capital best practices from the start of their AI journeys. Clear guidance from OMB on this topic will ensure that AI human capital needs are well-coordinated across government and compel agencies to think strategically about AI talent, development and leadership long before inadequacies cause challenges and delays to the other work directed by the memo.

Although AI use in government represents uncharted territory in some respects, there are scores of best practices related to the federal workforce and human capital management that can, and should, be applied to this issue. Core focus areas for strengthening the federal AI workforce include:

- Utilizing surge hiring best practices and available hiring flexibilities;
- Deploying skills-based hiring and considering job classification;
- Developing position descriptions and making them shareable government-wide;
- Empowering and developing modern government leaders;
- Equipping leaders and supervisors with training on technology principles; and
- Mitigating human capital risks (e.g., privacy, bias and transparency).

We believe these tenets and specific proposals will help ensure that the federal workforce is equipped to deploy emerging technologies, such as AI, today and in the future. Below we further outline recommendations for OMB regarding the draft guidance, including a separate strategic human capital framework section and suggestions for additional provisions.

Strategic Human Capital Framework

Agencies must think strategically and work collaboratively to address the human capital needs that AI implementation requires. To assist them in this process, OMB should expand its guidance by creating a strategic human capital framework section. This framework should be developed in coordination with the Office of Personnel Management (OPM) and build upon considerations OMB has accounted for in its proposed guidance. We recommend including the following best practices:

Utilize surge hiring best practices and available hiring flexibilities:

The rapid advancement of government-wide AI capacity will require a thoughtful hiring surge that incorporates learned best practices from recent talent buildups.ⁱ While focused on onboarding AI talent, the federal government should seize this opportunity and broaden the scope of the surge to encompass the range of roles needed to leverage AI, including not just technologists, but data analysts, data scientists, customer experience specialists, and any other enabling roles. Additionally, it's critical that agencies focus on bringing in early-career employees to build the talent pipeline, not just experts at higher grades. We recommend that OMB's guidance ensure that agencies are focused on a variety of grade levels and skillsets – this will allow agencies to fill mission-critical skills gaps while hiring for AI talent and enable the federal government to better leverage this emerging technology in the long run.

To that end, OMB and OPM should determine which government-wide or agency-specific hiring authorities best meet the needs of the pending surge, develop a recruiting infrastructure that leverages data and technology, hire recruiters or train current staff on how to attract candidates and guide them through the hiring process, and apply a project management approach to streamlining the hiring surge. OMB mentions some of these considerations in the “Advancing Responsible Artificial Intelligence Innovation” section of its guidance and should further specify them to provide agencies with a baseline of information that they can customize to their needs. These best practices can help overcome a disjointed hiring process and have been used by agencies to rapidly grow their workforces in response to various challenges and initiatives.

Deploy skills-based hiring and consider job classification:

Unnecessary degree requirements can create barriers for job seekers, particularly in technology-focused occupations. Progress has been made on this front in recent years (e.g., the 2020 executive orderⁱⁱ emphasizing skills over degree requirements) but government can still strengthen its talent pipelines for jobs that do not require a four-year degree—such as those in IT, cyber and AI—by demystifying the hiring process and using rigorous technical assessments to identify qualified talent, building relationships with community colleges and workforce development organizations, and removing barriers to professional development and advancement. Doing so would benefit federal agencies by connecting them with potential applicants who too often are overlooked and talent within underserved

communities.ⁱⁱⁱ This guidance should also make clear to agency human capital leadership that four-year degrees should not be required, and direct new Chief AI Officers (CAIOs) to work with Chief Human Capital Officers (CHCOs) to ensure that HR specialists understand what alternate programs and bootcamps confer the required skills absent a formal degree.

Additionally, agencies should be directed as part of their strategic AI human capital planning to identify which occupational series they will use to fill AI roles, as these positions encompass a range of work beyond and including those mentioned in Executive Order 14110 section 10.2(d)(i) – IT Specialist (2210), Computer Scientist (1550), Computer Engineer (0854), and Program Analyst (0343) focused on AI. Depending on the job classification, there will be certain hiring flexibilities and pay considerations available to bring those candidates on board (e.g. direct hire for certain STEM occupations) that every agency must understand and have available to them – all critical elements that must be considered before ever posting a job.

Develop position descriptions and make them shareable government-wide:

Rather than using antiquated job titles heavy on government vernacular, agencies should aim to attract prospective candidates by titling jobs in accordance with industry-wide standards. Additionally, position descriptions should be modernized and clearly outline expected responsibilities. OPM issued guidance on the skills and competencies needed for federal AI positions in July 2023,^{iv} offering a list of general and technical competencies that can serve as a starting point for agency job analysis efforts – we recommend including this resource in OMB’s guidance. To help agencies effectively recruit tech and AI talent, it would be useful to develop a set of common job titles and position descriptions, make those shareable government-wide, and undertake pooled hiring actions for those roles. The Partnership commends OMB’s reference in 4(b)(iv) of its guidance to the use of descriptive job titles and recommends that this be expanded to cover updated position descriptions and job announcements for greater effect.

Empower and develop modern government leaders:

Leaders across government, from every discipline and practice, should apply modern ways of working to their programs and organizations. It is critical that agency leadership be prepared to respond to the ongoing evolution of AI, along with any emerging technology or tool, and their broad impacts. To this end, the federal government should invest in hiring and training government leaders^v who integrate modern ways of working for their organizations. This approach is customer-centered, outcome-oriented, evidence-based, transparent, strategically evaluates risks, and technologically open-minded. It empowers federal leaders to simultaneously harness AI’s immense potential for public good while actively mitigating its potential for harm.

To achieve this goal, these types of leadership skills should be adopted across government, regardless of the leader’s functional relationship to technology. Emphasizing their adoption in updates to the Executive Core Qualifications (ECQs), as outlined in section 10.2(d)(vii) of the EO, is a critical opportunity – and this guidance should ensure that any updates to the ECQs are applicable not just to those directly overseeing technology or related areas, but to any senior leader. Furthermore, any review of the ECQs should not just be limited to how the skills are applicable to AI and data, but more broadly how they outline the skills required of all modern leaders. We recommend that OMB and OPM partner with

agencies and external stakeholders through that process to develop modern leadership standards and build off existing models, such as the Partnership's Public Service Leadership Model.^{vi} These principles will help guide efficient, equitable and effective delivery for the public while centering the humans who create, implement, benefit, and are impacted by AI's growth.

Finally, the AI executive order and OMB's subsequent guidance outline a governance structure which includes a designated Chief AI Officer. For AI efforts to be successfully coordinated at agencies, it is imperative that this role not operate in a silo. Simply designating a "chief" only scratches the surface of the cross-organizational leadership necessary to meet this AI moment head on. Ultimately, if the person in the role isn't empowered to lead and work collaboratively across the enterprise, there will be little progress on these issues. We recommend that this role not be dual hatted with other chief roles unless the person has specific leadership skills applicable to the AI role or has a technical deputy that can serve as the link between senior leaders and the AI workforce. Additionally, we question whether this needs to be another "chief" role, or should rather be embedded across existing data, IT, cyber, and program offices that all play parts in enabling any emerging technology such as AI. Regardless of where the CAIO sits, it is crucial to ensure that the person in this role has the requisite skills to enable successful AI adoption and usage, which may mean bringing in talent from outside of government.

Equip leaders and supervisors with training on technology principles:

In addition to a federal workforce that is able to responsibly use AI for public service and protect against its harms, we need federal leaders who are equipped to lead AI decision-making effectively and responsibly. Regardless of their technical background, leaders should make a concerted effort to learn new technologies and see how they can be used in service to the public. Responsibly evaluating, implementing and using artificial intelligence tools requires successful collaboration between technical and non-technical leaders. The data scientists building AI tools, the CAIOs or Chief Information Officers operating them, the general counsels reviewing their privacy implications, the program managers interpreting their results, plus many others, must all collaborate for AI use to follow responsible principles.^{vii}

Whether agencies are building their own AI systems or acquiring them from outside vendors, they should ensure that federal employees have sufficient expertise to evaluate and operate artificial intelligence tools. Agencies should also explore ways to develop technical and non-technical staff capacity to understand the risks, benefits and implications of using AI for service delivery. Some current efforts recognize this need and aim to assist agencies in developing expertise, such as the [AI Training Act](#) signed into law in October 2022 which charges OMB with developing a training program to help acquisition professionals better understand AI and its potential risks and benefits.^{viii} OMB should consider whether this already-underway framework can and should be applied to other training opportunities.

Additionally, leaders should communicate with employees early and often about the potential of AI to disrupt and alter their work. The federal government should investigate and prepare for changes to the workplace resulting from AI adoption similarly to the planned studies on the broader workforce outlined in section 6 of Executive Order 14110. A holistic response will train workers to partner with AI to create responsible "human-in-the-loop" decision-making processes, identify areas of need within the government and retrain workers into those roles, and ensure that pathways for dedicated civil servants

to grow in their careers remain open at all levels of government operations. To see the true benefits of AI in the federal workplace, it is imperative that government retains and empowers federal workers to achieve their mission of impactful, inclusive public service and benefits delivery.

Mitigate human capital risks:

OMB's guidance provides an opportunity to mitigate AI-related human capital risks, addressing concerns surrounding leadership, transparency, privacy, bias and much more. The Partnership recommends that OMB update its guidance to account for the following considerations and best practices.

First, the risk mitigation framework defined for rights impacting uses of AI is holistic and flexible, allowing it to adapt to the rapid acceleration of AI capabilities. Providing further details for agencies on key, foreseeable harms in the human capital and hiring domain can ensure safer rollout in the near-term. We recommend the following:

- CAIOs should collaborate with their respective CHCOs to define and release a restricted list of model features and uses in the human capital domain that are not already associated with protected classes. Of particular importance are restrictions on the use of biometric and personality-based features and evaluation techniques.
- Agencies should publish their criteria for evaluating human capital use cases for algorithmic bias and discrimination, publicly defining the acceptable range of outcomes for protected groups.
- The federal government must prevent the creation of a pay-to-play paradigm in job and benefits application use cases, wherein the supplying vendor—or associated developers—creates and sells a consumer product that tailors application materials to pass the screening algorithms they provide to the government.
- Agencies should expand the protections for federal data described in guidance section 5(d)(iv) on contracting to include their procurement evaluation processes to safeguard privacy and retain the data's value for the government.

Next, there are a variety of opportunities and risks in using AI to recruit and hire talent. Before AI is fully embedded in talent management there must be more progress made with previous executive orders around data integrity, as most federal HR systems are fragmented and lack comprehensive data points to effectively inform algorithm development. Additionally, government must inject more transparency into the hiring process. A common question we hear in our work with career advisors and jobseekers centers around the role of technology and AI in reviewing applications. Students and advisors are often surprised to learn that a human reviews and scores at least part of their application. Should those standards change as the role of AI becomes more prominent, it will be important to inform the public.

Finally, the risk of bias in human capital operations must be considered. When it comes to talent management, AI can be a useful tool for identifying possible gaps and differentiators of talent. However, it should not be used as an isolated decision-maker, because it is challenging to replace the nuances of human experiences and historical references (e.g., racism, sexism, etc.) when assessing people's contributions within a complex social network like a federal agency. As OMB, agencies and the administration continue exploring the use of AI in government, bias mitigation must be more prominently considered, particularly as it applies to human capital management. OMB, along with OPM, should create more explicit guidance for agencies on the use of AI in this area.

Additional Provisions

While much of the focus of these comments has focused on the human capital aspects of the draft guidance, we offer the following comments on a few other areas as well.

Define AI hallucination thresholds for federal information and content developed by generative AI:

Hallucination (false or misleading information created by AI) thresholds should be defined wherever the federal government makes decisions or provides information developed by generative AI. Recent research has found that publicly available chatbot products have hallucination rates ranging from 3-27% of generated content.^{ix} For government to deliver on its mission and maintain public confidence, it must ensure automated information delivery is accurate and trustworthy. These thresholds should be tailored to the specific risks associated with misinformation on a particular subject. Recognizing that eliminating these errors is not currently feasible, agencies should develop processes to identify and remedy instances of hallucinations that occur during public-facing service delivery. We recommend addressing this issue in risk management section 5(c) of the guidance.

Prevent non-government actors from mimicking federal AI outputs:

The federal government must take steps to prevent non-government actors from mimicking outputs created by federal generative AI. While watermarking can be an effective means of tracing provenance, it is currently technologically inconsistent, ineffective on text-based generation tasks, and vulnerable to mimicry. The federal government should investigate the efficacy of algorithmic methods that prevent content from being reproduced by adversarial generative AI. These practices, broadly known as “cloaking,” are critical to upholding trust in government by preventing misinformation, abuse and fraud. We recommend addressing this issue in risk management section 5(c) of the guidance.

Spotlight review allowances under the Paperwork Reduction Act:

One of the best practices in designing products is the collection of user feedback. This ensures that a product is designed for the customer, in addition to being user-friendly and accessible. Far too often, government products and services are not designed this way and agencies do not incorporate real-time user feedback at points throughout the development process to drive improvements – often this is due to a real or perceived ban on collecting user feedback unless agencies go through the requirements of the Paperwork Reduction Act. We applaud the guidance for stating in footnote 33 (page 19) that agencies are not required to go through the Paperwork Reduction Act review if user feedback is collected in the ways stated in the guidance. We recommend that this be elevated from the footnote and more clearly stated in the guidance. Agencies may be reluctant to allow this sort of user feedback without specific and ongoing guidance from OMB that it is not only allowable but encouraged.

Conclusion

We appreciate OMB’s efforts to support the responsible use of AI in government and the thoughtful guidance outlined in this draft memo. In addition to efforts aimed at establishing policies related to AI, OMB and policymakers should continue seeking opportunities to deploy tried and true best practices to strengthen the federal workforce. As these efforts continue in the days, weeks and years to come—and



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as technology continues to rapidly evolve—we implore policymakers and agency officials to continue supporting federal employees, integrating technology efforts across the enterprise, and applying human capital best practices.

Thank you for the opportunity to share our thoughts and recommendations. We welcome the opportunity to work together toward our shared goal of supporting the federal civil service today and in the future.

Sincerely,

A handwritten signature in black ink, appearing to read "Max Stier".

Max Stier
President and CEO

ⁱ “Rapid Reinforcements: Strategies for Federal Surge Hiring,” Partnership for Public Service, October 2020, https://ourpublicservice.org/wp-content/uploads/2020/10/Rapid_Reinforcements_2.pdf

ⁱⁱ Executive Order 13932 “Modernizing and Reforming the Assessment and Hiring of Federal Job Candidates,” June 26, 2020, <https://www.federalregister.gov/documents/2020/07/01/2020-14337/modernizing-and-reforming-the-assessment-and-hiring-of-federal-job-candidates>

ⁱⁱⁱ “Opening Doors, Building Ladders: How Federal Agencies Can Hire and Retain Californians Who Do Not Have a Four-year Degree,” Partnership for Public Service, February 2021, <https://ourpublicservice.org/wp-content/uploads/2021/02/Opening-Doors-Building-Ladders.pdf>

^{iv} “The AI in Government Act of 2020 – Artificial Intelligence Competencies,” Office of Personnel Management, July 2023, <https://chcoc.gov/content/ai-government-act-2020-%E2%80%93-artificial-intelligence-competencies>

^v “Modern Government Leaders Program,” Partnership for Public Service, <https://ourpublicservice.org/our-solutions/leadership-and-collaboration/networks/modern-government-leaders/>

^{vi} “Public Service Leadership Model,” Partnership for Public Service, <https://ourpublicservice.org/public-service-leadership-institute/public-service-leadership-model/>

^{vii} “In the Public AI,” Partnership for Public Service, December 2022, <https://ourpublicservice.org/publications/in-the-public-ai/>

^{viii} “In the Public AI,” Partnership for Public Service, December 2022, <https://ourpublicservice.org/publications/in-the-public-ai/>

^{ix} “Measuring Hallucinations in RAG Systems,” Vectara, November 2023, <https://vectara.com/measuring-hallucinations-in-rag-systems/>