Assessing the Implementation of Federal AI Leadership and Compliance Mandates

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Executive Summary

- Recent executive actions (i.e., Executive Order 14110 [AI EO] on the *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, and OMB M-24-10 [M-Memo] on *Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence*) have aimed to improve innovation and governance of AI in government.

- Understanding the current state of implementation is vital to evaluating, improving, and solidifying the government's efforts to lead and govern in AI. Prior assessments of earlier AI governance directives (i.e., Executive Order [EO] 13859 on AI Leadership,[1] EO 13960 on AI in Government,[2] and the AI in Government Act of 2020[3]) revealed weak and inconsistent implementation that could impact the federal government's ability to harness AI responsibly.[4]

- We assess the implementation of requirements for agencies to (a) appoint Chief AI Officers (CAIOs) and (b) issue plans for internal strategic planning and governance (Compliance Plans), as well as (c) make associated budgetary requests. We examine implementation at 266 federal agencies, as well as subsets of agencies that are singled out in directives (e.g., the 24 Chief Financial Officers [CFO] Act agencies)[5] and are large in size as designated by the Office of Personnel Management (i.e., 11 distinct non-CFO Act agencies with 1,000 or more employees).[6] All the analysis presented in this paper is based on publicly available data as of October 20, 2024.

- Relative to prior AI-related legal requirements, White House leadership and agencies have significantly improved their implementation of these legal and policy requirements. For instance, while only 12 percent of covered agencies had published Agency AI Plans under EO 13859,[7] 86 percent of (CFO Act and large independent) agencies submitted Compliance Plans or written determinations about AI use as mandated under the M-Memo.

- Notwithstanding this progress, we identify notable areas for improvement to achieve consistency with executive directives.

- We recommend greater public visibility and conceptualization of the CAIO role. Thus far, 30 percent of 266 agencies (80 agencies) have publicly disclosed their CAIOs on official government websites, with AI.gov[8] centrally identifying these CAIOs. Ninety-four percent of CFO Act and large independent agencies have publicly disclosed their CAIOs.

  - Of the publicly announced CAIOs, 89 percent are "dual hatted," meaning they are officials with principal existing responsibilities (e.g., Chief Information Officer, Chief Data Officer) who received the additional assignment of CAIO.[9]

  - Nearly all CAIOs are internal appointments: Only one agency brought in a nongovernmental official.

- The education and professional backgrounds of CAIOs vary widely. Forty-five of 80 CAIOs (56 percent) have documented and identifiable experience in technology outside of government, but a minority of these appear to have been in AI-focused domains.

- The implementation of Agency Compliance Plans, although showing a significant improvement over prior assessments, has not been perfect. Fifty-five agencies publicly released Compliance Plans or written determinations around AI use, but the degree of detail, transparency, and focus of these plans varies significantly.

  - Nineteen of the 24 CFO Act agencies completed and publicly posted their Compliance Plans by the deadline, and all did so within several weeks after the OMB deadline.

  - Three of the 11 other large independent agencies, as classified by OPM, published their Compliance Plans or written declarations of no AI use by the original deadline, while three more did so within weeks following the deadline.

  - Of agencies that filed Compliance Plans (42), 37 agencies (88 percent) reference the establishment of an internal AI governance body.

  - The majority of them (28 agencies, 67 percent) identified barriers to responsible use of AI in their Compliance Plans. The most common barriers include resource constraints, workforce and expertise, and technical infrastructure.

  - While 25 agencies (60 percent) reported developing internal guidance for generative AI use, only 14 agencies (33 percent) specified establishing safeguards and oversight mechanisms and 9 agencies (21 percent) detailed how these safeguards are implemented.

- The level of funding requested for the new mandates and AI activities varied widely. Sixty-five percent of agencies have *not* specifically requested funding for AI initiatives in their FY 2025 congressional budget justification, although we acknowledge that uncertainty in the budgeting environment may have played a factor in this.

  - Those that have, on average, requested $270 thousand to support the operations of their CAIO offices. The major outlier is the Department of Defense, which proposed a budget of $435 million for its Chief Digital and AI Officer.[10]

- While much more attention has been placed on implementing executive directives, our results confirm earlier findings that a "whole-of-government" approach to AI innovation continues to require senior-level leadership that shepherds consistent compliance across distinct government agencies.

Section 1. Introduction

There is widespread consensus that the federal government should exercise leadership on AI innovation and governance.[11] As the federal government continues to move toward greater adoption and integration of AI, the need for transparent and effective leadership and governance within federal agencies remains vital. The widely espoused, bipartisan recommendation to establish Chief AI Officers (CAIOs) and strategic planning across federal agencies to foster AI innovation, coordination, and governance[12] was formalized through Executive Order 14110 on the *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*[13] ("AI EO") and the corresponding Office of Management and Budget (OMB) Memorandum M-24-10 on *Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence*)[14] ("M-Memo").

A previous assessment in 2022 of the implementation of federal AI governance requirements of the then three pillars of the national AI strategy (Executive Order [EO] 13859 on AI Leadership,[15] EO 13960 on AI in Government,[16] and the AI in Government Act of 2020)[17] identified that "America's AI innovation ecosystem is threatened by weak and inconsistent implementation of these legal requirements."[18] The Government Accountability Office reached a similar conclusion a year later that key requirements had not been completed, such as the establishment of an AI occupational series by the Office of Personnel Management (OPM) or the publication of guidance for the acquisition and use of AI by OMB, each mandated by the AI in Government Act.[19]

Since then, significantly more attention has been paid to implementation of discrete requirements—particular actions by specific agencies—under the AI EO. The White House asserted that no deadline has been missed,[20] and the Government Accountability Office selected thirteen AI management and talent requirements that were due in March 2024, finding all were "fully implemented."[21] Public efforts, however, faced more challenges independently verifying implementation.[22]

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There has not yet been a systematic evaluation of later requirements that apply across agencies, such as the CAIO designation, which we examine here. The AI EO and M-Memo put in place three such requirements across government agencies. First, within 60 days (namely, by May 27, 2024), each agency[23] was required to appoint a CAIO to oversee their agency's AI governance, manage associated risks, and foster innovation in agency operations.[24] Second, each Chief Financial Officers (CFO) Act agency[25] was required to convene an AI Governance Board by the same deadline.[26] Third, each agency was required to publicly release a plan (referred to here as a Compliance Plan) to achieve consistency with the principles and guidelines on AI use laid out in the M-Memo within 180 days (by September 27, 2024).[27]

These executive actions set clear expectations for federal agencies to establish comprehensive AI governance structures and develop both short- and long-term strategic plans for AI innovation. Yet fulfilling these expectations ultimately depends on how agencies carry out their directives within existing governance structures and resource constraints. Understanding the current state of implementation is hence vital to understanding, improving, and solidifying government's efforts to lead and govern in AI.

This White Paper examines the implementation status of three core mandates:

1. the designation of CAIOs and the degree to which agencies have adopted this role;

2. compliance with the requirements outlined in the M-Memo, particularly the publication of agency-specific AI governance and Compliance Plans; and

3. budgetary allocations to support CAIO operations and AI-related initiatives as outlined in the Congressional Budget Justification Reports for fiscal year (FY) 2025.

We assess how well federal agencies are meeting the requirements of the AI EO and M-Memo, while identifying obstacles that may hinder effective AI innovation and governance in federal agencies. First, we performed a comprehensive search across 266 federal agencies to identify the designated CAIO and reviewed their professional background based on publicly available sources.[28] Second, we conducted a series of structured interviews with CAIOs from a range of agencies.[29] Third, we systematically assessed the implementation status of AI Compliance Plans for each agency.[30] Last, we analyzed their corresponding budget request, if available, for implementing the AI

Compared to prior efforts, White House leadership and agencies have significantly improved their implementation of these legal and policy requirements.

EO and M-Memo.[31] (See Appendices A–D for detailed methodology.) We assess implementation across all applicable agencies, but also report results for subsets of agencies that are singled out in directives (e.g., the 24 CFO Act agencies) and are large in size as deemed by OPM (11 distinct non-CFO Act agencies with 1,000 or more employees).[32]

Compared to prior efforts, White House leadership and agencies have significantly improved their implementation of these legal and policy requirements. For example, EO 13859 (the AI Leadership order) required OMB to publish a memorandum by August 2019[33] on regulating AI while promoting innovation and required "implementing agencies" to publish plans to achieve consistency with that memorandum. However, only 5 of the 40 "implementing agencies," or 12 percent, published such "Agency AI Plans" across disparate agency websites. In comparison, 86 percent of CFO Act and large agencies (30 of 35) have published Compliance Plans under the M-Memo's directive. To address earlier transparency challenges, OMB has standardized how agencies report their AI use cases by requiring them to publish their inventories at a consistent web address and AI.gov has published the implementation of White House–level and agency-level requirements.[34]

While agencies have taken significant steps toward organizing and elevating AI leadership, our findings also show that there remains considerable inconsistency in how agencies have publicly reported and implemented CAIO designations and Compliance Plans.[35]

First, 80 of the 266 federal agencies (30 percent) have publicly disclosed the designation of their CAIO on official government websites, but 94 percent of the CFO Act (24 of 24) and large independent agencies (9 of 11) have disclosed their CAIO designations.[36] Of named officials, 89 percent are filled by individuals who already held other significant titles, such as Chief Information Officer (CIO; 29 percent) and Chief Data Officer (CDO; 15 percent), within their respective agencies.[37] While assigning concurrent roles to CAIOs may be practical and convenient, especially given the time and resource constraints noted by agencies, it raises questions about whether these "dual-hatted" CAIOs are able to effectively prioritize AI governance given existing principal roles.[38] Only one agency has appointed a nongovernmental official with specialized AI expertise.[39] The education and professional backgrounds of CAIOs vary widely; 45 of 80 CAIOs (56 percent) have documented and identifiable experience in technology outside of government, but a minority of these appear to have been in AI-focused fields.

Second, 55 agencies have published Compliance Plans or written determinations around AI use. All 24 CFO Act agencies completed and publicly posted their Compliance Plans, but five released their plans shortly after the official deadline.[40] Focusing on the 11 other large independent agencies outside of the CFO Act agencies, six have published their Compliance Plans or a written determination that the agency does not use AI, and of these, three complied by the deadline. Inconsistencies reflect the challenges observed in previous agency technology modernization efforts.[41]

Third, around a third of the agencies explicitly requested funding for AI initiatives in their budget justifications for FY 2025. Among those that have, the requested amounts varied widely. The Department of Defense, for example, proposed a $435 million budget for AI initiatives and operations under its Chief Digital and AI Officer.[42] Other agencies sought far more modest funds, requesting an average of $270 thousand to support the staff and operations of their CAIOs.

The White Paper proceeds as follows. Section 2 provides background on the mandates that were established to organize and elevate federal AI leadership. Section 3 presents detailed findings on the CAIO designations across federal agencies, including an analysis of their existing responsibilities and professional backgrounds. Section 4 assesses the implementation of the M-Memo requirement that agencies publish Compliance Plans or written determinations regarding their AI use. Section 5 analyzes the FY 2025 budget justifications to examine how agencies intend on resourcing their AI activities. Our findings represent a systematic review of agencies' verifiable progress in implementing the M-Memo requirements (see detailed Appendices A–B). While our assessment aims to be comprehensive, it is nonetheless limited to publicly available information. Section 6 concludes with a brief discussion of these limitations. Finally, Section 7 spells out the implications of our findings for AI adoption, innovation, and governance across federal agencies.

Section 2. Legal Landscape of Federal AI Use

The most notable developments in laws governing federal AI use have primarily occurred in the past five years, beginning with the 2019 EO 13859, *Maintaining American Leadership in Artificial Intelligence*.[43] EO 13859 directed agencies to, among other things, promote sustained investment in AI research and development, categorizing it as an administration priority; reduce barriers to the use of AI while protecting civil liberties, privacy, and economic and national security; and make improvements to their data and model inventory documentation. The accompanying OMB memo, which provided guidance to agencies on the implementation of EO 13859, further laid out "Principles for the Stewardship of AI Applications" that included maintaining public trust in AI, engaging the public in developing appropriate regulations, maintaining scientific integrity and information quality, assessing and managing risks, assessing the benefits and costs, using flexible regulatory and nonregulatory approaches, maintaining fairness and nondiscrimination, providing disclosure and transparency, prioritizing safety and security, and conducting interagency coordination.[44]

In 2020, the AI in Government Act[45] mandated three actions to improve the use of AI within the government. First, it created the AI Center for Excellence within the General Services Administration to facilitate the adoption of AI technologies and improve coordination and competency in implementing AI technologies within the federal government. Second, it required OMB to issue guidance to federal agencies on developing AI-related policies regarding, for instance, federal acquisition and

use of AI technologies; the protection of civil liberties, civil rights, and economic and national security; and to identify best practices for combating bias and unintended consequences from the use of AI. Third, the Act also required OPM to identify key skills and establish occupational series to include positions which relate to AI.

Also in 2020, EO 13960, *Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government*[46] recognized the potential for AI to transform agencies' operations to be more efficient, improve the quality of services offered, and reduce costs, among other things. It provided that agencies "must ... design, develop, acquire, and use AI in a manner that fosters public trust and confidence while protecting privacy, civil rights, civil liberties, and American values." The EO spelled out nine principles for the design, development, acquisition, and use of AI technologies within government and mandated the creation and publication of AI use case inventories across agencies.

In 2022, Congress passed the Advancing American AI Act which (a) mandated OMB to require the head of each agency to maintain and make publicly available agency inventories of AI use cases—codifying the agency inventory requirement from the 2020 EO 13960; (b) encouraged the development of agency programs and initiatives related to AI; and (c) promoted AI applications and system modernization. The law also mandated the establishment of pilot programs that foster AI innovation and make available commercial tools to manage risks.[47]

In 2023, EO 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence* (AI EO), was promulgated to advance and govern the development and use of AI.[48] While the EO was extensive, we focus particularly on the provisions around government use of AI. On that dimension, OMB issued Memorandum M-24-10, *Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence* (M-Memo), providing guidance to agencies on implementing the EO.[49] The AI EO and M-Memo establish three broad requirements for agencies.

First, agencies were required to designate a Chief AI Officer (CAIO). The M-Memo spelled out the roles, responsibilities, qualifications, and reporting structures. CAIOs should possess the necessary expertise, training, and skills to oversee agency-specific AI functions to distinguish this role from broader data or IT-related responsibilities.[50] The CAIO's primary focus is to lead efforts in AI coordination, innovation, and risk management.[51] To ensure seniority, OMB also mandated that CAIOs at CFO Act agencies hold positions at the Senior Executive Service, Scientific and Professional, or Senior Leader levels or their equivalents. For other agencies, CAIOs must hold at least a GS-15 or equivalent rank.[52] Agencies were allowed to assign this role to an existing senior official, such as a Chief Information Officer or Chief Data Officer, provided the designee meets the qualifications and shows significant AI expertise.

Second, agencies across the federal government were required to develop and publish their AI "Compliance Plans" within six months of the issuance of M-Memo.[53] These plans set forth each agency's strategies for cataloging AI use cases, establishing governance mechanisms, mitigating emergent risks, and ensuring compliance with legal standards, including those related to privacy, civil rights, and public safety.

Third, CFO Act agencies were required to establish internal AI governance bodies. The AI EO also established the White House AI Council to "coordinate the activities of agencies across the Federal Government to ensure the effective formulation, development, communication, industry engagement related to, and timely implementation of AI-related policies."[54] OMB then later released an additional memorandum, M-24-18, *Advancing the Responsible Acquisition of Artificial Intelligence in Government*, which provided guidance to agencies on improving their capacity for the responsible acquisition of AI.[55]

Section 3. Implementation of Chief AI Officer (CAIO) Designations

As of October 20, 2024, 80 out of 266 federal agencies (30 percent)[56] have publicly disclosed CAIO appointments. All 24 CFO Act agencies complied with the deadline. Nine of the 11 independent, non-CFO Act agencies, with more than 1,000 or more employees, have also made their designations public.[57] Taken together, 94 percent of CFO Act and large agencies (33 out of 35 agencies) have thus publicly disclosed their CAIOs.

We established a systematic methodology to identify the designated CAIOs for each agency subject to the M-Memo.[58] Although the predominant understanding has been that CAIO designations must be made at the constituent agency level,[59] there is some ambiguity around this; at the parent level (i.e., agencies that do not operate within a larger agency), 76 percent of agencies have publicly designated a CAIO.

In the rest of this section, we discuss three patterns among CAIO appointments: (a) most CAIOs serve in dual-hatted positions (e.g., having the CAIO title added to existing full-time roles such as Chief Information Officer), (b) nearly all CAIOs are internal appointments, and (c) the education and professional backgrounds of CAIOs vary widely.

Dual-Hatted Appointments

The implementation of CAIO positions across federal agencies has overwhelmingly relied on dual-hatted appointments, where existing senior officials take on the additional responsibilities of the CAIO role.[60] Of the 80 disclosed CAIOs, 71 (89 percent) concurrently

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serve in other executive or administrative roles, such as Chief Information Officer (CIO), Chief Data Officer (CDO), or Chief Technology Officer (CTO).[61]

Based on our interviews, some agencies have justified this approach as pragmatic and practical, given the tight deadlines and limited budgetary resources.[62] Internal appointees bring an existing understanding of the agency's systems, data requirements, and AI use cases, which has proven critical for meeting compliance timelines. One CAIO shared that organizations may resist creating a standalone C-suite role, questioning its necessity and feasibility and explaining that an internal appointment can reduce disruption and leverage pre-existing relationships and agency knowledge.[63]

CAIOs in larger agencies, however, acknowledged the benefits of having a fully dedicated role.[64] The complexity and volume of AI-related work, along

with responsibilities such as responding to inquiries from Congress, oversight bodies, and the media, can strain dual-hatted appointees and prevent them from focusing on their work broadly.[65] Other CAIOs noted that combining roles especially in smaller agencies may be a better use of resources, as the workload might not justify a full-time CAIO.[66] The varied approaches articulated in stakeholder interviews suggest agencies must carefully weigh these tradeoffs based on their specific needs and resources and potentially move toward dedicated CAIO positions as AI initiatives expand.

External vs. Internal Appointments

The predominance of internal appointments for CAIOs suggests a preference for continuity and operational efficiency, but it may come at the expense of outside perspectives and specialized expertise. The Department of Justice is the only agency to designate a nongovernmental official[67] as CAIO; their prior position was as a professor of computer science and public and international affairs.[68]

This reliance on existing government officials stands in tension with other recognized challenges. One of the clear priorities in the AI EO is bringing AI expertise into the federal government by streamlining the pathways and expanding hiring through the "AI Talent Surge."[69] The push for external talent in AI reflects a widely acknowledged expertise gap in government when it comes to adopting and governing emerging technology.[70] Leadership in AI innovation and governance can benefit tremendously from perspectives in industry and academia, which have much deeper repositories of AI expertise, and such expertise is generally not being acquired through CAIOs.

A smaller subset [of CAIOs] has worked specifically in AI-focused roles. Indeed, one interviewee expressed the sense that there was too little actual knowledge about AI within the CAIO Council itself.

Academic and Professional Credentials

First, the educational profiles of CAIOs across federal agencies reveal a diverse range of disciplines. Thirty-two (40 percent) out of the 80 reviewed CAIOs hold undergraduate degrees in STEM fields[71] such as computer science, engineering, or mathematics.[72] Conversely, 34 CAIOs (43 percent) come from non-STEM disciplines, including business, social sciences, and humanities.[73] (For 14 CAIOs [18 percent], there was no publicly available information on their educational background.)[74] Advanced degrees are prevalent among CAIOs, with 54 (68 percent) holding master's degrees and 19 (24 percent) possessing doctoral degrees.[75] Three CAIOs hold doctorates in computer science,[76] while another three have J.D. credentials.[77] This educational diversity reflects the multifaceted responsibilities of CAIOs. Depending on the agency's needs, the CAIO position requires a blend of technical, managerial, and legal acumen, to varying degrees. While formal AI education or practice is not necessary for effective leadership, there remains a scarcity of formal AI training.[78]

Second, of the 80 CAIOs, nearly all have significant federal government experience, with many previously holding leadership roles such as CIO or CDO in various federal agencies.[79] Forty-five CAIOs (56 percent) have documented and identifiable technology experience outside of government, although only a smaller subset has worked specifically in AI-focused roles.[80] Indeed, one interviewee expressed the sense that there was too little actual knowledge about AI within the CAIO Council itself,[81] and several recognized the lack of understanding about the distinct capabilities and challenges around AI compared to the traditional software that civil service agencies work with.[82]

Most appointees do bring substantial experience in areas such as IT, cybersecurity, and data governance.[83] This focus provides valuable institutional knowledge and continuity, particularly in navigating government processes and legal compliance requirements. Yet it might also limit exposure to cutting-edge developments in technology and industry best practices specific to AI.

Section 4. Compliance Plans

As of October 20, 2024, 55 agencies had released plans for complying with the M-Memo or written determinations that the agency does not use covered AI, although the degree of detail, transparency, and focus of these Compliance Plans varies significantly.[84] Assuming that subagencies are included in parent-level agency plans,[85] this means that 64 percent of underlying units responded (55 of 86). This section discusses the key trends and insights of these Compliance Plans to understand how agencies are operationalizing the M-Memo's directives. These directives include updating internal AI principles to ensure consistency with the M-Memo, determining whether AI use cases are safety-impacting or rights-impacting, implementing minimum risk management practices, and sharing AI code, models, and data.

While the M-Memo does not require agencies to explicitly address each of its directives in their Compliance Plans, the memo establishes two requirements for Compliance Plans. First, agencies must publicly post their Compliance Plans or written determinations on their websites and submit these documents to OMB within 180 days of the issuance.[86] All Compliance Plans or written determinations were due to OMB by September 24, 2024.[87] Second, they must detail the agency's plans to update any existing internal AI principles and guidelines to ensure consistency with the M-Memo.[88] OMB did not specify whether subagencies must file a Compliance Plan that is distinct from their parent agency (e.g., whether the Food and Drug Administration should subsume its Compliance Plan within its parent agency, the Department of Health and Human Services). Many agencies have opted to submit Compliance Plans at the parent level rather than developing distinct plans

for their subcomponents, and we hence report parent-level statistics as well.

We evaluated each Compliance Plan using 18 compliance criteria (see Appendix B for details). These criteria are based on a template OMB provided for agencies to draft their Compliance Plan, as outlined in the M-Memo.[89] We inferred the content of this template based on direct quotations of template language across multiple Compliance Plans.[90] This allowed us to closely replicate the OMB template and systematically score the agencies based on the extent to which they materially addressed template items we identified as reflecting the specific actions agencies "should" take to promote responsible AI innovation according to the M-Memo (see Appendix B-1).

Compliance Plan Publication

As of October 20, 2024, a total of 55 agencies published their Compliance Plans (42) or written determinations that they currently have no planned AI use (13). All the 24 CFO Act agencies completed and publicly posted Compliance Plans on their respective agency websites or AI.gov; five of these agencies, however, did so only several weeks after the OMB deadline (September 24, 2024).[91] Among the 11 large independent agencies outside the CFO Act, six publicly published either their Compliance Plans or written determinations of non-AI use, though three of them did so after the original deadline.[92] Taken together, 86 percent of CFO Act and large independent agencies have thus complied with this M-Memo requirement, whereas only 12 percent subject to EO 12589's mandate to publish Agency AI Plans had done so.[93]

Many smaller agencies or bureaus (173 in total) relied on parent organizations to meet the compliance requirement. For example, subagencies under the Department of Homeland Security and the Department of Labor reference the overarching departmental plan rather than producing stand-alone documents. While this approach promotes consistency and reduces reduplicated work within large departments, it risks not disclosing and discussing subagency-specific challenges and solutions, especially if parent-level agency plans primarily focus on general or department-wide processes. Attributing subagencies to their respective parent agencies, 65 percent of agencies are covered by a Compliance Plan.

Compliance Plan Components

We now report trends based on the available Compliance Plans of specific components that OMB enumerated in its template.

Most agencies report establishing an internal AI governance body. Of the 42 agencies that published Compliance Plans, 37 agencies (88 percent) explicitly referenced or identified an internal AI governance body.[94] Although the requirement for convening AI governance bodies only applies to CFO Act agencies (and all 24 CFO Act agencies referenced establishing governance bodies in their plans), an additional 5 large independent agencies[95] and 8 other agencies[96] also stated they were voluntarily establishing such bodies, some by repurposing existing oversight structures.

Thirty-three of the 42 agencies (79 percent)—23 of them CFO Act agencies[97]—further detailed the organizational structure of these bodies and identified the offices involved (see Appendix E). They typically comprise CAIOs, CIOs, privacy officers, legal counsel, program evaluators, and subject-matter experts.

Thirty-two agencies (76 percent)—21 of them CFO Act agencies—also outlined the expected outcomes for the AI governance body in Compliance Plans. Beyond enumerating these outcomes, 14 agencies (33 percent)—9 of them CFO Act agencies—detailed implementation plans for achieving the outcomes. Twenty-six agencies (62 percent)—19 of them CFO Act agencies—indicated their intent to consult external experts, which may be particularly important given our finding that CAIOs are predominantly internal hires.

Most agencies have established processes for compiling AI use case inventories, responding to previous gaps. Thirty-one of the 42 agencies (74 percent) described a process for soliciting and collecting AI use cases across all subagencies in their Compliance Plans. Earlier work documented substantial gaps in coverage of AI use case inventories.[98] Responding to this, 23 agencies (55 percent) explained how their inventories will be comprehensive, covering all potential AI use cases within their agencies; 21 agencies (50 percent) described measures they took to ensure the completeness of information in their inventories; and 21 agencies (50 percent) explained how their inventories will track updates to existing use cases. Only 15 agencies (36 percent) reported having established procedures for collecting AI use cases that may meet the M-Memo-provided criteria for exclusion in their Compliance Plans.

The majority of agencies report barriers to AI innovation and governance. Twenty-eight agencies (67 percent) identified barriers to responsible use of AI, and 22 agencies (52 percent) described these barriers in their Compliance Plans. There were five common barriers. First, CFO Act agencies like the Department of Commerce noted that AI governance

Twenty-eight agencies (67 percent) identified barriers to responsible use of AI ... AI governance remains a "broadly unfunded" requirement and smaller agencies, in particular, have struggled with limited funding to pursue AI initiatives.

remains a "broadly unfunded"[99] requirement and smaller agencies, in particular, have struggled with limited funding to pursue AI initiatives.[100] Second, agencies noted a shortage of AI talent and expertise and a broader need for workforce training.[101] Third, computing infrastructure remains a challenge, as multiple agencies[102] reported delays in the statutorily mandated Federal Risk and Authorization Management Program (FedRAMP) authorization to use cloud services[103] and limited access[104] to AI service providers and tools. Fourth, agencies have noted difficulties in accessing and validating data sources for AI models,[105] alongside data privacy and security concerns.[106] Last, some agencies have pointed to regulatory ambiguity itself. The Department of Treasury, for instance, notes ambiguity in federal guidance about what constitutes an AI system and acceptable use cases, as the definitions "continue to change since the publication of M-24-10."[107]

Generative AI has posed unique challenges. Twenty-five of the 42 agencies (60 percent)—19 of which are CFO Act agencies—have developed internal guidance for the use of generative AI. Fourteen agencies (33 percent) have established express safeguards and oversight mechanisms that allow generative AI to be used in the agency without posing undue risk, and just 9 agencies (21 percent) have detailed how these safeguards are implemented. The Social Security Administration, for example, has blocked general employee access to external generative AI services to prevent unauthorized disclosure of sensitive data.[108] The State Department, on the other hand, has mandated human review of all generative AI outputs "regardless of audience or other circumstance" to ensure accuracy and appropriateness.[109] These varied approaches suggest a significant maturity gap in the federal government's readiness to harness generative AI responsibly.

While most agencies widely commit to internal AI training, fewer indicate plans to develop dedicated AI teams. Thirty-six of the 42 agencies (86 percent)— 23 of which are CFO Act agencies—have described current or planned initiatives to increase AI talent in their Compliance Plans. The depth and formality of these initiatives, however, vary across agencies.

Thirty-seven of 42 agencies (88 percent) have indicated plans to provide resources and training to develop AI talent internally. Some have introduced structured, role-specific programs, such as the Treasury Department's four training tracks tailored for general users, technical experts, acquisition teams, and leaders.[110] Others are drawing on existing and shared resources to meet their training needs. Interagency collaboration has played a large role, with many agencies benefiting from OPM's Gov2Gov series,[111] GSA's training resources,[112] and the Federal Learning Network.[113]

Focusing on external recruitment, 17 agencies (40

[V]aried approaches suggest a significant maturity gap in the federal government's readiness to harness generative AI responsibly.

percent) have identified specific hiring authorities they intend to leverage to bring in technical expertise, primarily through the direct hire authority granted by OPM. Only the CFO Act agencies have indicated specific plans to develop dedicated AI teams. Five of the 42 agencies (12 percent) mentioned establishing AI-focused teams in their Compliance Plans, while 7 others (17 percent) noted plans to expand existing AI teams.

Agencies are beginning to outline approaches for sharing their AI code, models, and data. The M-Memo provides that agencies "must share their AI code, models, and data" to enhance innovation and transparency. Several agencies have already taken steps to meeting this requirement, as demonstrated in their Compliance Plans. Seventeen agencies (40 percent) address code sharing in their plans, either by outlining their sharing processes or by noting that they don't have custom-developed AI code to share. Ten agencies (24 percent) describe processes for incentivizing code sharing; and 7 agencies (17 percent) detail approaches to encourage the sharing of models and data.

Section 5. Budget Requests

We now report whether and how agencies have requested funding for the new mandates and AI activities (see Appendix C for details on our methodology for budget analysis). While the AI EO and the M-Memo establish new requirements for agencies, budget requests can reflect concrete prioritization through resource allocation. A well-functioning CAIO office will require resources.

Our findings reveal varied budget requests. About a third of the agencies—94 of 266 agencies (35 percent)—explicitly addressed AI-related activities and projects in their budget justifications for FY 2025. Of the 94 agencies that named AI-related activities in their budget requests, 60 dedicated funding to them as explicit line items, separating AI activities from other technology investments. The remaining 34 agencies mentioned AI in their budget requests but either included them within broader technology investments (e.g., data analytics) without separate allocations, or did not specify funding amounts at all. This distinction shows that while many agencies recognize the importance of AI and are planning AI activities, not all have dedicated clear, distinct budgetary resources for AI implementation. However, we acknowledge that uncertainty in the budgeting environment may have played a factor in this.

The level of funding requested ranges from modest allocations for preliminary AI capabilities to significant budgets supporting comprehensive AI infrastructures. The Department of Defense (DoD) led with a substantial $435 million budget request to support the operations or mission of its Chief Digital and AI Officer,[114] representing a sharp contrast to other agencies like the Department of Transportation,

While many agencies recognize the importance of AI and are planning activities, not all have dedicated clear, distinct budgetary resources for AI implementation.

which requested only $552 thousand for AI-specific initiatives led by its CAIO.[115] On average, agencies outside of the DoD requested $270 thousand to support the operations of their CAIO offices.[116] This variability in the proposed budget for CAIO activities may reflect differences in both the perceived need for AI as well as the level of readiness for agencies to pursue AI integration. While agencies may integrate AI capabilities within broader IT operations and data initiatives rather than as standalone budget items, explicit AI funding requests signal which organizations strategically elevate AI as a distinct priority competing with other funding needs.

Budgetary requests reflect agencies' efforts to formalize AI governance by establishing AI-specific roles, especially the CAIO, and supporting technical staff. To the extent that we are able to tell, 18 agencies explicitly requested funding for the CAIO as their budgetary authority. This includes 15 CFO Act agencies and three of their subagencies, representing 63 percent of the 24 CFO Act agencies in total. Additionally, only 16 agencies explicitly allocated

funding to support a program or office dedicated to AI in their budget requests.

The commitment to staffing also varies: Only 20 agencies included requests for Full-Time Equivalents (FTEs) to support the CAIO. With the exception of DoD, these requests were small in scale, ranging from one to nine FTEs for each agency. From the perspective of the budget alone, the proposed staffing levels for the CAIO raise concerns about the agencies' capacity to fully implement AI governance and oversight requirements with limited personnel resources.

Section 6. Limitations

We note several limitations of our assessment.

First, our assessment is limited to publicly available information. While the M-Memo mandates public disclosure for agencies' Compliance Plans, we have relied on agency websites and online sources to identify the CAIO designations (and their academic and professional credentials).[117] The rate at which agencies have appointed CAIOs is likely much higher than what is visible to the public as some agencies might have reported their CAIO designations to the OMB but not disclosed them on their websites. While the Executive Office of the President has published a list of CAIO appointees and Compliance Plans, the list only includes 69 agencies (26 percent), and does not appear to prioritize among agencies.[118] The inconsistent representation of agencies and the challenge in collecting and maintaining information about AI leadership across agencies reflect a tension with public transparency around these efforts.

Second, our assessment primarily focuses on formal compliance with requirements, and we are unable to assess their effectiveness. In the original recommendation for the creation of CAIOs, the National AI Advisory Committee carefully couched the recommendation as part of strategic planning and resourcing of AI initiatives,[119] and a checklist approach may not provide for meaningful leadership in responsible AI innovation. Establishing CAIO positions without strategic planning, staffing, and infrastructure may be a hollow exercise.

Third, our budgetary analysis is limited to express discussion of AI activities. Resource allocations toward CAIO activities, especially given their dual-

hatted nature and the necessity for cross-functional collaboration for complying and implementing the M-Memo and AI EO requirements, may be implicit through other budgetary mechanisms.

Fourth, our assessment provides only a snapshot in time. For instance, the dual-hatted nature of CAIOs and lack of external hires may reflect the short timeframe agencies had to designate officials. However, agencies have had advance notice of the CAIO requirement through both the AI EO and draft guidance release,[120] effectively providing them a year to implement the mandates by the time of our assessment. The gaps in implementation despite this extended runway suggest that these are not merely short-term patterns.

Fifth, while our focus has been on broad sets of agencies, some agencies are more important for AI innovation and governance than others. We make available the detailed, line-level Tracker of agency-specific findings to enable any assessment of implementation patterns across different agency categories.[121]

Last, while we are grateful to the CAIOs who participated in our interviews, their views are not necessarily representative of all CAIOs. We guaranteed interviewees' anonymity to encourage candid sharing of information.

Section 7. Conclusion

The federal government has made substantial progress in implementing AI governance requirements compared to previous directives. Agencies have demonstrated substantially higher rates of filing plans in compliance with directives in 2024 than they did in 2019–2022,[122] and OMB has worked toward standardizing reporting mechanisms and centralizing implementation tracking for public visibility. Despite the laudable progress, several areas require further attention and improvement, as government-wide requirements continue to face implementation challenges.

The federal government's ability to effectively lead in AI innovation and governance remains hindered by limited transparency, resource constraints, and inconsistencies in meeting mandates. Agencies' uneven designations of Chief AI Officers (CAIOs), limited public disclosure of Compliance Plans, and insufficient budgetary requests to support AI initiatives all highlight systemic barriers to fully realizing the vision of a cohesive, "whole-of-government" approach to AI.

While we refrain from broad policy recommendations, we spell out several implications.

First, the overwhelming reliance on dual-hatted and internal designations for CAIOs reflects a fundamental challenge of importing, developing, and cultivating AI talent within agencies.[123] The fact remains that the vast majority of AI talent resides outside of government. But for the government to lead in AI innovation and governance, it must find ways to attract and embed such expertise.[124]

Second, the tight focus on compliance with risk management, coupled with short reporting deadlines,

The federal government's ability to effectively lead in AI innovation and governance remains hindered by limited transparency, resource constraints, and inconsistencies in meeting mandates.

has overshadowed the broader purpose of the CAIO role. The original call for the creation of a unified CAIO (as opposed to distinct roles for AI risk management and AI innovation) was to balance innovation with safeguards.[125] Such a focus in the early efforts, as revealed in our interviews, risks fueling a culture of compliance theater, where formal adherence to rules takes precedence over substantive leadership in advancing AI innovation. Such an approach could undermine the strategic vision of the CAIO role, limiting its potential to secure governmental leadership in AI innovation.

Third, the wide range of compliance across agencies underscores the fragmented nature of AI innovation and governance. At the same time, our interviews revealed many common challenges, such as accessing technical tools (e.g., sandboxed environments), frameworks for evaluation, and securing valid data sources for training AI models. Much may be gained by promoting interagency coordination at the staff

level. While the CAIO Council may be valuable for CAIOs, similar mechanisms for staff-level coordination and information sharing, where much of the implementation work occurs, are lacking.

Fourth, applying uniform requirements to agencies at vastly different stages of AI readiness may be difficult, if not inappropriate. Just as a risk-based approach to AI governance tailors safeguards to circumstances, process requirements for implementation may need to account for varying levels of agency preparedness.

Last, two thirds of agencies with Compliance Plans reported substantial barriers toward AI adoption. Without addressing these challenges in expertise, planning, and resources, agencies risk perpetuating a pattern of weak execution that could compromise both innovation and public trust in government technology.

Appendix A. Implementation of Legal Requirements

Appendix A-1: Methodology for Identifying CAIOs

To assess the implementation of the M-Memo and the AI EO, we established a systematic methodology to identify the designated CAIOs for each agency subject to the memorandum. Our research scope is guided by the scope of covered agencies and AI applications outlined in the M-Memo.

The M-Memo applies broadly to "agencies" as defined in 44 U.S.C. § 3502(1). This definition includes executive departments, military departments, government corporations, independent regulatory agencies, and other entities within the executive branch. However, certain exclusions apply for certain requirements, exempting agencies within the Department of Defense, elements of the intelligence community (as defined in 50 U.S.C. § 3003), and certain independent regulatory agencies, as described in 44 U.S.C. § 3502(5). Additionally, some requirements apply exclusively to the Chief Financial Officers (CFO) Act agencies as identified in 31 U.S.C. § 901(b). We have refined the scope of applicable agencies in our analyses of different requirements, taking into account exclusions specific to this memorandum.

To identify the relevant agencies and subagencies, we used the *Administrative Conference of the United States (ACUS) Sourcebook of U.S. Executive Agencies* (Second Edition, 2018; "*ACUS Sourcebook*"), which provides a detailed and authoritative list of federal agencies. The *ACUS Sourcebook* lists a total of 286 agencies and subagencies, which formed the initial basis for our analysis. From this dataset, we excluded agencies falling under the following categories:

- **Independent regulatory agencies**: Defined in 44 U.S.C. § 3502(5), these agencies are not covered under the M-Memo. Notably, independent regulatory agencies, which were not included in Executive Order 13960 or the AI Memo, are explicitly included in this memorandum.

- **Defunct or renamed agencies**: Any agency that no longer exists or has undergone significant restructuring, resulting in a name change, was adjusted accordingly to reflect the current organizational structure.

This careful culling of the agency list produced a final count of 266 agencies to be assessed for their compliance with the M-Memo, particularly in terms of designating a CAIO.[126]

Once the applicable agencies were identified, the next step was to determine whether each agency had complied with the requirement to designate a CAIO or otherwise report compliance with the memorandum. As specified in the M-Memo, each agency was required to submit a public plan to OMB detailing either their compliance with the guidance or a written determination that the agency does not use, nor anticipates using, AI covered by the memorandum. The M-Memo further instructs agencies to post this information on their respective websites, ensuring public transparency.

In order to assess whether an agency had designated a CAIO, we employed the following multistep approach, designed to mimic the process that a member of the public might follow to locate this information:

Agency Website Examination: Our first approach involved directly visiting each agency's website and checking for a dedicated AI page at the URL structure specified by OMB: **[agency.gov]/ai**. We recorded whether the agency had a dedicated subdomain for AI guidance and compliance with the M-Memo, which often included the designation of a CAIO or an alternative Compliance Plan.

1. **National AI Initiative (AI.gov) search**: We then searched AI.gov, the official website for the National AI Initiative, for the agency's name or acronym. This search was conducted to determine whether the agency's CAIO was listed on the site, as AI.gov frequently aggregates and disseminates federal AI leadership information. The results from this search were carefully analyzed to identify if the agency had publicly identified a CAIO.

2. **Online search via public search engines**: To simulate public access to the information, we performed online searches using two widely accessible search engines:

   a. **Perplexity Pro Search**: We searched for "Chief AI Officer of [Agency Name]" using the AI-powered search engine Perplexity Pro. The search results were reviewed and analyzed for accuracy and timeliness.

   b. **Google Search**: Similarly, we conducted Google searches using the same query, analyzing the first five results for relevant information, such as official announcements, press releases, or documents indicating the designation of a CAIO.

i. These search methods were employed to capture any publicly available mentions of the CAIO, ensuring we did not overlook agencies that may have announced their CAIO through nonofficial channels.

3. **Review of OMB Compliance Reports:** After the September 24, 2024, compliance deadline set by the M-Memo, we reviewed all publicly available compliance reports submitted by agencies. In these reports, we specifically looked for mentions of the designated or acting CAIO. In cases where the CAIO was mentioned by name, we included this information in our records. Additionally, if an agency had updated their CAIO designation (e.g., appointing a new CAIO or moving from an acting designation to a permanent one), we documented the most recent designation to ensure the accuracy of our dataset.

Throughout this process, utmost care was taken to ensure that the identification of CAIOs was thorough and consistent. In cases where multiple sources indicated conflicting information, we prioritized the most recent and authoritative sources, such as agency compliance reports and official announcements. Additionally, any anomalies or inconsistencies, such as agencies with unclear or evolving compliance status, were noted for further investigation.

This multipronged approach enabled us to create a comprehensive and accurate list of agencies (see our Tracker) that have complied with the M-Memo by designating a CAIO, as well as those that have filed Compliance Plans indicating their lack of AI use or anticipated use.

Appendix A-2: Methodology for Identifying CAIO Background

This section provides details on the methodology used to determine the academic and professional backgrounds of the federal CAIOs as identified in Appendix A-1. We aimed to identify and analyze the qualifications, expertise, and work experiences of CAIOs in light of their critical responsibilities for advancing AI governance, innovation, and risk management within the federal government.

Research Framework and Sources: We adopted a multistep approach to gather and analyze information about each CAIO's academic and professional credentials, drawing from the following sources:

1. Official agency websites: We searched for leadership profiles, organizational charts, and other publicly available information on designated CAIOs' biographical information.

2. Professional networking platforms: We consulted LinkedIn and Leadership Connect for detailed career histories, educational background, and other professional experience information.

3. Public statements and press releases: We reviewed agency-issued press releases or announcements, as well as online newspaper articles from credible sources such as FedScoop, for relevant details about CAIO appointments.

4. Online media and search engines: We conducted targeted searches using Google and Perplexity to uncover any additional useful information.

5. OMB Compliance Plans: We finally looked at the Compliance Plans in response to the M-Memo for direct mentions of CAIOs' additional titles or roles within their home agency.

Data Classification: We then organized the collected information in the following categories to ensure a systematic analysis.

1. Current roles and titles: We extracted and documented any concurrent (i.e., dual-hatted) positions held by CAIOs, such as CIO, CDO, CTO, CFO, and IT Director.

2. Educational qualifications:

   a. Undergraduate bachelor's degrees: We identified information about their field of bachelor's study and institution, classifying degrees as STEM or non-STEM based on the Department of Homeland Security (DHS) STEM Designated Degree Program List. (In the case of joint or dual bachelor's degrees (e.g., joint degree in physics and history), we labeled the combined program as STEM if at least one part of the program had a STEM component.)

   b. Advanced degrees: We identified master's, doctoral, or J.D. degrees, specifying the discipline and awarding institution. (We classified them as STEM in the same way as above.)

3. Federal government experience: We recorded any previous role within the federal government, highlighting administrative or executive positions in IT, data, software, or related areas.

4. Private sector and academic experience: We captured any relevant details on their prior work outside of the federal government (i.e., in industry or academia), documenting roles related to AI, technology, or software/data management.

To maintain consistency, we cross-referenced data from multiple sources, prioritizing official agency documentation and information provided by the CAIOs on their LinkedIn pages. In cases of conflicting or incomplete information, we relied on the most recent authoritative sources. Where education or professional details were unavailable, we acknowledged these gaps in our analysis.

The full review encompassed all the publicly disclosed CAIOs as of October 20, 2024.

Finally, we note two primary challenges and gaps in our analysis. First, education histories of some of the CAIOs were incomplete due to the lack of publicly available information. Second, nondegree certifications and informal training programs were excluded from this analysis due to sporadic and inconsistent reporting, as well as verification challenges.

Appendix B: Methodology for Compliance Plan Analysis

To collect the Compliance Plans, we followed three methods. First, we navigated to each agency's website and checked for a Compliance Plan or written determination around AI use on their AI page. Per OMB guidance, each agency should create a dedicated AI page at the URL structure [agency.gov]/ai, where they will post publicly either their plan to achieve consistency with the M-Memo or a written determination that the agency does not use or intend to use covered AI. Second, for those without dedicated AI pages, we conducted Google searches with the query "[Agency] AI Compliance Plan" to identify plans or determinations that might be hosted elsewhere on agency websites. Third, we consulted the repository of CAIO designations and Compliance Plans on AI.gov, to cross-reference and identify any additional plans.

To systematically analyze the Compliance Plans, we created a template with 18 items based on common instructional language we identified across agencies. Per the M-Memo, OMB provided templates for agencies to draft their Compliance Plan.[127] We inferred the content of this template based on direct quotations of template language across multiple Compliance Plans. This allowed us to closely replicate the OMB template (see Appendix B-1 for our replication).

All available Compliance Plans addressed top-level items such as "Advancing Responsible AI Innovation," and 35 plans included the next level of subheadings (highlighted in turquoise in Appendix B-1). Eleven agencies provided the same language with greater specificity in their Compliance Plans. For example, the text "Describe any barriers to the responsible use of

AI that your agency has identified, as well as any steps your agency has taken (or plans to take) to mitigate or remove these identified barriers" appeared verbatim across 11 Compliance Plans. Other agencies referenced these prompts, often using similar language.

This template reflects the specific actions the M-Memo outlined as steps agencies "should" take to promote responsible AI innovation. We converted each item in our template into a set of decidable indicators based on their wording (see Appendix B-1 for the mapping). Each item mapped to 2–7 indicators based on their scope and specificity. For instance, a template item like "Identify the officers that are represented on your agency's AI governance body" is mapped to two indicators: (a) "Is there an AI governance body?" and (b) "Did the agency identify the offices?" Some indicators assess whether agencies have plans or intentions to take future actions (e.g., "Does the agency's AI governance body have plans to consult with external experts?"), while others refer to concrete steps agencies have taken already (e.g., "Has the agency developed internal guidance for the use of generative AI?"). We deferred to the apparent phrasing in the template to score whether the response was affirmative or not. This process yielded a total of 58 indicators for 18 items in the template.

We then scored the agencies based on the extent to which they materially addressed each of these criteria. Following our collection process, we found 42 publicly available Compliance Plans within the scope of our analysis. For each plan, we evaluated the indicators using a three-tier scale: "Yes" for full address, "Partial" for partial address, and "No" for no mention of address.

While agencies must publish their Compliance Plans to achieve consistency with the M-Memo, we note that the M-Memo does not require agencies to explicitly mention each template item in their Compliance Plans.

The exhaustiveness of responses, however, may still be indicative of the scope of implementation for each of the directives in the M-Memo.

Appendix B-1: Mapping of the Replicated OMB Template to Indicators

OMB Template Item	Indicators
Strengthening AI Governance	
General	
A. Describe any planned or current efforts within your agency to update any existing internal AI principles, guidelines, or policy to ensure consistency with M-24-10.	1. Are there any existing internal AI principles, guidelines, or policy? 2. Does the agency describe any planned efforts to update any existing internal AI principles, guidelines, or policy to ensure consistency with M-24-10?
AI Governance Bodies	
B. Identify the offices that are represented on your agency's AI governance body.	1. Is there an AI governance body? 2. Does the agency identify the offices?
C. Describe the expected outcomes for the AI governance body and your agency's plan to achieve them.	1. Does the agency describe the expected outcomes for the AI governance body? 2. Does the agency describe their plan to achieve these expected outcomes?
D. Describe how, if at all, your agency's AI governance body plans to consult with external experts as appropriate and consistent with applicable law. External experts are characterized as individuals outside your agency, which may include individuals from other agencies, federally funded research and development centers, academic institutions, think tanks, industry, civil society, or labor unions.	1. Does the agency's AI governance body have plans to consult with external experts? 2. Does the agency describe how their AI governance body consults with external experts?
AI Use Case Inventories	
E. Describe your agency's process for soliciting and collecting AI use cases across all subagencies, components, or bureaus for the inventory. In particular, address how your agency plans to ensure your inventory is comprehensive, complete, and encompasses updates to existing use cases.	1. Does the agency describe a process for soliciting and collecting AI use cases across all subagencies? 2. Does the agency explain how its inventory will be comprehensive? 3. Does the agency explain how its inventory will be complete? 4. Does the agency explain how its inventory will encompass updates to existing use cases?

Mapping of the Replicated OMB Template to Indicators (cont'd)

F. Describe your agency's process for soliciting and collecting AI use cases that meet the criteria for exclusion from being individually inventoried, as required by Section 3(a)(v) of M-24-10. In particular, explain the process by which your agency determines whether a use case should be excluded from being individually inventoried and the criteria involved for such a determination. Identify how your agency plans to periodically revisit and validate these use cases. In particular, describe the criteria that your agency intends to use to determine whether an AI use case that previously met the exclusion criteria for individual inventorying should subsequently be added to the agency's public inventory.	1. Does the agency have a process for soliciting or collecting AI use cases that meet the criteria for exclusion? 2. Does the agency explain the processing for determining whether a use case should be excluded? 3. Does the agency describe how they plan to periodically revisit and validate these use cases? 4. Does the agency describe the criteria that they intend to use to determine whether an AI use case that previously met the exclusion criteria for individual inventorying should subsequently be added to the agency's public inventory?

Advancing Responsible AI Innovation

Removing Barriers to Responsible Use of AI

G. Describe any barriers to the responsible use of AI that your agency has identified, as well as any steps your agency has taken (or plans to take) to mitigate or remove these identified barriers. In particular, elaborate on whether your agency is addressing access to the necessary software tools, open-source libraries, and deployment and monitoring capabilities to rapidly develop, test, and maintain AI applications.	1. Does the agency identify any barriers to responsible use of AI? 2. Does the agency describe the identified barriers? 3. Has the agency taken any steps (or plans to take) to mitigate or remove these barriers? 4. Is the agency addressing access to the necessary software tools, open-source libraries, and deployment and monitoring capabilities to rapidly develop, test, and maintain AI applications?
H. Identify whether your agency has developed (or is in the process of developing) internal guidance for the use of generative AI. In particular, elaborate on how your agency has established adequate safeguards and oversight mechanisms that allow generative AI to be used in the agency without posing undue risk.	1. Has the agency developed internal guidance for the use of generative AI? 2. Has the agency established adequate safeguards and oversight mechanisms that allow generative AI to be used in the agency without posing undue risk? 3. Does the agency describe how they have established these safeguards and oversight mechanisms?

AI Talent

|	
I. Describe any planned or in-progress initiatives from your agency to increase AI talent. In particular, reference any hiring authorities that your agency is leveraging, describe any AI-focused teams that your agency is establishing or expanding, and identify the skillsets or skill levels that your agency is looking to attract. If your agency has designated an AI Talent Lead, identify which office they are assigned to.	1. Does the agency have any planned or in-progress initiatives to increase AI talent? 2. Does the agency identify the hiring authorities they are leveraging? 3. Is the agency establishing any AI-focused teams? 4. Is the agency expanding any AI-focused teams? 5. Does the agency identify the skillsets or skill level they are looking to attract? 6. Has the agency designated an AI Talent Lead? 7. Does the agency identify which office the AI Talent Lead is assigned to?

Mapping of the Replicated OMB Template to Indicators (cont'd)

J. If applicable, describe your agency's plans to provide any resources or training to develop AI talent internally and increase AI training opportunities for Federal employees. In particular, reference any role-based AI training tracks that your agency is interested in, or actively working to develop (e.g., focusing on leadership, acquisition workforce, hiring teams, software engineers, administrative personnel, or others).	1. Does the agency have plans to provide resources or training to develop AI talent internally? 2. Does the agency have plans to provide resources or training to increase AI training opportunities for federal employees?
AI Sharing and Collaboration	
K. Describe your agency's process for ensuring that custom-developed AI code—including models and model weights—for AI applications in active use is shared consistent with Section 4(d) of M-24-10.	1. Does the agency describe their process for sharing custom-developed AI code? 2. Is the information shared consistent with M-24-10?
L. Elaborate on your agency's efforts to encourage or incentivize the sharing of code, models, and data with the public. Include a description of the relevant offices that are responsible for coordinating this work.	1. Does the agency describe how they encourage or incentivize the sharing of code? 2. Does the agency describe how they encourage or incentivize the sharing of models? 3. Does the agency describe how they encourage or incentivize the sharing of data? 4. Does the agency name the relevant offices that are responsible for coordinating this work?
Harmonization of AI Requirements	
M. Explain any steps your agency has taken to document and share best practices regarding AI governance, innovation, or risk management. Identify how these resources are shared and maintained across the agency.	1. Does the agency describe how they have documented best practices regarding AI governance, innovation, or risk management? 2. Does the agency describe how they have shared best practices regarding AI governance, innovation, or risk management? 3. Does the agency identify how these resources are shared across the agency? 4. Does the agency identify how these resources are maintained across the agency?

Mapping of the Replicated OMB Template to Indicators (cont'd)

Managing Risks From the Use of AI	
Determining Which AI Is Presumed to Be Safety-Impacting or Rights-Impacting	
N. Explain the process by which your agency determines which AI use cases are rights-impacting or safety-impacting. In particular, describe how your agency is reviewing or planning to review each current and planned use of AI to assess whether it matches the definition of safety-impacting AI or rights-impacting AI, as defined in Section 6 of M-24-10. Identify whether your agency has created additional criteria for when an AI use is safety-impacting or rights-impacting and describe such supplementary criteria.	1. Does the agency explain how they determine which AI use cases are rights-impacting or safety-impacting? 2. Does the agency describe how they review each current and planned use of AI to assess whether it matches the definition of safety-impacting AI or rights-impacting AI? 3. If the agency created additional criteria for when an AI use is safety-impacting or rights-impacting, do they describe it?
O. If your agency has developed its own distinct criteria to guide a decision to waive one or more of the minimum risk management practices for a particular use case, describe the criteria.	1. Has the agency developed its own distinct criteria to guide a decision to waive the risk management practices for a particular use case?
P. Describe your agency's process for issuing, denying, revoking, tracking, and certifying waivers for one or more of the minimum risk management practices.	1. Does the agency explain how they issue waivers? 2. Does the agency explain how they deny waivers? 3. Does the agency explain how they revoke waivers? 4. Does the agency explain how they track waivers? 5. Does the agency explain how they certify waivers?
Implementation of Risk Management Practices and Termination of Noncompliant AI	
Q. Elaborate on the controls your agency has put in place to prevent noncompliant safety-impacting or rights-impacting AI from being deployed to the public. Describe your agency's intended process to terminate, and effectuate that termination of, any noncompliant AI.	1. Does the agency describe the controls they have put into place to prevent noncompliant safety-impacting or rights-impacting AI from deployment? 2. Does the agency describe their intended process to terminate any noncompliant AI? 3. Does the agency describe their intended process to effectuate the termination of any noncompliant AI?
Minimum Risk Management Practices	
R. Identify how your agency plans to document and validate implementation of the minimum risk management practices. In addition, discuss how your agency assigns responsibility for the implementation and oversight of these requirements.	1. Does the agency describe how they plan to document the implementation of the minimum risk management practices? 2. Does the agency describe how they plan to validate the implementation of the minimum risk management practices? 3. Does the agency discuss how they assign responsibility for the implementation of these requirements? 4. Does the agency discuss how they assign responsibility for the oversight of these requirements?

Appendix B-2: Visualization of Agency Response Rate to Indicators

Scoring of Compliance Plans by Indicators and Agency
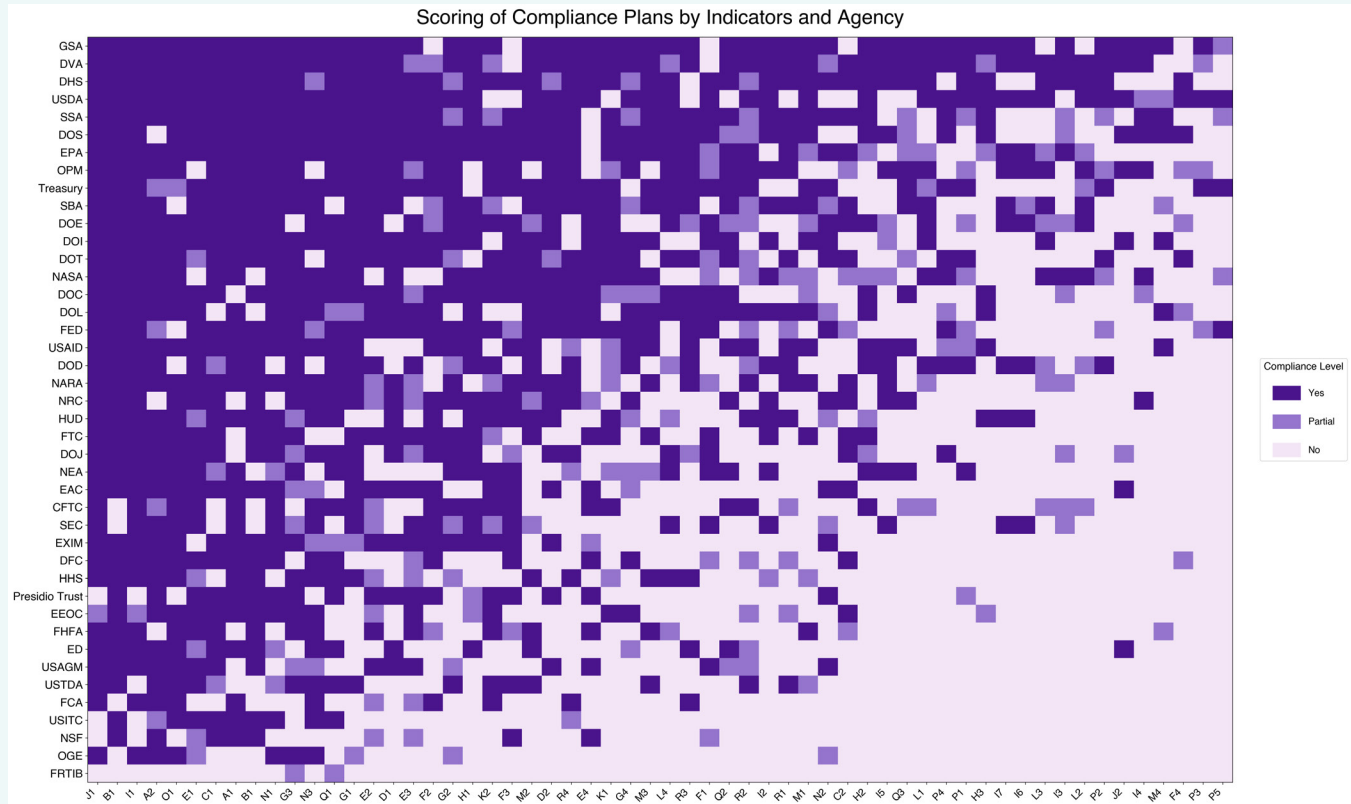
We provide a descriptive summary of our assessment of Compliance Plans in the above figure. Each agency response is characterized in a row. The top row, for instance, represents the response by the General Services Administration (GSA). Each column represents one of the 58 indicators as coded by the category letter and indicator number in Appendix B-1. For instance, the first entry for GSA in the top left scores the agency's response to J1, where J refers to questions about AI talent acquisition and the first indicator is whether "the agency ha[s] plans to provide resources or training to develop AI talent internally." Dark purple cells indicate an affirmative response, lighter purple cells indicate partial responses, and the lightest cells indicate that the agency did not address that indicator. Agencies are sorted in overall order of responsiveness and indicators are sorted by baseline prevalence. J1, for instance, was one of the most commonly addressed elements in the Compliance Plan. Agencies like GSA, the Department of Veterans Affairs, DHS, and the Department of Agriculture provided more extensive responses in their Compliance Plans, compared to agencies like the Federal Retirement Thrift Investment Board and the U.S. Office of Government Ethics, which had sparser responses. This figure shows that there was substantial heterogeneity both across agencies and across components of Compliance Plans.

Appendix C: Methodology for Budget Analysis

To analyze federal resource allocations for AI, we first collected the Congressional Budget Justification documents for fiscal year 2025 for all agencies. Our methodology consisted of three steps:

1. We developed and deployed a web scraper to systematically search for and collect budget justification documents from government websites. We constructed search queries using the term "[Agency] FY2025 Congressional Budget Justification." We then verified through URL string matching for "2025" or "fy25." We also conducted secondary verification through the pdf metadata that the document creation dates were within the past year to ensure relevance to the FY 2025 cycle.

2. Following the automated collection, each document underwent manual review to confirm document authenticity and relevance to budget requests for the specific agency and fiscal year.

3. For cases where the budget reports were not successfully retrieved through our scraping, we performed targeted manual searches to locate missing budget requests.

Through this process, we found the budget documents for 240 agencies. All identified budget justifications are cataloged in our Tracker.

To examine the budget requests, we parsed the documents through a combination of automated and manual review processes. For each budget request,

we focused on four key areas: (1) whether agencies explicitly earmarked funds for AI initiatives in their budget requests, (2) whether AI activities were distinctly separated from other technology investments in their requests, (3) the budgetary authority and FTE support of the CAIO, to the extent that we're able to tell, and (4) whether agencies explicitly allocated funding to implementing the AI EO and M-Memo.

As part of the automated process, we developed a text annotator to detect references to the following terms and their variations in parentheses: (1) "artificial intelligence" ("AI"), (2) "CAIO" ("Chief AI Officer"), (3) "Executive Order 14110" ("EO 14110", "Executive Order on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence"), and (4) "M-24-10" ("Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence"). We accounted for special characters and white space and implemented case-insensitive matching in our automated detection.

To ensure the accuracy of our annotation, we manually reviewed each instance where our text annotator detected potential references. During this verification process, we searched for previously identified key terms and documented specific dollar amounts where funding was explicitly requested. The resulting Tracker provides a detailed view of explicit federal AI investments for FY 2025, with links to source documentations. We have made both our web scraping and text annotation code available in our code repository.

Appendix D: Agency Lists

Appendix D-1: The CFO Act Agencies

The Chief Financial Officers (CFO) Act of 1990 established 24 federal agencies that are required to meet specific financial management and reporting standards.

These CFO Act agencies are:
1. Department of Agriculture (USDA)
2. Department of Commerce (DOC)
3. Department of Defense (DOD)
4. Department of Education (ED)
5. Department of Energy (DOE)
6. Department of Health and Human Services (HHS)
7. Department of Homeland Security (DHS)
8. Department of Housing and Urban Development (HUD)
9. Department of Justice (DOJ)
10. Department of Labor (DOL)
11. Department of State (DOS)
12. Department of the Interior (DOI)
13. Department of the Treasury (DOT)
14. Department of Transportation (DOT)
15. Department of Veterans Affairs (VA)
16. Environmental Protection Agency (EPA)
17. General Services Administration (GSA)
18. National Aeronautics and Space Administration (NASA)
19. National Science Foundation (NSF)
20. Nuclear Regulatory Commission (NRC)
21. Office of Personnel Management (OPM)
22. Small Business Administration (SBA)
23. Social Security Administration (SSA)
24. U.S. Agency for International Development (USAID)

Appendix D-2: The "Large Independent" Agencies With 1,000+ Employees

Here, we list the federal agencies classified by the Office of Personnel Management as "large independent" agencies employing 1,000 or more personnel. These agencies are divided into two categories:

- Non-CFO Act agencies
- CFO Act agencies

Non-CFO Act agencies (11 agencies) with 1,000 or more employees:

1. Consumer Financial Protection Bureau (CFPB)
2. Equal Employment Opportunity Commission (EEOC)
3. Federal Communications Commission (FCC)
4. Federal Deposit Insurance Corporation (FDIC)
5. Federal Trade Commission (FTC)
6. National Archives and Records Administration (NARA)
7. National Credit Union Administration (NCUA)
8. National Labor Relations Board (NLRB)
9. Securities and Exchange Commission (SEC)
10. U.S. Agency for Global Media (USAGM; formerly known as the Broadcasting Board of Governors)
11. U.S. Government Publishing Office (GPO; formerly known as the Government Printing Office)

CFO Act agencies (9 agencies) with 1,000 or more employees:

1. Environmental Protection Agency (EPA)
2. General Services Administration (GSA)
3. National Aeronautics and Space Administration (NASA)
4. National Science Foundation (NSF)
5. Nuclear Regulatory Commission (NRC)
6. Office of Personnel Management (OPM)
7. Small Business Administration (SBA)
8. Social Security Administration (SSA)
9. U.S. Agency for International Development (USAID)

The following agencies meet the 1,000+ employee criterion but were excluded from this analysis because they do not appear in the *ACUS Sourcebook*:

1. Court Services and Offender Supervision Agency for the District of Columbia (CSOSA)
2. Smithsonian Institution (SI)

Appendix E: Selected List of Actions Outlined in OMB M-24-10[128]

Responsible Entity	Action	Section	Deadline
Each Agency	Designate an agency Chief AI Officer (CAIO) and notify OMB	3(a)(i)	60 days (May 27, 2024)
Each CFO Act Agency	Convene agency AI Governance Board	3(a)(ii)	60 days (May 27, 2024)
Each Agency	Submit to OMB and release publicly an agency plan to achieve consistency with this memorandum or a written determination that the agency does not use and does not anticipate using covered AI	3(a)(iii)	180 days and every two years thereafter until 2036 (September 24, 2024)
Each CFO Act Agency	Develop and release publicly an agency strategy for removing barriers to the use of AI and advancing agency AI maturity	4(a)(i)	365 days (March 28, 2025)
Each Agency*	Publicly release an expanded AI use case inventory and report metrics on use cases not included in public inventories	3(a)(iv), 3(a)(v)	Annually
Each Agency**	Share and release AI code, models, and data assets, as appropriate	4(d)	Ongoing

* Excluding elements of the Intelligence Community. The Department of Defense is exempt from the requirement to inventory individual use cases.

** Excluding elements of the Intelligence Community.

Endnotes

1 Exec. Order No. 13859, *Maintaining American Leadership in Artificial Intelligence*, 84 Fed. Reg. 3967 (Feb. 14, 2019), [hereinafter EO 13859].

2 Exec. Order No. 13960, *Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government*, 85 Fed. Reg. 78939 (Dec. 8, 2020) [hereinafter EO 13960].

3 AI in Government Act of 2020, Pub. L. No. 116-260, div. U, title I, 134 Stat. 1182, 2286–89.

4 *See* Christie Lawrence, Isaac Cui & Daniel E. Ho, *Implementation Challenges to Three Pillars of America's AI Strategy,* Stan. Hum.-Centered AI (2022), available at https://hai.stanford.edu/white-paper-implementation-challenges-three-pillars-americas-ai-strategy.

5 The Chief Financial Officers Act agencies (hereinafter "CFO Act agencies") refer to the 24 large federal agencies enumerated in the Chief Financial Officers Act of 1990, Pub. L. No. 101-576, 104 Stat. 2838, 2842 (codified at 31 U.S.C. § 901). While our analysis focuses on all agencies under 44 U.S.C. § 3502(1), we report the statistics for the CFO Act agencies separately, given their outsized role and budget in federal operations. For the full list of the CFO Act agencies, *see infra* app. D-1.

6 The 11 distinct non-CFO Act agencies classified by the OPM as "large independent agencies"—each employing 1,000 or more personnel. Nine CFO Act agencies also meet these criteria. However, two agencies—the Smithsonian Institution and the Court Services and Offender Supervision Agency (CSOSA) for the District of Columbia—were excluded from our analysis, as they do not appear in the *ACUS Sourcebook of United States Executive Agencies*, David E. Lewis & Jennifer L. Selin, Admin. Conf. of the U.S. (2d ed. 2018) [hereinafter *ACUS Sourcebook*]. For more details about OPM's classification of independent agencies with 1,000 or more employees, *see Federal Agencies List*, Off. of Pers. Mgmt., https://www.opm.gov/about-us/open-government/Data/Apps/Agencies/ (last visited Jan. 12, 2025); *Datasets Available from OPM: FedScope Employment Cube (March 2024)*, Off. of Pers. Mgmt., https://www.opm.gov/data/datasets/ (last visited Jan. 12, 2025) [hereinafter FedScope Datasets]. For the full list of large independent agencies with 1,000 or more personnel, as classified by OPM, see *infra* app. D-2.

7 *See* Lawrence et al., *supra* note 4 ("88 percent of agencies have failed to provide AI Plans that identify regulatory authorities pertaining to AI.").

8 *Government Use of AI*, AI.gov, https://ai.gov/ai-in-gov/ (last visited Jan. 12, 2025).

9 In quite a number of instances, the designation of the CAIO title actually created "triple-hatted" individuals occupying three job titles simultaneously (e.g., Chief Data Officer, Chief Information Officer, and Chief AI Officer).

10 *See* U.S. Dep't of Defense, FY 2025 Budget Request (2024), available at https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2025/FY2025_Budget_Request_Overview_Book.pdf. The Department of Defense has proposed $386 million to support the mission of the Chief Digital and AI Officer (CDAO) and $49 million to support its labor and FTE profile. While the CDAO was recently designated as the Chief AI Officer, the office was established on June 1, 2022, predating the M-Memo. See *Chief Digital & Artificial Intelligence Office Celebrates First Year*, U.S. Dep't of Defense (July 19, 2023), available at https://www.defense.gov/News/Releases/Release/Article/3464012/chief-digital-artificial-intelligence-office-celebrates-first-year/ [hereinafter DOJ CDAO Announcement]. Compared to the FY 2024 Request, the FY 2025 budget proposal represents a $95 million increase for the mission of the CDAO and a $1 million decrease in personnel funding.

11 For a broad overview of the U.S. federal government's recent emphasis on AI leadership, use, and coordination, see Off. of Mgmt. & Budget, Exec. Off. of the President, Memorandum M-24-10, Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence (2024) [hereinafter M-Memo], available at 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 (discussing the "opportunities AI presents" while emphasizing "managing its risks"). Agencies are also guided by earlier executive actions, including EO 13960, *supra* note 2, which introduced foundational principles for AI deployment.

12 *See, e.g.,* Nat'l AI Advisory Comm. (NAIAC), Year 1 Report (May 2023), available at https://www.ai.gov/wp-content/uploads/2023/05/NAIAC-Report-Year1.pdf (recommending clearer, agency-level AI leadership roles and responsibilities) [hereinafter NAIAC Report]; *Artificial Intelligence in Government: Hearing Before the S. Comm. on Homeland Sec. & Gov't Affs.*, 118th Cong. (2023) (statement of Lynne E. Parker, Associate Vice Chancellor and Director of the AI for Tennessee Initiative, University of Tennessee, Knoxville), available at https://www.hsgac.senate.gov/wp-content/uploads/Testimony-Parker-2023-05-16-1.pdf; *Artificial Intelligence in Government: Hearing Before the S. Comm. on Homeland Sec. & Gov't Affs.*, 118th Cong. (2023) (statement of Daniel E. Ho, Professor, Stanford Law School), available at https://www.hsgac.senate.gov/wp-content/uploads/Testimony-Ho-2023-05-16-1.pdf.

13 Exec. Order No. 14110, *Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, 88 Fed. Reg. 75191 (Nov. 1, 2023) [hereinafter AI EO], available at https://www.federalregister.gov/documents/2023/11/01/2023-24283/safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence. This Executive Order instructs OMB to "provide guidance" on the safe and responsible use of AI across federal agencies, leading to the M-Memo's publication. *Id.*

14 *See* M-Memo, *supra* note 11. This Memorandum implements portions of Section 10.1 of AI EO, clarifying and outlining specific agency obligations for AI governance, innovation, and risk management.

15 EO 13859, *supra* note 1.

16 EO 13960, *supra* note 2.

17 AI in Government Act of 2020, Pub. L. No. 116-260, div. U, title I, 134 Stat. 1182, 2286–89.

18 *See* Lawrence et al., *supra* note 4; *see also* Christie Lawrence, Isaac Cui & Daniel E. Ho, *The Bureaucratic Challenge to AI Governance: An Empirical Assessment of Implementation at U.S. Federal Agencies, in* Proceedings of the 2023 AAAI/ACM Conference on AI, Ethics, and Society, 606–52 (2023).

19 U.S. Gov't Accountability Off., GAO-24-105980, Artificial Intelligence: Agencies Have Begun Implementation but Need to Complete Key Requirements (2023), available at https://www.gao.gov/products/gao-24-105980.

20 *Fact Sheet: President Biden Issues Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence*, Exec. Off. of the President, https://www.whitehouse.gov/briefing-room/statements-releases/2023/10/30/fact-sheet-president-biden-issues-executive-order-on-safe-secure-and-trustworthy-artificial-intelligence/ (Oct. 30, 2023).

21 U.S. Gov't Accountability Off., GAO-24-107332, Artificial Intelligence: Agencies Are Implementing Management and Personnel Requirements (2024), available at https://www.gao.gov/products/gao-24-107332.

22 *Tracking the U.S. AI Executive Order*, Stan. Hum.-Centered AI (June 2024), https://hai.stanford.edu/policy/tracking-us-ai-executive-order.

23 *See* M-Memo, *supra* note 11, at 3 n.7. The M-Memo adopts the definition of "agency" from 44 U.S.C. § 3502(1), which includes executive departments and independent regulatory agencies, but excludes several enumerated entities such as the Government Accountability Office and the Federal Election Commission. *Id*. This definition captures more agencies than the ones covered under the definitions of "agency" used in EO 13960 and the AI EO.

24 *See id.*, at 1 (requiring each covered agency to "designate a Chief AI Officer (CAIO) within 60 days" of the issuance of the M-Memo). The M-Memo imposes specific expectations and responsibilities on CAIOs regarding AI oversight, risk management, and coordination with other senior officials, both within and outside of their agencies.

25 *See id.*, at 5 (noting that "[a]t CFO Act agencies, a primary role of the CAIO must be coordination, innovation, and risk management for their agency's use of AI specifically, as opposed to data or IT issues in general"). For a list of CFO Act agencies, see Chief Financial Officers Act of 1990, Pub. L. No. 101-576, 104 Stat. 2838, 2842 (codified at 31 U.S.C. § 901). While our analysis focuses on all agencies under 44 U.S.C. § 3502(1), we report statistics for the CFO Act agencies separately, given their outsized role and budget in federal operations.

26 *See* M-Memo, *supra* note 11, at 4–5, 8–9. The M-Memo directs CFO Act agencies to convene an AI Governance Board, chaired by the Deputy Secretary and vice-chaired by the CAIO no later than 60 days after its release. These boards are also expected to include senior officials from relevant areas, such as IT, cybersecurity, data, privacy, and equity. Agencies are encouraged to consult external experts to provide diverse perspectives.

27 *See* M-Memo, *supra* note 11, at 5 (requiring each agency to "submit to OMB and post publicly on the agency's website either a plan to achieve consistency with this memorandum, or a written determination that the agency does not use and does not anticipate using covered AI" within 180 days).

28 Each agency was required to designate their CAIO and notify OMB within 60 days of the issuance of the M-Memo. *See* M-Memo, *supra* note 11, at 4. To assess general compliance about CAIO designations, we surveyed official agency websites, the AI.gov website, press releases, newspaper articles, and other publicly available information to determine whether agencies had announced their CAIO appointments. For additional details on our methodology, see *infra* app. A-1.

29 These background interviews provided qualitative insights into how agencies interpret and implement CAIO responsibilities. Interview questions primarily focused on leadership structures, resource allocations, and internal procedures for AI oversight and use.

30 *See* M-Memo, *supra* note 11, at 5 (requiring agencies to "submit to OMB and post publicly on the agency's website either a plan to achieve consistency with this memorandum, or a written determination that the agency does not use and does not anticipate using covered AI"). As part of our analysis, we reviewed and compared each agency's published Compliance Plan, focusing on their AI risk assessment protocols, data-sharing practices, and training programs and initiatives, among other key elements.

31 While the M-Memo does not explicitly mandate budget justification reports on AI use and oversight, it states that each agency "must also consider the financial, human, information, and infrastructure resources necessary for implementation, prioritizing current resources or requesting additional resources via the budget process, as needed to support the responsibilities identified in this memorandum." *Id*. at 4. We therefore decided to review the published FY 2025 Congressional Budget Justification Reports to identify any stated funding for an AI-specific initiative, training, or program.

32 Our evaluation includes all applicable agencies, with particular attention to the 24 CFO Act agencies and the 11 distinct non-CFO Act agencies classified by the OPM as "large independent agencies" based on their workforce size (1,000 or more employees). *See Federal Agencies List*, *supra* note 6. This focus allows for a targeted assessment of compliance among the largest federal entities.

33 EO 13859, *supra* note 1, at 3970, sec. 6(a)–(b).

34 It is hard to attribute these differences, as public attention to AI has increased significantly in recent years. Structurally, OMB designated a Director of AI and elevated executive attention per the recommendation of the NAIAC.

35 All the findings presented in this White Paper are based on information available up until October 20, 2024.

36 This figure draws on our comprehensive survey of agencies defined in the M-Memo and 44 U.S.C. § 3502(1). The full list of federal agencies considered under our analysis is provided in our *Tracker*, available at https://tinyurl.com/caio-tracker. Publicly disclosing the CAIO's identity is critical to enhancing overall accountability and transparency in AI oversight.

37 This data reflects that a majority of designated CAIOs also hold CIO, CDO, or other similar senior executive roles, a pattern that is consistent with the M-Memo, *supra* note 11, at 5–6 (permitting agencies to "designate an existing official … provided they have significant expertise in AI and meet the other requirements").

38 *See* M-Memo, *supra* note 11, at 6 (stressing that CAIOs must have "the necessary authority" and sufficient seniority to address AI oversight and coordination issues in an agency, "as opposed to data or IT issues in general"). Placing the CAIO role within a dual-hatted position may help agencies quickly comply with the mandates, but it could also dilute dedicated AI use and oversight efforts in the long run, especially for large agencies.

39 *See id.*, at 4, 6 (encouraging agencies to "strategically draw upon their policy, programmatic, research and evaluation, and regulatory functions to support the implementation" of the M-Memo and to designate CAIOs who "have significant expertise in AI").

40 *See Tracker*, *supra* note 36; *see also* Madison Alder, *U.S. Agencies Publish Plans to Comply with White House AI Memo*, FedScoop (Sept. 25, 2024), https://fedscoop.com/u-s-agencies-publish-plans-to-comply-with-white-house-ai-memo/.

41 For instance, the Government Accountability Office's recent reports have documented uneven agency implementation and compliance of mandates tied to IT modernization and data governance. *See, e.g.*, U.S. Gov't Accountability Off., GAO-24-106982, Evidence-Based Policymaking: Agencies Need Additional Guidance to Assess Their Capacity (2024); U.S. Gov't Accountability Off., GAO-24-106137, Cloud Computing: Agencies Need to Address Key OMB Procurement Requirements (2024); U.S. Gov't Accountability Off., GAO-24-107041, IT Portfolio Management: OMB and Agencies are not Fully Addressing Selected Statutory Requirements (2024).

42 *See* U.S. Dep't of Defense, FY 2025 Budget Request (2024), available at https://comptroller.defense.gov/Portals/45/Documents/defbudget/FY2025/FY2025_Budget_Request_Overview_Book.pdf [hereinafter DoD Budget Request]. We note that the CDAO was established on June 1, 2022, prior to the CAIO designation, and has received steady funding since its establishment, so the budget request must be seen in that context. *See* DOJ CDAO Announcement, *supra* note 10. Compared to the FY 2024 Request, the FY 2025 budget proposal represents a $95 million increase for the mission of the CDAO and a $1 million decrease in personnel funding. The M-Memo also acknowledges the varying resources across federal agencies, thus encouraging them to "request … additional resources via the budget process, as needed"; M-Memo, *supra* note 11, at 4.

43 EO 13859, *supra* note 1.

44 Off. of Mgmt. & Budget, Exec. Off. of the President, M-21-06, Guidance for Regulation of Artificial Intelligence Applications (2020).

45 AI in Government Act of 2020, Pub. L. No. 116-260, div. U, title I, 134 Stat. 1182, 2286–89.

46 EO 13960, *supra* note 2.

47 Pub. L. No. 117-263, div. G, title LXXII, subtitle B, 136 Stat. 2395, 3668–76 (2022).

48 AI EO, *supra* note 13.

49 M-Memo, *supra* note 11.

50 *Id.* § 3(b).

51 *Id.* § 3(b)(i).

52 *See id.* § 3(b)(iii).

53 *Id.* § 3(a)(iii).

54 AI EO, *supra* note 13, at 75224–25, sec. 12(a).

55 Off. of Mgmt. & Budget, Exec. Off. of the President, M-24-18, Advancing the Responsible Acquisition of Artificial Intelligence in Government (2024).

56 Two additional agencies not considered in our analysis—the U.S. Commission on Civil Rights and the Office of Navajo and Hopi Indian Relocation (ONHIR)—have also published their CAIO designations on the AI.gov website. We excluded them in our analysis for consistency with a common enumeration of agencies based on the *ACUS Sourcebook*, *supra* note 6, which does not include these entities. *See infra* app. A for details on how we arrived at our agency list.

57 The following large independent non-CFO agencies made their designations public: CFPB, EEOC, FDIC, FTC, NARA, NCUA, NLRB, SEC, and USGPO. Meanwhile, the U.S. Agency for Global Media and FCC have yet to publicly announce their CAIO designations.

58 To determine whether a federal agency had publicly posted a CAIO designation, we systematically reviewed official government websites, press releases, and the M-Memo compliance reports, in addition to performing online searches via Google and Perplexity. The agencies that did not publicly list a CAIO or an acting CAIO by October 20, 2024, are considered nondisclosing. In multiple instances, agencies had designated a CAIO but had not updated their official webpages. For the full list of agencies evaluated, as well as the details on our survey methodology, *see infra* app. A.

59 The repository of CAIOs maintained by the Office of Science and Technology Policy on AI.gov includes constituent agencies (e.g., Department of Housing and Urban Development: Office of Inspector General).

60 The M-Memo expressly permits agencies to "designate an existing official, such as a Chief Information Officer (CIO), Chief Data Officer (CDO), Chief Technology Officer (CTO), or similar official" as CAIO, but only so long as they possess "significant expertise in AI" and meet other prerequisites. *See* M-Memo, *supra* note 11, 5–6. However, the M-Memo also underscores that "a primary role of the CAIO [at CFO Act agencies] must be coordination, innovation, and risk management for their agency's use of AI specifically, as opposed to data or IT issues in general." *Id.* at 5. Our stakeholder interviews with existing CAIOs confirm that agencies often perceive the concurrent appointments—which we refer to as the dual-hatted approach—as the most pragmatic and practical approach to meeting immediate compliance deadlines while leveraging existing high-level officials.

61 Based on publicly available information, at least 23 federal CAIOs concurrently serve as CIOs, 12 as CDOs, and 5 as CTOs. These figures do not include deputy positions. Additionally, some of these roles overlap; for instance, the CAIO of the FTC also serves as the agency's CIO and CDO. *See* Caroline Nihill, *FTC on Track to Publish Its First AI Use Case Inventory by the End of This Year, Official Says*, FedScoop (Oct. 29, 2024), https://fedscoop.com/ftc-on-track-to-publish-its-first-ai-use-case-inventory-by-the-end-of-this-year-official-says/ ("While Gray said he often jokes about 'small agencies, small budgets and wearing multiple hats,' the CIO, CAIO and CDO said that 'functionally, it makes sense' to take on all three roles, pointing to the overlap in duties.").

62 During our interviews, several CAIOs noted the pressures of meeting the compliance deadlines and the lack of immediate budget or headcount to support a new standalone executive position or an office. *See, e.g.,* Interview with CAIO #1 (Aug. 2, 2024); Interview with CAIO #3 (Aug. 20, 2024).

63 *See* Interview with CAIO #6 (Oct. 15, 2024).

64 *See* Interview with CAIO #1 (Aug. 2, 2024); Interview with CAIO #5 (Sept. 12, 2024); Interview with CAIO #6 (Oct. 15, 2024).

65 *See* Interview with CAIO #1 (Aug. 2, 2024).

66 *See* Interview with CAIO #3 (Aug. 20, 2024).

67 Our analysis only considers the immediate prior role of the CAIO rather than their entire career history. While the DOJ CAIO Jonathan Mayer has had experience working in government, we consider him to be a nongovernmental official due to his former position in academia.

68 Jonathan Mayer currently serves as the CAIO within the Justice Department's Office of Legal Policy. In addition to this role, he acts as the Chief Science and Technology Advisor and leads the Emergency Technology Board, which oversees the Department's use and coordination of AI and other emerging technologies. *See* Press Release, Dep't of Justice, Attorney General Merrick B. Garland Designates Jonathan Mayer to Serve as the Justice Department's First Chief Science and Technology Advisor and Chief AI Officer (Feb. 22, 2024), https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-designates-jonathan-mayer-serve-justice-departments-first.

69 Per the AI EO, technology talent programs at agencies are directed to develop and implement plans to support the recruitment of AI and AI-enabling talent as part of the National AI Talent Surge. The Talent Surge has aimed to build a strong federal AI workforce to leverage AI in government, build AI regulatory and policy capacity, and strengthen the AI research and development ecosystem. *Join the National AI Talent Surge*, AI.gov, https://ai.gov/apply/ (last visited Jan. 12, 2025).

70 For example, the Department of Energy aims to train 500 new researchers by 2025 to address the growing demand for AI expertise. U.S. Dep't of Energy, *AI Compliance Plans per OMB M-24-10, on Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence* (Sept. 24, 2024), https://www.energy.gov/sites/default/files/2024-09/DOE%20AI%20Compliance%20Plan%209.23.24.pdf. *See generally* David Freeman Engstrom, Daniel E. Ho, Catherine M. Sharkey & Mariano-Florentino Cuéllar, *Government by Algorithm: Artificial Intelligence in Federal Administrative Agencies* (Feb. 2020) (report to the Admin. Conf. of the U.S.), available at https://law.stanford.edu/wp-content/uploads/2020/02/ACUS-AI-Report.pdf.

71 Our classification of science, technology, engineering and mathematics (STEM) degrees was based on the DHS STEM Designated Degree Program List, HOMELAND SEC. INVESTIGATIONS, https://www.ice.gov/doclib/sevis/pdf/stemList2024.pdf (last updated July 22, 2024).

72 Of the 82 CAIOs reviewed, seven had undergraduate degrees in computer science or mathematics, five in life or physical sciences (e.g., physics, biology, geology), and 13 in engineering or technology fields (e.g., electrical engineering, mechanical engineering, or systems engineering, etc.). Ten CAIOs pursued interdisciplinary studies (e.g., comprehensive science for the FBI's CAIO, history and political science for the NLRB's CAIO, physics and history for the SEC's CAIO). The remaining CAIOs earned their bachelor's degrees in areas such as business and management, social sciences, political science, or humanities.

73 Neither EO 14110 nor the M-Memo mandates a STEM degree—or any official background or specific training in AI—for the CAIO position, but the M-Memo requires "necessary skills, knowledge, training, and expertise" to perform their responsibilities in AI coordination and risk management. *See* M-MEMO, *supra* note 11, at 5.

74 We could not identify their educational backgrounds based on information available on agency websites, public releases, online articles, LinkedIn, or Leadership Connect.

75 They cover economics, political science, computer science, system engineering, business administration, biomedical engineering, and theoretical physics, among other disciplines.

76 These are DOJ, PCLOB, and RRB.

77 These are ACUS, DOJ, and NLRB. The CAIO at the Department of Justice holds both a J.D. and a Ph.D. in Computer Science and is therefore included in both categories.

78 We note that our analysis does not account for certification programs or other professional training that CAIOs may have completed.

79 *See Tracker*, *supra* note 36.

80 We note again that this review is based solely on publicly available information from agency websites, LinkedIn, and Leadership Connect; thus, it may not fully reflect the academic and professional credentials of CAIOs.

81 *See* Interview with CAIO #1 (Aug. 2, 2024).

82 *See* Interview with CAIO #2 (Aug. 16, 2024); Interview with CAIO #4 (Sept. 27, 2024); Interview with CAIO #6 (Oct. 15, 2024).

83 *See Tracker*, *supra* note 36.

84 Our review found that 58 agencies submitted Compliance Plans or written determinations. We excluded three of these agencies from our final analysis based on a review of the relevant agencies and subagencies from the *ACUS Sourcebook*. The three agencies are the Tennessee Valley Authority (TVA), which we deemed to not be a covered agency (see Appendix D for justification) as well as the United States Commission on Civil Rights (USCCR) and the Office of Navajo and Hopi Indian Relocation (ONHIR), which were not present in the *ACUS Sourcebook* (see Appendix A for details on how we arrived at our agency list). Our aim was to develop a systematic and comprehensive enumeration of agencies based on the *ACUS Sourcebook*, but results are not materially different excluding or including these border cases.

85 We define parent-level agencies as agencies that do not operate within larger agencies.

86 M-MEMO, *supra* note 11, at 5.

87 *Id.* at 5.

88 *Id.* at 5–9.

89 *Id.*

90 *See, e.g.*, U.S. DEP'T OF AGRIC. (USDA), USDA COMPLIANCE PLAN FOR OMB MEMORANDA [SIC] M-24-10 – SEPTEMBER 2024, https://www.usda.gov/sites/default/files/documents/usda-ai-compliance-plan-fy2024.pdf.

91 The Justice, Education, and Commerce Departments, along with SBA and SSA, published their Compliance Plans on their respective agency websites after the original OMB deadline.

92 The six large independent non-CFO Act agencies that published their Compliance Plans or written statements of no AI use are the U.S. Agency for Global Media, FTC, CFPB, EEOC, NLRB, and SEC; however, the first three agencies officially released their plans on their respective websites after the original OMB deadline. Since our analysis, the National Credit Union Administration also published their Compliance Plan, albeit in November 2024. FCC, FDIC, NARA, and the U.S. Government Publishing Office have yet to publicly release their Compliance Plans on their agency websites.

93 *See* Lawrence et al., *supra* note 4.

94 The five agencies that did not explicitly identify or reference the composition of their internal AI governance bodies are the Commodity Futures Trading Commission, the Farm Credit Administration, the Federal Retirement Thrift Investment Board, the Department of Labor, and NASA.

95 These five large independent agencies are the EEOC, Federal Reserve Board of Governors, FTC, NARA, and the U.S. Agency for Global Media.

96 These eight other agencies are the United States International Development Finance Corporation, Election Assistance Commission, Export-Import Bank of the United States, Federal Housing Finance Agency, the Presidio Trust, National Endowment for the Arts, United States Trade and Development Agency, and United States International Trade Commission.

97 The only CFO Act agency that did not identify all their offices represented in their AI governance body is NASA.

98 *See* Lawrence et al., *supra* note 4.

99 U.S. DEP'T OF COM., COMPLIANCE PLAN FOR OMB MEMORANDA [SIC] M-2410 – SEPTEMBER 2024, https://www.commerce.gov/sites/default/files/2024-10/Commerce-Compliance-Plan-for-OMB-Memoranda-M-24-10-September-2024-v1-1.pdf.

100 *See, e.g.*, U.S. Trade & Dev. Agency, USTDA AI Compliance Plan for OMB Memoranda [sic] M-24-10 – September 2024, https://s3-us-gov-west-1.amazonaws.com/cg-654ebf73-8576-4082-ba73-dd1f1a7fe8dc/uploads/USTDA-AI-Compliance-Plan-Final.pdf ("As a small agency, USTDA has limited funding and staffing resources to effectively pursue AI use cases"); Exp.-Imp. Bank of the U.S. (EXIM), Compliance Plan for OMB Memorandum M-24-10 (Sept. 2024) https://img.exim.gov/s3fs-public/documents/EXIM%20Compliance%20Plan%20for%20OMB%20Memorandum%20M-24-10Final.pdf ("AI use cases compete for funding and staffing with other important priorities at the Bank including non-IT investments in core EXIM capabilities, cyber security, and other use cases in our modernization agenda.").

101 The USDA Compliance Plan, for instance, explicitly articulates the need for increasing AI literacy and talent within the federal government. U.S. Dep't of Agric. (USDA), USDA Compliance Plan for OMB Memoranda [sic] M-24-10 – September 2024, https://www.usda.gov/sites/default/files/documents/usda-ai-compliance-plan-fy2024.pdf ("Like most federal agencies, USDA does not have sufficient AI literacy and AI talent today. Without a significant investment to increase workforce literacy in AI and attract AI talent to USDA, our ability to execute the upcoming AI Strategy will be limited.").

102 These include the Department of Energy and NRC.

103 The Federal Risk and Authorization Management Program (FedRAMP) provides a "cost-effective, risk-based approach for the adoption and use of cloud services by the federal government." It also provides a standardized approach for cloud computing products and services and security assessments. *Program Basics*, FedRAMP, https://www.fedramp.gov/program-basics/ (last visited Jan. 12, 2025).

104 These include the Department of Energy, OPM, Department of State, and USAID. *See also* Rebecca Heilweil, *Anthropic Eyes FedRAMP Accreditation in Quest to Sell More AI to Government*, FedScoop (Nov. 20, 2024), https://fedscoop.com/anthropic-eyes-fedramp-accreditation-in-quest-to-sell-more-ai-to-government/; Rebecca Heilweil, *OpenAI Reveals First Federal Agency Customer for ChatGPT Enterprise*, FedScoop (Aug. 19, 2024), https://fedscoop.com/openai-chatgpt-enterprise-usaid/.

105 These include the SBA, Department of Veterans Affairs, Department of Energy, NARA, and USAID.

106 These include the Department of State, FTC, Department of Energy, OPM, and NARA.

107 *See* U.S. Dep't of Treasury, Compliance Plan for OMB Memoranda [sic] M-24-10, 4 (Sept. 2024), https://home.treasury.gov/system/files/216/Treasury-M-24-10-Compliance-Plan.pdf ("As the definitions of covered and noncovered AI use cases continue to change since the publication of M-24-10 and guidance on what systems are considered AI and what systems are not considered AI continues to change, Treasury is in the process of developing an AI acceptable use policy and an AI user agreement.").

108 *See* U.S. Soc. Sec. Admin., Social Security Administration (SSA) Compliance Plan for OMB Memoranda [sic] M-24-10, 5 (Sept. 2024), https://www.ssa.gov/ai/policy/SSA%20M-24-10%20Compliance%20Plan.pdf (stating that "[t]he agency has blocked general employee access to external third-party generative AI services, recognizing that such access could result in the unauthorized disclosure of SSA data, including Personally Identifiable Information").

109 *See* U.S. Dep't of State, Department of State Compliance Plan for OMB Memorandum M-24-10 – September 2024, 6, https://www.state.gov/wp-content/uploads/2024/09/DOS-Compliance-Plan-with-OMB-M-24-10-Accessible-9.23.2024.pdf ("Department policy mandates that all generative AI outputs, regardless of audience or other circumstance, be reviewed by a human for accuracy and appropriateness to manage risk and ensure adequate oversight.").

110 *See id.*, at 4–5.

111 *Workforce of the Future Initiative*, U.S. Off. of Pers. Mgmt., https://www.opm.gov/workforce-of-the-future/ (last visited Jan. 12, 2025) ("The Gov2Gov learning series focuses on two highly sought out areas, artificial intelligence and mindfulness in the hybrid environment.").

112 *See* Fed. Trade Comm'n, Compliance Plan for OMB Memoranda [sic] M-24-10: On Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence, 3 (Sept. 2024), https://www.ftc.gov/system/files/ftc_gov/pdf/FTC-AI-Use-Policy.pdf ("To increase knowledge and skill of current staff, the agency will encourage use of existing generalized federal workforce training content like the GSA's AI Community of Practice, Stanford University Human-Centered AI lecture series, and available training within the agency's learning library.").

113 *See* Fed. Hous. Fin. Agency, FHFA Compliance Plan for OMB Memorandum M-24-10, 6 (Sept. 2024), https://www.fhfa.gov/sites/default/files/2024-09/FHFA_Compliance_Plan_for_OMB_Memorandum_M-24-10.pdf ("FHFA plans to offer AI training to its internal staff through a blend of tailored educational programs and government-specific initiatives. The plan includes leveraging existing government-sponsored programs, such as the GSA's training resources and the Federal Learning Network, to provide targeted AI education. These programs include workshops and courses designed to address the unique needs and regulatory contexts of government agencies, ensuring that the training is both relevant and applicable.").

114 *See* DoD Budget Request, *supra* note 42 (requesting $386 million to support the mission of the Chief Digital and AI Officer [CDAO] as well as $49 million to support its labor and FTE profile). We note that the CDAO was an established entity prior to the CAIO designation and has received funding since its establishment in 2022. S*ee* DOJ CDAO Announcement, *supra* note 10.

115 *See* U.S. Dep't of Transp., Budget Estimates Fiscal Year 2025, https://www.transportation.gov/sites/dot.gov/files/2024-03/OST_FY_2025_Congressional_Justification%283.8.2024%29.pdf (requesting $522 thousand to "support modernization efforts and four positions for the establishment of a Chief Artificial Intelligence Office").

116 *See Tracker*, *supra* note 36.

117 *See infra* app. A.

118 For example, the Compliance Plan from the American Battle Monuments Commission may be far less important than that of the Department of Justice.

119 *See* NAIAC Report, *supra* note 12 (recommending clearer agency-level AI leadership roles and responsibilities).

120 *See* AI EO, *supra* note 13; Off. of Mgmt. & Budget, Exec. Off. of the President, Proposed Memorandum on Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence (2023), available at https://www.whitehouse.gov/wp-content/uploads/2023/11/AI-in-Government-Memo-draft-for-public-review.pdf.

121 *See Tracker*, *supra* note 36.

122 This is based on the much higher rate at which agencies filed Compliance Plans with the M-Memo in 2024 than Agency AI Plans pursuant to EO 13859 in 2019–2022.

123 *See* Kurt Glaze, Daniel E. Ho, Gerald K. Ray & Christine Tsang, *Artificial Intelligence for Adjudication: The Social Security Administration and AI Governance*, *in* Oxford Handbook on AI Governance (Justin Bullock et al. eds., 2022), available at https://doi.org/10.1093/oxfordhb/9780197579329.013.46; David Freeman Engstrom & Daniel E. Ho, *Algorithmic Accountability in the Administrative State*, 37 Yale J. on Regul. 800 (2020), available at https://openyls.law.yale.edu/bitstream/handle/20.500.13051/8311/03_Engstrom__Ho_Article._Final.pdf.

124 Neel Guha, Christie M. Lawrence, Lindsey A. Gailmard, Kit T. Rodolfa, Faiz Surani, Rishi Bommasani, Inioluwa Deborah Raji, Mariano-Florentino Cuéllar, Colleen Honigsberg, Percy Liang & Daniel E. Ho, *AI Regulation Has Its Own Alignment Problem: The Technical and Institutional Feasibility of Disclosure, Registration, Licensing, and Auditing*, 92 Geo. Wash. L. Rev. 1473 (2024), available at https://www.gwlr.org/wp-content/uploads/2024/12/92-Geo.-Wash.-L.-Rev.-1473.pdf.

125 *See* NAIAC Report, *supra* note 12, at 22 ("Agencies need empowered officials and strong organizational leadership to meaningfully comply, in a timely manner, with pre-existing and forthcoming legal requirements. They also need leadership to capture benefits AI may offer agencies, like increased efficiency and more equitable benefits provision.").

126 As articulated above, we aimed to curate a comprehensive list of agencies subject to the requirements we study above. A number of agencies are at the "boundary" (e.g., government-sponsored entities) that we deemed not to meet the notion of covered agencies for our purposes or which were otherwise statutorily excluded. These are: Corporation for Public Broadcasting (CPB), HHD – Medicare Board of Trustees (Federal Supplementary Medical Insurance Trust Fund, Federal Hospital Insurance Trust Fund), Federal Agricultural Mortgage Corporation (FAMC; Farmer Mac), Federal Election Commission (FEC), Federal Old-Age & Survivors Insurance Trust Fund & the Federal Disability Insurance Trust Fund, Legal Services Corporation (LSC), Metropolitan Washington Airports Authority (MWAA), National Consumer Cooperative Bank (NCCB), National Institute of Building Sciences (NIBS), National Railroad Passenger Corporation (Amtrak), Financial Oversight and Management Board for Puerto Rico (FOMBPR), Securities Investor Protection Corporation (SIPC), State Justice Institute (SJI), Tennessee Valley Authority (TVA), Thrift Savings Plan (TSP), United States Postal Service (USPS). For instance, because some of these entities (e.g., USPS, Amtrak) do not have .gov domains and the Compliance Plan guidance requires publication on a .gov domain, the implicit assumption appears to be that they are not covered. For more on such bureaucratic entities, *see* Anne Joseph O'Connell, *Bureaucracy at the Boundary*, 162 U. Pa. L. Rev. 841 (2013).

127 M-Memo, *supra* note 11.

128 This selected list of actions, along with the footnotes, is taken from the M-Memo. M-Memo, *supra* note 11, 34.