



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, DC 20530

The Honorable Jim Jordan
Chairman
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

The Honorable Harriet M. Hageman
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Jordan and Representative Hageman:

This responds to your letter to the Department of Justice (Department), dated March 20, 2024, regarding the reported use of Artificial Intelligence (AI) by the Internal Revenue Service (IRS). As detailed below, the Department takes both the promise and the risks of AI very seriously. The Department is committed to keeping pace with rapidly evolving scientific and technological developments while fulfilling our mission to uphold the rule of law, keep our country safe, and protect civil rights. Questions about the IRS's use of AI technology should be directed to the Department of the Treasury.

The Department knows we must move quickly to identify, leverage, and govern AI's positive uses while taking measures to minimize the risks it presents. On October 30, 2023, President Biden signed Executive Order (EO) 14110 on the Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence to ensure we are seizing the promise and managing the risks of AI.¹ These recent actions build on principles for the use of AI, established in a 2020 EO, Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government,² which provide that government uses of AI should be:

- (a) Lawful and respectful of our Nation's values;
- (b) Purposeful and performance-driven;
- (c) Accurate, reliable, and effective;
- (d) Safe, secure, and resilient;
- (e) Understandable;
- (f) Responsible and traceable;
- (g) Regularly monitored;

¹ Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence, 88 Fed. Reg. 75,191 (Nov. 1, 2023).

² Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government, 85 Fed. Reg. 78939 (2020).

- (h) Transparent; and
- (i) Accountable.

To further advance these principles, EO 14110 establishes new standards for AI safety and security, protects Americans' privacy, advances equity and civil rights, promotes innovation and competition, and advances American leadership abroad. These same values are reflected in the Office of Management and Budget (OMB) guidance issued on March 28, 2024, following EO 14110, which mandates the implementation of specific safeguards for uses of AI that impact the rights and safety of the public.³ One of those requirements is that agencies "must individually inventory each of its AI use cases at least annually, submit the inventory to OMB, and post a public version on the agency's website."⁴ It also requires agencies to submit plans to OMB on achieving consistency with the OMB guidance memorandum. The Department is diligently implementing this EO in accordance with OMB guidance by inventorying its current AI use cases.

The Department has taken several recent concrete steps to harness the potential associated with AI and other emerging technologies, while identifying and mitigating their associated risks. For instance, consistent with EO 14110, on February 22, 2024, the Attorney General announced the designation of the Department's first Chief Science and Technology Advisor and first Chief AI Officer (CAIO).⁵ Also in line with the requirements of that EO, the Department's CAIO coordinates the Department's use of AI, promotes AI innovation, manages risks from the Department's use of AI, and carries out the responsibilities described in section 8(c) of EO 13960.⁶

While the Department is keenly aware of the potential for AI to be an indispensable tool to help identify, disrupt, and deter criminals, terrorists, and hostile nation-states from doing us harm, it simultaneously "has the potential to amplify existing biases and discriminatory practices."⁷ To that end, on November 9, 2023, the Deputy Attorney General announced the launch of the Department's Emerging Technology Board (ETB) which will advise Department leadership on the ethical and lawful use of AI.⁸ The CAIO also serves as the Chair of the ETB. Further, the Department has numerous policies that apply generally to the use of technology within the Department, including DOJ Order 0903, *Information Technology Management*,⁹ DOJ

³ [M-24-10-Advancing-Governance-Innovation-and-Risk-Management-for-Agency-Use-of-Artificial-Intelligence.pdf \(whitehouse.gov\)](#)

⁴ See *id.*, section 3.a.iv.

⁵ Press Release, Dep't of Just., *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>.

⁶ *Supra* n.5 at 75,218.

⁷ Press Release, Dep't of Just., *Deputy Attorney General Lisa O. Monaco Delivers Remarks at the University of Oxford on the Promise and Peril of AI* (Feb. 14, 2024), <https://www.justice.gov/opa/speech/deputy-attorney-general-lisa-o-monaco-delivers-remarks-university-oxford-promise-and>.

⁸ Press Release, Dep't of Just., *Readout of Deputy Attorney General Lisa Monaco's Trip to New York and Connecticut* (Nov. 9, 2023), <https://www.justice.gov/opa/pr/readout-deputy-attorney-general-lisa-monacos-trip-new-york-and-connecticut>.

⁹ DOJ Ord. Info. Tech. Management 0903 (May 2015), <https://www.justice.gov/jmd/file/877186/dl?inline>

The Honorable Jim Jordan
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Page 3

Order 0601, *Privacy and Civil Liberties*,¹⁰ DOJ Order 0904, *Cybersecurity Program*,¹¹ *Comprehensive Cyber Review*,¹² and the Department's *Artificial Intelligence Strategy*.¹³

Your letter also asks about a specific program deployed by the Department of the Treasury and “control[led]” by the Department. Our CAIO confirms that the Department is not aware of the Department using any AI program that reflects the description in your letter. The Department's 2023 AI use case inventory is located on the Department's public-facing website and lists 15 non-classified and non-sensitive AI use cases.¹⁴ The Department adheres to EO 13960 and to government-wide implementation guidance on annually reporting its AI use cases to the Federal Chief Information Officers Council.¹⁵ Consistent with EO 14110 and the OMB guidance,¹⁶ the Department is working toward producing a 2024 AI use case inventory.

We hope you find this information helpful. Please do not hesitate to contact this office if we may provide additional assistance regarding this or any other matter.

Sincerely,

Carlos Felipe Uriarte
Assistant Attorney General

cc:

The Honorable Jerrold L. Nadler
Ranking Member
Committee on the Judiciary
U.S. House of Representatives
Washington, DC 20515

¹⁰ DOJ Ord. Priv. and Civ. Liberties 0601 (May 2020), <https://www.justice.gov/jmd/file/877186/dl?inline>.

¹¹ DOJ Ord. Cybersecurity Program 0904 (Nov. 2023), <https://www.justice.gov/jmd/page/file/964941/dl?inline>.

¹² See U.S. Dep't of Just., *Comprehensive Cyber Review* (July 2022), <https://www.justice.gov/dag/page/file/1520341/dl>.

¹³ Publications and Resources, Just. Management Division, Dep't of Just., *Artificial Intelligence Strategy* (Dec. 2020), <https://www.justice.gov/jmd/page/file/1364706/download>.

¹⁴ AI at the Department of Justice, Open Data, Open Government, Dep't of Just., *2023 DOJ AI Use Case Inventory* (June 30, 2023), <https://www.justice.gov/open/file/1305831/dl?inline>.

¹⁵ Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government, 85 Fed. Reg. 78,939, 78,943 (Dec. 8, 2020).

¹⁶ Office of Mgmt. & Budget, Exec. Office of the President, OMB Memorandum M-24-10, *Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence* (2024).