NTSB | National Transportation Safety Board

NTSB Compliance Plan for OMB Memoranda M-24-10

Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence

September 24, 2024
Version: 1.0

Revision History

Date	Version	Description
9/24/2024	1.0	Initial Release

1. Purpose

The AI in Government Act of 2020[1] and Office of Management and Budget (OMB) Memorandum M-24-10, Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence[2], direct each agency to submit to OMB and post publicly on its website either a plan to achieve consistency with M-24-10 or a written determination that the agency does not use and does not anticipate using covered artificial intelligence (AI).

This document outlines the minimum information required for the National Transportation Safety Board (NTSB) compliance plan to satisfy the requirements of Section 3(a)(iii) of M-24-10 and Section 104(c) of the AI in Government Act.

The NTSB does not currently have any reportable AI use cases. This document will be updated as future AI use cases are identified, and we will report compliance with the individual use-case-specific practices mandated in Section 5(c)(iv) and (v) of M-24-10 separately through the annual AI use case inventory submissions as applicable.

2. About the NTSB

The NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant events in the other modes of transportation—railroad, transit, highway, marine, pipeline, and commercial space. We determine the probable causes of the accidents and events we investigate, and issue safety recommendations aimed at preventing future occurrences. In addition, we conduct transportation safety research studies and offer information and other assistance to family members and survivors for each accident or event we investigate. We also serve as the appellate authority for enforcement actions involving aviation and mariner certificates issued by the Federal Aviation Administration (FAA) and the US Coast Guard and adjudicate appeals of civil penalty actions taken by the FAA.

The NTSB is committed to meeting the requirements of the AI in Government Act of 2020 and OMB Memorandum M-24-10 that direct agencies to seek opportunities to use AI to improve efficiency and effectiveness while responsibly managing its risks.

We have taken, or are planning, multiple actions in the following areas to comply with M-24-10.

- Identified a Chief Artificial Intelligence Officer (CAIO)
- Assigning AI governance responsibilities to the existing NTSB Data Governance Body[3]
- Defining procedures for soliciting and collecting AI use cases

[1] Pub. L. No. 116-260, div. U, title 1, § 104 (40 U.S.C. § 11301 note), https://www.congress.gov/116/plaws/publ260/PLAW-116publ260.pdf.
[2] OMB Memorandum M-24-10, *Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence* (March 28, 2024), 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.
[3] As required by the *Foundations for Evidence-Based Policymaking Act of 2018* (Evidence Act), Pub. L. No. 115-435, 132 Stat. 5529 (2019), *available at* https://www.congress.gov/115/plaws/publ435/PLAW115publ435.pdf.

- Defining procedures for identifying potential new AI applications during information technology Capital Planning and Investment Control (CPIC)[4], and acquisitions and contracting processes
- Issued agency guidance on use of generative AI
- Developing AI talent through training and hiring

3. Strengthening AI Governance

Governance is a core element of the NTSB Data Strategy[5] and a critical component of our commitment to ensuring responsible and ethical use of data analytics and AI technologies.

Data and AI Governance Body

The NTSB has expanded the scope of its existing Data Governance Body to include AI governance, oversight of future agency implementation and operation of AI systems, and ensuring compliance with relevant laws, regulations, and internal policies.[6] The NTSB Data Governance Body includes the following representatives:

- Managing Director
- Chief Data Officer (CDO)
- Chief Data Scientist, who is also the Chief Artificial Intelligence Officer (CAIO)
- General Counsel
- Chief Information Officer (CIO), who is also the senior agency official for records management and senior agency official for privacy
- Chief Information Security Officer
- Chief Human Capital Officer
- Chief Financial Officer
- Office of Safety Recommendations and Communications

Data and AI Governance Body responsibilities for AI include:

1. Establishing agency-wide AI policies and standards consistent with the mission of the agency and principals of ethical use, risk mitigation, transparency, and continuous improvement

2. Reviewing and approving new AI use cases

3. Ensuring compliance with M-24-10 and other relevant regulations

[4] The *Information Technology Management Reform Act of 1996* (Clinger Cohen Act) Pub. L. No. 104–106, 110 Stat. 186 (1996), available at: https://www.congress.gov/104/plaws/publ106/PLAW-104publ106.pdf and OMB Circular A-130, *Managing Information as a Strategic Resource,* available at: https://www.whitehouse.gov/wp-content/uploads/legacy_drupal_files/omb/circulars/A130/a130revised.pdf, require federal executive departments and agencies to use a capital planning and investment control (CPIC) process to acquire, use, maintain, and dispose of information technology in alignment with the Agency's enterprise architecture planning processes.
[5] NTSB Fiscal Year 2023-2026 Data Strategy, available at: https://www.ntsb.gov/Documents/NTSB-FY23_26-Data-Strategy-Document.pdf.
[6] The NTSB has taken the optional action to assign AI governance responsibilities to our Data Governance Body. M-24-10 requires AI Governance Bodies for Chief Financial Officer Act (CFO Act) agencies as identified in 31 U.S.C. § 901(b), however the NTSB is not a CFO Act agency.

Consultation with external experts:

The Data and AI Governance Body may consult with external experts from other government agencies, federally funded research and development centers, academic institutions, and industry leaders in AI and machine learning experts as appropriate and consistent with applicable laws to support effective and efficient AI governance and oversight.

AI Use Case Inventories

The NTSB does not currently have any reportable AI use cases. As new AI use cases are identified, we will create and maintain an AI use case inventory to manage AI deployments effectively and ensure alignment with the agency mission, ethical standards, and applicable regulatory requirements.

The NTSB will use a systematic process for soliciting and collecting AI use cases across the agency. NTSB staff and management will submit proposals for new AI use cases to the NTSB Data Analytics Project Team that includes CAIO, CDO, and CIO office representatives. The Data Analytics Project team will record all AI use case requests, document requirements, and forward proposed new AI uses cases to the NTSB Data and AI Governance Body for review and approval as appropriate.

Additional policies and procedures will be added to the agency IT expenditure Capital Planning and Investment Control (CPIC) and acquisitions and contracting processes to identify potential new AI use cases that will be forwarded to the Data and AI Governance Body for review and approval as needed.

Approved AI use cases will be continuously monitored from the experimental and research phase, through development, production, and ongoing maintenance and we will update our AI use case inventory accordingly.

Reporting on AI Use Cases Not Subject to Inventory

The NTSB will maintain a transparent inventory of AI use cases consistent with its mission or applicable laws that may limit public disclosure.

The CAIO, CDO, and CIO, and NTSB Data and AI Governance Body will review all proposed new agency AI uses cases to determine whether they meet the criteria for exclusion from being individually inventoried, as required by Section 3(a)(v) of M-24-10.

Changes to the development status, function, or operation of use cases determined to meet the criteria for exclusion will be reassessed annually to determine whether previously excluded cases should be included in the agency's AI use case inventory or whether any new cases meet the exclusion criteria.

4. Advancing Responsible AI Innovation

We are committed to creating an environment where AI technologies can be developed and deployed responsibly to enhance our operations while ensuring that any application of AI aligns with the agency mission, ethical standards, and applicable regulatory requirements.

Removing Barriers to the Responsible Use of AI

Identified barriers to the agency use of AI include the specialized staffing and resources needed to develop and maintain AI applications while managing risks and cybersecurity requirements. To mitigate or remove these barriers, the NTSB may partner with other federal agencies or federally funded research and development centers to develop applications or access computing resources.

AI Talent

Building and maintaining a skilled workforce is necessary to support responsible AI innovation. The NTSB will use recruitment, hiring, contracting, and training options as needed to recruit new employees, develop and retain existing AI talent internally to expand and maintain its AI expertise as needed. The agency may use direct hire authority, collaboration with other agencies, or shared hiring actions to access new talent. The agency will continue to identify new training resources and encourage employees to take advantage of existing training resources—particularly in the areas of AI leadership and policy, acquisition, and development and governance—including government-wide resources such as the General Service Administration AI Training Series for Government Employees.

AI Sharing and Collaboration

The NTSB anticipates that custom-developed code we create for AI applications will be published on the NTSB website and/or public code repository consistent with OMB Memorandum M-16-21 and the Open Government Data Act.[7] The NTSB is establishing a review process for the project owner implementing the AI use case, CAIO, CDO, and CIO, and NTSB Data and AI Governance Body to identify shareable components while protecting sensitive investigation data prior to public release of any AI code, model, weights, or training data in accordance with M-24-10 Section 4(d) and all applicable laws and restrictions.

Harmonization of Artificial Intelligence Requirements

To ensure a consistent approach to AI governance, innovation, and risk management we are developing agencywide policy and guidance, adding AI guidance materials to the agency intranet site, and holding information sessions for all employees on agency use of AI including identifying AI uses cases, best practices, and risk management.

5. Managing Risks from the Use of Artificial Intelligence

As we take actions to comply with M-24-10, we are also committed to avoiding risks associated with the use of AI to our legislative mandate that includes.

- Maintaining our congressionally mandated independence and objectivity
- Conducting objective accident investigations and safety studies
- Performing fair and objective pilot and mariner certification appeals
- Assisting victims of transportation accidents and their families

[7] Title II of the Foundations for Evidence-Based Policymaking Act of 2018, P.L. 115-435.

OMB Memorandum M-24-10 notes that AI technologies may present specific and unique risks. These include risks related to efficacy, safety, equity, fairness, privacy, transparency, accountability, reliability, appropriateness, or lawfulness of a decision or action resulting from the use of an automated or algorithmic system to inform, influence, decide, or execute that decision or action.

Recognizing that the agency's mission includes technically complex, independent investigations of significant accidents and incidents, safety studies, pilot and mariner appeals, and survivor and family assistance, the use of generative AI would add significant reliability and appropriateness risks. The NTSB has issued guidance restricting the use of generative AI for agency work.

Determining Which Artificial Intelligence Is Presumed to Be Safety-Impacting or Rights-Impacting

The NTSB does not currently use, and does not anticipate using, any safety-impacting AI or rights-impacting AI, as defined in Section 6 of M-24-10. New acquisitions or agency developed applications that may include AI developed, used, or procured by or on behalf of the agency will be subject to review by the CAIO, CDO, and CIO, and NTSB Data and AI Governance Body to determine whether proposed AI use cases are safety-impacting or rights-impacting, and ensure compliance with applicable data privacy, security measures, and ethical considerations for the agency and our stakeholders. We will consult external experts as needed and consistent with applicable law to assist with these determinations.

Implementation of Risk Management Practices and Termination of Non-Compliant AI

To prevent deployment of non-compliant AI, the NTSB will develop an approval process for new or proposed AI projects that requires a compliance review and approval by the CAIO, CDO, and CIO, and NTSB Data and AI Governance Body before any AI system is put into production. Active AI systems will be subject to subsequent audits to ensure continued compliance. If non-compliant AI is identified, the NTSB will immediately suspend the system operation, develop and implement a corrective action plan, or terminate the system if compliance cannot be achieved.

Minimum Risk Management Practices

Responsibility for implementation of AI risk management practices will be assigned to the project owner implementing an AI use case, with oversight from the CAIO, CDO, CIO, Data and AI Governance Body, and agency leadership.

We will document and validate implementation of our AI risk management practices through:

- Data Analytics Team requests and development records
- IT Capital Planning and Investment Control (CPIC) process
- Acquisition and contracting records
- Data and AI Governance Body decisions
- Annual assessments of active AI use cases
- Enterprise Risk Management Program

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