

DHS Announces New Policies and Measures Promoting Responsible Use of Artificial Intelligence

Release Date: September 14, 2023

New Directive Outlines How the Department Will Use Face Recognition Technology

DHS Names First Chief Artificial Intelligence Officer

WASHINGTON – Today, the Department of Homeland Security (DHS) announced new policies to ensure responsible use of artificial intelligence (AI) by the Department. The policies, developed by the DHS Artificial Intelligence Task Force (AITF), build on a commitment from the Biden-Harris Administration to manage the risk and harness the benefits of AI. The Department uses AI technologies to advance its missions, including combatting fentanyl trafficking, strengthening supply chain security, countering child sexual exploitation, and protecting critical infrastructure. These new policies establish key principles for the responsible use of AI and specify how DHS will ensure that its use of face recognition and face capture technologies is subject to extensive testing and oversight.

The Department today also announced that Secretary Mayorkas has appointed Chief Information Officer (CIO) Eric Hysen as the Department's first Chief AI Officer. In this role, Hysen will promote AI innovation and safety within the Department, along with advising Secretary Mayorkas and Department leadership on AI issues. Hysen will continue to serve as the Department's CIO.

"Artificial intelligence is a powerful tool we must harness effectively and responsibly," said Secretary of Homeland Security Alejandro N. Mayorkas. "Our Department must continue to keep pace with this rapidly evolving technology, and do so in a way that is transparent and respectful of the privacy, civil rights, and civil liberties of everyone we serve. I am grateful that Eric Hysen, who already co-chairs our Artificial Intelligence Task Force, has agreed to serve as our Department's first Chief AI Officer, providing the leadership and experience necessary to harness AI's enormous potential and ensure its responsible use across DHS."

"Artificial intelligence provides the Department with new ways to carry out our mission to secure the homeland," said CIO and Chief AI Officer Eric Hysen. "The policies we are announcing today will ensure that the Department's use of AI is free from discrimination and in full compliance with the law, ensuring that we retain the public's trust."

Secretary Mayorkas created the AITF in April 2023 and tasked it with advancing the use of AI to support critical homeland security missions. The AITF developed these two new policies:

- **[Policy Statement 139-06 "Acquisition and Use of Artificial Intelligence and Machine Learning by DHS Components:"](#)** ([/sites/default/files/2023-09/23_0913_mgmt_139-06-acquisition-use-ai-technologies-dhs-components.pdf](#)) The policy statement establishes the foundation for DHS's use of AI with a clear set of principles. These principles include that DHS systems, programs, and activities using AI will conform to the requirements of Executive Order 13960, Promoting the Use of Trustworthy Artificial Intelligence in the Federal Government. In addition, DHS will only acquire and use AI in a manner that is consistent with the Constitution and all other applicable laws and policies. Also, DHS will not collect, use, or disseminate data used in AI activities, or establish AI-enabled systems that make or support decisions, based on the inappropriate consideration of race, ethnicity, gender, national origin, religion, gender, sexual orientation, gender identity, age, nationality, medical condition, or disability.
- **[Directive 026-11, "Use of Face Recognition and Face Capture Technologies:"](#)** ([/sites/default/files/2023-09/23_0913_mgmt_026-11-use-face-recognition-face-capture-technologies.pdf](#)) This directive dictates that all uses of face recognition and face capture technologies will be thoroughly tested to ensure there is no unintended bias or disparate impact in accordance with national standards. DHS will review all existing uses of this technology and conduct periodic testing and evaluation of all systems to meet performance goals. The Directive also requires that U.S. citizens be afforded the right to opt-out of face recognition for specific, non-law enforcement uses, prohibits face recognition from being used as the sole basis of any law or civil enforcement related action, and establishes a process for Department oversight offices including the Privacy Office, the Office for Civil Rights and Civil Liberties (CRCL), and the Office of the Chief Information Officer, to review all new uses of face recognition and face capture technologies.

In March 2023, Secretary Mayorkas tasked the Homeland Security Advisory Council to examine and provide recommendations on the development of the Department's AI Strategy. The Council has formed two subcommittees, one to focus on how DHS can leverage AI to advance critical missions, and the second on how DHS should be building defenses to nefarious uses of AI by adversaries. The Council provides recommendations to the Secretary

on ways the Department can better meet the challenges of the evolving threat landscape and seize opportunities to better serve the American people.

Additionally, the DHS CRCL Office helps to ensure DHS activities that rely on AI operate in an accurate and unbiased manner, are fundamentally fair, and advance equity for those that the Department serves. CRCL supports the DHS AITF by leading its Responsible Use Group (RUG), which brings together a broad range of internal stakeholders to govern AITF projects. The RUG provides guidance, risk assessment, mitigation strategies, and oversight for the protection of individual rights in projects championed by the AITF.

DHS's work on artificial intelligence is part of a whole-of-government effort to address this emerging technology. Earlier this week, the Biden-Harris Administration [announced](https://www.whitehouse.gov/briefing-room/statements-releases/2023/09/12/fact-sheet-biden-harris-administration-secures-voluntary-commitments-from-eight-additional-artificial-intelligence-companies-to-manage-the-risks-posed-by-ai/) additional commitments from companies to help advance the development of safe, secure, and trustworthy AI. The Administration will continue to pursue bipartisan legislation to help America lead the way in responsible AI development.

To learn more about how DHS uses AI technologies to protect the country, visit [DHS.gov \(/science-and-technology/artificial-intelligence\)](https://www.dhs.gov/science-and-technology/artificial-intelligence).

Topics

[CYBERSECURITY \(/TOPICS/CYBERSECURITY\)](#) [HOMELAND SECURITY ENTERPRISE \(/TOPICS/HOMELAND-SECURITY-ENTERPRISE\)](#)
[SECRETARY OF HOMELAND SECURITY \(/TOPICS/SECRETARY-HOMELAND-SECURITY\)](#)

Keywords

[ARTIFICIAL INTELLIGENCE \(AI\) \(/KEYWORDS/ARTIFICIAL-INTELLIGENCE-AI\)](#)
[OFFICE FOR CIVIL RIGHTS AND CIVIL LIBERTIES \(CRCL\) \(/KEYWORDS/OFFICE-CIVIL-RIGHTS-AND-CIVIL-LIBERTIES-CRCL\)](#) [PRIVACY \(/KEYWORDS/PRIVACY\)](#)
[SECRETARY ALEJANDRO MAYORKAS \(/KEYWORDS/SECRETARY-ALEJANDRO-MAYORKAS\)](#)

Last Updated: 09/14/2023