



## **Request for Proposals—August 4, 2023**

### **Using Algorithmic Tools in Regulatory Enforcement**

The Administrative Conference of the United States (ACUS) is accepting proposals from individuals interested in serving as a consultant(s) to produce a report on the issue of agency use of algorithmic tools to support their regulatory enforcement activities.

#### **Project Description and Consultant Responsibilities**

ACUS has undertaken several projects related to the use of algorithmic tools, including artificial intelligence (AI), in agency processes. ACUS is now undertaking a project to study how agencies are using or might use algorithmic tools—including AI and predictive analytics—to detect, investigate, and prosecute current and potential noncompliance with the laws they administer. The study and resulting recommendations will examine the potential benefits and risks of using algorithmic tools to support agencies' regulatory enforcement efforts and identify policies, practices, and organizational structures agencies can put in place to ensure they enforce the law fairly, accurately, and efficiently.

The project will address, among other possible topics:

- What data do agencies use to make enforcement decisions, how do they obtain the data, ensure data quality, and use data?
- What policies and practices should enforcement agencies put in place to ensure they comply with privacy, civil rights, and civil liberties laws when they monitor and collect data on members of the public?
- What processes are needed to ensure that agencies are securely maintaining the data used by and the outputs produced by algorithmic tools?
- How should agency policymakers ensure that the algorithms used by agency personnel accurately implement their policy preferences and priorities?
- How should agencies balance demands for public transparency about how agencies are using algorithmic tools for law enforcement purposes with the need to protect law enforcement techniques and procedures?
- What enforcement-related actions should or must be performed by a human rather than automated using an algorithmic tool?

The draft report will be completed by September 2024, and the consultant(s) will thereafter be expected to work with Conference staff and committees as the Conference develops

recommendations from the report in time for the Conference’s December 2024 plenary session.<sup>1</sup> The Conference may select a single consultant or assemble a team of consultants depending on the proposals it receives. Consultants will receive between \$8,000 and \$25,000, plus a budget for related expenses, depending on the number of consultants and allocation of responsibilities. The total value of consulting fees for this project will not exceed \$25,000, to be apportioned in accordance with the number of consultants and division of responsibilities.

**Submitting a Proposal and Evaluation Criteria**

If you are interested in serving as a consultant for the report, send an email to Kazia Nowacki (knowacki@acus.gov) with the phrase “ACUS Project Proposal” in the subject line. Attach your curriculum vitae to the email, along with a short (ideally no more than one page) statement identifying what you see as the primary issues that the report should address. **All responsible sources must submit a proposal by 5:00 p.m. Eastern Time on September 4, 2023, in order to be guaranteed consideration by the agency.**

Proposals will be evaluated based on quality, clarity, and the proposer’s qualifications. The Conference has a strong preference for consultants who have previously authored scholarly work on the intersection of law, especially regulatory enforcement, and technology.

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<sup>1</sup> Both the report due date and the date of the plenary session are subject to change.