

force climate survey, the Director shall submit to the appropriate committees of Congress a report containing the final results of such workforce climate survey. Such report shall include the following:

(A) The topic of the workforce climate survey, and the workforce level surveyed.

(B) The rationale for conducting the workforce climate survey.

(C) The measures in place to ensure the accessibility of the workforce climate survey.

(D) The lead official or entity conducting the workforce climate survey.

(E) Any actions the Director intends to take, or is considering, in response to the results of the workforce climate survey.

### (3) Accessibility of workforce climate surveys

The Director of the Defense Intelligence Agency shall ensure that, to the extent practicable, and consistent with the protection of intelligence sources and methods, workforce climate surveys are accessible to employees of such Agency on classified and unclassified systems.

### (e) Feasibility report

Not later than 270 days after December 23, 2022, the Director of the Defense Intelligence Agency shall submit to the appropriate committees of Congress a report containing an analysis of the feasibility (including the anticipated cost, personnel requirements, necessary authorities, and such other matters as may be determined appropriate by the Director for purposes of analyzing feasibility) of—

(1) conducting 360-degree performance reviews among employees of the Defense Intelligence Agency; and

(2) including leadership suitability assessments (including personality evaluations, communication style assessments, and emotional intelligence aptitude assessments) for promotions of such employees to a position within grade GS-14 or above of the General Schedule.

(Pub. L. 117-263, div. F, title LXIV, § 6422, Dec. 23, 2022, 136 Stat. 3530; Pub. L. 118-31, div. G, title IX, § 7901(b)(1), Dec. 22, 2023, 137 Stat. 1106.)

### Editorial Notes

#### REFERENCES IN TEXT

The General Schedule, referred to in subsec. (e)(2), is set out under section 5332 of Title 5, Government Organization and Employees.

#### AMENDMENTS

2023—Subsec. (b). Pub. L. 118-31 substituted “congressional” for “Congressional”.

### Statutory Notes and Related Subsidiaries

#### DEFINITIONS

For definition of “congressional intelligence committees” as used in this section, see section 6002 of Pub. L. 117-263, set out as a note under section 3003 of this title.

### § 3334m. Additional responsibilities of Director of National Intelligence for artificial intelligence policies, standards, and guidance for the intelligence community

#### (a) Responsibilities of Director of National Intelligence

The Director of National Intelligence, in consultation with the heads of the elements of the intelligence community or the officials designated under subsection (c), shall—

(1) establish, and periodically conduct reviews of, policies, standards, and procedures relating to the acquisition, adoption, development, use, coordination, and maintenance of artificial intelligence capabilities and associated data, frameworks, computing environments, and other enablers by the intelligence community (including by incorporating and updating such policies based on emerging technology capabilities), to accelerate and increase the adoption of artificial intelligence capabilities within the intelligence community;

(2) ensure policies established or updated pursuant to paragraph (1) are consistent with—

(A) the principles outlined in the guidance of the Office of the Director of National Intelligence titled “Principles of Artificial Intelligence Ethics for the Intelligence Community and its Artificial Intelligence Ethics Framework for the Intelligence Community”, or any successor guidance; and

(B) any other principles developed by the Director relating to the governance, documentation, auditability, or evaluation of artificial intelligence systems or the accurate, secure, ethical, and reliable adoption or use of artificial intelligence; and

(3) provide to the heads of the elements of the intelligence community guidance for developing the National Intelligence Program budget pertaining to such elements to facilitate the acquisition, adoption, development, use, and maintenance of element-specific artificial intelligence capabilities, and to ensure the associated data, frameworks, computing environments, and other enablers are appropriately prioritized.

#### (b) Policies

##### (1) In general

In carrying out subsection (a)(1), not later than 1 year after December 22, 2023, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community, the Director of the Office of Management and Budget, and such other officials as the Director of National Intelligence determines appropriate, shall establish the policies described in paragraph (2).

##### (2) Policies described

The policies described in this paragraph are policies for the acquisition, adoption, development, use, coordination, and maintenance of artificial intelligence capabilities that—

(A) establish a lexicon relating to the use of machine learning and artificial intelligence developed or acquired by elements of the intelligence community;

(B) establish minimum guidelines for evaluating the performance of models developed or acquired by elements of the intelligence community, such as by—

(i) specifying conditions for the continuous monitoring of artificial intelligence capabilities for performance, including the conditions for retraining or retiring models based on performance;

(ii) documenting performance objectives, including specifying how performance objectives shall be developed and contractually enforced for capabilities procured from third parties;

(iii) specifying the manner in which models should be audited, as necessary, including the types of documentation that should be provided to any auditor; and

(iv) specifying conditions under which models used by elements of the intelligence community should be subject to testing and evaluation for vulnerabilities to techniques meant to undermine the availability, integrity, or privacy of an artificial intelligence capability;

(C) establish minimum guidelines for tracking dependencies in adjacent systems, capabilities, or processes impacted by the retraining or sunseting of any model described in subparagraph (B);

(D) establish minimum documentation requirements for capabilities procured from third parties, aligning such requirements, as necessary, with existing documentation requirements applicable to capabilities developed by elements of the intelligence community;

(E) establish minimum standards for the documentation of imputed, augmented, or synthetic data used to train any model developed, procured, or used by an element of the intelligence community; and

(F) provide guidance on the acquisition and usage of models that have previously been trained by a third party for subsequent modification and usage by such an element.

### (3) Policy review and revision

The Director of National Intelligence shall annually review or revise each policy established under paragraph (1).

### (c) Designated leads within each element of the intelligence community

Each head of an element of the intelligence community, in coordination with the Director of National Intelligence, shall identify a senior official within the element to serve as the designated element lead responsible for overseeing and coordinating efforts relating to artificial intelligence, including through the integration of the acquisition, technology, human capital, and financial management aspects necessary for the adoption of artificial intelligence solutions. Such designated element leads shall meet regularly to consult and coordinate with the Director of National Intelligence regarding the implementation of this section and this title.<sup>1</sup>

<sup>1</sup> See References in Text note below.

(Pub. L. 117–263, div. F, title LXVII, § 6702, Dec. 23, 2022, 136 Stat. 3561; Pub. L. 118–31, div. G, title V, § 7513(a), Dec. 22, 2023, 137 Stat. 1095.)

### Editorial Notes

#### REFERENCES IN TEXT

This title, referred to in subsec. (c), means title LXVII of div. F of Pub. L. 117–263, Dec. 23, 2022, 136 Stat. 3560, which enacted this section and sections 3034b, 3334n, and 3334o of this title, amended sections 3024 and 3030 of this title, and enacted provisions set out as notes under sections 3024 and 3030 of this title. For complete classification of title LXVII to the Code, see Tables.

#### AMENDMENTS

2023—Subsec. (a). Pub. L. 118–31, § 7513(a)(1), substituted “subsection (c)” for “subsection (b)” in introductory provisions.

Subsecs. (b), (c). Pub. L. 118–31, § 7513(a)(2), (3), added subsec. (b) and redesignated former subsec. (b) as (c).

### Statutory Notes and Related Subsidiaries

#### DEFINITIONS

For definition of “intelligence community” as used in this section, see section 6002 of Pub. L. 117–263, set out as a note under section 3003 of this title.

For definitions of “artificial intelligence” and “emerging technology” as used in this section, see section 6701 of Pub. L. 117–263, set out as a note under section 3024 of this title.

### § 3334n. Certification relating to information technology and software systems

#### (a) Certifications required

Prior to the date on which the head of an element of the intelligence community enters into, renews, or extends a contract for the acquisition of an information technology or software system, the head shall certify to the Director of National Intelligence the following:

(1) That the information technology or software system is the most up-to-date version of the system available or, if it is not, why a more out of date version was chosen.

(2) That the information technology or software system is compatible with integrating new and emerging technologies, such as artificial intelligence.

(3) That the information technology or software system was thoroughly reviewed and alternative products are not superior to meet the requirements of the element.

#### (b) Exemption

The Director of National Intelligence may exempt elements of the intelligence community, as appropriate, from the requirements under (a)<sup>1</sup> if meeting such requirements may pose security or operational risks.

#### (c) Guidance

The Director shall issue to the heads of the elements of the intelligence community, and submit to the congressional intelligence committees, the Subcommittee on Defense of the Committee on Appropriations of the Senate, and the Subcommittee on Defense of the Committee on Appropriations of the House of Representatives, guidance to—

<sup>1</sup> So in original. Probably should be “subsection (a)”.