

(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.¹

¹ 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)¹ 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—

¹ So in original. Probably should be “subsection (a)”.

(1) establish guidelines that the heads of the relevant elements of the intelligence community shall use to evaluate the criteria required for the certifications under subsection (a);

(2) incentivize each such head to adopt and integrate new and emerging technology within information technology and software systems of the element and to decommission and replace outdated systems, including through potential funding enhancements; and

(3) incentivize, and hold accountable, personnel of the intelligence community with respect to the integration of new and emerging technology within such systems, including through the provision of appropriate training programs and evaluations.

(Pub. L. 117-263, div. F, title LXVII, §6718, Dec. 23, 2022, 136 Stat. 3577.)

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “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.

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

§ 3334o. Requirements and report on workforce needs of intelligence community relating to science, technology, engineering, and math, and related areas

(a) Requirements

The Director of National Intelligence, in coordination with the heads of human capital from each element of the intelligence community, shall—

(1) develop a plan for the recruitment and retention of personnel to positions the primary duties of which involve the integration, maintenance, or use of artificial intelligence (and the retention and training of personnel serving in such positions), including with respect to the authorities and requirements under section 6732(b);¹

(2) develop a plan for the review and evaluation, on a continuous basis, of the expertise necessary to accelerate the adoption of artificial intelligence and other emerging technology solutions; and

(3) coordinate and share information and best practices relating to such recruitment and retention within the element and across the intelligence community.

(b) Report

(1) Submission

Not later than January 1, 2024, the Director of National Intelligence, in coordination with heads of human capital from each element of the intelligence community, shall 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 Representa-

tives a single report on the workforce needs of each element of the intelligence community relating to emerging technologies, with a specific focus on artificial intelligence.

(2) Elements

The report under paragraph (1) shall include, with respect to each element of the intelligence community, the following:

(A) A description of the number and types of personnel in work roles whose primary official duties include artificial intelligence responsibilities.

(B) A detailed description of the plans for each element developed pursuant to subsection (a).

(3) Other matters

The report under paragraph (1) shall also include an assessment of the quality and sustainability of the talent pipeline of the intelligence community with respect to talent in emerging technologies, including artificial intelligence. Such assessment shall include the following:

(A) A description of the education, recruitment, and retention programs (including skills-based training and career and technical educational programs) available to personnel of the intelligence community, regardless of whether such programs are administered by the head of an element of the intelligence community or the head of another Federal department or agency, and an analysis of how such programs support the quality and sustainability of such talent pipeline.

(B) A description of the relevant authorities available to the heads of the elements of the intelligence community to promote the quality and sustainability of such talent pipeline.

(C) An assessment of any gaps in authorities, resources, recruitment or retention incentives, skills-based training, or educational programs, that may negatively affect the quality or sustainability of such talent pipeline.

(4) Form

The report under paragraph (1) shall be submitted in classified or unclassified form, as appropriate.

(c) Information access

The heads of the elements of the intelligence community shall furnish to the Director of National Intelligence such information as may be necessary for the development of the report under subsection (b).

(Pub. L. 117-263, div. F, title LXVII, §6723, Dec. 23, 2022, 136 Stat. 3581.)

Editorial Notes

REFERENCES IN TEXT

Section 6732(b), referred to in subsec. (a)(1), means section 6732(b) of Pub. L. 117-263, which is set out in a note under section 3024 of this title.

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees” as used in

¹ See References in Text note below.