

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definition of “intelligence community”, referred to subsec. (b)(2), see section 5003 of div. E of Pub. L. 116-92, set out as a note under section 3003 of this title.

§ 3369a. Report on deepfake technology, foreign weaponization of deepfakes, and related notifications

(a) Report on foreign weaponization of deepfakes and deepfake technology

(1) Report required

Not later than 180 days after December 20, 2019, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees a report on—

(A) the potential national security impacts of machine-manipulated media (commonly known as “deepfakes”); and

(B) the actual or potential use of machine-manipulated media by foreign governments to spread disinformation or engage in other malign activities.

(2) Matters to be included

The report under subsection (a) shall include the following:

(A) An assessment of the technical capabilities of foreign governments, including foreign intelligence services, foreign government-affiliated entities, and foreign individuals, with respect to machine-manipulated media, machine-generated text, generative adversarial networks, and related machine-learning technologies, including—

(i) an assessment of the technical capabilities of the People’s Republic of China and the Russian Federation with respect to the production and detection of machine-manipulated media; and

(ii) an annex describing those governmental elements within China and Russia known to have supported or facilitated machine-manipulated media research, development, or dissemination, as well as any civil-military fusion, private-sector, academic, or nongovernmental entities which have meaningfully participated in such activities.

(B) An updated assessment of how foreign governments, including foreign intelligence services, foreign government-affiliated entities, and foreign individuals, could use or are using machine-manipulated media and machine-generated text to harm the national security interests of the United States, including an assessment of the historic, current, or potential future efforts of China and Russia to use machine-manipulated media, including with respect to—

(i) the overseas or domestic dissemination of misinformation;

(ii) the attempted discrediting of political opponents or disfavored populations; and

(iii) intelligence or influence operations directed against the United States, allies

or partners of the United States, or other jurisdictions believed to be subject to Chinese or Russian interference.

(C) An updated identification of the countertechnologies that have been or could be developed and deployed by the United States Government, or by the private sector with Government support, to deter, detect, and attribute the use of machine-manipulated media and machine-generated text by foreign governments, foreign-government affiliates, or foreign individuals, along with an analysis of the benefits, limitations and drawbacks of such identified countertechnologies, including any emerging concerns related to privacy.

(D) An identification of the offices within the elements of the intelligence community that have, or should have, lead responsibility for monitoring the development of, use of, and response to machine-manipulated media and machine-generated text, including—

(i) a description of the coordination of such efforts across the intelligence community;

(ii) a detailed description of the existing capabilities, tools, and relevant expertise of such elements to determine whether a piece of media has been machine manipulated or machine generated, including the speed at which such determination can be made, the confidence level of the element in the ability to make such a determination accurately, and how increasing volume and improved quality of machine-manipulated media or machine-generated text may negatively impact such capabilities; and

(iii) a detailed description of planned or ongoing research and development efforts intended to improve the ability of the intelligence community to detect machine-manipulated media and machine-generated text.

(E) A description of any research and development activities carried out or under consideration to be carried out by the intelligence community, including the Intelligence Advanced Research Projects Activity, relevant to machine-manipulated media and machine-generated text detection technologies.

(F) Updated recommendations regarding whether the intelligence community requires additional legal authorities, financial resources, or specialized personnel to address the national security threat posed by machine-manipulated media and machine-generated text.

(G) Other additional information the Director determines appropriate.

(b) Form

The report under subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(c) Requirement for notification

The Director of National Intelligence, in cooperation with the heads of any other relevant

departments or agencies of the Federal Government, shall notify the congressional intelligence committees each time the Director of National Intelligence determines—

(1) there is credible information or intelligence that a foreign entity has attempted, is attempting, or will attempt to deploy machine-manipulated media or machine-generated text aimed at the elections or domestic political processes of the United States; and

(2) that such intrusion or campaign can be attributed to a foreign government, a foreign government-affiliated entity, or a foreign individual.

(d) Definitions

(1) Machine-generated text

The term “machine-generated text” means text generated using machine-learning techniques in order to resemble writing in natural language.

(2) Machine-manipulated media

The term “machine-manipulated media” has the meaning given that term in section 5724.¹

(Pub. L. 116–92, div. E, title LVII, §5709, Dec. 20, 2019, 133 Stat. 2168; Pub. L. 117–263, div. F, title LXVIII, §6811(b), Dec. 23, 2022, 136 Stat. 3600.)

Editorial Notes

REFERENCES IN TEXT

Section 5724, referred to in subsec. (d)(2), means section 5724 of Pub. L. 116–92, which is set out as a note under section 3024 of this title.

AMENDMENTS

2022—Subsecs. (d), (e). Pub. L. 117–263 redesignated subsec. (e) as (d) and struck out former subsec. (d). Prior to amendment, text of subsec. (d) read as follows: “Upon submission of the report in subsection (a), on an annual basis, the Director of National Intelligence, in consultation with the heads of the elements of the intelligence community determined appropriate by the Director, shall submit to the congressional intelligence committees any significant updates with respect to the matters described in subsection (a).”

Statutory Notes and Related Subsidiaries

DEFINITIONS

For definitions of “intelligence community” and “congressional intelligence committees” as used in this section, see section 5003 of div. E of Pub. L. 116–92, set out as a note under section 3003 of this title.

§ 3369b. Oversight of foreign influence in academia

(a) Definitions

In this section:

(1) Covered institution of higher education

The term “covered institution of higher education” means an institution described in section 1002 of title 20 that receives Federal funds in any amount and for any purpose.

(2) Sensitive research subject

The term “sensitive research subject” means a subject of research that is carried out at a covered institution of higher education

that receives funds that were appropriated for—

(A) the National Intelligence Program; or

(B) any Federal agency the Director of National Intelligence deems appropriate.

(b) Report required

Not later than 180 days after December 20, 2019, and not less frequently than once each year thereafter, the Director of National Intelligence, in consultation with such elements of the intelligence community as the Director considers appropriate and consistent with the privacy protections afforded to United States persons, shall provide to congressional intelligence committees a briefing on risks to sensitive research subjects posed by foreign entities in order to provide Congress and covered institutions of higher education with more complete information on these risks and to help ensure academic freedom.

(c) Contents

The briefing required by subsection (b) shall include the following:

(1) A list of sensitive research subjects that could affect national security.

(2) A list of foreign entities, including governments, corporations, nonprofit organizations and for-profit organizations, and any subsidiary or affiliate of such an entity, that the Director determines pose a counterintelligence, espionage (including economic espionage), or other national security threat with respect to sensitive research subjects.

(3) A list of any known or suspected attempts by foreign entities to exert pressure on covered institutions of higher education, including attempts to limit freedom of speech, propagate misinformation or disinformation, or to influence professors, researchers, or students.

(4) Recommendations for collaboration between covered institutions of higher education and the intelligence community to mitigate threats to sensitive research subjects associated with foreign influence in academia, including any necessary legislative or administrative action.

(d) Congressional notifications required

Not later than 30 days after the date on which the Director identifies a change to either list described in paragraph (1) or (2) of subsection (c), the Director shall notify the congressional intelligence committees of the change.

(Pub. L. 116–92, div. E, title LVII, §5713, Dec. 20, 2019, 133 Stat. 2172; Pub. L. 118–159, div. F, title LXIX, §6901(c), Dec. 23, 2024, 138 Stat. 2516.)

Editorial Notes

AMENDMENTS

2024—Subsec. (b). Pub. L. 118–159, §6901(c)(1), substituted “shall provide” for “shall submit” and “briefing” for “report”. “Report” in subsec. heading was not amended.

Subsec. (c). Pub. L. 118–159, §6901(c)(2), substituted “briefing” for “report” in introductory provisions.

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.