Audit of the DEA's and FBI's Efforts to Integrate Artificial Intelligence and Other Emerging Technology Within the U.S. Intelligence Community

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(as required by the Fiscal Year 2023 National Defense Authorization Act)

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Objective

Our objective was to evaluate the Drug Enforcement Administration's (DEA) and Federal Bureau of Investigation's (FBI) compliance with requirements related to artificial intelligence (AI) and other emerging technologies, as specified in the James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (FY 2023 NDAA).

Results in Brief

The Department of Justice includes two U.S. Intelligence Community (USIC) elements that are subject to the relevant requirements of the FY 2023 NDAA: the FBI and DEA's Office of National Security Intelligence (ONSI).

This audit found that both the FBI and DEA ONSI are in the early stages of AI integration. FBI has published an AI policy, established an AI Ethics Council, and has conducted an inventory of its AI use cases. DEA ONSI, a small element of the USIC, has thus far relied on a partner USIC member for its one AI tool. We believe both agencies could benefit from assessing their AI needs with the goal of enhancing intelligence collection and analysis.

The FBI needs to delegate other transaction authority to purchasing officials, as required. We also found that neither the FBI nor DEA ONSI has completed a required report to Congress on their AI efforts. This report, required by Section 6721(a) of Title LXVII of the FY 2023 NDAA, was due on June 21, 2023.

Recommendations

Our report contains five recommendations to improve the DEA's and FBI's efforts to comply with the FY 2023 NDAA.

Audit Results

Title LXVII of the FY 2023 NDAA contains specific requirements for the USIC related to accelerating and increasing the adoption of AI and other emerging technologies, including the integration of AI to improve intelligence collection and analysis. These requirements cover areas such as acquisitions and contracting, personnel and workforce matters, financial management and budgeting, and operations and capabilities. The law also requires AI efforts be carried out in a manner that ensures consistency with AI ethics guidance issued by the Office of the Director of National Intelligence (ODNI), which is tasked with integrating the efforts of the 18 USIC elements, including the FBI and DEA ONSI.

Efforts to Integrate AI

We believe the FBI has demonstrated initiative and taken some important initial steps to integrate AI capabilities consistent with ODNI's ethical principles and framework. In particular, the FBI undertook an effort to assess and document its AI uses and needs, established policy directives and an AI Ethics Council, and initiated an ongoing inventory of AI use cases, including those subject to ODNI requirements. We also found that the FBI needs to complete its assessment process to ascertain its AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

DEA ONSI currently uses one AI tool, provided by another USIC element, and stated it does not plan to develop or acquire any additional AI tools at this time, pending further guidance. The DEA is also taking steps at an enterprise level to prepare for AI utilization by developing a draft AI policy. During this audit, we noted the highly manual nature of ONSI's processes for intelligence review and development of intelligence work products, and we

believe it would benefit from more active exploration of AI opportunities, consistent with Sections 6702(a)(1) and 6721(b)(1) of the FY 2023 NDAA.

Barriers Impeding AI Adoption

We found that funding constraints, along with the difficulties of hiring and retaining a technical workforce, were the prevailing administrative barriers cited as impeding both DEA ONSI's and the FBI's accelerated adoption of AI. In addition, we found that both agencies faced technical barriers, including challenges related to modernizing data architecture and IT infrastructure. The FBI also cited challenges with vendor and commercial provider transparency because such providers may have embedded AI capabilities that purchasers cannot verify without access to technical details about the product that are not typically available to the FBI. Lastly, we identified the changing policy landscape as a barrier which could potentially create a backlog of AI use cases waiting to be approved by the FBI's AI Ethics Council.

Compliance with Other FY 2023 NDAA Provisions

Section 6721 of the FY 2023 NDAA requires the OIG to evaluate the degree to which the FBI and DEA ONSI have implemented each of 15 provisions of Title LXVII. The table to the right illustrates each of these 15 provisions, including 10 which cannot be completed without required action from ODNI. For the remaining five provisions, DEA ONSI completed four and the FBI completed three.

Of the provisions FBI and DEA ONSI can complete without prior action from ODNI, the first is to submit the required report to Congress on their efforts to develop, acquire, adopt, and maintain artificial intelligence to improve intelligence collection and analysis and optimize internal workflows. This report, required by Section 6721(a) of Title LXVII of the FY 2023 NDAA, was due on June 21, 2023.

The second provision the FBI can complete without prior ODNI action is to delegate other transaction authority for basic, applied, or advanced research activities and prototype projects, or the adoption of such activities; or justify why this action cannot be completed.

See Appendix 2 for the full listing of FY 2023 NDAA requirements and the FBI's and DEA ONSI's status on each as of September 2024.

The FBI's and DEA ONSI's Compliance with 15 Provisions of Title LXVII

Provision Description	FBI Status	DEA ONSI Status
(1) Designated Leads	Met Requirements	Met Requirements
(2) Public Website on Commercial Integration	Met Requirements	Met Requirements
(3) Pilot Program on Emerging Technology Transition Projects	Met Requirements	Met Requirements
(4) Additional Transaction Authority	Made Progress	Met Requirements
(5) Report to Congress	Made Progress	Made Progress
(6) Requirements on USIC Workforce Needs*	Unable to Fulfill Until ODNI Completes Action	Unable to Fulfill Until ODNI Completes Action
(7) Budget Guidance		
(8) Budget Recommendations		
(9) Office of Commercial Integration		
(10) Procedures to Certify IT Systems		
(11) Emerging Technology Training		
(12) Authorization to Operate		
(13) Expand SCIF Access**		
(14) Policy for Procurement of Commercial Software Products		
(15) Policy for Code-Free AI Enablement Tools		

* Although ODNI action is necessary to complete this requirement, DEA ONSI and FBI made progress by sharing with ODNI information on their workforce needs.
** SCIF refers to a sensitive compartmented information facility.

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Introduction

The James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (FY 2023 NDAA) was signed into law on December 23, 2022. Title LXVII of the legislation (Matters Relating to Emerging Technologies) includes specific requirements for the U.S. Intelligence Community (USIC) related to artificial intelligence (AI) and other emerging technologies. These requirements cover areas such as acquisitions and contracting, personnel and workforce matters, financial management and budgeting, and operations and capabilities, while emphasizing the need to accelerate and increase the USIC's adoption in these areas to improve intelligence collection and analysis. The FY 2023 NDAA also requires these efforts be carried out in a manner that ensures consistency with the Office of the Director of National Intelligence's (ODNI) *Principles of AI Ethics for the USIC* and *AI Ethics Framework for the USIC*. Section 6721 of Title LXVII requires each inspector general of the intelligence community to complete an audit of its respective USIC elements' efforts by December 2024.[1]

> ### Artificial Intelligence
>
> A machine-based system that can, for a given set of human-defined objectives, make predictions, recommendations or decisions influencing real or virtual environments. Artificial intelligence systems use machine and human-based inputs to:
>
> (A) perceive real and virtual environments;
>
> (B) abstract such perceptions into models through analysis in an automated manner; and
>
> (C) use model inference to formulate options for information or action.
>
> Source: 15 U.S.C. § 9401(3)

In addition to the requirements of the FY 2023 NDAA, federal agencies, including those within the USIC, must navigate a fluid and evolving regulatory landscape for emerging technologies. This includes adapting to an increasing array of new AI-centric laws, executive orders, directives from the Office of Management and Budget (OMB), and specific directives for certain users and uses, such as from the National Security Council (NSC) and ODNI. This environment presents challenges for federal agencies in developing and implementing their own guidance for AI and other emerging technologies.

Background

Office of the Director of National Intelligence

The Intelligence Reform and Terrorism Prevention Act of 2004 established the ODNI, which began operating in 2005. ODNI is tasked with integrating the efforts of the other 17 elements of the USIC, which includes two Department of Justice (Department or DOJ) components—the Drug Enforcement Administration's (DEA) Office of National Security Intelligence (ONSI) and the Federal Bureau of Investigation (FBI). ODNI serves a critical role in complying with the FY 2023 NDAA, having primary or shared responsibility for numerous requirements pertaining to AI and other emerging technologies. In July 2020, ODNI released the *Principles of AI Ethics for the USIC* and *AI Ethics Framework for the USIC*, which are intended to guide personnel on how to design, develop, and use AI consistent with the following principles: (1) respecting the law and acting with integrity, (2) ensuring transparency and accountability, (3) maintaining objectivity and equity, (4) focusing on human-centered development and use, (5) ensuring security and resilience, and (6) being

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[1] Section 6721 of Title LXVII included the required objective for these audits, which is shown in the OIG Audit Approach section of this report.

informed by science and technology. As of September 2024, ODNI was also in the process of drafting an Intelligence Community Directive on the use of artificial intelligence by the USIC.
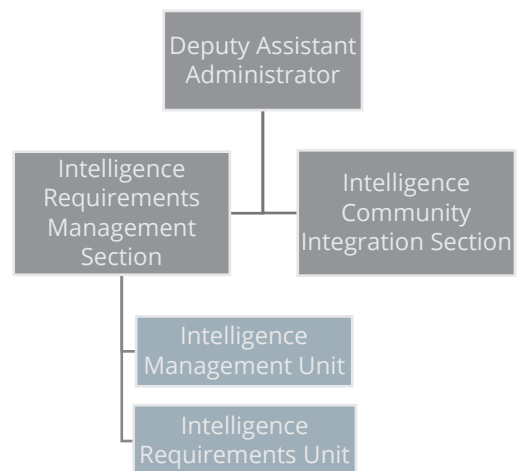
Drug Enforcement Administration's Office of National Security Intelligence

DEA ONSI became a member of the USIC in 2006. Its mission is to enhance the U.S.'s efforts to reduce the supply of drugs, protect national security, and combat global terrorism. ONSI coordinates and shares information with other members of the USIC and homeland security community. ONSI is a small office, accounting for less than one percent of the DEA's total workforce and is the smallest member of the USIC. DEA ONSI's organizational structure is shown in Figure 1 and its program functions include:

- Producing and disseminating law enforcement intelligence derived from DEA's criminal investigations involving national security, terrorism, and transnational organized crime.

- Reviewing USIC information of strategic value to DEA and disseminating that information to relevant DEA components.

- Identifying areas where DEA has significant information to contribute to the USIC analytic methodology and working with USIC partners to enhance USIC products.

- Assigning Liaison Intelligence Coordinators within the USIC to facilitate communication, actively share and exchange information, and collaborate on intelligence products and areas of mutual interest.

- Serving on USIC governance committees, boards, working groups, and other forums on issues of common interest that develop USIC requirements related to drug information and intelligence.

Figure 1

DEA ONSI Organizational Chart

DEA explained that the DEA Chief Data Officer is responsible for disseminating AI-related guidance and ensuring AI use cases throughout the DEA are inventoried and adhere with DOJ guidelines.

Federal Bureau of Investigation

Unlike the DEA, which includes only ONSI as a member of the USIC, FBI officials stated that the FBI in its entirety is a member of the USIC, reflecting its dual federal law enforcement and national security missions. Therefore, the FBI generally must follow AI directives for both national security and non-national security use. When we asked FBI officials about the applicability of Title LXVII of the FY 2023 NDAA, we were told that

the FBI determined that the legislation applies only to AI use on the FBI's national security systems (NSS) and not purely law enforcement or administrative and business use cases.[2] However, FBI officials also stated that its policies are designed to meet the highest compliance standards and apply to all AI use cases. This audit, which was mandated in Section 6721 of Title LXVII, focuses on AI used in a national security context; specifically, the FBI's AI capabilities aimed at improving intelligence collection and analysis as a member of the USIC. (See Efforts to Develop, Acquire, Adopt, and Maintain Artificial Intelligence Capabilities section of the report.)

Because the FBI takes an organization-wide approach to its AI policies, its Office of the Chief Information Officer (OCIO) is responsible for disseminating AI-related governance, ensuring that AI use cases throughout the FBI are inventoried, and ensuring that AI risks are reviewed and approved at appropriate levels for all FBI operations. Additionally, the Executive Assistant Director of the Science and Technology Branch serves as the FBI's Chief Artificial Intelligence Officer (CAIO) and is the liaison between the FBI and ODNI on matters related to AI. Lastly, the FBI's Intelligence Branch is led by an Executive Assistant Director who ensures that national security and law enforcement intelligence collection, production, and domain management are consistent with national priorities and adhere to tradecraft standards, policies, and processes.[3] The Intelligence Branch's Executive Assistant Director also serves as the primary point of contact for the FBI's engagement with the ODNI on National Intelligence Program resources, supporting engagement with FBI partners as well as intelligence related training, technology, and secure work environments.

OIG Audit Approach

Our objective was to evaluate the DEA's and FBI's compliance with requirements related to AI and other emerging technologies, as specified in Title LXVII of the FY 2023 NDAA. The FY 2023 NDAA Title LXVII applies to the United States Intelligence Community (USIC) which includes DEA ONSI and the FBI. This included assessing:

1. Efforts of the DEA and FBI to develop, acquire, adopt, and maintain AI capabilities for the purpose of improving intelligence collection and analysis in a timely manner and determine the extent to which such efforts are consistent with applicable Director of National Intelligence guidance related to the governance, documentation, auditability, or evaluation of AI systems or the accurate, secure, ethical, and reliable adoption or use of AI;

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[2] A national security system is defined in 44 U.S.C. § 3552 and includes systems that, among other criteria, involve intelligence activities, involve cryptologic activities related to national security, are critical to the direct fulfillment of intelligence missions, or are protected at all times by procedures established for classified national defense or foreign policy information.

[3] The FBI's domain management is the systematic process by which the FBI develops cross-programmatic awareness and leverages its knowledge to enhance its ability to proactively identify threats, vulnerabilities, and intelligence gaps; discover new opportunities for needed intelligence collection and prosecution; and provide advance warning of national security and criminal threats.

2. The degree to which the DEA and FBI have implemented each of the provisions of the NDAA Title LXVII; and

3. Any administrative or technical barriers impeding the DEA's and FBI's accelerated adoption of AI.

To accomplish our objective, we obtained input from DEA and FBI personnel involved in the areas of acquisitions and contracting, personnel and workforce matters, financial management and budgeting, and operations and capabilities as required by the FY 2023 NDAA. We interviewed DEA personnel from its ONSI and the Chief Data Officer. We performed interviews of FBI personnel from the Science and Technology Branch, Office of the Chief Information Officer, Office of the General Counsel, Intelligence Branch, and Finance and Facilities Division. We also interviewed the DOJ's Chief Artificial Intelligence Officer. Lastly, we reviewed policies and procedures governing the adoption and use of AI, DEA ONSI and FBI responses to ODNI data calls related to their integration of AI, and DEA ONSI and FBI responses to determine if they were compliant with the requirements in the FY 2023 NDAA Title LXVII. Appendix 1 contains further details on our audit objective, scope, and methodology.

Audit Results

As required by the FY 2023 NDAA, we evaluated the DEA ONSI's and the FBI's compliance with the provisions of Title LXVII related to AI and other emerging technologies. As it relates to the FBI's efforts to integrate AI capabilities into its operations to improve intelligence collection and analysis, we found that although it was in the early stages of AI integration, the FBI demonstrated initiative and took some initial steps to integrate AI capabilities in a manner consistent with ODNI guidance. Specifically, the FBI established governance structures to guide AI integration, including designating a Chief AI Officer; created an AI governance board and an AI Ethics Council; and published a policy directive on its use of AI. Additionally, the FBI initiated an ongoing inventory of AI use cases, including use cases subject to ODNI requirements, although the FBI still must complete its process of engaging its workforce to gather information on AI needs and current or potential uses. DEA ONSI, which is the smallest USIC element, was also in the early stages of AI integration. We found that it had developed a draft AI policy that included applicable ODNI ethics guidance, but that DEA ONSI could benefit from more actively exploring the potential of AI to improve its highly manual intelligence collection and analysis processes.

With regard to barriers to AI adoption by the DEA ONSI and the FBI, we found that funding constraints along with the difficulties of hiring and retaining a technical workforce were the prevailing administrative barriers impeding both components' accelerated AI adoption. In addition, we found that technical barriers for both agencies included challenges related to modernizing data architecture and IT infrastructure in a manner that allows for AI integration, as well as FBI cited challenges with vendor and commercial provider transparency and a lack of independent testing options. We believe the changing regulatory environment may also be a barrier which could potentially create a backlog of AI use cases waiting to be approved by the FBI's AI Ethics Council.

Lastly, we evaluated the degree to which DEA ONSI and the FBI implemented each of 15 provisions contained in Title LXVII of the FY 2023 NDAA.[4] Ten provisions cannot be completed by the FBI or DEA ONSI without required action from ODNI. For the remaining five provisions, DEA ONSI completed four and the FBI completed three. Notably, one of these provisions is to submit a required report on AI integration efforts to Congress that was due on June 21, 2023; as of September 2024, neither agency had done so.

Efforts to Develop, Acquire, Adopt, and Maintain Artificial Intelligence Capabilities

Section 6721 of the FY 2023 NDAA required us to evaluate the DEA ONSI's and FBI's efforts to develop, acquire, adopt, and maintain AI capabilities for the purpose of improving intelligence collection and analysis in a timely manner. Accordingly, during this audit, we assessed the progress in these areas for both components, recognizing that they were still in the early stages of their overall AI efforts.

The FBI Demonstrated Initiative and Has Taken Initial Steps to Integrate Artificial Intelligence Consistent with ODNI Guidance

According to the FBI, its current focus is on building the structure necessary to support and govern AI throughout the organization. As of September 2024, the FBI was in the process of identifying existing and

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[4] Not all of Title LXVII's provisions contain requirements involving DEA ONSI and FBI. Our report does not include provisions for which neither agency has responsibility.

potential AI use cases across the enterprise, and developing AI-related policies, processes, and oversight. These efforts are being shaped by evolving laws, executive orders, and regulations related to AI.

To ensure the highest level of compliance, the FBI told us that it developed its current policies and procedures to align with ODNI requirements as well as other directives pertaining to the USIC and national security systems. Accordingly, we examined the FBI's broader AI governance efforts within the context of the FY 2023 NDAA requirements because its efforts apply to all use cases, including those residing on national security systems. As we discuss in greater detail below, we believe the FBI has demonstrated initiative and taken important steps toward the implementation of the FY 2023 NDAA requirements; however, more work is needed for the FBI to gather information on its current and potential uses of AI.

Assessing AI Needs

In November 2023, the FBI undertook an effort to assess and document the uses and needs of AI across the enterprise by interviewing personnel from each headquarters division and a sample of the FBI's 55 field offices. This effort, known as the Analytical Framework for Emerging and Disruptive Technology (AFEDT), was initiated to gain different perspectives on AI governance. According to FBI officials, the FBI plans to use the completed AFEDT to inform its leadership on the FBI's AI integration status, identify areas in need of attention such as employee upskilling or computing needs, and identify lessons learned and action items going forward.

As noted above, Section 6721(b)(1)(A) of Title LXVII required us to evaluate the FBI's efforts to develop, acquire, adopt, and maintain AI capabilities for the purpose of improving intelligence collection and analysis in a timely manner. We believe the development of the AFEDT is a critical first step for this evaluation because it is designed to identify the FBI's AI needs, potential applications, and governance considerations. The results of the AFEDT could help the FBI identify how it can utilize AI to improve intelligence collection and analysis, in conjunction with its governance and inventory efforts. However, as of September 2024, the FBI had not completed the AFEDT assessment and finalized its documentation of results. Therefore, we were not able to determine whether the FBI's AI needs assessment efforts have been comprehensive. We recommend that the FBI complete the AFEDT process to ascertain its AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

Establishing AI Governance

The FBI created its AI Ethics Council (AIEC) in November 2021 to evaluate AI use cases and systems for compliance with ethical principles. The AIEC is made up of a chairperson, voting members, non-voting advisors, and a coordinator. It is responsible for ensuring FBI compliance with Executive Order 13960, *ODNI Principles of AI Ethics for the USIC* and *AI Ethics Framework for the USIC*, and any subsequent AI ethics policies, laws, or regulations that are issued in the future and apply to the FBI. It also takes into consideration non-authoritative guidance from sources such as the Department of Defense (DoD), the United Nations, the National Security Commission on AI, and the National Institute of Standards and Technology (NIST) to demonstrate the widest possible coverage of ethical principles. The AIEC has also created an AI Ethics "Go Kit" that serves as the entry point for the ethical employment of machine learning

and AI across the FBI, which outlines ethical principles that should be considered and suggested controls to ensure compliance with each principle.[5]

According to FBI policy, engagement with the AIEC is required once a use case transitions beyond research and development and enters the planning stage. An AI use case team begins the AIEC process by submitting an intake form that outlines the purpose of its use case, along with the anticipated benefits, potential risks, privacy considerations, plans for continuous monitoring, and other information. The AIEC will subsequently meet with the use case team to discuss the ethical aspects of the use case. The AIEC will then hold a majority vote to determine if the use case meets ethical requirements. If approved, the AIEC will document the key decision points, and the OCIO will track the use case in its AI use case inventory. If the AI use case team cannot demonstrate compliance with these requirements, the use case team must develop a revised compliance plan or retire the use case.

In addition to the efforts of the AIEC, in January 2023, the FBI began drafting the Enterprise Governance of the Use of Artificial Intelligence Policy Directive, which was published in October 2024. The policy directive is intended to implement FBI requirements for AI, including its use and integration into FBI information systems and requires the ethical usage of AI in accordance with federal laws, regulations, and policies. It will also establish an overarching AI governance board, require a comprehensive inventory of artificial intelligence use cases, and require all AI capabilities be presented to the AIEC. FBI's Enterprise Governance of the Use of AI Policy Directive combined with its AIEC approval process will be the primary controls to help the FBI ensure compliance with the *ODNI Principles of AI Ethics for the USIC* and the *AI Ethics Framework for the USIC* as required by the FY 2023 NDAA.[6] Because the FBI's Enterprise Governance of the Use of AI Policy Directive was not yet finalized at the time of our review, we could not fully evaluate the extent to which the FBI's efforts are consistent with the policies and procedures described in Section 6702(a)(2).[7]

Inventorying AI Use Cases

As noted by the Government Accountability Office in a December 2023 report, an accurate use case inventory is critical for the government to be aware of its AI capabilities and to enable leaders to make informed decisions. Without such an inventory, the government's ability to implement, oversee, and manage AI effectively can be compromised by faulty data.[8] During 2024, the FBI was preparing its first AI inventory that would cover all use cases, including those that involve national security systems. Compiling an inventory of all AI use cases will allow the FBI to identify opportunities to leverage AI to improve

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[5] Machine learning allows computers to learn from data. Instead of being explicitly programmed to perform a task, a machine learning system uses algorithms to parse data, learn from it, and make decisions based on what it has learned.

[6] The FBI also issued the Facial Recognition Procurement, Tracking, and Evaluation Policy Directive in August 2022 and a Facial Recognition Technology (FRT) Use Policy Directive in December 2023.

[7] Section 6721(b)(1)(A) requires the OIG to evaluate the extent to which the DEA's and FBI's efforts are consistent with the policies and principles described in Section 6702(a)(2), which cites the *ODNI Principles of AI Ethics for the USIC* and *AI Ethics Framework for the USIC.*

[8] U.S. Government Accountability Office, AI: Agencies Have Begun Implementation but Need to Complete Key Requirements, GAO-24-105980 (December 2023), https://www.gao.gov/assets/870/864589.pdf (accessed August 15, 2024), 24.

intelligence collection and analysis. In addition, this effort supports statutory and other requirements that mandate each agency to prepare and maintain an inventory of their AI use cases.[9]

The FBI implemented a three-phase approach for identifying and documenting its AI use cases. In the first phase, which was conducted in March 2024, the FBI sent a data call to identify all information systems and commercially available information (CAI) services leveraging computer vision capabilities.[10] The second phase data call was conducted in August 2024. It sought to identify all other information systems and CAI services that leveraged AI capabilities that were not captured in the first phase. The third phase, which commenced in November 2024, was a data call to the system owners and program managers who responded during the first two phases to provide answers to OMB's 2024 AI inventory questionnaire and ensure that all AI use cases associated with the reported information systems and CAI services were identified and cataloged. The FBI expected to complete this inventory by December 2024 and intends to continue annual inventories thereafter.

We believe that the FBI's efforts to establish AI governance and compile a complete inventory of AI use cases represent important steps toward satisfying the FY 2023 NDAA requirement to increase the adoption of AI to improve intelligence collection and analysis and ensure AI capabilities are consistent with ODNI guidance.

DEA ONSI Leverages Other U.S. Intelligence Community Elements for AI Tools

DEA ONSI currently utilizes one AI tool that triages and summarizes open-source foreign reporting on drug-related topics of interest to DEA leadership. This AI tool was developed and vetted by a USIC element external to the DEA and DOJ. Due to its small size and limited mission, DEA ONSI told us that it had no plans to develop or acquire its own AI capabilities. Instead, DEA ONSI plans to leverage AI tools from other USIC agencies or the larger DEA enterprise and, in service of this strategy, it will continue to participate in various USIC forums in order to stay apprised of available AI tools and potentially receive suggestions for AI tools that have been vetted and utilized by other USIC agencies.

While we acknowledge the benefits a smaller office gains by relying on the USIC and the broader DEA enterprise for AI advancements, we believe that in its capacity as a member of the USIC, DEA ONSI could benefit from more actively exploring the use of AI in its work, as consistent with Sections 6702(a)(1) and 6721(b)(1) of the FY 2023 NDAA and the ODNI's 2023 National Intelligence Strategy, which includes goals to strengthen the USIC's collection and analytic capabilities while promoting technical and tradecraft

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[9] These sources include, among others, the FY 2023 NDAA, Title LXXII, Subtitle B – Advancing American AI Act; E.O. 14110; and Office of Management and Budget Memorandum M-24-10 (OMB Memo M-24-10). Although not yet required, the FBI began efforts in FY 2024 to include national security AI use cases in its collection, in anticipation of a forthcoming National Security Memorandum on AI, developed by the National Security Council, which will address the governance of AI used as a component of a national security system or for military and intelligence purposes. The Memorandum on Advancing United States' Leadership in AI; Harnessing AI to Fulfill National Security Objectives; and Fostering the Safety, Security, and Trustworthiness of AI (AI NSM) was issued on October 24, 2024. We did not review the DEA's or the FBI's compliance with the memorandum.

[10] Computer vision is a field of computer science that focuses on enabling computers to identify and understand objects and people in images and videos such as facial or object recognition technology.

competitiveness and innovation.[11] We believe this is particularly the case in light of the DEA ONSI's highly manual work processes. For example, we found that each month DEA ONSI currently reviews thousands of investigative reports generated from investigations and produces about 800 intelligence work products with foreign intelligence value for the USIC and its national security partners, using unautomated processes. Although at the time of our review DEA ONSI had no backlog of intelligence products in need of review or production, we believe these processes present a likely opportunity for improved efficiency using AI. DEA ONSI officials told us that they have previously pursued tools intended to automate and streamline these processes, but due to budgetary constraints, these efforts were unsuccessful because DEA prioritized enterprise-wide solutions rather than solutions that would only serve a small section of DEA.

By not evaluating whether it should pursue the use of AI on its own, DEA ONSI risks missing innovative opportunities that would offer improvements in intelligence collection, analysis, and dissemination; align with the goals of the National Intelligence Strategy; and potentially free up DEA ONSI analysts for other duties. Therefore, we recommend DEA complete a needs assessment to ascertain DEA ONSI's AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

Although the focus of our audit was on the DEA ONSI's specific AI efforts as a member of the USIC, we note that as it relates to the broader DEA, the DEA has begun to create policy infrastructure for the use of AI at an enterprise level. For example, in December 2023, the DEA issued a document to its workforce called *DEA's Road to AI* that included general definitions, different types of AI, how data is used in AI, and the role of data governance. It also included discussion of AI risks such as ethics and bias, transparency, and privacy concerns, and it discussed the importance of modern data architecture and how AI can be used to accomplish DEA goals.[12] In January 2024, DEA also drafted a document called *DEA Responsible Emerging Technology Guidelines in Practice*. The draft document includes a process to review and approve AI use cases, including a risk assessment matrix as well as a reference to the *ODNI Principles of AI Ethics for the USIC* and *AI Ethics Framework for the USIC* as criteria, when applicable.[13]

Barriers Impeding DEA ONSI's and FBI's Accelerated Adoption of Artificial Intelligence

Section 6721 of the FY 2023 NDAA required we evaluate any administrative or technical barriers to the DEA ONSI's and FBI's accelerated adoption of AI. We spoke with the DOJ Chief Artificial Intelligence Officer (CAIO), the DEA's and FBI's Chief Data Officers, and officials from DEA ONSI and the FBI's OCIO, Intelligence Branch, and Science and Technology Branch and identified four common categories of barriers.

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[11] The importance of strengthening collection and analytical capabilities and promoting technical and tradecraft competitiveness are addressed in goals one and three of the 2023 National Intelligence Strategy, respectively.

[12] In data science, architecture refers to a structured framework used to determine how data is collected, stored, accessed, and used by the AI tool.

[13] According to the DEA, it was unable to identify all current intelligence community related guidance until after the National Security Council (NSC) releases a forthcoming National Security Memorandum on AI, as the DEA intended to incorporate the NSC's guidance into the DEA policy. The AI NSM was issued on October 24, 2024. We did not review the DEA's or the FBI's compliance with the memorandum.

Figure 2

Barriers to Adoption of AI

Recruiting & Retention	Procurement of AI Tools	Data Architecture and Infrastructure	Policy Landscape
•Competitive pay •Technical talent •Security clearances •Growth opportunities for non-agents	•Budgetary constraints •Lack of transparency from vendors in software supply chain	•Legacy IT systems •Resource management •Data quality	•EO 14110 •National Security Memorandum on AI from the National Security Council •Potential AIEC backlog

Source: Information summarized by OIG from interviews conducted with DEA, FBI, and DOJ officials and work performed by OIG

Recruiting and Retention

DOJ's CAIO cited recruitment and retention of a technical workforce as the Department's biggest challenge related to the adoption of AI.[14] He stated that the Department's pay is significantly out of step with similar private industry positions. He added that other professions, such as legal positions, can obtain unique work experience in government jobs that cannot be obtained in private industry, but day-to-day IT work within the government is not unique and therefore cannot be used to recruit the best candidates. Additionally, he explained that DOJ has not utilized available statutory authorities to attract and retain a technical workforce. He cited other government agencies using available hiring authorities to establish a separate pay scale for cyber jobs as a good example of utilizing statutory authorities to address ongoing challenges in recruitment and retention of necessary skills.

While the FBI also cited the compensation gap between the government and private industry and the gap between the FBI and other government agencies, FBI personnel also identified other challenges related to hiring outside technical talent. For example, they noted that many individuals with the right technical skills are unable to pass background investigations. Additionally, there is less opportunity for upward mobility for professional staff that hold non-agent positions. DEA ONSI personnel stated that they had not explored hiring outside technical talent with AI experience.

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[14] E.O. 14110 required each agency designate a Chief AI Officer to coordinate their agencies use of AI, promote AI innovation, and manage risk from their agencies use of AI. The Department announced its Chief AI Officer on February 22, 2024.

Procurement of Artificial Intelligence Tools

FBI personnel also cited challenges related to procurement of AI tools. These personnel told us that it can be challenging to test and deploy a new system without a research and development budget because it is difficult to justify using limited funds to test unproven technology when operations supporting the mission are so critical. This is in contrast to other intelligence agencies, which according to an FBI official, have research and development budgets that allow them to test and deploy new technology. FBI personnel have submitted proposals to ODNI when internal funding was not available, but those sources of funding are not guaranteed.

FBI personnel also stated that most commercially available AI products do not have adequate transparency of their software components. For example, vendors and commercial providers may have embedded AI capabilities in their products. There is no way for the FBI to know with certainty whether such AI capabilities are in a product unless the FBI receives a software bill of materials (SBOM), but SBOMs remain uncommon.[15] Such undisclosed embedded AI tools could result in FBI personnel utilizing AI capabilities unknowingly and without such tools having been subjected to the FBI's AI governance. Additionally, an FBI official expressed concern about the fact that vendors are not required to obtain independent testing of their products to verify the accuracy of data models used in embedded AI capabilities. For some applications, the FBI has found alternative approaches to testing AI products, such as the FBI's ongoing partnership with NIST to test the accuracy of certain facial recognition technologies.

Data Architecture and IT Infrastructure

DEA and FBI personnel cited data architecture and IT infrastructure challenges, including those related to supporting operations across three classification levels. Proper data architecture is essential to ensure the efficient operation of data-driven tasks and support various components that comprise the data environment, from databases and servers to applications and user interfaces. Further, it is essential that data architecture be modern to allow for comprehensive and timely data analysis. Officials from both agencies stated that modern architecture and adequate data quality are essential to their organization's adoption and utilization of AI.

> **Terminology**
>
> **Data Architecture:** A structured framework used to determine how data is collected, stored, accessed, and used. It is designed to support the flow and processing of data in a manner that ensures its accessibility, security, reliability, and timeliness.

Due to limited resources and a lack of strategic planning, federal agencies often struggle to ensure that data architecture remains modern and instead use outdated information systems, even when those systems themselves require significant resources to maintain. Such systems can frustrate the move to AI because they can be difficult to integrate with newer technologies, lack features essential for modern data science

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[15] An SBOM is a key building block in software security and software supply chain risk management. It is a nested inventory or a list of ingredients that make up software components and provides transparency for the software supply chain. Executive Order 14028, Improving the Nation's Cybersecurity, was issued in May 2021 and requires the National Institute of Standards and Technology (NIST) to issue guidance that includes a requirement for vendors to provide a purchaser an SBOM either directly or by publishing it publicly. Currently, NIST guidance acknowledges that SBOM capabilities are nascent for federal acquirers and that the minimum required elements are just a key initial step in the SBOM process that will advance and mature over time. The Cybersecurity and Infrastructure Security Agency (CISA) is working to advance SBOM adoption and practices to improve transparency throughout the industry.

tasks, struggle to handle today's large and complex datasets, and often require more time and manual effort from their users. FBI personnel also noted that the movement of data and AI tools across classification levels is complicated and requires additional funding to address.

Additionally, capturing quality data is fundamental to allow an organization to utilize data for decisions by implementing processes to ensure that incoming data is accurate, consistent, and relevant. This includes capturing data attributes such as time, location, owner, or description and allowing flexibility for various data types.

Policy Landscape

Although not directly cited by DEA or FBI personnel, we identified the fast-changing policy landscape as a barrier to the accelerated adoption of AI. For example, DEA officials told us that they were unable to identify all current intelligence community related guidance in its draft *DEA Responsible Emerging Technology Guidelines in Practice* document until after the NSC had published its National Security Memorandum on AI (AI NSM), as the DEA anticipated that the memorandum would affect what guidance it should provide.[16] Perhaps more significantly, FBI personnel told us that, in 2024, they paused the AI Ethics Council (AIEC) review process, except for urgent cases, due to the release of key regulatory documents with new and different guidance for the use and governance of AI, including OMB Memo M-24-10. The FBI has also been modifying the AIEC process in anticipation of the AI NSM because, like the DEA, it expected the memorandum to contain guidance that significantly impacted how the FBI will manage its AI program. FBI plans to resume AIEC reviews in January 2025.

According to an FBI official, AI use cases on national security systems (NSS) were originally exempt from the AIEC review process; however, in anticipation of requirements in the AI NSM, issued in October 2024, the FBI determined all AI use cases, including those involving NSS, must undergo AIEC review.
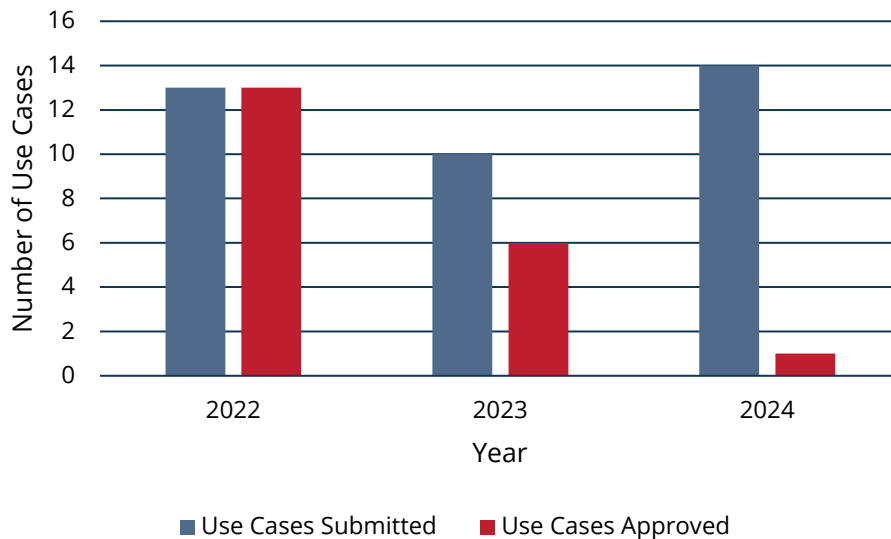
The impact of the evolving policy landscape can be seen in the FBI's data about its AIEC process.[17] From January 2022 through July 2024, the AIEC reviewed and approved 20 AI use cases for the FBI, and the average time from submission to approval for these use cases was 40 days. In contrast, the 17 use cases that were pending as of July 2024—some of which were submitted prior to the FBI pausing this process, and others after the pause—had been in the queue for an average of 173 days, with the longest waiting 302 days. Only one use case has been approved so far in 2024, and we anticipate the FBI's volume of submissions, and the resulting backlog, will continue to rise as AI adoption accelerates and the FBI's inventorying efforts identify more use cases. Figure 3 below shows the number of AI use cases submitted and approved by the AIEC by year.

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[16] The Memorandum on Advancing United States' Leadership in AI; Harnessing AI to Fulfill National Security Objectives; and Fostering the Safety, Security, and Trustworthiness of AI (AI NSM) was issued on October 24, 2024. We did not review the DEA's and the FBI's compliance with the memorandum.

[17] Our audit did not include a comprehensive review of the FBI's AIEC process.

Figure 3

Number of AI Use Cases Submitted and Approved by AIEC By Calendar Year
(As of July 2024)

Source: OIG visualization of FBI data

We believe that these numbers illustrate the challenge that the evolving AI policy landscape can have on an agency's efforts to accelerate their adoption of AI, and the importance of both the FBI and DEA ONSI planning for and taking appropriate action to overcome this barrier where possible.

DEA ONSI and FBI Compliance with the Provisions of Title LXVII

Section 6721 of the FY 2023 NDAA required we evaluate the degree to which the DEA ONSI and FBI implemented each of 15 provisions of Title LXVII. The 15 provisions include, but are not limited to, requirements for the elements to delegate responsibilities for overseeing AI efforts and for entering into transactions and agreements (other than contracts, cooperative agreements, and grants) to carry out research projects in support of intelligence activities. Additionally, the provisions include requirements for the USIC elements to coordinate with ODNI to develop a centralized "Office of Commercial Integration," a publicly accessible website for offerors or contractors, and a single protocol relating to authorizations to operate DoD or USIC systems held by industry providers. As shown in Table 1, 10 of the 15 provisions cannot be completed without required action from other agencies, notably ODNI. For the remaining five, DEA ONSI completed four and the FBI had completed three. For a detailed description of each provision and its status, see Appendix 2.

Table 1

The FBI's and DEA ONSI's Compliance with 15 Provisions of Title LXVII

Provision	Section Description ᵃ	FBI Status	DEA ONSI Status
6702(b)	Designated Leads	Met Requirements	Met Requirements
6712(b)	Public Website on Commercial Integration		
6713(b)	Pilot Program on Emerging Technology Transition Projects		
6711(b)	Additional Transaction Authority	Made Progress	Met Requirements
6721(a)	Report to Congress	Made Progress	Made Progress
6723(a)	Requirements on USIC Workforce Needs	Made Progress, but Unable to Fulfill Until ODNI Completes Action	Made Progress, but Unable to Fulfill Until ODNI Completes Action
6702(a)	Budget Guidance	Unable to Fulfill Until ODNI Completes Action	Unable to Fulfill Until ODNI Completes Action
6703(a)	Budget Recommendations		
6712(a)	Office of Commercial Integration		
6718(a)	Procedures to Certify IT Systems		
6732(a)	Emerging Technology Training		
6714(b)	Authorization to Operate		
6715(a)	Expand Sensitive Compartmented Information Facility (SCIF) Access		
6741(a)	Policy for Procurement of Commercial Software Products		
6742(a)	Policy for Code-Free AI Enablement Tools		

ᵃ Refer to Appendix 2 for a fuller description of each section.
Source: FY 2023 NDAA, FBI, DEA ONSI, and OIG

FY 2023 NDAA Provisions Completed by the FBI and DEA ONSI

The FBI has fulfilled requirements for 3 of the 15 NDAA provisions and DEA ONSI has fulfilled requirements for 4 of the 15 NDAA provisions:

1. **Designated Leads.** Section 6702(b) requires the heads of intelligence community elements identify a senior official within the element to serve as the designated lead responsible for overseeing and coordinating efforts related to AI. Both DEA ONSI and the FBI designated a senior official to serve in that role.

2. **Public Website on Commercial Integration.** Section 6712(b) requires ODNI, in coordination with the USIC elements to establish a publicly accessible website for offerors to conduct business with elements of the intelligence community. Although ODNI had not created a consolidated website for

the intelligence community, both the DEA and FBI have publicly accessible websites that include the elements required in the FY 2023 NDAA.[18]

3. **Pilot Program on Emerging Technology Transition Projects.** Section 6713(b) requires ODNI issue guidelines to implement a pilot program that requires the USIC elements to submit to ODNI a prioritized list of up to 10 eligible projects per year to be designated as "Emerging Technology Transition Projects." Although ODNI had not issued the required guidelines related to the pilot program, the FBI submitted a list of eligible projects; however, none of the submitted projects were selected by ODNI for inclusion. DEA ONSI chose not to submit any eligible projects to the pilot program because it was not developing or acquiring any USIC-specific AI or emerging technologies.

4. **Other Transaction Authority (DEA Only).** Section 6711(b) requires the head of each intelligence community element, upon delegation from ODNI and to the maximum extent practicable, to delegate authority to the official responsible for decisions with respect to basic, applied, or advanced research activities, or the adoption of such activities within the intelligence community element. As a result of our audit, on November 5, 2024, DEA ONSI delegated other transaction authority to a DEA Contracting Officer.

FY 2023 NDAA Provisions That Can Be Completed by the FBI and DEA ONSI

Section 6721(a) states that each element shall submit to Congress a report on the efforts of that element to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows by June 21, 2023. The report should include a description of the authorities of the element relating to the use of AI; a list of any resource or authority necessary to accelerate the adoption by the element of AI solutions, including commercial products, or personnel authorities; a description of the element's roles, responsibilities, and authorities for accelerating the adoption by the element of AI solutions; and the application of the policies and principles described in Section 6702(a)(2).

As of September 2024, neither the FBI nor DEA ONSI had provided their respective reports to Congress. DEA ONSI provided us with a draft report in June 2024, currently pending DOJ Office of Legislative Affairs approval, that explained its mission and its plans to leverage AI capabilities and tools developed and provided by DEA and its partners. The draft report also stated that the larger DEA enterprise was piloting a generative AI tool built on large language models and was investing in its data infrastructure to maximize the value of AI in the future, and it represented that any tool used by DEA ONSI would be used in accordance with ODNI guidance and applicable policies and procedures. We determined the DEA ONSI's draft report to Congress contained the elements required by the legislation.

In November 2024, the FBI also provided us with a draft report that addressed the elements required by the legislation. The report explained that the FBI faces challenges with ensuring that AI systems accurately accomplish tasks while mitigating bias and other unintended consequences. Further, the report stated that the FBI is exploring solutions and capability enhancements in AI and machine learning, counterintelligence and security, science and technology, and mission and enterprise management support. According to FBI officials, the FBI did not meet the required date for submitting the report to Congress due to changes within

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[18] FBI, "Doing Business with the FBI," biz.fbi.gov (accessed September 23, 2024); and DEA, "Doing Business with DEA," dea.gov/resources/doing-business-dea (accessed September 23, 2024).

AI program management, efforts to mature IT infrastructure, and actions required to adapt to the requirements specified in E.O. 14110. We recommend the DEA and FBI submit to Congress their reports on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows as required by Section 6721(a) of Title LXVII of the FY 2023 NDAA.

Additionally, the FBI has not yet completed actions necessary to fulfill requirements previously outlined in Section 6711(b). In February 2024, ODNI issued a memorandum delegating other transaction authority to the heads of each intelligence community element. The memorandum required element heads further delegate this authority to officials within their elements responsible for basic, applied, or advanced research activities and prototype projects in support of intelligence activities or the adoption of such activities. As of November 2024, FBI's Finance and Facilities Division (FFD) drafted an initial Other Transaction Authority (OTA) Policy Guide, which addressed the delegation of OTAs within the FBI, per ODNI guidance. FBI planned to issue that policy in final by the end of FY 2025. Therefore, we recommend the FBI delegate other transaction authority to officials responsible for basic, applied, or advanced research activities and prototype projects in support of intelligence activities, or the adoption of such activities; or justify why this action cannot be completed.

FY 2023 NDAA Provisions That Cannot Be Completed by the FBI and DEA ONSI Without ODNI Action

Lastly, there are 10 NDAA provisions not yet fulfilled by the FBI and DEA ONSI because the ODNI had yet to complete its requirements. Of these 10 unfulfilled provisions, the FBI and DEA ONSI have only been able to begin coordinating with ODNI on one. Specifically, Section 6723(a) requires ODNI, in coordination with the intelligence community heads of human capital, to develop a plan for recruitment and retention of talent and evaluate necessary expertise to accelerate the adoption of AI. As of May 2024, ODNI has not developed the required plan; however, in November 2023, ODNI requested information from each USIC element related to: (1) talent gaps that prevent the element from adopting AI effectively and responsibly to promote innovation in the element's mission, and (2) barriers that inhibit hiring outside technical talent and other expertise necessary for effective and responsible use of AI.

DEA ONSI provided a response to ODNI stating that its current staffing has demonstrated the technical skills needed to effectively use AI tools. DEA ONSI also stated that while it has not explored hiring outside technical talent with AI experience, the biggest barrier in hiring is funding, as we described previously in this report. Additionally, the FBI provided a response to ODNI which cited a lack of technical understanding of generative AI and deep learning as it relates to the FBI mission. The FBI's response also cited a general lack of understanding of data management and data governance, as well as challenges in ensuring that AI is applied responsibly, ethically, and legally. Moreover, the FBI's response suggested that the FBI "…should define multiple use cases with associated legal and policy implications that are applicable to the FBI." The FBI's response further stated that barriers to hiring outside technical talent include difficulties with the background investigation process, limited opportunities for upward mobility, compensation gaps, and poor perceptions of the FBI mission.

For the remaining 9 unfulfilled provisions, based on responses from DEA ONSI and FBI officials and our audit work, we determined that ODNI had not acted on those provisions. In August 2024, this was confirmed by officials within the Office of the Intelligence Community Inspector General.

Conclusion and Recommendations

We found that the FBI's efforts to establish policy directives and the AI Ethics Council, initiate an assessment of the uses and needs of AI across the organization, and compile an inventory of AI use cases constitute important initial steps toward promoting the adoption of AI and ensuring AI capabilities are consistent with ODNI guidance. However, the FBI must complete its AFEDT process to obtain a better understanding of its AI needs and evaluate how it can use AI to improve intelligence collection and analysis. Although DEA has also taken steps to adopt AI, including by drafting a policy that includes a process to review and approve AI use cases at an enterprise level and taking action to ensure compliance with ODNI guidance, we believe DEA ONSI should more actively explore the potential benefits of utilizing AI in its work to improve its intelligence collection and analysis.

Additionally, with both DEA ONSI and the FBI facing significant administrative barriers to the accelerated adoption of AI in areas such as funding and the hiring and retention of a technical workforce, both agencies will need to continually consider ways to address these issues as they move forward. They must also proactively account for the technical barriers, such as the challenges related to modernizing data architecture and IT infrastructure that will better allow for the integration of AI at a more rapid pace, and the changing policy landscape which can cause delays and other issues such as a potential backlog of AI use cases waiting to be approved by the FBI's AI Ethics Council.

Lastly, although DEA ONSI and the FBI made progress to complete some of the applicable 15 provisions in the FY 2023 NDAA, making progress on most of the remaining requirements depends on ODNI first taking necessary action that it has not yet taken. Nevertheless, both DEA ONSI and the FBI should take the steps that are available to them, including the submission of the required report to Congress on their efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows. The FBI should also delegate other transaction authority to officials within their element responsible for basic, applied, or advanced research activities and prototype projects or the adoption of such activities.

We recommend that the DEA:

1. Complete a needs assessment to ascertain DEA ONSI's AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

2. Submit to Congress its report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows as required by Section 6721(a) of Title LXVII of the FY 2023 NDAA.

We recommend that the FBI:

3. Complete the Analytical Framework for Emerging and Disruptive Technology (AFEDT) process to ascertain its AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

4. Delegate other transaction authority to officials responsible for basic, applied, or advanced research activities and prototype projects in support of intelligence activities, or the adoption of such activities; or justify why this action cannot be completed.

5. Submit to Congress its report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows as required by Section 6721(a) of Title LXVII of the FY 2023 NDAA.

APPENDIX 1: Objective, Scope, and Methodology

Objective

Our objective was to evaluate the Drug Enforcement Administration's (DEA) and Federal Bureau of Investigation's (FBI) compliance with requirements related to artificial intelligence (AI) and other emerging technologies, as specified in Title LXVII of the FY 2023 National Defense Authorization Act (FY 2023 NDAA). This included assessing:

1. Efforts of the DEA and FBI to develop, acquire, adopt, and maintain AI capabilities for the purpose of improving intelligence collection and analysis in a timely manner and determine the extent to which such efforts are consistent with applicable Director of National Intelligence guidance related to the governance, documentation, auditability, or evaluation of AI systems or the accurate, secure, ethical, and reliable adoption or use of AI;

2. The degree to which the DEA and FBI have implemented each of the provisions of the NDAA Title LXVII; and

3. Any administrative or technical barriers impeding the DEA's and FBI's accelerated adoption of AI.

Scope and Methodology

Our audit generally covered but was not limited to December 2022, when the FY 2023 NDAA was enacted, through September 2024. The FY 2023 NDAA Title LXVII applies to the United States Intelligence Community (USIC) which includes DEA's Office of National Security Intelligence (ONSI) and the FBI. FBI officials stated that Title LXVII in the FY 2023 NDAA only applies to use cases on national security systems (NSS); however, the FBI's policies are applicable to all AI use cases and were developed to meet the highest standard of compliance. Our audit did not evaluate ODNI compliance with the FY 2023 NDAA. In August 2024, actions taken by ODNI were confirmed by officials within the Office of the Inspector General of the Intelligence Community.

Section 6721(b)(2) of the FY 2023 NDAA required that we include input from, and disaggregate our audit results by, organizational units focused on: (1) acquisitions and contracting, (2) personnel and workforce matters, (3) financial management and budgeting, and (4) operations and capabilities. Information related to each category can be found on the following pages: (1) acquisitions and contracting, pages 11 and 13; (2) personnel and workforce matters, pages 10 and 13; (3) financial management and budgeting, pages 11 and 13; and (4) operations and capabilities, pages 11 and 13.

We performed interviews of DEA ONSI personnel to understand its mission, use of AI, current and planned policies and governance related to AI, and barriers to accelerating the adoption of AI. We performed interviews of FBI personnel from the Science and Technology Branch, Office of the Chief Information Officer, Office of General Counsel, Intelligence Branch, and Finance and Facilities Division to understand how the FBI uses AI, its policies surrounding AI, and its barriers to accelerating the adoption of AI. We also interviewed the DOJ's Chief Artificial Intelligence Officer. Lastly, we reviewed policies and procedures governing the adoption and use of AI, DEA ONSI and FBI responses to ODNI data calls related to its integration of AI, and

DEA ONSI and FBI responses to ODNI to determine if they were compliant with the requirements in the FY 2023 NDAA Title LXVII.

Statement on Compliance with Generally Accepted Government Auditing Standards

We conducted this performance audit in accordance with generally accepted government auditing standards (GAGAS). Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objective.

Internal Controls

In this audit, we performed testing of internal controls significant within the context of our audit objective. We did not evaluate the internal controls of DEA ONSI and the FBI to provide assurance on their internal control structures as a whole. DEA ONSI and FBI management are responsible for the establishment and maintenance of internal controls in accordance with OMB Circular A-123. Because we do not express an opinion on DEA ONSI's and the FBI's internal control structures as a whole, we offer this statement solely for the information and use of DEA ONSI and the FBI.[19]

In planning and performing our audit, we identified several underlying internal control principles that were significant to the audit objective, including that management should externally communicate the necessary quality information to achieve the entity's objectives. We identified one internal control deficiency: as of September 2024, both the DEA ONSI and FBI had still not submitted their reports on AI integration efforts to Congress, which were due in June 2023. This matter is further discussed in the Audit Results section of this report. However, because our review was limited to those internal control components and underlying principles that we found significant to the objective of this audit, it may not have disclosed all internal control deficiencies that may have existed at the time of this audit.

Compliance with Laws and Regulations

In this audit we tested, as appropriate given our audit objective and scope, selected records, procedures, and practices, to obtain reasonable assurance that DEA ONSI and FBI management complied with federal laws and regulations for which noncompliance, in our judgment, could have a material effect on the results of our audit. Our audit included examining, on a test basis, DEA ONSI's and the FBI's compliance with the following laws and regulations that could have a material effect on DEA ONSI's and the FBI's operations:

- The FY 2023 National Defense Authorization Act - Title LXVII, Public Law 117-263

This testing included interviewing auditee personnel and reviewing applicable documentation. As noted in the Audit Results section of this report, we found that DEA ONSI and the FBI did not comply with Section 6721 of the FY 2023 NDAA which required each component to submit a report to Congress detailing its efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows.

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[19] This restriction is not intended to limit the distribution of this report, which is a matter of public record.

APPENDIX 2: Listing of FY 2023 NDAA Requirements

Section	Description	Summary	Requires ODNI Action	ODNI Status[b]	FBI Status	DEA ONSI Status
6711(b)(5)(B)	Additional Transaction Authority	Upon delegation from the ODNI, the head of the USIC element shall, to the maximum extent practicable, delegate authority to the official responsible for decisions with respect to basic, applied, or advanced research activities or the adoption of such activities within the USIC element.	Yes	Complete	Incomplete	Complete
6712(a)(1)(A)	Office of Commercial Integration	In coordination with the head of the USIC element, the ODNI shall submit to Congress a plan to establish a centralized Office of Commercial Integration.	Yes	Incomplete	Incomplete	Incomplete
6712(b)(1)[a]	Public Website on Commercial Integration	In coordination with the ODNI, the USIC element shall establish a publicly accessible website for offerors to conduct business with elements of the USIC.	Yes	Incomplete	Complete	Complete
6718(a and b)	Procedures to Certify IT Systems	Unless granted an exemption by ODNI, the USIC element shall certify IT or software systems to ODNI as part of the acquisition process.	Yes	Incomplete	Incomplete	Incomplete
6723(a)(1 and 2)	Requirements on USIC Workforce Needs	In coordination with the USIC element heads of human capital, the ODNI shall develop a plan for recruitment and retention of talent and evaluate necessary expertise to accelerate adoption of AI.	Yes	Incomplete	Incomplete	Incomplete
6732(a)(1 and 2)	Emerging Technology Training	The ODNI and the Secretary of Defense in coordination with the President of the Defense Acquisition University and the head of the USIC element, shall jointly establish and make available a training curriculum for acquisition officials within the USIC.	Yes	Incomplete	Incomplete	Incomplete

Section	Description	Summary	Requires ODNI Action	ODNI Status[b]	FBI Status	DEA ONSI Status
6703(a)(2)	Budget Recommendations	The ODNI Director of Science and Technology may coordinate with the head of the USIC element to make recommendations about the element's budget to accelerate and increase the adoption of emerging technologies.	Yes	Incomplete	Incomplete	Incomplete
6702(a)(3)	Budget Guidance	The ODNI shall provide guidance to the USIC element for developing the National Intelligence Program Budget pertaining to the acquisition, adoption, development, use, and maintenance of artificial intelligence capabilities and to ensure the associated data, frameworks, computing environments, and other enablers are appropriately prioritized.	Yes	Incomplete	Incomplete	Incomplete
6702(b)	Designated Leads	The head of the USIC element, in coordination with the ODNI, shall identify a senior official within the USIC element to serve as the designated lead responsible for overseeing and coordinating efforts related to AI.	No	N/A	Complete	Complete
6713(b)(2)(A)[a]	Pilot Program on Emerging Technology Transition Projects	The ODNI shall issue guidelines to implement a pilot program that requires the head of the USIC element to submit to the ODNI a prioritized list of 10 or fewer eligible projects per year to be designated as Emerging Technology Transition Projects.	Yes	Incomplete	Complete	Complete
6714(b)	Authorization to Operate	The head of the USIC element shall engage with ODNI and the Secretary of Defense to develop a single protocol setting forth policies and procedures relating to authorization to operate.	Yes	Incomplete	Incomplete	Incomplete
6715(a)(1)(A)	Expand SCIF Access	The ODNI, in consultation with the Secretary of Defense and the head of the USIC element, shall develop a plan to expand access to SCIFs for contractors of small emerging technology companies.	Yes	Incomplete	Incomplete	Incomplete

Section	Description	Summary	Requires ODNI Action	ODNI Status[b]	FBI Status	DEA ONSI Status
6721(a)	Report to Congress	The USIC element shall submit a report to Congress on the efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows.	No	N/A	Incomplete	Incomplete
6741(a)	Policy for Procurement of Commercial Software Products	In coordination with the USIC element, the ODNI must issue a USIC-wide policy on the procurement of commercial software products.	Yes	Incomplete	Incomplete	Incomplete
6742(a)	Policy for Code-Free AI Enablement Tools	ODNI, with the participation of the designated USIC elements, shall submit a draft to Congress of a potential policy to promote the intelligence community-wide use of code-free AI enablement tools.	Yes	Incomplete	Incomplete	Incomplete

[a] Section 6713(b)(2)(A) and 6712(b)(1) were completed by DEA ONSI and the FBI despite incomplete action by ODNI. More details are provided in the Audit Results section of this report.

[b] Our audit did not evaluate ODNI compliance with the FY 2023 NDAA. Based on responses from DEA ONSI and FBI officials, and our audit work, we determined that ODNI had not acted on several of these provisions. In August 2024, this was confirmed by officials within the Office of the Inspector General of the Intelligence Community (ICIG).

Source: FY 2023 NDAA, FBI, DEA, OIG, and ICIG

APPENDIX 3: The DEA's Response to the Draft Audit Report

U.S. Department of Justice
Drug Enforcement Administration
Office of Compliance
8701 Morrissette Drive
Springfield, Virginia 22152

www.dea.gov

MEMORANDUM

TO: Michael E. Horowitz
            Inspector General
            Department of Justice
            Office of the Inspector General

FROM: Edward J. Kovacs   EDWARD   Digitally signed by
            Chief Compliance Officer KOVACS   EDWARD KOVACS
            Office of Compliance   Date: 2024.12.11
                                                  14:43:52 -05'00'

SUBJECT: DEA Response to the Office of Inspector General Draft Report titled, *Audit of the
            DEA's and FBI's Efforts to Integrate Artificial Intelligence and Other Emerging
            Technology within the U.S. Intelligence Community*

The Drug Enforcement Administration (DEA) has received the Department of Justice (DOJ)
Office of the Inspector General's (OIG), Denver Regional Audit Office Report titled, *Audit of the
DEA's and FBI's Efforts to Integrate Artificial Intelligence and Other Emerging Technology
within the U.S. Intelligence Community.*

DEA appreciates OIG acknowledging that DEA's Office of National Security Intelligence is a
small element of the U.S. Intelligence Community (USIC) that relies on a partner USIC member
for its one Artificial Intelligence tool used and the possible benefits from assessing our own AI
needs for enhancing intelligence collection and analysis. The report makes 5 recommendations to
improve the DEA's and FBI's efforts to comply with the FY 2023 National Defense Authorization
Act (NDAA). Recommendations 1 and 2 were made to DEA, and recommendations 3-5 were
made to the FBI.

DEA provides the below response to recommendations 1 and 2 made in the subject report.

**Recommendation 1: Complete a needs assessment to ascertain DEA ONSI's AI needs and
identify specific ways it can use AI to improve intelligence collection and analysis.**

   DEA Response

   DEA concurs with the recommendation. The DEA Office of National Security Intelligence
   has taken steps to develop a needs assessment to determine artificial intelligence needs to

improve intelligence collection and analysis. Upon completion of the assessment, DEA will provide OIG a copy for closure of this recommendation.

Recommendation 2: Submit to Congress its report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows as required by Section 6721(a) of Title LXVII of the FY 2023 NDAA.

DEA Response

DEA concurs with the recommendation. DEA has finalized its report to Congress on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis as required of the FY 2023 NDAA. DEA provided the report to DOJ for review and approval. Once approved, DEA will submit the report to Congress and provide OIG a copy for closure of this recommendation.

If you have any questions regarding this response, please contact the Janice Swygert, Program Analyst, Audit Liaison Team, at (571) 776-3119.

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APPENDIX 4: The FBI's Response to the Draft Audit Report

U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

December 10, 2024

The Honorable Michael E. Horowitz
Inspector General
Office of the Inspector General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

Dear Mr. Horowitz:

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your office's report entitled, *Audit of the DEA's and FBI's Efforts to Integrate Artificial Intelligence and Other Emerging Technology within the U.S. Intelligence Community*.

We are glad you found the FBI has demonstrated initiative and taken important initial steps to integrate AI capabilities consistent with ODNI's ethical principles and framework. As you noted, the FBI undertook an effort to assess and document our AI uses and needs, established policy directives and an AI Ethics Council, and initiated an ongoing inventory of AI use cases, including those subject to ODNI requirements.

We also understand you found that the FBI needs to complete its assessment process to ascertain our AI needs and identify specific ways the Bureau can use AI to improve intelligence collection and analysis. In that regard, and also related to OIG's recommendations regarding finalizing delegation of certain transaction authorities as well as submission of a required report to Congress, we concur with your three recommendations for the FBI.

Should you have any questions, feel free to contact me. We greatly appreciate the professionalism of your audit staff throughout this matter.

Sincerely,

Jacqueline Maguire
Executive Assistant Director
Science & Technology Branch

Audit of the DEA's and FBI's Efforts to Integrate Artificial Intelligence and Other Emerging Technology within the U.S. Intelligence Community

OIG Final Draft Recommendation 3:
(U) Complete the Analytical Framework for Emerging and Disruptive Technology (AFEDT) process to ascertain its AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

FBI Response to OIG's Final Draft Recommendation 3:
(U) The FBI concurs with this recommendation as the AFEDT assessment of Artificial Intelligence's (AI's) impact on FBI operations is a critical step in the FBI's responsible adoption of AI and the FBI's efforts to stay ahead of criminals who would use AI to further their unlawful activities. The FBI is committed to issuing the AFEDT AI assessment as soon as practicable and will provide DOJ-OIG with a copy of the AFEDT once issued.

OIG Final Draft Recommendation 4:
(U) Delegate other transaction authority to officials responsible for basic, applied, or advanced research activities and prototype projects in support of intelligence activities, or the adoption of such activities; or justify why this action cannot be completed.

FBI Response to OIG's Final Draft Recommendation 4:
(U) The FBI concurs with this recommendation as the referenced transaction authority is expected to be an important vehicle to enable AI innovation. The FBI will close this recommendation by finalizing policy provided to OIG in draft form that implements the requested delegation and will provide DOJ-OIG with a copy of the policy once published.

OIG Final Draft Recommendation 5:
Submit to Congress its report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows as required by Section 6721(a) of Title LXVII of the FY 2023 NDAA.

FBI Response to OIG's Final Draft Recommendation 5:
(U) The FBI concurs with this recommendation as the referenced report provides legislators with important information on AI authorities relevant to the FBI. The report, provided to OIG in draft form, has been forwarded to the FBI's Office of Congressional Affairs (OCA) for finalization and transmission to the Legislative Branch, and the FBI will provide DOJ-OIG with a copy of the report once transmitted.

APPENDIX 5: Office of the Inspector General Analysis and Summary of Actions Necessary to Close the Audit Report

The OIG provided a draft of this audit report to the DEA and the FBI. The components' responses are incorporated in Appendices 3 and 4 of this final report. In response to our audit report, the DEA and FBI concurred with our recommendations and described actions each will implement in response to our findings. As a result, the status of the audit report is resolved. The following provides the OIG analysis of the response and summary of actions necessary to close the report.

Recommendations for the DEA:

1. Complete a needs assessment to ascertain DEA ONSI's AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

   <u>Resolved</u>. The DEA concurred with our recommendation. The DEA stated in its response that its Office of National Security Intelligence has taken steps to develop a needs assessment to determine artificial intelligence needs to improve intelligence collection and analysis and will provide it to the OIG when this effort is complete. As a result, this recommendation is resolved.

   This recommendation can be closed when we receive documentation that DEA completed a needs assessment to identify ways it can use AI to improve intelligence collection and analysis.

2. Submit to Congress its report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows as required by Section 6721(a) of Title LXVII of the FY 2023 NDAA.

   <u>Resolved</u>. The DEA concurred with our recommendation. The DEA stated in its response that it has finalized its report to Congress, and it has been provided to DOJ for review and approval. As a result, this recommendation is resolved.

   This recommendation can be closed when we receive documentation that the required report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize workflows has been transmitted to Congress.

Recommendations for the FBI:

3. Complete the Analytical Framework for Emerging and Disruptive Technology (AFEDT) process to ascertain its AI needs and identify specific ways it can use AI to improve intelligence collection and analysis.

   <u>Resolved</u>. The FBI concurred with our recommendation. In its response the FBI stated the AFEDT is a critical step in the FBI's responsible adoption of AI and its efforts to stay ahead of criminals who

would use AI to further their unlawful activities. The FBI stated it is committed to issuing the AFEDT AI assessment as soon as practicable. As a result, this recommendation is resolved.

This recommendation can be closed when we receive documentation that the AFEDT AI assessment was completed and issued.

4. **Delegate other transaction authority to officials responsible for basic, applied, or advanced research activities and prototype projects in support of intelligence activities, or the adoption of such activities; or justify why this action cannot be completed.**

    Resolved. The FBI concurred with our recommendation. In its response the FBI stated the referenced transaction authority is expected to be an important vehicle to enable AI innovation. The FBI also stated that it will finalize the Other Transaction Authority Policy Guide. As a result, this recommendation is resolved.

    This recommendation can be closed when we receive documentation that other transaction authority has been delegated to officials responsible for basic, applied, or advanced research activities and prototype project in support of intelligence activities or the adoption of such activities.

5. **Submit to Congress its report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize internal workflows as required by Section 6721(a) of Title LXVII of the FY 2023 NDAA.**

    Resolved. The FBI concurred with our recommendation. In its response the FBI stated the draft report provides legislators with important information on AI authorities relevant to the FBI and that it has been provided to the FBI's Office of Congressional Affairs (OCA) for finalization and transmission to the Legislative Branch. As a result, this recommendation is resolved.

    This recommendation can be closed when we receive documentation that the required report on efforts to develop, acquire, adopt, and maintain AI to improve intelligence collection and analysis and optimize workflows has been transmitted to Congress.