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ALERT

DOD Seeks Public Comment to Aid Its Adoption of AI in Defense Applications

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May 24, 2024

WHAT: On May 22, 2024, the U.S. Department of Defense (DOD) Office of Industrial Base Resilience (OIBR) released a notice for public comment regarding actions the DOD can take to enable the Defense Industrial Base (DIB) to continue adopting artificial intelligence (AI) for defense applications. The comments can influence DOD's forthcoming policies, initiatives, and resource distribution as well as DOD's Trusted AI Defense Industrial Base Roadmap.

WHEN: Comments are due by July 22, 2024, and should be submitted to the Federal eRulemaking Portal at www.regulations.gov, Docket: DOD-2024-OS-0058.

WHAT DOES IT MEAN FOR INDUSTRY: DOD's notice follows two 2021 and 2023 executive orders (EO) – EO 14017, America's Supply Chains, and EO 14110, Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence – as well as the National Defense Industrial Strategy and the Data, Analytics, and Artificial Intelligence Adoption Strategy. DOD's requested input specifically pertains to the policy goals and strategies outlined in these EOs, DOD AI initiatives, and DOD's overarching goal of integrating AI into defense applications.

DOD is seeking comments on the following topics and subtopics relating to its ongoing efforts to incorporate AI into defense systems.

1. Infrastructure/Supply Chain Resilience:

- Foundational investments DOD must make in the DIB to support increased adoption of AI into defense systems.
- Vulnerabilities in current and future supply chains DOD must address to support adoption of AI into defense systems.

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Practice Areas
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Artificial Intelligence (AI)

Government Contracts

Strategic Competition & Supply Chain

- Specific sectors/subindustries within the DIB facing challenges in developing and applying AI to defense systems.

2. Workforce:

- Support DOD can provide to non-traditional defense contractors and small businesses in their design, development, testing, and deployment of AI into defense systems.
- Support DOD can provide to ensure that the DOD and DIB workforces are adequately trained, skilled, and sized to partner effectively on AI projects.

3. Innovation:

- Intellectual property challenges related to the development of AI-enabled defense systems.
- Measures DOD can take to promote information-sharing and collaboration among government agencies, defense contractors, and research institutions to enhance capabilities and innovation in AI-enabled defense systems.
- Measures DOD can take to assess and mitigate the risk of adversarial exploitation of AI-enabled defense systems.

4. Acquisition, Policy, & Regulatory Environment:

- Policy barriers to the DIB's design, development, testing, and provision of AI-enabled defense systems.
- Examples of DOD programs, strategies, policies, or initiatives stakeholders found to have provided effective support in transitioning AI for defense applications.
- Financing and acquisition mechanisms DOD can use to facilitate or incentivize the DIB to continue to invest in AI technology with potential defense applications.
- Barriers DOD must address in the next five to ten years to enable the DIB to adopt AI for defense applications.
- Ways AI can support acquisitions, supply chain management, regulatory compliance, and information-sharing in the DIB.

The OIBR's notice and request for comment provides an opportunity for industry to educate DOD regarding the resources the DIB foresees as necessary for integration of AI into defense systems and shape the Trusted AI Defense Industrial Base Roadmap.

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Wiley's Government Contracts and Artificial Intelligence practices counsel clients in both the government and commercial sector on AI laws, policies, and regulations, including AI compliance and risk management.