



NDAA 2026 Guidance and Prohibition on use of certain Artificial Intelligence

Introduction

Section 1532 of the National Defense Authorization Act for Fiscal Year 2026 established new federal guidance and restrictions on the use of specific categories of artificial intelligence (AI) within defense-related research, development, and operational environments. The provision introduces prohibitions on the adoption or deployment of AI sourced from entities considered to present national-security vulnerabilities.

Applicability

This guidance and restriction apply to all DoD contractors and subcontractors performing work under any DoD contract. During the period of performance, contractors are prohibited from using the following categories of AI in **any activity** related to the execution of the contract:

- Any artificial intelligence, or successor artificial intelligence, developed by the Chinese company **DeepSeek**; or
- Any artificial intelligence, or successor artificial intelligence, developed by **High Flyer**, or by any entity that High Flyer owns, funds, supports, or in which High Flyer holds directly or indirectly a **20 percent or greater ownership stake**.

The above restrictions extend to all contractor operations, systems, tools, and workflows that directly or indirectly contribute to contract performance, and include, but are not limited to, the activities noted in the sample list below.

Interim Implementation Procedures

The immediate (e.g., within 30 days) restrictions are mandates for the DoD requiring “the exclusion and removal of covered artificial intelligence from the systems and devices of the Department of Defense”. However, additional prohibitions on contractors went into effect after the passage of the act.

The following procedures are being implemented until further notice:

- All contracting officers, including procurement offices, negotiating any DoD contract must review incoming contracts for the existence of the “Guidance and Prohibition on use of certain Artificial Intelligence.”



- For all DoD contracts:
 - o The contracting officer must notify the primary contact person for the contract of the existence of the prohibition.
 - o The primary contact person must identify all individuals (faculty, staff, students, visitors, etc.) working on the contract (“Covered Individuals”).
 - o The primary contact person must require Covered Individuals to inform regarding the “Prohibition of use of certain AI”.
 - o The primary contact person must ensure that Covered Individuals do not use prohibited AI tools in performance of any activity directly or indirectly related to the DoD Contract.
 - o The contracting officer must provide a copy of the Attestation Letter and require the primary contact person to obtain a signed attestation from each Covered Individual and return a copy prior to the acceptance of the contract.
 - o The contracting officer must identify all subcontracts and include the Prohibition of use of Certain AI clause in those subcontracts, including subcontracts for the acquisition of commercial products or services.
- Harvard University may perform periodic audits to verify compliance with these requirements

Examples of prohibited activities

The DoD restrictions apply to **all** work carried out in the course of performing a contract. This includes but is not limited to the following categories of activities:

- Contract-related document handling
 - o Summarizing contract requirements, deliverables, or technical specifications using prohibited AI.
 - o Drafting statements of work (SOWs), technical memos, design artifacts, or performance reports using prohibited AI.
 - o Using prohibited AI to translate, rewrite, or analyze contract materials.
- Research, engineering, or development work
 - o Generating code, models, algorithms, or design recommendations using a prohibited AI tool.
 - o Using prohibited AI for data analysis, simulation, prediction, modeling, or evaluation.
 - o Applying prohibited AI to optimize system architectures, workflows, or experimental design.



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Responsible Office: Office of the
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- Administrative or operational support
 - o Using prohibited AI to prepare contract deliverables (e.g., monthly reports, schedules, compliance documentation).
 - o Running prohibited AI chatbots as part of staff workflow for contract tasks.
 - o Using prohibited AI tools to manage contract-related emails, files, or communications
- Cybersecurity or IT functions touching contract work
 - o Using prohibited AI for vulnerability scanning, code review, or automated patch guidance on systems supporting the contract.
 - o Deploying prohibited AI in productivity or workflow platforms used by personnel performing contract duties.