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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To direct the Secretary of Commerce to support the adoption and use of
American open artificial intelligence models, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. EVANS of Colorado introduced the following bill; which was referred to
the Committee on _____

A BILL

To direct the Secretary of Commerce to support the adoption
and use of American open artificial intelligence models,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Open-Source AI Lead-
5 ership Act”.

1 **SEC. 2. ADOPTION AND USE OF QUALIFIED OPEN MODELS.**

2 The Secretary shall take any of the following actions
3 as appropriate to support the adoption and use of qualified
4 open models in interstate and foreign commerce:

5 (1) Designate a single point of contact to co-
6 ordinate any effort between the Department of Com-
7 merce, any relevant private sector entity, and any
8 other relevant stakeholder to support the adoption
9 and use of qualified open models.

10 (2) Review any relevant program or power of
11 the Secretary related to the adoption and use of
12 qualified open models and direct the head of any
13 such program, as appropriate, to support such adop-
14 tion and use.

15 (3) Identify any barrier to the adoption and use
16 of qualified open models and take any action as ap-
17 propriate to address any such barrier.

18 (4) Enter into agreements, as appropriate, to
19 support the adoption and use of qualified open mod-
20 els with any of the following:

21 (A) A private sector entity, including a
22 startup.

23 (B) An agency.

24 (C) A State.

25 (D) A qualified foreign partner.

1 (5) Develop policy and recommendations to fa-
2 cilitate the adoption and use of qualified open mod-
3 els.

4 (6) Identify any relevant evidence-based ap-
5 proach, best practice, framework, benchmark, or
6 other method, as appropriate, to monitor the adop-
7 tion and use of qualified open models and foreign
8 adversary models.

9 **SEC. 3. ASSESSMENT OF FOREIGN ADVERSARY MODELS.**

10 (a) IN GENERAL.—The Secretary shall identify, as-
11 sess, and make publicly known, as appropriate, any risk
12 related to the adoption and use of foreign adversary mod-
13 els, including any risk related to the following:

14 (1) The training of a foreign adversary model,
15 including any risk related to a covered nation, or an
16 entity or individual that is subject to the control of
17 a covered nation, conducting any such training
18 through any unauthorized use of an artificial intel-
19 ligence model.

20 (2) The confidentiality, integrity, and accessi-
21 bility of personal and proprietary information, in-
22 cluding any risk of access to such information by a
23 covered nation or an entity or individual that is sub-
24 ject to the control of a covered nation.

1 (3) The security and resiliency of any organiza-
2 tion that uses or adopts a foreign adversary model
3 and any risk that may result to the supply chain of
4 such organization as a result of any such use or
5 adoption.

6 (4) Any output of a foreign adversary model,
7 including with respect to historical accuracy, sci-
8 entific inquiry, and freedom of expression.

9 (5) The efficacy, or lack thereof, of any feature
10 of a foreign adversary model intended to prevent
11 misuse or exploitation of such model, including any
12 safety or security feature intended to prevent any
13 such misuse or exploitation.

14 (6) The development and use of chemical, bio-
15 logical, radiological, or nuclear capabilities, or any
16 other similar risk related to the national security
17 and economic security of the United States.

18 (b) PUBLICATION.—Not later than 18 months after
19 the date of the enactment of this Act, and annually there-
20 after, the Secretary shall publish on a publicly facing
21 website a report that assesses any risk related to a foreign
22 adversary model identified and assessed under subsection
23 (a) and information relating to the following:

24 (1) An overview of the adoption and use of
25 leading foreign adversary models.

1 (2) The cost, capability, and performance of
2 foreign adversary models.

3 (3) A comparison between the information re-
4 quired by paragraphs (1) and (2) relating to foreign
5 adversary models and such information, as available,
6 relating to qualified open models.

7 (c) REPORT TO CONGRESS.—Not later than 30 days
8 after the publication of a report under subsection (b), the
9 Secretary shall submit to the Committee on Energy and
10 Commerce of the House of Representatives and the Com-
11 mittee on Commerce, Science, and Transportation of the
12 Senate the report.

13 (d) SUNSET.—The requirement described in sub-
14 section (b) does not apply beginning on the date that is
15 10 years after the date of the enactment of this Act.

16 **SEC. 4. RULE OF CONSTRUCTION.**

17 Nothing in this Act may be construed to authorize
18 the Secretary to ban, restrict, or otherwise make unavail-
19 able an open artificial intelligence model in interstate or
20 foreign commerce.

21 **SEC. 5. DEFINITIONS.**

22 In this Act:

23 (1) AGENCY.—The term “agency” has the
24 meaning given that term in section 551 of title 5,
25 United States Code.

1 (2) ARTIFICIAL INTELLIGENCE.—The term “ar-
2 tificial intelligence” has the meaning given that term
3 in section 5002 of the National Artificial Intelligence
4 Initiative Act of 2020 (15 U.S.C. 9401).

5 (3) ARTIFICIAL INTELLIGENCE MODEL.—The
6 term “artificial intelligence model” means a software
7 component of an information system that incor-
8 porates artificial intelligence and uses computa-
9 tional, statistical, or machine-learning techniques to
10 produce outputs from a defined set of inputs.

11 (4) COVERED NATION.—The term “covered na-
12 tion” has the meaning given that term in section
13 4872(f) of title 10, United States Code.

14 (5) FOREIGN ADVERSARY MODEL.—The term
15 “foreign adversary model” means an open artificial
16 intelligence model that is developed or made avail-
17 able in interstate or foreign commerce by—

18 (A) a covered nation; or

19 (B) an entity or individual that is subject
20 to the control of a covered nation.

21 (6) OPEN ARTIFICIAL INTELLIGENCE MODEL.—
22 The term “open artificial intelligence model” means
23 an artificial intelligence model—

24 (A) with model weights that are publicly
25 released for download or distribution; or

1 (B) that is distributed under an open li-
2 cense that permits use, modification, and redis-
3 tribution of the source code and model weights
4 of the model.

5 (7) QUALIFIED FOREIGN PARTNER.—The term
6 “qualified foreign partner” means a foreign country
7 or foreign political and economic union that is not
8 a covered nation.

9 (8) QUALIFIED OPEN MODEL.—The term
10 “qualified open model” means an open artificial in-
11 telligence model that is—

12 (A) developed and made available by a
13 U.S. person in interstate or foreign commerce;
14 and

15 (B) not developed or made available by—
16 (i) a covered nation; or
17 (ii) an entity or individual that is sub-
18 ject to the control of a covered nation.

19 (9) SECRETARY.—The term “Secretary” means
20 the Secretary of Commerce.

21 (10) STATE.—The term “State” means each
22 State of the United States, the District of Columbia,
23 each commonwealth, territory, or possession of the
24 United States, and each federally recognized Indian
25 Tribe.

1 (11) U.S. PERSON.—The term “U.S. person”
2 means a person that—
3 (A) is domiciled in the United States;
4 (B) is headquartered in the United States;
5 and
6 (C) is organized under the laws of the
7 United States.