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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.

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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 (a) IN GENERAL.—The Secretary shall take any ac-  
3 tion as appropriate to support the adoption and use of  
4 qualified open models in interstate and foreign commerce.

5 (b) REQUIREMENTS.—In carrying out subsection (a),  
6 the Secretary shall do the following:

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

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

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

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

23 (A) A private sector entity.

24 (B) An agency.

25 (C) A State.

26 (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 resiliency of any organization that uses  
2           or adopts a foreign adversary model and any risk  
3           that may result to the supply chain of such organi-  
4           zation as a result of any such use or adoption.

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

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. DEFINITIONS.**

17           In this Act:

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

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

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

7           (4) COVERED NATION.—The term “covered na-  
8 tion” has the meaning given that term in section  
9 4872(f) of title 10, United States Code.

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

14                   (A) a covered nation; or

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

17          (6) OPEN ARTIFICIAL INTELLIGENCE MODEL.—  
18 The term “open artificial intelligence model” means  
19 an artificial intelligence model—

20                   (A) with model weights that are publicly  
21 released for download or distribution; or

22                   (B) that is distributed under an open li-  
23 cense that permits use, modification, and redis-  
24 tribution of the source code and model weights  
25 of the model.

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

5           (8) QUALIFIED OPEN MODEL.—The term  
6           “qualified open model” means an open artificial in-  
7           telligence model that is—

8                   (A) developed and made available by a  
9                   U.S. person in interstate or foreign commerce;  
10                   and

11                   (B) not developed or made available by—

12                           (i) a covered nation; or

13                           (ii) an entity or individual that is sub-  
14                           ject to the control of a covered nation.

15           (9) SECRETARY.—The term “Secretary” means  
16           the Secretary of Commerce.

17           (10) STATE.—The term “State” means each  
18           State of the United States, the District of Columbia,  
19           each commonwealth, territory, or possession of the  
20           United States, and each federally recognized Indian  
21           Tribe.

22           (11) U.S. PERSON.—The term “U.S. person”  
23           means a person that—

24                   (A) is domiciled in the United States;

1                   (B) is headquartered in the United States;  
2                   and  
3                   (C) is organized under the laws of the  
4                   United States.