

AMENDMENT TO
RULES COMMITTEE PRINT 119-8
OFFERED BY MR. KRISHNAMOORTHY OF ILLINOIS

At the end of subtitle B of title XVII, insert the following new section:

1 **SEC. 17__ . PROHIBITION ON ADVERSARIAL AI.**

2 (a) DETERMINATION OF FOREIGN ADVERSARY AI.—

3 (1) DEVELOPMENT OF LIST.—Not later than
4 60 days after the date of the enactment of this sec-
5 tion, the Federal Acquisition Security Council shall
6 develop a list containing any artificial intelligence
7 that is produced or developed by a foreign adversary.

8 (2) PUBLICATION OF LIST.—Not later than 180
9 days after the date of the enactment of this section,
10 the Director of the Office of Management and Budg-
11 et, in coordination with the Federal Acquisition Se-
12 curity Council, shall publish on a publicly available
13 website the list developed pursuant to paragraph (1).

14 (3) UPDATES TO LIST.—

15 (A) IN GENERAL.—The Federal Acquisi-
16 tion Security Council shall update the list devel-
17 oped pursuant to paragraph (1) not later than
18 once every 180 days.

1 (B) REMOVAL FROM LIST.—The Federal
2 Acquisition Security Council may remove artifi-
3 cial intelligence from the list developed pursu-
4 ant to paragraph (1) if—

5 (i) the person who owns such artificial
6 intelligence submits to the Federal Acquisi-
7 tion Security Council a certification that
8 the artificial intelligence is not produced or
9 developed by a foreign adversary, including
10 information in support of such certifi-
11 cation; and

12 (ii) the Federal Acquisition Security
13 Council—

14 (I) reviews such certification and
15 information; and

16 (II) certifies that the artificial in-
17 telligence is not produced or developed
18 by a foreign adversary.

19 (b) PROHIBITION ON ACQUISITION AND USE OF FOR-
20 EIGN ADVERSARY AI.—

21 (1) DETERMINATION.—Not later than 90 days
22 after the date of the enactment of this section, and
23 not later than once every 180 days thereafter, the
24 head of each executive agency, in coordination with
25 the Federal Acquisition Security Council, shall re-

1 view and consider for exclusion and removal of arti-
2 ficial intelligence provided by a foreign adversary en-
3 tity included on the list developed pursuant to sub-
4 section (a)(1) (barring an exception approved under
5 paragraph (3)).

6 (2) AUTHORITY RELATING TO MITIGATING
7 RISKS IN ACQUISITION AND USE OF FOREIGN AD-
8 VERSARY AI.—The head of an executive agency
9 shall, at a minimum, use the authority under section
10 4713 of title 41, United States Code, to consider for
11 exclusion and removal artificial intelligence provided
12 by a foreign adversary entity included on the list de-
13 veloped pursuant to subsection (a)(1).

14 (3) EXCEPTIONS AND NOTICE.—Upon written
15 notice to the Director of the Office of Management
16 and Budget and the appropriate committees of Con-
17 gress, the head of an executive agency may approve
18 an exception to a determination under paragraph (1)
19 if the head of the agency concludes that acquiring,
20 obtaining, or using the artificial intelligence is nec-
21 essary—

22 (A) for the purpose of scientifically valid
23 research (as defined in section 102 of the Edu-
24 cation Sciences Reform Act of 2002 (20 U.S.C.
25 9501));

1 (B) for the purpose of evaluation, training,
2 testing, or analysis;

3 (C) for the purpose of conducting counter-
4 terrorism or counterintelligence activities; or

5 (D) to avoid jeopardizing the performance
6 of mission critical functions.

7 (c) DEFINITIONS.—In this section:

8 (1) The term “appropriate committees of Con-
9 gress” means the Committee on Homeland Security
10 and Governmental Affairs of the Senate and the
11 Committee on Oversight and Government Reform of
12 the House of Representatives.

13 (2) The term “artificial intelligence”—

14 (A) has the meaning given the term in sec-
15 tion 5002 of the National Artificial Intelligence
16 Initiative Act of 2020 (15 U.S.C. 9401); and

17 (B) includes the artificial intelligence sys-
18 tems and techniques described in paragraphs
19 (1) through (5) of section 238(g) of the John
20 S. McCain National Defense Authorization Act
21 for Fiscal Year 2019 (Public Law 115–232; 10
22 U.S.C. note prec. 4061).

23 (3) The term “executive agency” has the mean-
24 ing given the term “Executive agency” in section
25 105 of title 5, United States Code.

1 (4) The term “foreign adversary” has the
2 meaning given the term “covered nation” in section
3 4872(f) of title 10, United States Code.

4 (5) The term “foreign adversary entity”
5 means—

6 (A) a foreign adversary;

7 (B) a foreign person who is domiciled in,
8 is headquartered in, has its principal place of
9 business in, or is organized under the laws of
10 a foreign adversary;

11 (C) an entity with respect to which a for-
12 eign person or combination of foreign persons
13 described in subparagraph (A) or (B) directly
14 or indirectly owns at least a 20 percent stake;
15 or

16 (D) a person subject to the direction or
17 control of a foreign adversary, a foreign person,
18 or an entity described in subparagraph (A),
19 (B), or (C).

