

AMENDMENT TO RULES COMM. PRINT 118–36

OFFERED BY MR. McCAUL OF TEXAS

At the end of title XVII, add the following:

1 **Subtitle D—ENFORCE Act**

2 **SEC. 1751. SHORT TITLE.**

3 This subtitle may be cited as the “Enhancing Na-
4 tional Frameworks for Overseas Restriction of Critical Ex-
5 ports Act” or the “ENFORCE Act”.

6 **SEC. 1752. DEFINITIONS.**

7 Section 1742 of the Export Control Reform Act of
8 2018 (50 U.S.C. 4801) is amended by adding at the end
9 the following:

10 “(15) ADDITIONAL DEFINITIONS.—

11 “(A) ARTIFICIAL INTELLIGENCE.—The
12 term ‘artificial intelligence’ has the meaning
13 given that term in section 5002(3) of the Na-
14 tional Artificial Intelligence Initiative Act of
15 2020 (15 U.S.C. 9401(3)).

16 “(B) ARTIFICIAL INTELLIGENCE SYS-
17 TEM.—The term ‘artificial intelligence system’
18 means any software or hardware implementa-
19 tion of artificial intelligence, including artificial
20 intelligence model weights and any numerical

1 parameters associated with the artificial intel-
2 ligence implementation.

3 “(C) COVERED ARTIFICIAL INTELLIGENCE
4 SYSTEM.—

5 “(i) INTERIM DEFINITION.—For the
6 period beginning on the date of the enact-
7 ment of this paragraph and ending on the
8 date on which the Secretary issues the reg-
9 ulations required by clause (ii), the term
10 ‘covered artificial intelligence system’
11 means an artificial intelligence system
12 that—

13 “(I) exhibits, or could foreseeably
14 be modified to exhibit, capabilities in
15 the form of high levels of performance
16 at tasks that pose a serious risk to
17 the national security and foreign pol-
18 icy of the United States or any com-
19 bination of those matters, even if it is
20 provided to end users with technical
21 safeguards that attempt to prevent
22 users from taking advantage of the
23 relevant capabilities, such as by—

24 “(aa) substantially lowering
25 the barrier of entry for experts or

1 non-experts to design, synthesize,
2 acquire, or use chemical, biological,
3 cal, radiological, or nuclear
4 (CBRN) weapons or weapons of
5 mass destruction;

6 “(bb) enabling offensive
7 cyber operations through auto-
8 mated vulnerability discovery and
9 exploitation against a wide range
10 of potential targets of cyber at-
11 tacks; or

12 “(cc) permitting the evasion
13 of human control or oversight
14 through means of deception or
15 obfuscation; or

16 “(II) can reasonably be expected
17 to exhibit the capabilities described in
18 subclause (I), such as by dem-
19 onstrating technical similarity or
20 equivalent performance to models in
21 which relevant capabilities have
22 emerged unexpectedly.

23 “(ii) FINAL DEFINITION.—

24 “(I) IN GENERAL.—Not later
25 than 365 days after the date of the

1 enactment of this paragraph, the Sec-
2 retary, in consultation with the Sec-
3 retary of State, the Secretary of De-
4 fense, the Secretary of Energy, and
5 other parts of the United States gov-
6 ernment, industry, and academia, as
7 appropriate, shall issue regulations de-
8 fining the term ‘covered artificial in-
9 telligence system’ for purposes of this
10 subtitle. Thereafter, the Secretary, in
11 consultation with the Secretary of
12 State, the Secretary of Defense, and
13 the Secretary of Energy, shall update
14 the definition of such term as nec-
15 essary.

16 “(II) FACTORS.—In developing
17 the definition of the term ‘covered ar-
18 tificial intelligence system’ under this
19 clause, the Secretary, in consultation
20 with the Secretary of State, the Sec-
21 retary of Defense, and the Secretary
22 of Energy, shall consider technical
23 and non-technical factors, and only
24 identify technologies that pose a seri-

1 ous risk to the national security and
2 foreign policy of the United States.

3 “(III) CONGRESSIONAL CON-
4 SULTATION.—The Secretary may pro-
5 vide such regulations to the Com-
6 mittee on Foreign Affairs of the
7 House of Representatives and the
8 Committee on Banking, Housing, and
9 Urban Affairs of the Senate not fewer
10 than 15 days before the Secretary
11 publishes regulations described under
12 subclause (I).

13 “(D) MODEL WEIGHT.—The term ‘model
14 weight’ means a numerical parameter within an
15 artificial intelligence model that helps determine
16 the model’s outputs in response to inputs.”.

17 **SEC. 1753. AUTHORITY OF THE PRESIDENT.**

18 Section 1753(a) of the Export Control Reform Act
19 of 2018 (50 U.S.C. 4812(a)) is amended by adding at the
20 end the following:

21 “(d) ADDITIONAL AUTHORITY.—

22 “(1) IN GENERAL.—In order to carry out the
23 policy set forth in paragraphs (1) through (10) of
24 section 1752, the President may control the activi-
25 ties of United States persons, wherever located, re-

1 lating to specific covered artificial intelligence sys-
2 tems and emerging and foundational technologies
3 that are identified as essential to the national secu-
4 rity of the United States pursuant to section
5 1758(a).

6 “(2) SUNSET.—The authority under paragraph
7 (1) shall terminate on the date that is 5 years after
8 the date of the enactment of such paragraph.”.

9 **SEC. 1754. ADDITIONAL AUTHORITIES.**

10 Section 1754(d) of the Export Control Reform Act
11 of 2018 (50 U.S.C. 4813(d)) is amended by adding at the
12 end the following:

13 “(3) ADDITIONAL AUTHORITIES.—In further-
14 ance of section 1753(a), the President may require
15 a United States person, wherever located, to apply
16 for and receive a license from the Department of
17 Commerce for—

18 “(A) the export, reexport, or in-country
19 transfer of items described in paragraph (4), in-
20 cluding items that are not subject to control
21 under this subchapter; and

22 “(B) other activities that may support the
23 design, development, production, use, operation,
24 installation, maintenance, repair, overhaul, or
25 refurbishing of, or for the performance of serv-

1 ices relating to, any items described in para-
2 graph (4).

3 “(4) ITEMS DESCRIBED.—The items described
4 in this paragraph include—

5 “(A) covered artificial intelligence systems;
6 and

7 “(B) specific emerging and foundational
8 technologies that are identified as essential to
9 the national security of the United States pur-
10 suant to section 1758(a).

11 “(5) SUNSET.—The authority under paragraph
12 (3) shall terminate on the date that is 5 years after
13 the date of the enactment of such paragraph.”.

14 **SEC. 1755. REQUIREMENTS TO IDENTIFY AND CONTROL**
15 **THE EXPORT OF EMERGING AND**
16 **FOUNDATIONAL TECHNOLOGIES.**

17 Section 1758(b)(4)(A) of the Export Control Reform
18 Act of 2018 (50 U.S.C. 4817(b)(4)(A)) is amended to
19 read as follows:

20 “(A) MANDATORY EXCEPTION.—The Sec-
21 retary may not control under this subsection
22 the export of any technology if the regulation of
23 the export of that technology is prohibited
24 under any other provision of law.”.

1 **SEC. 1756. REPORT.**

2 (a) IN GENERAL.—Not later than 1 year after the
3 date of the enactment of this Act, the Secretary of Defense
4 shall submit to the relevant congressional committees a
5 report on how the People’s Liberation Army (PLA) is
6 leveraging access to United States technology to advance
7 the PLA’s warfighting capabilities.

8 (b) ELEMENTS TO BE CONSIDERED.—In preparing
9 the report under subsection (a), the Secretary shall con-
10 sider the following elements:

11 (1) The extent of the PLA’s use of United
12 States-designed or produced hardware relevant to
13 artificial intelligence, including advanced graphics
14 processing units (GPUs).

15 (2) Instances of the PLA obtaining United
16 States-designed artificial intelligence models or pre-
17 trained weights and the extent to which these AI
18 models or weights are integrated into the PLA’s sys-
19 tems.

