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(Original Signature of Member)

119TH CONGRESS
1ST SESSION

H. R. _____

To protect the United States Government from foreign adversary AI and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. MOOLENAAR introduced the following bill; which was referred to the
Committee on _____

A BILL

To protect the United States Government from foreign
adversary AI 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 “No Adversarial AI
5 Act”.

6 **SEC. 2. DETERMINATION OF FOREIGN ADVERSARY AI.**

7 (a) DEVELOPMENT OF LIST.—Not later than 60 days
8 after the date of the enactment of this Act, the Federal
9 Acquisition Security Council shall develop a list containing

1 any artificial intelligence that is produced or developed by
2 a foreign adversary.

3 (b) PUBLICATION OF LIST.—Not later than 180 days
4 after the date of the enactment of this Act, the Director
5 of the Office of Management and Budget, in coordination
6 with the Federal Acquisition Security Council, shall pub-
7 lish on a publicly available website the list developed pur-
8 suant to subsection (a).

9 (c) UPDATES TO LIST.—

10 (1) IN GENERAL.—The Federal Acquisition Se-
11 curity Council shall update the list developed pursu-
12 ant to subsection (a) not less than every 180 days.

13 (2) REMOVAL FROM LIST.—The Federal Acqui-
14 sition Security Council may remove artificial intel-
15 ligence from the list pursuant to subsection (a) if—

16 (A) the person that owns such artificial in-
17 telligence submits to the Federal Acquisition
18 Security Council a certification that the product
19 or service is not produced or developed by a for-
20 eign adversary, including information in sup-
21 port of such certification; and

22 (B) the Federal Acquisition Security Coun-
23 cil—

24 (i) reviews such certification and in-
25 formation; and

1 (ii) certifies that the artificial intel-
2 ligence is not produced or developed by a
3 foreign adversary.

4 **SEC. 3. PROHIBITION ON ACQUIRING AND USE OF FOREIGN**
5 **ADVERSARY AI.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of the enactment of this Act, the head of an executive
8 agency, in coordination with the Federal Acquisition Secu-
9 rity Council, shall review and consider for exclusion and
10 removal of artificial intelligence provided by a covered for-
11 eign adversary entity included on the list developed pursu-
12 ant to section 2(a), barring an approved exception through
13 the process described in subsection (c).

14 (b) AUTHORITIES RELATING TO MITIGATING RISKS
15 IN THE ACQUISITION AND USE OF FOREIGN ADVERSARY
16 AI.—The head of an executive agency shall, at a min-
17 imum, use the authorities in section 4713 of title 41,
18 United States Code, to consider for exclusion and removal
19 artificial intelligence provided by a covered foreign adver-
20 sary entity included on the list developed pursuant to sec-
21 tion 2(a).

22 (c) EXCEPTIONS AND NOTICE.—Upon written notice
23 to the Director of the Office of Management and Budget
24 and the appropriate committees of Congress, the head of
25 an executive agency may approve an exception to the de-

1 terminations under subsection (a) if the head of the agen-
2 cy determines that acquiring, obtaining, or using the arti-
3 ficial intelligence is necessary—

4 (1) for the purpose of scientifically valid re-
5 search (as defined in section 102 of the Education
6 Sciences Reform Act of 2002 (20 U.S.C. 9501));

7 (2) for the purpose of evaluation, training, test-
8 ing, or analysis;

9 (3) for the purpose of conducting counterter-
10 rorism or counterintelligence activities; or

11 (4) to avoid jeopardizing the performance of
12 mission critical functions.

13 (d) DEFINITIONS.—In this section:

14 (1) APPROPRIATE COMMITTEES OF CON-
15 GRESS.—The term “appropriate committees of Con-
16 gress” means the Committee on Homeland Security
17 and Governmental Affairs of the Senate and the
18 Committee on Oversight and Government Reform of
19 the House of Representatives.

20 (2) ARTIFICIAL INTELLIGENCE.—The term “ar-
21 tificial intelligence” has the meaning given the term
22 in section 5002 of the National Artificial Intelligence
23 Initiative Act of 2020 (15 U.S.C. 940) and includes
24 the artificial intelligence systems and techniques de-
25 scribed in paragraphs (1) through (5) of section

1 238(g) of the John S. McCain National Defense Au-
2 thORIZATION Act for Fiscal Year 2019 (Public Law
3 115–232; 10 U.S.C. 4061 note prec.).

4 (3) EXECUTIVE AGENCY.—The term “executive
5 agency” has the meaning given the term “Executive
6 agency” in section 105 of title 5, United States
7 Code.

8 (4) FOREIGN ADVERSARY.—The term “foreign
9 adversary” has the meaning given the term “covered
10 nation” in section 4872(f)(2) of title 10, United
11 States Code.

12 (5) FOREIGN ADVERSARY ENTITY.—The term
13 “foreign adversary entity” means—

14 (A) a foreign adversary;

15 (B) a foreign person that is domiciled in,
16 is headquartered in, has its principal place of
17 business in, or is organized under the laws of
18 a foreign adversary country;

19 (C) an entity with respect to which a for-
20 eign person or combination of foreign persons
21 described in subparagraph (A) or (B) directly
22 or indirectly owns at least a 20 percent stake;
23 or

1 (D) a person subject to the direction or
2 control of a foreign person or entity described
3 in subparagraph (A), (B), or (C).