

118TH CONGRESS
2D SESSION

S. 4976

To require the Office of Information and Communication Technology Services and other Federal agencies to develop a list of artificial intelligence products and services, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 1, 2024

Mr. RUBIO (for himself, Mr. SCOTT of Florida, and Mr. BARRASSO) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To require the Office of Information and Communication Technology Services and other Federal agencies to develop a list of artificial intelligence products and services, 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 “Artificial Intelligence
5 Acquisitions Act of 2024”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) 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 (2) CONTROL.—The term “control” has the
6 meaning given that term in section 800.208 of title
7 31, Code of Federal Regulations (as in effect on the
8 date of enactment of this Act).

9 (3) COUNTRY OF CONCERN.—The term “coun-
10 try of concern”—

11 (A) means a country the government of
12 which is a foreign adversary, as defined in sec-
13 tion 8(c) of the Secure and Trusted Commu-
14 nications Networks Act of 2019 (47 U.S.C.
15 1607(c)); and

16 (B) includes—

17 (i) the People’s Republic of China (in-
18 cluding the Special Administrative Regions
19 of the People’s Republic of China, Hong
20 Kong and Macau);

21 (ii) the Russian Federation;

22 (iii) the Islamic Republic of Iran;

23 (iv) the Democratic People’s Republic
24 of Korea;

25 (v) the Republic of Cuba;

1 (vi) the Maduro Regime of Venezuela;

2 and

3 (vii) the Syrian Arab Republic.

4 (4) FEDERAL AGENCY.—The term “Federal
5 agency” has the meaning given the term in section
6 5122 of title 42, United States Code.

7 (5) FIRMWARE.—The term “firmware” has the
8 meaning given the term in section 120.40 of title 22,
9 Code of Federal Regulations.

10 (6) FOREIGN PERSON OF CONCERN.—The term
11 “foreign person of concern” means—

12 (A) any corporation, business association,
13 partnership, trust, society, financial institution,
14 insurer, underwriter, guarantor, and any other
15 business organization, any other nongovern-
16 mental entity, organization, or group, or any
17 government or agency thereof, that—

18 (i) is domiciled in or subject to the
19 laws of a country of concern;

20 (ii) is directly or indirectly controlled
21 by any person domiciled in or subject to
22 the laws of a country of concern; or

23 (iii) is directly or indirectly controlled
24 by a government of a country of concern;
25 and

1 (B) any successor to any entity described
 2 in subparagraph (A).

3 (7) PERSON.—The term “person” means—

4 (A) a natural person; or

5 (B) a corporation, business association,
 6 partnership, society, trust, financial institution,
 7 insurer, underwriter, guarantor, and any other
 8 business organization, any other nongovern-
 9 mental entity, organization, or group, or any
 10 government or agency thereof.

11 (8) SEMICONDUCTOR CHIP PRODUCT.—The
 12 term “semiconductor chip product” has the meaning
 13 given the term in section 901 of title 17, United
 14 States Code.

15 (9) EXECUTIVE DIRECTOR.—The term “Execu-
 16 tive Director” means the Executive Director for In-
 17 formation and Communications Technology and
 18 Services.

19 **SEC. 3. DETERMINATION OF ARTIFICIAL INTELLIGENCE**
 20 **AND LARGE LANGUAGE MODEL PRODUCTS**
 21 **OR SERVICES POSING NATIONAL SECURITY**
 22 **RISKS.**

23 (a) DEVELOPMENT OF LIST.—

24 (1) IN GENERAL.—The Executive Director, in
 25 coordination with the Under Secretary of Commerce

1 for Standards and Technology and the Federal Ac-
2 quisition Security Council, shall develop a list con-
3 taining any artificial intelligence product or service
4 that meets 1 or more of the following criteria:

5 (A) Uses software or firmware produced or
6 developed by a foreign person of concern.

7 (B) Has a logic semiconductor chip prod-
8 uct that is manufactured by a foreign person of
9 concern.

10 (C) Is offered by a foreign person of con-
11 cern.

12 (2) APPLICATION TO LOGIC SEMICONDUCTOR
13 CHIPS.—For purposes of paragraph (1)(B), the term
14 “manufactured” does not include the assembly, test-
15 ing, or packing of logic semiconductor chips.

16 (b) PUBLICATION OF LIST.—Not later than 1 year
17 after the date of the enactment of this Act, Executive Di-
18 rector, in coordination with the Under Secretary of Com-
19 merce for Standards and Technology and the Federal Ac-
20 quisition Security Council, shall publish on a publicly
21 available website of the Office of Information and Commu-
22 nication Technology Services of the Bureau of Industry
23 and Security the list developed pursuant to subsection (a).

24 (c) UPDATES TO LIST.—

1 (1) IN GENERAL.—The Executive Director, in
2 coordination with the Under Secretary of Commerce
3 for Standards and Technology and the Federal Ac-
4 quisition Security Council, shall annually update the
5 list developed pursuant to subsection (a).

6 (2) REMOVAL FROM LIST.—The Executive Di-
7 rector may remove an artificial intelligence product
8 or service from the list developed pursuant to sub-
9 section (a) if—

10 (A) the person that owns such product or
11 service submits to the Federal Acquisition Secu-
12 rity Council a certification that the product or
13 service does not meet any of the criteria de-
14 scribed in subsection (a), including information
15 in support of such certification; and

16 (B) the Federal Acquisition Security Coun-
17 cil—

18 (i) reviews such certification and in-
19 formation; and

20 (ii) certifies to the Executive Director
21 that the product or service does not meet
22 any of the criteria described in subsection
23 (a).

24 (3) PUBLIC NOTIFICATION.—If the list is not
25 updated pursuant to paragraph (1) during the most

1 recently completed annual period, then not later
 2 than 90 days after the end of such annual period,
 3 the Federal Acquisition Security Council shall notify
 4 the public that no updates were necessary during
 5 such annual period to protect national security.

6 **SEC. 4. PROHIBITION ON PURCHASE OF COVERED ARTIFI-**
 7 **CIAL INTELLIGENCE AND LARGE LANGUAGE**
 8 **MODEL PRODUCTS AND SERVICES.**

9 (a) PROHIBITION ON PURCHASE OF COVERED PROD-
 10 UCTS AND SERVICES.—Beginning on the date that is 30
 11 days after the date the list developed pursuant to section
 12 4(a) is published in accordance with section 4(c), the head
 13 of a Federal department or agency may not—

14 (1) purchase, rent, lease, or otherwise obtain
 15 any artificial intelligence or large language model
 16 product or service included on such list; or

17 (2) award contracts, grants, or otherwise use
 18 any Federal funds to procure a product or service
 19 from persons that use any such artificial intelligence
 20 or large language model product or service.

21 (b) DIVESTMENT FROM COVERED PRODUCTS AND
 22 SERVICES.—

23 (1) INITIAL DIVESTMENT.—Any person that is
 24 a recipient of a contract to sell a product or provide
 25 a service for a Federal agency and has acquired,

1 prior to the date of the enactment of this Act, artificial intelligence and large language model products
2 or services from a foreign person of concern through
3 purchase, rental, lease, or contract shall divest from
4 and discontinue use of such products or services not
5 later than 2 years after the date of the enactment
6 of this Act.

8 (2) ONGOING DIVESTMENT.—Not later than 1
9 year after the date an artificial intelligence or large
10 language model product or service is added to the
11 list developed pursuant to section 4(a), any person
12 that is a recipient of a contract to sell a product or
13 provide a service for a Federal agency that uses
14 such product or service shall divest from and dis-
15 continue use of such product or service.

16 (c) EXCEPTION ON PROHIBITION ON PURCHASE FOR
17 INTELLIGENCE ACTIVITIES.—Subsection (a) shall not
18 apply to any activity subject to the reporting requirements
19 under title V of the National Security Act of 1947 (50
20 U.S.C. 3091 et seq.) or any other authorized intelligence
21 activity (as that term is described in section 1101 of the
22 National Security Act of 1947 (50 U.S.C. 3231)).

23 (d) EXCEPTION FOR CERTAIN DEPARTMENT OF DE-
24 FENSE ACTIVITIES.—Subsection (a) shall not apply to the
25 Secretary of Defense with respect to the procurement of

- 1 any artificial intelligence or large language model product
- 2 for the purpose of engaging in defense intelligence activi-
- 3 ties or researching adversarial artificial intelligence.

