

119TH CONGRESS
1ST SESSION

H. R. 5388

To provide a national framework to sustain American leadership in artificial intelligence, to require an actionable Federal plan aligned to that policy, and to establish a temporary moratorium preempting certain State laws that restrict artificial intelligence models and systems engaged in interstate commerce.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 16, 2025

Mr. BAUMGARTNER introduced the following bill; which was referred to the Committee on Science, Space, and Technology

A BILL

To provide a national framework to sustain American leadership in artificial intelligence, to require an actionable Federal plan aligned to that policy, and to establish a temporary moratorium preempting certain State laws that restrict artificial intelligence models and systems engaged in interstate commerce.

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 “American Artificial In-

5 telligence Leadership and Uniformity Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ARTIFICIAL INTELLIGENCE OR “AI”.**—The
4 term “artificial intelligence” has the meaning given
5 such term in section 5002 of the National Artificial
6 Intelligence Initiative Act of 2020 (15 U.S.C. 9401
7 note).

8 (2) **ARTIFICIAL INTELLIGENCE MODEL.**—The
9 term “artificial intelligence model” means a software
10 component of an information system that imple-
11 ments artificial intelligence technology and uses
12 computational, statistical, or machine-learning tech-
13 niques to produce outputs from a defined set of in-
14 puts.

15 (3) **ARTIFICIAL INTELLIGENCE SYSTEM.**—The
16 term “artificial intelligence system” means any data
17 system, hardware, tool, or utility that operates, in
18 whole or in part, using artificial intelligence.

19 (4) **AUTOMATED DECISION SYSTEM.**—The term
20 “automated decision system” means any computa-
21 tional process derived from machine learning, statis-
22 tical modeling, data analytics, or artificial intel-
23 ligence that issues a simplified output, including a
24 score, classification, or recommendation, to materi-
25 ally influence or replace human decision-making.

1 **SEC. 3. FINDINGS.**

2 The Congress finds the following:

3 (1) The United States stands at a new frontier
4 of scientific discovery driven by transformative tech-
5 nologies such as artificial intelligence.

6 (2) Breakthroughs in these fields have the po-
7 tential to reshape the global balance of power, spark
8 entirely new industries, and revolutionize the way
9 Americans live and work.

10 (3) Global competitors are racing to develop
11 and deploy these technologies to gain strategic ad-
12 vantage.

13 (4) Securing that future requires harnessing
14 the full power of American innovation across the pri-
15 vate sector, academia, and government.

16 (5) The United States leads the world in AI
17 due to a thriving innovation, investment, and devel-
18 opment environment; and a flexible, sector-specific
19 regulatory framework.

20 (6) A patchwork of divergent State AI rules
21 creates conflicting requirements, forces firms to
22 navigate multiple agencies, and can deter invest-
23 ment.

24 (7) Small businesses face disproportionate com-
25 pliance burdens from unclear or fragmented AI

1 rules; clarity and sector-specific guidance are need-
2 ed.

3 (8) There is no universal legal definition of “ar-
4 tificial intelligence”; any Federal action that pre-
5 empts State AI laws should precisely define its
6 scope.

7 (9) AI governance standards are still maturing
8 (including the National Institute of Standards and
9 Technology’s AI Risk Management Framework); a
10 uniform national approach during this build-out sup-
11 ports responsible adoption.

12 **SEC. 4. POLICY.**

13 It is the policy of the United States that—

14 (1) Sustaining and enhancing America’s global
15 AI dominance is necessary to promote human flour-
16 ishing and economic competitiveness.

17 (2) It is a national security imperative for the
18 United States to achieve and maintain unquestioned
19 and unchallenged global technological dominance.

20 (3) Federal AI governance should affirm a sec-
21 toral, technology-neutral, incremental approach that
22 leverages primary regulators’ expertise.

23 (4) A permissive national framework should en-
24 able the development of AI models and systems in
25 interstate commerce for a defined period to prevent

1 state-by-state regulatory uncertainty while national
2 guardrails are developed.

3 (5) Federal policy should anchor AI risk man-
4 agement in nationally recognized principles and
5 guidance to promote consistent, predictable compli-
6 ance.

7 (6) Regulations should minimize dispropor-
8 tionate burdens on small businesses and support
9 their ability to adopt AI tools and compete.

10 (7) Federal preemption of State AI laws should
11 use precise definitions, be time limited and be clear
12 in scope to avoid ambiguity and unnecessary litiga-
13 tion.

14 **SEC. 5. NATIONAL ARTIFICIAL INTELLIGENCE ACTION**
15 **PLAN.**

16 (a) ACTION PLAN REQUIRED.—Not later than 30
17 days after the date of enactment of this Act, the Presi-
18 dent, acting through the Assistant to the President for
19 Science and Technology (or the Director of the Office of
20 Science and Technology Policy), the Special Advisor for
21 Artificial Intelligence and Crypto (or such official as the
22 President may designate with substantially similar respon-
23 sibilities), and the Assistant to the President for National
24 Security Affairs, in coordination with the Assistant to the
25 President for Economic Policy, the Assistant to the Presi-

1 dent for Domestic Policy, the Director of the Office of
2 Management and Budget (OMB Director), and the heads
3 of such executive departments and agencies as appropriate, shall develop and submit to Congress a National
4 Artificial Intelligence Action Plan (in this section, the
5 “Action Plan”) to carry out the policy in section 4.

7 (b) ANNUAL UPDATES.—Not later than 1 year after
8 the submission required by subsection (a), and annually
9 thereafter, the President shall submit to Congress an update on implementation of, and any revisions to, the Action
10 Plan.

12 (c) CONTENTS OF THE ACTION PLAN.—The Action
13 Plan shall, at a minimum—

14 (1) identify actions to remove barriers to American
15 AI innovation across the Federal Government,
16 and at the State and local level, including procurement, licensing, permitting, routing, zoning, and reporting processes;

19 (2) set measurable goals, timelines, and agency
20 roles for advancing AI research and development;
21 testing, evaluation, verification, and validation; and
22 adoption of safe, secure, and trustworthy AI in Federal
23 missions;

24 (3) align Federal risk management and governance
25 with nationally recognized standards and guid-

1 ance, including frameworks and profiles developed by
2 the National Institute of Standards and Technology,
3 and identify any additional standards work needed;

4 (4) outline steps to strengthen critical-infra-
5 structure security, national-security applications,
6 supply-chain resilience, and incident reporting rel-
7 evant to AI;

8 (5) include measures to reduce disproportionate
9 compliance burdens on small businesses and expand
10 access to foundation models, computing resources,
11 datasets, and technical assistance; and

12 (6) set metrics to evaluate progress and a ca-
13 dence for interagency coordination and public re-
14 porting.

15 (d) REVIEW OF EXECUTIVE ACTIONS; CON-
16 FORMITY.—As part of the Action Plan, the officials identi-
17 fied in subsection (a), in coordination with the heads of
18 relevant agencies—

19 (1) shall review all policies, directives, regula-
20 tions, orders, guidance, and other actions taken pur-
21 suant to Executive Order 14110 of October 30,
22 2023 (Safe, Secure, and Trustworthy Development
23 and Use of Artificial Intelligence), and provide a sta-
24 tus update on actions taken pursuant to Executive
25 Order 14179 of January 23, 2025 (Removing Bar-

riers to American Leadership in Artificial Intelligence); and identify any such actions under either Executive Order that are or may be inconsistent with the policy in section 4; and,

(2) for any action identified under paragraph (1), the head of the relevant agency shall, as appropriate and consistent with applicable law, suspend, revise, or rescind such action, or propose doing so. If immediate final action is not possible, the agency shall, to the extent permitted by law, provide available exemptions until such action can be finalized.

(e) REVIEW OF CONFLICTING STATE LAW; RECOMMENDATION ON PREEMPTION SCOPE AND DURATION.—The Action Plan shall—

(1) identify State and local laws, regulations, or policies that conflict with, or unduly burden, the achievement of the policy in section 4 or implementation of the Action Plan; and,

(2) provide recommendations to Congress on whether to adjust the scope or length of the State-law preemption in section 6, including options such as extension of the five-year moratorium, clarifications to covered systems or activities, safe harbors, or other refinements, with a statement of rationale.

1 (f) SUBMISSION; COMMITTEES.—Each submission re-
2 quired under this section shall be transmitted to the
3 Speaker of the House of Representatives and the Presi-
4 dent of the Senate and, at a minimum, to the Committees
5 on Energy and Commerce; Judiciary; Education and the
6 Workforce; Science, Space, and Technology; and Oversight
7 and Government Reform of the House of Representatives;
8 and to the Committees on Commerce, Science, and Trans-
9 portation; Judiciary; Health, Education, Labor, and Pen-
10 sions; and Homeland Security and Governmental Affairs
11 of the Senate.

12 **SEC. 6. STATE LAW PREEMPTION; TEMPORARY MORATO-**
13 **RIUM.**

14 (a) MORATORIUM.—

15 (1) IN GENERAL.—Except as provided in para-
16 graph (2), no State or political subdivision thereof
17 may enforce, during the 5-year period beginning on
18 the date of the enactment of this Act, any law or
19 regulation of that State or a political subdivision
20 thereof limiting, restricting, or otherwise regulating
21 artificial intelligence models, artificial intelligence
22 systems, or automated decision systems entered into
23 interstate commerce.

1 (2) RULE OF CONSTRUCTION.—Paragraph (1)
2 may not be construed to prohibit the enforcement
3 of—

4 (A) any law or regulation that—

5 (i) the primary purpose and effect of
6 which is to—

7 (I) remove legal impediments to,
8 or facilitate the deployment or oper-
9 ation of, an artificial intelligence
10 model, artificial intelligence system, or
11 automated decision system; or

12 (II) streamline licensing, permit-
13 ting, routing, zoning, procurement, or
14 reporting procedures in a manner that
15 facilitates the adoption of artificial in-
16 telligence models, artificial intelligence
17 systems, or automated decision sys-
18 tems;

19 (ii) does not impose any substantive
20 design, performance, data-handling, docu-
21 mentation, civil liability, taxation, fee, or
22 other requirement on artificial intelligence
23 models, artificial intelligence systems, or
24 automated decision systems unless such re-
25 quirement—

1 (I) is imposed under Federal law;

2 or

3 (II) in the case of a requirement
4 imposed under a generally applicable
5 law, is imposed in the same manner
6 on models and systems, other than ar-
7 tificial intelligence models, artificial
8 intelligence systems, and automated
9 decision systems, that provide com-
10 parable functions to artificial intel-
11 ligence models, artificial intelligence
12 systems, or automated decision sys-
13 tems; and

14 (iii) does not impose a fee or bond un-
15 less—

16 (I) such fee or bond is reasonable
17 and cost-based; and

18 (II) under such fee or bond, arti-
19 ficial intelligence models, artificial in-
20 telligence systems, and automated de-
21 cision systems are treated in the same
22 manner as other models and systems
23 that perform comparable functions; or

1 (B) any provision of a law or regulation to
2 the extent that the violation of such provision
3 carries a criminal penalty.

4 (b) NO PREEMPTION OF GENERALLY APPLICABLE
5 CRIMINAL LAW.—Nothing in this section shall be con-
6 strued to preempt generally applicable criminal laws of a
7 State or political subdivision thereof.

8 (c) NO EFFECT ON CONTRACTING BY THE STATE.—
9 Nothing in this section shall be construed to limit a State
10 or political subdivision from setting performance, security,
11 or other requirements for its own procurement or use of
12 artificial intelligence systems, provided such requirements
13 do not operate as de facto regulations of private parties
14 beyond the government’s role as a market participant.

15 **SEC. 7. GENERAL RULE OF CONSTRUCTION.**

16 Except as expressly provided in section 6 (State-law
17 preemption), nothing in this Act shall be construed—

18 (1) to authorize any Federal agency to impose
19 substantive design, performance, data-handling, doc-
20 umentation, or civil-liability requirements on artifi-
21 cial intelligence models or systems beyond authority
22 otherwise provided by law; or

- 1 (2) to limit the enforcement of generally appli-
- 2 cable, technology-neutral criminal laws or other au-
- 3 thorities otherwise provided by law.

