

118TH CONGRESS
2D SESSION

S. _____

To require the Under Secretary of Commerce for Standards and Technology 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

Mr. RUBIO introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Under Secretary of Commerce for Standards and Technology 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(e) of the Secure and Trusted Commu-
14 nications Networks Act of 2019 (47 USC
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) UNDER SECRETARY.—The term “Under
16 Secretary” means the Under Secretary of Commerce
17 for Standards and Technology.

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

22 (a) DEVELOPMENT OF LIST.—The Under Secretary,
23 in coordination with the Federal Acquisition Security
24 Council, shall develop a list containing any artificial intel-

1 ligence product or service that meets 1 or more of the fol-
2 lowing criteria:

3 (1) Uses software or firmware produced or de-
4 veloped by a foreign person of concern.

5 (2) Has a logic semiconductor chip product that
6 is manufactured by a foreign person of concern.

7 (3) Is owned or offered by a foreign person of
8 concern.

9 (b) PUBLICATION OF LIST.—Not later than 1 year
10 after the date of the enactment of this Act, Under Sec-
11 retary, in coordination with the Federal Acquisition Secu-
12 rity Council, shall publish on a publicly available website
13 of the National Institute of Standards and Technology the
14 list developed pursuant to subsection (a).

15 (c) UPDATES TO LIST.—

16 (1) IN GENERAL.—The Under Secretary, in co-
17 ordination with the Federal Acquisition Security
18 Council, shall annually update the list developed pur-
19 suant to subsection (a).

20 (2) REMOVAL FROM LIST.—The Under Sec-
21 retary may remove an artificial intelligence product
22 or service from the list developed pursuant to sub-
23 section (a) if—

24 (A) the person that owns such product or
25 service submits to the Federal Acquisition Secu-

1 rity Council a certification that the product or
2 service does not meet any of the criteria de-
3 scribed in subsection (a), including information
4 in support of such certification; and

5 (B) the Federal Acquisition Security Coun-
6 cil—

7 (i) reviews such certification and in-
8 formation; and

9 (ii) certifies to the Under Secretary
10 that the product or service does not meet
11 any of the criteria described in subsection
12 (a).

13 (3) PUBLIC NOTIFICATION.—If the list is not
14 updated pursuant to paragraph (1) during the most
15 recently completed annual period, then not later
16 than 90 days after the end of such annual period,
17 the Federal Acquisition Security Council shall notify
18 the public that no updates were necessary during
19 such annual period to protect national security.

20 **SEC. 4. PROHIBITION ON PURCHASE OF COVERED ARTIFI-**
21 **CIAL INTELLIGENCE AND LARGE LANGUAGE**
22 **MODEL PRODUCTS AND SERVICES.**

23 (a) PROHIBITION ON PURCHASE OF COVERED PROD-
24 UCTS AND SERVICES.—Beginning on the date that is 30
25 days after the date the list developed pursuant to section

1 4(a) is published in accordance with section 4(c), the head
2 of a Federal department or agency may not—

3 (1) purchase, rent, lease, or otherwise obtain
4 any artificial intelligence or large language model
5 product or service included on such list; or

6 (2) award contracts, grants, or otherwise use
7 any Federal funds to procure a product or service
8 from persons that use any such artificial intelligence
9 or large language model product or service.

10 (b) DIVESTMENT FROM COVERED PRODUCTS AND
11 SERVICES.—

12 (1) INITIAL DIVESTMENT.—Any person that is
13 a recipient of a contract to sell a product or provide
14 a service for a Federal agency and has acquired,
15 prior to the date of the enactment of this Act, artifi-
16 cial intelligence and large language model products
17 or services from a foreign person of concern through
18 purchase, rental, lease, or contract shall divest from
19 and discontinue use of such products or services not
20 later than 2 years after the date of the enactment
21 of this Act.

22 (2) ONGOING DIVESTMENT.—Not later than 1
23 year after the date an artificial intelligence or large
24 language model product or service is added to the
25 list developed pursuant to section 4(a), any person

1 that is a recipient of a contract to sell a product or
2 provide a service for a Federal agency that uses
3 such product or service shall divest from and dis-
4 continue use of such product or service.

5 (c) EXCEPTION ON PROHIBITION ON PURCHASE FOR
6 INTELLIGENCE ACTIVITIES.—Subsection (a) shall not
7 apply to any activity subject to the reporting requirements
8 under title V of the National Security Act of 1947 (50
9 U.S.C. 3091 et seq.) or any other authorized intelligence
10 activity (as that term is described in section 1101 of the
11 National Security Act of 1947 (50 U.S.C. 3231)).