

AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 10152
OFFERED BY M . _____

Strike all after the enacting clause and insert the following:

1 **SEC. 1. SHORT TITLE.**

2 This Act may be cited as the “Open-Source AI Lead-
3 ership Act”.

4 SEC. 2. ADOPTION AND USE OF AMERICAN OPEN MODELS.

(a) IN GENERAL.—The Secretary shall take any of the following actions as appropriate to support the adoption and use of American open models in interstate and foreign commerce:

(1) Designate a single point of contact to coordinate any effort between the Department of Commerce, any relevant private sector entity, and any other relevant stakeholder to support the adoption and use of American open models.

14 (2) In coordination with stakeholders, carry out
15 the following:

(A) Identify any barrier to the adoption and use of American open models, including any risk posed by such models.

1 (B) Develop policy recommendations to fa-
2 cilitate the adoption and use of American open
3 models, including recommendations to address
4 such barriers.

5 (3) Enter into agreements, as appropriate, to
6 support the adoption and use of American open
7 models with any of the following:

8 (A) An agency.

9 (B) A State.

10 (C) A qualified foreign partner.

11 (4) Identify any relevant evidence-based ap-
12 proach, best practice, framework, benchmark, or
13 other method, as appropriate, to monitor the adop-
14 tion and use of American open models and foreign
15 adversary models.

16 (b) COORDINATION.—In carrying out subsection
17 (a)(2), the Secretary shall coordinate with the following:

18 (1) Experts in academia and civil society with
19 specific expertise of open artificial intelligence mod-
20 els and open weight artificial intelligence models.

21 (2) Developers and deployers of open artificial
22 intelligence models and open weight artificial intel-
23 ligence models, including startups.

1 (3) Industry and non-profit users of open artificial intelligence models and open weight artificial intelligence models.

4 (4) Researchers of artificial intelligence safety.

5 (c) PUBLICATION.—Not later than 18 months after
6 the date of the enactment of this Act, and annually thereafter,
7 the Secretary shall publish on a publicly facing
8 website a report that includes the following:

9 (1) Any agreement entered into under paragraph (3) of subsection (a).

11 (2) Any policy recommendation developed under
12 paragraph (2)(B) of such subsection.

13 (3) Any evidence-based approach, best practice,
14 framework, benchmark, or other method identified
15 under paragraph (4) of such subsection.

16 (d) REPORT TO CONGRESS.—Not later than 30 days
17 after the date of the publication of a report under subsection (c), the Secretary shall submit to the Committee
18 on Energy and Commerce of the House of Representatives
19 and the Committee on Commerce, Science, and Transportation of the Senate such report.

22 (e) SUNSET.—The requirement described in subsection (c) does not apply beginning on the date that is
23 10 years after the date of the enactment of this Act.

1 **SEC. 3. ASSESSMENT OF FOREIGN ADVERSARY MODELS.**

2 (a) IN GENERAL.—The Secretary shall identify, as-
3 sess, and make publicly known, as appropriate, any risk
4 related to the adoption and use of foreign adversary mod-
5 els, including any risk related to the following:

6 (1) The training of a foreign adversary model,
7 including any risk related to a covered nation, or an
8 entity or individual that is subject to the control of
9 a covered nation, conducting any such training
10 through any unauthorized use of an artificial intel-
11 ligence model.

12 (2) The confidentiality, integrity, and accessi-
13 bility of personal and proprietary information, in-
14 cluding any risk of access to such information by a
15 covered nation or an entity or individual that is sub-
16 ject to the control of a covered nation.

17 (3) The security and resiliency of any organiza-
18 tion that uses or adopts a foreign adversary model
19 and any risk that may result to the operations of
20 such organization and any customer of such organi-
21 zation as a result of any such use or adoption.

22 (4) Any output of a foreign adversary model,
23 including with respect to historical accuracy, sci-
24 entific inquiry, and freedom of expression, account-
25 ing for First Amendment protections.

1 (5) The efficacy, or lack thereof, of any feature
2 of a foreign adversary model intended to prevent
3 misuse or exploitation of such model, including any
4 safety or security feature intended to prevent any
5 such misuse or exploitation.

6 (6) The development and use of chemical, bio-
7 logical, radiological, or nuclear capabilities, or any
8 other similar risk related to the national security
9 and economic security of the United States.

10 (b) PUBLICATION.—Not later than 18 months after
11 the date of the enactment of this Act, and annually there-
12 after, the Secretary shall publish on a publicly facing
13 website a report that assesses any risk related to foreign
14 adversary models identified and assessed under subsection
15 (a) and information relating to the following:

16 (1) An overview of the adoption and use of
17 leading foreign adversary models.

18 (2) The cost, capability, and performance of
19 foreign adversary models.

20 (3) A comparison between any risks identified,
21 assessed, and made publicly known, as appropriate,
22 under paragraphs (1), (2), (5), and (6) of such sub-
23 section relating to foreign adversary models and
24 such information, as available, relating to American
25 open models.

1 (c) REPORT TO CONGRESS.—Not later than 30 days
2 after the publication of a report under subsection (b), the
3 Secretary shall submit to the Committee on Energy and
4 Commerce of the House of Representatives and the Com-
5 mittee on Commerce, Science, and Transportation of the
6 Senate the report.

7 (d) SUNSET.—The requirement described in sub-
8 section (b) does not apply beginning on the date that is
9 10 years after the date of the enactment of this Act.

10 **SEC. 4. DEFINITIONS.**

11 In this Act:

12 (1) AGENCY.—The term “agency” has the
13 meaning given that term in section 551 of title 5,
14 United States Code.

15 (2) AMERICAN OPEN MODEL.—The term
16 “American open model” means an open artificial in-
17 telligence model or open weight artificial intelligence
18 model that is—

19 (A) developed and made available by a
20 United States person in interstate or foreign
21 commerce; and

22 (B) is not a foreign adversary model.

23 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
24 tificial intelligence” has the meaning given that term

1 in section 5002 of the National Artificial Intelligence
2 Initiative Act of 2020 (15 U.S.C. 9401).

3 (4) ARTIFICIAL INTELLIGENCE MODEL.—The
4 term “artificial intelligence model” means a software
5 component of an information system that incor-
6 porates artificial intelligence and uses computa-
7 tional, statistical, or machine-learning techniques to
8 produce outputs from a defined set of inputs.

9 (5) COVERED NATION.—The term “covered na-
10 tion” has the meaning given that term in section
11 4872(f) of title 10, United States Code.

12 (6) FOREIGN ADVERSARY MODEL.—The term
13 “foreign adversary model” means an open artificial
14 intelligence model or open weight artificial intel-
15 ligence model that is developed or made available in
16 interstate or foreign commerce by—

17 (A) a covered nation; or

18 (B) an entity or individual that is subject
19 to the control of a covered nation.

20 (7) OPEN ARTIFICIAL INTELLIGENCE MODEL.—
21 The term “open artificial intelligence model” means
22 an artificial intelligence model that is distributed
23 under an open license that permits use, modification,
24 and redistribution of the source code and model
25 weights of the model.

1 (8) OPEN WEIGHT ARTIFICIAL INTELLIGENCE
2 MODEL.—The term “open artificial intelligence
3 model” means an artificial intelligence model with
4 model weights that are publicly released for
5 download or distribution.

6 (9) QUALIFIED FOREIGN PARTNER.—The term
7 “qualified foreign partner” means a foreign country
8 or foreign political and economic union that is not
9 a covered nation.

10 (10) SECRETARY.—The term “Secretary”
11 means the Secretary of Commerce.

12 (11) STATE.—The term “State” means each
13 State of the United States, the District of Columbia,
14 each commonwealth, territory, or possession of the
15 United States, and each federally recognized Indian
16 Tribe.

17 (12) UNITED STATES PERSON.—The term
18 “United States person” means a person that—

19 (A) is domiciled in the United States;

20 (B) is headquartered in the United States;

21 and

22 (C) is organized under the laws of the
23 United States.

