

118TH CONGRESS
2D SESSION

H. R. 8315

To amend the Export Control Reform Act of 2018 to prevent foreign adversaries from exploiting United States artificial intelligence and other enabling technologies, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 8, 2024

Mr. McCAUL (for himself, Mr. MOOLENAAR, Mr. KRISHNAMOORTHY, and Ms. WILD) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To amend the Export Control Reform Act of 2018 to prevent foreign adversaries from exploiting United States artificial intelligence and other enabling technologies, 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 AND TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Enhancing National Frameworks for Overseas Restric-
6 tion of Critical Exports Act” or “ENFORCE Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title and table of contents.
Sec. 2. Definitions.
Sec. 3. Authority of the President.
Sec. 4. Additional authorities.
Sec. 5. Amendment to International Emergency Economic Powers Act.

1 **SEC. 2. DEFINITIONS.**

2 Section 1742 of the Export Control Reform Act of
3 2018 (50 U.S.C. 4801) is amended by adding at the end
4 the following:

5 “(15) ADDITIONAL DEFINITIONS.—

6 “(A) ARTIFICIAL INTELLIGENCE.—The
7 term ‘artificial intelligence’ has the meaning
8 given that term in section 5002(3) of the Na-
9 tional Artificial Intelligence Initiative Act of
10 2020 (15 U.S.C. 9401(3)).

11 “(B) ARTIFICIAL INTELLIGENCE SYS-
12 TEM.—The term ‘artificial intelligence system’
13 means any software or hardware implementa-
14 tion of artificial intelligence, including artificial
15 intelligence model weights and any numerical
16 parameters associated with the artificial intel-
17 ligence implementation.

18 “(C) COVERED ARTIFICIAL INTELLIGENCE
19 SYSTEM.—

20 “(i) INTERIM DEFINITION.—For the
21 period beginning on the date of the enact-
22 ment of this paragraph and ending on the
23 date on which the Secretary issues the reg-

1 ulations required by clause (ii), the term
2 ‘covered artificial intelligence system’
3 means an artificial intelligence system
4 that—

5 “(I) exhibits, or could foreseeably
6 be modified to exhibit, capabilities in
7 the form of high levels of performance
8 at tasks that pose a serious risk to
9 the national security and foreign pol-
10 icy of the United States or any com-
11 bination of those matters, even if it is
12 provided to end users with technical
13 safeguards that attempt to prevent
14 users from taking advantage of the
15 relevant capabilities, such as by—

16 “(aa) substantially lowering
17 the barrier of entry for experts or
18 non-experts to design, synthesize,
19 acquire, or use chemical, biologi-
20 cal, radiological, or nuclear
21 (CBRN) weapons or weapons of
22 mass destruction;

23 “(bb) enabling offensive
24 cyber operations through auto-
25 mated vulnerability discovery and

1 exploitation against a wide range
2 of potential targets of cyber at-
3 tacks; or

4 “(cc) permitting the evasion
5 of human control or oversight
6 through means of deception or
7 obfuscation; or

8 “(II) can reasonably be expected
9 to exhibit the capabilities described in
10 subclause (I), such as by dem-
11 onstrating technical similarity or
12 equivalent performance to models in
13 which relevant capabilities have
14 emerged unexpectedly.

15 “(ii) FINAL DEFINITION.—

16 “(I) IN GENERAL.—Not later
17 than 365 days after the date of the
18 enactment of this paragraph, the Sec-
19 retary, in consultation with the Sec-
20 retary of State, the Secretary of De-
21 fense, and the Secretary of Energy,
22 shall issue regulations defining the
23 term ‘covered artificial intelligence
24 system’ for purposes of this subtitle.
25 Thereafter, the Secretary, in consulta-

1 tion with the Secretary of State, the
2 Secretary of Defense, and the Sec-
3 retary of Energy, shall update the
4 definition of such term as necessary.

5 “(II) FACTORS.—In developing
6 the definition of the term ‘covered ar-
7 tificial intelligence system’ under this
8 clause, the Secretary, in consultation
9 with the Secretary of State, the Sec-
10 retary of Defense, and the Secretary
11 of Energy, shall consider technical
12 and non-technical factors, including
13 those factors that will most effectively
14 promote the national security of the
15 United States.

16 “(D) MODEL WEIGHT.—The term ‘model
17 weight’ means a numerical parameter within an
18 artificial intelligence model that helps determine
19 the model’s outputs in response to inputs.”.

20 **SEC. 3. AUTHORITY OF THE PRESIDENT.**

21 Section 1753(a) of the Export Control Reform Act
22 of 2018 (50 U.S.C. 4812(a)) is amended by adding at the
23 end the following:

24 “In addition, in order to carry out the policy set forth in
25 paragraphs (1) through (10) of section 1752, the Presi-

1 dent may control the activities of United States persons,
2 wherever located, relating to specific covered artificial in-
3 telligence systems and emerging and foundational tech-
4 nologies that are identified as essential to the national se-
5 curity of the United States pursuant to section 1758(a).”.

6 **SEC. 4. ADDITIONAL AUTHORITIES.**

7 Section 1754(d) of the Export Control Reform Act
8 of 2018 (50 U.S.C. 4813(d)) is amended by adding at the
9 end the following:

10 “(3) **ADDITIONAL AUTHORITIES.**—In further-
11 ance of section 1753(a), the President may require
12 a United States person, wherever located, to apply
13 for and receive a license from the Department of
14 Commerce for—

15 “(A) the export, reexport, or in-country
16 transfer of items described in paragraph (4), in-
17 cluding items that are not subject to control
18 under this subchapter; and

19 “(B) other activities that may support the
20 design, development, production, use, operation,
21 installation, maintenance, repair, overhaul, or
22 refurbishing of, or for the performance of serv-
23 ices relating to, any items described in para-
24 graph (4).

1 “(4) ITEMS DESCRIBED.—The items described
2 in this paragraph include—

3 “(A) covered artificial intelligence systems;
4 and

5 “(B) specific emerging and foundational
6 technologies that are identified as essential to
7 the national security of the United States pur-
8 suant to section 1758(a).”.

9 **SEC. 5. AMENDMENT TO INTERNATIONAL EMERGENCY**
10 **ECONOMIC POWERS ACT.**

11 Section 203(b)(3) of the International Emergency
12 Economic Powers Act (50 U.S.C. 1702(b)(3)) is amended
13 by striking “section 5 of the Export Administration Act
14 of 1979, or under section 6 of such Act to the extent that
15 such controls promote the nonproliferation or
16 antiterrorism policies of the United States” and inserting
17 “section 1754 of the Export Control Reform Act of 2018”.

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