

119TH CONGRESS
1ST SESSION

S. 1638

To protect the United States from artificial intelligence applications based in or affiliated with countries of concern, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 7, 2025

Mr. CASSIDY (for himself and Ms. ROSEN) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To protect the United States from artificial intelligence applications based in or affiliated with countries of concern, 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 “Protection Against
5 Foreign Adversarial Artificial Intelligence Act of 2025”.

6 **SEC. 2. PROHIBITION ON USE OF DEEPSEEK TO CARRY OUT**
7 **A FEDERAL CONTRACT.**

8 (a) PROHIBITION.—Except as provided in subsection
9 (b), no Federal contractor with an active Federal contract

1 may use the DeepSeek application or any successor appli-
 2 cation or service developed or provided by High Flyer or
 3 any entity owned by High Flyer, for the fulfillment, assist-
 4 ance, execution, or otherwise support to complete, or sup-
 5 port in part, a contract with a Federal agency.

6 (b) WAIVER.—The Secretary of Commerce may, in
 7 consultation with the Secretary of Defense, waive the pro-
 8 hibition in subsection (a) on a case-by-case basis if using
 9 the application or service is required for the completion
 10 of a national security-related objective of a certain con-
 11 tract or for research purposes.

12 **SEC. 3. REPORT ON THREATS TO NATIONAL SECURITY**
 13 **POSED BY ARTIFICIAL INTELLIGENCE PLAT-**
 14 **FORMS BASED IN OR AFFILIATED WITH**
 15 **COUNTRIES OF CONCERN.**

16 (a) DEFINITION OF COUNTRY OF CONCERN.—In this
 17 section, the term “country of concern” has the meaning
 18 given the term “covered nation” in section 4872(f) of title
 19 10, United States Code.

20 (b) REPORT REQUIRED.—Not later than 1 year after
 21 the date of the enactment of this Act, the Secretary of
 22 Commerce shall, in consultation with the Secretary of De-
 23 fense, submit to the Committee on Armed Services of the
 24 Senate and of the House of Representatives, the Com-
 25 mittee on Commerce, Science, and Transportation of the

1 Senate, and the Committee on Energy and Commerce of
2 the House of Representatives a detailed report on the
3 threats to national security posed by artificial intelligence
4 platforms, including large language models and generative
5 artificial intelligence, based in or affiliated with countries
6 of concern.

7 (c) CONTENTS.—The report submitted pursuant to
8 subsection (b) shall include the following:

9 (1) An analysis of censorship laws and capac-
10 ities by governments described in subsection (a) that
11 could access or influence of artificial intelligence ap-
12 plications.

13 (2) An analysis of the potential and current use
14 of artificial intelligence platforms to further state-
15 sponsored propaganda.

16 (3) The national security impact of circumven-
17 tion of United States export controls on graphics
18 processing units contributed to the development of
19 artificial intelligence models of countries of concern.

20 (4) An analysis of the privacy and data security
21 threats toward United States data entered or other-
22 wise submitted to an artificial intelligence applica-
23 tion, including—

24 (A) how and where United States users'
25 data is stored, including whether such data is

1 stored within on-premise servers or a cloud in-
2 frastructure;

3 (B) whether United States users' data can
4 be accessed and used by a government or polit-
5 ical entity of a country of concern, including the
6 Chinese Communist Party;

7 (C) the extent to which data collected from
8 the United States contributes to the develop-
9 ment of artificial intelligence applications de-
10 scribed in subsection (b);

11 (D) the threat that such access could be an
12 economic espionage risk to intellectual property,
13 trade secrets, proprietary information, or sen-
14 sitive or confidential information to obtain an
15 unlawful advantage; and

16 (E) the threat that such access could be a
17 risk to information, including policy decisions,
18 relating to an office or program under the Fed-
19 eral Government.

20 (5) Any other information considered relevant
21 by the Secretary.

22 (6) Recommendations for administrative and
23 legislative action to address data security and pri-
24 vacy risks posed to the United States by artificial in-

1 telligence applications affiliated with governments of
2 countries of concern.

3 (d) FORM.—The report submitted pursuant to sub-
4 section (b) shall be submitted in unclassified form, but
5 may include a classified annex.

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