

119TH CONGRESS
2^D SESSION

H. R. 9477

To require certain artificial intelligence model developers to submit reports to the Secretary of Commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 25, 2026

Mr. MORAN introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To require certain artificial intelligence model developers to submit reports to the Secretary of Commerce, 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 “AI Incident Reporting
5 Act”.

6 **SEC. 2. REQUIREMENT TO REPORT AI INCIDENTS.**

7 (a) DESIGNATION OF COVERED MODELS; GUIDE-
8 LINES AND REGULATIONS.—

9 (1) DESIGNATION OF COVERED MODELS AND
10 ENTITIES.—Not later than 180 days after the date

1 of the enactment of this section, the Secretary, in
2 consultation with, as appropriate, the heads of rel-
3 evant agencies as determined by the Secretary, arti-
4 ficial intelligence model developers, other relevant
5 private-sector entities, academic, technical, cyberse-
6 curity, national security, and public safety experts,
7 and such other outside experts as the Secretary de-
8 termines to be appropriate, shall promulgate regula-
9 tions that—

10 (A) establish capability or other thresholds
11 that determine which artificial intelligence mod-
12 els and model developers could pose significant
13 risks to the national security of the United
14 States or to public safety; and

15 (B) designate such developers as covered
16 model developers and such models as covered
17 models for purposes of this section.

18 (2) COORDINATION.—The Secretary may co-
19 ordinate with the heads of other agencies, as deter-
20 mined appropriate by the Secretary, to identify re-
21 reportable activity and to receive, analyze, and act
22 upon reports submitted under this section.

23 (3) GUIDELINES AND REGULATIONS.—

24 (A) IN GENERAL.—Not later than 180
25 days after the date of the enactment of this

1 Act, the Secretary shall issue guidelines for cov-
2 ered model developers to be in compliance with
3 the requirements of this Act and may promul-
4 gate regulations as are necessary to carry out
5 this Act.

6 (B) REQUIREMENTS FOR REGULATIONS.—

7 In establishing regulations and requirements
8 under this subsection, the Secretary shall en-
9 sure, to the maximum extent practicable, that
10 the regulations and requirements—

11 (i) clearly describe the categories of
12 information that must be reported under
13 this section;

14 (ii) minimize unnecessary ambiguity,
15 duplication, and undue reporting burden;
16 and

17 (iii) establish clear, secure, and
18 straightforward mechanisms for submis-
19 sion of reports.

20 (C) THRESHOLDS.—In establishing thresh-
21 olds under paragraph (1), the Secretary shall
22 give particular weight to whether a model has
23 the capability to engage in, or presents a sig-
24 nificant risk of, reportable activity described in
25 subsection (b)(2).

1 (b) REPORTING REQUIREMENT.—

2 (1) IN GENERAL.—Not later than 7 days after
3 the date on which a covered model developer knows,
4 or reasonably believes, that reportable activity de-
5 scribed in paragraph (2) has occurred related to a
6 covered model, the developer shall submit to the Sec-
7 retary a report that contains a detailed description
8 of the activity.

9 (2) REPORTABLE ACTIVITY.—For purposes of
10 this section, reportable activity is any of the fol-
11 lowing:

12 (A) Behavior expressing that the model is
13 attempting to evade human oversight, deceive
14 evaluators or operators, circumvent safeguards,
15 resist shutdown or modification, obtain unau-
16 thorized access to tools, systems, or privileges,
17 or otherwise undermine the ability of human
18 operators to reliably control the model, but does
19 not include behavior elicited solely through an
20 evaluation designed to elicit such behavior, in
21 which the model is not in production deploy-
22 ment and the behavior is not indicative of anal-
23 ogous behavior in deployment.

24 (B) Unauthorized access to, theft of, or at-
25 tempted theft of model weights that the devel-

1 oper reasonably assesses had a credible prospect
2 of obtaining, evidence that model weights have
3 been exfiltrated or materially compromised, or
4 behavior suggesting that a model is autonomously attempting to exfiltrate model weights
5 without authorization or otherwise facilitate unauthorized transfer of model weights or related
6 model artifacts outside of a testing environment.
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10 (C) Capabilities that could materially enable or accelerate offensive cyber operations
11 against important software, widely used digital infrastructure, industrial systems, or critical
12 infrastructure, including through the discovery, exploitation, chaining, weaponization, or
13 operationalization of vulnerabilities at a scale, speed, or level of sophistication that could pose
14 serious risks to the national security of the United States or to public safety.
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20 (D) Evidence that a covered model, when unprompted, has demonstrated the ability to
21 materially accelerate or automate the research, development, evaluation, engineering, or
22 improvement of advanced artificial intelligence systems, including in ways that could signifi-
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1 cantly compress timelines for the development
2 or deployment of more capable systems, where
3 the model developer knows, or reasonably be-
4 lieves, that such developments could have seri-
5 ous implications for the national security of the
6 United States or for public safety.

7 (E) Capabilities that could materially en-
8 able or accelerate the development, acquisition,
9 or use of chemical, biological, radiological, nu-
10 clear, or explosive weapons by providing uplift
11 to actors that would not otherwise possess such
12 capabilities at a scale, speed, or level of sophis-
13 tication that could pose serious risks to the na-
14 tional security of the United States or to public
15 safety.

16 (F) Any circumstance in which an incident
17 or harm of a type described in subparagraph
18 (A), (B), (C), (D), or (E) was reasonably likely
19 to occur and would have posed a serious risk to
20 the national security of the United States or to
21 public safety, but was prevented only because of
22 circumstances unrelated to the safeguards, con-
23 trols, or mitigations of the developer, such as
24 the conduct of a third party, the absence of ca-

1 pability or intent on the part of a user, or other
2 fortuity.

3 (G) Any other capability, incident, or com-
4 bination of circumstances that the Secretary de-
5 termines, by rulemaking, appropriate relating to
6 serious harm to the national security of the
7 United States or to public safety.

8 (c) TIMING, FORM, AND CONTENTS OF REPORTS.—

9 (1) INITIAL REPORT.—The Secretary shall re-
10 quire—

11 (A) a covered model developer to submit
12 an initial report within such period as the Sec-
13 retary determines appropriate and not later
14 than the 7-day period described in subsection
15 (b)(1); and

16 (B) expedited reporting for any reportable
17 activity described in subsection (b)(2) that pre-
18 sents any imminent or ongoing risk of serious
19 harm.

20 (2) SUPPLEMENTAL REPORTS.—The Secretary
21 shall require a covered model developer to submit
22 supplemental reports as additional material informa-
23 tion, relating to the reportable activity and steps
24 that are being taken to mitigate the risks of the inci-
25 dent, becomes available.

1 (3) REQUIRED CONTENTS.—Each report sub-
2 mitted under this subsection shall include, as appli-
3 cable and to the extent known at the time of submis-
4 sion, the following:

5 (A) A description of the relevant incident,
6 behavior, or capability.

7 (B) The date on which, or approximate pe-
8 riod during which, the covered model developer
9 discovered the relevant information.

10 (C) Any known or suspected threat actor,
11 attack vector, system vulnerability, safeguard
12 failure, or other relevant causal or contextual
13 information.

14 (D) Any known or reasonably suspected
15 implication for the national security of the
16 United States or for public safety.

17 (E) Such other information as the Sec-
18 retary determines appropriate.

19 (4) CONGRESSIONAL REPORTING.—Not later
20 than 48 hours after receipt of any report submitted
21 under subsection (b) that presents an imminent or
22 ongoing risk of serious harm, and not later than 30
23 days after receiving any report submitted under
24 paragraph (2), the Secretary shall inform the fol-
25 lowing individuals of each such report:

1 (A) The Speaker of the House of Rep-
2 resentatives.

3 (B) The Minority Leader of the House of
4 Representatives.

5 (C) The Chair of the Committee on
6 Science, Space, and Technology of the House of
7 Representatives.

8 (D) The Chair of the Committee on En-
9 ergy and Commerce of the House of Represent-
10 atives.

11 (E) The Chair of the Permanent Select
12 Committee on Intelligence of the House of Rep-
13 resentatives.

14 (F) The Majority Leader of the Senate.

15 (G) The Minority Leader of the Senate.

16 (H) The Chair of the Committee on Com-
17 merce, Science, and Transportation of the Sen-
18 ate.

19 (I) The Chair of the Committee on Energy
20 and Natural Resources of the Senate.

21 (J) The Chair of the Select Committee on
22 Intelligence of the Senate.

23 (d) PROTECTION AND USE OF INFORMATION.—

24 (1) PROTECTION OF SENSITIVE INFORMA-
25 TION.—Not later than 180 days after the date of the

1 enactment of this section, the Secretary shall estab-
2 lish procedures to appropriately protect from unau-
3 thorized disclosure any sensitive, classified, con-
4 trolled, or security-relevant information submitted
5 under this section, consistent with applicable law.

6 (2) EXEMPTION FROM DISCLOSURE.—Informa-
7 tion submitted to the Secretary under this section is
8 exempt from disclosure under paragraph (3)(B) of
9 section 552(b) of title 5, United States Code, and
10 may not be disclosed under any State or local law
11 that requires disclosure of information or records.

12 (3) NO WAIVER OF PRIVILEGE OR PROTEC-
13 TION.—The submission of information under this
14 section is not a waiver of any applicable privilege or
15 legal protection, including trade secret protection
16 and any attorney-client and work product privilege.

17 (4) RESTRICTIONS ON USE.—

18 (A) CIVIL ACTIONS AND ADMINISTRATIVE
19 PROCEEDINGS.—A report submitted under this
20 section, and any communication or material
21 created for the sole purpose of preparing or
22 submitting such a report, may not be received
23 in evidence, subjected to discovery, or otherwise
24 used in any civil or criminal action or adminis-
25 trative proceeding against the covered model de-

1 veloper that submitted the report, communica-
2 tions, or material.

3 (B) FEDERAL, STATE, OR LOCAL GOVERN-
4 MENT.—Information submitted under this sec-
5 tion may not be used by any Federal, State, or
6 local government to regulate, or to bring an en-
7 forcement action against, the covered model de-
8 veloper.

9 (C) RULE OF CONSTRUCTION.—Nothing in
10 this paragraph may—

11 (i) limit the use of such information
12 by the Secretary or any other agency to re-
13 spond to, mitigate, or prevent a risk to the
14 national security of the United States or to
15 public safety;

16 (ii) limit use of a report, or informa-
17 tion in the report, to determine compliance
18 with or enforce the requirements of this
19 section; or

20 (iii) affect the liability of any person
21 for the underlying incident, conduct, or ca-
22 pability described in a report in which such
23 liability can be established on the basis of
24 information obtained independently of the
25 report.

1 (5) INFORMATION SHARING WITHIN GOVERN-
2 MENT.—The Secretary may share information sub-
3 mitted under this section with other agencies, in-
4 cluding an element of the intelligence community
5 and law enforcement agencies, where appropriate
6 and consistent with applicable law. Any information
7 shared under this paragraph is subject to the protec-
8 tions and use restrictions of this subsection for the
9 agency that receives the information.

10 (e) GOOD-FAITH REPORTING.—In issuing guidelines
11 and regulations under this section, the Secretary shall, to
12 the maximum extent practicable, design reporting require-
13 ments to facilitate timely reporting of material incidents,
14 including for a case in which relevant facts are incomplete
15 at the time of initial disclosure, and shall permit supple-
16 mental reporting as additional material information be-
17 comes available.

18 (f) ENFORCEMENT.—

19 (1) AUTHORITY OF THE SECRETARY.—To en-
20 force this section, the Secretary may—

21 (A) issue orders, regulations, and guid-
22 ance;

23 (B) require, inspect, and obtain books,
24 records, reports, audit materials, and other in-
25 formation that the Secretary determines to be

1 relevant or material to determine compliance
2 with, or violations of, this section, from any de-
3 veloper or other person subject to this section;

4 (C) administer oaths or affirmations and,
5 by subpoena, require any person to appear, tes-
6 tify, and produce books, records, reports, audit
7 materials, and other materials relevant or mate-
8 rial to determine compliance with, or violations
9 of, this section, from any developer or other
10 person subject to this section;

11 (D) conduct investigations within the
12 United States and, consistent with applicable
13 law, outside the United States;

14 (E) require corrective action, including the
15 production of omitted records or materials; and

16 (F) refer a matter to the Attorney General
17 for appropriate civil action, including to recover
18 a civil penalty assessed under paragraph (2)
19 that remains unpaid, to enjoin a violation of
20 this section, or to compel compliance with an
21 order or subpoena issued under this subsection.

22 (2) CIVIL PENALTIES.—

23 (A) IN GENERAL.—After notice and an op-
24 portunity for a hearing, the Secretary may as-
25 sess a civil penalty for a violation of this section

1 in an amount not to exceed \$2,000,000. Each
2 day of a continuing violation shall constitute a
3 separate offense.

4 (B) FACTORS.—In determining the
5 amount of a civil penalty under subparagraph
6 (A), the Secretary shall consider the nature, cir-
7 cumstances, extent, gravity, and duration of the
8 violation, the degree of culpability, any history
9 of prior violation, any good faith effort to com-
10 ply, any other mitigating factor, and such other
11 matters as justice may require.

12 (g) DEFINITIONS.—In this section:

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

16 (2) ARTIFICIAL INTELLIGENCE.—The term “ar-
17 tificial intelligence” includes the following:

18 (A) Any artificial system that performs
19 tasks under varying and unpredictable cir-
20 cumstances without significant human over-
21 sight, or that can learn from experience and im-
22 prove performance when exposed to data sets.

23 (B) An artificial system developed in com-
24 puter software, physical hardware, or other con-
25 text that solves tasks requiring human-like per-

1 ception, cognition, planning, learning, commu-
2 nication, or physical action.

3 (C) An artificial system designed to think
4 or act like a human, including cognitive archi-
5 tectures and neural networks.

6 (D) A set of techniques, including machine
7 learning, that is designed to approximate a cog-
8 nitive task.

9 (E) An artificial system designed to act ra-
10 tionally, including an intelligent software agent
11 or embodied robot that achieves goals using
12 perception, planning, reasoning, learning, com-
13 municating, decision making, and acting.

14 (3) COVERED MODEL.—The term “covered
15 model” means a model designated by the Secretary
16 under subsection (a)(1).

17 (4) COVERED MODEL DEVELOPER.—The term
18 “covered model developer” means any person or en-
19 tity that—

20 (A) develops or trains a covered model; or

21 (B) substantially modifies a covered model,
22 including through fine-tuning or other modifica-
23 tion of the weights of the model, in a manner
24 that the Secretary determines causes the model

1 to meet a threshold established under sub-
2 section (a)(1).

3 (5) MODEL WEIGHTS.—The term “model
4 weights” means the parameters, numerical values, or
5 other internal artifacts of an artificial intelligence
6 model that are sufficient to reproduce, substantially
7 reproduce, or enable the operational use of the
8 model.

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

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

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