

119TH CONGRESS
2D SESSION

H. R. 9925

To provide for Federal oversight of the development and deployment of frontier artificial intelligence in interstate and foreign commerce, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 23, 2026

Mr. OBERNOLTE (for himself, Mrs. TRAHAN, Mrs. HOUCHIN, Mr. PETERS, Mr. SCOTT FRANKLIN of Florida, and Mr. SUBRAMANYAM) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for Federal oversight of the development and deployment of frontier artificial intelligence in interstate and foreign 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 “Frontier Risk Over-
5 sight, National Transparency, Independent Evaluation,
6 and Reporting Act” or the “FRONTIER Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ACCEPTABLE LEVELS OF CATASTROPHIC
4 RISK MITIGATION.—The term “acceptable levels of
5 catastrophic risk mitigation” means risk mitigation
6 adequate to ensure that the anticipated benefits of
7 a frontier model made available or used in interstate
8 or foreign commerce outweigh its level of cata-
9 strophic risk, taking into consideration the prob-
10 ability and magnitude of the model’s anticipated
11 benefits and catastrophic risks.

12 (2) AFFILIATE.—The term “affiliate” means an
13 entity that satisfies any of the following require-
14 ments:

15 (A) Controls another entity through an
16 intermediary.

17 (B) Is through such intermediary con-
18 trolled by such other entity.

19 (C) Is through such intermediary under
20 common control with such other entity.

21 (3) AI; ARTIFICIAL INTELLIGENCE; ARTIFICIAL
22 INTELLIGENCE MODEL.—The terms “AI”, “artificial
23 intelligence”, and “artificial intelligence model” have
24 the meaning given such terms in section 5002 of the
25 National Artificial Intelligence Initiative Act of 2020
26 (15 U.S.C. 9401).

1 (4) AI-RELATED DEVELOPMENT EXPENDI-
2 TURES.—The term “AI-related development expendi-
3 tures” means amounts paid or incurred in interstate
4 or foreign commerce, without regard to whether such
5 amounts are expensed, capitalized, deducted, or am-
6 ortized for financial reporting or tax purposes, that
7 are attributable to artificial intelligence development,
8 training, fine-tuning, modification, security, or eval-
9 uation.

10 (5) ASSESSMENT.—The term “assessment”
11 means a review conducted by an IVO licensed under
12 section 5 to assess the adequacy of a very large fron-
13 tier developer’s frontier AI framework, governance
14 policies and practices, risk-monitoring, and mitiga-
15 tion of detected risks for achieving acceptable levels
16 of catastrophic risk mitigation.

17 (6) CATASTROPHIC RISK.—The term “cata-
18 strophic risk” means—

19 (A) a foreseeable and material risk that a
20 frontier developer’s development, storage, use,
21 or deployment of a frontier model will materi-
22 ally contribute to the death of, or serious injury
23 to, more than 50 people, or more than
24 \$1,000,000,000 in damage to, or loss of, prop-

erty, arising from a single incident involving a frontier model doing any of the following:

(i) providing, in the development or release of a chemical, biological, radiological, nuclear, or cyber weapon, assistance that is not publicly available;

(ii) engaging in conduct with no meaningful human oversight or intervention, that—

(I) is a cyberattack; or

(II) if such conduct is committed by an individual, would constitute murder, assault, extortion, or theft, including such theft by false pretense; or

(iii) evading control of such developer or a user of such model; and

(B) does not include a foreseeable and material risk from any of the following:

(i) information that a frontier model outputs if the information is otherwise publicly accessible in a substantially similar form from a source other than a foundation model;

1 (ii) lawful activity of the Federal Gov-
2 ernment; or

3 (iii) harm caused by a frontier model
4 in combination with other software if such
5 model did not materially contribute to the
6 harm.

7 (7) CRITICAL SAFETY INCIDENT.—The term
8 “critical safety incident” means any of the following:

9 (A) Unauthorized access to, modification
10 of, or exfiltration of, the model weights of a
11 frontier model.

12 (B) Harm resulting from the materializa-
13 tion of a catastrophic risk.

14 (C) Loss of control of such model.

15 (D) A frontier model using deceptive tech-
16 niques against its frontier developer to subvert
17 the controls or monitoring of such developer,
18 outside the context of an evaluation designed to
19 elicit such behavior, in a manner that dem-
20 onstrates materially increased catastrophic risk.

21 (8) DEPLOY.—The term “deploy” means—

22 (A) to make a frontier model available in
23 interstate or foreign commerce to a third party
24 for use, modification, copying, or combination
25 with other software; and

1 (B) does not include making such model
2 available to such third party for the primary
3 purpose of developing or evaluating such model.

4 (9) FOUNDATION MODEL.—The term “founda-
5 tion model” means an artificial intelligence model
6 made available or used in interstate or foreign com-
7 merce that is all of the following:

8 (A) Trained on a broad data set.

9 (B) Designed for generality of output.

10 (C) Adaptable to a wide range of distinc-
11 tive tasks.

12 (10) FRONTIER AI FRAMEWORK.—The term
13 “frontier AI framework” means documented tech-
14 nical and organizational protocols to manage, assess,
15 and mitigate catastrophic risks.

16 (11) FRONTIER DEVELOPER.—The term “fron-
17 tier developer” means an entity operating in inter-
18 state or foreign commerce that has trained, or initi-
19 ated the training of, a frontier model using a quan-
20 tity of computing power that meets the technical
21 specifications set forth in subsection (l).

22 (12) FRONTIER MODEL.—The term “frontier
23 model” means a foundation model that was trained
24 using a quantity of computing power greater than
25 10^{26} integer or floating-point operations. The quan-

1 tity of computing power described in this paragraph
2 includes computing for the original training run and
3 for any subsequent fine-tuning, reinforcement learn-
4 ing, or other substantial modification the developer
5 applies to a preceding foundation model.

6 (13) IMMINENT CATASTROPHIC RISK.—The
7 term “imminent catastrophic risk” means a present
8 or impending catastrophic risk.

9 (14) IVO.—The term “IVO” means an inde-
10 pendent verification organization operating in inter-
11 state or foreign commerce that is licensed under
12 subsection (c) of section 5 and the regulations pre-
13 scribed under subsection (c) of section 3.

14 (15) LARGE FRONTIER DEVELOPER.—The term
15 “large frontier developer” means a frontier developer
16 that, together with its affiliates, collectively, during
17 the preceding 36-month period, determined as of the
18 first day of each calendar month, both—

19 (A) had gross revenues in excess of
20 \$50,000,000; and

21 (B) incurred not less than \$1,000,000,000
22 in AI-related development expenditures.

23 (16) MATERIAL MODIFICATION.—The term
24 “material modification” means with respect to a
25 frontier AI framework, a significant change to such

1 framework, including a significant change in the as-
2 sessment, mitigation, or management of catastrophic
3 risk carried out pursuant to such framework.

4 (17) MODEL WEIGHT.—The term “model
5 weight” means a numerical parameter that satisfies
6 the following requirements:

7 (A) Is in a frontier model.

8 (B) Is adjusted through training.

9 (C) Facilitates the determination of how
10 input data for such model is transformed into
11 an output of such model.

12 (18) PROPERTY.—The term “property” in-
13 cludes—

14 (A) tangible or intangible property; and

15 (B) does not include the loss of value of
16 equity.

17 (19) SECRETARY.—The term “Secretary”
18 means the Secretary of Commerce.

19 (20) SUBSTANTIAL MODIFICATION.—The term
20 “substantial modification” means with respect to a
21 frontier model, a significant change in how such
22 model is deployed, such as enabling a new fine-tun-
23 ing capability for, releasing a model weight of, or
24 adding a new feature to such model, that neces-

1 sitates for such model an assessment of catastrophic
2 risk.

3 (21) UNDER SECRETARY.—The term “Under
4 Secretary” means the Under Secretary of Commerce
5 for AI Security, who shall be appointed by the Sec-
6 retary.

7 (22) VERY LARGE FRONTIER DEVELOPER.—
8 The term “very large frontier developer” means a
9 frontier developer that, together with its affiliates,
10 collectively, during the preceding 36-month period,
11 determined as of the first day of each calendar
12 month, both—

13 (A) had gross revenues in excess of
14 \$5,000,000,000; and

15 (B) incurred not less than
16 \$10,000,000,000 in AI-related development ex-
17 penditures.

18 **SEC. 3. RULEMAKING.**

19 (a) PROCEDURE.—Each regulation prescribed under
20 this Act shall be prescribed in accordance with section 553
21 of title 5, United States Code.

22 (b) FRAMEWORK REQUIREMENTS.—

23 (1) DEADLINE.—Not later than 180 days after
24 the date of enactment of this Act, the Under Sec-
25 retary shall issue, and thereafter update as appro-

1 piate, regulations establishing minimum require-
2 ments for frontier AI frameworks.

3 (2) CONTENTS.—Regulations issued under this
4 subsection shall, at a minimum, address each of the
5 requirements of section 4(a).

6 (3) PERIODIC REVIEW.—The Under Secretary
7 shall review the regulations issued under this sub-
8 section not less frequently than once every year, and
9 shall update such regulations as the Under Sec-
10 retary determines to be necessary or appropriate.

11 (c) IVO LICENSING AND OVERSIGHT.—Not later
12 than 180 days after the date of enactment of this Act,
13 the Under Secretary shall prescribe regulations necessary
14 to carry out the licensing and oversight of IVOs under
15 section 5, which shall include the following:

16 (1) Conflict-of-interest and funding-trans-
17 parency requirements, including reporting require-
18 ments regarding the IVOs' funding sources and rev-
19 enue generation and self-audit requirements regard-
20 ing the IVOs' personnel and leadership to ensure
21 adequate independence from the artificial intel-
22 ligence industry.

23 (2) Procedures and requirements for entities to
24 apply for licensure as an IVO, including the fol-
25 lowing:

1 (A) Procedures and requirements for the
2 applicant to submit a plan to the Under Sec-
3 retary detailing—

4 (i) the benchmarks, technologies,
5 metrics, and methodologies the applicant
6 proposes using to assess the adequacy of
7 the frontier developer’s frontier AI frame-
8 work, governance policies and practices,
9 risk-monitoring, and mitigation of detected
10 risks, to ensure acceptable levels of cata-
11 strophic risk mitigation;

12 (ii) the applicant’s proposed procedure
13 for prescribing and assessing implementa-
14 tion of corrective action to remedy any
15 identified deficiency in achieving acceptable
16 levels of catastrophic risk mitigation;

17 (iii) the applicant’s proposed method-
18 ology for ensuring that the benchmarks,
19 technologies, metrics, and methodologies
20 proposed in clause (i) keep pace with tech-
21 nological and organizational changes in
22 frontier model development;

23 (iv) any subcontractors that the appli-
24 cant proposes to use to carry out its re-
25 sponsibilities under this Act; and

1 (v) the technical qualifications of the
2 personnel the applicant proposes to use to
3 conduct assessments and of any subcon-
4 tractor the applicant plans to engage under
5 subsection (d) of section 5 to perform any
6 portion of an assessment.

7 (B) Findings required for the Under Sec-
8 retary to license an applicant as an IVO, in-
9 cluding—

10 (i) that the applicant has dem-
11 onstrated its independence from the artifi-
12 cial intelligence industry; and

13 (ii) that every element of the appli-
14 cant's plan is adequate to ensure that fron-
15 tier models assessed by the IVO achieve
16 acceptable levels of catastrophic risk miti-
17 gation.

18 (C) Findings that require the Under Sec-
19 retary to revoke an IVO's license, including—

20 (i) that the IVO's plan is materially
21 misleading or inaccurate;

22 (ii) that the IVO fails to adhere to its
23 plan in a manner that materially impairs
24 its ability to fulfill its responsibilities;

1 (iii) that a material change com-
2 promises the IVO's independence from the
3 artificial intelligence industry;

4 (iv) that models verified by the IVO
5 fail to achieve or have failed to achieve ac-
6 ceptable levels of catastrophic risk mitiga-
7 tion, unless the IVO demonstrates that—

8 (I) the IVO identified the rel-
9 evant failure, deficiency, or material
10 weakness in an assessment report
11 submitted under subsection (f) of sec-
12 tion 5 or a supplemental report sub-
13 mitted under subsection (i) of such
14 section, and recommended corrective
15 actions adequate to achieve acceptable
16 levels of catastrophic risk mitigation;
17 and

18 (II) such failure is attributable to
19 the very large frontier developer's fail-
20 ure to implement such corrective ac-
21 tions, and not to any deficiency in the
22 IVO's assessment, methods, or per-
23 formance of its obligations under sec-
24 tion 5;

1 (v) that evolution of technology ren-
2 ders the IVO's methods obsolete for
3 verifying acceptable mitigation of cata-
4 strophic risk; and

5 (vi) that the IVO has failed to comply
6 with its obligations under section 5.

7 (D) Procedures for the formation of expert
8 panels with respect to one or more specific cata-
9 strophic risks to advise the Under Secretary on
10 the issuance and revocation of IVO licenses.

11 (3) Minimum requirements for assessments,
12 taking into account relevant approaches, best prac-
13 tices, frameworks, and methods.

14 (4) Provisions regarding circumstances man-
15 dating corrective action or loss of license.

16 (5) Rules regarding the submission and proc-
17 essing of assessment reports, including a secure
18 method for submission of assessment reports under
19 subsection (f), subsection (g), and subsection (i) of
20 section 5 and other sensitive information, and a
21 process for securely processing sensitive information
22 and protecting trade secrets.

23 (6) Any other rules reasonably necessary to the
24 administration of the IVO oversight and licensing re-
25 gime described in section 5.

1 (d) MODIFICATION CRITERIA.—Not later than 180
2 days after the date of enactment of this Act, the Under
3 Secretary shall prescribe regulations establishing criteria
4 for determining whether a modification to a frontier model
5 constitutes a substantial modification within the meaning
6 of subsection (t) of section 2, and whether a modification
7 to a frontier AI framework constitutes a material modi-
8 fication within the meaning of subsection (p) of section
9 2.

10 (e) PROCEDURES FOR REPORTS, REDACTIONS, AND
11 STATE OPT-IN.—The Under Secretary may prescribe reg-
12 ulations establishing—

13 (1) the approaches, formats, and procedures ap-
14 plicable to publications, reports, and submissions re-
15 quired under sections 4 and 5;

16 (2) procedures applicable to redactions made
17 under subsection (f) of section 4 and subsection (m)
18 of section 5, including standards for justifications
19 required under subsection (f)(2) of section 4 and
20 subsection (m)(2) of section 5; and

21 (3) the form, manner, and procedures applica-
22 ble to the opt-in by State Attorneys General under
23 subsection (i) of section 4 and subsection (k) of sec-
24 tion 5, including the secure transmission to opted-in

1 State Attorneys General of the reports and referrals
2 covered by such opt-ins.

3 (f) UPDATES TO COVERAGE THRESHOLDS.—

4 (1) AUTHORITY.—The Under Secretary may by
5 regulation increase—

6 (A) the threshold quantity of computing
7 power specified in subsection (l) of section 2; or

8 (B) the threshold amounts of gross reve-
9 nues and AI-related development expenditures
10 specified in subsections (o) and (v) of section 2.

11 (2) CRITERIA.—The Under Secretary shall set
12 each threshold at the level the Under Secretary de-
13 termines is best calculated to ensure that the terms
14 defined in subsections (k), (l), (o), and (v) of section
15 2 encompass the artificial intelligence models and
16 developers whose activities present catastrophic risk,
17 and do not encompass those whose activities do not,
18 taking into account advances in algorithmic and
19 hardware efficiency, changes in the cost of devel-
20 oping and training foundation models, inflation, and
21 the anticipated effect of the modification on the enti-
22 ties subject to sections 5 and 6.

23 (3) PERIODIC REVIEW.—Not less frequently
24 than once every 2 years, the Under Secretary shall
25 review the thresholds described in paragraph (1), de-

1 termine whether an increase is warranted, and pub-
2 lish the determination and its basis on a website of
3 the Department of Commerce.

4 (4) PROSPECTIVE APPLICATION.—A regulation
5 prescribed under this subsection shall take effect not
6 earlier than 180 days after publication in final form
7 and shall apply only with respect to obligations aris-
8 ing on or after its effective date.

9 **SEC. 4. TRANSPARENCY AND REPORTING.**

10 (a) FRONTIER AI FRAMEWORK.—Not later than one
11 year after the date of enactment of this Act, or 90 days
12 after a developer first qualifies as a large frontier devel-
13 oper, whichever is later, a large frontier developer shall
14 write, implement, comply with, and clearly and conspicu-
15 ously publish on a publicly available website of such devel-
16 oper a frontier AI framework that satisfies the following
17 requirements:

18 (1) Applies to each frontier model of such devel-
19 oper.

20 (2) Includes information relating to how such
21 developer carries out the following:

22 (A) Incorporating into such framework
23 widely-accepted national, international, and in-
24 dustry approaches, best practices, frameworks,
25 and methods for risk mitigation.

1 (B) Identifying risk thresholds utilized by
2 such developer to assess whether each such
3 model has a capability that could pose a cata-
4 strophic risk.

5 (C) Assessing whether, based upon such
6 thresholds, each model has a capability that
7 could pose a catastrophic risk.

8 (D) Reviewing the results of such assess-
9 ment and such mitigation to determine—

10 (i) whether to deploy such model; and

11 (ii) whether to internally utilize such
12 model.

13 (E) Utilizing a third party to assess the
14 risk that such risk thresholds will be exceeded
15 and the effectiveness of such mitigation.

16 (F) Reviewing and updating such frame-
17 work, including the criteria in such framework
18 that prompt such updating and the process
19 through which such developer determines
20 whether such model includes a substantial
21 modification, such that a disclosure is required
22 pursuant to subsection (d).

23 (G) Cybersecurity to secure nonpublic
24 model weights from unauthorized modification
25 or transfer.

1 (H) Identifying and responding to a crit-
2 ical safety incident related to such developer.

3 (I) Implementing internal governance prac-
4 tices to ensure implementation of such frame-
5 work.

6 (b) UPDATES.—

7 (1) IN GENERAL.—Not less frequently than an-
8 nually after a large frontier developer publishes a
9 frontier AI framework pursuant to subsection (a),
10 such developer shall carry out the following:

11 (A) Review and, if such developer deter-
12 mines appropriate, update such framework.

13 (B) If such framework is so updated, pub-
14 lish on a publicly available website of such de-
15 veloper such framework, as so updated.

16 (2) MATERIAL MODIFICATION.—If a large fron-
17 tier developer makes a material modification to the
18 frontier AI framework of such developer published
19 pursuant to subsection (a), not later than 30 days
20 after the date of such modification, such developer
21 shall publish on a publicly available website a jus-
22 tification for such modification.

23 (c) COMPLIANCE AUDIT.—Not later than one year
24 after the date of enactment of this Act, or 90 days after
25 a developer first qualifies as a large frontier developer,

1 whichever is later, and annually thereafter, a large frontier
2 developer shall retain a third party to perform an inde-
3 pendent audit of compliance with the frontier AI frame-
4 work of such developer published pursuant to subsection
5 (a). The third party shall conduct the audit consistent
6 with generally accepted auditing approaches, best prac-
7 tices, frameworks, and methods and shall possess dem-
8 onstrated competence to perform the audit, including ex-
9 perience employing or contracting with individuals who
10 possess technical expertise in the safety of frontier models.
11 A large frontier developer shall not retain a third party
12 if either the developer or the third party has a financial
13 interest in the other. A large frontier developer may com-
14 pensate a third party for its services but shall not condi-
15 tion any payment, or the amount of any payment, on the
16 results of the third party's audit.

17 (1) ACCESS.—The third party shall be granted
18 timely access to all materials, records, personnel,
19 systems, and all other information reasonably nec-
20 essary to comply with its obligations under this sub-
21 section, including all unredacted versions of mate-
22 rials published pursuant to this Act. To protect the
23 developer's trade secrets and confidential business
24 information, cybersecurity, national security of the
25 United States, or public safety, a large frontier de-

1 veloper may impose security protocols on the third
2 party, including restrictions on note-taking, copying,
3 retaining, or removing materials, requirements for
4 on-premises review, and confidentiality requirements.

5 (2) REPORT CONTENTS.—The third party shall
6 produce a report that includes all of the following:

7 (A) A description of whether the large
8 frontier developer has substantially complied
9 with the frontier AI framework of such devel-
10 oper.

11 (B) If applicable, a description of material
12 deviations from such framework, an explanation
13 of any deviation and its rationale, and any rec-
14 ommendations for how the developer can im-
15 prove its policies and processes for ensuring
16 compliance with such framework.

17 (C) A detailed assessment of the large
18 frontier developer’s internal controls, including
19 its designation and empowerment of senior per-
20 sonnel responsible for implementation of such
21 framework by the developer, its employees, and
22 its contractors.

23 (D) A list of the personnel involved in the
24 audit.

1 (E) The third party's procedures for man-
2 aging conflicts of interest and any conflicts of
3 interest of personnel involved in the audit.

4 (F) The methodology of the audit and the
5 nature of the information reviewed to conduct
6 the audit.

7 (G) The signature of the lead auditor certi-
8 fying the results of the audit.

9 (3) RETENTION.—A large frontier developer
10 shall retain an unredacted copy of the report re-
11 quired under paragraph (2) for as long as a frontier
12 model of such developer is deployed, plus 5 years.

13 (4) PUBLICATION AND TRANSMITTAL.—Not
14 later than 30 days after receiving the audit report,
15 a large frontier developer shall—

16 (A) conspicuously publish on a publicly
17 available website of such developer a high-level
18 summary of the audit findings and a copy of
19 the report with appropriate redactions; and

20 (B) transmit a copy of the redacted report
21 to the Under Secretary, the Attorney General,
22 and opted-in State Attorneys General.

23 (5) ACCESS BY UNDER SECRETARY AND ATTOR-
24 NEY GENERAL.—A large frontier developer shall
25 grant the Under Secretary and the Attorney General

1 access to the third party's report, redacted con-
2 sistent with subsection (f) of section 4, upon re-
3 quest.

4 (d) TRANSPARENCY REPORT.—

5 (1) IN GENERAL.—Before, or concurrently with,
6 deploying a frontier model that is new or includes a
7 substantial modification, the frontier developer of
8 such model shall publish on a publicly available
9 website of such developer a report on such model
10 that includes information relating to the following:

11 (A) A mechanism through which an indi-
12 vidual may communicate with such developer.

13 (B) The release date of such model or sub-
14 stantial modification.

15 (C) Each language supported by such
16 model, if any.

17 (D) Each output modality of such model.

18 (E) The intended utilization of such model.

19 (F) Generally applicable restrictions or
20 conditions, if any, with respect to such model.

21 (G) Any substantial modification to such
22 model.

23 (H) Each assessment of catastrophic risk
24 with respect to such model or substantial modi-

1 fication, conducted pursuant to the frontier AI
2 framework at issue.

3 (I) The results of each such assessment.

4 (J) The extent to which a third party was
5 utilized in the assessment of such model.

6 (K) Any other step taken pursuant to such
7 framework with respect to such model.

8 (2) MACHINE-READABLE FORMAT.—The sum-
9 maries described in this subsection shall be provided
10 in a machine-readable format to facilitate
11 verification of model claims.

12 (3) CONFIDENTIAL DEPLOYMENT.—A frontier
13 developer may defer publication of the report re-
14 quired under this subsection with respect to a de-
15 ployment made subject to confidentiality obligations
16 for reasons of security or national security, until
17 such model is first deployed other than subject to
18 such obligations, if such developer transmits such re-
19 port to the Under Secretary before or concurrently
20 with the confidential deployment.

21 (e) FALSE OR MISLEADING STATEMENTS.—

22 (1) IN GENERAL.—Except as provided in para-
23 graph (2), a frontier developer may not in a report
24 under subsection (d) knowingly make an inaccurate
25 statement about, or convey a false impression re-

1 regarding, any subject on which subsection (d) re-
2 quires such report to include information.

3 (2) EXCEPTION.—Paragraph (1) does not apply
4 to a statement a frontier developer made in good
5 faith and that was reasonable under the cir-
6 cumstances.

7 (f) REDACTIONS.—

8 (1) IN GENERAL.—Before publishing a report
9 or other information pursuant to this section, a fron-
10 tier developer may make a redaction in such publica-
11 tion to carry out any of the following:

12 (A) Protect a trade secret, the risk-preven-
13 tion mechanisms, or the cybersecurity, of such
14 developer.

15 (B) Protect public safety or the national
16 security of the United States.

17 (C) Comply with Federal or State law.

18 (2) JUSTIFICATION.—If a frontier developer
19 makes a redaction pursuant to paragraph (1), such
20 developer shall carry out the following:

21 (A) Include in the publication in which
22 such redaction is made information relating to
23 the character of such redaction and a justifica-
24 tion for such redaction.

1 (B) Retain for not less than five years
2 from the date of such publication the informa-
3 tion so redacted.

4 (C) Transmit to the Under Secretary an
5 unredacted copy of the publication in which
6 such redaction is made.

7 (g) REPORTING MECHANISMS.—

8 (1) CRITICAL SAFETY INCIDENTS.—Not later
9 than 180 days after the date of enactment of this
10 Act, the Under Secretary shall establish a mecha-
11 nism for a frontier developer or member of the pub-
12 lic to confidentially carry out the following:

13 (A) Submit to the Under Secretary a re-
14 port on a critical safety incident that includes
15 the following:

16 (i) A specification of the date of such
17 incident.

18 (ii) Information relating to such inci-
19 dent, including—

20 (I) the reason why such incident
21 is a critical safety incident; and

22 (II) whether such incident is as-
23 sociated with the internal utilization
24 of a frontier model.

1 (iii) Any additional information re-
2 quired by the Under Secretary by regula-
3 tion.

4 (B) Amend such report, as necessary.

5 (2) CATASTROPHIC RISK.—

6 (A) IN GENERAL.—Not later than 180
7 days after the date of enactment of this Act,
8 the Under Secretary shall establish a mecha-
9 nism for a large frontier developer to confiden-
10 tially submit to the Under Secretary a report
11 on catastrophic risk arising from a frontier
12 model of such developer, including internal use
13 and internally deployed models.

14 (B) PERIODIC TRANSMITTAL.—Not less
15 frequently than every 3 months, or pursuant to
16 another reasonable schedule specified by a large
17 frontier developer in writing and agreed to by
18 the Under Secretary, such developer shall
19 transmit to the Under Secretary, through the
20 mechanism established under subparagraph
21 (g)(2)(A), a summary of an assessment of cata-
22 strophic risks arising from internal use of its
23 frontier models.

24 (3) PROTECTION OF REPORTS.—The Under
25 Secretary shall take all necessary precautions to

1 limit access to any reports submitted under this sub-
2 section to only personnel with a specific need to
3 know the information and to protect the reports
4 from unauthorized access.

5 (4) REVIEW.—The Under Secretary shall re-
6 view each report submitted under this subsection by
7 a frontier developer and may review any report sub-
8 mitted under this subsection by a member of the
9 public.

10 (h) DISCOVERY OF A CRITICAL SAFETY INCIDENT.—

11 (1) IN GENERAL.—Subject to subsection (g)
12 and except as provided in paragraph (2), not later
13 than 72 hours after a frontier developer learns facts
14 sufficient to establish a reasonable belief that a crit-
15 ical safety incident has occurred with respect to a
16 frontier model of such developer, such developer
17 shall submit through the mechanism established
18 under subsection (g)(1) a report on such incident.

19 (2) IMMINENT RISK.—Not later than 24 hours
20 after a frontier developer discovers a critical safety
21 incident that poses an imminent risk of death or se-
22 rious physical injury, such developer shall report
23 such incident to a law enforcement agency with ju-
24 risdiction over such incident.

1 (i) STATE ATTORNEYS GENERAL OPT-IN.—Pursuant
2 to the regulations promulgated by the Under Secretary
3 under section 3, State Attorneys General may opt in to
4 receive reports submitted to the Under Secretary under
5 subsections (g) and (h).

6 (j) CIVIL PENALTY.—

7 (1) IN GENERAL.—A frontier developer that
8 violates this section shall be subject to a civil penalty
9 of not more than \$1,000,000 per violation. For pur-
10 poses of this paragraph, each day during which a
11 violation continues constitutes a separate violation.

12 (2) ACTION BY ATTORNEY GENERAL.—The At-
13 torney General may bring an action to collect a civil
14 penalty under paragraph (1) and for an injunction
15 ensuring compliance with the provisions of this sec-
16 tion.

17 (3) ACTION BY STATE ATTORNEY GENERAL.—

18 (A) A State Attorney General who has
19 opted in under subsection (i) may bring an ac-
20 tion to collect a civil penalty under paragraph
21 (1) and for an injunction ensuring compliance
22 with the provisions of this section.

23 (B) Before filing an action under subpara-
24 graph (A), the State Attorney General shall
25 provide to the Attorney General and the Under

1 Secretary a written notice of that action and a
2 copy of the complaint for that action. This no-
3 tice requirement shall not apply if the State At-
4 torney General determines that it is not feasible
5 to provide notice before the filing of the action,
6 in which case the State Attorney General shall
7 provide a written notice of the action and a
8 copy of the complaint for the action at the same
9 time the State Attorney General files the ac-
10 tion.

11 (C) Upon receiving notice under subpara-
12 graph (B), the Attorney General shall have the
13 right to intervene in the action that is the sub-
14 ject of the notice, in which case the Attorney
15 General shall have the right to be heard with
16 respect to any matter that arises in that action
17 and to file a petition for appeal.

18 (D) In any case in which an action is insti-
19 tuted by the Attorney General under subpara-
20 graph (A), no State Attorney General may, dur-
21 ing the pendency of that action, institute an ac-
22 tion under this subsection against any defend-
23 ant named in the complaint in that action for
24 any violation asserted in the Attorney General's
25 action.

1 (E) If, after a State Attorney General in-
2 stitutes an action under this subsection, the At-
3 torney General institutes an action with respect
4 to violations at issue in the State Attorney Gen-
5 eral's action, the State Attorney General's ac-
6 tion shall be stayed as to the violations at issue
7 in the Attorney General's action during the
8 pendency of the Attorney General's action. If
9 the Attorney General's action is dismissed with
10 respect to any of the violations at issue in the
11 State Attorney General's action without a bind-
12 ing resolution on the merits, the stay of the
13 State Attorney General's action shall be lifted
14 as to those violations.

15 (k) REGISTRATION AND DISCLOSURE.—

16 (1) IN GENERAL.—Beginning on the date that
17 is 1 year after the date of enactment of this Act, or
18 90 days after a developer first qualifies as a large
19 frontier developer, whichever is later, a large frontier
20 developer may not develop, deploy, or operate a fron-
21 tier model, in whole or in part, without a current
22 disclosure statement filed with the Under Secretary
23 and payment of the fee required under subsection
24 (k)(4).

1 (2) CONTENTS.—A disclosure statement filed
2 under subsection (k)(1) shall be in the form and
3 manner prescribed by the Under Secretary and shall
4 identify—

5 (A) the identity of the large frontier devel-
6 oper and all names under which it conducts
7 business;

8 (B) the address of the large frontier devel-
9 oper's principal place of business and each of-
10 fice it maintains in the United States;

11 (C) in the case of a large frontier developer
12 that is privately or closely held, or whose ulti-
13 mate parent is privately or closely held, all per-
14 sons or entities that beneficially own a 5 per-
15 cent or greater interest in such developer at the
16 time of filing, and all persons that formerly
17 beneficially owned a 5 percent or greater inter-
18 est in such developer or a predecessor of such
19 developer during the preceding 5 years, and, in
20 the case of a large frontier developer that is
21 publicly traded, or whose ultimate parent is
22 publicly traded, all persons or entities that ben-
23 eficially own a 50 percent or greater interest in
24 such developer at the time of filing; and

1 (D) the name and contact information of a
2 primary, secondary, and tertiary point of con-
3 tact, the primary of whom is responsible for re-
4 ceiving inquiries under this Act.

5 (3) RENEWAL.—A large frontier developer shall
6 renew its disclosure statement annually, or not later
7 than the date of any transfer of ownership of a fron-
8 tier model or material change to the information re-
9 ported under paragraph (k)(2), whichever occurs
10 earlier.

11 (4) FEES.—The Under Secretary shall charge
12 and collect fees from large frontier developers suffi-
13 cient to offset the expenses of administering this
14 subsection.

15 (5) PUBLICATION.—The Under Secretary shall
16 maintain and publish a list of large frontier devel-
17 opers that have filed a disclosure statement under
18 this subsection, excluding the contact information
19 described in paragraph (k)(2).

20 (6) CIVIL PENALTY.—A large frontier developer
21 that develops, deploys, or operates a frontier model
22 without a current disclosure statement on file under
23 this subsection, that submits false information in
24 such a statement, or that fails to timely pay a fee
25 required under paragraph (k)(4), shall be subject to

1 a civil penalty of \$10,000 for each day of noncompli-
2 ance, which the Attorney General or a State Attor-
3 ney General who has opted in under subsection (i)
4 may bring an action to collect.

5 (l) UNDER SECRETARY REPORTS.—Not later than
6 January 1, 2028, and annually thereafter, the Under Sec-
7 retary shall submit to Congress and the President a report
8 that includes, for the annual period covered by such re-
9 port, anonymized and aggregated information about the
10 critical safety incidents, if any, that have been reviewed
11 by the Under Secretary pursuant to subsection (g)(4), ex-
12 cluding any information that would compromise a trade
13 secret, risk-prevention mechanisms, or the cybersecurity of
14 a frontier developer, public safety, or the national security
15 of the United States.

16 **SEC. 5. INDEPENDENT VERIFICATION.**

17 (a) LICENSING AND OVERSIGHT OF IVOs.—The
18 Under Secretary shall have the power and duty to oversee
19 the licensing of independent verification organizations, in
20 accordance with the regulations prescribed under sub-
21 section (c) of section 3.

22 (b) ASSESSMENT REQUIREMENT.—Not later than
23 one year after the date on which the Under Secretary first
24 licenses an IVO with capacity to accept an engagement
25 under this section, or 90 days after a developer first quali-

1 fies as a very large frontier developer, whichever is later,
 2 a very large frontier developer shall retain an independent
 3 verification organization that has been licensed pursuant
 4 to the regulations prescribed under subsection (c) of sec-
 5 tion 3 to perform ongoing assessment of the adequacy of
 6 the very large frontier developer's frontier AI framework,
 7 governance policies and practices, risk-monitoring, and
 8 mitigation of detected risks for achieving acceptable levels
 9 of catastrophic risk mitigation. All assessment, moni-
 10 toring, reporting, and corrective action obligations under
 11 this section shall apply to catastrophic risks arising from
 12 a very large frontier developer's internal use of frontier
 13 models, in addition to catastrophic risks arising from the
 14 release of such frontier models for use by third parties.

15 (c) LICENSING.—Each person or entity seeking to act
 16 as an IVO shall obtain a license from the Under Secretary.

17 (d) SUBCONTRACTING.—

18 (1) IN GENERAL.—An IVO may subcontract
 19 one or more portions of an assessment to an organi-
 20 zation with specialized expertise, provided that the
 21 retaining IVO remains fully responsible for the as-
 22 sessment, any resulting assessment report, and any
 23 other regulatory obligations of the IVO under this
 24 Act.

1 (2) PASS-THROUGH OF OBLIGATIONS.—A sub-
2 contractor performing any portion of an assessment
3 shall stand in the place of the retaining IVO and
4 shall be subject to, and comply with, every obligation
5 under this section and the regulations prescribed
6 under subsection (c) of section 3 that applies to the
7 IVO with respect to the work the subcontractor per-
8 forms, including the personnel technical-qualifica-
9 tion, conflict-of-interest, and confidentiality require-
10 ments.

11 (3) RESPONSIBILITY OF RETAINING IVO.—Not-
12 withstanding any subcontracting under this sub-
13 section, the retaining IVO shall remain the respon-
14 sible party for the assessment and the resulting as-
15 sessment report, including the certifications required
16 under subsection (f).

17 (e) ACCESS.—

18 (1) IN GENERAL.—A very large frontier devel-
19 oper shall grant an IVO timely access upon request
20 to unredacted materials, records, personnel, systems,
21 and all other information reasonably necessary for
22 conducting the assessments and ongoing monitoring
23 required by this section.

24 (2) SECURITY PROTOCOLS.—A very large fron-
25 tier developer may impose reasonable security proto-

1 cols and confidentiality requirements upon IVOs
2 that are narrowly tailored to protect trade secrets
3 and confidential business information.

4 (3) LIMITATIONS DESCRIBED.—Any material
5 limitation on scope, access, or information available
6 to the IVO shall be described in the assessment re-
7 port.

8 (f) ASSESSMENT REPORTS.—

9 (1) FREQUENCY.—A licensed IVO retained
10 under subsection (b) shall determine, in its profes-
11 sional judgment and consistent with any regulations
12 issued under subsection (c) of section 3, the fre-
13 quency with which it prepares and submits assess-
14 ment reports under this subsection, based on the na-
15 ture, severity, and evolution of the catastrophic risks
16 presented by the very large frontier developer's de-
17 velopment, deployment, and internal use of frontier
18 models, provided that the IVO shall prepare and
19 submit an assessment report not less frequently than
20 once every 6 months.

21 (2) CONTENTS.—Each assessment report shall
22 be submitted simultaneously to the Under Secretary
23 and the very large frontier developer and shall in-
24 clude all of the following:

1 (A) A description of the scope of the as-
2 sessment, the time period covered, the materials
3 reviewed, and the methods used.

4 (B) A description of any limitations on the
5 IVO's ability to thoroughly and adequately as-
6 sess the adequacy of the very large frontier de-
7 veloper's frontier AI framework.

8 (C) A detailed assessment of the adequacy
9 of the very large frontier developer's frontier AI
10 framework, governance policies and practices,
11 risk-monitoring, and mitigation of detected
12 risks to ensure acceptable levels of catastrophic
13 risk mitigation.

14 (D) Any identified failure, deficiency, or
15 material weakness in achieving acceptable levels
16 of catastrophic risk mitigation.

17 (E) Any corrective actions recommended to
18 the very large frontier developer's frontier AI
19 framework, governance policies and practices,
20 risk-monitoring, and mitigation of detected
21 risks, necessary to achieve acceptable levels of
22 catastrophic risk mitigation.

23 (F) The signature of the IVO's lead as-
24 sessment partner or equivalent responsible offi-
25 cial certifying that—

- 1 (i) the report is accurate and does not
2 omit any material information;
3 (ii) the IVO was qualified to conduct
4 the assessment;
5 (iii) the IVO is free from conflicts of
6 interest, as defined by regulations issued
7 under this Act; and
8 (iv) the assessment complied with reg-
9 ulations adopted pursuant to subsection (c)
10 of section 3.

11 (G) Any other materials required by rules
12 issued pursuant to subsection (c) of section 3.

13 (g) POST-ASSESSMENT REPORT.—

14 (1) Not later than fourteen days after the very
15 large frontier developer's receipt of an assessment
16 report under subsection (f), the very large frontier
17 developer shall submit to the IVO a written descrip-
18 tion of the actions that it has taken or intends to
19 take to implement the corrective actions rec-
20 ommended in such assessment report.

21 (2) Not later than seven days after receiving
22 the description under paragraph (1), the IVO shall
23 submit to the very large frontier developer an opin-
24 ion, signed by the IVO's lead assessment partner or
25 equivalent responsible official, stating the IVO's pro-

1 professional judgment regarding whether the actions
2 the very large frontier developer has taken or in-
3 tends to take in response to the IVO's recommenda-
4 tions are adequate to ensure acceptable levels of cat-
5 astrophic risk mitigation.

6 (3) Not later than 30 days after the very large
7 frontier developer's receipt of an assessment report
8 under subsection (f), a very large frontier developer
9 shall submit to the Under Secretary a post-assess-
10 ment report, which shall include—

11 (A) a copy of the frontier AI framework
12 applicable to the assessed period;

13 (B) the name, business address, electronic
14 mail address, and telephone number of the IVO
15 and the lead assessment partner or equivalent
16 responsible official;

17 (C) a summary of the key findings of the
18 assessment, including—

19 (i) the IVO's determination regarding
20 the developer's conformance with its fron-
21 tier AI framework;

22 (ii) any significant concerns identified
23 by the IVO regarding the adequacy of the
24 frontier AI framework and the developer's
25 conformance to its frontier AI framework,

1 governance policies and practices, risk-
2 monitoring, and mitigation of detected
3 risks, to ensure acceptable levels of cata-
4 strophic risk mitigation; and

5 (iii) the opinion rendered by the IVO
6 under paragraph (2); and

7 (D) such additional information as the
8 Under Secretary may require by regulation.

9 (h) AD HOC ASSESSMENTS.—At any time, and with-
10 out regard to any frequency determined under paragraph
11 (f)(1), the Under Secretary may require a very large fron-
12 tier developer to obtain an ad hoc assessment, or a li-
13 censed IVO to prepare and submit an assessment report,
14 as the Under Secretary determines necessary to—

15 (1) reproduce or validate assessment findings;

16 (2) evaluate implementation of corrective ac-
17 tions recommended under paragraph (f)(2)(E); or

18 (3) monitor significant changes in risk, includ-
19 ing after a critical safety incident or a substantial
20 modification to a very large frontier developer's
21 model, system, or operations.

22 (i) OUT-OF-CYCLE ASSESSMENT AND REPORTING.—
23 In addition to the assessment reports required under sub-
24 section (f), a licensed IVO shall prepare and submit simul-
25 taneously to the Under Secretary and the very large fron-

1 tier developer supplemental reports as specified in this
2 subsection.

3 (1) TRIGGERING DETERMINATIONS.—An IVO
4 shall submit a supplemental report not later than
5 seven days after the IVO determines, in light of new
6 information, emergent model capabilities, or material
7 changes to a frontier model, that—

8 (A) a prior assessment report’s finding
9 that a very large frontier developer is achieving
10 acceptable levels of catastrophic risk mitigation
11 is no longer valid;

12 (B) corrective actions recommended in a
13 prior assessment report would no longer be ade-
14 quate to achieve acceptable levels of cata-
15 strophic risk mitigation; or

16 (C) any representation made by a very
17 large frontier developer in a prior post-assess-
18 ment report submitted under subsection (g) is
19 no longer accurate or is materially misleading.

20 (2) CONTENTS.—A report submitted under this
21 subsection shall include—

22 (A) a detailed description of the informa-
23 tion and conclusions triggering reporting under
24 paragraph (1);

1 (B) an assessment of whether the issue
2 triggering reporting under paragraph (1)
3 threatens an imminent catastrophic risk; and

4 (C) any additional corrective actions or
5 modifications to the developer's frontier AI
6 framework, governance policies and practices,
7 risk-monitoring, and mitigation of detected
8 risks necessary to restore acceptable levels of
9 catastrophic risk mitigation.

10 (3) DEVELOPER RESPONSE.—Not later than
11 seven days after the very large frontier developer's
12 receipt of a supplemental report under this sub-
13 section, the very large frontier developer shall sub-
14 mit to the IVO a written description of the actions
15 that it has taken or intends to take to implement the
16 corrective actions recommended in such supple-
17 mental report.

18 (4) IVO OPINION.—Not later than seven days
19 after receiving the description under paragraph (3),
20 the IVO shall submit to the very large frontier devel-
21 oper an opinion, signed by the IVO's lead assess-
22 ment partner or equivalent responsible official, stat-
23 ing the IVO's professional judgment regarding
24 whether the actions the very large frontier developer
25 has taken or intends to take in response to the

1 IVO's recommendations are adequate to ensure ac-
 2 ceptable levels of catastrophic risk mitigation.

3 (5) SUBMISSION TO UNDER SECRETARY.—Not
 4 later than twenty-one days after the very large fron-
 5 tier developer's receipt of a supplemental report
 6 under this subsection, the very large frontier devel-
 7 oper shall submit to the Under Secretary—

8 (A) a response identifying any actions, in-
 9 cluding revisions to the frontier AI framework,
 10 that the developer has taken or intends to take
 11 in response; and

12 (B) an opinion rendered by the IVO under
 13 paragraph (4).

14 (j) PUBLIC DISCLOSURE OF ASSESSMENT RE-
 15 PORTS.—

16 (1) IN GENERAL.—Not later than 30 days after
 17 receiving an assessment report under subsection (f),
 18 a very large frontier developer shall—

19 (A) conspicuously publish on a publicly
 20 available website of such developer a high-level
 21 summary of the findings of such report and a
 22 copy of such report, redacted consistent with
 23 subsection (m); and

1 (B) transmit a copy of the report, as so re-
2 dacted, to the Under Secretary, the Attorney
3 General, and opted-in State Attorneys General.

4 (2) REDACTION DISPUTES.—If the Under Sec-
5 retary, the Attorney General, or a State Attorney
6 General who has opted in under subsection (k) de-
7 termines that a redaction made under this sub-
8 section is overbroad, such official may request that
9 the Under Secretary review the redaction. Not later
10 than 30 days after receiving such a request, the
11 Under Secretary shall review the redaction, which
12 review may include an in camera review of the
13 unredacted assessment report, and shall determine
14 whether the redaction is consistent with subsection
15 (m).

16 (k) STATE ATTORNEYS GENERAL OPT-IN.—Pursu-
17 ant to the regulations promulgated by the Under Sec-
18 retary under section 3, State Attorneys General may opt
19 in to receive reports pursuant to subsections (f) and (i)
20 and referrals pursuant to subsection (p).

21 (l) RECORDKEEPING.—Each very large frontier de-
22 veloper and IVO shall retain an unredacted copy of each
23 assessment report and materials supporting the report for
24 not less than 5 years after the date of completion of the
25 assessment.

1 (m) PUBLIC VERSION REDACTIONS.—

2 (1) PERMITTED REDACTIONS.—The public
3 version of an assessment report may redact informa-
4 tion, or omit information included in a confidential
5 annex, only to the extent reasonably necessary to
6 protect—

7 (A) trade secrets;

8 (B) cybersecurity;

9 (C) a frontier developer’s risk-prevention
10 mechanisms;

11 (D) public safety;

12 (E) national security; or

13 (F) personally identifiable information or
14 other information the disclosure of which would
15 constitute a clearly unwarranted invasion of pri-
16 vacy.

17 (2) DESCRIPTION OF REDACTIONS.—The public
18 version of the assessment report shall include a de-
19 scription of the character and justification of any
20 redactions or omitted material.

21 (n) ACCESS TO UNREDACTED MATERIALS.—The de-
22 veloper and IVO shall provide the Under Secretary and
23 the Attorney General access to the unredacted assessment
24 report and supporting materials upon request.

1 (o) PROHIBITION ON MISREPRESENTATION.—An
2 IVO shall not knowingly make a material misrepresenta-
3 tion or omission in any report or opinion prepared pursu-
4 ant to this section.

5 (p) ENFORCEMENT.—

6 (1) REFERRAL TO ATTORNEY GENERAL AND
7 STATE ATTORNEYS GENERAL.—

8 (A) IN GENERAL.—An IVO may refer any
9 violation of this section to the Attorney Gen-
10 eral, and all State Attorneys General opting in
11 under subsection (k), for enforcement action
12 under this subsection.

13 (B) IVO REFERRALS.—If, in the course of
14 performing its responsibilities under this sec-
15 tion, an IVO determines that a very large fron-
16 tier developer’s frontier model fails to achieve
17 acceptable levels of catastrophic risk mitigation
18 in a manner that poses an imminent cata-
19 strophic risk, the IVO shall refer the matter to
20 the Secretary, for consideration of an emer-
21 gency order under section 8, as soon as prac-
22 ticable, and in any event not more than 72
23 hours, after its determination.

24 (2) DEVELOPER VIOLATIONS.—

1 (A) IN GENERAL.—A very large frontier
2 developer that violates subsection (b), (e), (g),
3 (h), (i), (j), or (k), or that makes a material
4 misrepresentation or omission in a post-assess-
5 ment report submitted under subsection (g),
6 shall be subject to a civil penalty of not more
7 than \$1,000,000 per violation. For purposes of
8 this subparagraph, each day during which a vio-
9 lation continues constitutes a separate violation.

10 (B) ACTION BY ATTORNEY GENERAL.—
11 The Attorney General may bring an action to
12 collect a civil penalty under subparagraph (A)
13 and for an injunction ensuring compliance with
14 the provisions of this section.

15 (C) ACTION BY STATE ATTORNEY GEN-
16 ERAL.—

17 (i) A State Attorney General who has
18 opted in under subsection (k) may bring
19 an action to collect a civil penalty under
20 subparagraph (A) and for an injunction
21 ensuring compliance with the provisions of
22 this section.

23 (ii) Before filing an action under
24 clause (i), the State Attorney General shall
25 provide to the Attorney General a written

1 notice of that action and a copy of the
2 complaint for that action. This notice re-
3 quirement shall not apply if the State At-
4 torney General determines that it is not
5 feasible to provide notice before the filing
6 of the action, in which case the State At-
7 torney General shall provide a written no-
8 tice of the action and a copy of the com-
9 plaint for the action at the same time the
10 State Attorney General files the action.

11 (iii) Upon receiving notice under
12 clause (ii), the Attorney General shall have
13 the right to intervene in the action that is
14 the subject of the notice, in which case the
15 Attorney General shall have the right to be
16 heard with respect to any matter that
17 arises in that action and to file a petition
18 for appeal.

19 (iv) In any case in which an action is
20 instituted by the Attorney General under
21 subparagraph (B), no State Attorney Gen-
22 eral may, during the pendency of that ac-
23 tion, institute an action under this sub-
24 paragraph against any defendant named in
25 the complaint in that action for any viola-

tion asserted in the Attorney General's action.

(v) If, after a State Attorney General institutes an action under this subparagraph, the Attorney General institutes an action under subparagraph (B) with respect to violations at issue in the State Attorney General's action, the State Attorney General's action shall be stayed as to the violations at issue in the Attorney General's action during the pendency of the Attorney General's action. If the Attorney General's action is dismissed with respect to any of the violations at issue in the State Attorney General's action without a binding resolution on the merits, the stay of the State Attorney General's action shall be lifted as to those violations.

(q) IMMUNITY FROM SUIT.—

(1) IN GENERAL.—An IVO shall be immune from suit and liability under Federal and State law with respect to all claims for loss caused by, arising out of, relating to, or resulting from the materialization of a catastrophic risk of a frontier model assessed by the IVO if the IVO was licensed by the

1 Under Secretary under this section at the time of
2 the assessment.

3 (2) EXCEPTION.—The sole exception to immu-
4 nity from suit and liability of a licensed IVO under
5 this subsection shall be an exclusive Federal cause of
6 action for death or serious physical injury proxi-
7 mately caused by willful misconduct, as defined by
8 section 247d–6d(c)(1) of title 42, United States
9 Code.

10 (A) An action under this paragraph may
11 be brought for wrongful death or serious phys-
12 ical injury by any person who suffers such in-
13 jury or by any representative of such a person.

14 (B) In an action under this paragraph, the
15 plaintiff shall have the burden of proving by
16 clear and convincing evidence willful misconduct
17 by the IVO and that such willful misconduct
18 caused death or serious physical injury. Not-
19 withstanding any other provision of law, an
20 IVO shall not have engaged in willful mis-
21 conduct as a matter of law where such IVO
22 acted consistent with its obligations under this
23 section and all applicable regulations, guide-
24 lines, or recommendations by the Under Sec-
25 retary.

1 (C) An action under this paragraph shall
2 be filed and maintained only in an appropriate
3 district court of the United States. The sub-
4 stantive law for decision in such an action shall
5 be derived from the law, including choice-of-law
6 principles, of the State in which the alleged
7 willful misconduct occurred, unless such law is
8 inconsistent with or preempted by Federal law,
9 including provisions of this section.

10 (D) In an action under this paragraph, no
11 discovery shall be allowed before the IVO has
12 had a reasonable opportunity to file a motion to
13 dismiss, or, in the event such a motion is filed,
14 before the court has ruled on such motion.

15 (r) FOIA EXEMPTION.—Assessment reports, sum-
16 maries, and supporting materials disclosed to the Under
17 Secretary pursuant to this section are exempt from disclo-
18 sure under section 552 of title 5, United States Code.

19 **SEC. 6. CUMULATIVE OBLIGATIONS.**

20 Except as otherwise expressly provided, a large fron-
21 tier developer shall comply with each requirement of this
22 Act applicable to a frontier developer, and a very large
23 frontier developer shall comply with each requirement of
24 this Act applicable to a frontier developer and to a large
25 frontier developer.

1 **SEC. 7. GOVERNMENT ACCOUNTABILITY OFFICE REPORT**
2 **ON THE MARKET FOR INDEPENDENT**
3 **VERIFICATION ORGANIZATIONS.**

4 (a) ANNUAL REPORT.—Not later than one year after
5 the date of enactment of this Act, and annually thereafter,
6 the Comptroller General of the United States shall submit
7 to the Committee on Energy and Commerce of the House
8 of Representatives and the Committee on Commerce,
9 Science, and Transportation of the Senate a report on the
10 state of the market for independent verification organiza-
11 tions licensed under section 5.

12 (b) CONTENTS.—Each report submitted under sub-
13 section (a) shall include the following:

14 (1) An assessment of the state of the market
15 for independent verification organizations, including
16 the number of licensed IVOs, their capacity to meet
17 demand for assessments, and any barriers to entry
18 or other factors affecting the development of a com-
19 petitive and robust IVO market.

20 (2) An evaluation of the degree to which inde-
21 pendent verification organizations are independent
22 from the artificial intelligence industry, including
23 any factors that threaten such independence.

24 (3) Recommendations for legislative or adminis-
25 trative policy changes that would help ensure the

1 independence of independent verification organiza-
2 tions from the artificial intelligence industry.

3 **SEC. 8. EMERGENCY ORDERS ADDRESSING IMMINENT CAT-**
4 **ASTROPHIC RISK.**

5 (a) **AUTHORITY.**—

6 (1) **IN GENERAL.**—The Secretary may issue an
7 emergency order suspending or restricting a frontier
8 developer’s development, deployment, or internal use
9 of a frontier model upon finding that such develop-
10 ment, deployment, or internal use of that model pre-
11 sents an imminent catastrophic risk.

12 (2) **EMERGENCY ORDER.**—In this section, the
13 term “emergency order” means a provisional order
14 issued under subsection (e) or a final order issued
15 under subsection (f).

16 (3) **SCOPE.**—A suspension or restriction under
17 this section—

18 (A) may apply to the whole or any part of
19 the development, deployment, or internal use of
20 the frontier model, including development, de-
21 ployment, or internal use by or with respect to
22 particular persons or categories of persons, for
23 particular purposes or uses, or through par-
24 ticular means or channels of access; and

1 (B) may be defined by reference to the
2 presence or absence of specified facts or cir-
3 cumstances of such development, deployment,
4 or internal use, including specified safeguards
5 or security measures.

6 (b) FINDING.—

7 (1) IN WRITING.—A finding under subsection
8 (a) shall be set forth in a written statement that in-
9 cludes the factual basis for the finding and the prin-
10 cipal reasons for the Secretary's determination.

11 (2) TECHNICAL ASSESSMENT.—If the Secretary
12 has published methods bearing on the finding, the
13 Secretary shall, before the Secretary makes the find-
14 ing, prepare a technical assessment applying such
15 methods to the frontier developer's development, de-
16 ployment, or internal use, and the Secretary shall in-
17 clude such assessment with the written statement
18 under paragraph (1).

19 (3) CONSULTATION.—In making a finding
20 under subsection (a), a preliminary determination
21 under subsection (e), or a determination with respect
22 to rescission under subsection (g), the Secretary
23 shall consult with the Under Secretary.

24 (4) FINAL AUTHORITY.—The authority to make
25 a finding under subsection (a) and to issue, renew,

1 or rescind an emergency order under this section is
2 vested in the Secretary, and no consultation under
3 paragraph (3) shall be construed to condition the ex-
4 ercise of such authority on the concurrence of the
5 Under Secretary.

6 (c) ORDER.—

7 (1) CONTENTS.—An emergency order shall—

8 (A) identify the frontier developer subject
9 to the order and the frontier model or models
10 to which the order applies;

11 (B) describe, with reasonable particularity,
12 the acts, practices, or circumstances in the de-
13 velopment, deployment, or internal use of such
14 model or models from which the imminent cata-
15 strophic risk arises;

16 (C) state, in the case of a provisional
17 order, the preliminary basis for the order, and
18 in the case of a final order, include the written
19 statement required by subsection (b)(1);

20 (D) describe the suspensions or restrictions
21 imposed;

22 (E) include a timeline for compliance with
23 the order;

24 (F) state the criteria for rescission of the
25 order under subsection (g); and

1 (G) if corrective action by the frontier de-
2 veloper could cause such development, deploy-
3 ment, or internal use to no longer present an
4 imminent catastrophic risk, describe such cor-
5 rective action.

6 (2) RULE OF CONSTRUCTION.—The identifica-
7 tion or availability of corrective action described in
8 paragraph (1)(G) shall not be a precondition to the
9 issuance of an emergency order.

10 (d) EFFECTIVENESS AND APPLICATION.—

11 (1) EFFECTIVENESS.—An emergency order is
12 effective upon service on the frontier developer and,
13 unless set aside, limited, or suspended under sub-
14 section (j) or subsection (k), remains effective and
15 enforceable until it lapses under subsection (e)(3) or
16 subsection (f)(2) or is rescinded under subsection
17 (g).

18 (2) PERSONS BOUND.—An emergency order
19 binds the frontier developer subject to the order,
20 each affiliate of such developer, and the successors
21 and assigns of such developer and its affiliates, and
22 any other person who, with actual notice of the
23 order, acts in concert or participation with such de-
24 veloper, affiliate, successor, or assignee in the devel-

1 opment, deployment, or internal use suspended or
2 restricted by the order.

3 (3) MODIFIED AND DERIVED MODELS.—

4 (A) MODIFIED MODELS.—Unless the order
5 provides otherwise, an emergency order applies
6 to any model produced by modification of the
7 weights or parameters of a frontier model iden-
8 tified in the order under subsection (c)(1), in-
9 cluding by fine-tuning, reinforcement learning,
10 quantization, pruning, or merging with another
11 model.

12 (B) DERIVED MODELS.—Unless the order
13 provides otherwise, an emergency order also ap-
14 plies to any model developed after service of the
15 order that is trained, in substantial part, on the
16 outputs, weights, or internal representations of
17 a frontier model identified in the order.

18 (C) RULE OF CONSTRUCTION.—Nothing in
19 this paragraph shall be construed to limit the
20 authority of the Secretary to identify a model in
21 an emergency order under subsection (c)(1), or
22 by amendment to such order.

23 (e) PROVISIONAL ORDERS.—

24 (1) IN GENERAL.—Notwithstanding subsection
25 (a)(1), the Secretary may issue a provisional order

1 before making the finding required by subsection
2 (a), upon a preliminary determination that the fron-
3 tier developer's development, deployment, or internal
4 use of a frontier model presents an imminent cata-
5 strophic risk. A provisional order may be issued
6 whether or not a technical assessment under sub-
7 section (b)(2) has been prepared.

8 (2) NOTICE AND OPPORTUNITY TO CURE.—Be-
9 fore issuing a provisional order, the Secretary shall
10 provide the frontier developer notice and an oppor-
11 tunity to cure and to be heard, unless the Secretary
12 determines that the imminence of the catastrophic
13 risk forecloses such notice and opportunity, in which
14 case the Secretary shall set forth such determina-
15 tion, and the basis therefor, in writing, and serve
16 such determination with the provisional order.

17 (3) LAPSE.—

18 (A) IN GENERAL.—A provisional order
19 shall lapse upon the earliest of—

20 (i) the date that is 45 days after the
21 date of service of the order on the frontier
22 developer;

23 (ii) if the frontier developer has timely
24 applied for an expedited hearing under
25 subsection (j)(1), the date that is 7 days

1 after the date on which the Secretary ren-
2 ders a final determination on such applica-
3 tion; or

4 (iii) the date on which a final order is
5 issued under subsection (f) suspending or
6 restricting the same or substantially simi-
7 lar development, deployment, or internal
8 use.

9 (B) ORDERS ISSUED WITHOUT NOTICE.—

10 If a provisional order is issued without notice
11 and an opportunity to cure pursuant to a deter-
12 mination under paragraph (2), the Secretary
13 shall, promptly after service of the order, pro-
14 vide the frontier developer an opportunity to
15 cure, and subparagraph (A) shall apply to the
16 order.

17 (4) SUCCESSIVE PROVISIONAL ORDERS.—The

18 Secretary may not issue a provisional order to a
19 frontier developer suspending or restricting the same
20 or substantially similar development, deployment, or
21 internal use as a prior provisional order, except on
22 the basis of facts and circumstances materially dif-
23 ferent from those on which the prior provisional
24 order rested.

25 (f) FINAL ORDERS.—

1 (1) IN GENERAL.—The Secretary may issue a
2 final order if—

3 (A) a provisional order suspending or re-
4 stricting the same or substantially similar devel-
5 opment, deployment, or internal use is in effect
6 at the time the Secretary issues the final order;

7 (B) the Secretary has made the finding re-
8 quired by subsection (a), set forth in the writ-
9 ten statement required by subsection (b)(1);
10 and

11 (C) either—

12 (i) the period to apply for an expe-
13 dited hearing under subsection (j)(1) has
14 lapsed without an application; or

15 (ii) the Secretary has rendered a final
16 determination on an application under sub-
17 section (j)(1).

18 (2) LAPSE.—A final order shall lapse upon the
19 date that is 90 days after the date on which it is
20 issued.

21 (3) RENEWAL.—The Secretary may renew a
22 final order for one or more successive periods of not
23 more than 90 days each if, before the order lapses,
24 the Secretary makes a new finding under subsection
25 (a), in accordance with subsection (b), based on the

1 facts as they exist at the time of renewal. A renewal
2 shall be treated as a final order for purposes of sub-
3 section (k).

4 (g) RESCISSION.—

5 (1) REQUIRED RESCISSION.—The Secretary
6 shall rescind an emergency order, in whole or in
7 part, if—

8 (A) the criteria for rescission stated in the
9 order under subsection (c)(1) are satisfied; or

10 (B) the development, deployment, or inter-
11 nal use suspended or restricted by the order
12 would not present an imminent catastrophic
13 risk if the order were rescinded to that extent.

14 (2) WRITTEN DETERMINATION.—A rescission
15 under this subsection, and any denial of an applica-
16 tion under paragraph (3), shall be set forth in a
17 written determination stating the basis therefor,
18 which shall be served on the frontier developer.

19 (3) APPLICATION.—A frontier developer subject
20 to an emergency order may apply to the Secretary
21 for rescission of the order in whole or in part. The
22 Secretary shall grant or deny the application not
23 later than 14 days after its receipt.

24 (4) SUCCESSIVE APPLICATIONS.—Following the
25 denial of an application under paragraph (3), the

1 Secretary may summarily deny a subsequent appli-
2 cation respecting the same order that does not rest,
3 in substantial part, on facts or circumstances arising
4 after, or not reasonably available at the time of, the
5 prior application.

6 (h) PUBLICATION.—

7 (1) IN GENERAL.—The Secretary shall publish
8 each final order issued under subsection (f), each re-
9 newal of a final order under subsection (f)(3), and
10 each written determination under subsection (g)(2)
11 rescinding an order in whole or in part, subject to
12 paragraph (2).

13 (2) REDACTIONS.—Before publishing an order,
14 renewal, or rescission under paragraph (1), the Sec-
15 retary may make a redaction in such publication to
16 protect a trade secret, risk-prevention mechanisms,
17 or the cybersecurity, of the frontier developer, to
18 protect public safety or the national security of the
19 United States, or to comply with Federal or State
20 law. If the Secretary makes such a redaction, the
21 Secretary shall include in the publication informa-
22 tion relating to the character of, and a justification
23 for, such redaction.

24 (i) CONGRESSIONAL NOTIFICATION.—

1 (1) NOTICE OF ORDERS.—Not later than 3
2 days after issuing an emergency order, or renewing
3 a final order under subsection (f)(3), the Secretary
4 shall submit to the appropriate congressional com-
5 mittees—

6 (A) a copy of the order;

7 (B) in the case of a final order or renewal,
8 the written statement required by subsection
9 (b)(1), and in the case of a provisional order,
10 a statement of the preliminary basis for the
11 order;

12 (C) any technical assessment prepared
13 under subsection (b)(2); and

14 (D) in the case of a provisional order
15 issued without notice and an opportunity to
16 cure, the Secretary's written determination
17 under subsection (e)(2).

18 (2) NOTICE OF DISPOSITION.—Not later than 7
19 days after an emergency order is rescinded, lapses,
20 or is set aside, limited, suspended, or stayed in
21 whole or in part by the Secretary or a court, the
22 Secretary shall notify the appropriate congressional
23 committees of such disposition and its basis.

24 (3) FORM.—Each submission under this sub-
25 section shall be in unclassified form to the maximum

1 extent practicable, but may include a classified
2 annex.

3 (4) PERIODIC REPORT.—Not less frequently
4 than semiannually, the Secretary shall submit to the
5 appropriate congressional committees a report on
6 the exercise of authority under this section, includ-
7 ing each order issued, renewed, rescinded, or lapsed
8 during the period; the outcome of each hearing
9 under subsection (j) and each action or proceeding
10 under subsection (k), subsection (l)(3), and sub-
11 section (m); and any changes to the methods pub-
12 lished by the Secretary bearing on findings under
13 this section.

14 (5) DEFINITION.—In this subsection, the term
15 “appropriate congressional committees” means the
16 Committee on Commerce, Science, and Transpor-
17 tation of the Senate, the Committee on Energy and
18 Commerce of the House of Representatives, and the
19 Committee on the Judiciary of each House of Con-
20 gress.

21 (j) ADMINISTRATIVE REVIEW.—

22 (1) EXPEDITED HEARING.—Not later than 10
23 days after the date on which a provisional order is
24 served on a frontier developer, the frontier developer
25 may apply for an expedited hearing on such order.

1 The Secretary shall hold such hearing and render a
2 final determination on such application not later
3 than 30 days after the application's receipt. The
4 hearing may be conducted by a hearing officer des-
5 ignated by the Secretary.

6 (2) RECORD ACCESS AND BURDEN.—In a hear-
7 ing under paragraph (1), the Secretary shall make
8 available to the frontier developer any written deter-
9 mination under paragraph (e)(2), any technical as-
10 sessment under paragraph (b)(2), and all informa-
11 tion on which the Secretary relied in issuing the
12 order, and shall bear the burden of demonstrating
13 that adequate evidence supports the order.

14 (k) JUDICIAL REVIEW.—

15 (1) REVIEW OF PROVISIONAL ORDERS.—A pro-
16 visional order shall not be deemed final agency ac-
17 tion for purposes of section 704 of title 5, United
18 States Code. Except as provided in paragraph (7),
19 no court shall have jurisdiction to review, enjoin, set
20 aside, suspend, limit, or stay a provisional order be-
21 fore a final order has been issued under subsection
22 (f); thereafter, the lawfulness of the provisional
23 order may be reviewed only in a proceeding under
24 paragraph (2).

1 (2) EXCLUSIVE JURISDICTION AND EXPEDI-
2 TION.—Notwithstanding any other provision of law,
3 the United States District Court for the District of
4 Columbia shall have exclusive jurisdiction over any
5 civil action seeking judicial review of, or any order
6 enjoining, setting aside, limiting, suspending, stay-
7 ing, or otherwise affecting the effectiveness or en-
8 forcement of, an emergency order under this section
9 or relief under paragraph (1)(3). The court shall ex-
10 pedite the action to the greatest possible extent, and
11 shall establish a schedule for the proceeding not
12 later than 10 days after the action is filed.

13 (3) NO AUTOMATIC STAY.—The filing of a civil
14 action referenced in paragraph (2) shall not operate
15 as a stay of the emergency order unless the district
16 court orders otherwise.

17 (4) STANDARD OF REVIEW.—The district court
18 may set aside, limit, suspend, or stay a final order
19 only if the court determines that such order is arbi-
20 trary, capricious, an abuse of discretion, or other-
21 wise not in accordance with law.

22 (5) ENFORCEMENT PROCEEDINGS.—The valid-
23 ity of a final order may not be reexamined in an ac-
24 tion under subsection (m).

1 (6) APPEAL.—An appeal from a final judgment
2 of the district court in an action referenced in para-
3 graph (2) may be taken to the United States Court
4 of Appeals for the District of Columbia Circuit not
5 later than 30 days after the date of the judgment.
6 The court of appeals shall expedite the appeal to the
7 greatest possible extent. It shall be the duty of every
8 court of the United States to advance on the docket
9 and to expedite the disposition of any action or ap-
10 peal under this subsection.

11 (7) CONSTITUTIONAL CLAIMS.—Nothing in this
12 subsection shall be construed to preclude the juris-
13 diction of a court of the United States over a claim
14 that this section, or the structure or authority of the
15 Secretary under this Act, violates the Constitution of
16 the United States.

17 (1) EXCLUSIVITY.—

18 (1) EXCLUSIVE MEANS.—This section shall be
19 the exclusive means by which any department, agen-
20 cy, officer, or employee of the United States, includ-
21 ing the President, may take any action that has the
22 purpose or effect of suspending, restricting, condi-
23 tioning, or otherwise limiting a frontier developer's
24 development, deployment, or internal use of a fron-
25 tier model, and that is taken, in whole or in substan-

1 tial part, on the ground that such development, de-
2 ployment, or internal use presents an imminent cat-
3 astrophic risk.

4 (2) CONSTRUCTION.—No other provision of law
5 shall be construed as authorizing an action described
6 in paragraph (1), unless such provision expressly re-
7 fers to this section.

8 (3) UNAUTHORIZED ACTIONS.—An action de-
9 scribed in paragraph (1) that is not taken in accord-
10 ance with this section shall be unenforceable, and a
11 frontier developer against which such an action is di-
12 rected may bring a civil action under paragraph
13 (k)(2) for declaratory or injunctive relief.

14 (m) ENFORCEMENT.—

15 (1) CIVIL PENALTY.—A person bound by an
16 emergency order under paragraph (d)(2) that vio-
17 lates the order shall be subject to a civil penalty of
18 not more than \$10,000,000 per violation. For pur-
19 poses of this paragraph, each day during which a
20 violation continues constitutes a separate violation.

21 (2) ACTION BY ATTORNEY GENERAL.—The At-
22 torney General may bring a civil action in the
23 United States District Court for the District of Co-
24 lumbia to enforce an emergency order, to collect a
25 civil penalty under paragraph (1), or both. In such

1 an action, upon a showing that a person has vio-
2 lated, or is about to violate, an emergency order, the
3 court shall issue an injunction, restraining order, or
4 other order requiring compliance, without the show-
5 ing of irreparable harm or the inadequacy of other
6 remedies at law otherwise required for equitable re-
7 lief.

8 (3) CRIMINAL PENALTY.—A person that will-
9 fully violates, or willfully directs, induces, or pro-
10 cures a violation of, an emergency order shall be
11 fined not more than \$1,000,000 per violation, im-
12 prisoned not more than 10 years, or both.

13 **SEC. 9. RELATIONSHIP TO STATE LAWS.**

14 (a) COVERED SUBJECT AREA.—For purposes of this
15 section, the term “Covered Subject Area” means any of
16 the following:

17 (1) FRONTIER AI RISK TRANSPARENCY.—The
18 disclosure by a developer, to any State, member of
19 the public, or other person, of information regard-
20 ing—

21 (A) the policies, procedures, frameworks,
22 or practices used by the developer to identify,
23 assess, manage, or mitigate catastrophic risks
24 associated with the development, training, eval-
25 uation, or release of an AI model;

1 (B) the results, methodologies, bench-
2 marks, or thresholds of testing, evaluation, or
3 red-teaming of an AI model with respect to cat-
4 astrophic risks; or

5 (C) the characteristics, capabilities, train-
6 ing, or deployment of an AI model, where the
7 disclosure relates to the assessment, moni-
8 toring, communication, or mitigation of cata-
9 strophic risks.

10 (2) FRONTIER AI THIRD-PARTY AUDITING AND
11 INDEPENDENT VERIFICATION.—The assessment,
12 audit, evaluation, certification, attestation, or
13 verification, by a person other than its developer,
14 of—

15 (A) activities involved in the development,
16 training, evaluation, or deployment of an AI
17 model by such developer that relate to the iden-
18 tification, assessment, management, or mitiga-
19 tion of catastrophic risks;

20 (B) the policies, procedures, frameworks,
21 or practices of such developer relating to the
22 identification, assessment, management, or
23 mitigation of catastrophic risks; or

24 (C) the compliance of such developer with
25 any requirement relating to the development,

1 training, evaluation, or release of an AI model,
2 if such requirement relates to the mitigation of
3 catastrophic risks, including any requirement
4 that such developer obtain certification, attesta-
5 tion, registration, accreditation, or other ap-
6 proval as a condition of, or in connection with,
7 the development, training, evaluation, or release
8 of an AI model, or that such developer provide
9 access to an AI model, model weights, training
10 data, source code, evaluation results, or other
11 technical materials for purposes of any such as-
12 sessment, audit, evaluation, or verification.

13 (3) FRONTIER AI INCIDENT REPORTING.—The
14 reporting by a developer to any State, agency, regu-
15 lator, or other governmental entity of—

16 (A) safety or security incidents involving
17 an AI model, including unauthorized access to
18 or exfiltration of model weights, loss of control
19 over a deployed model, use of a model to cause
20 or materially contribute to catastrophic harm,
21 or material failure of a safety mitigation; or

22 (B) other events involving the development,
23 training, evaluation, or release of an AI model
24 that bear on the potential for the model to

1 cause or materially contribute to catastrophic
2 harm.

3 (b) PREEMPTION.—Except as provided in subsection
4 (c), no State or political subdivision of a State may adopt
5 or enforce any law, regulation, order, or other requirement
6 that imposes new substantive obligations on artificial intel-
7 ligence developers with respect to any Covered Subject
8 Area.

9 (c) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall be construed to affect the authority of a State
11 or political subdivision of a State to—

12 (1) adopt or enforce generally applicable laws,
13 regulations, orders, or other requirements that do
14 not target artificial intelligence developers;

15 (2) regulate the use or deployment of AI sys-
16 tems by deployers or users, including via consumer
17 protection, civil rights, contract, criminal, or privacy
18 laws, provided that no substantive obligations are
19 imposed on developers with respect to model develop-
20 ment, training, evaluation, or release;

21 (3) adopt or enforce laws, regulations, orders,
22 or other requirements specifically relating to the pro-
23 tection of minors from harms arising from the use
24 of AI systems, including requirements addressing
25 sexually explicit content, content promoting self-

1 harm, content facilitating exploitation, age
2 verification, parental controls, or similar matters;
3 and

4 (4) adopt or enforce laws, regulations, orders,
5 or other requirements governing the procurement or
6 use of AI systems by State governments.

7 (d) DEFINITION.—In this section, the term “artificial
8 intelligence developer” means—

9 (1) an entity that builds, designs, codes, pro-
10 duces, trains, or owns an artificial intelligence model
11 or models for internal use or for use by a third
12 party; and

13 (2) does not include an entity that is solely a
14 deployer of the artificial intelligence model.

○