119TH CONGRESS
1ST SESSION

H. R. 6356

To establish protections for individual rights with respect to computational algorithms, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 2, 2025

Ms. CLARKE of New York (for herself, Ms. LEE of Pennsylvania, Ms. PRESSLEY, Ms. JAYAPAL, Mr. BELL, Mr. CARSON, Ms. CHU, Mr. DAVIS of Illinois, Mr. DELUZIO, Mr. JACKSON of Illinois, Ms. KELLY of Illinois, Mr. MCGOVERN, Ms. NORTON, Ms. OCASIO-CORTEZ, Mr. POCAN, Mrs. RAMIREZ, Mr. THOMPSON of Mississippi, Ms. TLAIB, Mrs. WATSON COLEMAN, Ms. WILSON of Florida, Mr. GARCÍA of Illinois, and Mrs. FOUSHEE) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Oversight and Government Reform, 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 establish protections for individual rights with respect to computational algorithms, 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; TABLE OF CONTENTS.**

4   (a) SHORT TITLE.—This Act may be cited as the

5   "Artificial Intelligence Civil Rights Act of 2025".

1   (b) TABLE OF CONTENTS.—The table of contents for

2 this Act is as follows:

3 **SEC. 2. DEFINITIONS.**

4   In this Act:

5   (1) COLLECT; COLLECTION.—The terms "col-

6   lect" and "collection", with respect to personal data,

7   mean buying, renting, gathering, obtaining, receiv-

8   ing, accessing, or otherwise acquiring such data by

9   any means.

10   (2) COMMERCIAL ACT.—The term "commercial

11   act", with respect to a covered algorithm, means an

1 act conducted for monetary or other valuable consid-

2 eration, including conducting an activity in further-

3 ance of obtaining such consideration.

4 (3) COMMISSION.—The term ''Commission''

5 means the Federal Trade Commission.

6 (4) CONSEQUENTIAL ACTION.—The term ''con-

7 sequential action'' means an act that is likely to

8 have a material effect on, or to materially contribute

9 to, access to, security and authentication relating to,

10 eligibility for, cost of, terms of, or conditions related

11 to any of the following:

12 (A) Employment, including hiring, pay,

13 independent contracting, worker management,

14 promotion, and termination.

15 (B) Education and career and technical

16 education, including assessment, proctoring,

17 promotion of academic integrity, accreditation,

18 certification, admissions, enrollment, discipli-

19 nary actions including suspension, expulsion, or

20 referral to law enforcement, eligibility for grad-

21 uation, grade promotion or degree conferral,

22 academic performance evaluation, and provision

23 of financial aid and scholarships.

24 (C) Housing and lodging, including rental

25 and short-term housing and lodging, home ap-

1 praisals, rental subsidies, publicly supported
2 housing, and mortgage lending.

3 (D) Essential utilities, including electricity,
4 heat, water, municipal trash or sewage services,
5 internet and telecommunications service, and
6 public transportation.

7 (E) Health care, including mental health
8 care, and dental, vision, and adoption services,
9 and other health care-related services, treat-
10 ment options, trials, and studies.

11 (F) Credit, banking, and other financial
12 services.

13 (G) Insurance, including insurance claim
14 determinations.

15 (H) Actions of the criminal justice system,
16 law enforcement or intelligence operations, im-
17 migration determinations or enforcement, bor-
18 der control (vetting, screening, and inspection),
19 child protective services, child welfare, and fam-
20 ily services, including risk and threat assess-
21 ments, situational awareness and threat detec-
22 tion, investigations, watchlisting, bail deter-
23 minations, sentencing, administration of parole,
24 surveillance, use of unmanned vehicles and ma-
25 chines, and predictive policing.

1   (I) Justice and determinations concerning
2   guilt or liability, including assignment of cases
3   or counsel, bail determinations, pre-detention
4   risk assessments, case intake, sequencing, and
5   processing, awards of actual or punitive dam-
6   ages, and binding and nonbinding determina-
7   tions in arbitration, mediation, or other alter-
8   native dispute resolution.

9   (J) Elections, including voting, require-
10   ments for documentation or proof of identity to
11   vote or register to vote (and determinations
12   about whether an individual meets those re-
13   quirements), redistricting, polling place re-
14   sources, reduction or alteration of multilingual
15   or English language voting materials, alteration
16   of the manner in which voting materials are
17   provided or distributed, reduction, consolida-
18   tion, or relocation of voting locations in elec-
19   tions for Federal, State, or local office (includ-
20   ing early, absentee, and election-day voting lo-
21   cations), reduction in days or hours of in-person
22   voting during a period occurring prior to the
23   date of an election for Federal, State, or local
24   office during which voters may cast ballots in
25   such election, election security, and election ad-

1 ministration, including maintenance processes

2 for voter registration lists that add a new basis

3 for removal from the list of active voters reg-

4 istered to vote in elections for Federal, State, or

5 local office, or that incorporate a new source of

6 information in determining a voter's eligibility

7 to vote in elections for Federal, State, or local

8 office.

9 (K) Government benefits and services, as

10 well as verification of identity, citizenship, and

11 immigration status, fraud prevention, and as-

12 signment of penalties.

13 (L) A public accommodation.

14 (M) Any other service, program, product,

15 or opportunity which has a comparable legal,

16 material, or similarly significant effect on an in-

17 dividual's life as determined by the Commission

18 through rules promulgated pursuant to section

19 553 of title 5, United States Code.

20 (5) COVERED ALGORITHM.—The term "covered

21 algorithm" means—

22 (A) a computational process derived from

23 machine learning, natural language processing,

24 artificial intelligence techniques, or other com-

25 putational processing techniques of similar or

1 greater complexity, that, with respect to a con-

2 sequential action—

3 　　　　(i) creates or facilitates the creation of

4 　　　　a product or information that is used as an

5 　　　　integral part of the consequential action;

6 　　　　(ii) promotes, recommends, ranks, or

7 　　　　otherwise affects the display or delivery of

8 　　　　information that is used as an integral

9 　　　　part of the consequential action;

10 　　　　(iii) makes a decision; or

11 　　　　(iv) facilitates human decision mak-

12 　　　　ing; or

13 　　　(B) any other computational process

14 　　　deemed appropriate by the Commission through

15 　　　rules promulgated pursuant to section 553 of

16 　　　title 5, United States Code.

17 　　(6) COVERED LANGUAGE.—The term "covered

18 language" means the 10 languages with the most

19 speakers in the United States, according to the most

20 recent data collected by the United States Census

21 Bureau.

22 　　(7) DE-IDENTIFIED DATA.—The term "de-iden-

23 tified data" means information—

24 　　　(A) that does not identify and is not linked

25 　　　or reasonably linkable to an individual or a de-

1 vice, regardless of whether the information is

2 aggregated; and

3   (B) with respect to which any developer or

4 deployer using such information—

5   (i) takes reasonable technical meas-

6   ures to ensure that the information cannot,

7   at any point, be used to re-identify any in-

8   dividual or device that identifies or is

9   linked or reasonably linkable to an indi-

10   vidual;

11   (ii) publicly commits in a clear and

12   conspicuous manner—

13   (I) to process and transfer the

14   information solely in a de-identified

15   form without any reasonable means

16   for re-identification; and

17   (II) to not attempt to re-identify

18   the information with any individual or

19   device that identifies or is linked or

20   reasonably linkable to an individual;

21   and

22   (iii) contractually obligates any person

23   that receives the information from the de-

24   veloper or deployer—

1   (I) to comply with all of the pro-

2   visions of this paragraph with respect

3   to such information; and

4   (II) to require that such contrac-

5   tual obligations be included in all sub-

6   sequent instances for which the infor-

7   mation may be received.

8   (8) DEPLOYER.—

9   (A) IN GENERAL.—The term "deployer"

10   means any person that uses a covered algorithm

11   for a commercial act.

12   (B) RULE OF CONSTRUCTION.—The terms

13   "deployer" and "developer" shall not be inter-

14   preted to be mutually exclusive.

15   (9) DEVELOPER.—

16   (A) IN GENERAL.—The term "developer"

17   means any person that designs, codes, cus-

18   tomizes, produces, or substantially modifies an

19   algorithm that is intended or reasonably likely

20   to be used as a covered algorithm—

21   (i) for such person's own use, or use

22   by a third party, in connection with a com-

23   mercial act; or

24   (ii) for use by a government entity.

1 (B) ASSUMPTION OF DEVELOPER RESPON-

2 SIBILITIES.—In the event that a deployer uses

3 an algorithm as a covered algorithm, and no

4 person is considered the developer of the algo-

5 rithm for purposes of subparagraph (A), the

6 deployer shall be considered the developer of the

7 covered algorithm for the purposes of this Act.

8 (C) RULE OF CONSTRUCTION.—The terms

9 "developer" and "deployer" shall not be inter-

10 preted to be mutually exclusive.

11 (10) DISPARATE IMPACT.—

12 (A) IN GENERAL.—The term "disparate

13 impact" means an unjustified differential effect

14 on an individual or group of individuals on the

15 basis of an actual or perceived protected char-

16 acteristic.

17 (B) UNJUSTIFIED DIFFERENTIAL EF-

18 FECT.—For purposes of subparagraph (A), with

19 respect to the action, policy, or practice of a de-

20 veloper or deployer, a differential effect is un-

21 justified if—

22 (i) the developer or deployer fails to

23 demonstrate that such action, policy, or

24 practice causing the differential effect is

1 necessary to achieve a substantial, legiti-

2 mate, and nondiscriminatory interest; or

3 (ii) in the event the developer or

4 deployer demonstrates such interest, an al-

5 ternative action, policy, or practice could

6 serve such interest with less differential ef-

7 fect.

8 (C) APPLICATION TO COVERED ALGO-

9 RITHMS.—With respect to demonstrating that a

10 covered algorithm causes or contributes to a

11 differential effect, the covered algorithm is pre-

12 sumed to be not separable for analysis and may

13 be analyzed holistically as a single action, pol-

14 icy, or practice, unless the developer or deployer

15 proves that the covered algorithm is separable

16 by a preponderance of the evidence.

17 (11) HARM.—The term ''harm'', with respect to

18 a consequential action, means a non-de minimis ad-

19 verse effect on an individual or group of individ-

20 uals—

21 (A) on the basis of a protected char-

22 acteristic;

23 (B) that involves the use of force, coercion,

24 harassment, intimidation, or detention; or

1 (C) that involves the infringement of a

2 right protected under the Constitution of the

3 United States.

4 (12) INDEPENDENT AUDITOR.—

5 (A) IN GENERAL.—The term "independent

6 auditor" means an individual that conducts a

7 pre-deployment evaluation or impact assessment

8 of a covered algorithm in a manner that exer-

9 cises objective and impartial judgment on all

10 issues within the scope of such evaluation or as-

11 sessment.

12 (B) EXCLUSION.—An individual is not an

13 independent auditor of a covered algorithm if

14 such individual—

15 (i) is or was involved in using, devel-

16 oping, offering, licensing, or deploying the

17 covered algorithm for a commercial act;

18 (ii) at any point during the pre-de-

19 ployment evaluation or impact assessment,

20 has an employment relationship (including

21 a contractor relationship, but not including

22 a contractor relationship for the auditing

23 service described in subparagraph (A))

24 with a developer or deployer that uses, of-

25 fers, or licenses the covered algorithm; or

1   (iii) at any point during the pre-de-

2   ployment evaluation or impact assessment,

3   has a direct financial interest, a reasonably

4   foreseeable future financial interest, or a

5   material indirect financial interest in a de-

6   veloper or deployer that uses, offers, or li-

7   censes a covered algorithm, not including

8   routine payment for the auditing services

9   described in subparagraph (A).

10   (13) INDIVIDUAL.—The term "individual"

11 means a natural person in the United States.

12   (14) PERSONAL DATA.—

13   (A) IN GENERAL.—The term "personal

14 data"—

15   (i) means information that identifies

16   or is linked or reasonably linkable, alone or

17   in combination with other information, to

18   an individual or an individual's device; and

19   (ii) shall include derived data and

20   unique persistent identifiers.

21   (B) EXCLUSION.—The term "personal

22 data" does not include de-identified data.

23   (15) PROCESS.—The term "process", with re-

24 spect to personal data, means to conduct or direct

25 any operation or set of operations performed on such

1 data, including analyzing, organizing, structuring,

2 retaining, storing, using, or otherwise handling such

3 data.

4 (16) PROTECTED CHARACTERISTIC.—The term

5 "protected characteristic" means any of the fol-

6 lowing actual or perceived traits of an individual or

7 group of individuals:

8 (A) Race.

9 (B) Color.

10 (C) Ethnicity.

11 (D) National origin, nationality, or immi-

12 gration status.

13 (E) Religion.

14 (F) Sex (including a sex stereotype, preg-

15 nancy, childbirth, or a related medical condi-

16 tion, sexual orientation or gender identity, and

17 sex characteristics, including intersex traits).

18 (G) Disability.

19 (H) Limited English proficiency.

20 (I) Biometric information.

21 (J) Familial or marital status.

22 (K) Source of income.

23 (L) Income level (not including the ability

24 to pay for a specific good or service being of-

25 fered).

1   (M) Age.

2   (N) Veteran status.

3   (O) Genetic information or medical condi-

4   tions.

5   (P) Any other classification protected by

6   Federal law.

7   (17) PUBLIC ACCOMMODATION.—

8   (A) IN GENERAL.—The term "public ac-

9   commodation" means—

10   (i) a business that offers goods or

11   services to the general public, regardless of

12   whether the business is operated for profit

13   or operates from a physical facility;

14   (ii) a park, road, or pedestrian path-

15   way open to the general public;

16   (iii) a means of public transportation;

17   or

18   (iv) a publicly owned or operated facil-

19   ity open to the general public.

20   (B) EXCLUSIONS.—The term "public ac-

21   commodation" does not include a private club

22   or establishment described in section 101(b)(2).

23   (18) STATE.—The term "State" means each of

24   the 50 States, the District of Columbia, Puerto Rico,

25   the United States Virgin Islands, Guam, American

1 Samoa, and the Commonwealth of the Northern

2 Mariana Islands.

3   (19) STATE DATA PROTECTION AUTHORITY.—

4 The term "State data protection authority" means

5 an independent public authority of a State that su-

6 pervises, investigates, and regulates data protection

7 and security law in the State, including handling

8 complaints lodged against persons for violations of

9 State and relevant Federal laws.

10   (20) TRANSFER.—The term "transfer", with

11 respect to personal data, means to disclose, release,

12 disseminate, make available, license, rent, or share

13 such data orally, in writing, electronically, or by any

14 other means.

TITLE I—CIVIL RIGHTS

16 **SEC. 101. DISCRIMINATION.**

17   (a) IN GENERAL.—A developer or deployer shall not

18 offer, license, promote, sell, or use a covered algorithm in

19 a manner that—

20   (1) causes or contributes to a disparate impact

21   in a manner that prevents;

22   (2) otherwise discriminates in a manner that

23   prevents; or

24   (3) otherwise makes unavailable,

1 the equal enjoyment of goods, services, or other activities

2 or opportunities, related to a consequential action, on the

3 basis of a protected characteristic.

4   (b) EXCEPTIONS.—This section shall not apply to—

5   (1) the offer, licensing, or use of a covered algo-

6   rithm for the sole purpose of—

7   (A) a developer's or deployer's self-testing

8   (or auditing by an independent auditor at a de-

9   veloper's or deployer's request) to identify, pre-

10   vent, or mitigate discrimination, or otherwise to

11   ensure compliance with obligations, under Fed-

12   eral law;

13   (B) expanding an applicant, participant, or

14   customer pool to raise the likelihood of increas-

15   ing diversity or redressing historic discrimina-

16   tion; or

17   (C) conducting—

18   (i) good faith security research; or

19   (ii) other research, if conducting the

20   research is not part or all of a commercial

21   act; or

22   (2) any private club or other establishment not

23   in fact open to the public, as described in section

24   201(e) of the Civil Rights Act of 1964 (42 U.S.C.

25   2000a(e)).

1 **SEC. 102. PRE-DEPLOYMENT EVALUATIONS AND POST-DE-**

2 **PLOYMENT IMPACT ASSESSMENTS.**

3 (a) PRE-DEPLOYMENT EVALUATIONS.—Prior to de-

4 ploying, licensing, or offering a covered algorithm (includ-

5 ing deploying a material change to a previously-deployed

6 covered algorithm or a material change made prior to de-

7 ployment) for a consequential action, a developer or

8 deployer shall conduct a pre-deployment evaluation in ac-

9 cordance with the following:

10 (1) PRELIMINARY EVALUATION.—

11 (A) PLAUSIBILITY OF HARM.—

12 (i) DEVELOPERS.—The developer

13 shall conduct a preliminary evaluation of

14 the plausibility that any expected use of

15 the covered algorithm may result in a

16 harm.

17 (ii) DEPLOYERS.—The deployer shall

18 conduct a preliminary evaluation of the

19 plausibility that any intended use of the

20 covered algorithm may result in a harm.

21 (B) RESULTS.—Based on the results of

22 the preliminary evaluation, the developer or

23 deployer shall—

24 (i) in the event that a harm is not

25 plausible, record a finding of no plausible

26 harm, including a description of the devel-

1 oper's expected use or the deployer's in-

2 tended use of the covered algorithm, how

3 the preliminary evaluation was conducted,

4 and an explanation for the finding, and

5 submit such record to the Commission; and

6 (ii) in the event that a harm is plau-

7 sible, conduct a full pre-deployment evalua-

8 tion as described in paragraph (2).

9 (C) PREVIOUSLY-DEPLOYED COVERED AL-

10 GORITHMS.—When conducting a preliminary

11 evaluation of a material change to, or new use

12 of, a previously-deployed covered algorithm, the

13 developer or deployer may limit the scope of the

14 evaluation to whether use of the covered algo-

15 rithm may result in a harm as a result of the

16 material change or new use.

17 (2) FULL PRE-DEPLOYMENT EVALUATION.—

18 (A) FOR DEVELOPERS.—

19 (i) INDEPENDENT AUDITOR EVALUA-

20 TION.—If a developer determines a harm is

21 plausible during the preliminary evaluation

22 described in paragraph (1), the developer

23 shall engage an independent auditor to

24 conduct a pre-deployment evaluation.

20

1 (ii) PRE-DEPLOYMENT EVALUATION
2 REQUIREMENTS.—The evaluation required
3 under clause (i) shall include a detailed re-
4 view and description, sufficient for an indi-
5 vidual having ordinary skill in the art to
6 understand the functioning, risks, uses,
7 benefits, limitations, and other pertinent
8 attributes of the covered algorithm, includ-
9 ing—

10   (I) the covered algorithm's design
11   and methodology, including the inputs
12   the covered algorithm is designed to
13   use to produce an output and the out-
14   puts the covered algorithm is designed
15   to produce;

16   (II) how the covered algorithm
17   was created, trained, and tested, in-
18   cluding—

19   (aa) any metric used to test
20   the performance of the covered
21   algorithm;

22   (bb) defined benchmarks
23   and goals that correspond to
24   such metrics, including whether
25   there was sufficient representa-

tion of demographic groups that
are reasonably likely to use or be
affected by the covered algorithm
in the data used to create or
train the algorithm, and whether
there was reasonable testing, if
any, across such demographic
groups;

(cc) the outputs the covered
algorithm actually produces in
testing;

(dd) a description of any
consultation with relevant stake-
holders, including any commu-
nities that will be impacted by
the covered algorithm, regarding
the development of the covered
algorithm, or a disclosure that no
such consultation occurred;

(ee) a description of which
protected characteristics, if any,
were used for testing and evalua-
tion, and how and why such
characteristics were used, includ-
ing—

1 (AA) whether the test-

2 ing occurred in comparable

3 contextual conditions to the

4 conditions in which the cov-

5 ered algorithm is expected to

6 be used; and

7 (BB) if protected char-

8 acteristics were not available

9 to conduct such testing, a

10 description of alternative

11 methods the developer used

12 to conduct the required as-

13 sessment;

14 (ff) any other computational

15 algorithm incorporated into the

16 development of the covered algo-

17 rithm, regardless of whether such

18 precursor computational algo-

19 rithm involves a consequential ac-

20 tion;

21 (gg) a description of the

22 data and information used to de-

23 velop, test, maintain, or update

24 the covered algorithm, includ-

25 ing—

1   (AA) each type of per-

2   sonal data used, each source

3   from which the personal

4   data was collected, and how

5   each type of personal data

6   was inferred and processed;

7   (BB) the legal author-

8   ization for collecting and

9   processing the personal

10   data; and

11   (CC) an explanation of

12   how the data (including per-

13   sonal data) used is rep-

14   resentative, proportional,

15   and appropriate to the devel-

16   opment and intended uses of

17   the covered algorithm; and

18   (hh) a description of the

19   training process for the covered

20   algorithm which includes the

21   training, validation, and test data

22   utilized to confirm the intended

23   outputs;

24   (III) the potential for the covered

25   algorithm to produce a harm or to

1 have a disparate impact in the equal

2 enjoyment of goods, services, or other

3 activities or opportunities, and a de-

4 scription of such potential harm or

5 disparate impact;

6 (IV) alternative practices and

7 recommendations to prevent or miti-

8 gate harm and recommendations for

9 how the developer could monitor for

10 harm after offering, licensing, or de-

11 ploying the covered algorithm; and

12 (V) any other information the

13 Commission deems pertinent to pre-

14 vent the covered algorithm from caus-

15 ing harm or having a disparate impact

16 in the equal enjoyment of goods, serv-

17 ices, or other activities or opportuni-

18 ties, as prescribed by rules promul-

19 gated by the Commission pursuant to

20 section 553 of title 5, United States

21 Code.

22 (iii) REPORT.—The independent audi-

23 tor shall submit to the developer a report

24 on the evaluation conducted under this

25 subparagraph, including the findings and

1 recommendations of such independent

2 auditor.

3 (B) FOR DEPLOYERS.—

4 (i) INDEPENDENT AUDITOR EVALUA-

5 TION.—If a deployer determines a harm is

6 plausible during the preliminary evaluation

7 described in paragraph (1), the deployer

8 shall engage an independent auditor to

9 conduct a pre-deployment evaluation.

10 (ii) PRE-DEPLOYMENT EVALUATION

11 REQUIREMENTS.—The evaluation required

12 under clause (i) shall include a detailed re-

13 view and description, sufficient for an indi-

14 vidual having ordinary skill in the art to

15 understand the functioning, risks, uses,

16 benefits, limitations, and other pertinent

17 attributes of the covered algorithm, includ-

18 ing—

19 (I) the manner in which the cov-

20 ered algorithm makes or contributes

21 to a consequential action and the pur-

22 pose for which the covered algorithm

23 will be deployed;

24 (II) the necessity and proportion-

25 ality of the covered algorithm in rela-

1   tion to its planned use, including the

2   intended benefits and limitations of

3   the covered algorithm and a descrip-

4   tion of the baseline process being en-

5   hanced or replaced by the covered al-

6   gorithm, if applicable;

7   (III) the inputs that the deployer

8   plans to use to produce an output, in-

9   cluding—

10   (aa) the type of personal

11   data and information used and

12   how the personal data and infor-

13   mation will be collected, inferred,

14   and processed;

15   (bb) the legal authorization

16   for collecting and processing the

17   personal data; and

18   (cc) an explanation of how

19   the data used is representative,

20   proportional, and appropriate to

21   the deployment of the covered al-

22   gorithm;

23   (IV) the outputs the covered al-

24   gorithm is expected to produce and

1 the outputs the covered algorithm ac-

2 tually produces in testing;

3 (V) a description of any addi-

4 tional testing or training completed by

5 the deployer for the context in which

6 the covered algorithm will be de-

7 ployed;

8 (VI) a description of any con-

9 sultation with relevant stakeholders,

10 including any communities that will

11 be impacted by the covered algorithm,

12 regarding the deployment of the cov-

13 ered algorithm;

14 (VII) the potential for the cov-

15 ered algorithm to produce a harm or

16 to have a disparate impact in the

17 equal enjoyment of goods, services, or

18 other activities or opportunities in the

19 context in which the covered algo-

20 rithm will be deployed and a descrip-

21 tion of such potential harm or dis-

22 parate impact;

23 (VIII) alternative practices and

24 recommendations to prevent or miti-

25 gate harm in the context in which the

28

1 covered algorithm will be deployed and
2 recommendations for how the deployer
3 could monitor for harm after offering,
4 licensing, or deploying the covered al-
5 gorithm; and

6 (IX) any other information the
7 Commission deems pertinent to pre-
8 vent the covered algorithm from caus-
9 ing harm or having a disparate impact
10 in the equal enjoyment of goods, serv-
11 ices, or other activities or opportuni-
12 ties as prescribed by rules promul-
13 gated by the Commission pursuant to
14 section 553 of title 5, United States
15 Code.

16 (iii) REPORT.—The independent audi-
17 tor shall submit to the deployer a report on
18 the evaluation conducted under this sub-
19 paragraph, including the findings and rec-
20 ommendations of such independent audi-
21 tor.

22 (b) DEPLOYER ANNUAL IMPACT ASSESSMENT.—
23 After the deployment of a covered algorithm, a deployer
24 shall, on an annual basis, conduct an impact assessment
25 in accordance with the following:

1   (1) PRELIMINARY IMPACT ASSESSMENT.—The

2 deployer shall conduct a preliminary impact assess-

3 ment of the covered algorithm to identify any harm

4 that resulted from the covered algorithm during the

5 reporting period and—

6   (A) if no resulting harm is identified by

7 such assessment, shall record a finding of no

8 harm, including a description of the developer's

9 expected use or the deployer's intended use of

10 the covered algorithm, how the preliminary

11 evaluation was conducted, and an explanation

12 for such finding, and submit such finding to the

13 Commission; and

14   (B) if a resulting harm is identified by

15 such assessment, shall conduct a full impact as-

16 sessment as described in paragraph (2).

17   (2) FULL IMPACT ASSESSMENT.—In the event

18 that the covered algorithm resulted in harm during

19 the reporting period, the deployer shall engage an

20 independent auditor to conduct a full impact assess-

21 ment with respect to the reporting period, includ-

22 ing—

23   (A) an assessment of the harm that re-

24 sulted or was reasonably likely to have been

25 produced during the reporting period;

1 (B) a description of the extent to which

2 the covered algorithm produced a disparate im-

3 pact in the equal enjoyment of goods, services,

4 or other activities or opportunities, including

5 the methodology for such evaluation, of how the

6 covered algorithm produced or likely produced

7 such disparity;

8 (C) a description of the types of data input

9 into the covered algorithm during the reporting

10 period to produce an output, including—

11 (i) documentation of how data input

12 into the covered algorithm to produce an

13 output is represented and complete de-

14 scriptions of each field of data; and

15 (ii) whether and to what extent the

16 data input into the covered algorithm to

17 produce an output was used to train or

18 otherwise modify the covered algorithm;

19 (D) whether and to what extent the cov-

20 ered algorithm produced the outputs it was ex-

21 pected to produce;

22 (E) a detailed description of how the cov-

23 ered algorithm was used to make a consequen-

24 tial action;

1 　　　　(F) any action taken to prevent or mitigate

2 　　　　harms, including how relevant staff are in-

3 　　　　formed of, trained about, and implement harm

4 　　　　mitigation policies and practices, and rec-

5 　　　　ommendations for how the deployer could mon-

6 　　　　itor for and prevent harm after offering, licens-

7 　　　　ing, or deploying the covered algorithm; and

8 　　　　(G) any other information the Commission

9 　　　　deems pertinent to prevent the covered algo-

10 　　　　rithm from causing harm or having a disparate

11 　　　　impact in the equal enjoyment of goods, serv-

12 　　　　ices, or other activities or opportunities as pre-

13 　　　　scribed by rules promulgated by the Commis-

14 　　　　sion pursuant to section 553 of title 5, United

15 　　　　States Code.

16 　　(3) REPORTS.—

17 　　　　(A) TO THE DEPLOYER.—After the en-

18 　　　　gagement of the independent auditor, the inde-

19 　　　　pendent auditor shall submit to the deployer a

20 　　　　report on the impact assessment conducted

21 　　　　under paragraph (2), including the findings and

22 　　　　recommendations of such independent auditor.

23 　　　　(B) TO THE DEVELOPER.—Not later than

24 　　　　30 days after the submission of a report on an

25 　　　　impact assessment under subparagraph (A), a

1 deployer shall submit to the developer of the

2 covered algorithm a summary of such report,

3 subject to the trade secret and privacy protec-

4 tions described in subsection (e)(3).

5 (c) DEVELOPER ANNUAL REVIEW OF ASSESS-

6 MENTS.—A developer shall, on an annual basis, review

7 each impact assessment summary submitted by a deployer

8 of its covered algorithm under subsection (b)(3)(B) for the

9 following purposes:

10 (1) To assess how the deployer is using the cov-

11 ered algorithm, including the methodology for as-

12 sessing such use.

13 (2) To assess the type of data the deployer is

14 inputting into the covered algorithm to produce an

15 output and the types of outputs the covered algo-

16 rithm is producing.

17 (3) To assess whether the deployer is complying

18 with any relevant contractual agreement with the de-

19 veloper and whether any remedial action is nec-

20 essary.

21 (4) To compare the covered algorithm's per-

22 formance in real-world conditions versus pre-deploy-

23 ment testing, including the methodology used to

24 evaluate such performance.

1   (5) To assess whether the covered algorithm is

2 causing harm or is reasonably likely to be causing

3 harm.

4   (6) To assess whether the covered algorithm is

5 causing, or is reasonably likely to be causing, a dis-

6 parate impact in the equal enjoyment of goods, serv-

7 ices, or other activities or opportunities, and, if so,

8 how and with respect to which protected char-

9 acteristic.

10   (7) To determine whether the covered algorithm

11 needs modification.

12   (8) To determine whether any other action is

13 appropriate to ensure that the covered algorithm re-

14 mains safe and effective.

15   (9) To undertake any other assessment or re-

16 sponsive action the Commission deems pertinent to

17 prevent the covered algorithm from causing harm or

18 having a disparate impact in the equal enjoyment of

19 goods, services, or other activities or opportunities,

20 as prescribed by rules promulgated by the Commis-

21 sion pursuant to section 553 of title 5, United

22 States Code.

23   (d) JOINT DEVELOPER AND DEPLOYER OBLIGA-

24 TIONS.—If a person is both the developer and deployer

25 of a covered algorithm, the person may conduct combined

1 pre-deployment evaluations and annual assessments, pro-

2 vided that each combined evaluation or assessment satis-

3 fies all requirements for both developers and deployers.

4 (e) REPORTING AND RETENTION REQUIREMENTS.—

5 (1) REPORTING.—A developer or deployer that

6 conducts a full pre-deployment evaluation, full im-

7 pact assessment, or developer annual review of as-

8 sessments shall—

9 (A) not later than 30 days after comple-

10 tion, submit the evaluation, assessment, or re-

11 view to the Commission;

12 (B) upon request, make the evaluation, as-

13 sessment, or review available to Congress; and

14 (C) not later than 30 days after comple-

15 tion—

16 (i) publish a summary of the evalua-

17 tion, assessment, or review on the website

18 of the developer or deployer in a manner

19 that is easily accessible to individuals; and

20 (ii) submit such summary to the Com-

21 mission.

22 (2) RETENTION.—A developer or deployer shall

23 retain all evaluations, assessments, and reviews de-

24 scribed in this section for a period of not fewer than

25 10 years.

1   (3) TRADE SECRETS AND PRIVACY.—A devel-

2 oper or deployer—

3   (A) may redact and segregate any trade

4 secret (as defined in section 1839 of title 18,

5 United States Code) from public disclosure

6 under this subsection; and

7   (B) shall redact and segregate personal

8 data from public disclosure under this sub-

9 section.

10 (f) RULEMAKING.—

11   (1) AUTHORITY.—The Commission may, in ac-

12 cordance with section 553 of title 5, United States

13 Code, promulgate such rules as may be necessary to

14 carry out this section.

15   (2) ADDITIONAL REGULATIONS.—Not later

16 than 2 years after the date of enactment of this Act,

17 the Commission shall—

18   (A) promulgate rules, pursuant to section

19 553 of title 5, United States Code, specifying—

20   (i) what information and factors a de-

21 veloper or deployer shall consider in mak-

22 ing the preliminary evaluation or prelimi-

23 nary impact assessment described in sub-

24 sections (a)(1) and (b)(1), respectively;

1   (ii) what information a developer or

2   deployer shall include in a summary of an

3   evaluation, assessment, or developer review

4   described in subsection (e)(1)(C); and

5   (iii) the extent to and process by

6   which a developer may request additional

7   information from a deployer, including the

8   purposes for which a developer is per-

9   mitted to use such additional information;

10   and

11   (B) in promulgating such rules, consider

12   the need to protect the privacy of personal data,

13   as well as the need for information sharing by

14   developers and deployers to comply with this

15   section and inform the public.

TITLE II—COVERED ALGORITHM AND CONTRACT STANDARDS

18 **SEC. 201. COVERED ALGORITHM STANDARDS.**

19   (a) COVERED ALGORITHM USE.—A developer or

20 deployer shall do the following:

21   (1) Take reasonable measures to prevent and

22   mitigate any harm identified by a pre-deployment

23   evaluation described in section 102(a) or an impact

24   assessment described in section 102(b).

1 (2) Take reasonable measures to ensure that an
2 independent auditor has all necessary information to
3 complete an accurate and effective pre-deployment
4 evaluation described in section 102(a) or an impact
5 assessment described in section 102(b).

6 (3) With respect to a covered algorithm, consult
7 stakeholders, including any communities that will be
8 impacted by the covered algorithm, regarding the de-
9 velopment or deployment of the covered algorithm
10 prior to the deploying, licensing, or offering the cov-
11 ered algorithm.

12 (4) With respect to a covered algorithm, certify
13 that, based on the results of a pre-deployment eval-
14 uation described in section 102(a) or an impact as-
15 sessment described in section 102(b)—

16 (A) use of the covered algorithm is not
17 likely to result in harm or disparate impact in
18 the equal enjoyment of goods, services, or other
19 activities or opportunities;

20 (B) the benefits from the use of the cov-
21 ered algorithm to individuals affected by the
22 covered algorithm likely outweigh the harms
23 from the use of the covered algorithm to such
24 individuals; and

38

1   (C) use of the covered algorithm is not

2   likely to result in a deceptive act or practice.

3   (5) Ensure that any covered algorithm of the

4   developer or deployer functions—

5   (A) at a level that would be considered rea-

6   sonable performance by an individual with ordi-

7   nary skill in the art; and

8   (B) in a manner that is consistent with its

9   expected and publicly-advertised performance,

10   purpose, or use.

11   (6) Ensure any data used in the design, devel-

12   opment, deployment, or use of the covered algorithm

13   is relevant and appropriate to the deployment con-

14   text and the publicly-advertised purpose or use.

15   (7) Ensure use of the covered algorithm as in-

16   tended is not likely to result in a violation of this

17   Act.

18   (b) DECEPTIVE MARKETING OF A PRODUCT OR

19 SERVICE.—It shall be unlawful for a developer or deployer

20 to engage in false, deceptive, or misleading advertising,

21 marketing, or publicizing of a covered algorithm of the de-

22 veloper or deployer.

23   (c) OFF-LABEL USE.—

24   (1) DEVELOPERS.—It shall be unlawful for a

25   developer to knowingly offer or license a covered al-

1 gorithm for any consequential action other than

2 those evaluated in the pre-deployment evaluation de-

3 scribed in section 102(a).

4 (2) DEPLOYERS.—It shall be unlawful for a

5 deployer to knowingly use a covered algorithm for

6 any consequential action other than a use evaluated

7 in the pre-deployment evaluation described in section

8 102(a), unless the deployer agrees to assume the re-

9 sponsibilities of a developer required by this Act.

10 **SEC. 202. RELATIONSHIPS BETWEEN DEVELOPERS AND**

11 **DEPLOYERS.**

12 (a) DEVELOPER RESPONSIBILITIES.—A developer

13 shall do the following:

14 (1) Upon the reasonable request of the

15 deployer, make available to the deployer information

16 necessary to demonstrate the compliance of the

17 deployer with the requirements of this Act, includ-

18 ing—

19 (A) making available a report of the pre-

20 deployment evaluation described in section

21 102(a) or the annual review of assessments con-

22 ducted by the developer under section 102(c);

23 and

24 (B) providing information necessary to en-

25 able the deployer to conduct and document a

1 pre-deployment evaluation under section 102

2 (a) or an impact assessment under section

3 102(b).

4 (2) Either—

5 (A) allow and cooperate with reasonable

6 assessments conducted by the deployer or the

7 deployer's designated independent auditor; or

8 (B) arrange for an independent auditor to

9 conduct an assessment of the developer's poli-

10 cies and practices in support of the obligations

11 under this Act using an appropriate and accept-

12 ed control standard or framework and assess-

13 ment procedure for such assessments, and pro-

14 vide a report of such assessment to the deployer

15 upon request.

16 (b) CONTRACTS BETWEEN DEVELOPERS AND

17 DEPLOYERS.—

18 (1) REQUIREMENTS.—A developer may offer or

19 license a covered algorithm to a deployer pursuant

20 to a written contract between the developer and

21 deployer, provided that the contract—

22 (A) clearly sets forth the data processing

23 procedures of the developer with respect to any

24 collection, processing, or transfer of data per-

25 formed on behalf of the deployer;

1 (B) clearly sets forth—

2 (i) instructions for collecting, proc-

3 essing, transferring, or disposing of data

4 by the developer or deployer in the context

5 of the use of the covered algorithm;

6 (ii) instructions for deploying the cov-

7 ered algorithm as intended;

8 (iii) the nature and purpose of any

9 collection, processing, or transferring of

10 data;

11 (iv) the type of data subject to such

12 collection, processing, or transferring;

13 (v) the duration of such processing of

14 data; and

15 (vi) the rights and obligations of both

16 parties, including a method by which the

17 developer shall notify the deployer of mate-

18 rial changes to its covered algorithm;

19 (C) shall not relieve a developer or

20 deployer of any requirement or liability imposed

21 on such developer or deployer under this Act;

22 (D) prohibits both the developer and

23 deployer from combining data received from or

24 collected on behalf of the other party with data

1 the developer or deployer received from or col-

2 lected on behalf of another party; and

3 (E) shall not prohibit a developer or

4 deployer from raising concerns to any relevant

5 enforcement agency with respect to the other

6 party.

7 (2) RETENTION OF CONTRACT.—Each devel-

8 oper shall retain for a period of 10 years a copy of

9 each contract entered into with a deployer to which

10 it provides requested products or services.

11 (c) RULE OF CONSTRUCTION.—For purposes of this

12 section, any requirement for a developer to contract with,

13 assist, and follow the instructions of a deployer shall be

14 read to include a requirement to contract with, assist, and

15 follow the instructions of a government entity if the devel-

16 oper is providing a service to a government entity.

17 **SEC. 203. HUMAN ALTERNATIVES AND OTHER PROTEC-**

18 **TIONS.**

19 (a) RIGHT TO HUMAN ALTERNATIVES.—

20 (1) RULEMAKING.—Not later than 2 years after

21 the date of enactment of this Act, the Commission

22 shall promulgate regulations in accordance with sec-

23 tion 553 of title 5, United States Code, specifying

24 the circumstances and manner in which a deployer

25 shall provide to an individual a means to opt-out of

1 the use of a covered algorithm for a consequential

2 action and to elect to have the consequential action

3 concerning the individual undertaken by a human

4 without the use of a covered algorithm.

5 (2) CONSIDERATIONS.—In promulgating the

6 regulations under paragraph (1), the Commission

7 shall consider the following:

8 (A) How to ensure that any notice or re-

9 quest from a deployer regarding the right to a

10 human alternative is clear and conspicuous, in

11 plain language, easy to execute, and at no cost

12 to an individual.

13 (B) How to ensure that any such notice to

14 individuals is effective, timely, and useful.

15 (C) The specific types of consequential ac-

16 tions for which a human alternative is appro-

17 priate, considering the magnitude of the action

18 and risk of harm.

19 (D) The extent to which a human alter-

20 native would be beneficial to individuals and the

21 public interest.

22 (E) The extent to which a human alter-

23 native can prevent or mitigate harm.

1   (F) The risk of harm to individuals beyond

2   the requestor if a human alternative is available

3   or not available.

4   (G) The feasibility of providing a human

5   alternative in different circumstances.

6   (H) Any other considerations the Commis-

7   sion deems appropriate to balance the need to

8   give an individual control over a consequential

9   action related to such individual with the prac-

10   tical feasibility and effectiveness of granting

11   such control.

12   (b) INDIVIDUAL AUTONOMY.—A developer or

13 deployer may not condition, effectively condition, attempt

14 to condition, or attempt to effectively condition the exer-

15 cise of any individual right under this Act or individual

16 choice through—

17   (1) the use of any false, fictitious, fraudulent,

18   or materially misleading statement or representa-

19   tion; or

20   (2) the design, modification, or manipulation of

21   any user interface with the purpose or substantial

22   effect of obscuring, subverting, or impairing a rea-

23   sonable individual's autonomy, decision making, or

24   choice to exercise any such right.

25   (c) RIGHT TO APPEAL.—

1 (1) RULEMAKING.—Not later than 2 years after

2 the date of enactment of this Act, the Commission

3 shall promulgate regulations in accordance with sec-

4 tion 553 of title 5, United States Code, specifying

5 the circumstances and manner in which a deployer

6 shall provide to an individual a mechanism to appeal

7 to a human a consequential action resulting from

8 the deployer's use of a covered algorithm.

9 (2) CONSIDERATIONS.—In promulgating the

10 regulations under paragraph (1), the Commission

11 shall do the following:

12 (A) Ensure that the appeal mechanism is

13 clear and conspicuous, in plain language, easy-

14 to-execute, and at no cost to individuals.

15 (B) Ensure that the appeal mechanism is

16 proportionate to the consequential action.

17 (C) Ensure that the appeal mechanism is

18 reasonably accessible to individuals with disabil-

19 ities, timely, usable, effective, and non-discrimi-

20 natory.

21 (D) Require, where appropriate, a mecha-

22 nism for individuals to identify and correct any

23 personal data used by the covered algorithm.

1   (E) Specify training requirements for
2   human reviewers with respect to a consequen-
3   tial action.

4   (F) Consider any other circumstances, pro-
5   cedures, or matters the Commission deems ap-
6   propriate to balance the need to give an indi-
7   vidual a right to appeal a consequential action
8   related to such individual with the practical fea-
9   sibility and effectiveness of granting such right.

10   **SEC. 204. PROHIBITION ON RETALIATION; WHISTLE-**
11   **BLOWER PROTECTIONS.**

12   (a) PROHIBITION ON RETALIATION.—

13   (1) IN GENERAL.—A developer or deployer may
14   not discriminate or retaliate against an individual
15   (including by denying or threatening to deny the
16   equal enjoyment of goods, services, or other activi-
17   ties or opportunities in relation to a consequential
18   action) because the individual exercised any right,
19   refused to waive any such right, raised a concern
20   about a consequential action under this Act, or as-
21   sisted in any investigation or proceeding under this
22   Act.

23   (2) RULES OF CONSTRUCTION.—

24   (A) DIFFERENTIAL IN SERVICE OR
25   GOODS.—Nothing in this Act shall prohibit a

1 developer or deployer from denying service to
2 an individual, charging an individual a different
3 price or rate, or providing a different level or
4 quality of goods or services to an individual if
5 the differential in service is necessary and di-
6 rectly related to the value provided to the devel-
7 oper or deployer by the covered algorithm.

8 (B) LOYALTY PROGRAMS.—Nothing in this
9 Act shall prohibit a developer or deployer from
10 offering loyalty, rewards, premium features, dis-
11 counts, or club card programs that provide ben-
12 efits or rewards based on frequency of patron-
13 izing, or the amount of money spent at, a busi-
14 ness consistent with this Act.

15 (b) WHISTLEBLOWER PROTECTION.—A developer or
16 deployer may not, directly or indirectly, discharge, demote,
17 suspend, threaten, harass, or otherwise discriminate or re-
18 taliate against an individual for raising a concern, report-
19 ing or attempting to report a violation of this Act, or co-
20 operating in any investigation or proceeding under this
21 Act.

TITLE III—TRANSPARENCY

SEC. 301. NOTICE AND DISCLOSURE.

24 (a) IN GENERAL.—Each developer or deployer shall
25 make publicly available, in plain language and in a clear,

1 conspicuous, not misleading, easy-to-read, and readily ac-

2 cessible manner, a disclosure that provides a detailed and

3 accurate representation of the developer or deployer's

4 practices regarding the requirements under this Act.

5 (b) CONTENT OF DISCLOSURE.—The disclosure re-

6 quired under subsection (a) shall include, at a minimum,

7 the following:

8 (1) The identity and the contact information

9 of—

10 (A) the developer or deployer to which the

11 disclosure applies (including the developer or

12 deployer's point of contact and electronic and

13 physical mail address, as applicable for any in-

14 quiry concerning a covered algorithm or indi-

15 vidual rights under this Act); and

16 (B) any other entity within the same cor-

17 porate structure as the developer or deployer to

18 which personal data is transferred by the devel-

19 oper or deployer.

20 (2) A link to the website containing the devel-

21 oper or deployer's summaries of pre-deployment

22 evaluations, impact assessments, and annual review

23 of assessments, as applicable.

24 (3) The categories of personal data the devel-

25 oper or deployer collects or processes in the develop-

1   ment or deployment of a covered algorithm and the

2   processing purpose for each such category.

3   (4) Whether the developer or deployer transfers

4   personal data, and, if so, each third party to which

5   the developer or deployer transfers such data and

6   the purpose for which such data is transferred, ex-

7   cept with respect to a transfer to a governmental en-

8   tity pursuant to a court order or law that prohibits

9   the developer or deployer from disclosing such trans-

10   fer.

11   (5) A prominent description of how an indi-

12   vidual can exercise the rights described in this Act.

13   (6) A general description of the developer or

14   deployer's practices for compliance with the require-

15   ments described in sections 102 and 201.

16   (7) The following disclosure:

17   "The audit of this algorithm was conducted to

18   comply with the Artificial Intelligence Civil Rights

19   Act of 2025, which seeks to avoid the use of any al-

20   gorithm that has a disparate impact on certain pro-

21   tected classes of individuals. The audit does not

22   guarantee that this algorithm is safe or in compli-

23   ance with all applicable laws.".

24   (8) The effective date of the disclosure.

1 (c) LANGUAGES.—The disclosure required under sub-

2 section (a) shall be made available in each covered lan-

3 guage in which the developer or deployer operates or pro-

4 vides a good or service.

5 (d) ACCESSIBILITY.—Any disclosure provided under

6 this section shall be made available in a manner that is

7 reasonably accessible to and usable by individuals with dis-

8 abilities.

9 (e) MATERIAL CHANGES.—

10 (1) NOTIFICATION.—If a developer or deployer

11 makes a material change to the disclosure required

12 under subsection (a), the developer or deployer shall

13 notify each individual affected by such material

14 change prior to implementing the material change.

15 (2) REQUIREMENTS.—Each developer or

16 deployer shall take all reasonable measures to pro-

17 vide to each affected individual a direct electronic

18 notification regarding any material change to the

19 disclosure, in each covered language in which the

20 disclosure is made available, and taking into account

21 available technology and the nature of the relation-

22 ship with such individual.

23 (3) LOG OF MATERIAL CHANGES.—

24 (A) RETENTION PERIOD.—Beginning after

25 the date of enactment of this Act, each devel-

1 oper or deployer shall retain a copy of each pre-
2 vious version of the disclosure required under
3 subsection (a) for a period of at least 10 years
4 after the last day on which such version was ef-
5 fective and publish each such version on its
6 website.

7 (B) LOG OF MATERIAL CHANGES.—Each
8 developer or deployer shall make publicly avail-
9 able, in a clear, conspicuous, and readily acces-
10 sible manner, a log describing the date and na-
11 ture of each material change to its disclosure
12 during the retention period described in sub-
13 paragraph (A), and such descriptions shall be
14 sufficient for a reasonable individual to under-
15 stand the material effect of each material
16 change.

17 (C) CLARIFICATION.—The obligations de-
18 scribed in this paragraph shall not apply to any
19 previous version of a developer or deployer's
20 disclosure of practices regarding the collection,
21 processing, and transfer of personal data, or
22 any material change to such disclosure, that
23 precedes the date of enactment of this Act.

24 (f) SHORT-FORM NOTICE.—

1 (1) IN GENERAL.—A deployer shall provide a

2 short-form notice regarding a covered algorithm it

3 develops, offers, licenses, or uses in a manner that—

4   (A) is concise, clear, conspicuous, in plain

5 language, and not misleading;

6   (B) is readily accessible to individuals with

7 disabilities;

8   (C) is based on what is reasonably antici-

9 pated within the context of the relationship be-

10 tween the individual and the deployer;

11   (D) includes an overview of each applicable

12 individual right and disclosure in a manner that

13 draws attention to any practice that may be un-

14 expected to a reasonable individual or that in-

15 volves a consequential action;

16   (E) is not more than 500 words in length;

17 and

18   (F) is available to the public at no cost.

19 (2) TIMING OF NOTICE.—

20   (A) EXISTING RELATIONSHIP.—If a

21 deployer has a relationship with an individual,

22 the deployer shall provide an electronic version

23 of the short-form notice directly to the indi-

24 vidual upon the individual's first interaction

25 with the covered algorithm.

1 (B) No RELATIONSHIP.—If a deployer

2 does not have a relationship with an individual,

3 the deployer shall provide the short-form notice

4 in a clear, conspicuous, accessible, and not mis-

5 leading manner on their website.

6 (3) RULEMAKING.—The Commission shall pro-

7 mulgate regulations in accordance with section 553

8 of title 5, United States Code, specifying the min-

9 imum content required to be included in the short-

10 form notice described in paragraph (1), which—

11 (A) shall not exceed the content require-

12 ments described in subsection (b); and

13 (B) shall include a template or model for

14 such short-form notice.

15 (g) REPORTING MECHANISM.—Each developer or

16 deployer shall make publicly available, in a clear, con-

17 spicuous, and readily accessible manner, a mechanism for

18 an individual impacted by a covered algorithm to report

19 to the developer or deployer potential violations of this

20 Act.

21 **SEC. 302. STUDY ON EXPLANATIONS REGARDING THE USE**

22 **OF COVERED ALGORITHMS.**

23 (a) STUDY.—

24 (1) IN GENERAL.—The Commission shall con-

25 duct a study, with notice and public comment, on

1   the feasibility of requiring deployers to provide a

2   clear, conspicuous, easy-to-use, no-cost mechanism

3   that is accessible for individuals with disabilities and

4   allows an individual to receive an explanation as to

5   whether and how a covered algorithm used by the

6   deployer affects or affected an individual.

7   (2) REQUIREMENTS.—The study required

8   under paragraph (1) shall include the following:

9   (A) An overview of the purposes for which

10   an explanation would be provided to an indi-

11   vidual and the extent to which an explanation

12   would feasibly serve such purposes.

13   (B) How explanations can be provided in a

14   manner that is clear, conspicuous, easy-to-use,

15   no-cost, accessible to individuals with disabil-

16   ities, effective for individuals with limited

17   English language proficiency, and calibrated to

18   the level of risk based on the covered algorithm.

19   (C) An assessment of the feasibility of a

20   requirement for deployers to provide a mecha-

21   nism for individuals who may be affected or

22   were affected by a covered algorithm to request

23   an explanation that—

24   (i) includes information—

1   (I) regarding why the covered al-

2   gorithm produced the result it pro-

3   duced with respect to the individual

4   making the request; and

5   (II) that is truthful, accurate,

6   and scientifically valid;

7   (ii) identifies at least the most signifi-

8   cant factors used to inform the covered al-

9   gorithm's outputs; and

10   (iii) includes any other information

11   deemed relevant by the Commission to pro-

12   vide an explanation for an individual who

13   may be affected or was affected by a cov-

14   ered algorithm.

15   (D) An assessment of what information a

16 developer must provide a deployer in order to

17 ensure explanations can be provided to individ-

18 uals upon request.

19   (E) The extent to which current technical

20 capabilities of covered algorithms impacts the

21 feasibility of providing explanations.

22   (F) How a deployer can take reasonable

23 measures to verify the identity of an individual

24 making a request for an explanation to ensure

25 that the deployer provides an explanation only

1 to the affected individual, including steps a

2 deployer should take to ensure the safe and se-

3 cure storage, collection, and deletion of personal

4 information.

5 (G) Recommendations for Congress on how

6 to implement regulations around mechanisms

7 for explanations.

8 (3) CONSULTATION.—In conducting the study

9 required under this subsection, the Commission shall

10 consult with the National Institute of Science of

11 Technology, the National Telecommunications and

12 Information Administration, the Office of Science

13 and Technology Policy, and any other agency

14 deemed relevant by the Commission.

15 (b) REPORT.—Not later than 18 months after the

16 date of enactment of this Act, the Commission shall sub-

17 mit to the Committee on Commerce, Science, and Trans-

18 portation of the Senate and the Committee on Energy and

19 Commerce of the House of Representatives a report that

20 includes the findings of the study conducted under sub-

21 section (a), together with recommendations for such legis-

22 lation and administrative action as the Commission deter-

23 mines appropriate.

24 **SEC. 303. CONSUMER AWARENESS.**

25 (a) NOTICE OF CONSUMER RIGHTS.—

1   (1) IN GENERAL.—Not later than 90 days after

2   the date of enactment of this Act, the Commission

3   shall publish, on the internet website of the Commis-

4   sion, a web page that describes each provision, right,

5   obligation, and requirement of this Act (categorized

6   with respect to individuals, deployers, and devel-

7   opers) and the remedies, exemptions, and protections

8   associated with this Act, in plain and concise lan-

9   guage, in each covered language, and in an easy-to-

10   understand, accessible manner.

11   (2) UPDATES.—The Commission shall update

12   the information published under paragraph (1) as

13   necessitated by any change in law, regulation, guid-

14   ance, or judicial decision. Any such update shall be

15   published in plain and concise language, in each cov-

16   ered language, and in an easy-to-understand, acces-

17   sible manner.

18   (b) ANNUAL REPORT.—Not later than 2 years after

19   the date of enactment of this Act, and annually thereafter,

20   the Commission shall publish on the internet website of

21   the Commission a report that—

22   (1) describes and summarizes the information

23   contained in any pre-deployment evaluation, impact

24   assessment, and developer review submitted to the

25   Commission in accordance with this Act;

1   (2) describes broad trends, aggregated statis-

2 tics, and anonymized information about performing

3 impact assessments of covered algorithms, for the

4 purposes of updating guidance related to impact as-

5 sessments and summary reporting, oversight, and

6 making recommendations to other regulatory agen-

7 cies; and

8   (3) is accessible and machine readable in ac-

9 cordance with the 21st Century Integrated Digital

10 Experience Act (44 U.S.C. 3501 note).

11 (c) PUBLICLY ACCESSIBLE REPOSITORY.—

12   (1) ESTABLISHMENT.—

13   (A) IN GENERAL.—Not later than 180

14 days after the Commission publishes the first

15 annual report under subsection (b), the Com-

16 mission shall develop a publicly accessible repos-

17 itory to publish each pre-deployment evaluation,

18 impact assessment, and developer review sub-

19 mitted to the Commission in accordance with

20 section 102.

21   (B) REQUIREMENTS.—The Commission

22 shall design the repository established under

23 subparagraph (A) to—

1   (i) be publicly available and easily dis-

2   coverable on the internet website of the

3   Commission;

4   (ii) allow users to sort and search the

5   repository by multiple characteristics (such

6   as by developer or deployer and date re-

7   ported) simultaneously;

8   (iii) allow users to make a copy of or

9   download the information obtained from

10   the repository, including any subsets of in-

11   formation obtained by sorting or searching

12   as described in clause (ii), in accordance

13   with current guidance from the Office of

14   Management and Budget, such as the

15   Open, Public, Electronic, and Necessary

16   Government Data Act (44 U.S.C. 101

17   note);

18   (iv) be in accordance with user experi-

19   ence and accessibility best practices, such

20   as those described in the 21st Century In-

21   tegrated Digital Experience Act (44 U.S.C.

22   3501 note); and

23   (v) include information about the de-

24   sign, use, and maintenance of the reposi-

1 tory, including any other information de-

2 termined appropriate by the Commission.

3 (2) PUBLICATION OF ADDITIONAL SUM-

4 MARIES.—The Commission shall publish in the re-

5 pository any pre-deployment evaluation, impact as-

6 sessment, and developer review not later than 30

7 days after receiving such evaluation, assessment, or

8 review, except if the Commission has good cause to

9 delay such publication.

10 (3) TRADE SECRETS AND PRIVACY.—The Com-

11 mission—

12 (A) may redact and segregate any trade

13 secret (as defined in section 1839 of title 18,

14 United States Code) from public disclosure

15 under this subsection;

16 (B) shall redact and segregate personal

17 data from public disclosure under this sub-

18 section; and

19 (C) may withhold information as permitted

20 under section 552 of title 5, United States

21 Code.

TITLE IV—ENFORCEMENT

SEC. 401. ENFORCEMENT BY THE COMMISSION.

24 (a) UNFAIR OR DECEPTIVE ACTS OR PRACTICES.—

25 A violation of title I, II, or III or a regulation promulgated

1 thereunder shall be treated as a violation of a rule defining

2 an unfair or deceptive act or practice under section

3 18(a)(1)(B) of the Federal Trade Commission Act (15

4 U.S.C. 57a(a)(1)(B)).

5   (b) POWERS OF THE COMMISSION.—

6   (1) IN GENERAL.—Except as provided in sub-

7 section (c), the Commission shall enforce this Act

8 and the regulations promulgated under this Act in

9 the same manner, by the same means, and with the

10 same jurisdiction, powers, and duties as though all

11 applicable terms and provisions of the Federal Trade

12 Commission Act (15 U.S.C. 41 et seq.) were incor-

13 porated into and made a part of this Act.

14   (2) PRIVILEGES AND IMMUNITIES.—Any person

15 who violates title I, II, or III or a regulation promul-

16 gated thereunder shall be subject to the penalties

17 and entitled to the privileges and immunities pro-

18 vided in the Federal Trade Commission Act (15

19 U.S.C. 41 et seq.).

20   (3) AUTHORITY PRESERVED.—Nothing in this

21 Act shall be construed to limit the authority of the

22 Commission under any other provision of law.

23   (4) RULEMAKING.—The Commission may pro-

24 mulgate in accordance with section 553 of title 5,

1 United States Code, such rules as may be necessary

2 to carry out this Act.

3 (c) JURISDICTION.—Notwithstanding section 4,

4 5(a)(2), or 6 of the Federal Trade Commission Act (15

5 U.S.C. 44, 45(a)(2), 46) or any jurisdictional limitation

6 of the Commission, the Commission shall also enforce this

7 Act and the regulations promulgated under this Act, in

8 the same manner provided in subsections (a) and (b), with

9 respect to—

10 (1) organizations not organized to carry on

11 business for their own profit or that of their mem-

12 bers;

13 (2) common carriers subject to the Communica-

14 tions Act of 1934 (47 U.S.C. 151 et seq.) and all

15 Acts amendatory thereof and supplementary thereto;

16 (3) a bank, savings and loan institution de-

17 scribed in section 18(f)(3) of the Federal Trade

18 Commission Act (15 U.S.C. 57a(f)(3)), or Federal

19 credit union described in section 18(f)(4) of such

20 Act;

21 (4) an air carrier or foreign air carrier subject

22 to the Federal Aviation Act of 1958 (49 U.S.C. App.

23 1301 et seq.); or

1   (5) a person, partnership, or corporation sub-

2   ject to the Packers and Stockyards Act, 1921 (7

3   U.S.C. 181 et seq.), as amended.

4 SEC. 402. ENFORCEMENT BY STATES.

5   (a) IN GENERAL.—In any case in which the attorney

6 general of a State or a State data protection authority

7 has reason to believe that an interest of the residents of

8 the State has been or is threatened or adversely affected

9 by the engagement of a person in a practice that violates

10 title I, II, or III, or a regulation promulgated thereunder,

11 the attorney general may, as parens patriae, bring a civil

12 action on behalf of the residents of the State in an appro-

13 priate Federal district court of the United States that

14 meets applicable requirements relating to venue under sec-

15 tion 1391 of title 28, United States Code, to—

16   (1) enjoin any such violation by the person;

17   (2) enforce compliance with the requirements of

18   this Act;

19   (3) obtain a permanent, temporary, or prelimi-

20   nary injunction or other appropriate equitable relief;

21   (4) obtain civil penalties in the amount of

22       $15,000 per violation, or 4 percent of the defend-

23   ant's average gross annual revenue over the pre-

24   ceding 3 years, whichever is greater;

1   (5) obtain damages, restitution, or other com-
2   pensation on behalf of the residents of such State;

3   (6) obtain reasonable attorneys' fees and litiga-
4   tion costs; and

5   (7) obtain such other relief as the court may
6   consider to be appropriate.

7   (b) RIGHTS OF THE COMMISSION.—

8   (1) NOTICE TO THE COMMISSION.—

9   (A) IN GENERAL.—Subject to subpara-
10   graph (C), the attorney general of a State shall
11   notify the Commission in writing that the attor-
12   ney general intends to bring a civil action under
13   subsection (a) before the filing of the civil ac-
14   tion.

15   (B) CONTENTS.—The notification required
16   under subparagraph (A) with respect to a civil
17   action shall include a copy of the complaint to
18   be filed to initiate the civil action.

19   (C) EXCEPTION.—The notification de-
20   scribed in subparagraph (A) shall not be re-
21   quired if the attorney general of the State de-
22   termines that it is not feasible to provide such
23   notice before filing the action.

24   (2) INTERVENTION BY THE COMMISSION.—Not
25   later than 180 days after receiving notice under

1 paragraph (1), the Commission shall have the right

2 to intervene in the action that is the subject of the

3 notice.

4   (3) EFFECT OF INTERVENTION.—If the Com-

5 mission intervenes in an action under subsection (a),

6 it shall have the right—

7   (A) to be heard with respect to any matter

8 that arises in that action; and

9   (B) file a petition for appeal.

10 (c) INVESTIGATORY POWERS.—Nothing in this sec-

11 tion may be construed to prevent the attorney general of

12 a State from exercising the powers conferred on the attor-

13 ney general by the laws of the State to—

14   (1) conduct investigations;

15   (2) administer oaths or affirmations; or

16   (3) compel the attendance of witnesses or the

17 production of documentary or other evidence.

18 (d) COORDINATION WITH RELEVANT AGENCIES.—

19   (1) CONSULTATION.—The Commission may

20 consult with any relevant Federal agencies as nec-

21 essary to carry out this Act.

22   (2) MEMORANDUM OF UNDERSTANDING.—Not

23 later than 180 days after the date of enactment of

24 this Act, the Commission, in coordination with any

1 relevant Federal agencies, shall establish, through a

2 memorandum of understanding—

3 (A) procedures for coordinating investiga-

4 tions and enforcement actions;

5 (B) protocols for information sharing and

6 technical assistance;

7 (C) standards for determining the division

8 of enforcement authority between the Commis-

9 sion and such Federal agencies; and

10 (D) processes for referral of complaints be-

11 tween agencies.

SEC. 403. PRIVATE RIGHT OF ACTION.

13 (a) ENFORCEMENT BY INDIVIDUALS.—

14 (1) IN GENERAL.—Any individual or class of in-

15 dividuals alleging a violation of title I, II, or III, or

16 a regulation promulgated thereunder, may bring a

17 civil action in any court of competent jurisdiction.

18 (2) RELIEF.—In a civil action brought under

19 paragraph (1) in which the plaintiff prevails, the

20 court may award—

21 (A) treble damages or $15,000 per viola-

22 tion, whichever is greater;

23 (B) nominal damages;

24 (C) punitive damages;

1   (D) reasonable attorney's fees and litiga-

2   tion costs; and

3   (E) any other relief, including equitable or

4   declaratory relief, that the court determines ap-

5   propriate.

6   (3) RIGHTS OF THE COMMISSION AND STATE

7 ATTORNEYS GENERAL.—

8   (A) IN GENERAL.—Prior to an individual

9   bringing a civil action under paragraph (1),

10   such individual shall notify the Commission and

11   the attorney general of the State where such in-

12   dividual resides, in writing and including a de-

13   scription of the allegations included in the civil

14   action, that such individual intends to bring a

15   civil action under such paragraph. Not later

16   than 60 days after receiving such notice, the

17   Commission and State attorney general shall

18   each or jointly make a determination and re-

19   spond to such individual as to whether they will

20   intervene in such action. The Commission and

21   State attorney general shall have a right to in-

22   tervene in any civil action under paragraph (1),

23   and upon intervening, to be heard on all mat-

24   ters arising in such action and file petitions for

25   appeal of a decision in such action. If a State

1 attorney general does intervene, they shall only

2 be heard with respect to the interests of the

3 residents of their State.

4 (B) RETAINED AUTHORITY.—Subpara-

5 graph (A) shall not be construed to limit the

6 authority of the Commission or any applicable

7 State attorney general to, at a later date, com-

8 mence a civil action or intervene by motion if

9 the Commission or State attorney general does

10 not commence a proceeding or civil action with-

11 in the 60-day period described in such subpara-

12 graph.

13 (b) INVALIDITY OF PRE-DISPUTE ARBITRATION

14 AGREEMENTS AND PRE-DISPUTE JOINT ACTION WAIV-

15 ERS.—

16 (1) IN GENERAL.—Notwithstanding any other

17 provision of law, no pre-dispute arbitration agree-

18 ment or pre-dispute joint action waiver shall be valid

19 or enforceable with regard to a dispute arising under

20 this Act.

21 (2) APPLICABILITY.—Any determination as to

22 whether or how this subsection applies to any dis-

23 pute shall be made by a court, rather than an arbi-

24 trator, without regard to whether such agreement

69

1 purports to delegate such determination to an arbi-

2 trator.

3 (3) DEFINITIONS.—For purposes of this sub-

4 section:

5 (A) PRE-DISPUTE ARBITRATION AGREE-

6 MENT.—The term "pre-dispute arbitration

7 agreement" means any agreement to arbitrate a

8 dispute that has not arisen at the time of the

9 making of the agreement.

10 (B) PRE-DISPUTE JOINT-ACTION WAIV-

11 ER.—The term "pre-dispute joint-action waiv-

12 er" means an agreement, whether or not part

13 of a pre-dispute arbitration agreement, that

14 would prohibit or waive the right of 1 of the

15 parties to the agreement to participate in a

16 joint, class, or collective action in a judicial, ar-

17 bitral, administrative, or other related forum,

18 concerning a dispute that has not yet arisen at

19 the time of the making of the agreement.

20 **SEC. 404. SEVERABILITY.**

21 If any provision of this Act, or the application thereof

22 to any person or circumstance, is held invalid, the remain-

23 der of this Act, and the application of such provision to

24 other persons not similarly situated or to other cir-

25 cumstances, shall not be affected by the invalidation.

1 **SEC. 405. RULES OF CONSTRUCTION.**

2   (a) IN GENERAL.—Nothing in this Act shall be con-

3 strued to—

4   (1) waive or otherwise limit any requirement

5   under the National Labor Relations Act (29 U.S.C.

6   151 et seq.) for an employer (as such term is de-

7   fined in section 2 of such Act (29 U.S.C. 152)) to

8   bargain collectively regarding the deployment or ef-

9   fects of a covered algorithm;

10   (2) absolve an employer of any obligation to en-

11 sure a covered algorithm and its effects comply with

12 health and safety laws;

13   (3) allow an employer to deploy a covered algo-

14 rithm that interferes with the rights of employees

15 under any Federal, State, or local law; or

16   (4) absolve any other duty or requirement

17 under any other Federal, State, or local law.

18   (b) OTHERWISE APPLICABLE REQUIREMENTS AND

19 AUTHORITY.—No regulation or standard imposed under

20 this Act may be construed in a manner that would lessen

21 the stringency of the requirements of any applicable Fed-

22 eral or State agency that are otherwise applicable. This

23 Act does not divest any such agency of any authority de-

24 rived from any other applicable law.

TITLE V—FEDERAL RESOURCES

SEC. 501. OCCUPATIONAL SERIES RELATING TO ALGO-RITHM AUDITING.

Not later than 270 days after the date of enactment of this Act, the Director of the Office of Personnel Management shall exercise the authority of the Director under section 5105 of title 5, United States Code, to establish a new occupational series and associated policies covering Federal Government positions in the field of algorithm auditing (as described in the report of the Government Accountability Office entitled "Artificial Intelligence: An Accountability Framework for Federal Agencies and Other Entities" (GAO–21–519SP), dated June 30, 2021), which shall include algorithm auditing practices, platform auditing, evaluation and assessment of artificial intelligence systems, computer security, independent evaluation and audits of computer systems, data science, statistics, auditing of anticompetitive practices, and related fields.

SEC. 502. ADDITIONAL FEDERAL RESOURCES.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Commission and other Federal agencies enumerated in this Act such sums as may be necessary to carry out this Act.

(b) COMMISSION PERSONNEL.—Notwithstanding any other provision of law, the Commission may hire not more

1 than 500 additional personnel to accomplish the work of

2 the Commission with respect to unfair or deceptive acts

3 or practices relating to the development or deployment of

4 covered algorithms in accordance with this Act.

○