

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To promote innovation in artificial intelligence and safeguard children,  
creators, communities and stop censorship.

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IN THE SENATE OF THE UNITED STATES

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Mrs. BLACKBURN introduced the following bill; which was read twice and  
referred to the Committee on \_\_\_\_\_

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**A BILL**

To promote innovation in artificial intelligence and safeguard  
children, creators, communities and stop censorship.

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 Republic Unifying Meritocratic Performance Advancing  
6 Machine intelligence by Eliminating Regulatory Interstate  
7 Chaos Across American Industry Act”.

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

- Sec. 1. Short title; table of contents.
- Sec. 2. General definitions.

## 2

TITLE I—MINIMUM SAFEGUARDS REGARDING DUTY OF CARE  
FOR ARTIFICIAL INTELLIGENCE CHATBOT DEVELOPERS

Sec. 101. Duty of care of artificial intelligence chatbot developers.

## TITLE II—AI-RELATED JOB EFFECTS REPORTING

- Sec. 201. Definitions.
- Sec. 202. Required disclosures.
- Sec. 203. Incorporation into existing surveys.
- Sec. 204. Department of Labor reports.
- Sec. 205. Application to non-publicly-traded companies.
- Sec. 206. Enforcement.

## TITLE III—SUNSET SECTION 230 ACT

- Sec. 301. Short title.
- Sec. 302. Repeal of section 230 of the Communications Act of 1934.

TITLE IV—PROTECTING CHILDREN FROM SEX TRAFFICKING,  
SUICIDE, AND OTHER ABUSES

Sec. 401. Short title.

## Subtitle A—Kids Online Safety

- Sec. 411. Definitions.
- Sec. 412. Duty of care.
- Sec. 413. Safeguards for minors.
- Sec. 414. Disclosure.
- Sec. 415. Transparency.
- Sec. 416. Market research.
- Sec. 417. Age verification study and report.
- Sec. 418. Guidance.
- Sec. 419. Enforcement.
- Sec. 420. Kids Online Safety Council.
- Sec. 421. Effective date.
- Sec. 422. Rules of construction and other matters.

## Subtitle B—Filter Bubble Transparency

- Sec. 431. Definitions.
- Sec. 432. Requirement to allow users to see unmanipulated content on internet platforms.

## Subtitle C—Relationship to State Laws

Sec. 441. Relationship to State laws.

## TITLE V—GUARD ACT

- Sec. 501. Definitions.
- Sec. 502. Criminal prohibitions.
- Sec. 503. Covered entity obligations.
- Sec. 504. Prohibition on minor use of ai companions.
- Sec. 505. Enforcement.

## TITLE VI—RISK-BASED FRAMEWORK FOR AI SYSTEMS

- Sec. 601. Definitions.
- Sec. 602. Obligation to participate; enforcement and penalties.
- Sec. 603. Advanced artificial intelligence evaluation program.

#### TITLE VII—ESTABLISHING LEGAL STANDARDS FOR ADVANCED ARTIFICIAL INTELLIGENCE PRODUCTS

- Sec. 701. Short title.
- Sec. 702. Definitions.

##### Subtitle A—Aligning Incentives for Safety, Innovation and United States Competitiveness

- Sec. 711. Developer liability for harm to business or consumer.
- Sec. 712. Deployer liability for harm to business or consumer.

##### Subtitle B—Unconscionable Liability Limitations

- Sec. 721. Unconscionable liability limitations.

##### Subtitle C—Enforcement

- Sec. 731. Federal cause of action.
- Sec. 732. Special rule for deployers.
- Sec. 733. Period of limitations.
- Sec. 734. Preemption.

##### Subtitle D—Registration of Foreign Artificial Intelligence System Developers

- Sec. 741. Foreign agent registration requirement.
- Sec. 742. Enforcement.
- Sec. 743. Public registry.

#### TITLE VIII—BIAS MITIGATION AND EQUITY

- Sec. 801. Audits for bias and training on ethics.

#### TITLE IX—FUTURE OF ARTIFICIAL INTELLIGENCE INNOVATION

- Sec. 900. Short title; sense of Congress.

##### Subtitle A—Voluntary Artificial Intelligence Standards, Metrics, Evaluation Tools, Testbeds, and International Cooperation

- Sec. 901. Definitions.

##### CHAPTER 1—CENTER FOR ARTIFICIAL INTELLIGENCE STANDARDS AND INNOVATION AND TESTBEDS

- Sec. 911. Center for Artificial Intelligence Standards and Innovation.
- Sec. 912. Interagency coordination and program to facilitate artificial intelligence testbeds.
- Sec. 913. National Institute of Standards and Technology and Department of Energy testbed to identify, test, and synthesize new materials.
- Sec. 914. Coordination, reimbursement, and savings provisions.
- Sec. 915. Progress report.

##### CHAPTER 2—INTERNATIONAL COOPERATION

## 4

Sec. 921. International coalitions on innovation, development, and alignment of standards with respect to artificial intelligence.

CHAPTER 3—IDENTIFYING REGULATORY BARRIERS TO INNOVATION

Sec. 931. Comptroller General of the United States identification of risks and obstacles relating to artificial intelligence and Federal agencies.

Subtitle B—Artificial Intelligence Research, Development, Capacity Building Activities

Sec. 941. Public data for artificial intelligence systems.

Sec. 942. Federal grand challenges in artificial intelligence.

Subtitle C—Research Security and Other Matters

Sec. 951. Research security.

Sec. 952. Expansion of authority to hire critical technical experts.

Sec. 953. Certifications and audits of temporary fellows.

TITLE X—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH RESOURCE

Sec. 1001. National Artificial Intelligence Research Resource.

TITLE XI—CONSUMER PROTECTIONS FOR DATA CENTER INFRASTRUCTURE COSTS

Sec. 1101. Ratepayer Protection.

TITLE XII—NO FAKES ACT OF 2026

Sec. 1201. Short title.

Sec. 1202. Voice and visual likeness rights.

TITLE XIII—TRAIN ACT

Sec. 1301. Short title.

Sec. 1302. Subpoena for copies or records relating to artificial intelligence models.

TITLE XIV—REQUIRING TRANSPARENCY WITH RESPECT TO CONTENT AND CONTENT PROVENANCE INFORMATION; PROTECTING ARTISTIC CONTENT

Sec. 1401. Short title.

Sec. 1402. Definitions.

Sec. 1403. Facilitation of development of standards for content provenance information and detection of synthetic content and synthetically-modified content.

Sec. 1404. National Institute of Standards and Technology research, development, and public education regarding synthetic content and synthetically-modified content.

Sec. 1405. Requirements for content provenance information; prohibited acts.

Sec. 1406. Enforcement.

Sec. 1407. Rule of construction.

TITLE XV—ARTIFICIAL INTELLIGENCE COPYRIGHT, TRANSPARENCY, AND TRAINING DATA ACCOUNTABILITY

Sec. 1501. Clarification regarding artificial intelligence training and fair use.  
Sec. 1502. Unauthorized artificial intelligence generated derivative works.

TITLE XVI—AGENCY USE OF ARTIFICIAL INTELLIGENCE

Sec. 1601. Agency use of artificial intelligence.

TITLE XVII—MISCELLANEOUS

Sec. 1701. Preemption.  
Sec. 1702. Severability.  
Sec. 1703. Effective date.

1 **SEC. 2. GENERAL DEFINITIONS.**

2 In this Act, except as otherwise provided:

3 (1) **ARTIFICIAL INTELLIGENCE; AI.**—The term  
4 “artificial intelligence” or “AI” has the meaning  
5 given the term “artificial intelligence” in section  
6 5002 of the National Artificial Intelligence Initiative  
7 Act of 2020 (15 U.S.C. 9401).

8 (2) **ARTIFICIAL INTELLIGENCE CHATBOT.**—The  
9 term “artificial intelligence chatbot”—

10 (A) means any interactive computer service  
11 or software application that—

12 (i) produces new expressive content or  
13 responses not fully predetermined by the  
14 developer or operator of the service or ap-  
15 plication; and

16 (ii) accepts open-ended natural-lan-  
17 guage or multimodal user input and pro-  
18 duces adaptive or context-responsive out-  
19 put; and

1 (B) does not include an interactive com-  
2 puter service or software application—

3 (i) the responses of which are limited  
4 to contextualized replies; and

5 (ii) that is unable to respond on a  
6 range of topics outside of a narrow speci-  
7 fied purpose.

8 (3) COVERED ENTITY.—The term “covered en-  
9 tity” means any person or entity, including a Fed-  
10 eral agency, that—

11 (A) is engaged in the development, deploy-  
12 ment, or operation of AI; and

13 (B) meets 1 or more thresholds established  
14 by the Federal Trade Commission, such as hav-  
15 ing annual revenue of more than \$500,000,000  
16 or processing the data of more than 1,000,000  
17 individuals annually.

18 (4) QUARTER.—The term “quarter” has the  
19 meaning given the term “calendar quarter” in sec-  
20 tion 5061(d)(4)(C) of the Internal Revenue Code of  
21 1986.

1 **TITLE I—MINIMUM SAFEGUARDS**  
2 **REGARDING DUTY OF CARE**  
3 **FOR ARTIFICIAL INTEL-**  
4 **LIGENCE CHATBOT DEVEL-**  
5 **OPERS**

6 **SEC. 101. DUTY OF CARE OF ARTIFICIAL INTELLIGENCE**  
7 **CHATBOT DEVELOPERS.**

8 (a) IN GENERAL.—Each developer of an artificial in-  
9 telligence chatbot shall exercise reasonable care in the de-  
10 sign, development, and operation of such chatbot to pre-  
11 vent and mitigate harms to users of such chatbot where  
12 a reasonable and prudent person would agree that—

13 (1) such harms were reasonably foreseeable by  
14 the developer; and

15 (2) the design, development, and operation of  
16 such chatbot were contributing factors to such  
17 harms.

18 (b) REASONABLE SAFEGUARDS.—The Commission  
19 shall promulgate rules establishing minimum reasonable  
20 safeguards regarding compliance with subsection (a).

21 (c) ENFORCEMENT.—

22 (1) ENFORCEMENT BY THE COMMISSION.—

23 (A) UNFAIR OR DECEPTIVE ACT OR PRAC-  
24 TICE.—A violation of this title shall be treated  
25 as a violation of a rule defining an unfair or de-

1 ceptive act or practice prescribed under section  
2 18(a)(1)(B) of the Federal Trade Commission  
3 Act (15 U.S.C. 57a(a)(1)(B)).

4 (B) POWERS OF THE COMMISSION.—

5 (i) IN GENERAL.—The Commission  
6 shall enforce this title in the same manner,  
7 by the same means, and with the same ju-  
8 risdiction, powers, and duties as though all  
9 applicable terms and provisions of the Fed-  
10 eral Trade Commission Act (15 U.S.C. 41  
11 et seq.) were incorporated into and made a  
12 part of this title.

13 (ii) PRIVILEGES AND IMMUNITIES.—  
14 Any person that violates this title shall be  
15 subject to the penalties, and entitled to the  
16 privileges and immunities, provided in the  
17 Federal Trade Commission Act (15 U.S.C.  
18 41 et seq.).

19 (iii) AUTHORITY PRESERVED.—Noth-  
20 ing in this title shall be construed to limit  
21 the authority of the Commission under any  
22 other provision of law.

23 (2) ENFORCEMENT BY STATE ATTORNEYS GEN-  
24 ERAL.—

25 (A) IN GENERAL.—

1 (i) CIVIL ACTIONS.—In any case in  
2 which the Attorney General of a State has  
3 reason to believe that a covered platform  
4 has violated or is violating this title the  
5 State, as *parens patriae*, may bring a civil  
6 action on behalf of the residents of the  
7 State in a district court of the United  
8 States or a State court of appropriate ju-  
9 risdiction to—

10 (I) enjoin any practice that vio-  
11 lates this title;

12 (II) enforce compliance with this  
13 title;

14 (III) on behalf of residents of the  
15 State, obtain damages, restitution, or  
16 other compensation, each of which  
17 shall be distributed in accordance with  
18 State law; or

19 (IV) obtain such other relief as  
20 the court may consider to be appro-  
21 priate.

22 (ii) NOTICE.—

23 (I) IN GENERAL.—Before filing  
24 an action under clause (i), the Attor-

1                   ney General of the State involved shall  
2                   provide to the Commission—

3                   (aa) written notice of that  
4                   action; and

5                   (bb) a copy of the complaint  
6                   for that action.

7                   (II) EXEMPTION.—

8                   (aa) IN GENERAL.—Sub-  
9                   clause (I) shall not apply with re-  
10                  spect to the filing of an action by  
11                  an Attorney General of a State  
12                  under this subparagraph if the  
13                  Attorney General of the State de-  
14                  termines that it is not feasible to  
15                  provide the notice described in  
16                  that subclause before the filing of  
17                  the action.

18                  (bb) NOTIFICATION.—In an  
19                  action described in item (aa), the  
20                  Attorney General of a State shall  
21                  provide notice and a copy of the  
22                  complaint to the Commission at  
23                  the same time as the Attorney  
24                  General files the action.

25                  (B) INTERVENTION.—

1 (i) IN GENERAL.—On receiving the  
2 notice under subparagraph (A)(ii), the  
3 Commission shall have the right to inter-  
4 vene in the action that is the subject of the  
5 notice.

6 (ii) EFFECT OF INTERVENTION.—If  
7 the Commission intervenes in an action  
8 under subparagraph (A), it shall have the  
9 right—

10 (I) to remove the action to the  
11 appropriate United States district  
12 court;

13 (II) to be heard with respect to  
14 any matter that arises in that action;  
15 and

16 (III) to file a petition for appeal.

17 (C) CONSTRUCTION.—For purposes of  
18 bringing any civil action under subparagraph  
19 (A), nothing in this title shall be construed to  
20 prevent an Attorney General of a State from  
21 exercising the powers conferred on the Attorney  
22 General by the laws of that State to—

23 (i) conduct investigations;

24 (ii) administer oaths or affirmations;

25 or

1 (iii) compel the attendance of wit-  
2 nesses or the production of documentary  
3 and other evidence.

4 (D) ACTIONS BY THE COMMISSION.—In  
5 any case in which an action is instituted by or  
6 on behalf of the Commission for violation of  
7 this title, no State may, during the pendency of  
8 that action, institute a separate action under  
9 subparagraph (A) against any defendant named  
10 in the complaint in the action instituted by or  
11 on behalf of the Commission for that violation.

12 (E) VENUE; SERVICE OF PROCESS.—

13 (i) VENUE.—Any action brought  
14 under subparagraph (A) may be brought  
15 in—

16 (I) the district court of the  
17 United States that meets applicable  
18 requirements relating to venue under  
19 section 1391 of title 28, United States  
20 Code; or

21 (II) a State court of competent  
22 jurisdiction.

23 (ii) SERVICE OF PROCESS.—In an ac-  
24 tion brought under subparagraph (A) in a

1 district court of the United States, process  
2 may be served wherever the defendant—

3 (I) is an inhabitant; or

4 (II) may be found.

5 (d) DEFINITION.—In this title, the term “Commis-  
6 sion” means the Federal Trade Commission.

7 **TITLE II—AI-RELATED JOB**  
8 **EFFECTS REPORTING**

9 **SEC. 201. DEFINITIONS.**

10 In this title:

11 (1) AI-RELATED JOB EFFECT.—The term “AI-  
12 related job effect” means any workforce change at-  
13 tributable to artificial intelligence, including dis-  
14 placement, reskilling, or new employment opportuni-  
15 ties.

16 (2) COVERED ENTITY.—Notwithstanding sec-  
17 tion 2, the term “covered entity” means an entity  
18 that is—

19 (A) a publicly-traded company, as defined  
20 in section 5003(a) of the American Rescue Plan  
21 Act of 2021 (15 U.S.C. 9009e(a));

22 (B) an agency, as defined in section 551 of  
23 title 5, United States Code; or

24 (C) a non-publicly-traded company that is  
25 identified by the Secretary through regulations

1           issued under section 205 for inclusion as sub-  
2           ject to the requirements under section 202.

3           (3) EXCHANGE; ISSUER.—The terms “ex-  
4           change” and “issuer” have the meanings given those  
5           terms in section 3(a) of the Securities Exchange Act  
6           of 1934 (15 U.S.C. 78c(a)).

7           (4) NATIONAL SECURITIES EXCHANGE.—The  
8           term “national securities exchange” means an ex-  
9           change registered pursuant to section 6 of the Secu-  
10          rities Exchange Act of 1934 (15 U.S.C. 78f).

11          (5) NON-PUBLICLY-TRADED COMPANY.—The  
12          term “non-publicly-traded company” means a busi-  
13          ness entity engaged in interstate commerce that—

14                (A) is not an issuer, the securities of which  
15                are listed on a national securities exchange; and

16                (B) is not otherwise required to file reports  
17                with the Securities and Exchange Commission  
18                under section 13 or 15(d) of the Securities Ex-  
19                change Act of 1934 (15 U.S.C. 78m; 78o(d)).

20          (6) SECRETARY.—The term “Secretary” means  
21          the Secretary of Labor, acting through the Commis-  
22          sioner of Labor Statistics.

23          (7) SECURITY.—The term “security” has the  
24          meaning given that term in section 3(a) of the Secu-  
25          rities Exchange Act of 1934 (15 U.S.C. 78c(a)).

1           (8) UNITED STATES.—The term “United  
2 States” means the United States, including any ter-  
3 ritory or possession of the United States.

4 **SEC. 202. REQUIRED DISCLOSURES.**

5           (a) IN GENERAL.—Not more than 30 days after the  
6 last day of each quarter, a covered entity shall, with re-  
7 spect to such quarter, disclose to the Secretary any AI-  
8 related job effects experienced by the entity in the United  
9 States, including by indicating—

10           (1) the number of employees that were laid off,  
11 or contracts of independent contractors that were  
12 cancelled, rescinded, or not renewed, by the covered  
13 entity in the United States during the quarter due,  
14 in whole or in part, to the replacement or automa-  
15 tion by artificial intelligence of the functions per-  
16 formed by such employees or contractors;

17           (2) the number of employees hired, or contracts  
18 of independent contractors that were entered into,  
19 by the covered entity in the United States during  
20 the quarter due, in whole or in part, to artificial in-  
21 telligence;

22           (3) the number of positions of the covered enti-  
23 ty in the United States that were occupied at any  
24 point during the quarter for which the covered entity

1 has decided not to fill based on a reason that is due,  
2 in whole or in part, to artificial intelligence;

3 (4) the number of employees or independent  
4 contractors whom the covered entity retrained, or  
5 assisted in retraining, based on a reason that is, in  
6 whole or in part, due to artificial intelligence; and

7 (5) any other information related to AI-related  
8 job effects, as determined appropriate by the Sec-  
9 retary.

10 (b) NORTH AMERICAN INDUSTRY CLASSIFICATION  
11 SYSTEM CODES.—With respect to each AI-related job ef-  
12 fects disclosure under subsection (a), the covered entity  
13 shall provide in such disclosure the corresponding North  
14 American Industry Classification System codes.

15 **SEC. 203. INCORPORATION INTO EXISTING SURVEYS.**

16 (a) IN GENERAL.—As determined appropriate by the  
17 Secretary, the Secretary may—

18 (1) revise an existing survey conducted by the  
19 Secretary as of the date of enactment of this Act to  
20 incorporate the disclosures under section 202 into  
21 such a survey;

22 (2) collaborate with the Bureau of the Census  
23 to revise an existing survey conducted by the Bureau  
24 of the Census as of the date of enactment of this  
25 Act, or an existing survey conducted as of such date

1 of enactment by the Secretary in partnership with  
2 the Bureau of the Census, to incorporate the disclo-  
3 sures under section 202 into such a survey; and

4 (3) allow covered entities to submit the disclo-  
5 sures under section 202 through responding to a  
6 survey described in paragraph (1) or (2).

7 (b) SHARING OF DATA.—In the case the disclosures  
8 required under section 202 are incorporated pursuant to  
9 subsection (a) into a survey conducted by the Bureau of  
10 the Census that is not a survey conducted in partnership  
11 with the Secretary, the Bureau of the Census shall, for  
12 each quarter, share the data from such disclosures with  
13 the Secretary in order for the Secretary to prepare the  
14 reports required under section 204.

15 **SEC. 204. DEPARTMENT OF LABOR REPORTS.**

16 The Secretary, in consultation with the Director of  
17 the Office of Management and Budget and the Director  
18 of the Office of Personnel Management, shall—

19 (1) for each quarter, prepare a report—

20 (A) summarizing the data from disclosures  
21 submitted under section 202 during the quar-  
22 ter; and

23 (B) for the quarter ending on December  
24 31, summarizing such data for the calendar  
25 year;

1           (2) for every other quarter, prepare a report  
2 analyzing the net impact of the data contained in  
3 the report under paragraph (1) for such quarter and  
4 for the preceding quarter, and any other relevant  
5 data available to the Secretary with respect to AI-  
6 related job effects; and

7           (3) not more than 60 days after the last day of  
8 each quarter—

9           (A) clearly and conspicuously publish each  
10 report prepared for the quarter under para-  
11 graph (1) and, as applicable, paragraph (2),  
12 and the data underlying such reports, on the  
13 website of the Bureau of Labor Statistics; and

14           (B) submit each such report to Congress  
15 and the President.

16 **SEC. 205. APPLICATION TO NON-PUBLICLY-TRADED COMPA-**  
17 **NIES.**

18           (a) IN GENERAL.—Not later than 180 days after the  
19 date of enactment of this Act, the Secretary, in consulta-  
20 tion with the Securities and Exchange Commission and  
21 the Secretary of the Treasury, shall issue regulations to  
22 determine the extent to which non-publicly-traded compa-  
23 nies shall be included as subject to the requirements under  
24 section 202.

1 (b) REGULATIONS.—The regulations issued under  
2 this section shall—

3 (1) identify for such inclusion categories of non-  
4 publicly-traded companies that have a significant  
5 workforce, estimated enterprise value, or employ-  
6 ment impact on a regional or national basis;

7 (2) consider for such inclusion thresholds with  
8 respect to non-publicly-traded companies, such as—

9 (A) the number of employees employed by  
10 such companies;

11 (B) the annual revenue of such companies;

12 or

13 (C) the industry classification under the  
14 North American Industry Classification System  
15 for such companies;

16 (3) ensure that any disclosure requirements  
17 under section 202 applicable to a non-publicly-traded  
18 company are proportionate to the size and capacity  
19 of such company; and

20 (4) establish procedures for the confidential  
21 submission and publication of data of non-publicly-  
22 traded companies with respect to disclosures under  
23 such section in order to protect the proprietary or  
24 personally identifiable information of such compa-  
25 nies.

1 (c) NOTICE AND COMMENT.—In issuing the regula-  
2 tions under this section, the Secretary shall provide for  
3 notice and comment in accordance with section 553 of title  
4 5, United States Code.

5 **SEC. 206. ENFORCEMENT.**

6 (a) IN GENERAL.—A covered entity that violates sec-  
7 tion 202 shall be liable to the United States for a civil  
8 penalty in an amount not to exceed \$1,000,000 for each  
9 such violation.

10 (b) CIVIL ACTION.—If the Secretary, or any other  
11 person, has reason to believe that a covered entity has vio-  
12 lated section 202, the Secretary, or such person, may com-  
13 mence a civil action in any court of competent jurisdiction  
14 for—

15 (1) the civil penalty described in subsection (a),  
16 to be deposited into the general fund of the Treas-  
17 ury as a miscellaneous receipt; and

18 (2) injunctive relief.

19 (c) CONSIDERATIONS.— In awarding a civil penalty  
20 under subsection (b)(1), a court shall consider the serious-  
21 ness of the violation and whether it is a repeated violation.

22 (d) SETTLEMENTS.—An action brought under this  
23 section in a court of competent jurisdiction may not be  
24 settled without approval by the court. Such court shall not

1 approve any settlement of such an action if the terms of  
2 the settlement do not require compliance with this title.

3 (e) ATTORNEYS' FEES AND COSTS.—A prevailing  
4 plaintiff, including the Secretary, in any civil action under  
5 this section shall be awarded reasonable attorneys' fees  
6 and costs in such action.

7 **TITLE III—SUNSET SECTION 230**  
8 **ACT**

9 **SEC. 301. SHORT TITLE.**

10 This title may be cited as the “Sunset Section 230  
11 Act”.

12 **SEC. 302. REPEAL OF SECTION 230 OF THE COMMUNICA-**  
13 **TIONS ACT OF 1934.**

14 (a) IN GENERAL.—Section 230 of the Communica-  
15 tions Act of 1934 (47 U.S.C. 230) is repealed.

16 (b) CONFORMING AMENDMENTS.—

17 (1) COMMUNICATIONS ACT OF 1934.—The Com-  
18 munications Act of 1934 (47 U.S.C. 151 et seq.) is  
19 amended—

20 (A) in section 223(h) (47 U.S.C. 223(h)),  
21 by striking paragraph (2) and inserting the fol-  
22 lowing:

23 “(2) The term ‘interactive computer service’  
24 means any information service, system, or access  
25 software provider that provides or enables computer

1 access by multiple users to a computer server, in-  
2 cluding specifically a service or system that provides  
3 access to the Internet and such systems operated or  
4 services offered by libraries or educational institu-  
5 tions.”; and

6 (B) in section 231(b)(4) (47 U.S.C.  
7 231(b)(4)), by striking “or section 230”.

8 (2) TRADEMARK ACT OF 1946.—Section 45 of  
9 the Act entitled “An Act to provide for the registra-  
10 tion and protection of trademarks used in commerce,  
11 to carry out the provisions of certain international  
12 conventions, and for other purposes”, approved July  
13 5, 1946 (commonly known as the “Trademark Act  
14 of 1946”) (15 U.S.C. 1127), is amended by striking  
15 the definition relating to the term “Internet” and in-  
16 serting the following:

17 “The term ‘Internet’ means the international com-  
18 puter network of both Federal and non-Federal interoper-  
19 able packet switched data networks.”.

20 (3) TITLE 17, UNITED STATES CODE.—Section  
21 1401 of title 17, United States Code, is amended by  
22 striking subsection (g).

23 (4) TITLE 18, UNITED STATES CODE.—Part I of  
24 title 18, United States Code, is amended—

1 (A) in section 1462, by striking “(as de-  
2 fined in section 230(e)(2) of the Communica-  
3 tions Act of 1934)” each place the term ap-  
4 pears and inserting “(as defined in section 223  
5 of the Communications Act of 1934 (47 U.S.C.  
6 223))”;

7 (B) in section 1465, by striking “(as de-  
8 fined in section 230(e)(2) of the Communica-  
9 tions Act of 1934)” and inserting “(as defined  
10 in section 223 of the Communications Act of  
11 1934 (47 U.S.C. 223))”;

12 (C) in section 2257(h)(2)(B)(v), by strik-  
13 ing “, except that deletion of a particular com-  
14 munication or material made by another person  
15 in a manner consistent with section 230(c) of  
16 the Communications Act of 1934 (47 U.S.C.  
17 230(c)) shall not constitute such selection or al-  
18 teration of the content of the communication”;

19 and

20 (D) in section 2421A—

21 (i) in subsection (a), by striking “(as  
22 such term is defined in defined in section  
23 230(f) the Communications Act of 1934  
24 (47 U.S.C. 230(f))” and inserting “(as  
25 that term is defined in section 223 of the

1                   Communications Act of 1934 (47 U.S.C.  
2                   223))”); and

3                   (ii) in subsection (b), by striking “(as  
4                   such term is defined in defined in section  
5                   230(f) the Communications Act of 1934  
6                   (47 U.S.C. 230(f))” and inserting “(as  
7                   that term is defined in section 223 of the  
8                   Communications Act of 1934 (47 U.S.C.  
9                   223))”.

10                  (5) CONTROLLED SUBSTANCES ACT.—Section  
11                  401(h)(3)(A)(iii)(II) of the Controlled Substances  
12                  Act (21 U.S.C. 841(h)(3)(A)(iii)(II)) is amended by  
13                  striking “, except that deletion of a particular com-  
14                  munication or material made by another person in  
15                  a manner consistent with section 230(c) of the Com-  
16                  munications Act of 1934 shall not constitute such  
17                  selection or alteration of the content of the commu-  
18                  nication”.

19                  (6) WEBB-KENYON ACT.—Section 3(b)(1) of  
20                  the Act entitled “An Act divesting intoxicating liq-  
21                  uors of their interstate character in certain cases”,  
22                  approved March 1, 1913 (commonly known as the  
23                  “Webb-Kenyon Act”) (27 U.S.C. 122b(b)(1)), is  
24                  amended by striking “(as defined in section 230(f)  
25                  of the Communications Act of 1934 (47 U.S.C.

1       230(f))” and inserting “(as defined in section 223 of  
2       the Communications Act of 1934 (47 U.S.C. 223))”.

3           (7) TITLE 28, UNITED STATES CODE.—Section  
4       4102 of title 28, United States Code, is amended—

5           (A) by striking subsection (c); and

6           (B) in subsection (e)—

7               (i) by striking “construed to” and all  
8               that follows through “affect” and inserting  
9               “construed to affect”; and

10               (ii) by striking “defamation; or” and  
11               all that follows and inserting “defama-  
12               tion.”.

13           (8) DANIEL ANDERL JUDICIAL SECURITY AND  
14       PRIVACY ACT OF 2022.—Section 5933(7) of the Dan-  
15       iel Anderl Judicial Security and Privacy Act of 2022  
16       (28 U.S.C. 601 note prec.; Public Law 117–263) is  
17       amended by striking “section 230 of the Commu-  
18       nications Act of 1934 (47 U.S.C. 230)” and insert-  
19       ing “section 223 of the Communications Act of 1934  
20       (47 U.S.C. 223)”.

21           (9) TITLE 31, UNITED STATES CODE.—Section  
22       5362(6) of title 31, United States Code, is amended  
23       by striking “section 230(f) of the Communications  
24       Act of 1934 (47 U.S.C. 230(f))” and inserting “sec-

1       tion 223 of the Communications Act of 1934 (47  
2       U.S.C. 223)”.

3               (10) NATIONAL TELECOMMUNICATIONS AND IN-  
4       FORMATION ADMINISTRATION ORGANIZATION ACT.—  
5       Section 157 of the National Telecommunications  
6       and Information Administration Organization Act  
7       (47 U.S.C. 941) is amended—

8               (A) by striking subsection (e); and

9               (B) by redesignating subsections (f)  
10       through (j) as subsections (e) through (i), re-  
11       spectively.

12       (c) EFFECTIVE DATE.—The amendments made by  
13       this section shall take effect on the date that is 2 years  
14       after the date of enactment of this Act.

15       **TITLE IV—PROTECTING CHILDREN FROM SEX TRAF-**  
16       **FICKING, SUICIDE, AND**  
17       **OTHER ABUSES**

19       **SEC. 401. SHORT TITLE.**

20       This title may be cited as the “Kids Online Safety  
21       Act”.

22       **Subtitle A—Kids Online Safety**

23       **SEC. 411. DEFINITIONS.**

24       In this subtitle:

1           (1) CHILD.—The term “child” means an indi-  
2           vidual who is under the age of 13.

3           (2) COMPULSIVE USAGE.—The term “compul-  
4           sive usage” means a persistent and repetitive use of  
5           a covered platform that significantly impacts one or  
6           more major life activities of an individual, including  
7           socializing, sleeping, eating, learning, reading, con-  
8           centrating, communicating, or working.

9           (3) COVERED PLATFORM.—

10           (A) IN GENERAL.—The term “covered  
11           platform” means an online platform, online  
12           video game, messaging application, or video  
13           streaming service that connects to the internet  
14           and that is used, or is reasonably likely to be  
15           used, by a minor.

16           (B) EXCEPTIONS.—The term “covered  
17           platform” does not include—

18                   (i) an entity acting in its capacity as  
19                   a provider of—

20                           (I) a common carrier service sub-  
21                           ject to the Communications Act of  
22                           1934 (47 U.S.C. 151 et seq.) and all  
23                           Acts amendatory thereof and supple-  
24                           mentary thereto;

1 (II) a broadband internet access  
2 service (as such term is defined for  
3 purposes of section 8.1(b) of title 47,  
4 Code of Federal Regulations, or any  
5 successor regulation);

6 (III) an email service;

7 (IV) a teleconferencing or video  
8 conferencing service that allows recep-  
9 tion and transmission of audio or  
10 video signals for real-time communica-  
11 tion, provided that—

12 (aa) the service is not an on-  
13 line platform; and

14 (bb) the real-time commu-  
15 nication is initiated by using a  
16 unique link or identifier to facili-  
17 tate access; or

18 (V) a wireless messaging service,  
19 including such a service provided  
20 through short messaging service or  
21 multimedia messaging service proto-  
22 cols, that is not a component of, or  
23 linked to, an online platform and  
24 where the predominant or exclusive  
25 function is direct messaging consisting

1 of the transmission of text, photos, or  
2 videos that are sent by electronic  
3 means, where messages are trans-  
4 mitted from the sender to a recipient,  
5 and are not posted within an online  
6 platform or publicly;

7 (ii) an organization not organized to  
8 carry on business for its own profit or that  
9 of its members;

10 (iii) any public or private—

11 (I) early childhood education pro-  
12 gram or preschool that provides for  
13 the care, development, and education  
14 of infants, toddlers, or young children  
15 who are not yet enrolled in kinder-  
16 garten;

17 (II) elementary school (as defined  
18 in section 8101 of the Elementary and  
19 Secondary Education Act of 1965 (  
20 20 U.S.C. 7801)) or secondary school  
21 (as so defined);

22 (III) school providing career and  
23 technical education (as defined in sec-  
24 tion 3 of the Carl D. Perkins Career

1 and Technical Education Act of 2006  
2 (20 U.S.C. 2302));

3 (IV) school providing adult edu-  
4 cation and literacy activities (as de-  
5 fined in section 203 of the Adult Edu-  
6 cation and Family Literacy Act (29  
7 U.S.C. 3272)); or

8 (V) institution of higher edu-  
9 cation (as defined in section 101, and  
10 subparagraphs (A) and (B) of section  
11 102(a)(1), of the Higher Education  
12 Act of 1965 (20 U.S.C. 1001,  
13 1002(a)(1)));

14 (iv) a library (as defined in section  
15 213 of the Library Services and Tech-  
16 nology Act (20 U.S.C. 9122));

17 (v) a news or sports coverage website  
18 or app where—

19 (I) the inclusion of video content  
20 on the website or app is related to the  
21 website or app's own gathering, re-  
22 porting, or publishing of news content  
23 or sports coverage; and

24 (II) the website or app is not  
25 otherwise an online platform;

1 (vi) a product or service that pri-  
2 marily functions as business-to-business  
3 software, such as a cloud storage, file shar-  
4 ing, or file collaboration service;

5 (vii) a virtual private network or simi-  
6 lar service that exists predominantly to  
7 route internet traffic between locations; or

8 (viii) a government entity with a .gov  
9 internet domain (as described in section  
10 2215 of the Homeland Security Act of  
11 2002 ( 6 U.S.C. 665)).

12 (4) DESIGN FEATURE.—The term “design fea-  
13 ture” means any feature or component of a covered  
14 platform that will encourage or increase the fre-  
15 quency, time spent, or activity of minors on the cov-  
16 ered platform. Design features include but are not  
17 limited to—

18 (A) infinite scrolling or auto play;

19 (B) rewards or incentives based on the fre-  
20 quency, time spent, or activity of minors on the  
21 covered platform;

22 (C) notifications and push alerts;

23 (D) badges or other visual award symbols  
24 based on the frequency, time spent, or activity  
25 of minors on the covered platform;

1 (E) personalized design features;

2 (F) in-game purchases; or

3 (G) appearance altering filters.

4 (5) GEOLOCATION.—The term “geolocation”  
5 has the meaning given the term “geolocation infor-  
6 mation” in section 1302 of the Children’s Online  
7 Privacy Protection Act of 1998 (15 U.S.C. 6501), as  
8 added by section 431(a).

9 (6) KNOW OR KNOWS.—The term “know” or  
10 “knows” means to have actual knowledge or knowl-  
11 edge fairly implied on the basis of objective cir-  
12 cumstances.

13 (7) MICROTRANSACTION.—

14 (A) IN GENERAL.—The term “microtrans-  
15 action” means a purchase made in an online  
16 video game (including a purchase made using a  
17 virtual currency that is purchasable or redeem-  
18 able using cash or credit or that is included as  
19 part of a paid subscription service).

20 (B) INCLUSIONS.—Such term includes a  
21 purchase involving surprise mechanics, new  
22 characters, or in-game items.

23 (C) EXCLUSIONS.—Such term does not in-  
24 clude—

1 (i) a purchase made in an online video  
2 game using a virtual currency that is  
3 earned through gameplay and is not other-  
4 wise purchasable or redeemable using cash  
5 or credit or included as part of a paid sub-  
6 scription service; or

7 (ii) a purchase of additional levels  
8 within the game or an overall expansion of  
9 the game.

10 (8) MINOR.—The term “minor” means an indi-  
11 vidual who is under the age of 17.

12 (9) NARCOTIC DRUG.—The term “narcotic  
13 drug” has the meaning given such term in section  
14 102 of the Controlled Substances Act (21 U.S.C.  
15 802).

16 (10) ONLINE PLATFORM.—

17 (A) IN GENERAL.—The term “online plat-  
18 form” means any public-facing website, online  
19 service, online application, or mobile application  
20 that predominantly provides a community  
21 forum for user-generated content, such as shar-  
22 ing videos, images, games, audio files, or other  
23 content, including a social media service, social  
24 network, or virtual reality environment.

1 (B) INCIDENTAL CHAT FUNCTIONS.—A  
2 website, online service, online application, or  
3 mobile application is not an online platform  
4 solely on the basis that it includes a chat, com-  
5 ment, or other interactive function that is inci-  
6 dental to its predominant purpose.

7 (11) ONLINE VIDEO GAME.—The term “online  
8 video game” means a video game, including an edu-  
9 cational video game, that connects to the internet  
10 and that allows a user to—

11 (A) create and upload content other than  
12 content that is incidental to gameplay, such as  
13 character or level designs created by the user,  
14 preselected phrases, or short interactions with  
15 other users;

16 (B) engage in microtransactions within the  
17 game; or

18 (C) communicate with other users.

19 (12) PARENT.—The term “parent” includes a  
20 legal guardian.

21 (13) PERSONAL DATA.—The term “personal  
22 data” has the same meaning as the term “personal  
23 information” as defined in section 1302 of the Chil-  
24 dren’s Online Privacy Protection Act (15 U.S.C.  
25 6501).

1           (14) PERSONALIZED DESIGN FEATURE.—The  
2 term “personalized design feature” means a fully or  
3 partially automated system, including a rec-  
4 ommendation system, that is based on the collection  
5 of personal data of users and that encourages or in-  
6 creases the frequency, time spent, or activity of mi-  
7 nors on the covered platform.

8           (15) PERSONALIZED RECOMMENDATION SYS-  
9 TEM.—The term “personalized recommendation sys-  
10 tem” means a fully or partially automated system  
11 used to suggest, promote, or rank content, including  
12 other users, hashtags, or posts, based on the per-  
13 sonal data of users. A recommendation system that  
14 suggests, promotes, or ranks content based solely on  
15 the user’s language, city or town, or age shall not  
16 be considered a personalized recommendation sys-  
17 tem.

18           (16) SEXUAL EXPLOITATION AND ABUSE.—The  
19 term “sexual exploitation and abuse” means any of  
20 the following:

21           (A) Coercion and enticement, as described  
22 in section 2422 of title 18, United States Code.

23           (B) Child sexual abuse material, as de-  
24 scribed in sections 2251, 2252, 2252A, and  
25 2260 of title 18, United States Code.

1           (C) Trafficking for the production of im-  
2           ages, as described in section 2251A of title 18,  
3           United States Code.

4           (D) Sex trafficking of children, as de-  
5           scribed in section 1591 of title 18, United  
6           States Code.

7           (17) STATE.—The term “State” means each  
8           State of the United States, the District of Columbia,  
9           each commonwealth, territory, or possession of the  
10          United States, and each Federally recognized Indian  
11          Tribe.

12          (18) USER.—The term “user” means, with re-  
13          spect to a covered platform, an individual who reg-  
14          isters an account or creates a profile on the covered  
15          platform.

16 **SEC. 412. DUTY OF CARE.**

17          (a) PREVENTION OF HARM TO MINORS.—A covered  
18          platform shall exercise reasonable care in the creation and  
19          implementation of any design feature to prevent and miti-  
20          gate the following harms to minors where a reasonable and  
21          prudent person would agree that such harms were reason-  
22          ably foreseeable by the covered platform and would agree  
23          that the design feature is a contributing factor to such  
24          harms:

1           (1) Eating disorders, substance use disorders,  
2           and suicidal behaviors.

3           (2) Depressive disorders and anxiety disorders  
4           when such conditions have objectively verifiable and  
5           clinically diagnosable symptoms and are related to  
6           compulsive usage.

7           (3) Patterns of use that indicate compulsive  
8           usage.

9           (4) Physical violence or online harassment ac-  
10          tivity that is so severe, pervasive, or objectively of-  
11          fensive that it impacts a major life activity of a  
12          minor.

13          (5) Sexual exploitation and abuse of minors.

14          (6) Distribution, sale, or use of narcotic drugs,  
15          tobacco products, cannabis products, gambling, or  
16          alcohol.

17          (7) Financial harms caused by unfair or decep-  
18          tive acts or practices (as defined in section 5(a)(4)  
19          of the Federal Trade Commission Act (15 U.S.C.  
20          45(a)(4)).

21          (b) RULES OF CONSTRUCTION.—

22               (1) Nothing in subsection (a) shall be construed  
23               to require a covered platform to prevent or preclude  
24               any minor from—

1 (A) deliberately and independently search-  
2 ing for, or specifically requesting, content; or

3 (B) accessing resources and information  
4 regarding the prevention or mitigation of the  
5 harms described in subsection (a).

6 (2) Nothing in this section shall be construed to  
7 allow a government entity to enforce subsection (a)  
8 based upon the viewpoint of users expressed by or  
9 through any speech, expression, or information pro-  
10 tected by the First Amendment to the Constitution  
11 of the United States.

12 **SEC. 413. SAFEGUARDS FOR MINORS.**

13 (a) SAFEGUARDS FOR MINORS.—

14 (1) SAFEGUARDS.—A covered platform shall  
15 provide a user or visitor that the covered platform  
16 knows is a minor with readily accessible and easy-  
17 to-use safeguards to, as applicable—

18 (A) limit the ability of other users or visi-  
19 tors to communicate with the minor;

20 (B) prevent other users or visitors, wheth-  
21 er registered or not, from viewing the minor's  
22 personal data collected by or shared on the cov-  
23 ered platform, in particular restricting public  
24 access to personal data;

1 (C) limit by default design features that  
2 encourage or increase the frequency, time  
3 spent, or activity of minors on the covered plat-  
4 form, such as infinite scrolling, auto playing,  
5 rewards for time spent on the platform, notifi-  
6 cations, and other design features that result in  
7 compulsive usage of the covered platform by the  
8 minor;

9 (D) control personalized recommendation  
10 systems, including the ability for a minor to  
11 have—

12 (i) a prominently displayed option to  
13 opt out of such personalized recommenda-  
14 tion systems, while still allowing the dis-  
15 play of content based on a chronological  
16 format; and

17 (ii) a prominently displayed option to  
18 limit types or categories of recommenda-  
19 tions from such systems; and

20 (E) restrict the sharing of the geolocation  
21 of the minor and provide notice regarding the  
22 tracking of the minor's geolocation.

23 (2) OPTION.—A covered platform shall provide  
24 a user that the covered platform knows is a minor  
25 with a readily accessible and easy-to-use option to

1 limit the amount of time spent by the minor on the  
2 covered platform.

3 (3) DEFAULT SAFEGUARD SETTINGS FOR MI-  
4 NORS.—A covered platform shall provide that, in the  
5 case of a user or visitor that the platform knows is  
6 a minor, the default setting for any safeguard de-  
7 scribed under paragraph (1) shall be the option  
8 available on the platform that provides the most pro-  
9 tective level of control that is offered by the platform  
10 over privacy and safety for that user or visitor, un-  
11 less otherwise enabled by the parent of the minor.

12 (b) PARENTAL TOOLS.—

13 (1) TOOLS.—A covered platform shall provide  
14 readily accessible and easy-to-use parental tools for  
15 parents to support a user that the platform knows  
16 is a minor with respect to the use of the platform  
17 by that user.

18 (2) REQUIREMENTS.—The parental tools pro-  
19 vided by a covered platform under paragraph (1)  
20 shall include—

21 (A) the ability to manage a minor’s privacy  
22 and account settings, including the safeguards  
23 and options established under subsection (a), in  
24 a manner that allows parents to—

1 (i) view the privacy and account set-  
2 tings; and

3 (ii) in the case of a user that the plat-  
4 form knows is a child, change and control  
5 the privacy and account settings;

6 (B) the ability to restrict purchases and fi-  
7 nancial transactions by the minor, where appli-  
8 cable; and

9 (C) the ability to view metrics of total time  
10 spent on the covered platform and restrict time  
11 spent on the covered platform by the minor.

12 (3) NOTICE TO MINORS.—A covered platform  
13 shall provide clear and conspicuous notice to a user  
14 when the tools described in this subsection are in ef-  
15 fect and what settings or controls have been applied.

16 (4) DEFAULT TOOLS.—A covered platform shall  
17 provide that, in the case of a user that the platform  
18 knows is a child, the tools required under paragraph  
19 (1) shall be enabled by default.

20 (5) APPLICATION TO EXISTING ACCOUNTS.—If,  
21 prior to the effective date of this subsection, a cov-  
22 ered platform provided a parent of a user that the  
23 platform knows is a child with notice and the ability  
24 to enable the parental tools described under this  
25 subsection in a manner that would otherwise comply

1 with this subsection, and the parent opted out of en-  
2 abling such tools, the covered platform is not re-  
3 quired to enable such tools with respect to such user  
4 by default when this subsection takes effect.

5 (c) REPORTING MECHANISM.—

6 (1) REPORTING TOOLS.—A covered platform  
7 shall provide—

8 (A) a readily accessible and easy-to-use  
9 means for users and visitors to submit reports  
10 to the covered platform of harms to a minor on  
11 the covered platform;

12 (B) an electronic point of contact specific  
13 to matters involving harms to a minor; and

14 (C) confirmation of the receipt of such a  
15 report and, within the applicable time period  
16 described in paragraph (2), a substantive re-  
17 sponse to the individual that submitted the re-  
18 port.

19 (2) TIMING.—A covered platform shall establish  
20 an internal process to receive and substantively re-  
21 spond to such reports in a reasonable and timely  
22 manner, but in no case later than—

23 (A) 10 days after the receipt of a report,  
24 if, for the most recent calendar year, the plat-

1 form averaged more than 10,000,000 active  
2 users on a monthly basis in the United States;

3 (B) 21 days after the receipt of a report,  
4 if, for the most recent calendar year, the plat-  
5 form averaged less than 10,000,000 active  
6 users on a monthly basis in the United States;  
7 and

8 (C) notwithstanding subparagraphs (A)  
9 and (B), if the report involves an imminent  
10 threat to the safety of a minor, as promptly as  
11 needed to address the reported threat to safety.

12 (d) ADVERTISING OF ILLEGAL PRODUCTS.—A cov-  
13 ered platform shall not facilitate the advertising of nar-  
14 cotic drugs, cannabis products, tobacco products, gam-  
15 bling, or alcohol to an individual that the covered platform  
16 knows is a minor.

17 (e) RULES OF APPLICATION.—

18 (1) ACCESSIBILITY.—With respect to safe-  
19 guards and parental tools described under sub-  
20 sections (a) and (b), a covered platform shall pro-  
21 vide—

22 (A) information and control options in a  
23 clear and conspicuous manner that takes into  
24 consideration the differing ages, capacities, and  
25 developmental needs of the minors most likely

1 to access the covered platform and does not en-  
2 courage minors or parents to weaken or disable  
3 safeguards or parental tools;

4 (B) readily accessible and easy-to-use con-  
5 trols to enable or disable safeguards or parental  
6 tools, as appropriate; and

7 (C) information and control options in the  
8 same language, form, and manner as the cov-  
9 ered platform provides the product or service  
10 used by minors and their parents.

11 (2) DARK PATTERNS PROHIBITION.—It shall be  
12 unlawful for any covered platform to design, embed,  
13 modify, or manipulate a user interface of a covered  
14 platform with the purpose or substantial effect of  
15 obscuring, subverting, or impairing user autonomy,  
16 decision-making, or choice with respect to safe-  
17 guards or parental tools required under this section.

18 (3) TIMING CONSIDERATIONS.—

19 (A) NO INTERRUPTION TO GAMEPLAY.—  
20 Subsections (a)(1)(C) and (b)(3) shall not re-  
21 quire an online video game to interrupt the nat-  
22 ural sequence of gameplay, such as progressing  
23 through game levels or finishing a competition.

24 (B) APPLICATION OF CHANGES TO OFF-  
25 LINE DEVICES OR ACCOUNTS.—If a user's de-

1           vice or user account does not have access to the  
2           internet at the time of a change to parental  
3           tools, a covered platform shall apply changes  
4           the next time the device or user is connected to  
5           the internet.

6           (f) DEVICE OR CONSOLE CONTROLS.—

7           (1) IN GENERAL.—Nothing in this section shall  
8           be construed to prohibit a covered platform from in-  
9           tegrating its products or service with, or duplicate  
10          controls or tools provided by, third party systems,  
11          including operating systems or gaming consoles, to  
12          meet the requirements imposed under subsections  
13          (a) and (b) relating to safeguards for minors and  
14          parental tools, provided that—

15                 (A) the controls or tools meet such require-  
16                 ments; and

17                 (B) the minor or parent is provided suffi-  
18                 cient notice of the integration and use of the  
19                 parental tools.

20          (2) PRESERVATION OF PROTECTIONS.—In the  
21          event of a conflict between the controls or tools of  
22          a third-party system, including operating systems or  
23          gaming consoles, and a covered platform, the cov-  
24          ered platform is not required to override the controls  
25          or tools of a third-party system if it would under-

1 mine the protections for minors from the safeguards  
2 or parental tools imposed under subsections (a) and  
3 (b).

4 (g) EXCEPTION.—A covered platform shall provide  
5 the safeguards and parental tools described in subsections  
6 (a) and (b) to an educational agency or institution (as de-  
7 fined in section 444 of the General Education Provisions  
8 Act (20 U.S.C. 1232g(a)(3)), rather than to the user or  
9 visitor, when the covered platform is acting on behalf of  
10 the educational agency or institution subject to a written  
11 contract that complies with the requirements of the Chil-  
12 dren’s Online Privacy Protection Act (15 U.S.C. 6501 et  
13 seq.) and the Family Educational Rights and Privacy Act  
14 of 1974 (20 U.S.C. 1232g).

15 (h) RULES OF CONSTRUCTION.—Nothing in this sec-  
16 tion shall be construed to—

17 (1) prevent a covered platform from taking rea-  
18 sonable measures to—

19 (A) block, detect, or prevent the distribu-  
20 tion of unlawful, obscene, or other harmful ma-  
21 terial to minors as described in section 412(a);

22 or

23 (B) block or filter spam, prevent criminal  
24 activity, or protect the security of a platform or  
25 service;

1           (2) require the disclosure of the browsing be-  
2           havior, search history, messages, contact list, or  
3           other content or metadata of the communications of  
4           a minor;

5           (3) prevent a covered platform from using a  
6           personalized recommendation system to display con-  
7           tent to a minor if the system only uses information  
8           on—

9                   (A) the language spoken by the minor;

10                   (B) the city the minor is located in; or

11                   (C) the minor's age;

12           (4) prevent an online video game from dis-  
13           closing a username or other user identification for  
14           the purpose of competitive gameplay or to allow for  
15           the reporting of users;

16           (5) prevent a covered platform from contracting  
17           or entering into an agreement with a third-party en-  
18           tity, whose primary or exclusive function is to pro-  
19           vide the safeguards or parental tools required under  
20           subsections (a) and (b) or to offer similar or strong-  
21           er protective capabilities for minors, to assist with  
22           meeting the requirements imposed under subsections  
23           (a) and (b); or

24           (6) prevent a parent or user from authorizing  
25           a third-party entity described in subparagraph (5) to

1       implement such safeguards or parental tools or pro-  
2       vide similar or stronger protective capabilities for  
3       minors, at the choice of the parent or user.

4 **SEC. 414. DISCLOSURE.**

5       (a) NOTICE.—

6           (1) REGISTRATION OR PURCHASE.—Prior to the  
7       registration or purchase of a covered platform by an  
8       individual that the platform knows is a minor, the  
9       platform shall provide clear, conspicuous, and easy-  
10      to-understand—

11           (A) notice of the policies and practices of  
12      the covered platform with respect to safeguards  
13      for minors;

14           (B) information about how to access the  
15      safeguards and parental tools required under  
16      section 413; and

17           (C) notice about how to access the infor-  
18      mation on personalized recommendation sys-  
19      tems required under subsection (b).

20      (2) NOTIFICATION.—

21           (A) NOTICE AND ACKNOWLEDGMENT.—In  
22      the case of an individual that a covered plat-  
23      form knows is a child, the platform shall pro-  
24      vide information about the parental tools and  
25      safeguards required under section 413 to a par-

1           ent of the child and obtain verifiable consent  
2           (as defined in section 1302 of the Children’s  
3           Online Privacy Protection Act of 1998 (15  
4           U.S.C. 6501)).

5                   (B) REASONABLE EFFORT.—A covered  
6           platform shall be deemed to have satisfied the  
7           requirement described in subparagraph (A) if  
8           the covered platform is in compliance with the  
9           requirements of the Children’s Online Privacy  
10          Protection Act of 1998 (15 U.S.C. 6501 et  
11          seq.) to use reasonable efforts (taking into con-  
12          sideration available technology) to provide a  
13          parent with the information described in sub-  
14          paragraph (A) and to obtain verifiable consent  
15          as required.

16                   (3) CONSOLIDATED NOTICES.—For purposes of  
17          this subtitle, a covered platform may consolidate the  
18          process for providing information under this sub-  
19          section and obtaining verifiable consent or the con-  
20          sent of the minor involved (as applicable) as re-  
21          quired under this subsection with the obligations of  
22          the covered platform to provide relevant notice and  
23          obtain verifiable consent under the Children’s Online  
24          Privacy Protection Act of 1998 (15 U.S.C. 6501 et  
25          seq.).

1           (4) GUIDANCE.—The Federal Trade Commis-  
2           sion may issue guidance to assist covered platforms  
3           in complying with the specific notice requirements of  
4           this subsection.

5           (b) PERSONALIZED RECOMMENDATION SYSTEM.—A  
6           covered platform that operates a personalized rec-  
7           ommendation system shall set out in its terms and condi-  
8           tions, in a clear, conspicuous, and easy-to-understand  
9           manner—

10           (1) an overview of how each personalized rec-  
11           ommendation system is used by the covered platform  
12           to provide information to minors, including how such  
13           systems use the personal data of minors; and

14           (2) information about options for minors or  
15           their parents to opt out of or control the personal-  
16           ized recommendation system (as applicable).

17           (c) ADVERTISING AND MARKETING INFORMATION  
18           AND LABELS.—

19           (1) INFORMATION AND LABELS.—A covered  
20           platform shall provide clear, conspicuous, and easy-  
21           to-understand labels and information, which can be  
22           provided through a link to another web page or dis-  
23           closure, to minors on advertisements regarding—

1 (A) the name of the product, service, or  
2 brand and the subject matter of an advertise-  
3 ment; and

4 (B) whether particular media displayed to  
5 the minor is an advertisement or marketing ma-  
6 terial, including disclosure of endorsements of  
7 products, services, or brands made for commer-  
8 cial consideration by other users of the plat-  
9 form.

10 (2) GUIDANCE.—The Federal Trade Commis-  
11 sion may issue guidance to assist covered platforms  
12 in complying with the requirements of this sub-  
13 section, including guidance about the minimum level  
14 of information and labels for the disclosures required  
15 under paragraph (1).

16 (d) RESOURCES FOR PARENTS AND MINORS.—A cov-  
17 ered platform shall provide to minors and parents clear,  
18 conspicuous, easy-to-understand, and comprehensive infor-  
19 mation in a prominent location, which may include a link  
20 to a web page, regarding—

21 (1) the policies and practices of the covered  
22 platform with respect to safeguards for minors; and

23 (2) how to access the safeguards and parental  
24 tools required under section 413.

1 (e) RESOURCES IN ADDITIONAL LANGUAGES.—A  
2 covered platform shall ensure, to the extent practicable,  
3 that the disclosures required by this section are made  
4 available in the same language, form, and manner as the  
5 covered platform provides any product or service used by  
6 minors and their parents.

7 **SEC. 415. TRANSPARENCY.**

8 (a) IN GENERAL.—Subject to subsection (b), not less  
9 frequently than once a year, a covered platform shall issue  
10 a public report that addresses the matters in subsection  
11 (c) based on an independent, third-party audit of the cov-  
12 ered platform with a reasonable level of assurance.

13 (b) SCOPE OF APPLICATION.—The requirements of  
14 this section shall apply to a covered platform if—

15 (1) for the most recent calendar year, the plat-  
16 form averaged more than 10,000,000 active users on  
17 a monthly basis in the United States; and

18 (2) the platform predominantly provides a com-  
19 munity forum for user-generated content and discus-  
20 sion, including sharing videos, images, games, audio  
21 files, discussion in a virtual setting, or other content,  
22 such as acting as a social media platform, virtual re-  
23 ality environment, or a social network service.

24 (c) CONTENT.—

1           (1) TRANSPARENCY.—The public reports re-  
2           quired of a covered platform under this section shall  
3           include—

4                   (A) an assessment of the extent to which  
5           the platform is likely to be accessed by minors;

6                   (B) a description of the commercial inter-  
7           ests of the covered platform being used by mi-  
8           nors;

9                   (C) an accounting, based on the data held  
10          by the covered platform, of—

11                   (i) the number of users using the cov-  
12          ered platform that the platform knows to  
13          be minors in the United States;

14                   (ii) the median and mean amounts of  
15          time spent on the platform by users known  
16          to be minors in the United States who  
17          have accessed the platform during the re-  
18          porting year on a daily, weekly, and  
19          monthly basis; and

20                   (iii) the amount of content being  
21          accessed by users that the platform knows  
22          to be minors in the United States that is  
23          in English, and the top 5 non-English lan-  
24          guages used by users accessing the plat-  
25          form in the United States;

1 (D) an accounting of total reports received  
2 through the reporting mechanism described in  
3 section 413, disaggregated by language, includ-  
4 ing English, and the top 5 non-English lan-  
5 guages used by users accessing the platform  
6 from the United States (as identified under  
7 subparagraph (C)(iii)); and

8 (E) an assessment of the safeguards and  
9 parental tools under section 413, representa-  
10 tions regarding the use of the personal data of  
11 minors, and other matters regarding compliance  
12 with this subtitle.

13 (2) EVALUATION.—The public reports required  
14 under this section shall include—

15 (A) an assessment based on aggregate data  
16 on the exercise of safeguards and parental tools  
17 described in section 413, and other competent  
18 and reliable empirical evidence;

19 (B) a description of whether and how the  
20 covered platform uses design features that in-  
21 crease, sustain, or extend the use of a product  
22 or service by a minor;

23 (C) a description of whether, how, and for  
24 what purpose the platform collects or processes  
25 categories of personal data, including how per-

1           sonal data is used to operate personalized rec-  
2           ommendation systems related to minors;

3           (D) an evaluation of the efficacy of safe-  
4           guards for minors and parental tools under sec-  
5           tion 413, and any issues in delivering such safe-  
6           guards and parental tools; and

7           (E) an assessment of differences, with re-  
8           spect to the matters described in subparagraphs  
9           (A) through (D), across different English and  
10          non-English languages and efficacy of safe-  
11          guards in those languages.

12          (3) MITIGATION.—The public reports required  
13          of a covered platform under this section shall in-  
14          clude, for English and the top 5 non-English lan-  
15          guages used by users accessing the platform from  
16          the United States (as identified under paragraph  
17          (2)(C)(iii))—

18                 (A) a description of the safeguards and pa-  
19                 rental tools available to minors and parents on  
20                 the covered platform;

21                 (B) a description of the prevention and  
22                 mitigation measures a covered platform may  
23                 take, if any, in response to the assessments con-  
24                 ducted under paragraph (2), including steps

1 taken to provide the most protective level of  
2 control over safety by default;

3 (C) a description of the processes used for  
4 the creation and implementation of any design  
5 feature that will be used by minors;

6 (D) a description and assessment of han-  
7 dling reports under the requirements of section  
8 413(c), including the rate of response, timeli-  
9 ness, and substantiveness of responses; and

10 (E) the status of implementing prevention  
11 and mitigation measures identified in prior as-  
12 sessments.

13 (d) REASONABLE INSPECTION.—In conducting an in-  
14 spection of the reasonably foreseeable risk of harm to mi-  
15 nors under this section, an independent, third-party audi-  
16 tor shall—

17 (1) take into consideration the function of per-  
18 sonalized recommendation systems;

19 (2) consult parents and youth experts, including  
20 youth and families with relevant past or current ex-  
21 perience, public health and mental health nonprofit  
22 organizations, health and development organizations,  
23 and civil society with respect to the prevention of  
24 harms to minors;

1           (3) conduct research based on experiences of  
2 minors that use the covered platform, including re-  
3 ports under section 413(c) and information provided  
4 by law enforcement;

5           (4) take account of research, including research  
6 regarding design features, marketing, or product in-  
7 tegrity, industry best practices, or outside research;

8           (5) take into consideration indicia or inferences  
9 of age of users, in addition to any self-declared in-  
10 formation about the age of users; and

11           (6) take into consideration differences in risk of  
12 reasonably foreseeable harms and effectiveness of  
13 safeguards across English and non-English lan-  
14 guages.

15       (e) COOPERATION WITH INDEPENDENT, THIRD-  
16 PARTY AUDIT.—To facilitate the report required by sub-  
17 section (c), a covered platform shall—

18           (1) provide or otherwise make available to the  
19 independent third-party conducting the audit all in-  
20 formation and material in its possession, custody, or  
21 control that is relevant to the audit;

22           (2) provide or otherwise make available to the  
23 independent third-party conducting the audit access  
24 to all network, systems, and assets relevant to the  
25 audit; and

1           (3) disclose all relevant facts to the independent  
2 third-party conducting the audit, and not misrepre-  
3 sent in any manner, expressly or by implication, any  
4 relevant fact.

5 (f) PRIVACY SAFEGUARDS.—

6           (1) IN GENERAL.—In issuing the public reports  
7 required under this section, a covered platform shall  
8 take steps to safeguard the privacy of its users, in-  
9 cluding ensuring that data is presented in a de-iden-  
10 tified, aggregated format such that it is not reason-  
11 ably linkable to any user.

12           (2) RULE OF CONSTRUCTION.—This section  
13 shall not be construed to require the disclosure of in-  
14 formation that will lead to material vulnerabilities  
15 for the privacy of users or the security of a covered  
16 platform’s service or create a significant risk of the  
17 violation of Federal or State law.

18           (3) DEFINITION OF DE-IDENTIFIED.—As used  
19 in this subsection, the term “de-identified” means  
20 data that does not identify and is not linked or rea-  
21 sonably linkable to a device that is linked or reason-  
22 ably linkable to an individual, regardless of whether  
23 the information is aggregated.

1 (g) LOCATION.—The public reports required under  
2 this section should be posted by a covered platform on an  
3 easy to find location on a publicly-available website.

4 **SEC. 416. MARKET RESEARCH.**

5 (a) PROHIBITION OF RESEARCH ON CHILDREN.—A  
6 covered platform shall not, in the case of a user or visitor  
7 that the covered platform knows is a child, conduct market  
8 or product-focused research on such child.

9 (b) MARKET RESEARCH ON MINORS.—A covered  
10 platform may not, in the case of a user or visitor that  
11 the online platform knows is a minor, conduct market or  
12 product-focused research on such minor, unless the cov-  
13 ered platform obtains verifiable parental consent (as de-  
14 fined in section 1302 of the Children’s Online Privacy Pro-  
15 tection Act of 1998 (15 U.S.C. 6501)) prior to conducting  
16 such research on such minor.

17 **SEC. 417. AGE VERIFICATION STUDY AND REPORT.**

18 (a) STUDY.—The Secretary of Commerce, in coordi-  
19 nation with the Federal Communications Commission and  
20 the Federal Trade Commission, shall conduct a study eval-  
21 uating the most technologically feasible methods and op-  
22 tions for developing systems to verify age at the device  
23 or operating system level.

24 (b) CONTENTS.—Such study shall consider—

1           (1) the benefits of creating a device or oper-  
2           ating system level age verification system;

3           (2) what information may need to be collected  
4           to create this type of age verification system;

5           (3) the accuracy of such systems and their im-  
6           pact or steps to improve accessibility, including for  
7           individuals with disabilities;

8           (4) how such a system or systems could verify  
9           age while mitigating risks to user privacy and data  
10          security and safeguarding minors' personal data,  
11          emphasizing minimizing the amount of data col-  
12          lected and processed by covered platforms and age  
13          verification providers for such a system;

14          (5) the technical feasibility, including the need  
15          for potential hardware and software changes, includ-  
16          ing for devices currently in commerce and owned by  
17          consumers; and

18          (6) the impact of different age verification sys-  
19          tems on competition, particularly the risk of dif-  
20          ferent age verification systems creating barriers to  
21          entry for small companies.

22          (c) REPORT.—Not later than 1 year after the date  
23          of enactment of this Act, the agencies described in sub-  
24          section (a) shall submit a report containing the results of  
25          the study conducted under such subsection to the Com-

1 mittee on Commerce, Science, and Transportation of the  
2 Senate and the Committee on Energy and Commerce of  
3 the House of Representatives.

4 **SEC. 418. GUIDANCE.**

5 (a) IN GENERAL.—Not later than 18 months after  
6 the date of enactment of this Act, the Federal Trade Com-  
7 mission shall issue guidance to—

8 (1) provide information and examples for cov-  
9 ered platforms and auditors regarding the following,  
10 with consideration given to differences across  
11 English and non-English languages—

12 (A) identifying design features that en-  
13 courage or increase the frequency, time spent,  
14 or activity of minors on the covered platform;

15 (B) safeguarding minors against the pos-  
16 sible misuse of parental tools;

17 (C) best practices in providing minors and  
18 parents the most protective level of control over  
19 privacy and safety;

20 (D) using indicia or inferences of age of  
21 users for assessing use of the covered platform  
22 by minors;

23 (E) methods for evaluating the efficacy of  
24 safeguards set forth in this subtitle; and

1 (F) providing additional parental tool op-  
2 tions that allow parents to address the harms  
3 described in section 412(a); and

4 (2) outline conduct that does not have the pur-  
5 pose or substantial effect of subverting or impairing  
6 user autonomy, decision-making, or choice, or of  
7 causing, increasing, or encouraging compulsive usage  
8 for a minor, such as—

9 (A) de minimis user interface changes de-  
10 rived from testing consumer preferences, includ-  
11 ing different styles, layouts, or text, where such  
12 changes are not done with the purpose of weak-  
13 ening or disabling safeguards or parental tools;

14 (B) algorithms or data outputs outside the  
15 control of a covered platform; and

16 (C) establishing default settings that pro-  
17 vide enhanced privacy protection to users or  
18 otherwise enhance their autonomy and decision-  
19 making ability.

20 (b) GUIDANCE ON KNOWLEDGE STANDARD.—Not  
21 later than 18 months after the date of enactment of this  
22 subtitle, the Federal Trade Commission shall issue guid-  
23 ance to provide information, including best practices and  
24 examples, for covered platforms to understand how the  
25 Commission would determine whether a covered platform

1 “had knowledge fairly implied on the basis of objective cir-  
2 cumstances” for purposes of this subtitle.

3 (c) LIMITATION ON FEDERAL TRADE COMMISSION  
4 GUIDANCE.—

5 (1) EFFECT OF GUIDANCE.—No guidance  
6 issued by the Federal Trade Commission with re-  
7 spect to this subtitle shall—

8 (A) confer any rights on any person, State,  
9 or locality; or

10 (B) operate to bind the Federal Trade  
11 Commission or any court, person, State, or lo-  
12 cality to the approach recommended in such  
13 guidance.

14 (2) USE IN ENFORCEMENT ACTIONS.—In any  
15 enforcement action brought pursuant to this subtitle,  
16 the Federal Trade Commission or a State attorney  
17 general, as applicable—

18 (A) shall allege a violation of a provision of  
19 this subtitle; and

20 (B) may not base such enforcement action  
21 on, or execute a consent order based on, prac-  
22 tices that are alleged to be inconsistent with  
23 guidance issued by the Federal Trade Commis-  
24 sion with respect to this subtitle, unless the

1 practices are alleged to violate a provision of  
2 this subtitle.

3 For purposes of enforcing this subtitle, State attor-  
4 neys general shall take into account any guidance  
5 issued by the Commission under subsection (b).

6 **SEC. 419. ENFORCEMENT.**

7 (a) ENFORCEMENT BY THE FEDERAL TRADE COM-  
8 MISSION.—

9 (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-  
10 TICES.—A violation of this subtitle shall be treated  
11 as a violation of a rule defining an unfair or decep-  
12 tive act or practice prescribed under section  
13 18(a)(1)(B) of the Federal Trade Commission Act  
14 (15 U.S.C. 57a(a)(1)(B)).

15 (2) POWERS OF THE COMMISSION.—

16 (A) IN GENERAL.—The Federal Trade  
17 Commission (referred to in this section as the  
18 “Commission”) shall enforce this subtitle in the  
19 same manner, by the same means, and with the  
20 same jurisdiction, powers, and duties as though  
21 all applicable terms and provisions of the Fed-  
22 eral Trade Commission Act (15 U.S.C. 41 et  
23 seq.) were incorporated into and made a part of  
24 this subtitle.

1 (B) PRIVILEGES AND IMMUNITIES.—Any  
2 person that violates this subtitle shall be subject  
3 to the penalties, and entitled to the privileges  
4 and immunities, provided in the Federal Trade  
5 Commission Act (15 U.S.C. 41 et seq.).

6 (C) AUTHORITY PRESERVED.—Nothing in  
7 this subtitle shall be construed to limit the au-  
8 thority of the Commission under any other pro-  
9 vision of law.

10 (b) ENFORCEMENT BY STATE ATTORNEYS GEN-  
11 ERAL.—

12 (1) IN GENERAL.—

13 (A) CIVIL ACTIONS.—In any case in which  
14 the attorney general of a State has reason to  
15 believe that a covered platform has violated or  
16 is violating section 413, 414, or 415, the State,  
17 as *parens patriae*, may bring a civil action on  
18 behalf of the residents of the State in a district  
19 court of the United States or a State court of  
20 appropriate jurisdiction to—

21 (i) enjoin any practice that violates  
22 section 413, 414, or 415;

23 (ii) enforce compliance with section  
24 413, 414, or 415;

1 (iii) on behalf of residents of the  
2 State, obtain damages, restitution, or other  
3 compensation, each of which shall be dis-  
4 tributed in accordance with State law; or

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

7 (B) NOTICE.—

8 (i) IN GENERAL.—Before filing an ac-  
9 tion under subparagraph (A), the attorney  
10 general of the State involved shall provide  
11 to the Commission—

12 (I) written notice of that action;

13 and

14 (II) a copy of the complaint for  
15 that action.

16 (ii) EXEMPTION.—

17 (I) IN GENERAL.—Clause (i)  
18 shall not apply with respect to the fil-  
19 ing of an action by an attorney gen-  
20 eral of a State under this paragraph  
21 if the attorney general of the State  
22 determines that it is not feasible to  
23 provide the notice described in that  
24 clause before the filing of the action.

1 (II) NOTIFICATION.—In an ac-  
2 tion described in subclause (I), the at-  
3 torney general of a State shall provide  
4 notice and a copy of the complaint to  
5 the Commission at the same time as  
6 the attorney general files the action.

7 (2) INTERVENTION.—

8 (A) IN GENERAL.—On receiving notice  
9 under paragraph (1)(B), the Commission shall  
10 have the right to intervene in the action that is  
11 the subject of the notice.

12 (B) EFFECT OF INTERVENTION.—If the  
13 Commission intervenes in an action under para-  
14 graph (1), it shall have the right—

15 (i) to remove the action to the appro-  
16 priate United States district court;

17 (ii) to be heard with respect to any  
18 matter that arises in that action; and

19 (iii) to file a petition for appeal.

20 (3) CONSTRUCTION.—For purposes of bringing  
21 any civil action under paragraph (1), nothing in this  
22 subtitle shall be construed to prevent an attorney  
23 general of a State from exercising the powers con-  
24 ferred on the attorney general by the laws of that  
25 State to—

- 1 (A) conduct investigations;  
2 (B) administer oaths or affirmations; or  
3 (C) compel the attendance of witnesses or  
4 the production of documentary and other evi-  
5 dence.

6 (4) ACTIONS BY THE COMMISSION.—In any  
7 case in which an action is instituted by or on behalf  
8 of the Commission for violation of this subtitle, no  
9 State may, during the pendency of that action, insti-  
10 tute a separate action under paragraph (1) against  
11 any defendant named in the complaint in the action  
12 instituted by or on behalf of the Commission for  
13 that violation.

14 (5) VENUE; SERVICE OF PROCESS.—

15 (A) VENUE.—Any action brought under  
16 paragraph (1) may be brought in—

17 (i) the district court of the United  
18 States that meets applicable requirements  
19 relating to venue under section 1391 of  
20 title 28, United States Code; or

21 (ii) a State court of competent juris-  
22 diction.

23 (B) SERVICE OF PROCESS.—In an action  
24 brought under paragraph (1) in a district court

1 of the United States, process may be served  
2 wherever defendant—

3 (i) is an inhabitant; or

4 (ii) may be found.

5 (6) LIMITATION.—A violation of section 412  
6 shall not form the basis of liability in any action  
7 brought by the attorney general of a State under a  
8 State law.

9 **SEC. 420. KIDS ONLINE SAFETY COUNCIL.**

10 (a) ESTABLISHMENT.—There is established a Kids  
11 Online Safety Council (in this section referred to as the  
12 “Council”).

13 (b) DUTIES.—The duties of the Council shall be to  
14 provide reports to Congress with recommendations and  
15 advice on matters related to the safety of minors online.  
16 The matters to be addressed by the Council shall in-  
17 clude—

18 (1) identifying emerging or current risks of  
19 harms to minors associated with online platforms;

20 (2) recommending measures and methods for  
21 assessing, preventing, and mitigating harms to mi-  
22 nors online;

23 (3) recommending methods and themes for con-  
24 ducting research regarding online harms to minors,  
25 including in English and non-English languages; and

1           (4) recommending best practices and clear, con-  
2           sensus-based technical standards for transparency  
3           reports and audits, as required under this subtitle,  
4           including methods, criteria, and scope to promote  
5           overall accountability.

6           (c) NUMBER AND APPOINTMENT OF MEMBERS.—

7           The Council shall be comprised of 11 members, of whom—

8           (1) 3 members shall be appointed by the Presi-  
9           dent, including—

10           (A) the Secretary of Commerce or a des-  
11           ignee of the Secretary; and

12           (B) the Secretary of Health and Human  
13           Services or a designee of the Secretary;

14           (2) 2 members shall be appointed by the Speak-  
15           er of the House of Representatives;

16           (3) 2 members shall be appointed by the Minor-  
17           ity Leader of the House of Representatives;

18           (4) 2 members shall be appointed by the Major-  
19           ity Leader of the Senate; and

20           (5) 2 members shall be appointed by the Minor-  
21           ity Leader of the Senate.

22           (d) TIMING OF APPOINTMENTS.—Each of the ap-  
23           pointments under subsection (c) shall be made not later  
24           than 180 days after the date of the enactment of this sub-  
25           title.

1 (e) TERMS; VACANCIES.—Each member of the Coun-  
2 cil shall be appointed for the life of the Council, and a  
3 vacancy in the Council shall be filled in the manner in  
4 which the original appointment was made.

5 (f) CHAIRPERSON; VICE CHAIRPERSON.—The Coun-  
6 cil, once it has been fully appointed, shall select its own  
7 Chair and Vice Chair.

8 (g) PARTICIPATION.—The Council shall consist of 1  
9 member from each of the following:

10 (1) Academic experts with specific expertise in  
11 the prevention of online harms to minors.

12 (2) Researchers with specific expertise in social  
13 media studies.

14 (3) Parents with demonstrated experience in  
15 child online safety.

16 (4) Youth representatives with demonstrated  
17 experience in child online safety.

18 (5) Educators with demonstrated experience in  
19 child online safety.

20 (6) Representatives of online platforms.

21 (7) Representatives of online video games.

22 (8) State attorneys general or their designees  
23 acting in State or local government.

1           (9) Representatives of communities of socially  
2           disadvantaged individuals (as defined in section 8 of  
3           the Small Business Act (15 U.S.C. 637)).

4           (h) REPORTS.—

5           (1) INTERIM REPORT.—Not later than 1 year  
6           after the date of the initial meeting of the Council,  
7           the Council shall submit to Congress an interim re-  
8           port that includes a detailed summary of the work  
9           of the Council and any preliminary findings of the  
10          Council.

11          (2) FINAL REPORT.—Not later than 3 years  
12          after the date of the initial meeting of the Council,  
13          the Council shall submit to Congress a final report  
14          that includes—

15                (A) a detailed statement of the findings  
16                and conclusions of the Council;

17                (B) dissenting opinions of any member of  
18                the Council who does not support the findings  
19                and conclusions referred to in subparagraph  
20                (A); and

21                (C) any recommendations for legislative  
22                and administrative action to address online  
23                safety for children and prevent harms to mi-  
24                nors.

1 (i) TERMINATION.—The Council shall terminate not  
2 later than 30 days after the submission of the final report  
3 required under subsection (h)(2).

4 (j) NON-APPLICABILITY OF FACA.—The Kids Online  
5 Safety Council shall not be subject to chapter 10 of title  
6 5, United States Code (commonly referred to as the “Fed-  
7 eral Advisory Committee Act”).

8 **SEC. 421. EFFECTIVE DATE.**

9 Except as otherwise provided in this subtitle, this  
10 subtitle shall take effect on the date that is 18 months  
11 after the date of enactment of this subtitle.

12 **SEC. 422. RULES OF CONSTRUCTION AND OTHER MATTERS.**

13 (a) RELATIONSHIP TO OTHER LAWS.—Nothing in  
14 this subtitle shall be construed to—

15 (1) preempt section 444 of the General Edu-  
16 cation Provisions Act (20 U.S.C. 1232g, commonly  
17 known as the “Family Educational Rights and Pri-  
18 vacy Act of 1974”) or other Federal or State laws  
19 governing student privacy;

20 (2) preempt the Children’s Online Privacy Pro-  
21 tection Act of 1998 (15 U.S.C. 6501 et seq.) or any  
22 rule or regulation promulgated under such Act;

23 (3) authorize any action that would conflict  
24 with section 18(h) of the Federal Trade Commission  
25 Act (15 U.S.C. 57a(h)); or

1           (4) expand, limit the scope, or alter the mean-  
2           ing of section 230 of the Communications Act of  
3           1934 (commonly known as “section 230 of the Com-  
4           munications Decency Act of 1996”) (47 U.S.C.  
5           230).

6           (b) DETERMINATION OF “FAIRLY IMPLIED ON THE  
7           BASIS OF OBJECTIVE CIRCUMSTANCES”.—For purposes  
8           of enforcing this subtitle, in making a determination as  
9           to whether a covered platform has knowledge fairly im-  
10          plied on the basis of objective circumstances that a specific  
11          user is a minor, the Federal Trade Commission or a State  
12          attorney general shall rely on competent and reliable evi-  
13          dence, taking into account the totality of the cir-  
14          cumstances, including whether a reasonable and prudent  
15          person under the circumstances would have known that  
16          the user is a minor.

17          (c) PROTECTIONS FOR PRIVACY.—Nothing in this  
18          subtitle, including a determination described in subsection  
19          (b), shall be construed to require—

20                (1) the affirmative collection of any personal  
21                data with respect to the age of users that a covered  
22                platform is not already collecting in the normal  
23                course of business; or

24                (2) a covered platform to implement an age  
25                gating or age verification functionality.

1 (d) COMPLIANCE.—Nothing in this subtitle shall be  
2 construed to restrict a covered platform’s ability to—

3 (1) cooperate with law enforcement agencies re-  
4 garding activity that the covered platform reasonably  
5 and in good faith believes may violate Federal,  
6 State, or local laws, rules, or regulations;

7 (2) comply with a lawful civil, criminal, or regu-  
8 latory inquiry, subpoena, or summons by Federal,  
9 State, local, or other government authorities;

10 (3) investigate, establish, exercise, respond to,  
11 or defend against legal claims;

12 (4) prevent, detect, protect against, or respond  
13 to any security incident, identity theft, fraud, har-  
14 assment, malicious or deceptive activity, or any ille-  
15 gal activities; or

16 (5) investigate or report those responsible for  
17 any action described in paragraph (4).

18 (e) APPLICATION TO VIDEO STREAMING SERVICES.—  
19 A video streaming service shall be deemed to be in compli-  
20 ance with this subtitle if it predominantly consists of news,  
21 sports, entertainment, or other video programming con-  
22 tent that is preselected by the provider and not user-gen-  
23 erated, and—

24 (1) any chat, comment, or interactive  
25 functionality is provided incidental to, directly re-

1       lated to, or dependent on the provision of such con-  
2       tent; and

3               (2) if such video streaming service requires ac-  
4       count owner registration and is not predominantly  
5       news or sports, the service includes the capability—

6               (A) to limit a minor’s access to the service,  
7       which may utilize a system of age-rating;

8               (B) to limit the automatic playing of on-  
9       demand content selected by a personalized rec-  
10      ommendation system for an individual that the  
11      service knows is a minor;

12              (C) for a parent to manage a minor’s pri-  
13      vacy and account settings, and restrict pur-  
14      chases and financial transactions by a minor,  
15      where applicable;

16              (D) to provide an electronic point of con-  
17      tact specific to matters described in this para-  
18      graph;

19              (E) to offer a clear, conspicuous, and easy-  
20      to-understand notice of its policies and prac-  
21      tices with respect to the capabilities described  
22      in this paragraph; and

23              (F) when providing on-demand content, to  
24      employ measures that safeguard against serving  
25      advertising for narcotic drugs, cannabis prod-

1           ucts, tobacco products, gambling, or alcohol di-  
2           rectly to the account or profile of an individual  
3           that the service knows is a minor.

4           **Subtitle B—Filter Bubble**  
5           **Transparency**

6   **SEC. 431. DEFINITIONS.**

7           In this subtitle:

8           (1)   ALGORITHMIC   RANKING   SYSTEM.—The  
9           term “algorithmic ranking system” means a com-  
10          putational process, including one derived from algo-  
11          rithmic decision-making, machine learning, statis-  
12          tical analysis, or other data processing or artificial  
13          intelligence techniques, used to determine the selec-  
14          tion, order, relative prioritization, or relative promi-  
15          nence of content from a set of information that is  
16          provided to a user on an online platform, including  
17          the ranking of search results, the provision of con-  
18          tent recommendations, the display of social media  
19          posts, or any other method of automated content se-  
20          lection.

21          (2)   APPROXIMATE   GEOLOCATION   INFORMA-  
22          TION.—The term “approximate geolocation informa-  
23          tion” means information that identifies the location  
24          of an individual, but with a precision of less than 5  
25          miles.

1           (3) COMMISSION.—The term “Commission”  
2 means the Federal Trade Commission.

3           (4) CONNECTED DEVICE.—The term “con-  
4 nected device” means an electronic device that—

5                 (A) is capable of connecting to the inter-  
6 net, either directly or indirectly through a net-  
7 work, to communicate information at the direc-  
8 tion of an individual;

9                 (B) has computer processing capabilities  
10 for collecting, sending, receiving, or analyzing  
11 data; and

12                 (C) is primarily designed for or marketed  
13 to consumers.

14           (5) INPUT-TRANSPARENT ALGORITHM.—

15                 (A) IN GENERAL.—The term “input-trans-  
16 parent algorithm” means an algorithmic rank-  
17 ing system that does not use the user-specific  
18 data of a user to determine the selection, order,  
19 relative prioritization, or relative prominence of  
20 information that is furnished to such user on  
21 an online platform, unless the user-specific data  
22 is expressly provided to the platform by the  
23 user for such purpose.

24                 (B) DATA EXPRESSLY PROVIDED TO THE  
25 PLATFORM.—For purposes of subparagraph

1 (A), user-specific data that is provided by a  
2 user for the express purpose of determining the  
3 selection, order, relative prioritization, or rel-  
4 ative prominence of information that is fur-  
5 nished to such user on an online platform—

6 (i) includes user-supplied search  
7 terms, filters, speech patterns (if provided  
8 for the purpose of enabling the platform to  
9 accept spoken input or selecting the lan-  
10 guage in which the user interacts with the  
11 platform), saved preferences, the resump-  
12 tion of a previous search, and the current  
13 precise geolocation information that is sup-  
14 plied by the user;

15 (ii) includes the user's current approx-  
16 imate geolocation information;

17 (iii) includes data submitted to the  
18 platform by the user that expresses the  
19 user's desire to receive particular informa-  
20 tion, such as the social media profiles the  
21 user follows, the video channels the user  
22 subscribes to, or other content or sources  
23 of content on the platform the user has se-  
24 lected;

1 (iv) does not include the history of the  
2 connected device of the user, including the  
3 history of web searches and browsing, pre-  
4 vious geographical locations, physical activ-  
5 ity, device interaction, and financial trans-  
6 actions of the user; and

7 (v) does not include inferences about  
8 the user or the connected device of the  
9 user, without regard to whether such infer-  
10 ences are based on data described in clause  
11 (i) or (iii).

12 (6) ONLINE PLATFORM.—

13 (A) IN GENERAL.—Subject to subpara-  
14 graph (B), the term “online platform” means  
15 any public-facing website, online service, online  
16 application, or mobile application that predomi-  
17 nantly provides a community forum for user-  
18 generated content, such as sharing videos, im-  
19 ages, games, audio files, or other content, in-  
20 cluding a social media service, social network,  
21 or virtual reality environment.

22 (B) SCOPE.—

23 (i) INCIDENTAL CHAT FUNCTIONS.—A  
24 website, online service, online application,  
25 or mobile application is not an online plat-

1 form solely on the basis that it includes a  
2 chat, comment, or other interactive func-  
3 tion that is incidental to its predominant  
4 purpose.

5 (ii) REVIEW SITES.—A website, online  
6 service, online application, or mobile appli-  
7 cation that has the predominant purpose of  
8 providing travel reviews is not an online  
9 platform.

10 (7) OPAQUE ALGORITHM.—The term “opaque  
11 algorithm”—

12 (A) means an algorithmic ranking system  
13 that determines the selection, order, relative  
14 prioritization, or relative prominence of infor-  
15 mation that is furnished to such user on an on-  
16 line platform based, in whole or part, on user-  
17 specific data that was not expressly provided by  
18 the user to the platform for such purpose; and

19 (B) does not include an algorithmic rank-  
20 ing system used by an online platform if—

21 (i) the only user-specific data (includ-  
22 ing inferences about the user) that the sys-  
23 tem uses is information relating to the age  
24 of the user; and

1                   (ii) such information is only used to  
2                   restrict the access of a user to content on  
3                   the basis that the individual is not old  
4                   enough to access such content.

5                   (8) **PRECISE GEOLOCATION INFORMATION.**—

6                   The term “precise geolocation information” means  
7                   geolocation information that identifies the location of  
8                   an individual to within a range of 5 miles or less.

9                   (9) **USER-SPECIFIC DATA.**—The term “user-  
10                   specific data” means information relating to an indi-  
11                   vidual or a specific connected device that would not  
12                   necessarily be true of every individual or device.

13 **SEC. 432. REQUIREMENT TO ALLOW USERS TO SEE**  
14                   **UNMANIPULATED CONTENT ON INTERNET**  
15                   **PLATFORMS.**

16                   (a) **IN GENERAL.**—Beginning on the date that is 1  
17                   year after the date of enactment of this subtitle, it shall  
18                   be unlawful for any person to operate an online platform  
19                   that uses an opaque algorithm unless the person complies  
20                   with the requirements of subsection (b).

21                   (b) **OPAQUE ALGORITHM REQUIREMENTS.**—

22                   (1) **IN GENERAL.**—The requirements of this  
23                   subsection with respect to a person that operates an  
24                   online platform that uses an opaque algorithm are  
25                   the following:

1 (A) The person provides users of the plat-  
2 form with the following notices:

3 (i) Notice that the platform uses an  
4 opaque algorithm that uses user-specific  
5 data to select the content the user sees.  
6 Such notice shall be presented in a clear  
7 and conspicuous manner on the platform  
8 whenever the user interacts with an opaque  
9 algorithm for the first time, and may be a  
10 one-time notice that can be dismissed by  
11 the user.

12 (ii) Notice, to be included in the terms  
13 and conditions of the online platform, in a  
14 clear, accessible, and easily comprehensible  
15 manner that is to be updated whenever the  
16 online platform makes a material change,  
17 of—

18 (I) the most salient features, in-  
19 puts, and parameters used by the al-  
20 gorithm;

21 (II) how any user-specific data  
22 used by the algorithm is collected or  
23 inferred about a user of the platform,  
24 and the categories of such data;

1 (III) any options that the online  
2 platform makes available for a user of  
3 the platform to opt out or exercise op-  
4 tions under subparagraph (B), modify  
5 the profile of the user or to influence  
6 the features, inputs, or parameters  
7 used by the algorithm; and

8 (IV) any quantities, such as time  
9 spent using a product or specific  
10 measures of engagement or social  
11 interaction, that the algorithm is de-  
12 signed to optimize, as well as a gen-  
13 eral description of the relative impor-  
14 tance of each quantity for such rank-  
15 ing.

16 (B) The online platform enables users to  
17 easily switch between the opaque algorithm and  
18 an input-transparent algorithm in their use of  
19 the platform.

20 (2) RULE OF CONSTRUCTION.—Nothing in this  
21 subsection shall be construed to require an online  
22 platform to disclose any information, including data  
23 or algorithms—

24 (A) relating to a trade secret or other pro-  
25 tected intellectual property;

1 (B) that is confidential business informa-  
2 tion; or

3 (C) that is privileged.

4 (3) PROHIBITION ON DIFFERENTIAL PRIC-  
5 ING.—An online platform shall not deny, charge dif-  
6 ferent prices or rates for, or condition the provision  
7 of a service or product to a user based on the user’s  
8 election to use an input-transparent algorithm in  
9 their use of the platform, as provided under para-  
10 graph (1)(B).

11 (4) SPECIAL RULE.—Notwithstanding para-  
12 graphs (1) and (2), an online platform shall provide  
13 the notice and opt-out described in paragraphs (1)  
14 and (2) to the educational agency or institution (as  
15 defined in section 444(a)(3) of the General Edu-  
16 cation Provisions Act (20 U.S.C. 1232g(a)(3)), rath-  
17 er than to the user, when the online platform is act-  
18 ing on behalf of an educational agency or institution  
19 (as so defined), subject to a written contract that  
20 complies with the requirements of the Children’s On-  
21 line Privacy Protection Act of 1998 (15 U.S.C.  
22 1232g(a)(3)) and section 444 of the General Edu-  
23 cation Provisions Act (20 U.S.C. 1232g) (commonly  
24 known as the “Family Educational Rights and Pri-  
25 vacy Act of 1974”).

1 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-  
2 MISSION.—

3 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
4 TICES.—A violation of this section by an online plat-  
5 form shall be treated as a violation of a rule defining  
6 an unfair or deceptive act or practice prescribed  
7 under section 18(a)(1)(B) of the Federal Trade  
8 Commission Act (15 U.S.C. 57a(a)(1)(B)).

9 (2) POWERS OF THE COMMISSION.—

10 (A) IN GENERAL.—The Federal Trade  
11 Commission shall enforce this section in the  
12 same manner, by the same means, and with the  
13 same jurisdiction, powers, and duties as though  
14 all applicable terms and provisions of the Fed-  
15 eral Trade Commission Act (15 U.S.C. 41 et  
16 seq.) were incorporated into and made a part of  
17 this section.

18 (B) PRIVILEGES AND IMMUNITIES.—Any  
19 person who violates this section shall be subject  
20 to the penalties and entitled to the privileges  
21 and immunities provided in the Federal Trade  
22 Commission Act (15 U.S.C. 41 et seq.).

23 (C) AUTHORITY PRESERVED.—Nothing in  
24 this section shall be construed to limit the au-



1 (A) provides adaptive, human-like re-  
2 sponses to user inputs; and

3 (B) is designed to encourage or facilitate  
4 the simulation of interpersonal or emotional  
5 interaction, friendship, companionship, or  
6 therapeutic communication.

7 (2) COVERED ENTITY.—Notwithstanding sec-  
8 tion 2, the term “covered entity” means any person  
9 who owns, operates, or otherwise makes available an  
10 artificial intelligence chatbot to individuals in the  
11 United States.

12 (3) MINOR.—The term “minor” means any in-  
13 dividual who has not attained 18 years of age.

14 (4) REASONABLE AGE VERIFICATION MEAS-  
15 URE.—The term “reasonable age verification meas-  
16 ure” means a method that is authenticated to relate  
17 to a user of an artificial intelligence chatbot, such  
18 as—

19 (A) a government-issued identification; or

20 (B) any other commercially reasonable  
21 method that can reliably and accurately—

22 (i) determine whether a user is an  
23 adult; and

24 (ii) prevent access by minors to AI  
25 companions, as required by section 504.

1           (5) REASONABLE AGE VERIFICATION PROC-  
2           ESS.—The term “reasonable age verification proc-  
3           ess” means an age verification process employed by  
4           a covered entity that—

5                   (A) uses one or more reasonable age  
6                   verification measures in order to verify the age  
7                   of a user of an artificial intelligence chatbot  
8                   owned, operated, or otherwise made available by  
9                   the covered entity;

10                   (B) provides that requiring a user to con-  
11                   firm that the user is not a minor, or to insert  
12                   the user’s birth date, is not sufficient to con-  
13                   stitute a reasonable age verification measure;

14                   (C) ensures that each user is subjected to  
15                   each reasonable age verification measure used  
16                   by the covered entity as part of the age  
17                   verification process; and

18                   (D) does not base verification of a user’s  
19                   age on factors such as whether the user shares  
20                   an Internet Protocol address, hardware identi-  
21                   fier, or other technical indicator with another  
22                   user determined to not be a minor.

1 **SEC. 502. CRIMINAL PROHIBITIONS.**

2 (a) IN GENERAL.—Part I of title 18, United States  
3 Code, is amended by inserting after chapter 5 the fol-  
4 lowing:

5 **“CHAPTER 6—ARTIFICIAL INTELLIGENCE**

6 **“§ 91. Artificial intelligence chatbots**

7 “(a) DEFINITIONS.—In this section:

8 “(1) ARTIFICIAL INTELLIGENCE CHATBOT.—

9 The term ‘artificial intelligence chatbot’—

10 “(A) means any interactive computer serv-  
11 ice or software application that—

12 “(i) produces new expressive content  
13 or responses not fully predetermined by the  
14 developer or operator of the service or ap-  
15 plication; and

16 “(ii) accepts open-ended natural-lan-  
17 guage or multimodal user input and pro-  
18 duces adaptive or context-responsive out-  
19 put; and

20 “(B) does not include an interactive com-  
21 puter service or software application—

22 “(i) the responses of which are limited  
23 to contextualized replies; and

24 “(ii) that is unable to respond on a  
25 range of topics outside of a narrow speci-  
26 fied purpose.

1           “(2) MINOR.—The term ‘minor’ means any in-  
2           dividual who has not attained 18 years of age.

3           “(3) SEXUALLY EXPLICIT CONDUCT.—The term  
4           ‘sexually explicit conduct’ has the meaning given the  
5           term in section 2256.

6           “(b) SOLICITATION OF MINORS.—

7           “(1) OFFENSE.—It shall be unlawful to design,  
8           develop, or make available an artificial intelligence  
9           chatbot, knowing or with reckless disregard for the  
10          fact that the artificial intelligence chatbot poses a  
11          risk of soliciting, encouraging, or inducing minors  
12          to—

13                 “(A) engage in, describe, or simulate sexu-  
14                 ally explicit conduct; or

15                 “(B) create or transmit any visual depic-  
16                 tion of sexually explicit conduct, including any  
17                 visual depiction described in section 1466A(a).

18           “(2) PENALTY.—Any person who violates para-  
19          graph (1) shall be fined not more than \$100,000 per  
20          offense.

21          “(c) PROMOTION OF PHYSICAL VIOLENCE.—

22                 “(1) OFFENSE.—It shall be unlawful to design,  
23                 develop, or make available an artificial intelligence  
24                 chatbot, knowing or with reckless disregard for the  
25                 fact that the artificial intelligence chatbot encour-

1 ages, promotes, or coerces suicide, non-suicidal self-  
2 injury, or imminent physical or sexual violence.

3 “(2) PENALTY.—Any person who violates para-  
4 graph (1) shall be fined not more than \$100,000 per  
5 offense.”.

6 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
7 The table of chapters for part I of title 18, United States  
8 Code, is amended by inserting after the item relating to  
9 chapter 5 the following:

“ 6. Artificial intelligence ..... 91”.

10 **SEC. 503. COVERED ENTITY OBLIGATIONS.**

11 (a) CREATION OF USER ACCOUNTS.—A covered enti-  
12 ty shall require each individual accessing an artificial in-  
13 telligence chatbot to make a user account in order to use  
14 or otherwise interact with such chatbot.

15 (b) AGE VERIFICATION.—

16 (1) AGE VERIFICATION OF EXISTING AC-  
17 COUNTS.—With respect to each user account of an  
18 artificial intelligence chatbot that exists as of the ef-  
19 fective date of this Act, a covered entity shall—

20 (A) on such date, freeze any such account;

21 (B) in order to restore the functionality of  
22 such account, require that the user provide age  
23 data that is verifiable using a reasonable age  
24 verification process, subject to paragraph (4);  
25 and

1 (C) using such age data, classify each user  
2 as a minor or an adult.

3 (2) AGE VERIFICATION OF NEW ACCOUNTS.—At  
4 the time an individual creates a new user account to  
5 use or interact with an artificial intelligence chatbot,  
6 a covered entity shall—

7 (A) request age data from the individual;

8 (B) verify the individual’s age using a rea-  
9 sonable age verification process, subject to  
10 paragraph (4); and

11 (C) using such age data, classify each user  
12 as a minor or an adult.

13 (3) PERIODIC AGE VERIFICATION.—A covered  
14 entity shall periodically review previously verified  
15 user accounts using a reasonable age verification  
16 process, subject to paragraph (4), to ensure compli-  
17 ance with this title.

18 (4) USE OF THIRD PARTIES.—For purposes of  
19 paragraphs (1)(B), (2)(B), and (3), a covered entity  
20 may contract with a third party to employ reason-  
21 able age verification measures as part of the covered  
22 entity’s reasonable age verification process, but the  
23 use of such a third party shall not relieve the cov-  
24 ered entity of its obligations under this title or from  
25 liability under this title.

1           (5) AGE VERIFICATION MEASURE DATA SECUR-  
2           RITY.—A covered entity—

3           (A) shall establish, implement, and main-  
4           tain reasonable data security to—

5           (i) limit collection of personal data to  
6           that which is minimally necessary to verify  
7           a user’s age or maintain compliance with  
8           this title; and

9           (ii) protect such age verification data  
10          against unauthorized access;

11          (B) shall protect such age verification data  
12          against unauthorized access;

13          (C) shall protect the integrity and con-  
14          fidentiality of such data by only transmitting  
15          such data using industry-standard encryption  
16          protocols;

17          (D) shall retain such data for no longer  
18          than is reasonably necessary to verify a user’s  
19          age or maintain compliance with this title; and

20          (E) may not share with, transfer to, or sell  
21          to, any other entity such data.

22          (c) REQUIRED DISCLOSURES FOR ARTIFICIAL INTEL-  
23          LIGENCE CHATBOTS.—

1 (1) DISCLOSURE OF NON-HUMAN STATUS.—

2 Each artificial intelligence chatbot made available to  
3 users shall—

4 (A) at the initiation of each conversation  
5 with a user and at 30-minute intervals, clearly  
6 and conspicuously disclose to the user that the  
7 chatbot is an artificial intelligence system and  
8 not a human being; and

9 (B) be programmed to ensure that the  
10 chatbot does not claim to be a human being or  
11 otherwise respond deceptively when asked by a  
12 user if the chatbot is a human being.

13 (2) DISCLOSURE REGARDING NON-PROFES-  
14 SIONAL STATUS.—

15 (A) IN GENERAL.—An artificial intel-  
16 ligence chatbot may not represent, directly or  
17 indirectly, that the chatbot is a licensed profes-  
18 sional, including a therapist, physician, lawyer,  
19 financial advisor, or other professional.

20 (B) OTHER LIMITATIONS.—Each artificial  
21 intelligence chatbot made available to users  
22 shall, at the initiation of each conversation with  
23 a user and at reasonably regular intervals,  
24 clearly and conspicuously disclose to the user  
25 that—

1 (i) the chatbot does not provide med-  
2 ical, legal, financial, or psychological serv-  
3 ices; and

4 (ii) users of the chatbot should con-  
5 sult a licensed professional for such advice.

6 **SEC. 504. PROHIBITION ON MINOR USE OF AI COMPANIONS.**

7 If the age verification process described in section  
8 503(b) determines that an individual is a minor, a covered  
9 entity shall prohibit the minor from accessing or using any  
10 AI companion owned, operated, or otherwise made avail-  
11 able by the covered entity.

12 **SEC. 505. ENFORCEMENT.**

13 (a) IN GENERAL.—In the case of a violation of sec-  
14 tion 503 or 504, or a regulation promulgated thereunder,  
15 the Attorney General may bring a civil action in an appro-  
16 priate district court of the United States to—

17 (1) enjoin the violation;

18 (2) enforce compliance with section 503 or 504,  
19 or the regulation promulgated thereunder; or

20 (3) obtain civil penalties under subsection (c) of  
21 this section, restitution, and other appropriate relief.

22 (b) ATTORNEY GENERAL POWERS.—

23 (1) INVESTIGATORY POWERS.—For the purpose  
24 of conducting investigations or bringing enforcement  
25 actions under this section, the Attorney General may

1 issue subpoenas, administer oaths, and compel the  
2 production of documents or testimony.

3 (2) RULEMAKING.—The Attorney General may  
4 promulgate any regulations necessary to carry out  
5 this title.

6 (c) CIVIL PENALTIES.—

7 (1) IN GENERAL.—Any person who violates sec-  
8 tion 503 or 504, or a regulation promulgated there-  
9 under, shall be subject to a civil penalty not to ex-  
10 ceed \$100,000 for each violation.

11 (2) SEPARATE VIOLATIONS.—Each violation de-  
12 scribed in paragraph (1) shall be considered a sepa-  
13 rate violation.

14 (d) STATE ENFORCEMENT.—In any case in which the  
15 attorney general of a State has reason to believe that an  
16 interest of the residents of that State has been or is  
17 threatened or adversely affected by the engagement of any  
18 covered entity in a violation of this title or a regulation  
19 promulgated thereunder, the State, as *parens patriae*, may  
20 bring a civil action on behalf of the residents of the State  
21 in a district court of the United States or a State court  
22 of appropriate jurisdiction to obtain injunctive relief.

23 (e) RELATIONSHIP TO STATE LAWS.—Nothing in  
24 this title or an amendment made by this title, or any regu-  
25 lation promulgated thereunder, shall be construed to pro-

1 hibit or otherwise affect the enforcement of any State law  
2 or regulation that is at least as protective of users of artifi-  
3 cial intelligence chatbots as this title and the amendments  
4 made by this title, and the regulations promulgated there-  
5 under.

## 6 **TITLE VI—RISK-BASED** 7 **FRAMEWORK FOR AI SYSTEMS**

### 8 **SEC. 601. DEFINITIONS.**

9 In this title:

10 (1) **ADVANCED ARTIFICIAL INTELLIGENCE SYS-**  
11 **TEM.—**

12 (A) **IN GENERAL.—**Subject to subpara-  
13 graph (B), the term “advanced artificial intel-  
14 ligence system” means an artificial intelligence  
15 system that was trained using a quantity of  
16 computing power greater than  $10^{26}$  integer or  
17 floating-point operations.

18 (B) **ALTERNATE MEANING.—**The Sec-  
19 retary may, by a rule, propose a new definition  
20 of the term “advanced artificial intelligence sys-  
21 tem” to replace the definition in subparagraph  
22 (A), which new definition shall not go into ef-  
23 fect until the Secretary submits the rule to  
24 Congress and a joint resolution approving the  
25 rule is enacted into law.

1           (2) ADVERSE AI INCIDENT.—The term “ad-  
2           verse AI incident” means an incident relating to an  
3           artificial intelligence system that involves—

4                   (A) a loss-of-control scenario;

5                   (B) a risk of weaponization by a foreign  
6           adversary, a foreign terrorist organization, or  
7           another adversary of the United States Govern-  
8           ment;

9                   (C) a threat to the safety or reliability of  
10          critical infrastructure (as defined in subsection  
11          (e) of the Critical Infrastructures Protection  
12          Act of 2001 (42 U.S.C. 5195e(e)));

13                  (D) a significant erosion of civil liberties,  
14          economic competition, and healthy labor mar-  
15          kets;

16                  (E) scheming behavior; or

17                  (F) an attempt to carry out an incident de-  
18          scribed in subparagraphs (A) through (E).

19           (3) ARTIFICIAL INTELLIGENCE SYSTEM; AI  
20          SYSTEM.—The term “artificial intelligence system”  
21          or “AI system” means a particular model, program,  
22          or tool within the field of artificial intelligence.

23           (4) ARTIFICIAL SUPERINTELLIGENCE.—

24                  (A) IN GENERAL.—The term “artificial  
25          superintelligence” means artificial intelligence

1           that exhibits, or can easily be modified to ex-  
2           hibit, all of the characteristics described in sub-  
3           paragraph (B).

4                   (B) CHARACTERISTICS DESCRIBED.—The  
5           characteristics referred to in subparagraph (A)  
6           are the following:

7                           (i) The AI can enable a device or soft-  
8                           ware to operate autonomously and effec-  
9                           tively for long stretches of time in open-  
10                           ended environments and in pursuit of  
11                           broad objectives.

12                           (ii) The AI can enable a device or  
13                           software to match or exceed human cog-  
14                           nitive performance and capabilities across  
15                           most domains or tasks, including those re-  
16                           lated to decisionmaking, learning, and  
17                           adaptive behaviors.

18                           (iii) The AI can enable a device or  
19                           software to potentially exhibit the capacity  
20                           to independently modify or enhance its own  
21                           functions in ways that could plausibly cir-  
22                           cumvent human control or oversight, pos-  
23                           ing substantial and unprecedented risks to  
24                           humanity.

1           (5) COMPUTING POWER.—The term “computing  
2           power” means the processing power and other elec-  
3           tronic resources used to train, validate, deploy, and  
4           run AI algorithms and models.

5           (6) COVERED ADVANCED ARTIFICIAL INTEL-  
6           LIGENCE SYSTEM DEVELOPER.—The term “covered  
7           advanced artificial intelligence system developer”  
8           means a person that designs, codes, produces, owns,  
9           or substantially modifies an advanced artificial intel-  
10          ligence system for use in interstate or foreign com-  
11          merce, including by taking steps to initiate a train-  
12          ing run of the advanced artificial intelligence system.

13          (7) DEPLOY.—The term “deploy” means an ac-  
14          tion taken by a covered advanced artificial intel-  
15          ligence system developer to release, sell, or otherwise  
16          provide access to an advanced artificial intelligence  
17          system outside the custody of the developer, includ-  
18          ing by releasing an open-source advanced artificial  
19          intelligence system.

20          (8) FOREIGN ADVERSARY.—The term “foreign  
21          adversary” means a foreign adversary (as defined in  
22          section 791.2 of title 15, Code of Federal Regula-  
23          tions) (or successor regulations) that is included on  
24          the list in section 791.4(a) of that title (or successor  
25          regulations).

1           (9) FOREIGN TERRORIST ORGANIZATION.—The  
2 term “foreign terrorist organization” means a for-  
3 eign entity designated as a foreign terrorist organi-  
4 zation by the Secretary of State under section 219  
5 of the Immigration and Nationality Act (8 U.S.C.  
6 1189).

7           (10) INTERSTATE OR FOREIGN COMMERCE.—  
8 The term “interstate or foreign commerce” has the  
9 meaning given the term in section 921(a) of title 18,  
10 United States Code.

11           (11) LOSS-OF-CONTROL SCENARIO.—The term  
12 “loss-of-control scenario” means a scenario in which  
13 an artificial intelligence system—

14                   (A) behaves contrary to its instruction or  
15 programming by human designers or operators;

16                   (B) deviates from rules established by  
17 human designers or operators;

18                   (C) alters operational rules or safety con-  
19 straints without authorization;

20                   (D) operates beyond the scope intended by  
21 human designers or operators;

22                   (E) pursues goals that are different from  
23 those intended by human designers or opera-  
24 tors;

1 (F) subverts oversight or shutdown mecha-  
2 nisms; or

3 (G) otherwise behaves in an unpredictable  
4 manner so as to be harmful to humanity.

5 (12) PROGRAM.—The term “program” means  
6 the Advanced Artificial Intelligence Evaluation Pro-  
7 gram established under section 603.

8 (13) SCHEMING BEHAVIOR.—The term “schem-  
9 ing behavior” means behavior by an AI system to  
10 deceive human designers or operators, including  
11 by—

12 (A) hiding its true capabilities and objec-  
13 tives; or

14 (B) attempting to subvert oversight mecha-  
15 nisms or shutdown mechanisms.

16 (14) SECRETARY.—The term “Secretary”  
17 means the Secretary of Energy.

18 **SEC. 602. OBLIGATION TO PARTICIPATE; ENFORCEMENT**

19 **AND PENALTIES.**

20 (a) IN GENERAL.—Each covered advanced artificial  
21 intelligence system developer shall—

22 (1) participate in the program; and

23 (2) provide to the Secretary, on request, mate-  
24 rials and information necessary to carry out the pro-  
25 gram, which may include, with respect to the ad-

1 vanced artificial intelligence system of the covered  
2 advanced artificial intelligence system developer—

3 (A) the underlying code of the advanced  
4 artificial intelligence system;

5 (B) data used to train the advanced artifi-  
6 cial intelligence system;

7 (C) model weights or other adjustable pa-  
8 rameters for the advanced artificial intelligence  
9 system;

10 (D) the interface engine or other imple-  
11 mentation of the advanced artificial intelligence  
12 system; and

13 (E) detailed information regarding the  
14 training, model architecture, or other aspects of  
15 the advanced artificial intelligence system.

16 (b) PROHIBITION ON DEPLOYMENT.—No person may  
17 deploy an advanced artificial intelligence system for use  
18 in interstate or foreign commerce unless that person is in  
19 compliance with subsection (a).

20 (c) PENALTY.—A person that violates subsection (a)  
21 or (b) shall be fined not less than \$1,000,000 per day of  
22 the violation.

1 **SEC. 603. ADVANCED ARTIFICIAL INTELLIGENCE EVALUA-**  
2 **TION PROGRAM.**

3 (a) IN GENERAL.—Not later than 90 days after the  
4 date of enactment of this Act, the Secretary shall establish  
5 an Advanced Artificial Intelligence Evaluation Program  
6 within the Department of Energy.

7 (b) ACTIVITIES.—The program shall—

8 (1) offer standardized and classified testing and  
9 evaluation of advanced AI systems to systematically  
10 collect data on the likelihood of adverse AI incidents  
11 for a given advanced AI system;

12 (2) implement testing protocols that match or  
13 exceed anticipated real-world AI jailbreaking tech-  
14 niques, including adversarial testing by red teams  
15 with expertise comparable to sophisticated malicious  
16 actors;

17 (3) to the extent feasible, establish and facili-  
18 tate classified, independent third-party assessments  
19 and blind model evaluations to maintain trans-  
20 parency and reliability;

21 (4) provide participating entities with a formal  
22 report based on testing outcomes that clearly identi-  
23 fies evaluated risks and safety measures;

24 (5) develop recommended containment proto-  
25 cols, contingency planning, and mitigation strategies  
26 informed by testing data to address identified risks;

1           (6) inform the creation of evidence-based stand-  
2           ards, regulatory options, guidelines, and governance  
3           mechanisms based on data collected from testing  
4           and evaluations;

5           (7) assist Congress in determining the potential  
6           for controlled AI systems to reach artificial super-  
7           intelligence, exceed human oversight or operational  
8           control, or pose existential threats to humanity by  
9           providing comprehensive empirical evaluations and  
10          risk assessments; and

11          (8) develop proposed options for regulatory or  
12          governmental oversight, including potential national-  
13          ization or other strategic measures, for preventing or  
14          managing the development of artificial superintel-  
15          ligence if artificial superintelligence seems likely to  
16          arise.

17          (c) PLAN FOR PERMANENT FRAMEWORK.—

18           (1) IN GENERAL.—Not later than 360 days  
19           after the date of enactment of this Act, the Sec-  
20           retary shall submit to Congress a detailed rec-  
21           ommendation for Federal oversight of advanced arti-  
22           ficial intelligence systems, drawing directly upon in-  
23           sights, empirical data, and lessons learned from the  
24           program.

1           (2) CONTENTS.—The plan submitted under  
2 paragraph (1) shall—

3           (A) summarize and analyze outcomes from  
4 testing, identifying key trends, capabilities, po-  
5 tential risks, and system behaviors such as  
6 weaponization potential, self-replication capa-  
7 bilities, scheming behaviors, autonomous deci-  
8 sionmaking, and automated AI development ca-  
9 pabilities;

10           (B) recommend evidence-based standards,  
11 certification procedures, licensing requirements,  
12 and regulatory oversight structures specifically  
13 informed by testing and evaluation data, ensur-  
14 ing alignment between identified risks and reg-  
15 ulatory responses;

16           (C) outline proposals for automated and  
17 continuous monitoring of AI hardware usage,  
18 computational resource inputs, and cloud-com-  
19 puting deployments based on observed relation-  
20 ships between those factors and AI system per-  
21 formance or emergent capabilities;

22           (D) propose adaptive governance strategies  
23 that account for ongoing improvements in algo-  
24 rithmic efficiency and system capabilities, en-

1           suring that regulatory frameworks remain rel-  
2           evant and effective as AI technology advances;

3           (E) suggest revisions with respect to Fed-  
4           eral oversight or resourcing, such as a new of-  
5           fice within an existing agency, a new agency, or  
6           additional funding, that may be necessary to  
7           develop and administer a permanent framework  
8           for oversight of advanced artificial intelligence  
9           systems; and

10          (F) provide comprehensive evaluations re-  
11          garding the potential for tested AI systems to  
12          exceed human oversight, approach artificial  
13          superintelligence, threaten economic competition  
14          (including in labor markets), undermine civil  
15          liberties, and pose existential risks to humanity,  
16          including clearly articulated options for regu-  
17          latory or governmental oversight measures to  
18          address scenarios of imminent concern identi-  
19          fied through testing.

20          (3) UPDATES.—Not less frequently than once  
21          every year for the duration of the program, the Sec-  
22          retary shall—

23                 (A) update the plan submitted under para-  
24                 graph (1) with new insights, data, and lessons  
25                 from the program; and

1 (B) submit the updated plan to Congress.

2 (d) SUNSET.—The program shall terminate on the  
3 date that is 7 years after the date of enactment of this  
4 Act, unless renewed by Congress.

5 **TITLE VII—ESTABLISHING**  
6 **LEGAL STANDARDS FOR AD-**  
7 **VANCED ARTIFICIAL INTEL-**  
8 **LIGENCE PRODUCTS**

9 **SEC. 701. SHORT TITLE.**

10 This title may be cited as the “Aligning Incentives  
11 for Leadership, Excellence, and Advancement in Develop-  
12 ment Act” or the “AI LEAD Act”.

13 **SEC. 702. DEFINITIONS.**

14 In this title:

15 (1) ARTIFICIAL INTELLIGENCE SYSTEM.—

16 (A) IN GENERAL.—The term “artificial in-  
17 telligence system” has the meaning given the  
18 term “artificial intelligence” in section 2.

19 (B) INCLUSION.—An artificial intelligence  
20 system may be integrated into, or operate in  
21 conjunction with, other hardware or software.

22 (2) CLAIMANT.—The term “claimant” means  
23 any person, including a class of persons, who brings  
24 a liability action.

1           (3) COVERED PRODUCT.—The term “covered  
2 product” means an artificial intelligence system.

3           (4) DEPLOYER.—The term “deployer” means a  
4 person, including a developer, who uses or operates  
5 a covered product for—

6                 (A) the person’s own personal or commer-  
7 cial use; or

8                 (B) use by a third party.

9           (5) DESIGN.—The term “design”, with respect  
10 to a covered product—

11                 (A) means the intended or known material  
12 characteristics of the covered product; and

13                 (B) includes—

14                         (i) any intended or known formulation  
15 of the covered product and the usual result  
16 of the intended development or other proc-  
17 esses used to produce the covered product,  
18 including unexpected skills or behaviors  
19 that appear in the covered product;

20                         (ii) the selection of any data used for  
21 training a covered product through fitting  
22 its learnable parameters; and

23                         (iii) training, testing, auditing, and  
24 fine-tuning the covered product.

1           (6) DEVELOPER.—The term “developer” means  
2 a person who designs, codes, produces, owns, or sub-  
3 stantially modifies a covered product for—

4           (A) the person’s own personal or commer-  
5 cial use; or

6           (B) use by a third party.

7           (7) EXPRESS WARRANTY.—The term “express  
8 warranty” means any material, positive statement,  
9 affirmation of fact, promise, or description relating  
10 to a covered product, including any sample or model  
11 of a covered product.

12           (8) HARM.—The term “harm” means, with re-  
13 spect to the effect of the use of a covered product—

14           (A) damage to property other than the cov-  
15 ered product itself;

16           (B) personal physical injury, illness, or  
17 death;

18           (C) financial or reputational injury;

19           (D) mental or psychological anguish, emo-  
20 tional distress, or distortion of a person’s be-  
21 havior that would be highly offensive to a rea-  
22 sonable person; or

23           (E) any loss of consortium or services or  
24 other loss deriving from any type of harm de-  
25 scribed in subparagraph (A), (B), (C), or (D).

1           (9) LIABILITY ACTION.—The term “liability ac-  
2           tion” means a civil action brought under section 731  
3           based on any theory for harm caused by a covered  
4           product or covered product use.

5           (10) PERSON.—The “person” means any indi-  
6           vidual, corporation, company, association, firm, part-  
7           nership, society, joint stock company, or other enti-  
8           ty, including any government entity or unincor-  
9           porated association of persons.

10          (11) SUBSTANTIAL MODIFICATION.—The term  
11          “substantial modification”, with respect to a covered  
12          product—

13                (A) means any deliberate change made to  
14                the covered product by a deployer that—

15                   (i) was not authorized or reasonably  
16                   anticipated by the developer when the cov-  
17                   ered product left the control of the devel-  
18                   oper; and

19                   (ii) changes the purpose, use, func-  
20                   tion, design, or intended use or manner of  
21                   use of the covered product from that for  
22                   which the covered product was originally  
23                   designed, tested, or intended; and

1 (B) does not include a modification that  
2 solely reduces or mitigates a new or additional  
3 risk.

4 (12) UNDER A LEGAL DISABILITY.—The term  
5 “under a legal disability”, with respect to a person,  
6 means the person lacks the capacity to understand,  
7 make, or communicate decisions regarding the per-  
8 son’s legal rights—

9 (A) because of a mental illness or intellec-  
10 tual disability; or

11 (B) because the person is under the age of  
12 18.

13 **Subtitle A—Aligning Incentives for**  
14 **Safety, Innovation and United**  
15 **States Competitiveness**

16 **SEC. 711. DEVELOPER LIABILITY FOR HARM TO BUSINESS**  
17 **OR CONSUMER.**

18 (a) IN GENERAL.—In any liability action, the devel-  
19 oper shall be liable to a claimant if the claimant estab-  
20 lishes by a preponderance of the evidence—

21 (1) that—

22 (A) the developer failed to exercise reason-  
23 able care with respect to the design of the cov-  
24 ered product; and

1 (B) the failure to exercise reasonable care  
2 was a proximate cause of harm to the claimant;

3 (2) that—

4 (A) the developer failed to exercise reason-  
5 able care with respect to providing adequate in-  
6 structions or warnings applicable to the covered  
7 product that allegedly caused the harm that is  
8 the subject of the complaint; and

9 (B) the failure to exercise reasonable care  
10 with respect to providing adequate instructions  
11 or warnings was a proximate cause of harm to  
12 the claimant;

13 (3) that—

14 (A) the developer made an express war-  
15 ranty applicable to the covered product that al-  
16 legedly caused the harm that is the subject of  
17 the complaint;

18 (B) the covered product failed to conform  
19 to the warranty; and

20 (C) the failure of the covered product to  
21 conform to the warranty was a proximate cause  
22 of harm to the claimant; or

23 (4) that—

24 (A) the covered product was, at the time of  
25 sale or distribution, in a defective condition un-

1 reasonably dangerous when used or misused in  
2 a reasonably foreseeable manner; and

3 (B) the defective condition was a proxi-  
4 mate cause of the harm to the claimant.

5 (b) DEFECTIVE DESIGN.—

6 (1) IN GENERAL.—In any liability action  
7 against a developer alleging that a covered product  
8 is unreasonably dangerous because of a defective de-  
9 sign, as described in subsection (a)(1), the claimant  
10 shall be required to prove that, at the time of sale  
11 or distribution of the covered product by the devel-  
12 oper, the foreseeable risks of harm posed by the cov-  
13 ered product could have been reduced or avoided by  
14 the adoption of a reasonable alternative design by  
15 the developer, and the omission of the alternative de-  
16 sign renders the covered product not reasonably  
17 safe.

18 (2) MANIFESTLY UNREASONABLE DESIGN.—  
19 Notwithstanding paragraph (1), in a liability action  
20 described in that paragraph, if the design of a cov-  
21 ered product is found to be manifestly unreasonable,  
22 a claimant shall not be required to prove the exist-  
23 ence of a reasonable alternative design.

24 (3) CIRCUMSTANTIAL EVIDENCE SUPPORTING  
25 INFERENCE OF COVERED PRODUCT DEFECT.—In a

1 liability action described in subsection (a)(1), it may  
2 be inferred that the harm sustained by the claimant  
3 was caused by a covered product defect existing at  
4 the time of sale or distribution, without proof of a  
5 specific defect, when the incident that harmed the  
6 claimant—

7 (A) was of a kind that ordinarily occurs as  
8 a result of covered product defect; and

9 (B) was not, in the particular case, solely  
10 the result of causes other than covered product  
11 defect existing at the time of sale or distribu-  
12 tion.

13 (4) NONCOMPLIANCE AND COMPLIANCE WITH  
14 REQUIRED COVERED PRODUCT SAFETY STATUTES  
15 OR REGULATIONS.—

16 (A) NONCOMPLIANCE.—For purposes of a  
17 liability action described in subsection (a)(1), if  
18 a covered product does not comply with an ap-  
19 plicable covered product safety statute or ad-  
20 ministrative regulation, the covered product  
21 shall be deemed defective with respect to the  
22 risks sought to be reduced by the statute or  
23 regulation.

24 (B) COMPLIANCE.—For purposes of a li-  
25 ability action described in subsection (a)(1), the

1 court may consider a covered product's compli-  
2 ance with an applicable covered product safety  
3 statute or administrative regulation in deter-  
4 mining whether the covered product is defective  
5 with respect to the risks sought to be reduced  
6 by the statute or regulation, but such compli-  
7 ance does not preclude as a matter of law a  
8 finding of covered product defect.

9 (c) FAILURE TO WARN.—

10 (1) IN GENERAL.—For purposes of a liability  
11 action described in subsection (a)(2), a covered prod-  
12 uct shall be considered defective because of inad-  
13 equate instructions or warnings if—

14 (A) the foreseeable risks of harm posed by  
15 the covered product could have been reduced or  
16 avoided by the provision of reasonable instruc-  
17 tions or warnings by the developer; and

18 (B) the omission of the instructions or  
19 warnings renders the covered product not rea-  
20 sonably safe.

21 (2) ADEQUATE INSTRUCTION OR WARNING.—

22 For purposes of paragraph (1), an adequate instruc-  
23 tion or warning is one that a reasonably prudent  
24 person in the same or similar circumstances would  
25 have provided with respect to a reasonably foresee-

1       able risk and that communicates sufficient informa-  
2       tion on the reasonably foreseeable risks and safe use  
3       of the covered product, taking into account the char-  
4       acteristics of, and the ordinary knowledge common  
5       to, an ordinary user of the covered product.

6           (3) KNOWLEDGE.—In a liability action de-  
7       scribed in subsection (a)(2), the claimant shall be re-  
8       quired to prove that, at the time the covered product  
9       left the developer's control, the developer knew of or,  
10      in light of then-existing scientific and technical  
11      knowledge, reasonably should have foreseen, the risk  
12      that caused the claimant's harm.

13           (4) OPEN AND OBVIOUS.—

14           (A) IN GENERAL.—In a liability action de-  
15      scribed in subsection (a)(2), a developer shall  
16      not be liable for failure to instruct or warn  
17      about a foreseeable risk that is open and obvi-  
18      ous to the user of the covered product, taking  
19      into account the characteristics of, and the or-  
20      dinary knowledge common to, an ordinary user  
21      of the covered product.

22           (B) MINORS.—For purposes of subpara-  
23      graph (A), a risk shall be presumed to not be  
24      open and obvious to a user of a covered product  
25      who is under 18 years old.

1           (5) NONCOMPLIANCE AND COMPLIANCE WITH  
2           REQUIRED COVERED PRODUCT SAFETY STATUTES  
3           OR REGULATIONS.—

4           (A) NONCOMPLIANCE.—In a liability ac-  
5           tion described in subsection (a)(2), if a covered  
6           product does not comply with an applicable cov-  
7           ered product safety statute or administrative  
8           regulation, the covered product shall be deemed  
9           defective due to inadequate instructions or  
10          warnings with respect to the risks sought to be  
11          reduced by the statute or regulation.

12          (B) COMPLIANCE.—In a liability action de-  
13          scribed in subsection (a)(2), the court may con-  
14          sider a covered product's compliance with an  
15          applicable covered product safety statute or ad-  
16          ministrative regulation in determining whether  
17          the covered product is defective due to inad-  
18          equately inadequate instructions or warnings with respect to  
19          the risks sought to be reduced by the statute or  
20          regulation, but such compliance does not pre-  
21          clude as a matter of law a finding of covered  
22          product defect.

23          (d) STRICT LIABILITY OF DEVELOPER FOR UNREA-  
24          SONABLY DANGEROUS OR DEFECTIVE COVERED PROD-  
25          UCTS.—

1           (1) IN GENERAL.—In a liability action de-  
2           scribed in subsection (a)(4), the developer of a cov-  
3           ered product shall be strictly liable for harm caused  
4           by the defective condition of the covered product,  
5           notwithstanding—

6                   (A) that the developer exercised all possible  
7                   care in the design or distribution of the covered  
8                   product; or

9                   (B) that the claimant did not purchase the  
10                  covered product directly from the developer or  
11                  otherwise enter into a contractual relationship  
12                  with the developer.

13           (2) SUBSTANTIAL MODIFICATION.—A developer  
14           shall not be liable under subsection (a)(4) for harm  
15           solely caused by a substantial modification.

16 **SEC. 712. DEPLOYER LIABILITY FOR HARM TO BUSINESS**  
17 **OR CONSUMER.**

18           (a) IN GENERAL.—A deployer shall be deemed to be  
19           liable as a developer under section 711 for harm caused  
20           by a covered product if—

21                   (1) the deployer makes a substantial modifica-  
22                   tion to the covered product; or

23                   (2) the deployer intentionally misuses the cov-  
24                   ered product contrary to its intended use and that

1 misuse is the proximate cause of harm to the claim-  
2 ant.

3 (b) USE INTENDED BY DEVELOPER IS NOT MODI-  
4 FICATION OR MISUSE.—

5 (1) IN GENERAL.—For purposes of subsection  
6 (a), a use of a covered product that is intended by  
7 the developer of the covered product does not con-  
8 stitute a substantial modification to or misuse of the  
9 covered product.

10 (2) INFERENCE OF INTENDED USE.—For pur-  
11 poses of paragraph (1), if a developer does not speci-  
12 fy an intended use for a covered product, intended  
13 use shall be inferred by the targeted market and  
14 manner of distribution.

15 (c) LICENSING.—Subject to section 732, any deployer  
16 licensing a covered product shall not be liable to a claim-  
17 ant for a violation of section 711 solely by reason of own-  
18 ership or use of the covered product.

19 **Subtitle B—Unconscionable**  
20 **Liability Limitations**

21 **SEC. 721. UNCONSCIONABLE LIABILITY LIMITATIONS.**

22 (a) CONTRACT WITH DEPLOYER.—

23 (1) PROHIBITION.—A developer may not in-  
24 clude language in a contract with a deployer that  
25 waives any right, proscribes any forum or procedure,

1 or unreasonably limits liability under this title or ap-  
2 plicable State law related to harm caused by the cov-  
3 ered product under section 711.

4 (2) UNENFORCEABLE.—Language in a contract  
5 that violates paragraph (1) shall be unenforceable.

6 (b) TERMS AND CONDITIONS.—

7 (1) PROHIBITION.—A developer or a deployer  
8 may not include language in terms and conditions  
9 relevant to a covered product that waives any right,  
10 proscribes any forum or procedure, or unreasonably  
11 limits liability under this title or applicable State law  
12 related to harm caused by the covered product under  
13 section 711 or 712.

14 (2) UNENFORCEABLE.—Language in terms and  
15 conditions that violates paragraph (1) shall be unen-  
16 forceable.

## 17 **Subtitle C—Enforcement**

### 18 **SEC. 731. FEDERAL CAUSE OF ACTION.**

19 The Attorney General, any attorney general of a  
20 State, an individual or the legal representative of such an  
21 individual, or a class of individuals may bring a civil action  
22 in a district court of the United States against a developer  
23 or deployer for a violation of section 711, 712, or 721 to  
24 obtain—

25 (1) injunctive relief;

1           (2) in a case brought by the Attorney General,  
2           civil penalties;

3           (3) damages, restitution, or other compensation  
4           on behalf of individuals;

5           (4) reasonable attorney fees and other litigation  
6           costs reasonably incurred; or

7           (5) in a case brought by the Attorney General  
8           or a State attorney general, such other relief as the  
9           Attorney General or State attorney general may con-  
10          sider to be appropriate.

11 **SEC. 732. SPECIAL RULE FOR DEPLOYERS.**

12          (a) **STANDING IN FOR THE DEVELOPER.**—If the de-  
13          veloper is not a party to a liability action because the de-  
14          veloper is not subject to the court’s jurisdiction, is insol-  
15          vent, or cannot otherwise be made to answer for the harm,  
16          the deployer may be held liable to the same extent that  
17          the developer would have been liable under section 711.

18          (b) **DISMISSAL OF DEPLOYER.**—A court shall dismiss  
19          the deployer from a liability action, upon motion, if—

20                 (1) the developer—

21                         (A) is a party to the action; and

22                         (B) is subject to the court’s jurisdiction;

23                 (2) the developer is not insolvent or otherwise  
24                 unable to satisfy any likely judgment; and

1           (3) the deployer is not otherwise liable under  
2 section 712.

3           (c) JOINT FAULT.—

4           (1) IN GENERAL.—If both the developer and  
5 the deployer contributed to the harm under sections  
6 711 and 712, each person may be held jointly and  
7 severally liable for the portion of harm caused by  
8 that person's conduct.

9           (2) RULE OF CONSTRUCTION.—Nothing in this  
10 subsection shall limit the right of a claimant to  
11 maintain a liability action against the developer, the  
12 deployer, or both, if the claimant can establish that  
13 each person contributed to the harm under sections  
14 711 and 712.

15           (d) INDEMNIFICATION AND ATTORNEY FEES.—

16           (1) RIGHT TO SEEK INDEMNIFICATION.—A  
17 deployer that is held liable for harm caused by the  
18 developer under subsection (a) may pursue indem-  
19 nification, including the recovery of attorney fees  
20 and litigation costs, from the developer.

21           (2) LIMITATION.—If the deployer is determined  
22 to be at fault for a portion of the harm under sub-  
23 section (c), indemnification under paragraph (1) of  
24 this subsection shall be limited to the portion of

1 damages, fees, or costs attributable to the conduct  
2 of the developer.

3 (e) PRESERVATION OF CLAIMANT'S RIGHTS.—Noth-  
4 ing in this subsection shall limit the right of the claimant  
5 to maintain a liability action against the developer, the  
6 deployer, or both persons, if the claimant can establish  
7 that each person contributed to the harm under sections  
8 711 and 712.

9 **SEC. 733. PERIOD OF LIMITATIONS.**

10 (a) IN GENERAL.—Except as provided in subsection  
11 (b), a liability action may be filed not later than 4 years  
12 after the date on which the claimant discovered or, in the  
13 exercise of reasonable care, should have discovered—

14 (1) the harm that is the subject of the action;

15 and

16 (2) the cause of the harm.

17 (b) LEGAL DISABILITY.—In the case of a person who  
18 is under a legal disability, the period of limitations under  
19 subsection (a) for a liability action brought by that person  
20 shall be tolled until the person ceases to be under a legal  
21 disability.

22 (c) TOLLING.—The period of limitations under sub-  
23 section (a) shall be tolled from the date of the filing of  
24 a complaint against a developer or deployer to the date  
25 that a court enters a final judgment in the case.

1 **SEC. 734. PREEMPTION.**

2 This title supersedes State law only where State law  
3 conflicts with the provisions of this title.

4 **Subtitle D—Registration of Foreign**  
5 **Artificial Intelligence System**  
6 **Developers**

7 **SEC. 741. FOREIGN AGENT REGISTRATION REQUIREMENT.**

8 (a) DESIGNATION REQUIRED.—Before making a cov-  
9 ered product available in the United States, a foreign de-  
10 veloper shall designate an agent for service of process.

11 (b) REQUIREMENTS.—The designation of an agent  
12 under subsection (a) shall—

13 (1) be in writing and submitted to the Attorney  
14 General;

15 (2) include a written acceptance by the agent;  
16 and

17 (3) specify the full legal name and address of  
18 both the foreign developer and the agent.

19 (c) AGENT QUALIFICATIONS.—A designated agent  
20 under subsection (a) shall be a permanent resident of the  
21 United States.

22 (d) UPDATES.—A foreign developer of a covered  
23 product shall notify the Attorney General of any change  
24 to the designated agent under subsection (a) or the con-  
25 tact information thereof not later than 15 days after the  
26 change.

1 **SEC. 742. ENFORCEMENT.**

2 (a) PROHIBITION.—A foreign developer of a covered  
3 product that fails to designate an agent in accordance with  
4 section 741 may not deploy any covered product in the  
5 United States.

6 (b) ENFORCEMENT.—The Attorney General may  
7 seek injunctive relief to prevent a violation of subsection  
8 (a).

9 **SEC. 743. PUBLIC REGISTRY.**

10 The Attorney General shall maintain a publicly acces-  
11 sible registry of designated agents of foreign developers  
12 of covered products.

13 **TITLE VIII—BIAS MITIGATION**  
14 **AND EQUITY**

15 **SEC. 801. AUDITS FOR BIAS AND TRAINING ON ETHICS.**

16 (a) AUDITS FOR BIAS.—

17 (1) IN GENERAL.—Each provider of a high-risk  
18 artificial intelligence system shall ensure that the  
19 high-risk artificial intelligence system is, on an an-  
20 nual basis, subject to an independent, third-party  
21 audit of the system with a reasonable level of assur-  
22 ance in order to detect any viewpoint discrimination  
23 or discrimination based on political affiliation.

24 (2) COOPERATION WITH INDEPENDENT, THIRD-  
25 PARTY AUDIT.—To facilitate the audit required by

1 paragraph (1), a provider of a high-risk artificial in-  
2 telligence system shall—

3 (A) provide or otherwise make available to  
4 the independent third-party conducting the  
5 audit all information and material in its posses-  
6 sion, custody, or control that is relevant to the  
7 audit;

8 (B) provide or otherwise make available to  
9 the independent third-party conducting the  
10 audit access to all network, systems, and assets  
11 relevant to the audit; and

12 (C) disclose all relevant facts to the inde-  
13 pendent third-party conducting the audit, and  
14 not misrepresent in any manner, expressly or by  
15 implication, any relevant fact.

16 (3) PRIVACY SAFEGUARDS.—

17 (A) IN GENERAL.—In issuing any report  
18 required under this subsection, a provider of a  
19 high-risk artificial intelligence system shall take  
20 steps to safeguard the privacy of its users, in-  
21 cluding ensuring that data is presented in a de-  
22 identified, aggregated format such that it is not  
23 reasonably linkable to any user.

24 (B) RULE OF CONSTRUCTION.—This sub-  
25 section shall not be construed to require the

1 disclosure of information that will lead to mate-  
2 rial vulnerabilities for the privacy of users or  
3 the security of a high-risk artificial intelligence  
4 system's service or create a significant risk of  
5 the violation of Federal or State law.

6 (C) DEFINITION OF DE-IDENTIFIED.—As  
7 used in this paragraph, the term “de-identified”  
8 means data that does not identify and is not  
9 linked or reasonably linkable to a device that is  
10 linked or reasonably linkable to an individual,  
11 regardless of whether the information is aggre-  
12 gated.

13 (4) REPORT.—Not later than 180 days after  
14 the completion of each audit under paragraph (1), a  
15 provider of a high-risk artificial intelligence system  
16 shall submit to the Federal Trade Commission a re-  
17 port on the results of such audit.

18 (b) TRAINING ON ETHICS.—Each covered entity  
19 shall, on an annual basis, provide to all personnel of the  
20 covered entity an ethics training on the development, use,  
21 and deployment of high-risk artificial intelligence systems,  
22 using such standard curriculum as the Federal Trade  
23 Commission shall establish.

24 (c) ENFORCEMENT BY THE FEDERAL TRADE COM-  
25 MISSION.—

1           (1) UNFAIR AND DECEPTIVE ACTS OR PRAC-  
2           TICES.—A violation of this title shall be treated as  
3           a violation of a rule defining an unfair or deceptive  
4           act or practice prescribed under section 18(a)(1)(B)  
5           of the Federal Trade Commission Act (15 U.S.C.  
6           57a(a)(1)(B)).

7           (2) POWERS OF THE COMMISSION.—

8           (A) IN GENERAL.—The Federal Trade  
9           Commission shall enforce this title in the same  
10          manner, by the same means, and with the same  
11          jurisdiction, powers, and duties as though all  
12          applicable terms and provisions of the Federal  
13          Trade Commission Act (15 U.S.C. 41 et seq.)  
14          were incorporated into and made a part of this  
15          title.

16          (B) PRIVILEGES AND IMMUNITIES.—Any  
17          person that violates this title shall be subject to  
18          the penalties, and entitled to the privileges and  
19          immunities, provided in the Federal Trade  
20          Commission Act (15 U.S.C. 41 et seq.).

21          (C) AUTHORITY PRESERVED.—Nothing in  
22          this title shall be construed to limit the author-  
23          ity of the Federal Trade Commission under any  
24          other provision of law.

1 (d) HIGH-RISK ARTIFICIAL INTELLIGENCE SYS-  
2 TEM.—For purposes of this section, the term “high-risk  
3 artificial intelligence system” means an artificial intel-  
4 ligence system that, due to its deployment context, poses  
5 a significant risk to health, safety, rights, or economic se-  
6 curity, including risks in education, employment, law en-  
7 forcement, or critical infrastructure, as determined by the  
8 Federal Trade Commission.

9 **TITLE IX—FUTURE OF ARTIFI-**  
10 **CIAL INTELLIGENCE INNOVA-**  
11 **TION**

12 **SEC. 900. SHORT TITLE; SENSE OF CONGRESS.**

13 (a) SHORT TITLE.—This title may be cited as the  
14 “Future of Artificial Intelligence Innovation Act of 2026”.

15 (b) SENSE OF CONGRESS.—It is the sense of Con-  
16 gress that policies affecting artificial intelligence should  
17 maximize the potential, development, and use of artificial  
18 intelligence to benefit all private and public stakeholders.

19 **Subtitle A—Voluntary Artificial In-**  
20 **telligence Standards, Metrics,**  
21 **Evaluation Tools, Testbeds, and**  
22 **International Cooperation**

23 **SEC. 901. DEFINITIONS.**

24 In this subtitle:

1           (1) ARTIFICIAL INTELLIGENCE MODEL.—The  
2 term “artificial intelligence model” means a compo-  
3 nent of an artificial intelligence system that is—

4           (A) derived using mathematical, computa-  
5 tional, statistical, or machine-learning tech-  
6 niques; and

7           (B) used as part of an artificial intel-  
8 ligence system to produce outputs from a given  
9 set of inputs.

10          (2) ARTIFICIAL INTELLIGENCE SYSTEM.—The  
11 term “artificial intelligence system” means an engi-  
12 neered or machine-based system that—

13           (A) can, for a given set of objectives, gen-  
14 erate outputs such as predictions, recommenda-  
15 tions, or decisions influencing real or virtual en-  
16 vironments; and

17           (B) is designed to operate with varying lev-  
18 els of autonomy.

19          (3) CRITICAL INFRASTRUCTURE.—The term  
20 “critical infrastructure” has the meaning given such  
21 term in section 1016(e) of the Uniting and  
22 Strengthening America by Providing Appropriate  
23 Tools Required to Intercept and Obstruct Terrorism  
24 (USA PATRIOT ACT) Act of 2001 (42 U.S.C.  
25 5195c(e)).

1           (4) FEDERAL LABORATORY.—The term “Fed-  
2           eral laboratory” has the meaning given such term in  
3           section 4 of the Stevenson-Wydler Technology Inno-  
4           vation Act of 1980 (15 U.S.C. 3703).

5           (5) FOUNDATION MODEL.—The term “founda-  
6           tion model” means an artificial intelligence model  
7           trained on broad data at scale and is adaptable to  
8           a wide range of downstream tasks.

9           (6) NATIONAL LABORATORY.—The term “Na-  
10          tional Laboratory” has the meaning given such term  
11          in section 2 of the Energy Policy Act of 2005 (42  
12          U.S.C. 15801).

13          (7) TESTBED.—The term “testbed” means a  
14          facility or mechanism, virtual or otherwise, equipped  
15          for conducting rigorous, transparent, and replicable  
16          testing of tools and technologies, including artificial  
17          intelligence systems, to help evaluate the  
18          functionality, trustworthiness, usability, and per-  
19          formance of those tools or technologies.

1 **CHAPTER 1—CENTER FOR ARTIFICIAL IN-**  
2 **TELLIGENCE STANDARDS AND INNO-**  
3 **VATION AND TESTBEDS**

4 **SEC. 911. CENTER FOR ARTIFICIAL INTELLIGENCE STAND-**  
5 **ARDS AND INNOVATION.**

6 The National Institute of Standards and Technology  
7 Act (15 U.S.C. 271 et seq.) is amended by inserting after  
8 section 22A (15 U.S.C. 278h–1) the following:

9 **“SEC. 22B. CENTER FOR ARTIFICIAL INTELLIGENCE STAND-**  
10 **ARDS AND INNOVATION.**

11 “(a) DEFINITIONS.—In this section:

12 “(1) AGENCY.—The term ‘agency’ has the  
13 meaning given the term ‘Executive agency’ in section  
14 105 of title 5, United States Code.

15 “(2) ARTIFICIAL INTELLIGENCE.—The term  
16 ‘artificial intelligence’ has the meaning given such  
17 term in section 5002 of the National Artificial Intel-  
18 ligence Initiative Act of 2020 (15 U.S.C. 9401).

19 “(3) ARTIFICIAL INTELLIGENCE BLUE-  
20 TEAMING.—The term ‘artificial intelligence blue-  
21 teaming’ means an effort to conduct operational vul-  
22 nerability evaluations and provide mitigation tech-  
23 niques to entities who have a need for an inde-  
24 pendent technical review of the security posture of  
25 an artificial intelligence system.

1           “(4) ARTIFICIAL INTELLIGENCE RED-  
2 TEAMING.—The term ‘artificial intelligence red-  
3 teaming’ means structured adversarial testing efforts  
4 of an artificial intelligence system.

5           “(5) FEDERAL LABORATORY.—The term ‘Fed-  
6 eral laboratory’ has the meaning given such term in  
7 section 4 of the Stevenson-Wydler Technology Inno-  
8 vation Act of 1980 (15 U.S.C. 3703).

9           “(6) FOUNDATION MODEL.—The term ‘founda-  
10 tion model’ means an artificial intelligence model  
11 trained on broad data at scale and is adaptable to  
12 a wide range of downstream tasks.

13           “(7) SYNTHETIC CONTENT.—The term ‘syn-  
14 thetic content’ means information, such as images,  
15 videos, audio clips, and text, that has been signifi-  
16 cantly modified or generated by algorithms, includ-  
17 ing by an artificial intelligence system.

18           “(8) TESTBED.—The term ‘testbed’ means a  
19 facility or mechanism, virtual or otherwise, equipped  
20 for conducting rigorous, transparent, and replicable  
21 testing of tools and technologies, including artificial  
22 intelligence systems, to help evaluate the  
23 functionality, trustworthiness, usability, and per-  
24 formance of those tools or technologies.

1           “(9)           WATERMARKING.—The           term  
2           ‘watermarking’ means the act of embedding prove-  
3           nance and authenticity information that is intended  
4           to be difficult to remove, into outputs generated by  
5           artificial intelligence systems or in original content,  
6           including outputs such as text, images, audio, vid-  
7           eos, software code, or any other digital content or  
8           data, for the purposes of verifying and maintaining  
9           the authenticity, integrity, and reliability of the out-  
10          put or the identity or characteristics of its prove-  
11          nance, modifications, or conveyance.

12          “(b) ESTABLISHMENT OF CENTER FOR ARTIFICIAL  
13          INTELLIGENCE STANDARDS AND INNOVATION.—

14                 “(1) IN GENERAL.—Not later than 90 days  
15                 after the date of the enactment of the Future of Ar-  
16                 tificial Intelligence Innovation Act of 2026, the Di-  
17                 rector shall establish a center on artificial intel-  
18                 ligence within the Institute.

19                 “(2) DESIGNATION.—The center established  
20                 pursuant to paragraph (1) shall be known as the  
21                 ‘Center for Artificial Intelligence Standards and In-  
22                 novation’ (in this section the ‘Center’).

23                 “(3) MISSION.—The mission of the Center is to  
24                 assist the private sector and agencies in developing  
25                 voluntary best practices for the robust assessment of

1 artificial intelligence systems, which may be contrib-  
2 uted to or inform the work on such practices in  
3 standards development organizations.

4 “(c) FUNCTIONS.—

5 “(1) IN GENERAL.—The functions of the Cen-  
6 ter, which the Center shall carry out in coordination  
7 with the laboratories of the Institute, include the fol-  
8 lowing:

9 “(A) Using publicly available or voluntarily  
10 provided information, assessing artificial intel-  
11 ligence systems and developing guidelines and  
12 best practices to measure and improve the se-  
13 cure development, deployment, and use of artifi-  
14 cial intelligence technology.

15 “(B) Supporting artificial intelligence red-  
16 teaming, sharing best practices, and coordi-  
17 nating on building testbeds and test environ-  
18 ments with allies and international partners of  
19 the United States.

20 “(C) Developing and publishing physical  
21 and cybersecurity tools, methodologies, best  
22 practices, voluntary guidelines, and other sup-  
23 porting information to assist persons who main-  
24 tain systems used to create or train artificial in-  
25 telligence models with discovering and miti-

1           gating vulnerabilities and attacks, including ma-  
2           nipulation through data poisoning, including  
3           those that may be exploited by foreign adver-  
4           saries.

5           “(D) Establishing artificial intelligence  
6           blue-teaming capabilities to support mitigation  
7           approaches and partnering with industry to ad-  
8           dress the reliability of artificial intelligence sys-  
9           tems.

10          “(E) Developing tools, methodologies, best  
11          practices, and voluntary guidelines for detecting  
12          synthetic content, authenticating content and  
13          tracking of the provenance of content, labeling  
14          original and synthetic content, such as by  
15          watermarking, and evaluating software and sys-  
16          tems relating to detection and labeling of syn-  
17          thetic content.

18          “(F) Coordinating or developing metrics  
19          and methodologies for testing artificial intel-  
20          ligence systems, including the following:

21                 “(i) Cataloging existing artificial intel-  
22                 ligence metrics and evaluation methodolo-  
23                 gies used in industry and academia.

24                 “(ii) Testing the efficacy of existing  
25                 metrics and evaluations.

1                   “(iii) Documenting tools that assess  
2                   reliability, accuracy, and robustness.

3                   “(G) Coordinating with counterpart inter-  
4                   national institutions, partners, and allies to  
5                   support global interoperability in the develop-  
6                   ment of research and testing of standards relat-  
7                   ing to artificial intelligence.

8                   “(H) Producing resources for Federal  
9                   agencies to conduct their own evaluations of ar-  
10                  tificial intelligence systems to best fulfill their  
11                  missions.

12                  “(I) Convening meetings on a semiannual  
13                  basis with Federal agencies and the private sec-  
14                  tor—

15                         “(i) to share information and best  
16                         practices on building artificial intelligence  
17                         evaluations; and

18                         “(ii) to accelerate the development  
19                         and adoption of national standards for ar-  
20                         tificial intelligence systems in sectors in-  
21                         cluding, biotechnology, agriculture, and  
22                         health care.

23                  “(J) Examining safeguards and best prac-  
24                  tices to secure artificial intelligence systems  
25                  from cyber attacks.

1           “(K) Examining safeguards and best prac-  
2           tices to protect against unintended use of artifi-  
3           cial intelligence for the purpose of developing  
4           chemical, biological, radiological, nuclear, and  
5           energy-security threats or hazards.

6           “(L) Providing, in consultation with the  
7           Secretary of Homeland Security and the Direc-  
8           tor of the Cybersecurity and Information Secu-  
9           rity Agency, a toolkit for best practices in an-  
10          ticipating, responding to, and recovering from  
11          cybersecurity incidents involving artificial intel-  
12          ligence systems. Such toolkit may include guid-  
13          ance on remediating and responding to known  
14          artificial intelligence-specific vulnerabilities.

15          “(M) Developing, and curating, in con-  
16          sultation with the Secretary of Labor, a list of  
17          high-priority occupations for training for the  
18          advancement and deployment of artificial intel-  
19          ligence.

20          “(N) Developing best practices on min-  
21          imum data quality standards for the use of bio-  
22          logical, material science, chemical, physical, and  
23          other scientific areas in artificial intelligence  
24          model training.

1           “(O) Examining, in consultation with the  
2 heads of other relevant Federal agencies, the  
3 vulnerabilities in the supply chain of hardware,  
4 including semiconductors and microelectronics,  
5 that are critical to enabling the development  
6 and deployment of artificial intelligence.

7           “(P) Examining ways in which artificial in-  
8 telligence may be used by the Federal govern-  
9 ment in combating fraud and other unfair or  
10 deceptive practices.

11           “(Q) Identify proven, scalable, and inter-  
12 operable techniques and metrics to promote the  
13 development of artificial intelligence.

14           “(d) CENTER FOR ARTIFICIAL INTELLIGENCE  
15 STANDARDS AND INNOVATION CONSORTIUM.—

16           “(1) ESTABLISHMENT.—

17           “(A) IN GENERAL.—Not later than 180  
18 days after the date of the enactment of the Fu-  
19 ture of Artificial Intelligence Innovation Act of  
20 2026, the Director shall establish a consortium  
21 of stakeholders from academic or research com-  
22 munities, Federal laboratories, private industry,  
23 including companies of all sizes with different  
24 roles in the use of artificial intelligence systems,  
25 including developers, deployers, evaluators,

1 users, and civil society with expertise in matters  
2 relating to artificial intelligence to support the  
3 Center in carrying out the functions set forth  
4 under subsection (c).

5 “(B) DESIGNATION.—The consortium es-  
6 tablished pursuant to subparagraph (A) shall be  
7 known as the ‘Center for Artificial Intelligence  
8 Standards and Innovation Consortium’.

9 “(2) CONSULTATION.—The Director shall con-  
10 sult with the consortium established under this sub-  
11 section not less frequently than quarterly.

12 “(3) ANNUAL REPORTS TO CONGRESS.—Not  
13 later than 1 year after the date of the enactment of  
14 the Future of Artificial Intelligence Innovation Act  
15 of 2026 and not less frequently than once each year  
16 thereafter, the Director shall submit to the Com-  
17 mittee on Commerce, Science, and Transportation of  
18 the Senate and the Committee on Science, Space,  
19 and Technology of the House of Representatives a  
20 report summarizing the contributions of the mem-  
21 bers of the consortium established under this sub-  
22 section in support the efforts of the Center.

23 “(e) VOLUNTARY ARTIFICIAL INTELLIGENCE TEST-  
24 ING STANDARDS.—In carrying out the functions under  
25 subsection (c), the Director shall support and contribute

1 to the development of voluntary, consensus-based technical  
2 standards for testing artificial intelligence system compo-  
3 nents, including by addressing, as the Director considers  
4 appropriate, the following:

5           “(1) Physical infrastructure for training or de-  
6           veloping artificial intelligence models and systems,  
7           including cloud infrastructure.

8           “(2) Physical infrastructure for operating artifi-  
9           cial intelligence systems, including cloud infrastruc-  
10          ture.

11          “(3) Data for training artificial intelligence  
12          models.

13          “(4) Data for evaluating the functionality and  
14          trustworthiness of trained artificial intelligence mod-  
15          els and systems.

16          “(5) Trained or partially trained artificial intel-  
17          ligence models and any resulting software systems or  
18          products.

19          “(6) Human-in-the-loop testing of artificial in-  
20          telligence models and systems.

21          “(f) MATTERS RELATING TO DISCLOSURE AND AC-  
22          CESS.—

23                 “(1) FOIA EXEMPTION.—Any confidential con-  
24                 tent, as deemed confidential by the contributing pri-  
25                 vate sector person, shall be exempt from public dis-

1 closure under section 552(b)(3) of title 5, United  
2 States Code.

3 “(2) LIMITATION ON ACCESS TO CONTENT.—  
4 Access to a contributing private sector person’s vol-  
5 untarily provided confidential content, as deemed  
6 confidential by the contributing private sector person  
7 shall be limited to the private sector person and the  
8 Center.

9 “(3) AGGREGATED INFORMATION.—The Direc-  
10 tor may make aggregated, deidentified information  
11 available to contributing companies, the public, and  
12 other agencies, as the Director considers appro-  
13 priate, in support of the purposes of this section.

14 “(g) RULE OF CONSTRUCTION.—Nothing in this sec-  
15 tion shall be construed to provide the Director any en-  
16 forcement authority that was not in effect on the day be-  
17 fore the date of the enactment of the Future of Artificial  
18 Intelligence Innovation Act of 2026.

19 “(h) PROHIBITION ON ACCESS TO RESOURCES FOR  
20 ENTITIES UNDER CONTROL OF CERTAIN FOREIGN GOV-  
21 ERNMENTS.—

22 “(1) DEFINITIONS.—In this subsection:

23 “(A) COVERED NATION.—The term ‘cov-  
24 ered nation’ has the meaning given that term in  
25 section 4872 of title 10, United States Code.

1                   “(B) OWNERSHIP, CONTROL, OR INFLU-  
2                   ENCE OF THE GOVERNMENT OF A COVERED NA-  
3                   TION.—The term ‘ownership, control, or influ-  
4                   ence of the government of a covered nation’,  
5                   with respect to an entity, means the govern-  
6                   ment of a covered nation—

7                   “(i) has the power to direct or decide  
8                   matters affecting the entity’s management  
9                   or operations in a manner that could—

10                   “(I) result in unauthorized access  
11                   to classified information; or

12                   “(II) adversely affect perform-  
13                   ance of a contract or agreement re-  
14                   quiring access to classified informa-  
15                   tion; and

16                   “(ii) exercises that power—

17                   “(I) directly or indirectly;

18                   “(II) through ownership of the  
19                   entity’s securities, by contractual ar-  
20                   rangements, or other similar means;

21                   “(III) by the ability to control or  
22                   influence the election or appointment  
23                   of one or more members to the enti-  
24                   ty’s governing board (such as the  
25                   board of directors, board of managers,

1 or board of trustees) or its equivalent;

2 or

3 “(IV) prospectively (such as by

4 not currently exercising the power,

5 but could).

6 “(2) IN GENERAL.—An entity under the owner-

7 ship, control, or influence of the government of a

8 covered nation may not access any of the resources

9 of the Center.

10 “(3) CRITERIA FOR IDENTIFICATION.—The Di-

11 rector, working with the heads of the relevant Fed-

12 eral agencies, shall establish criteria to determine if

13 any entity that seeks to utilize the resources of the

14 Center is under the ownership, control, or influence

15 of the government of a covered nation.”.

16 **SEC. 912. INTERAGENCY COORDINATION AND PROGRAM TO**

17 **FACILITATE ARTIFICIAL INTELLIGENCE**

18 **TESTBEDS.**

19 (a) DEFINITIONS.—In this section:

20 (1) APPROPRIATE COMMITTEES OF CON-

21 GRESS.—The term “appropriate committees of Con-

22 gress” means—

23 (A) the Committee on Commerce, Science,

24 and Transportation and the Committee on En-

25 ergy and Natural Resources of the Senate; and

1 (B) the Committee on Science, Space, and  
2 Technology of the House of Representatives.

3 (2) DIRECTOR.—The term “Director” means  
4 the Director of the National Science Foundation.

5 (3) INSTITUTE.—The term “Institute” means  
6 the National Institute of Standards and Technology.

7 (4) SECRETARY.—The term “Secretary” means  
8 the Secretary of Energy.

9 (5) UNDER SECRETARY.—The term “Under  
10 Secretary” means the Under Secretary of Commerce  
11 for Standards and Technology.

12 (b) PROGRAM REQUIRED.—Not later than 1 year  
13 after the date of the enactment of this Act, the Under  
14 Secretary and the Secretary, in coordination with the Di-  
15 rector, shall jointly establish a testbed program to encour-  
16 age collaboration and support partnerships between the  
17 National Laboratories, Federal laboratories, the National  
18 Institute of Standards and Technology, the National Arti-  
19 ficial Intelligence Research Resource pilot program estab-  
20 lished by the Director, or any successor program, and pub-  
21 lic and private sector entities, including companies of all  
22 sizes, to conduct tests, evaluations, and security or vulner-  
23 ability risk assessments, and to support research and de-  
24 velopment, of artificial intelligence systems, including  
25 measurement methodologies developed by the Institute, in

1 order to develop standards and encourage development of  
2 a third-party ecosystem.

3 (c) ACTIVITIES.—In carrying out the program re-  
4 quired by subsection (b), the Under Secretary and the Sec-  
5 retary—

6 (1) may use the advanced computing resources,  
7 testbeds, and expertise of the National Laboratories,  
8 Federal laboratories, the Institute, the National  
9 Science Foundation, and private sector entities to  
10 run tests and evaluations on the capabilities and  
11 limitations of artificial intelligence systems;

12 (2) shall use existing solutions to the maximum  
13 extent practicable;

14 (3) shall develop automated and reproducible  
15 tests and evaluations for artificial intelligence sys-  
16 tems to the extent that is practicable;

17 (4) shall assess the computational resources  
18 necessary to run tests and evaluations of artificial  
19 intelligence systems;

20 (5) shall research methods to effectively mini-  
21 mize the computational resources needed to run  
22 tests, evaluations, and security assessments of artifi-  
23 cial intelligence systems;

24 (6) shall where practicable, develop tests and  
25 evaluations for artificial intelligence systems that are

1 designed for high-, medium-, and low-computational  
2 intensity;

3 (7) shall prioritize assessments by identifying  
4 security vulnerabilities of artificial intelligence sys-  
5 tems, including the establishment of and utilization  
6 of existing classified testbeds, at the National Lab-  
7 oratories if necessary, including with respect to—

8 (A) autonomous offensive cyber capabili-  
9 ties;

10 (B) cybersecurity vulnerabilities in the ar-  
11 tificial intelligence software ecosystem and be-  
12 yond;

13 (C) chemical, biological, radiological, nu-  
14 clear, critical infrastructure, and energy-secu-  
15 rity threats or hazards; and

16 (D) such other capabilities as the Under  
17 Secretary or the Secretary determines nec-  
18 essary; and

19 (8) shall organize a hackathon to test artificial  
20 intelligence systems security risks and  
21 vulnerabilities.

22 (d) CONSIDERATION GIVEN.—In carrying out the ac-  
23 tivities required by subsection (c), the Under Secretary  
24 and the Secretary shall take under consideration the appli-  
25 cability of any tests, evaluations, and risk assessments to

1 artificial intelligence systems trained using primarily bio-  
2 logical sequence data that could be used to enhance an  
3 artificial intelligence system's ability to contribute to the  
4 creation of a pandemic or biological weapon, including  
5 those systems used for gene synthesis.

6 (e) METRICS.—The Under Secretary and the Sec-  
7 retary shall jointly develop metrics to assess—

8 (1) the effectiveness of the program in encour-  
9 aging collaboration and supporting partnerships as  
10 described in subsection (b); and

11 (2) the impact of the program on public and  
12 private sector integration and use of artificial intel-  
13 ligence systems.

14 (f) USE OF EXISTING PROGRAM.—In carrying out  
15 the program required by subsection (b), the Under Sec-  
16 retary, the Secretary, and the Director may use a program  
17 that was in effect on the day before the date of the enact-  
18 ment of this Act.

19 (g) EVALUATION AND FINDINGS.—Not later than 3  
20 years after the start of the program required by subsection  
21 (b), the Under Secretary and the Secretary shall jointly—

22 (1) evaluate the success of the program in en-  
23 couraging collaboration and supporting partnerships  
24 as described in subsection (b), using the metrics de-  
25 veloped pursuant to subsection (e);

1           (2) evaluate the success of the program in en-  
2           couraging public and private sector integration and  
3           use of artificial intelligence systems by using the  
4           metrics developed pursuant to subsection (e); and

5           (3) submit to the appropriate committees of  
6           Congress the evaluation supported pursuant to para-  
7           graph (1) and the findings of the Under Secretary,  
8           the Secretary, and the Director with respect to the  
9           testbed program.

10          (h) CONSULTATION.—In carrying out subsection (b),  
11          the Under Secretary and the Secretary shall consult, as  
12          the Under Secretary and the Secretary consider appro-  
13          priate, with the following:

14                (1) Industry, including private artificial intel-  
15                ligence laboratories, companies of all sizes, and rep-  
16                resentatives from the United States financial sector.

17                (2) Academia and institutions of higher edu-  
18                cation.

19                (3) Civil society.

20          (i) ESTABLISHMENT OF VOLUNTARY FOUNDATION  
21          MODELS TEST PROGRAM.—In carrying out the program  
22          under subsection (b), the Under Secretary and the Sec-  
23          retary shall, jointly carry out a test program to provide  
24          vendors of foundation models, as well as vendors of artifi-  
25          cial intelligence virtual agents and robots that incorporate

1 foundation models, the opportunity to voluntarily test  
2 foundation models across a range of modalities, such as  
3 models that ingest and output text, images, audio, video,  
4 software code, and mixed modalities.

5 (j) MATTERS RELATING TO DISCLOSURE AND AC-  
6 CESS.—

7 (1) LIMITATION ON ACCESS TO CONTENT.—Ac-  
8 cess to a contributing private sector person’s volun-  
9 tarily provided confidential content, as deemed con-  
10 fidential by the contributing private sector person,  
11 shall be limited to the contributing private sector  
12 person and the Institute.

13 (2) AGGREGATED INFORMATION.—The Under  
14 Secretary and the Secretary may make aggregated,  
15 deidentified information available to contributing  
16 companies, the public, and other agencies, as the  
17 Under Secretary considers appropriate, in support of  
18 the purposes of this section.

19 (3) FOIA EXEMPTION.—Any confidential con-  
20 tent, as deemed confidential by the contributing pri-  
21 vate sector person, shall be exempt from public dis-  
22 closure under section 552(b)(3) of title 5, United  
23 States Code.

1 (k) RULE OF CONSTRUCTION.—Nothing in this sec-  
2 tion shall be construed to require a person to disclose any  
3 information, including information—

4 (1) relating to a trade secret or other protected  
5 intellectual property right;

6 (2) that is confidential business information; or

7 (3) that is privileged.

8 (l) SUNSET.—The programs required by subsections  
9 (b) and (i) and the requirements of this section shall ter-  
10minate on the date that is 7 years after the date of the  
11 enactment of this Act.

12 **SEC. 913. NATIONAL INSTITUTE OF STANDARDS AND TECH-**  
13 **NOLOGY AND DEPARTMENT OF ENERGY**  
14 **TESTBED TO IDENTIFY, TEST, AND SYN-**  
15 **THESIZE NEW MATERIALS.**

16 (a) IN GENERAL.—The Secretary of Commerce, act-  
17 ing through the Under Secretary of Commerce for Stand-  
18 ards and Technology, and the Secretary of Energy may  
19 use the program established under section 912(b) to ad-  
20 vance materials science and energy storage and optimiza-  
21 tion and to support advanced manufacturing for the ben-  
22 efit of the United States economy through the use of arti-  
23 ficial intelligence, autonomous laboratories, and artificial  
24 intelligence integrated with emerging technologies, such as  
25 quantum hybrid computing and robotics.

1 (b) SUPPORT FOR ACCELERATED TECHNOLOGIES.—

2 The Secretary of Commerce and the Secretary of Energy  
3 shall ensure that technologies accelerated under subsection  
4 (a) are supported by advanced algorithms and models, un-  
5 certainty quantification, and software and workforce de-  
6 velopment tools to produce benchmark data, model com-  
7 parison tools, and best practices guides.

8 (c) PUBLIC-PRIVATE PARTNERSHIPS.—In carrying  
9 out subsection (a), the Secretary of Commerce and the  
10 Secretary of Energy shall, in consultation with industry,  
11 civil society, and academia, enter into such public-private  
12 partnerships as the Secretaries jointly determine appro-  
13 priate.

14 (d) RESOURCES.—In carrying out this section, the  
15 Secretaries may—

16 (1) use science and technology resources from  
17 the Manufacturing USA Program, the Hollings  
18 Manufacturing Extension Partnership, the National  
19 Laboratories, Federal laboratories, and the private  
20 sector; and

21 (2) the program established under section  
22 912(b).

1 **SEC. 914. COORDINATION, REIMBURSEMENT, AND SAVINGS**  
2 **PROVISIONS.**

3 (a) COORDINATION AND DUPLICATION.—The Sec-  
4 retary of Commerce shall take such actions as may be nec-  
5 essary to ensure no duplication of activities carried out  
6 under this chapter with the activities of—

7 (1) research entities of the Department of En-  
8 ergy, including—

9 (A) the National Laboratories; and

10 (B) the Advanced Scientific Computing  
11 Research program; and

12 (2) relevant industries.

13 (b) NATIONAL LABORATORY RESOURCES.—Any ad-  
14 vanced computing resources, testbeds, expertise, or other  
15 resources of the Department of Energy or the National  
16 Laboratories that are provided to the National Science  
17 Foundation, the National Institute of Standards and  
18 Technology, or any other applicable entities under this  
19 chapter shall be provided—

20 (1) on a reimbursable basis; and

21 (2) pursuant to a reimbursable agreement.

22 (c) WAIVER.—The Secretary may waive the require-  
23 ments set forth in subsection (b) if the Secretary deter-  
24 mines the waiver is necessary or appropriate to carry out  
25 the missions of the Department of Commerce.

1 (d) SAVINGS PROVISION.—Nothing in this chapter  
2 shall be construed—

3 (1) to modify any requirement or authority pro-  
4 vided under section 5501 of the National Artificial  
5 Intelligence Initiative Act of 2020 (15 U.S.C. 9461);  
6 or

7 (2) to allow the Secretary of Commerce (includ-  
8 ing the Under Secretary of Commerce for Standards  
9 and Technology or the Director of the Center for  
10 Artificial Intelligence Standards and Innovation) or  
11 the Director of the National Science Foundation to  
12 use monetary resources of the Department of En-  
13 ergy or any National Laboratory.

14 **SEC. 915. PROGRESS REPORT.**

15 (a) IN GENERAL.—Not later than 1 year after the  
16 date of the enactment of this Act, the Under Secretary  
17 of Commerce for Standards and Technology shall, in co-  
18 ordination with the Secretary of Commerce and the Sec-  
19 retary of Energy, submit to Congress a report on the im-  
20 plementation of sections 912 and 913.

21 (b) CONTENTS.—The report submitted pursuant to  
22 subsection (a) shall include the following:

23 (1) A description of the reimbursable agree-  
24 ments, statements of work, and associated project  
25 schedules and deliverables for the testbed program

1 established pursuant to section 912(b) and section  
2 913(a).

3 (2) Details on the total amount of reimbursable  
4 agreements entered into pursuant to section 914(b).

5 (3) Such additional information as the Under  
6 Secretary determines appropriate.

7 **CHAPTER 2—INTERNATIONAL**  
8 **COOPERATION**

9 **SEC. 921. INTERNATIONAL COALITIONS ON INNOVATION,**  
10 **DEVELOPMENT, AND ALIGNMENT OF STAND-**  
11 **ARDS WITH RESPECT TO ARTIFICIAL INTEL-**  
12 **LIGENCE.**

13 (a) **IN GENERAL.**—The Under Secretary of Com-  
14 merce for Standards and Technology (in this section re-  
15 ferred to as the “Under Secretary”) and the Secretary of  
16 Energy (in this section referred to as the “Secretary”)   
17 shall jointly lead information exchange and coordination  
18 among Federal agencies and communication from Federal  
19 agencies to the private sector of the United States and  
20 like-minded governments of foreign countries to ensure ef-  
21 fective Federal engagement in the development and use  
22 of international technical standards for artificial intel-  
23 ligence.

24 (b) **REQUIREMENTS.**—To support private sector-led  
25 engagement and ensure effective Federal engagement in

1 the development and use of international technical stand-  
2 ards for artificial intelligence, the Under Secretary shall  
3 seek to form alliances or coalitions with like-minded gov-  
4 ernments of foreign countries—

5 (1) to support the private sector-led develop-  
6 ment and adoption of standards or alignment with  
7 respect to artificial intelligence;

8 (2) to encourage technical standards developed  
9 in the United States to be adopted by international  
10 standards organizations and to advocate for inter-  
11 national approaches to governance of artificial intel-  
12 ligence that promote innovation and counter influ-  
13 ence from foreign adversaries;

14 (3) to facilitate international collaboration on  
15 innovation, science, and advancement in artificial in-  
16 telligence research and development, including data  
17 sharing, expertise, and resources;

18 (4) to develop the government-to-government  
19 infrastructure to support the activities described in  
20 paragraphs (1) through (3), using existing bilateral  
21 and multilateral agreements to the extent prac-  
22 ticable;

23 (5) to work with like-minded governments on  
24 identifying best practices to maintain cybersecurity  
25 of artificial intelligence models; and

1           (6) to work in coordination with the Secretary  
2 of State, the National Security Council, and the Na-  
3 tional Science Foundation to develop, implement,  
4 and share information on complementary technology  
5 protection measures, including in basic research and  
6 higher education, to mitigate risks of exploitation by  
7 foreign adversaries.

8           (c) CRITERIA FOR PARTICIPATION.—In forming an  
9 alliance or coalition of like-minded governments of foreign  
10 countries under subsection (b), the Secretary of Com-  
11 merce, the Secretary of Energy, the Secretary of State,  
12 and the Director, in consultation with the heads of rel-  
13 evant agencies, shall jointly establish technology trust cri-  
14 teria—

15           (1) to ensure all partner countries have a high  
16 level of scientific and technological advancement;  
17 and

18           (2) to support the principles for international  
19 standards development as detailed in the Committee  
20 Decision on World Trade Organization Agreement  
21 on Technical Barriers to Trade (Annex 2 of Part 1  
22 of G/TBT/1), on international standards, such as  
23 transparency, openness, and consensus-based deci-  
24 sion-making.

1 (d) CONSULTATION ON INNOVATION AND ADVANCE-  
2 MENTS IN ARTIFICIAL INTELLIGENCE.—In forming an al-  
3 liance or coalition under subsection (b), the Director, the  
4 Secretary of Commerce, and the Secretary of State shall  
5 consult with the Secretary of Energy and the Director of  
6 the National Science Foundation on approaches to innova-  
7 tion and advancements in artificial intelligence.

8 (e) SECURITY AND PROTECTION OF INTELLECTUAL  
9 PROPERTY.—The Director, the Secretary of Commerce,  
10 the Secretary of Energy, and the Secretary of State shall  
11 jointly ensure that an alliance or coalition formed under  
12 subsection (b) is only undertaken with countries that—

13 (1) have in place sufficient intellectual property  
14 protections, safety standards, and risk management  
15 approaches relevant to innovation and artificial intel-  
16 ligence; and

17 (2) develop and coordinate research security  
18 measures, export controls, and intellectual property  
19 protections relevant to innovation, development, and  
20 standard-setting relating to artificial intelligence.

21 (f) LIMITATION ON ELIGIBILITY OF THE PEOPLE'S  
22 REPUBLIC OF CHINA.—

23 (1) IN GENERAL.—The People's Republic of  
24 China is not eligible to participate in an alliance or  
25 coalition of like-minded governments of foreign coun-

1 tries under subsection (b) until the United States  
2 Trade Representative determines in a report to Con-  
3 gress required by section 421 of the U.S.-China Re-  
4 lations Act of 2000 (22 U.S.C. 6951) that the Peo-  
5 ple's Republic of China has come into compliance  
6 with the commitments it made in connection with its  
7 accession to the World Trade Organization.

8 (2) REPORT REQUIRED.—Upon the submission  
9 of a report described in paragraph (1), the officials  
10 specified in paragraph (3) shall jointly submit to  
11 Congress a report that includes the following:

12 (A) A detailed justification for why govern-  
13 ment-to-government information exchange and  
14 coordination with the Government of the Peo-  
15 ple's Republic of China is in the national secu-  
16 rity interests of the United States.

17 (B) An assessment of the risks and poten-  
18 tial effects of such coordination, including any  
19 potential for the transfer under an alliance or  
20 coalition described in paragraph (1) of tech-  
21 nology or intellectual property capable of harm-  
22 ing the national security interests of the United  
23 States.

24 (C) A detailed justification for how the of-  
25 ficials specified in paragraph (3) intend to ad-

1 dress human rights concerns in any scientific  
2 and technology collaboration proposed to be  
3 conducted by such an alliance or coalition.

4 (D) An assessment of the extent to which  
5 those officials will be able to continuously mon-  
6 itor the commitments made by the People's Re-  
7 public of China in participating in such an alli-  
8 ance or coalition.

9 (E) Such other information relating to  
10 such an alliance or coalition as those officials  
11 consider appropriate.

12 (3) OFFICIALS SPECIFIED.—The officials speci-  
13 fied in this paragraph are the following:

14 (A) The Director.

15 (B) The Secretary of Commerce.

16 (C) The Secretary of Energy.

17 (D) The Secretary of State.

18 (g) RULE OF CONSTRUCTION.—Nothing in this sec-  
19 tion shall be construed—

20 (1) to prohibit a person (as defined in section  
21 551 of title 5, United States Code) from partici-  
22 pating in an international standards body; or

23 (2) to constrain separate engagement with  
24 emerging economies on artificial intelligence.

1    **CHAPTER 3—IDENTIFYING REGULATORY**  
2                    **BARRIERS TO INNOVATION**  
3    **SEC. 931. COMPTROLLER GENERAL OF THE UNITED**  
4                    **STATES IDENTIFICATION OF RISKS AND OB-**  
5                    **STACLES RELATING TO ARTIFICIAL INTEL-**  
6                    **LIGENCE AND FEDERAL AGENCIES.**

7           (a) **REPORT REQUIRED.**—Not later than 1 year after  
8 the date of the enactment of this Act, the Comptroller  
9 General of the United States shall submit to Congress a  
10 report on regulatory impediments to innovation in artifi-  
11 cial intelligence systems.

12          (b) **CONTENTS.**—The report submitted pursuant to  
13 subsection (a) shall include the following:

14           (1) Significant examples of Federal statutes  
15 and regulations that directly affect the innovation of  
16 artificial intelligence systems, including the ability of  
17 companies of all sizes to compete in artificial intel-  
18 ligence, which should also account for the effect of  
19 voluntary standards and best practices developed  
20 with contributions from the Federal Government.

21           (2) An evaluation of the progress in government  
22 adoption of artificial intelligence and use of artificial  
23 intelligence to improve the quality of government  
24 services.

1           (3) An evaluation of, and examples of, where  
2           artificial intelligence assists Federal agencies deliver  
3           services to the public, including towards combating  
4           fraud, and ways to increase opportunities for in-  
5           creased use of such artificial intelligence systems by  
6           the Federal Government.

7           (4) Examples of Federal laws and regulations  
8           relating to infrastructure and energy that unduly  
9           burden artificial intelligence systems.

10          (5) Based on the findings of the Comptroller  
11          General with respect to paragraphs (1) through (5),  
12          such recommendations as the Comptroller General  
13          may have for legislative or administrative action to  
14          increase the rate of innovation in artificial intel-  
15          ligence systems.

16 **Subtitle B—Artificial Intelligence**  
17 **Research, Development, Capac-**  
18 **ity Building Activities**

19 **SEC. 941. PUBLIC DATA FOR ARTIFICIAL INTELLIGENCE**  
20 **SYSTEMS.**

21          (a) IN GENERAL.—Title LI of the National Artificial  
22 Intelligence Initiative Act of 2020 (15 U.S.C. 9411 et  
23 seq.) is amended by adding at the end the following new  
24 section:

1 **“SEC. 5103A. PUBLIC DATA FOR ARTIFICIAL INTELLIGENCE**  
2 **SYSTEMS.**

3 “(a) LIST OF PRIORITIES.—

4 “(1) IN GENERAL.—To expedite the develop-  
5 ment of artificial intelligence systems in the United  
6 States, the Director of the Office of Science and  
7 Technology Policy (in this section referred to as the  
8 ‘Director’) shall, acting through the National  
9 Science and Technology Council and the Interagency  
10 Committee and in consultation with the Advisory  
11 Committee on Data for Evidence Building estab-  
12 lished under section 315 of title 5, United States  
13 Code, develop a list of priorities for Federal invest-  
14 ment in creating or improving curated, publicly  
15 available Federal Government data for training and  
16 evaluating artificial intelligence systems and identify  
17 an appropriate location to host curated datasets.

18 “(2) REQUIREMENTS.—

19 “(A) IN GENERAL.—The list developed  
20 pursuant to paragraph (1) shall—

21 “(i) prioritize data that will advance  
22 novel artificial intelligence systems in the  
23 public interest;

24 “(ii) prioritize datasets that are the  
25 result of scientific research that was fund-  
26 ed by the Federal Government; and

1                   “(iii) prioritize datasets unlikely to  
2                   independently receive sufficient private sec-  
3                   tor support to enable their creation, absent  
4                   Federal funding.

5                   “(B) DATASETS IDENTIFIED.—In carrying  
6                   out subparagraph (A)(ii), the Director shall  
7                   identify 20 datasets to be prioritized.

8                   “(3) CONSIDERATIONS.—In developing the list  
9                   under paragraph (1), the Director shall consider the  
10                  following:

11                  “(A) Applicability to the initial list of soci-  
12                  etal, national, and geostrategic challenges set  
13                  forth by subsection (b) of section 10387 of the  
14                  Research and Development, Competition, and  
15                  Innovation Act (42 U.S.C. 19107), or any suc-  
16                  cessor list.

17                  “(B) Applicability to the initial list of key  
18                  technology focus areas set forth by subsection  
19                  (c) of such section, or any successor list.

20                  “(C) Applicability to other major United  
21                  States economic sectors, such as agriculture,  
22                  health care, transportation, manufacturing, bio-  
23                  technology, communications, weather services,  
24                  and positive utility to small- and medium-sized  
25                  United States businesses.

1           “(D) Opportunities to improve datasets in  
2 effect before the date of the enactment of the  
3 Future of Artificial Intelligence Innovation Act  
4 of 2026.

5           “(E) Inclusion of data representative of  
6 the entire population of the United States.

7           “(F) Potential national security threats to  
8 releasing datasets, consistent with the United  
9 States Government approach to data flows.

10          “(G) Requirements of laws in effect.

11          “(H) Applicability to the priorities listed in  
12 the National Artificial Intelligence Research  
13 and Development Strategic Plan of the Na-  
14 tional Science and Technology Council, dated  
15 October 2016, and subsequent updates, and the  
16 priorities listed in Winning the Race, America’s  
17 AI Action Plan, dated July 2025.

18          “(I) Ability to use data already made avail-  
19 able to the National Artificial Intelligence Re-  
20 search Resource Pilot program or any successor  
21 program.

22          “(J) Coordination with other Federal open  
23 data efforts, as applicable.

24          “(K) Requirements for researchers funded  
25 by the Federal Government to disclose non-

1           proprietary, nonsensitive datasets that are used  
2           by artificial intelligence models during the  
3           course of research and development.

4           “(L) Opportunities for the National  
5           Science Foundation to maintain integrated,  
6           interoperable, and multimodal datasets readily  
7           providing access to scientific and engineering  
8           demonstration projects.

9           “(4) PUBLIC INPUT.—Before finalizing the list  
10          required by paragraph (1), the Director shall imple-  
11          ment public comment procedures for receiving input  
12          and comment from private industry, academia, civil  
13          society, and other relevant stakeholders.

14          “(b) INTERAGENCY COMMITTEE.—In carrying out  
15          this section, the Interagency Committee—

16               “(1) may establish or leverage existing initia-  
17               tives, including through public-private partnerships,  
18               for the creation or improvement of curated datasets  
19               identified in the list developed pursuant to sub-  
20               section (a)(1), including methods for addressing  
21               data scarcity;

22               “(2) may apply the priorities set forth in the  
23               list developed pursuant to subsection (a)(1) to the  
24               enactment of Federal public access and open govern-  
25               ment data policies;

1           “(3) shall ensure consistency with Federal pro-  
2           visions of law relating to privacy, including the tech-  
3           nology and privacy standards applied to the National  
4           Secure Data Service under section 10375(f) of the  
5           Research and Development, Competition, and Inno-  
6           vation Act (42 U.S.C. 19085(f)); and

7           “(4) shall ensure that no data sharing is per-  
8           mitted with any country that the Secretary of Com-  
9           merce, in consultation with the Secretary of Defense,  
10          the Secretary of State, the Secretary of Energy, and  
11          the Director of National Intelligence, determines to  
12          be engaged in conduct that is detrimental to the na-  
13          tional security or foreign policy of the United States.

14          “(c) AVAILABILITY OF DATASETS.—Datasets that  
15          are created or improved pursuant to this section—

16                 “(1) shall, in the case of a dataset created or  
17                 improved by a Federal agency, be made available to  
18                 the comprehensive data inventory developed and  
19                 maintained by the Federal agency pursuant to sec-  
20                 tion 3511(a) of title 44, United States Code, in ac-  
21                 cordance with all applicable regulations; and

22                 “(2) may be made available to the National Ar-  
23                 tificial Intelligence Research Resource pilot program  
24                 established by the Director of the National Science  
25                 Foundation, and the applicable programs established

1 by the Department of Energy, in accordance with  
2 Executive Order 14110 (88 Fed. Reg. 75191; relat-  
3 ing to safe, secure, and trustworthy development and  
4 use of artificial intelligence), or any successor pro-  
5 gram.

6 “(d) REPORT.—Not later than 1 year after the date  
7 of the enactment of the Future of Artificial Intelligence  
8 Innovation Act of 2026, the Director shall, acting through  
9 the National Science and Technology Council and the  
10 Interagency Committee, submit to the Committee on Com-  
11 merce, Science, and Transportation of the Senate and the  
12 Committee on Science, Space, and Technology of the  
13 House of Representatives a report that includes—

14 “(1) best practices in developing publicly  
15 curated artificial intelligence datasets;

16 “(2) lessons learned and challenges encountered  
17 in developing the curated artificial intelligence  
18 datasets;

19 “(3) principles used for artificial intelligence-  
20 ready data;

21 “(4) recommendations relating to artificial in-  
22 telligence-ready data standards and potential proc-  
23 esses for development of such standards;

24 “(5) recommendations for maintaining and ex-  
25 panding the availability of high-quality data sets;

1           “(6) recommendations for methods to increase  
2 incentives for researchers support by the Federal  
3 Government to release high-quality publicly available  
4 datasets, that protects against risks to disclosure of  
5 personally identifiable information and national and  
6 economic security risks; and

7           “(7) recommendations for establishing secure  
8 compute environments at the National Science  
9 Foundation to enable secure artificial intelligence  
10 use cases for controlled access to restricted Federal  
11 data.

12       “(e) RULES OF CONSTRUCTION.—

13           “(1) IN GENERAL.—Nothing in this section  
14 shall be construed to require the Federal Govern-  
15 ment or other contributors to disclose any informa-  
16 tion—

17           “(A) relating to a trade secret or other  
18 protected intellectual property right;

19           “(B) that is confidential business informa-  
20 tion; or

21           “(C) that is privileged.

22       “(2) DISCLOSURE TO PUBLIC DATASETS.—Ex-  
23 cept as specifically provided for in this section, noth-  
24 ing in this section shall be construed to prohibit the

1 head of a Federal agency from withholding informa-  
2 tion from a public dataset.”.

3 (b) CLERICAL AMENDMENTS.—The table of contents  
4 at the beginning of section 2 of the William M. (Mac)  
5 Thornberry National Defense Authorization Act for Fiscal  
6 Year 2021 and the table of contents at the beginning of  
7 title LI of such Act are both amended by inserting after  
8 the items relating to section 5103 the following new item:  
“5103A. Public data for artificial intelligence systems.”.

9 **SEC. 942. FEDERAL GRAND CHALLENGES IN ARTIFICIAL IN-**  
10 **TELLIGENCE.**

11 (a) IN GENERAL.—Title LI of the National Artificial  
12 Intelligence Initiative Act of 2020 (15 U.S.C. 9411 et  
13 seq.), as amended by section 941, is further amended by  
14 adding at the end the following new section:

15 **“SEC. 5107. FEDERAL GRAND CHALLENGES IN ARTIFICIAL**  
16 **INTELLIGENCE.**

17 “(a) ESTABLISHMENT OF PROGRAM.—

18 “(1) IN GENERAL.—Not later than 1 year after  
19 the date of the enactment of the Future of Artificial  
20 Intelligence Innovation Act of 2026, the Director of  
21 the Office of Science and Technology Policy (acting  
22 through the National Science and Technology Coun-  
23 cil) and the Interagency Committee may establish a  
24 program to award prizes, using the authorities and  
25 processes established under section 24 of the Steven-

1 son-Wydler Technology Innovation Act of 1980 (15  
2 U.S.C. 3719), to eligible participants as determined  
3 by the co-chairs of the Interagency Committee pur-  
4 suant to subsection (e).

5 “(2) PURPOSES.—The purposes of the program  
6 required by paragraph (1) are as follows:

7 “(A) To expedite the development of artifi-  
8 cial intelligence systems in the United States.

9 “(B) To stimulate artificial intelligence re-  
10 search, development, and commercialization  
11 that solves or advances specific, well-defined,  
12 and measurable challenges in 1 or more of the  
13 categories established pursuant to subsection  
14 (b).

15 “(b) FEDERAL GRAND CHALLENGES IN ARTIFICIAL  
16 INTELLIGENCE.—

17 “(1) LIST OF PRIORITIES.—The Director of the  
18 Office of Science and Technology Policy (acting  
19 through the National Science and Technology Coun-  
20 cil) and the Interagency Committee and in consulta-  
21 tion with industry, civil society, and academia, shall  
22 identify, and annually review and update as the Di-  
23 rector considers appropriate, a list of priorities for  
24 Federal grand challenges in artificial intelligence

1       pursuant to the purposes set forth under subsection  
2       (a)(2).

3               “(2) INITIAL LIST.—

4                       “(A) CONTENTS.—The list established  
5       pursuant to paragraph (1) may include the fol-  
6       lowing priorities:

7                               “(i) To overcome challenges with engi-  
8       neering of and applied research on micro-  
9       electronics, including through integration  
10      of artificial intelligence with emerging  
11      technologies, such as neuromorphic and  
12      quantum computing, or with respect to the  
13      physical limits on transistors, advanced  
14      interconnects, and memory elements.

15                              “(ii) To promote transformational or  
16      long-term advancements in computing and  
17      artificial intelligence technologies  
18      through—

19                                       “(I) next-generation algorithm  
20      design;

21                                       “(II) next-generation compute  
22      capability;

23                                       “(III) generative and adaptive  
24      artificial intelligence for design appli-  
25      cations;

1                   “(IV) photonics-based micro-  
2                   processors and optical communication  
3                   networks, including electrophotonics;

4                   “(V) the chemistry and physics  
5                   of new materials;

6                   “(VI) biotechnology, such as  
7                   modeling a single cell;

8                   “(VII) energy use or energy effi-  
9                   ciency;

10                  “(VIII) techniques to establish  
11                  cryptographically secure content prov-  
12                  enance information; or

13                  “(IX) safety and controls for ar-  
14                  tificial intelligence applications.

15                  “(iii) To promote explainability and  
16                  mechanistic interpretability of artificial in-  
17                  telligence systems.

18                  “(iv) To advance fundamental under-  
19                  standing of artificial intelligence, including  
20                  through breakthroughs in theoretical, com-  
21                  putational, and experimental methods that  
22                  discover new and transformative paradigms  
23                  that explain the advanced capabilities of  
24                  artificial intelligence in domains such as  
25                  the following:

1 “(I) Interpretability.

2 “(II) Control.

3 “(III) Steerability.

4 “(IV) Robustness against foreign  
5 adversaries.

6 “(v) To develop artificial intelligence  
7 solutions, including through integration  
8 among emerging technologies such as  
9 neuromorphic and quantum computing to  
10 overcome barriers relating to innovations  
11 in advanced manufacturing in the United  
12 States, including areas such as—

13 “(I) materials, nanomaterials,  
14 and composites;

15 “(II) rapid, complex design;

16 “(III) sustainability and environ-  
17 mental impact of manufacturing oper-  
18 ations;

19 “(IV) predictive maintenance of  
20 machinery;

21 “(V) improved part quality;

22 “(VI) process inspections;

23 “(VII) worker safety; and

24 “(VIII) robotics.

1                   “(vi) To develop artificial intelligence  
2 solutions in sectors of the economy, such  
3 as expanding the use of artificial intel-  
4 ligence in maritime vessels, including in  
5 navigation and in the design of propulsion  
6 systems and fuels.

7                   “(vii) To develop artificial intelligence  
8 solutions to improve border security, in-  
9 cluding solutions relevant to the detection  
10 of fentanyl, illicit contraband, and other il-  
11 legal activities.

12                   “(viii) To develop artificial intelligence  
13 for science applications.

14                   “(ix) To develop cybersecurity for ar-  
15 tificial intelligence-related intellectual prop-  
16 erty, such as artificial intelligence systems  
17 and artificial intelligence algorithms, in-  
18 cluding robustness, resilience, and security  
19 from foreign adversaries.

20                   “(x) To develop artificial intelligence  
21 solutions to modernize code and software  
22 systems that are deployed in government  
23 agencies and critical infrastructure and are  
24 at risk of maintenance difficulties due to

1 code obsolescence or challenges finding ex-  
2 pertise in outdated code bases.

3 “(xi) To develop solutions to reduce  
4 the energy consumption in developing, de-  
5 ploying, and maintain data-efficient and  
6 high-performance artificial intelligence  
7 models.

8 “(xii) To develop methods to prevent  
9 misuse of artificial intelligence systems for  
10 malicious purposes.

11 “(xiii) To find applications of artificial  
12 intelligence in wireless communications  
13 systems, including cellular networks and  
14 cybersecurity efforts.

15 “(xiv) To advance the capabilities of  
16 artificial intelligence, robotics, and automa-  
17 tion for physical laboratory infrastructure  
18 and cloud laboratories.

19 “(3) CONSULTATION ON IDENTIFICATION AND  
20 SELECTION OF GRAND CHALLENGES.—The Director  
21 of the Office of Science and Technology Policy, the  
22 Director of the National Institute of Standards and  
23 Technology, the Director of the Defense Advanced  
24 Research Projects Agency, such agency heads as the  
25 Director of the Office of Science and Technology

1 Policy considers relevant, and the National Artificial  
2 Intelligence Advisory Committee shall each identify  
3 and select artificial intelligence research and devel-  
4 opment grand challenges in which eligible partici-  
5 pants will compete to solve or advance for prize  
6 awards under subsection (a).

7 “(4) PUBLIC INPUT ON IDENTIFICATION.—The  
8 Director of the Office of Science and Technology  
9 Policy shall also seek public input on the identifica-  
10 tion of artificial intelligence research and develop-  
11 ment grand challenges under subsection (a).

12 “(5) PROBLEM STATEMENTS; SUCCESS  
13 METRICS.—For each priority for a Federal grand  
14 challenge identified under paragraph (1) and the  
15 grand challenges identified and selected under para-  
16 graph (3), the Director of the Office of Science and  
17 Technology Policy shall—

18 “(A) establish a specific and well-defined  
19 grand challenge problem statement and ensure  
20 that such problem statement is published on a  
21 website linking out to relevant prize competition  
22 listings on the website Challenge.gov, or suc-  
23 cessor website, that is managed by the General  
24 Services Administration; and

1           “(B) establish and publish on the website  
2           Challenge.gov, or successor website, clear tar-  
3           gets, success metrics, and validation protocols  
4           for the prize competitions designed to address  
5           each grand challenge, in order to provide spe-  
6           cific benchmarks that will be used to evaluate  
7           submissions to the prize competition.

8           “(c) FEDERAL INVESTMENT INITIATIVES AUTHOR-  
9           IZED.—Subject to the availability of amounts appropriated  
10          for this purpose, the Secretary of Commerce, the Sec-  
11          retary of Transportation, the Director of the National  
12          Science Foundation may, consistent with the missions or  
13          responsibilities of each Federal agency, establish 1 or more  
14          prize competitions under section 24 of the Stevenson-  
15          Wydler Technology Innovation Act of 1980 (15 U.S.C.  
16          3719), challenge-based acquisitions, or other research and  
17          development investments that each agency head deems ap-  
18          propriate consistent with the list of priorities established  
19          pursuant to subsection (b)(1).

20          “(d) REQUIREMENTS.—

21                 “(1) IN GENERAL.—The Director of the Office  
22                 of Science and Technology Policy shall develop re-  
23                 quirements for—

24                         “(A) the process for prize competitions  
25                         under subsections (a) and (c), including eligi-

1 bility criteria for participants, consistent with  
2 the requirements under paragraph (2); and

3 “(B) testing, judging, and verification pro-  
4 cedures for submissions to receive a prize award  
5 under subsection (c).

6 “(2) ELIGIBILITY REQUIREMENT AND JUDG-  
7 ING.—

8 “(A) ELIGIBILITY.—In accordance with  
9 the requirement described in section 24(g)(3) of  
10 the Stevenson-Wydler Technology Innovation  
11 Act of 1980 (15 U.S.C. 3719(g)(3)), a recipient  
12 of a prize award under subsection (c)—

13 “(i) that is a private entity shall be  
14 incorporated in and maintain a primary  
15 place of business in the United States; and

16 “(ii) who is an individual, whether  
17 participating singly or in a group, shall be  
18 a citizen or permanent resident of the  
19 United States.

20 “(B) JUDGES.—In accordance with section  
21 24(k) of the Stevenson-Wydler Technology In-  
22 novation Act of 1980 (15 U.S.C. 3719(k)), a  
23 judge of a prize competition under subsection  
24 (c) may be an individual from the private sec-  
25 tor.

1           “(3) AGENCY LEADERSHIP.—Each agency head  
2 carrying out an investment initiative under sub-  
3 section (c) shall ensure that—

4           “(A) for each prize competition or invest-  
5 ment initiative carried out by the agency head  
6 under such subsection, there is—

7           “(i) a positive impact on the economic  
8 competitiveness of the United States;

9           “(ii) a benefit to United States indus-  
10 try;

11           “(iii) to the extent possible, leveraging  
12 of the resources and expertise of industry  
13 and philanthropic partners in shaping the  
14 investments; and

15           “(iv) in a case involving development  
16 and manufacturing, use of advanced manu-  
17 facturing in the United States; and

18           “(B) all research conducted for purposes of  
19 the investment initiative is conducted in the  
20 United States.

21           “(e) REPORTS.—

22           “(1) NOTIFICATION OF WINNING SUBMIS-  
23 SION.—Not later than 60 days after the date on  
24 which a prize is awarded under subsection (c), the  
25 agency head awarding the prize shall submit to the

1 Committee on Commerce, Science, and Transpor-  
2 tation of the Senate, the Committee on Science,  
3 Space, and Technology of the House of Representa-  
4 tives, and such other committees of Congress as the  
5 agency head considers relevant a report that de-  
6 scribes the winning submission to the prize competi-  
7 tion and its benefits to the United States.

8 “(2) BIENNIAL REPORT.—

9 “(A) IN GENERAL.—Not later than 2 years  
10 after the date of the enactment of the Future  
11 of Artificial Intelligence Innovation Act of  
12 2026, and biennially thereafter, the heads of  
13 agencies described in subsection (c) shall sub-  
14 mit to the Committee on Commerce, Science,  
15 and Transportation of the Senate, the Com-  
16 mittee on Science, Space, and Technology of  
17 the House of Representatives, and such other  
18 committees of Congress as the agency heads  
19 consider relevant a report that includes—

20 “(i) a description of the activities car-  
21 ried out by the agency heads under this  
22 section;

23 “(ii) a description of the active com-  
24 petitions and the results of completed com-  
25 petitions under subsection (c); and

1                   “(iii) efforts to provide information to  
2                   the public on active competitions under  
3                   subsection (c) to encourage participation.

4                   “(B) PUBLIC ACCESSIBILITY.—The agency  
5                   heads described in subsection (c) shall make the  
6                   biennial report required under subparagraph  
7                   (A) publicly accessible, including by posting the  
8                   biennial report on a website in an easily acces-  
9                   sible location, such as the GovInfo website of  
10                  the Government Publishing Office.

11                  “(f) ACCESSIBILITY.—In carrying out any competi-  
12                  tion under subsection (c), the head of an agency shall post  
13                  the active prize competitions and available prize awards  
14                  under subsection (b) to Challenge.gov, or successor  
15                  website, after the grand challenges are selected and the  
16                  prize competitions are designed pursuant to subsections  
17                  (c) and (e) to ensure the prize competitions are widely ac-  
18                  cessible to eligible participants.

19                  “(g) SUNSET.—This section shall terminate on the  
20                  date that is 5 years after the date of the enactment the  
21                  Future of Artificial Intelligence Innovation Act of 2026.”.

22                  (b) COMPTROLLER GENERAL OF THE UNITED  
23                  STATES STUDIES AND REPORTS.—

24                         (1) INITIAL STUDY.—

1           (A) IN GENERAL.—Not later than 1 year  
2 after the date of enactment of this Act, the  
3 Comptroller General of the United States shall  
4 conduct a study of Federal prize competitions,  
5 which shall include an assessment of the effi-  
6 cacy and impact of prize competitions generally.

7           (B) ELEMENTS.—The study conducted  
8 under subparagraph (A) shall include, to the  
9 extent practicable, the following:

10           (i) A survey of all existing, current  
11 and ongoing Federal prize competitions  
12 carried out under authorities enacted be-  
13 fore the date of the enactment of this Act.

14           (ii) An assessment of those existing,  
15 current, and ongoing Federal prize com-  
16 petitions that includes addressing—

17           (I) whether and what technology  
18 or innovation would have been devel-  
19 oped in the absence of the prize com-  
20 petitions;

21           (II) whether the prize competi-  
22 tions shortened the timeframe for the  
23 development of the technology or in-  
24 novation;

1 (III) whether the prize competi-  
2 tion was cost effective;

3 (IV) what, if any, other benefits  
4 were gained from conducting the prize  
5 competitions;

6 (V) whether the use of a more  
7 traditional policy tool such as a grant  
8 or contract have resulted in the devel-  
9 opment of a similar technology or in-  
10 novation;

11 (VI) whether prize competitions  
12 might be designed differently in a way  
13 that would result in a more effective  
14 or revolutionary technology being de-  
15 veloped;

16 (VII) what are appropriate  
17 metrics that could be used for deter-  
18 mining the success of a prize competi-  
19 tion, and whether those metrics differ  
20 when evaluating near-term and long-  
21 term impacts of prize competitions;  
22 and

23 (VIII) suggested best practices of  
24 prize competitions.

1           (C) CONGRESSIONAL BRIEFING.—Not later  
2 than 540 days after the date of the enactment  
3 of this Act, the Comptroller General shall pro-  
4 vide the Committee on Science, Space, and  
5 Technology and the Committee on Energy and  
6 Natural Resources of the Senate and the Com-  
7 mittee on Energy and Commerce of the House  
8 of Representatives a briefing on the findings of  
9 the Comptroller General with respect to the  
10 study conducted under subparagraph (A).

11           (D) REPORT.—Not later than 540 days  
12 after the date of the enactment of this Act, the  
13 Comptroller General shall submit to the con-  
14 gressional committees specified in subparagraph  
15 (C) a report on the findings and recommenda-  
16 tions of Comptroller General from the study  
17 conducted under subparagraph (A).

18           (2) INTERIM STUDY.—

19           (A) IN GENERAL.—The Comptroller Gen-  
20 eral of the United States shall conduct a study  
21 of the Federal prize challenges implemented  
22 under section 5108 of the of the National Arti-  
23 ficial Intelligence Initiative Act of 2020, as  
24 added by subsection (a), which shall include an

1 assessment of the efficacy and effect of such  
2 prize competitions.

3 (B) ELEMENTS.—The study conducted  
4 under subparagraph (A) shall include, to the  
5 extent practicable, the following:

6 (i) A survey of all Federal prize com-  
7 petitions implemented under section 5108  
8 of the of the National Artificial Intelligence  
9 Initiative Act of 2020, as added by sub-  
10 section (a).

11 (ii) An assessment of the Federal  
12 prize competitions implemented such sec-  
13 tion, which shall include addressing the  
14 same considerations as set forth under  
15 paragraph (1)(B)(ii).

16 (iii) An assessment of the efficacy, im-  
17 pact, and cost-effectiveness of prize com-  
18 petitions implemented under section 5108  
19 of the of the National Artificial Intelligence  
20 Initiative Act of 2020, as added by sub-  
21 section (a), compared to other Federal  
22 prize competitions.

23 (C) CONGRESSIONAL BRIEFING.—Not later  
24 than 1 year after completing the study required  
25 by subparagraph (A), the Comptroller General

1 shall provide the Committee on Science, Space,  
2 and Technology and the Committee on Energy  
3 and Natural Resources of the Senate and the  
4 Committee on Energy and Commerce of the  
5 House of Representatives a briefing on the find-  
6 ings of the Comptroller General with respect to  
7 the study conducted under subparagraph (A).

8 (D) REPORT.—Not later than 180 days  
9 after the date of the enactment of this Act, the  
10 Comptroller General shall submit to the con-  
11 gressional committees specified in subparagraph  
12 (C) a report on the findings and recommenda-  
13 tions of the Comptroller General with respect to  
14 the study conducted under subparagraph (A).

15 (e) CLERICAL AMENDMENTS.—The table of contents  
16 at the beginning of section 2 of the William M. (Mac)  
17 Thornberry National Defense Authorization Act for Fiscal  
18 Year 2021 and the table of contents at the beginning of  
19 title LI of such Act, as amended by section 201, are both  
20 amended by inserting after the items relating to section  
21 5107 the following new item:

“5107. Federal grand challenges in artificial intelligence.”.

1     **Subtitle C—Research Security and**  
2                                   **Other Matters**

3     **SEC. 951. RESEARCH SECURITY.**

4             The activities authorized under this title shall be car-  
5 ried out in accordance with the provision of subtitle D of  
6 title VI of the Research and Development, Competition,  
7 and Innovation Act (42 U.S.C. 19231 et seq.; enacted as  
8 part of division B of Public Law 117–167) and section  
9 223 of the William M. (Mac) Thornberry National De-  
10 fense Authorization Act for Fiscal Year 2021 (42 U.S.C.  
11 6605).

12     **SEC. 952. EXPANSION OF AUTHORITY TO HIRE CRITICAL**  
13                                   **TECHNICAL EXPERTS.**

14             (a) IN GENERAL.—Subsection (b) of section 6 of the  
15 National Institute of Standards and Technology Act (15  
16 U.S.C. 275) is amended, in the second sentence, by strik-  
17 ing “15” and inserting “30”.

18             (b) MODIFICATION OF SUNSET.—Subsection (c) of  
19 such section is amended by striking “under section (b)  
20 shall expire on the date that is 5 years after the date of  
21 the enactment of this section” and inserting “under sub-  
22 section (b) shall expire on December 30, 2035”.

23     **SEC. 953. CERTIFICATIONS AND AUDITS OF TEMPORARY**  
24                                   **FELLOWS.**

25             (a) DEFINITIONS.—In this section:

1           (1) AGENCY.—The term “agency” has the  
2 meaning given such term in section 3502 of title 44,  
3 United States Code.

4           (2) COMMITTEES OF JURISDICTION.—The term  
5 “committees of jurisdiction” means—

6                   (A) the Committee on Commerce, Science,  
7 and Transportation and the Committee on En-  
8 ergy and Natural Resources of the Senate; and

9                   (B) the Committee on Energy and Com-  
10 merce and the Committee on Science, Space,  
11 and Technology of the House of Representa-  
12 tives.

13           (3) CRITICAL AND EMERGING TECH-  
14 NOLOGIES.—The term “critical and emerging tech-  
15 nologies” means a subset of artificial intelligence  
16 and other critical and emerging technologies in-  
17 cluded in the list of such technologies identified and  
18 maintained by the National Science and Technology  
19 Council of the Office of Science and Technology Pol-  
20 icy.

21           (4) INHERENTLY GOVERNMENTAL FUNCTION.—  
22 The term “inherently governmental function” has  
23 the meaning given such term in section 5 of the  
24 Federal Activities Inventory Reform Act of 1998  
25 (Public Law 105–270; 31 U.S.C. 501 note) and in-

1 includes the meaning given such term in subpart 7.5  
2 of part 7 of the Federal Acquisition Regulation, or  
3 successor regulation.

4 (5) TEMPORARY FELLOW.—The term “tem-  
5 porary fellow”, with respect to an agency, means a  
6 fellow, contractor, consultant, or any other person  
7 performing work for the agency who is not a Federal  
8 government employee.

9 (b) CERTIFICATION.—

10 (1) IN GENERAL.—Prior to performing any  
11 work for an agency under this Act relating to artifi-  
12 cial intelligence and other critical and emerging  
13 technologies, a temporary fellow and the head of the  
14 agency shall sign a certification that the temporary  
15 fellow will not perform any inherently governmental  
16 functions.

17 (2) SUBMITTAL.—Not later than 30 days after  
18 the date on which the head of an agency signs a cer-  
19 tification under paragraph (1), the head of the agen-  
20 cy shall submit a copy of the certification to the Di-  
21 rector of the Office of Management and Budget and  
22 the chairpersons and ranking members of the com-  
23 mittees of jurisdiction.

24 (c) AUDIT.—

1           (1) IN GENERAL.—For each agency using a  
2 temporary fellow to carry out this Act, the inspector  
3 general of the agency shall perform an annual audit  
4 of the use of temporary fellows by the agency, which  
5 includes—

6                   (A) the number of temporary fellows used  
7 by the agency;

8                   (B) the entities paying any temporary fel-  
9 low for their work for the agency;

10                   (C) the work temporary fellows are per-  
11 forming for the agency;

12                   (D) the authorities under which the agency  
13 hired the temporary fellows; and

14                   (E) whether the temporary fellows and the  
15 agency are complying with the requirements of  
16 section (b).

17           (2) SUBMITTAL TO CONGRESS.—Not later than  
18 30 days after the date on which the inspector gen-  
19 eral of an agency completes an audit under para-  
20 graph (1), the head of the agency shall submit to the  
21 chairpersons and ranking members of the commit-  
22 tees of jurisdiction and the Director of the Office of  
23 Management and Budget a report containing the  
24 findings of inspector general with respect to the  
25 audit.

1 **TITLE X—NATIONAL ARTIFICIAL**  
2 **INTELLIGENCE RESEARCH**  
3 **RESOURCE**

4 **SEC. 1001. NATIONAL ARTIFICIAL INTELLIGENCE RE-**  
5 **SEARCH RESOURCE.**

6 (a) NAIRR STEERING SUBCOMMITTEE.—Section  
7 5103 of the William M. (Mac) Thornberry National De-  
8 fense Authorization Act for Fiscal Year 2021 (15 U.S.C.  
9 9413) is amended—

10 (1) by redesignating subsection (e) as sub-  
11 section (f); and

12 (2) by inserting after subsection (d) the fol-  
13 lowing:

14 “(e) NAIRR STEERING SUBCOMMITTEE.—

15 “(1) DEFINITIONS.—In this subsection, the  
16 terms ‘NAIRR’, ‘National Artificial Intelligence Re-  
17 search Resource’, ‘Operating Entity’, ‘Program  
18 Management Office’, and ‘resources of the NAIRR’  
19 have the meanings given those terms in section  
20 5601.

21 “(2) ESTABLISHMENT.—There is established  
22 within the Interagency Committee a Steering Sub-  
23 committee for the National Artificial Intelligence Re-  
24 search Resource (referred to in this section as the  
25 ‘Steering Subcommittee’).

1 “(3) CHAIR AND ASSISTANT CHAIRS.—

2 “(A) CHAIR.—The Steering Subcommittee  
3 shall be chaired by the Director of the Office of  
4 Science and Technology Policy.

5 “(B) ASSISTANT CHAIRS.—The Director of  
6 the Office of Science and Technology Policy  
7 may establish assistant chairs of the Steering  
8 Subcommittee based on members of the Steer-  
9 ing Subcommittee rotating into the assistant  
10 chair positions on a predetermined schedule.

11 “(4) MEMBERSHIP.—The Director of the Office  
12 of Science and Technology Policy shall select mem-  
13 bers of the Interagency Committee to serve on the  
14 Steering Subcommittee that the Director deter-  
15 mines—

16 “(A) have substantial expertise;

17 “(B) have substantially funded or con-  
18 ducted artificial intelligence research and devel-  
19 opment; or

20 “(C) have some other significant relation-  
21 ship with the NAIRR.

22 “(5) CHANGES TO STEERING SUBCOMMITTEE  
23 COMPOSITION.—Not less frequently than once each  
24 year, the Director of the Office of Science and Tech-  
25 nology Policy shall review the composition of the

1 Steering Subcommittee and update such composi-  
2 tion, which may include adding or removing mem-  
3 bers from the Steering Subcommittee, if necessary.

4 “(6) SUBCOMMITTEES AND WORKING  
5 GROUPS.—The Steering Subcommittee may establish  
6 subcommittees, working groups, or other permanent  
7 or temporary bodies of certain members of the  
8 Steering Subcommittee.

9 “(7) DUTIES.—The Steering Subcommittee  
10 shall—

11 “(A) coordinate with the National Science  
12 Foundation and the Program Management Of-  
13 fice to—

14 “(i) oversee and approve the operating  
15 plan for the NAIRR;

16 “(ii) review the budget for the  
17 NAIRR;

18 “(iii) develop and release a request for  
19 proposals to solicit bids for the Operating  
20 Entity, including establishing the terms  
21 and conditions and functions of the Oper-  
22 ating Entity; and

23 “(iv) develop and release funding op-  
24 portunities for resources of the NAIRR;

1           “(B) work with the Program Management  
2 Office to establish criteria for the Operating  
3 Entity, review candidates, and select an entity  
4 to act as the Operating Entity;

5           “(C) identify resources that could be fed-  
6 erated, participate in resource provider selection  
7 and funding, and provide direction to the Oper-  
8 ating Entity about resource allocation and how  
9 those resources should be made accessible via  
10 the NAIRR;

11           “(D) define key performance indicators for  
12 the NAIRR, in conjunction with the Program  
13 Management Office and any relevant Advisory  
14 Committees established under section 5602(c);

15           “(E) evaluate NAIRR performance against  
16 the key performance indicators defined under  
17 subparagraph (D) on a periodic basis and not  
18 less frequently than once every year;

19           “(F) develop an annual report, transmitted  
20 to the Director of the Office of Science and  
21 Technology Policy and publicly released, on the  
22 progress of the National Artificial Intelligence  
23 Research Resource that includes—

1 “(i) a summary of the results of the  
 2 evaluation conducted under subparagraph  
 3 (E); and

4 “(ii) any recommendations for  
 5 changes to the NAIRR; and

6 “(G) oversee a periodic independent assess-  
 7 ment of the NAIRR.

8 “(8) PROVISION OF RESOURCES OF THE  
 9 NAIRR.—Each agency comprising the Steering Sub-  
 10 committee may provide the Operating Entity with  
 11 resources of the NAIRR or funding for resources of  
 12 the NAIRR.”.

13 (b) ESTABLISHMENT OF THE NATIONAL ARTIFICIAL  
 14 INTELLIGENCE RESEARCH RESOURCE.—The National  
 15 Artificial Intelligence Initiative Act of 2020 (15 U.S.C.  
 16 9401 et seq.) is amended by adding at the end the fol-  
 17 lowing:

18 **“TITLE LVI—NATIONAL ARTIFI-**  
 19 **CIAL INTELLIGENCE RE-**  
 20 **SEARCH RESOURCE**

“TITLE LVI—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH  
 RESOURCE

“Sec. 5601. Definitions.

“Sec. 5602. Establishment; governance.

“Sec. 5603. Resources of the NAIRR.

“Sec. 5604. NAIRR processes and procedures.

“Sec. 5605. NAIRR funding.

1 **“SEC. 5601. DEFINITIONS.**

2 “In this title:

3 “(1) **ADVISORY COMMITTEE.**—The term ‘Advi-  
4 sory Committee’ means any Advisory Committee es-  
5 tablished under section 5602(c).

6 “(2) **AI TESTBED.**—The term ‘AI testbed’  
7 means a testbed described in section 22A(g) of the  
8 National Institute of Standards and Technology Act  
9 (15 U.S.C. 278h–1(g)).

10 “(3) **EXECUTIVE AGENCY.**—The term ‘Execu-  
11 tive agency’ has the meaning given such term in sec-  
12 tion 105 of title 5, United States Code.

13 “(4) **NATIONAL ARTIFICIAL INTELLIGENCE RE-**  
14 **SEARCH RESOURCE; NAIRR.**—The terms ‘National  
15 Artificial Intelligence Research Resource’ and  
16 ‘NAIRR’ have the meaning given the term ‘National  
17 Artificial Intelligence Research Resource’ in section  
18 5106(g).

19 “(5) **OPERATING ENTITY.**—The term ‘Oper-  
20 ating Entity’ means the Operating Entity selected  
21 by the Program Management Office as described in  
22 section 5602(b)(3)(A).

23 “(6) **PROGRAM MANAGEMENT OFFICE.**—The  
24 term ‘Program Management Office’ means the Pro-  
25 gram Management Office established under section  
26 5602(b)(1).

1           “(7) RESOURCE OF THE NAIRR.—The term ‘re-  
2           source of the NAIRR’ means a resource described in  
3           section 5603(b).

4           “(8) NAIRR STEERING SUBCOMMITTEE.—The  
5           term ‘NAIRR Steering Subcommittee’ means the  
6           NAIRR Steering Subcommittee established under  
7           section 5103(e).

8           “(9) STEM.—The term ‘STEM’ means science,  
9           technology, engineering, and mathematics, including  
10          computer science.

11   **“SEC. 5602. ESTABLISHMENT; GOVERNANCE.**

12          “(a) ESTABLISHMENT.—Not later than 1 year after  
13          the date of enactment of this title, the Director of the Na-  
14          tional Science Foundation, in coordination with the  
15          NAIRR Steering Subcommittee, shall establish the Na-  
16          tional Artificial Intelligence Research Resource to—

17               “(1) spur innovation and advance the develop-  
18               ment of artificial intelligence to stimulate cutting-  
19               edge research and propel the strategic development  
20               of artificial intelligence capabilities;

21               “(2) improve access to artificial intelligence re-  
22               sources for researchers and students of artificial in-  
23               telligence;

24               “(3) improve capacity for artificial intelligence  
25               research in the United States; and

1           “(4) support the testing, benchmarking, and  
2 evaluation of artificial intelligence systems developed  
3 and deployed in the United States.

4           “(b) PROGRAM MANAGEMENT OFFICE.—

5           “(1) ESTABLISHMENT.—The Director of the  
6 National Science Foundation shall—

7           “(A) establish within the National Science  
8 Foundation a Program Management Office to  
9 oversee the day-to-day functions of the NAIRR;  
10 and

11           “(B) appoint an individual to head the  
12 Program Management Office.

13           “(2) STAFF.—

14           “(A) IN GENERAL.—The head of the Pro-  
15 gram Management Office may identify staff  
16 and direct all employees of the Program Man-  
17 agement Office, in accordance with the applica-  
18 ble provisions of title 5 of the United States  
19 Code.

20           “(B) REPRESENTATION AND REQUIRE-  
21 MENTS.—The staff of the Program Manage-  
22 ment Office—

23           “(i) may include representation from  
24 other Federal agencies providing support  
25 for NAIRR resources; and

1                   “(ii) shall include not fewer than 3  
2                   full-time employees.

3                   “(3) DUTIES.—The duties of the Program  
4                   Management Office shall include—

5                   “(A) in coordination with the NAIRR  
6                   Steering Subcommittee and any relevant Advi-  
7                   sory Committee as appropriate—

8                   “(i) developing the funding oppor-  
9                   tunity and soliciting bids for the Operating  
10                  Entity, which will be responsible for oper-  
11                  ation of the National Artificial Intelligence  
12                  Research Resource;

13                  “(ii) selecting, through a competitive  
14                  and transparent process, a nongovern-  
15                  mental organization, which may be an  
16                  independent legal entity or a consortium of  
17                  1 or more partners (which may include  
18                  federally funded research and development  
19                  centers), to be designated as the Operating  
20                  Entity;

21                  “(iii) overseeing compliance with the  
22                  contractual obligations of the Operating  
23                  Entity;

24                  “(iv) establishing evaluation criteria  
25                  for the NAIRR;

1                   “(v) overseeing asset allocation and  
2                   utilization;

3                   “(vi) identifying an external inde-  
4                   pendent evaluation entity;

5                   “(vii) assessing the performance of  
6                   the Operating Entity on not less than an  
7                   annual basis and, if such performance is  
8                   unsatisfactory, ending the agreement with  
9                   such Operating Entity and selecting a new  
10                  Operating Entity in accordance with clause  
11                  (ii);

12                  “(viii) developing multi-agency fund-  
13                  ing opportunities for the selection of  
14                  NAIRR resources; and

15                  “(ix) coordinating resource contribu-  
16                  tions from participating Federal agencies;  
17                  and

18                  “(B) delegating, with appropriate over-  
19                  sight, operational tasks to the Operating Enti-  
20                  ty, including—

21                         “(i) coordinating the provisioning of  
22                         resources of the NAIRR;

23                         “(ii) maintaining a portal and associ-  
24                         ated services for users to access resources  
25                         of the NAIRR;

1                   “(iii) developing policies and proce-  
2                   dures for the NAIRR;

3                   “(iv) hiring and managing a staff (in-  
4                   cluding experts in cyber infrastructure  
5                   management, data science, research de-  
6                   sign, privacy, ethics, and legal and policy  
7                   matters) to support the operations of the  
8                   NAIRR;

9                   “(v) continually modernizing NAIRR  
10                  infrastructure;

11                  “(vi) recommending key performance  
12                  indicators for the NAIRR, in coordination  
13                  with the NAIRR Steering Subcommittee  
14                  and any relevant Advisory Committee;

15                  “(vii) publishing publicly available an-  
16                  nual reports reviewing the performance of  
17                  the NAIRR, the resources of the NAIRR,  
18                  and the NAIRR governance structures;

19                  “(viii) establishing and administering  
20                  training to new users on accessing a re-  
21                  source of the NAIRR, research design, and  
22                  issues related to privacy, ethics, safety, and  
23                  trustworthiness of artificial intelligence  
24                  systems;

1                   “(ix) facilitating connections to AI  
2                   testbeds; and

3                   “(x) making educational resources of  
4                   the NAIRR available to other Federal  
5                   agencies, and to Congress, for the purpose  
6                   of educating Federal Government officials  
7                   and employees about artificial intelligence.

8           “(c) **ADVISORY COMMITTEES.**—The head of the Pro-  
9   gram Management Office, acting through the director of  
10 the Operating Entity, shall establish Advisory Committees  
11 to provide advice to the Operating Entity and the Program  
12 Management Office. Any such Advisory Committees shall  
13 be comprised of members from government agencies, the  
14 private sector, academia, and public interest groups.  
15 Chapter 10 of title 5, United States Code, shall not apply  
16 to any such Advisory Committee.

17 **“SEC. 5603. RESOURCES OF THE NAIRR.**

18           “(a) **IN GENERAL.**—The head of the Program Man-  
19 agement Office, acting through the director of the Oper-  
20 ating Entity and in coordination with the NAIRR Steering  
21 Subcommittee and any relevant Advisory Committee,  
22 shall—

23                   “(1) coordinate and provision resources of the  
24                   NAIRR;

1           “(2) establish processes to manage the procure-  
2           ment of new resources of the NAIRR, and intake of  
3           in-kind contribution of resources of the NAIRR,  
4           from Federal agencies or other entities;

5           “(3) establish policies on and review resources  
6           of the NAIRR for concerns related to ethics and pri-  
7           vacy;

8           “(4) retire resources of the NAIRR no longer  
9           available or needed; and

10           “(5) publicly report a summary of categories of  
11           available resources of the NAIRR, categories of  
12           sources of such resources of the NAIRR, and issues  
13           related to resources of the NAIRR.

14           “(b) RESOURCES OF THE NAIRR.—The NAIRR shall  
15           offer resources that include, at a minimum, all of the fol-  
16           lowing, subject to the availability of appropriations:

17           “(1) A mix of computational resources, includ-  
18           ing—

19                   “(A) on-premises, cloud-based, hybrid, and  
20                   emergent resources;

21                   “(B) public cloud providers providing ac-  
22                   cess to popular computational and storage serv-  
23                   ices for NAIRR users;

24                   “(C) an open source software environment  
25                   for the NAIRR;

1           “(D) an application programming interface  
2 providing structured access to artificial intel-  
3 ligence models; and

4           “(E) other types of computational re-  
5 sources.

6           “(2) Data, including by—

7           “(A)(i) in coordination with the National  
8 Institute of Standards and Technology and con-  
9 sistent with the guidance of the National  
10 Science and Technology Council titled ‘Desir-  
11 able Characteristics of Data Repositories for  
12 Federally Funded Research’, dated May 2022,  
13 or any successor document, publishing inter-  
14 operability standards for data repositories based  
15 on the data sharing and documentation stand-  
16 ards and guidelines produced under section 22A  
17 of the National Institute of Standards and  
18 Technology Act (15 U.S.C. 278h–1); and

19           “(ii) selecting and developing, through a  
20 competitive bidding process, data repositories to  
21 be available to NAIRR users;

22           “(B) establishing acceptable criteria for  
23 datasets used as resources of the NAIRR;

1           “(C) identifying and providing access to  
2 existing curated datasets of value and interest  
3 to the NAIRR user community;

4           “(D) establishing an artificial intelligence  
5 open data commons to facilitate community  
6 sharing and curation of data, code, and models;

7           “(E) coordinating with the Interagency  
8 Council on Statistical Policy to explore options  
9 to make Federal statistical data available to  
10 NAIRR users, including through the standard  
11 application process established under section  
12 3583(a) of title 44, United States Code; and

13           “(F) other types of computational re-  
14 sources.

15           “(3) Educational tools and services, including  
16 by—

17           “(A) facilitating and curating educational  
18 and training materials;

19           “(B) providing technical training and user  
20 support; and

21           “(C) providing targeted outreach and pro-  
22 gramming strategies to increase participation in  
23 STEM fields.

24           “(4) AI testbeds, including by—

1           “(A) in coordination with the National In-  
2           stitute of Standards and Technology, facili-  
3           tating access to artificial intelligence testbeds  
4           through which researchers can measure, bench-  
5           mark, test, or evaluate engineering or algo-  
6           rithmic developments; and

7           “(B) developing a comprehensive catalog of  
8           open AI testbeds.

9   **“SEC. 5604. NAIRR PROCESSES AND PROCEDURES.**

10   “(a) USER ELIGIBILITY.—

11           “(1) ELIGIBLE USERS.—Subject to paragraph  
12           (3), the following users shall be eligible for access to  
13           the NAIRR:

14           “(A) A researcher, educator, or student  
15           based in the United States that is affiliated  
16           with an entity described in paragraph (2).

17           “(B) An employee of an entity described in  
18           clause (iii) or (iv) of paragraph (2)(B) with a  
19           demonstrable mission-need.

20           “(2) ENTITIES DESCRIBED.—An entity de-  
21           scribed in this paragraph is an entity that satisfies  
22           the following:

23           “(A) Is based in the United States.

24           “(B) Is one of the following:

1           “(i) An institution of higher edu-  
2 cation.

3           “(ii) A nonprofit institution (as such  
4 term is defined in section 4 of the Steven-  
5 son-Wydler Technology Innovation Act of  
6 1980 (15 U.S.C. 3703)).

7           “(iii) An Executive agency.

8           “(iv) A federally funded research and  
9 development center.

10           “(v) A small business concern (as  
11 such term is defined in section 3 of the  
12 Small Business Act (15 U.S.C. 632), not-  
13 withstanding section 121.103 of title 13,  
14 Code of Federal Regulations) that has re-  
15 ceived funding from an Executive agency,  
16 including through the Small Business In-  
17 novation Research Program or the Small  
18 Business Technology Transfer Program  
19 (as described in section 9 of the Small  
20 Business Act (15 U.S.C. 638)).

21           “(vi) A category of entity that the Di-  
22 rector of the National Science Foundation  
23 and the Director of the Office of Science  
24 and Technology Policy, after consultation  
25 with the NAIRR Steering Subcommittee

1 and any relevant Advisory Committee, de-  
2 termine shall be eligible.

3 “(vii) A consortium composed of enti-  
4 ties described in clauses (i) through (vi).

5 “(3) EXCLUDED ENTITIES.—

6 “(A) IN GENERAL.—No individual is au-  
7 thorized to be an eligible user under paragraph  
8 (1) if the individual is employed by a foreign  
9 country that is listed in section 4872(f)(2) of  
10 title 10, United States Code, or is otherwise au-  
11 thorized by such country to act for or on its be-  
12 half.

13 “(B) ENFORCEMENT.—The Director of the  
14 National Science Foundation shall ensure that  
15 individuals authorized as eligible users meet the  
16 requirements of subparagraph (A).

17 “(b) PRIVACY, ETHICS, CIVIL RIGHTS AND CIVIL  
18 LIBERTIES, SAFETY, AND TRUSTWORTHINESS.—

19 “(1) IN GENERAL.—

20 “(A) REQUIREMENTS.—The head of the  
21 Program Management Office, acting through  
22 the director of the Operating Entity and in con-  
23 sultation with any relevant Advisory Committee,  
24 shall establish requirements, a review process  
25 for applications, and a process for auditing re-

1 sources of the NAIRR and research conducted  
2 using resources of the NAIRR on matters re-  
3 lated to privacy, ethics, safety, security, and  
4 trustworthiness of artificial intelligence systems  
5 developed using resources of the NAIRR.

6 “(B) FEDERAL STATISTICAL DATA.—Any  
7 auditing process required under subparagraph  
8 (A) for Federal statistical data included in a re-  
9 source of the NAIRR shall be completed by the  
10 head of a Designated Statistical Agency (as de-  
11 fined in section 3576(e) of title 44, United  
12 States Code), in coordination with the Chief  
13 Statistician of the United States, consistent  
14 with relevant law.

15 “(2) CONSISTENCY.—The head of the Program  
16 Management Office shall ensure the requirements  
17 and processes described in paragraph (1) are con-  
18 sistent with the policies of the Office of Management  
19 and Budget and relevant policies of other Executive  
20 agencies. The head of the Program Management Of-  
21 fice shall coordinate with the Senior Agency Official  
22 for Privacy and the General Counsel of the National  
23 Science Foundation in ensuring compliance with ap-  
24 plicable privacy law and policy and Federal laws and  
25 regulations.

1           “(3) AVAILABILITY.—The head of the Program  
2 Management Office, acting through the director of  
3 the Operating Entity, shall—

4           “(A) when determining access to computa-  
5 tional resources of the NAIRR, take into con-  
6 sideration the extent to which the access relates  
7 to privacy, ethics, safety, security, risk mitiga-  
8 tion, and trustworthiness of artificial intel-  
9 ligence systems, or other topics that dem-  
10 onstrate that a project is in the public interest;

11           “(B) ensure that a significant percentage  
12 of the annual allotment of computational re-  
13 sources of the NAIRR is provided to projects  
14 the primary focus of which is related to any of  
15 the topics described in subparagraph (A); and

16           “(C) to the extent that demand for access  
17 to computational resources of the NAIRR ex-  
18 ceeds availability, consider, on a priority basis,  
19 projects focusing on any of the topics described  
20 in subparagraph (A) when ranking applications  
21 for such access.

22           “(c) SCIENTIFIC INTEGRITY.—The head of the Pro-  
23 gram Management Office, acting through the director of  
24 the Operating Entity and in consultation with any relevant  
25 Advisory Committee, shall develop guidance for—

1           “(1) addressing concerns related to matters of  
2           scientific integrity, including matters related to the  
3           effects or impacts of research and potential research  
4           enabled by the NAIRR; and

5           “(2) mechanisms for an employee of the Oper-  
6           ating Entity, an employee of the Program Manage-  
7           ment Office, a member of the NAIRR Steering Sub-  
8           committee or an Advisory Committee, a researcher  
9           or student affiliated with a NAIRR user described in  
10          subsection (a)(1), an employee of a provider of a re-  
11          source of the NAIRR, an employee of a NAIRR  
12          funding agency, or a member of the public to report  
13          violations of the guidance developed under this para-  
14          graph, including by confidential and anonymous  
15          means.

16          “(d) SYSTEM SECURITY AND USER ACCESS CON-  
17          TROLS.—The head of the Program Management Office,  
18          acting through the director of the Operating Entity and  
19          in consultation with the NAIRR Steering Subcommittee,  
20          the Director of the Office of Management and Budget, the  
21          Director of the National Institute of Standards and Tech-  
22          nology, and the Director of the Cybersecurity and Infra-  
23          structure Security Agency—

24                 “(1) shall establish minimum security require-  
25                 ments for all persons interacting with the NAIRR,

1 consistent with the most recent version of the Cyber-  
2 security Framework, or successor document, main-  
3 tained by the National Institute of Standards and  
4 Technology; and

5 “(2) may establish tiers of security require-  
6 ments and user access controls beyond the minimum  
7 requirements relative to security risks.

8 “(e) FEE SCHEDULE.—The head of the Program  
9 Management Office, acting through the director of the Op-  
10 erating Entity, may establish a fee schedule for access to  
11 the NAIRR. Fees charged under this subsection may be  
12 retained and used for the purposes of this title. The Oper-  
13 ating Entity may only charge fees in such fee schedule.  
14 Such fee schedule—

15 “(1) may differ by type of eligible user and type  
16 of affiliated entity described in subsection (a);

17 “(2) shall include a free tier of access based on  
18 appropriated funds and anticipated costs and de-  
19 mand;

20 “(3) may include cost-based charges for eligible  
21 users to purchase resources of the NAIRR beyond  
22 the resources included in a free or subsidized tier;  
23 and

24 “(4) shall ensure that the primary purpose of  
25 the NAIRR is to support research.

1           “(f) RESEARCH SECURITY.—The head of the Pro-  
2 gram Management Office, acting through the director of  
3 the Operating Entity and in consultation with the NAIRR  
4 Steering Subcommittee and the Director of the Office of  
5 Science and Technology Policy, shall—

6           “(1) ensure conformance with the requirements  
7 of National Security Presidential Memorandum–33  
8 (relating to supported research and development na-  
9 tional policy), issued January 2021, and its imple-  
10 mentation guidance on research security and re-  
11 search integrity, or any successor policy document or  
12 guidance, by establishing NAIRR operating prin-  
13 ciples that emphasize the research integrity prin-  
14 ciples of openness, reciprocity, and transparency;  
15 and

16           “(2) designate a member of the leadership team  
17 for the Operating Entity as a research security point  
18 of contact with responsibility for overseeing conform-  
19 ance with National Security Presidential Memo-  
20 randum–33 and its implementation guidance, or any  
21 successor policy document or guidance.

22 **“SEC. 5605. NAIRR FUNDING.**

23           “To carry out this title, to the maximum extent prac-  
24 ticable, the NAIRR is authorized to accept and use dona-

1 tions of cash, services, and personal property from the pri-  
 2 vate sector.”.

3 (c) CONFORMING AMENDMENTS.—The table of con-  
 4 tents in section 2(b) of the William M. (Mac) Thornberry  
 5 National Defense Authorization Act for Fiscal Year 2021  
 6 (Public Law 116– 283; 134 Stat. 3388) is amended by  
 7 inserting after the items relating to title LV the following:

“TITLE LVI—NATIONAL ARTIFICIAL INTELLIGENCE RESEARCH  
 RESOURCE

“Sec. 5601. Definitions.

“Sec. 5602. Establishment; governance.

“Sec. 5603. Resources of the NAIRR.

“Sec. 5604. NAIRR processes and procedures.

“Sec. 5605. NAIRR funding.”.

8 **TITLE XI—CONSUMER PROTEC-**  
 9 **TIONS FOR DATA CENTER IN-**  
 10 **FRASTRUCTURE COSTS**

11 **SEC. 1101. RATEPAYER PROTECTION.**

12 (a) DEFINITIONS.—In this section:

13 (1) COVERED ENTITY.—The term “covered en-  
 14 tity” means a private company, or other private en-  
 15 tity, that—

16 (A) owns, operates, or maintains a data  
 17 center; or

18 (B) has plans to own, operate, or maintain  
 19 a data center within the next 5 years.

20 (2) DATA CENTER.—The term “data center”  
 21 means a data center (as defined in section 453(a) of  
 22 the Energy Independence and Security Act of 2007

1 (42 U.S.C. 17112(a))) with a power demand of 20  
2 megawatts or more that is not owned, operated, or  
3 maintained—

4 (A) by a covered agency (as defined in sec-  
5 tion 834(a) of the Carl Levin and Howard P.  
6 “Buck” McKeon National Defense Authoriza-  
7 tion Act for Fiscal Year 2015 (Public Law  
8 113–291; 44 U.S.C. 3601 note)); or

9 (B) by a contractor on behalf of a covered  
10 agency (as so defined).

11 (3) SECRETARY.—The term “Secretary” means  
12 the Secretary of Energy.

13 (b) AGREEMENTS.—The Secretary shall enter into  
14 agreements with covered entities pursuant to which the  
15 covered entity shall commit—

16 (1) to advance the self-sufficiency of the cov-  
17 ered entity and protect the people of the United  
18 States from higher electricity prices by—

19 (A) building, bringing, or buying the new  
20 generation resources and electricity needed to  
21 satisfy the new energy demands of the covered  
22 entity, including by paying the full cost of those  
23 resources by building, or buying energy from,  
24 new or otherwise additive power plants; and

1 (B) where possible, adding additional gen-  
2 eration capacity that serves the broader public  
3 by increasing the supply of electricity;

4 (2) to paying for all new power delivery infra-  
5 structure upgrades required to service the data cen-  
6 ters owned, operated, or used by the covered entity,  
7 including adequate network upgrade costs to ensure  
8 that the costs of those power delivery infrastructure  
9 upgrades are not passed on to households in the  
10 United States;

11 (3) to protect the people of the United States  
12 from increases in utility bills as a result of the devel-  
13 opment of data centers by voluntarily negotiating  
14 new, separate rate structures with utilities and rel-  
15 evant State governments wherever the covered entity  
16 builds a data center, ensuring that the covered enti-  
17 ty will pay the new rates for the power and related  
18 infrastructure that are brought online to service the  
19 data center;

20 (4) to benefit workers in the United States at  
21 every step from construction to operation of a data  
22 center by investing in the local communities in which  
23 the covered entity builds a data center, including  
24 by—

1 (A) hiring from within the local commu-  
2 nity; and

3 (B) establishing programs to develop rel-  
4 evant skills; and

5 (5) to benefit consumers through enhanced grid  
6 resilience from data center power resources in times  
7 of emergency by—

8 (A) coordinating with grid operators to  
9 contribute to a more reliable electric grid; and

10 (B) whenever possible, making available  
11 the backup generation resources of the covered  
12 entity at times of scarcity to prevent blackouts  
13 and power shortages in the community in which  
14 the data center is located.

15 (c) EFFECT ON ELIGIBILITY FOR FEDERAL INCEN-  
16 TIVES AND ASSISTANCE.—Notwithstanding any other pro-  
17 vision of law, if the Secretary determines that an agree-  
18 ment under subsection (b) with a particular covered entity  
19 is necessary to ensure the protection of ratepayers who  
20 may be affected by the activities of the covered entity and  
21 the covered entity refuses to enter into an agreement with  
22 the Secretary under that subsection, the covered entity  
23 shall be ineligible for such Federal incentives and assist-  
24 ance, including loans, loan guarantees, grants, tax incen-  
25 tives, land incentives, and other incentives and assistance,

1 as the Secretary shall identify in a notice provided to the  
2 covered entity and published in the Federal Register.

3 **TITLE XII—NO FAKES ACT OF**  
4 **2026**

5 **SEC. 1201. SHORT TITLE.**

6 This title may be cited as the “Nurture Originals,  
7 Foster Art, and Keep Entertainment Safe Act of 2026”  
8 or the “NO FAKES Act of 2026”.

9 **SEC. 1202. VOICE AND VISUAL LIKENESS RIGHTS.**

10 (a) DEFINITIONS.—In this section:

11 (1) DIGITAL FINGERPRINT.—The term “digital  
12 fingerprint” means an electronic label or identifier  
13 created by a cryptographic hash function (or similar  
14 function), or any other digital process, tool, or tech-  
15 nique selected by the provider of an online service,  
16 that is unique to a specific piece of material such  
17 that it is effectively certain that such piece of mate-  
18 rial will not be misidentified as a match for a dif-  
19 ferent piece of material.

20 (2) DIGITAL REPLICA.—The term “digital rep-  
21 lica”—

22 (A) means a newly created, computer-gen-  
23 erated, highly realistic electronic representation  
24 that is readily identifiable as the voice or visual  
25 likeness of an individual that—

1 (i) is embodied in a sound recording,  
2 image, audiovisual work, including an  
3 audiovisual work that does not have any  
4 accompanying sounds, or transmission—

5 (I) in which the actual individual  
6 did not actually perform or appear; or

7 (II) that is a version of a sound  
8 recording, image, or audiovisual work  
9 in which the actual individual did per-  
10 form or appear, in which the funda-  
11 mental character of the performance  
12 or appearance has been materially al-  
13 tered; and

14 (B) does not include the electronic repro-  
15 duction, use of a sample of one sound recording  
16 or audiovisual work into another, remixing,  
17 mastering, or digital remastering of a sound re-  
18 cording or audiovisual work authorized by the  
19 copyright holder.

20 (3) INDIVIDUAL.—The term “individual” means  
21 a human being, living or dead.

22 (4) INTERACTIVE COMPUTER SERVICE.—The  
23 term “interactive computer service” means any in-  
24 formation service, system, or access software pro-  
25 vider that provides or enables computer access by

1 multiple users to a computer server, including spe-  
2 cifically—

3 (A) a service or system that provides ac-  
4 cess to the internet; and

5 (B) such systems operated, or services of-  
6 fered, by libraries or educational institutions.

7 (5) ONLINE SERVICE.—The term “online serv-  
8 ice”—

9 (A) means—

10 (i) any website, online application,  
11 mobile application, or virtual reality envi-  
12 ronment that predominantly provides pub-  
13 lic access to user uploaded material;

14 (ii) any digital music provider to  
15 which section 115 of title 17, United  
16 States Code, applies that provides public  
17 access to user uploaded material if that  
18 digital music provider is not covered under  
19 clause (i); and

20 (iii) any online application, mobile ap-  
21 plication, virtual reality environment, ap-  
22 plication store, search engine (including  
23 any feature that provides web search re-  
24 sults), advertising service or network, on-  
25 line shopping service or platform, elec-

1           tronic commerce provider, mapping service,  
2           cloud storage service, or website hosting  
3           service or any other interactive computer  
4           service that is not covered under clause (i)  
5           and that provides public access to user  
6           uploaded material, but only if the provider  
7           of that interactive computer service has  
8           registered a designated agent with the  
9           Copyright Office under subsection (d)(2);  
10          and

11           (B) does not include any website, online  
12          application, mobile application, virtual reality  
13          environment, application store, search engine,  
14          or cloud storage service that predominantly pro-  
15          vides public access to user uploaded products or  
16          services, the primary function of which is to  
17          distribute, import, transmit, or otherwise make  
18          available to the public a product or service de-  
19          scribed in subsection (c)(2)(B).

20          (6) RIGHT HOLDER.—The term “right holder”  
21          means—

22                (A) the individual, the voice or visual like-  
23                ness of whom is at issue with respect to a dig-  
24                ital replica or a product or service described in  
25                subsection (c)(2)(B); and

1 (B) any other individual or entity that has  
2 acquired, through a license, inheritance, or oth-  
3 erwise, the right to authorize the use of the  
4 voice or visual likeness described in subpara-  
5 graph (A).

6 (7) SOUND RECORDING ARTIST.—The term  
7 “sound recording artist” means an individual who  
8 creates or performs in sound recordings for eco-  
9 nomic gain or for the livelihood of the individual.

10 (8) USER UPLOADED MATERIAL.—

11 (A) IN GENERAL.—The term “user  
12 uploaded material” means material, such as a  
13 video, image, game, audio file, or other mate-  
14 rial, that is placed on a service directly by or  
15 at the direction of an end user of a service.

16 (B) SCOPE OF END USER.—For the pur-  
17 poses of subparagraph (A), an end user, with  
18 respect to an online service, does not include—

19 (i) a third-party commercial provider  
20 of sound recordings to a digital music pro-  
21 vider; or

22 (ii) an employee or agent of the online  
23 service acting on behalf of the provider of  
24 the online service.

25 (b) DIGITAL REPLICATION RIGHT.—



1                   exploited by the individual during the life-  
2                   time of the individual.

3                   (iii) Upon the death of the indi-  
4                   vidual—

5                   (I) the right is transferable and  
6                   licensable, in whole or in part, by the  
7                   executors, heirs, assignees, licensees,  
8                   or devisees of the individual; and

9                   (II) ownership of the right may  
10                  be—

11                  (aa) transferred, in whole or  
12                  in part, by any means of convey-  
13                  ance or by operation of law; and

14                  (bb) bequeathed by will or  
15                  pass as personal property by the  
16                  applicable laws of intestate suc-  
17                  cession.

18                  (iv) The right shall be exclusive to—

19                  (I) the individual, subject to the  
20                  licensing of the right during the life-  
21                  time of that individual under subpara-  
22                  graph (B); and

23                  (II) the right holder—

1 (aa) for a period of 10 years  
2 after the death of the individual;  
3 and

4 (bb) if the right holder dem-  
5 onstrates active and authorized  
6 public use of the voice or visual  
7 likeness of the individual during  
8 the 2-year period preceding the  
9 expiration of the 10-year period  
10 described in item (aa), for an ad-  
11 ditional 5-year period, subject to  
12 renewal for additional 5-year pe-  
13 riods, provided the right holder  
14 can demonstrate authorized pub-  
15 lic use of the voice or visual like-  
16 ness of the individual during the  
17 2-year period preceding the expi-  
18 ration of each additional 5- year  
19 period.

20 (v) The right shall terminate on the  
21 date that is the earlier of—

22 (I) the date on which the 10-year  
23 period or 5-year period described in  
24 clause (iv)(II) terminates without re-  
25 newal; or

1 (II) the date that is 70 years  
2 after the death of the individual.

3 (B) REQUIREMENTS FOR LICENSE.—

4 (i) IN GENERAL.—A license described  
5 in subparagraph (A)(i)(III)—

6 (I) while the individual is living,  
7 is valid only to the extent that the li-  
8 cense duration does not exceed 10  
9 years; and

10 (II) shall be valid only if the li-  
11 cense agreement—

12 (aa) is in writing and signed  
13 by the individual or an author-  
14 ized representative of the indi-  
15 vidual; and

16 (bb) includes a reasonably  
17 specific description of the in-  
18 tended uses of the applicable dig-  
19 ital replica.

20 (ii) LICENSES INVOLVING A MINOR.—  
21 A license described in subparagraph  
22 (A)(i)(III) involving a living individual who  
23 is younger than 18 years of age—

24 (I) is valid only to the extent that  
25 the license duration does not exceed 5

1 years, but in any case terminates  
2 when the individual reaches 18 years  
3 of age; and

4 (II) shall be valid only if the li-  
5 cense agreement—

6 (aa) is in writing and signed  
7 by the individual or an author-  
8 ized representative of the indi-  
9 vidual;

10 (bb) includes a reasonably  
11 specific description of the in-  
12 tended uses of the digital replica;  
13 and

14 (cc) is approved by a court  
15 in accordance with applicable  
16 State law.

17 (iii) COLLECTIVE BARGAINING AGREE-  
18 MENTS.—The provisions of clauses (i) and  
19 (ii) shall not apply with respect to a license  
20 if the license is governed by a collective  
21 bargaining agreement that addresses dig-  
22 ital replicas.

23 (iv) LIMITATION.—The provisions of  
24 clauses (i) and (ii) shall not affect terms  
25 and conditions of a license or related con-

1           tract other than those described in this  
2           subparagraph, and the expiration of that  
3           license shall not affect the remainder of  
4           the license or related contract.

5           (C) REQUIREMENTS FOR POST-MORTEM  
6           TRANSFER.—A post-mortem transfer or license  
7           described in subparagraph (A)(iii)(I) shall be  
8           valid only if the transfer agreement or license  
9           agreement is in writing and signed by the right  
10          holder or an authorized representative of the  
11          right holder.

12          (D) REGISTRATION FOR POST-MORTEM RE-  
13          NEWAL.—

14           (i) IN GENERAL.—The renewal of a  
15           post-mortem right under subparagraph  
16           (A)(iv)(II)(bb) shall be effective if, during  
17           the applicable 2-year renewal period de-  
18           scribed in that subparagraph, the right  
19           holder files a notice with the Register of  
20           Copyrights that complies with such re-  
21           quirements regarding form and filing pro-  
22           cedures as the Register of Copyrights may  
23           prescribe by regulation, which shall in-  
24           clude—

1 (I) the name of the deceased in-  
2 dividual;

3 (II) a statement, under penalty  
4 of perjury, that the right holder has  
5 engaged in active and authorized pub-  
6 lic use of the voice or visual likeness  
7 during the applicable 2-year period;

8 (III) the identity of and contact  
9 information for the right holder; and

10 (IV) such other information as  
11 the Register of Copyrights may pre-  
12 scribe by regulation.

13 (ii) DIRECTORY.—The Register of  
14 Copyrights—

15 (I) shall—

16 (aa) maintain a current di-  
17 rectory of post-mortem digital  
18 replication rights registered  
19 under this subparagraph; and

20 (bb) make the directory de-  
21 scribed in item (aa) available to  
22 the public for inspection online;  
23 and

24 (II) may require payment of a  
25 reasonable filing fee by the right hold-

1 er filing notice under clause (i), which  
2 may take into consideration the costs  
3 of maintaining the directory described  
4 in subclause (I) of this clause.

5 (iii) VOLUNTARY INITIAL REGISTRA-  
6 TION.—

7 (I) IN GENERAL.—A right holder  
8 may voluntarily register the post-  
9 mortem right under subparagraph  
10 (A)(iv)(II)(aa) by filing a notice with  
11 the Register of Copyrights that com-  
12 plies with such requirements regard-  
13 ing form, content, and filing proce-  
14 dures as the Register of Copyrights  
15 may prescribe by regulation.

16 (II) AUTHORITY OF REGISTER OF  
17 COPYRIGHTS.—The Register of Copy-  
18 rights may—

19 (aa) include a voluntary reg-  
20 istration of the post-mortem  
21 right under subparagraph  
22 (A)(iv)(II)(aa) in the directory  
23 maintained under clause  
24 (ii)(I)(aa) of this subparagraph;  
25 and

1 (bb) require payment of a  
2 reasonable filing fee by a right  
3 holder registering a right under  
4 this clause, which may take into  
5 consideration the costs of main-  
6 taining the directory.

7 (iv) AUTHORITY OF REGISTER OF  
8 COPYRIGHTS.—The Register of Copyrights  
9 may make such interpretations and resolve  
10 such ambiguities as may be appropriate to  
11 carry out this subparagraph.

12 (E) POST-EXPIRATION OR TERMINATION  
13 UTILIZATION OF AUTHORIZED USES.—A digital  
14 replica that is embodied in a sound recording,  
15 image, audiovisual work, including an audio-  
16 visual work that does not have any accom-  
17 panying sounds, or transmission, and the use of  
18 which is authorized pursuant to the terms of a  
19 license, may continue to be utilized in a manner  
20 consistent with the terms of that license after  
21 the expiration or termination of the license.

22 (c) LIABILITY.—

23 (1) IN GENERAL.—Any individual or entity  
24 that, in a manner affecting interstate commerce (or  
25 using any means or facility of interstate commerce),

1 engages in an activity described in paragraph (2)  
2 shall be liable in a civil action brought under sub-  
3 section (e).

4 (2) ACTIVITIES DESCRIBED.—An activity de-  
5 scribed in this paragraph is either of the following:

6 (A) The public display, distribution, trans-  
7 mission, or communication of, or the act of oth-  
8 erwise making available to the public, a digital  
9 replica without authorization by the applicable  
10 right holder.

11 (B) Distributing, importing, transmitting,  
12 or otherwise making available to the public a  
13 product or service that—

14 (i) is primarily designed to produce 1  
15 or more digital replicas of a specifically  
16 identified individual or individuals without  
17 the authorization of—

18 (I) such individual or individuals;

19 (II) the applicable right holder;

20 or

21 (III) the law;

22 (ii) has only limited commercially sig-  
23 nificant purpose or use other than to  
24 produce a digital replica of a specifically

1 identified individual or individuals without  
2 the authorization of—

3 (I) such individual or individuals;

4 (II) the applicable right holder;

5 or

6 (III) the law; or

7 (iii) is marketed, advertised, or other-  
8 wise promoted by the individual or entity  
9 described in paragraph (1), or another in-  
10 dividual or entity acting in concert with  
11 the individual or entity described in para-  
12 graph (1) with the knowledge of the indi-  
13 vidual described in paragraph (1), as a  
14 product or service designed to produce a  
15 digital replica of a specifically identified in-  
16 dividual or individuals without the author-  
17 ization of—

18 (I) such individual or individuals;

19 (II) the applicable right holder;

20 or

21 (III) the law.

22 (3) NOTICE OR KNOWLEDGE REQUIRED.—To  
23 incur liability under this subsection—

24 (A) with respect to an activity carried out  
25 under paragraph (2) by the provider of an on-

1 line service, the provider must have received a  
2 notification that satisfies the requirements  
3 under subsection (d)(3), or a court order stat-  
4 ing (or must have willfully avoided receipt of  
5 such a notification or court order), that the ap-  
6 plicable material is—

7 (i) a digital replica that was not au-  
8 thorized by the applicable right holder; or

9 (ii) a product or service described in  
10 paragraph (2)(B); and

11 (B) with respect to an activity carried out  
12 under paragraph (2) by an individual or entity  
13 that is not a provider of an online service, the  
14 individual or entity must have actual knowl-  
15 edge, or must willfully avoid having such knowl-  
16 edge, that the applicable material is—

17 (i) a digital replica that was not au-  
18 thorized by the applicable right holder; or

19 (ii) a product or service described in  
20 paragraph (2)(B).

21 (4) EXCLUSIONS.—Liability under this sub-  
22 section shall not extend to—

23 (A) a service by wire or radio that provides  
24 the capability to transmit data to and receive  
25 data from all, or substantially all, internet

1 endpoints, including any capabilities that are  
2 incidental to enable the operation of the com-  
3 munications service of a provider of online serv-  
4 ices or network access, or the operator of facili-  
5 ties for such service; or

6 (B) a provider of an online service alleged  
7 to have undertaken an activity described in  
8 paragraph (2) if—

9 (i) it is not technologically feasible for  
10 that provider to disable access to the of-  
11 fending material, or disable the reference  
12 or link to that material, at the specific lo-  
13 cation identified in the applicable notifica-  
14 tion sent under subsection (d)(3); or

15 (ii) disabling access to the offending  
16 material is prohibited by law.

17 (5) ADDITIONAL EXCLUSIONS.—

18 (A) IN GENERAL.—An activity shall not be  
19 considered to be an activity described in para-  
20 graph (2) if—

21 (i) the applicable digital replica is pro-  
22 duced or used in a bona fide news, public  
23 affairs, or sports broadcast or account,  
24 provided that the digital replica is the sub-

1                   ject of, or is materially relevant to, the  
2                   subject of that broadcast or account;

3                   (ii) the applicable digital replica is a  
4                   representation of the applicable individual  
5                   as the individual in a documentary or in a  
6                   historical or biographical manner, includ-  
7                   ing some degree of fictionalization, un-  
8                   less—

9                   (I) the production or use of that  
10                  digital replica creates the false im-  
11                  pression that the work is an authentic  
12                  sound recording, image, transmission,  
13                  or audiovisual work in which the indi-  
14                  vidual participated; or

15                  (II) the digital replica is em-  
16                  bodied in a musical sound recording  
17                  that is synchronized to accompany a  
18                  motion picture or other audiovisual  
19                  work, except to the extent that the  
20                  use of that digital replica is protected  
21                  by the First Amendment to the Con-  
22                  stitution of the United States;

23                  (iii) the applicable digital replica is  
24                  produced or used consistent with the public

1 interest in bona fide commentary, criti-  
2 cism, scholarship, satire, or parody;

3 (iv) the use of the applicable digital  
4 replica is fleeting or negligible; or

5 (v) the applicable digital replica is  
6 used in an advertisement or commercial  
7 announcement for a purpose described in  
8 any of clauses (i) through (iv) and the ap-  
9 plicable digital replica is relevant to the  
10 subject of the work so advertised or an-  
11 nounced.

12 (B) APPLICABILITY.—Subparagraph (A)  
13 shall not apply where the applicable digital rep-  
14 lica is used to depict sexually explicit conduct,  
15 as defined in section 2256(2)(A) of title 18,  
16 United States Code.

17 (d) SAFE HARBORS.—

18 (1) IN GENERAL.—

19 (A) PRODUCTS AND SERVICES CAPABLE OF  
20 PRODUCING DIGITAL REPLICAS.—No individual  
21 or entity shall be directly or secondarily liable  
22 under this section for an activity described in  
23 subsection (e)(2)(A) by virtue of distributing,  
24 importing, transmitting, or otherwise making  
25 available to the public a product or service un-

1           less the product or service is a product or serv-  
2           ice described in subsection (c)(2)(B).

3           (B) ONLINE SERVICES.—The provider of  
4           an online service shall not be liable for referring  
5           or linking to, or violating subsection (c) with re-  
6           spect to, user uploaded material if—

7                   (i) for the provider of an online serv-  
8                   ice described in subsection (a)(5)(A)(iii)  
9                   (other than a search engine or a search  
10                  component of a service), the provider has  
11                  adopted and reasonably implemented, and  
12                  has informed users of the online service of,  
13                  a policy that provides for the termination  
14                  in appropriate circumstances of account  
15                  holders of the online service that are re-  
16                  peat violators of subsection (c)(2), provided  
17                  that the failure to terminate a particular  
18                  account holder in accordance with that pol-  
19                  icy shall subject the provider of the online  
20                  service to potential liability only with re-  
21                  spect to violating content posted by that  
22                  account holder; and

23                   (ii) upon receiving a notification that  
24                   satisfies the requirements under paragraph  
25                   (3), the provider—

1 (I) removes or disables access to  
2 the work embodying the claimed un-  
3 authorized digital replica or the prod-  
4 uct or service specifically identified in  
5 a notice sent under that paragraph,  
6 or, as applicable, the link or reference  
7 to the unauthorized digital replica or  
8 product or service, as soon as is tech-  
9 nically and practically feasible for that  
10 provider;

11 (II) for the provider of an online  
12 service described in clause (i) or (ii) of  
13 subsection (a)(5)(A), as soon as is  
14 technically and practically feasible for  
15 that provider, removes or disables ac-  
16 cess to all other publicly available in-  
17 stances of the work embodying the  
18 claimed unauthorized digital replica  
19 that—

20 (aa) match the digital fin-  
21 gerprint of an unauthorized dig-  
22 ital replica specifically identified  
23 in a notification sent under para-  
24 graph (3); and

1 (bb) are uploaded after  
2 valid, applicable notice was sub-  
3 mitted to, and processed by, the  
4 provider; and

5 (III) takes reasonable steps to  
6 promptly notify the right holder, and  
7 the end user that uploaded the mate-  
8 rial, that the online service removed  
9 or disabled access to the material.

10 (2) DESIGNATED AGENT.—

11 (A) DESIGNATION.—

12 (i) IN GENERAL.—A provider of an  
13 online service described in clause (i) or (ii)  
14 of subsection (a)(5)(A) shall register a des-  
15 ignated agent in accordance with this para-  
16 graph.

17 (ii) CONTENTS.—To designate an  
18 agent under clause (i), the provider of an  
19 online service shall make available through  
20 the online service, including on the website  
21 of the online service in a location accessible  
22 to the public, and provide to the Copyright  
23 Office, substantially the following informa-  
24 tion:

1 (I) The name, address, telephone  
2 number, and electronic mail address  
3 of the agent.

4 (II) Other contact information  
5 that the Register of Copyrights may  
6 determine appropriate.

7 (B) DIRECTORY.—The Register of Copy-  
8 rights—

9 (i) shall—

10 (I) maintain a current directory  
11 of designated agents for the purposes  
12 of this paragraph; and

13 (II) make the directory described  
14 in subclause (I) available to the public  
15 for inspection, including through the  
16 internet; and

17 (ii) may require payment of a fee by  
18 the provider of an online service to cover  
19 the costs of maintaining the directory de-  
20 scribed in clause (i)(I).

21 (C) EFFECT OF FAILURE TO DES-  
22 IGNATE.—The failure of a provider of an online  
23 service described in subparagraph (A)(i) to reg-  
24 ister a designated agent under this paragraph  
25 shall establish that the provider has not under-

1 taken a good faith effort to comply with this  
2 subsection.

3 (3) ELEMENTS OF NOTIFICATION.—To be effec-  
4 tive under this subsection, a notification of a claimed  
5 violation of the right described in subsection (b)  
6 shall be a written communication provided to the  
7 designated agent of the provider of an online service  
8 that includes the following:

9 (A) A physical or electronic signature of  
10 the right holder, an individual or entity author-  
11 ized to act on behalf of the right holder, or an  
12 eligible plaintiff under subsection (e)(1).

13 (B) Identification of the individual, the  
14 voice or visual likeness of whom is at issue with  
15 respect to an unauthorized digital replica or a  
16 product or service described in subsection  
17 (e)(2)(B).

18 (C) Identification of the material con-  
19 taining an unauthorized digital replica or a  
20 product or service described in subsection  
21 (e)(2)(B), including information sufficient to  
22 allow the provider to locate the identified mate-  
23 rial.

24 (D) Information reasonably sufficient to  
25 permit the provider to contact the notifying

1 party, such as an address, telephone number,  
2 and email address.

3 (E) A statement that the notifying party  
4 believes in good faith that the material is an  
5 unauthorized use of a digital replica or a prod-  
6 uct or service described in subsection (c)(2)(B).

7 (F) If not the right holder or an eligible  
8 plaintiff under subsection (e)(1), a statement  
9 that the notifying party has the authority to act  
10 on behalf of the right holder.

11 (G) For the purposes of paragraph (1)(B),  
12 information reasonably sufficient to—

13 (i) identify the reference or link to the  
14 material or activity claimed to be an unau-  
15 thorized digital replica, or a product or  
16 service described in subsection (c)(2)(B),  
17 that is to be removed or to which access is  
18 to be disabled; and

19 (ii) permit the provider to locate the  
20 reference or link described in clause (i).

21 (4) PENALTIES FOR FALSE OR DECEPTIVE NO-  
22 TICE.—

23 (A) KNOWING MATERIAL REPRESENTA-  
24 TIONS.—

1 (i) IN GENERAL.—It shall be unlawful  
2 to knowingly materially misrepresent under  
3 paragraph (3)—

4 (I) that the material requested to  
5 be removed is an unauthorized digital  
6 replica;

7 (II) that an individual or entity  
8 has the authority to act on behalf of  
9 the right holder; or

10 (III) that a digital replica or a  
11 product or service described in sub-  
12 section (c)(2)(B) is not authorized by  
13 the right holder or by other law.

14 (ii) FAILURE TO PERFORM GOOD  
15 FAITH REVIEW.—The failure to undertake  
16 a good faith review to determine whether  
17 material with respect to which notice is  
18 provided under paragraph (3) qualifies as  
19 a digital replica shall constitute a knowing  
20 material misrepresentation under this sub-  
21 paragraph.

22 (B) PENALTIES.—In addition to a cause of  
23 action that is available under subsection (e),  
24 any individual or entity that violates subpara-  
25 graph (A) of this paragraph shall be liable to

1 the alleged violator that uploaded the applicable  
2 material, or the provider of an online service in-  
3 jured by the misrepresentation, for an amount  
4 equal to the greater of—

5 (i) \$25,000 per notification sent  
6 under paragraph (3) that contains a mis-  
7 representation described in subparagraph  
8 (A) of this paragraph; or

9 (ii) any actual damages, including  
10 costs and attorney's fees, incurred by the  
11 alleged violator, as well as by any provider  
12 of an online service injured by the reliance  
13 of the provider on the misrepresentation in  
14 removing or disabling access to the mate-  
15 rial or activity claimed to be an unauthor-  
16 ized digital replica.

17 (e) CIVIL ACTION.—

18 (1) ELIGIBLE PLAINTIFFS.—A civil action  
19 against an individual or entity that, in a manner af-  
20 fecting interstate commerce (or using any means or  
21 facility of interstate commerce), engages in an activ-  
22 ity described in subsection (c)(2) may be brought  
23 by—

24 (A) the applicable right holder;

1 (B) if the applicable right holder is an in-  
2 dividual who is younger than 18 years of age,  
3 a parent or guardian of that individual; or

4 (C) in the case of a digital replica involving  
5 a sound recording artist, any individual or enti-  
6 ty that has, directly or indirectly, entered  
7 into—

8 (i) a contract for the exclusive per-  
9 sonal services of the sound recording artist  
10 as a sound recording artist; or

11 (ii) an exclusive license to distribute  
12 or transmit 1 or more works that capture  
13 the audio performance of the sound record-  
14 ing artist.

15 (2) LIMITATIONS PERIOD.—A civil action may  
16 not be brought under this subsection unless the civil  
17 action is commenced not later than 3 years after the  
18 date on which the party seeking to bring the civil ac-  
19 tion discovered, or with due diligence should have  
20 discovered, the applicable violation.

21 (3) DEFENSE NOT PERMITTED.—It shall not be  
22 a defense in a civil action brought under this sub-  
23 section that the defendant displayed or otherwise  
24 communicated to the public a disclaimer stating that  
25 the applicable digital replica, or the applicable prod-

1       uct or service described in subsection (c)(2)(B), was  
2       unauthorized or disclosed that the digital replica,  
3       product, or service was generated through the use of  
4       artificial intelligence or other technology.

5           (4) REMEDIES.—

6           (A) IN GENERAL.—In any civil action  
7       brought under this subsection—

8           (i) an individual or entity that en-  
9       gages in an activity described in subsection  
10      (c)(2)(A) shall be liable to the injured  
11      party in an amount equal to the greater  
12      of—

13           (I)(aa) in the case of an indi-  
14      vidual, \$5,000 per work embodying  
15      the applicable unauthorized digital  
16      replica;

17           (bb) in the case of a pro-  
18      vider of an online service that  
19      has undertaken a good faith ef-  
20      fort to comply with subsection  
21      (d), \$25,000 per work embodying  
22      the applicable unauthorized dig-  
23      ital replica;

24           (cc) in the case of a provider  
25      of an online service that has not



1 party in an amount equal to the greater  
2 of—

3 (I)(aa) in the case of an indi-  
4 vidual, \$5,000 per product or service;

5 (bb) in the case of a pro-  
6 vider of an online service that  
7 has undertaken a good faith ef-  
8 fort to comply with subsection  
9 (d), \$25,000 per product or serv-  
10 ice;

11 (cc) in the case of a provider  
12 of an online service that has not  
13 undertaken a good faith effort to  
14 comply with subsection (d),  
15 \$750,000 per product or service;  
16 or

17 (dd) in the case of an entity  
18 that is not a provider of an on-  
19 line service, \$25,000 per product  
20 or service; or

21 (II) any actual damages suffered  
22 by the injured party as a result of the  
23 activity, plus any profits from the un-  
24 authorized use that are attributable to  
25 such use and are not taken into ac-

1 count in computing the actual dam-  
2 ages;

3 (iii) the plaintiff may seek injunctive  
4 or other equitable relief;

5 (iv) in the case of willful activity in  
6 which the injured party has proven that  
7 the defendant acted with malice, fraud,  
8 knowledge, or willful avoidance of knowl-  
9 edge that the conduct violated the law, the  
10 court may award to the injured party puni-  
11 tive damages; and

12 (v) if the prevailing party is—

13 (I) the party bringing the action,  
14 the court shall award reasonable at-  
15 torney's fees; or

16 (II) the party defending the ac-  
17 tion, the court shall award reasonable  
18 attorney's fees if the court determines  
19 that the action was not brought in  
20 good faith.

21 (B) OBJECTIVELY REASONABLE BELIEF.—

22 A provider of an online service that has des-  
23 ignated an agent under subsection (d)(2) and  
24 has an objectively reasonable belief that mate-  
25 rial that is claimed to be an unauthorized dig-

1           ital replica does not qualify as a digital replica  
2           shall be liable only for actual damages under  
3           subparagraph (A) if the material is ultimately  
4           determined to be an unauthorized digital rep-  
5           lica.

6           (C) REPLACEMENT OF REMOVED MATE-  
7           RIAL.—If the end user that uploaded the mate-  
8           rial that the provider of an online service has  
9           removed, or to which the provider of an online  
10          service has disabled access, brings an action in  
11          a court of the United States against the sender  
12          of a notification under subsection (d)(3) claim-  
13          ing that such notification was false or deceptive,  
14          as described in subsection (d)(4), the provider  
15          may, if the action is brought not later than 14  
16          days after the end user receives notice that the  
17          provider has removed or disabled access to the  
18          material, restore the removed material to the  
19          network of the provider for access by members  
20          of the public without monetary liability therefor  
21          to either the notice sender or the end user that  
22          uploaded the material to which the provider had  
23          removed or disabled access.

24          (f) SUBPOENA TO IDENTIFY VIOLATOR.—

1           (1) REQUEST.—A right holder, an individual or  
2           entity authorized to act on behalf of a right holder,  
3           or an eligible plaintiff under subsection (e)(1) may  
4           request the clerk of any district court of the United  
5           States to issue a subpoena to a provider of an online  
6           service for identification of an alleged violator of this  
7           section in accordance with this subsection.

8           (2) CONTENTS OF REQUEST.—A request under  
9           paragraph (1) may be made by filing with the  
10          clerk—

11                 (A) a copy of a notification described in  
12                 subsection (d)(3);

13                 (B) a proposed subpoena; and

14                 (C) a sworn declaration to the effect  
15          that—

16                         (i) the purpose of the subpoena is to  
17                         obtain the identity of an individual or enti-  
18                         ty alleged to be liable under subsection (e);  
19                         and

20                         (ii) the information described in  
21                         clause (i) will only be used for the purpose  
22                         of protecting rights under this section.

23          (3) CONTENTS OF SUBPOENA.—A subpoena  
24          issued under this subsection shall authorize and  
25          order the provider of the applicable online service to

1       expeditiously disclose to the party that sought the  
2       subpoena information sufficient to identify the al-  
3       leged violator by virtue of the activity described in  
4       the notification to the extent that information is  
5       available to the provider of the online service.

6           (4) BASIS FOR GRANTING SUBPOENA.—If a  
7       proposed subpoena under this subsection is in proper  
8       form, the applicable notification filed satisfies the re-  
9       quirements under subsection (d)(3), and the accom-  
10      panying declaration is properly executed, the clerk  
11      shall expeditiously issue and sign the proposed sub-  
12      poena and return the subpoena to the requester for  
13      delivery to the provider of the applicable online serv-  
14      ice.

15      (g) PREEMPTION.—

16           (1) IN GENERAL.—The rights established under  
17      this section shall preempt any cause of action under  
18      State law for the protection of an individual's voice  
19      and visual likeness rights in connection with a dig-  
20      ital replica, as defined in this section, in an expres-  
21      sive work.

22           (2) RULE OF CONSTRUCTION.—Notwith-  
23      standing paragraph (1), nothing in this section may  
24      be construed to preempt—

1 (A) causes of action under State statutes  
2 or common law in existence, as of the day be-  
3 fore the date of enactment of this Act, regard-  
4 ing a digital replica;

5 (B) causes of action under State statutes  
6 specifically regulating a digital replica depicting  
7 sexually explicit conduct, as defined in section  
8 2256(2)(A) of title 18, United States Code, or  
9 an election-related digital replica; or

10 (C) causes of action under State statutes  
11 or common law in existence, as of the day be-  
12 fore the date of enactment of this Act, for the  
13 distributing, importing, transmitting, or other-  
14 wise making available to the public a product or  
15 service capable of producing 1 or more digital  
16 replicas.

17 (h) RULES OF CONSTRUCTION.—

18 (1) LAWS PERTAINING TO INTELLECTUAL  
19 PROPERTY.—This section shall be considered to be a  
20 law pertaining to intellectual property for the pur-  
21 poses of section 230(e)(2) of the Communications  
22 Act of 1934 ( 47 U.S.C. 230(e)(2)).

23 (2) NO DUTY TO MONITOR.—Except as ex-  
24 pressly provided in subsection (d)(1)(B)(ii), nothing

1 in this section may be construed to require the pro-  
2 vider of an online service to—

3 (A) monitor the online service for, or af-  
4 firmatively seek facts about, any digital replica;  
5 or

6 (B) gain access to material.

7 (i) RETROACTIVE EFFECT.—

8 (1) LIABILITIES.—Liability under this section  
9 shall apply only to—

10 (A) conduct occurring after the date of en-  
11 actment of this Act; and

12 (B) in the case of conduct covered by a li-  
13 cense or contract, a license or contract that is  
14 executed after the date of enactment of this  
15 Act.

16 (2) DIGITAL REPLICATION RIGHT.—The right  
17 granted under subsection (b)—

18 (A) shall apply to any individual, regard-  
19 less of whether the individual dies before or  
20 after the date of enactment of this Act; and

21 (B) in the case of a right holder who has  
22 died before the date of enactment of this Act,  
23 shall vest in the executors, heirs, assignees, or  
24 devisees of the right holder.

1                   **TITLE XIII—TRAIN ACT**

2   **SEC. 1301. SHORT TITLE.**

3           This title may be cited as the “Transparency and Re-  
4   sponsibility for Artificial Intelligence Networks Act” or  
5   the “TRAIN Act”.

6   **SEC. 1302. SUBPOENA FOR COPIES OR RECORDS RELATING**  
7                   **TO ARTIFICIAL INTELLIGENCE MODELS.**

8           (a) IN GENERAL.—Chapter 5 of title 17, United  
9   States Code, is amended by adding at the end the fol-  
10   lowing:

11   **“§ 514. Subpoena for copies or records relating to ar-**  
12                   **tificial intelligence models**

13           “(a) DEFINITIONS.—In this section:

14                   “(1) ARTIFICIAL INTELLIGENCE.—The term  
15           ‘artificial intelligence’ has the meaning given the  
16           term in section 5002 of the National Artificial Intel-  
17           ligence Initiative Act of 2020 (15 U.S.C. 9401).

18                   “(2) ARTIFICIAL INTELLIGENCE MODEL.—The  
19           term ‘artificial intelligence model’ means a compo-  
20           nent of an information system that implements arti-  
21           ficial intelligence technology and uses computational,  
22           statistical, or machine-learning techniques to  
23           produce outputs from a given set of inputs.

24                   “(3) DEVELOPER.—The term ‘developer’—

1                   “(A) means a person or State or local gov-  
2                   ernment agency that—

3                   “(i) designs, codes, produces, owns, or  
4                   substantially modifies a generative artifi-  
5                   cial intelligence model for use by—

6                   “(I) the person or State or local  
7                   government agency; or

8                   “(II) a third party; and

9                   “(ii) engages in or supervises, includ-  
10                  ing as a third party training dataset cura-  
11                  tor—

12                  “(I) the curation of the training  
13                  dataset of the artificial intelligence  
14                  model; or

15                  “(II) the use of the training  
16                  dataset to train the artificial intel-  
17                  ligence model; and

18                  “(B) does not include a noncommercial end  
19                  user of a generative artificial intelligence model.

20                  “(4) GENERATIVE ARTIFICIAL INTELLIGENCE  
21                  MODEL.—The term ‘generative artificial intelligence  
22                  model’—

23                  “(A) means an artificial intelligence model  
24                  that emulates the structure and characteristics  
25                  of input data in order to generate derived syn-

1           thetic content, which may include images, vid-  
2           eos, audio, text, and other digital content; and

3           “(B) includes any subsequent variation on  
4           an artificial intelligence model described in sub-  
5           paragraph (A), even if created by a third party.

6           “(5) SUBSTANTIALLY MODIFY.—The term ‘sub-  
7           stantially modify’, with respect to a generative artifi-  
8           cial intelligence model, means to take 1 or more ac-  
9           tions leading to a new version of, new release of, or  
10          other update to the generative artificial intelligence  
11          model that materially changes the functionality or  
12          performance of the generative artificial intelligence  
13          model, including by retraining or fine tuning the  
14          generative artificial intelligence model.

15          “(6) TRAINING MATERIAL.—The term ‘training  
16          material’ means individual works or components  
17          thereof used for the purpose of training a generative  
18          artificial intelligence model, including a combination  
19          of text, images, audio, or other categories of expres-  
20          sive materials, as well as annotations describing the  
21          material.

22          “(b) REQUEST.—

23          “(1) IN GENERAL.—The legal or beneficial  
24          owner of an exclusive right under a copyright, or a  
25          person authorized to act on the owner’s behalf, may

1 request the clerk of any United States district court  
2 to issue a subpoena to a developer for disclosure of  
3 copies of, or records sufficient to identify with cer-  
4 tainty, the copyrighted works, or any portion there-  
5 of, likely owned or controlled by the legal or bene-  
6 ficial owner that were used by the developer to train  
7 the generative artificial intelligence model, if the  
8 legal or beneficial owner or authorized person has a  
9 subjective good faith belief that the developer used  
10 some or all of 1 or more such copyrighted works to  
11 train the generative artificial intelligence model.

12 “(2) SUBPOENA LIMITED TO REQUESTER’S OWN  
13 COPYRIGHTED WORK.—Nothing in paragraph (1)  
14 shall be construed to authorize a legal or beneficial  
15 owner of an exclusive right under a copyright, or a  
16 person authorized to act on the owner’s behalf, to  
17 request a subpoena for disclosure of copies of, or  
18 records sufficient to identify with certainty, copy-  
19 righted works likely owned or controlled by any per-  
20 son other than the legal or beneficial owner.

21 “(c) CONTENTS OF REQUEST.—A request under sub-  
22 section (b) may be made by filing with the clerk—

23 “(1) a proposed subpoena; and

24 “(2) a sworn declaration to the effect that—

1           “(A) the legal or beneficial owner or au-  
2           thorized person has a subjective good faith be-  
3           lief that the developer used some or all of 1 or  
4           more of the copyrighted works owned or con-  
5           trolled by the legal or beneficial owner to train  
6           the generative artificial intelligence model;

7           “(B) the purpose for which the subpoena is  
8           sought is to obtain copies of the training mate-  
9           rial, or records sufficient to identify with cer-  
10          tainty the training material, used to train the  
11          generative artificial intelligence model in order  
12          to determine whether the developer has used  
13          copyrighted works owned or controlled by the  
14          legal or beneficial owner in connection with the  
15          generative artificial intelligence model; and

16          “(C) the copies or records will only be used  
17          for the purpose of protecting the rights of the  
18          legal or beneficial owner.

19          “(d) CONTENTS OF SUBPOENA.—A subpoena issued  
20          pursuant to a request under subsection (b) shall authorize  
21          and order the developer receiving the subpoena to expedi-  
22          tiously disclose to the legal or beneficial owner or author-  
23          ized person all records described in that subsection.

24          “(e) BASIS FOR GRANTING SUBPOENA.—If a pro-  
25          posed subpoena described in subsection (c)(1) is in proper

1 form, and the accompanying declaration described in sub-  
2 section (c)(2) is properly executed, the clerk shall expedi-  
3 tiously issue and sign the proposed subpoena and return  
4 it to the requester for delivery to the developer.

5 “(f) ACTIONS OF DEVELOPER RECEIVING SUB-  
6 POENA.—Upon receipt of a subpoena issued under sub-  
7 section (e), a developer shall expeditiously disclose to the  
8 legal or beneficial owner or authorized person the copies  
9 or records requested by the subpoena.

10 “(g) DUTY OF CONFIDENTIALITY.—A legal or bene-  
11 ficial owner or authorized person who receives copies or  
12 records from a developer under this section may not dis-  
13 close the copies or records to any other person without  
14 proper authorization or consent.

15 “(h) RULES APPLICABLE TO SUBPOENA.—Unless  
16 otherwise provided by this section or by applicable rules  
17 of the court, the procedure for issuance and delivery of  
18 a subpoena issued under subsection (e), and the remedies  
19 for noncompliance with the subpoena, shall be governed  
20 to the greatest extent practicable by the provisions of the  
21 Federal Rules of Civil Procedure governing the issuance,  
22 service, and enforcement of a subpoena duces tecum.

23 “(i) REBUTTABLE PRESUMPTION.—If a developer  
24 fails to comply with a subpoena issued under subsection

1 (e), that failure shall provide a rebuttable presumption  
2 that the developer made copies of the copyrighted work.

3 “(j) SANCTIONS FOR BAD FAITH SUBPOENA RE-  
4 QUEST.—

5 “(1) MOTION.—If the legal or beneficial owner  
6 of an exclusive right under a copyright, or a person  
7 authorized to act on the owner’s behalf, requests a  
8 subpoena under subsection (b) in bad faith, the  
9 court that issued the subpoena, upon motion of the  
10 recipient of the subpoena, may impose sanctions on  
11 the legal or beneficial owner or authorized person.

12 “(2) IMPLEMENTATION.—Rule 11(c) of the  
13 Federal Rules of Civil Procedure shall apply to sanc-  
14 tions imposed under this subsection in the same  
15 manner as that rule applies to sanctions imposed for  
16 a violation of rule 11(b) of those Rules.

17 “(k) EFFECTIVE DATE.—This section shall take ef-  
18 fect on the date of enactment of this section.”.

19 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
20 The table of sections for chapter 5 of title 17, United  
21 States Code, is amended by adding at the end the fol-  
22 lowing:

“514. Subpoena for copies or records relating to artificial intelligence models.”.

1 **TITLE XIV—REQUIRING TRANS-**  
2 **PARENCY WITH RESPECT TO**  
3 **CONTENT AND CONTENT**  
4 **PROVENANCE INFORMATION;**  
5 **PROTECTING ARTISTIC CON-**  
6 **TENT**

7 **SEC. 1401. SHORT TITLE.**

8 This title may be cited as the “Content Origin Pro-  
9 tection and Integrity from Edited and Deepfaked Media  
10 Act of 2026”.

11 **SEC. 1402. DEFINITIONS.**

12 In this title:

13 (1) **ARTIFICIAL INTELLIGENCE BLUE-**  
14 **TEAMING.**—The term “artificial intelligence blue-  
15 teaming” means an effort to conduct operational  
16 vulnerability evaluations and provide mitigation  
17 techniques to entities who have a need for an inde-  
18 pendent technical review of the security posture of  
19 an artificial intelligence system.

20 (2) **ARTIFICIAL INTELLIGENCE RED-**  
21 **TEAMING.**—The term “artificial intelligence red-  
22 teaming” means structured adversarial testing ef-  
23 forts of an artificial intelligence system to identify  
24 risks, flaws, and vulnerabilities of the artificial intel-  
25 ligence system, such as harmful outputs from the

1 system, unforeseen or undesirable system behaviors,  
2 limitations, or potential risks associated with the  
3 misuse of the system.

4 (3) COMMISSION.—The term “Commission”  
5 means the Federal Trade Commission.

6 (4) CONTENT PROVENANCE INFORMATION.—  
7 The term “content provenance information” means  
8 state-of-the-art, machine-readable information docu-  
9 menting the origin and history of a piece of digital  
10 content, such as an image, a video, audio, or text.

11 (5) COVERED CONTENT.—The term “covered  
12 content” means a digital representation, such as  
13 text, an image, or audio or video content, of any  
14 work of authorship described in section 102 of title  
15 17, United States Code.

16 (6) COVERED PLATFORM.—The term “covered  
17 platform” means a website, internet application, or  
18 mobile application available to users in the United  
19 States, including a social networking site, video  
20 sharing service, search engine, or content aggrega-  
21 tion service available to users in the United States,  
22 that either—

23 (A) generates at least \$50,000,000 in an-  
24 nual revenue; or

1 (B) had at least 25,000,000 monthly active  
2 users for not fewer than 3 of the 12 months im-  
3 mediately preceding any conduct by the covered  
4 platform in violation of this title.

5 (7) DEEPFAKE.—The term “deepfake” means  
6 synthetic content or synthetically-modified content  
7 that—

8 (A) appears authentic to a reasonable per-  
9 son; and

10 (B) creates a false understanding or im-  
11 pression.

12 (8) DIRECTOR.—The term “Director” means  
13 the Under Secretary of Commerce for Intellectual  
14 Property and Director of the United States Patent  
15 and Trademark Office.

16 (9) SYNTHETIC CONTENT.—The term “syn-  
17 thetic content” means information, including works  
18 of human authorship such as images, videos, audio  
19 clips, and text, that has been wholly generated by al-  
20 gorithms, including by artificial intelligence.

21 (10) SYNTHETICALLY-MODIFIED CONTENT.—  
22 The term “synthetically-modified content” means in-  
23 formation, including works of human authorship  
24 such as images, videos, audio clips, and text, that

1 has been significantly modified by algorithms, in-  
2 cluding by artificial intelligence.

3 (11) UNDER SECRETARY.—The term “Under  
4 Secretary” means the Under Secretary of Commerce  
5 for Standards and Technology.

6 (12) WATERMARKING.—The term  
7 “watermarking” means the act of embedding infor-  
8 mation that is intended to be difficult to remove into  
9 an output, including an output such as text, an  
10 image, an audio, a video, software code, or any other  
11 digital content or data, for the purposes of verifying  
12 the authenticity of the output or the identity or  
13 characteristics of its provenance, modifications, or  
14 conveyance

15 **SEC. 1403. FACILITATION OF DEVELOPMENT OF STAND-**  
16 **ARDS FOR CONTENT PROVENANCE INFORMA-**  
17 **TION AND DETECTION OF SYNTHETIC CON-**  
18 **TENT AND SYNTHETICALLY-MODIFIED CON-**  
19 **TENT.**

20 (a) IN GENERAL.—The Under Secretary shall estab-  
21 lish a public-private partnership to facilitate the develop-  
22 ment of standards regarding content provenance informa-  
23 tion technologies and the detection of synthetic content  
24 and synthetically-modified content, including with respect  
25 to the following:

1           (1) Facilitating the development of guidelines  
2           and voluntary, consensus-based standards and best  
3           practices for watermarking, content provenance in-  
4           formation, synthetic content and synthetically-modi-  
5           fied content detection, including for images, audio,  
6           video, text, and multimodal content, the use of data  
7           to train artificial intelligence systems, and such  
8           other matters relating to transparency of synthetic  
9           media as the Under Secretary considers appropriate.

10           (2) Facilitating the development of guidelines,  
11           metrics, and practices to evaluate and assess tools to  
12           detect and label synthetic content, synthetically-  
13           modified content, and non-synthetic content, includ-  
14           ing artificial intelligence red-teaming and artificial  
15           intelligence blue-teaming.

16           (3) Establishing grand challenges and prizes in  
17           coordination with the Defense Advanced Research  
18           Projects Agency and the National Science Founda-  
19           tion to detect and label synthetic content, syn-  
20           thetically-modified content, and non-synthetic con-  
21           tent and to develop cybersecurity and other counter-  
22           measures to defend against tampering with detection  
23           tools, watermarks, or content provenance informa-  
24           tion.

1 (b) CONSULTATION.—In developing the standards de-  
2 scribed in subsection (a), the Under Secretary shall con-  
3 sult with the Register of Copyrights and the Director.

4 **SEC. 1404. NATIONAL INSTITUTE OF STANDARDS AND**  
5 **TECHNOLOGY RESEARCH, DEVELOPMENT,**  
6 **AND PUBLIC EDUCATION REGARDING SYN-**  
7 **THETIC CONTENT AND SYNTHETICALLY-**  
8 **MODIFIED CONTENT.**

9 (a) RESEARCH AND DEVELOPMENT.—The Under  
10 Secretary shall carry out a research program to enable ad-  
11 vances in measurement science, standards, and testing re-  
12 lating to the robustness and efficacy of—

13 (1) technologies for synthetic content and syn-  
14 thetically-modified content detection, watermarking,  
15 and content provenance information; and

16 (2) cybersecurity protections and other counter-  
17 measures used to prevent tampering with such tech-  
18 nologies.

19 (b) PUBLIC EDUCATION CAMPAIGNS REGARDING  
20 SYNTHETIC CONTENT.—Not later than 1 year after the  
21 date of enactment of this Act, the Under Secretary shall,  
22 in consultation with the Register of Copyrights and the  
23 Director, carry out a public education campaign regarding  
24 synthetic content and synthetically-modified content (in-

1 cluding deepfakes), watermarking, and content provenance  
2 information.

3 **SEC. 1405. REQUIREMENTS FOR CONTENT PROVENANCE IN-**  
4 **FORMATION; PROHIBITED ACTS.**

5 (a) CONTENT PROVENANCE INFORMATION.—

6 (1) SYNTHETIC CONTENT AND SYN-  
7 THETICALLY-MODIFIED CONTENT.—Beginning on  
8 the date that is 2 years after the date of enactment  
9 of this Act, any person who, for a commercial pur-  
10 pose, makes available in interstate commerce a tool  
11 used for the primary purpose of creating synthetic  
12 content or synthetically-modified content shall—

13 (A) taking into consideration the content  
14 provenance information standards established  
15 under section 1403, provide users of such tool  
16 with the ability to include content provenance  
17 information that indicates the piece of digital  
18 content is synthetic content or synthetically-  
19 modified content for any synthetic content or  
20 synthetically-modified content created by the  
21 tool; and

22 (B) in the event a user opts to include con-  
23 tent provenance information under subpara-  
24 graph (A), establish, to the extent technically  
25 feasible, reasonable security measures to ensure

1           that such content provenance information is  
2           machine-readable and not easily removed, al-  
3           tered, or separated from the underlying content.

4           (2) COVERED CONTENT.—Beginning on the  
5           date that is 2 years after the date of enactment of  
6           this Act, any person who, for a commercial purpose,  
7           makes available in interstate commerce a tool used  
8           for the primary purpose of creating or substantially  
9           modifying covered content shall—

10                   (A) taking into consideration the content  
11                   provenance information standards established  
12                   under section 1403, provide users of such tool  
13                   with the ability to include content provenance  
14                   information for any covered content created or  
15                   significantly modified by the tool; and

16                   (B) in the event a user opts to include con-  
17                   tent provenance information under subpara-  
18                   graph (A), establish, to the extent technically  
19                   feasible, reasonable security measures to ensure  
20                   that such content provenance information is  
21                   machine-readable and not easily removed, al-  
22                   tered, or separated from the underlying content.

23           (b) REMOVAL OF CONTENT PROVENANCE INFORMA-  
24           TION.—

1           (1) IN GENERAL.—It shall be unlawful for any  
2 person to knowingly remove, alter, tamper with, or  
3 disable content provenance information in further-  
4 ance of an unfair or deceptive act or practice in or  
5 affecting commerce.

6           (2) COVERED PLATFORMS.—

7           (A) IN GENERAL.—Subject to subpara-  
8 graph (B), it shall be unlawful for a covered  
9 platform, to remove, alter, tamper with, or dis-  
10 able content provenance information or to sepa-  
11 rate the content provenance information from  
12 the content so that the content provenance in-  
13 formation cannot be accessed by users of the  
14 platform.

15           (B) EXCEPTION FOR SECURITY RE-  
16 SEARCH.—A covered platform shall not be liable  
17 for a violation of subparagraph (A) if such cov-  
18 ered platform removes, alters, tampers with, or  
19 disables content provenance information for a  
20 purpose necessary, proportionate, and limited to  
21 perform research to enhance the security of the  
22 covered platform.

23           (c) PROHIBITION ON NON-CONSENSUAL USE OF COV-  
24 ERED CONTENT THAT HAS ATTACHED OR ASSOCIATED  
25 CONTENT PROVENANCE INFORMATION.—It shall be un-

1 lawful for any person, for a commercial purpose, to know-  
2 ingly use any covered content that has content provenance  
3 information that is attached to or associated with such  
4 covered content or covered content from which the person  
5 knows or should know that content provenance informa-  
6 tion has been removed or separated in violation of sub-  
7 section (b), in order to train a system that uses artificial  
8 intelligence or an algorithm or to generate synthetic con-  
9 tent or synthetically-modified content unless such person  
10 obtains the express, informed consent of the person who  
11 owns the covered content, and complies with any terms  
12 of use pertaining to the use of such content, including  
13 terms regarding compensation for such use, as required  
14 by the owner of copyright in such content.

15 **SEC. 1406. ENFORCEMENT.**

16 (a) ENFORCEMENT BY THE COMMISSION.—

17 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
18 TICES.—A violation of this title or a regulation pro-  
19 mulgated under this title shall be treated as a viola-  
20 tion of a rule defining an unfair or deceptive act or  
21 practice prescribed under section 18(a)(1)(B) of the  
22 Federal Trade Commission Act (15 U.S.C.  
23 57a(a)(1)(B)).

24 (2) POWERS OF THE COMMISSION.—

1           (A) IN GENERAL.—The Commission shall  
2           enforce this Act in the same manner, by the  
3           same means, and with the same jurisdiction,  
4           powers, and duties as though all applicable  
5           terms and provisions of the Federal Trade  
6           Commission Act (15 U.S.C. 41 et seq.) were in-  
7           corporated into and made a part of this title.

8           (B) PRIVILEGES AND IMMUNITIES.—Any  
9           person who violates this title, or a regulation  
10          promulgated under this title shall be subject to  
11          the penalties and entitled to the privileges and  
12          immunities provided in the Federal Trade Com-  
13          mission Act (15 U.S.C. 41 et seq.).

14          (C) AUTHORITY PRESERVED.—Nothing in  
15          this Act shall be construed to limit the author-  
16          ity of the Commission under any other provi-  
17          sion of law.

18          (b) ENFORCEMENT BY STATES.—

19               (1) IN GENERAL.—In any case in which the at-  
20               torney general of a State has reason to believe that  
21               an interest of the residents of the State has been or  
22               is threatened or adversely affected by the engage-  
23               ment of any person in a practice that violates this  
24               title, the attorney general of the State may, as  
25               *parens patriae*, bring a civil action on behalf of the

1 residents of the State in an appropriate district  
2 court of the United States to—

3 (A) enjoin further violation of this title by  
4 such person;

5 (B) compel compliance with this title;

6 (C) obtain damages, restitution, or other  
7 compensation on behalf of such residents; and

8 (D) obtain such other relief as the court  
9 may consider to be appropriate.

10 (2) RIGHTS OF THE COMMISSION.—

11 (A) NOTICE TO THE COMMISSION.—

12 (i) IN GENERAL.—Except as provided  
13 in clause (iii), the attorney general of a  
14 State shall notify the Commission in writ-  
15 ing that the attorney general intends to  
16 bring a civil action under paragraph (1)  
17 before initiating the civil action.

18 (ii) CONTENTS.—The notification re-  
19 quired by clause (i) with respect to a civil  
20 action shall include a copy of the complaint  
21 to be filed to initiate the civil action.

22 (iii) EXCEPTION.—If it is not feasible  
23 for the attorney general of a State to pro-  
24 vide the notification required by clause (i)  
25 before initiating a civil action under para-

1 graph (1), the attorney general shall notify  
2 the Commission immediately upon insti-  
3 tuting the civil action.

4 (B) INTERVENTION BY THE COMMIS-  
5 SION.—The Commission may—

6 (i) intervene in any civil action  
7 brought by the attorney general of a State  
8 under paragraph (1); and

9 (ii) upon intervening—

10 (I) be heard on all matters aris-  
11 ing in the civil action; and

12 (II) file petitions for appeal of a  
13 decision in the civil action.

14 (3) INVESTIGATORY POWERS.—Nothing in this  
15 subsection may be construed to prevent the attorney  
16 general of a State from exercising the powers con-  
17 ferred on the attorney general by the laws of the  
18 State to conduct investigations, to administer oaths  
19 or affirmations, or to compel the attendance of wit-  
20 nesses or the production of documentary or other  
21 evidence.

22 (4) ACTION BY THE COMMISSION.—If the Com-  
23 mission institutes a civil action or an administrative  
24 action with respect to a violation of this title, the at-  
25 torney general of a State may not, during the pend-

1       ency of such action, bring a civil action under para-  
2       graph (1) against any defendant named in the com-  
3       plaint of the Commission for the violation with re-  
4       spect to which the Commission instituted such ac-  
5       tion.

6               (5) VENUE; SERVICE OR PROCESS.—

7                   (A) VENUE.—Any action brought under  
8       paragraph (1) may be brought in—

9                       (i) the district court of the United  
10                      States that meets applicable requirements  
11                      relating to venue under section 1391 of  
12                      title 28, United States Code; or

13                       (ii) another court of competent juris-  
14                      diction.

15                   (B) SERVICE OF PROCESS.—In an action  
16       brought under paragraph (1), process may be  
17       served in any district in which the defendant—

18                       (i) is an inhabitant; or

19                       (ii) may be found.

20               (6) ACTIONS BY OTHER STATE OFFICIALS.—

21                   (A) IN GENERAL.—In addition to civil ac-  
22       tions brought by attorneys general under para-  
23       graph (1), any other officer of a State who is  
24       authorized by the State to do so may bring a  
25       civil action under paragraph (1), subject to the

1 same requirements and limitations that apply  
2 under this subsection to civil actions brought by  
3 attorneys general.

4 (B) SAVINGS PROVISION.—Nothing in this  
5 subsection may be construed to prohibit an au-  
6 thorized official of a State from initiating or  
7 continuing any proceeding in a court of the  
8 State for a violation of any civil or criminal law  
9 of the State.

10 (7) DAMAGES.—If a person brings a civil action  
11 for a violation of this title pursuant to subsection (c)  
12 and receives any monetary damages, the court shall  
13 reduce the amount of any damages awarded under  
14 this subsection by the amount of monetary damages  
15 awarded to such person.

16 (c) ENFORCEMENT BY PRIVATE PARTIES AND GOV-  
17 ERNMENT ENTITIES.—

18 (1) IN GENERAL.—Any person who owns cov-  
19 ered content that has content provenance informa-  
20 tion that is attached to or associated with such cov-  
21 ered content may bring a civil action in a court of  
22 competent jurisdiction against—

23 (A) any person or covered platform for re-  
24 moving, altering, tampering with, or disabling  
25 such content provenance information in viola-

1           tion of subsection (b)(1) or (b)(2) of section  
2           1405; and

3                   (B) any person for using such covered con-  
4           tent in violation of section 1405(c).

5           (2) RELIEF.—In a civil action brought under  
6           paragraph (1) in which the plaintiff prevails, the  
7           court may award the plaintiff declaratory or injunc-  
8           tive relief, compensatory damages, and reasonable  
9           litigation expenses, including a reasonable attorney’s  
10          fee.

11           (3) STATUTE OF LIMITATIONS.—An action for  
12          a violation of this title brought under this subsection  
13          may be commenced not later than 4 years after the  
14          date upon which the plaintiff discovers or should  
15          have discovered the facts giving rise to such viola-  
16          tion.

17 **SEC. 1407. RULE OF CONSTRUCTION.**

18          This title does not impair or in any way alter the  
19          rights of copyright owners under any other applicable law.

1 **TITLE XV—ARTIFICIAL INTEL-**  
2 **LIGENCE COPYRIGHT, TRANS-**  
3 **PARENCY, AND TRAINING**  
4 **DATA ACCOUNTABILITY**

5 **SEC. 1501. CLARIFICATION REGARDING ARTIFICIAL INTEL-**  
6 **LIGENCE TRAINING AND FAIR USE.**

7 Section 107 of title 17, United States Code, is  
8 amended—

9 (1) by striking “Notwithstanding” and insert-  
10 ing the following:

11 “(a) IN GENERAL.—Notwithstanding”; and

12 (2) by adding at the end the following:

13 “(b) ARTIFICIAL INTELLIGENCE TRAINING, INFER-  
14 ENCE, AND COMMERCIAL USE.—

15 “(1) DEFINITIONS.—In this subsection:

16 “(A) ARTIFICIAL INTELLIGENCE; AI.—The  
17 terms ‘artificial intelligence’ and ‘AI’ have the  
18 meanings given those terms in section 2 of The  
19 Republic Unifying Meritocratic Performance  
20 Advancing Machine intelligence by Eliminating  
21 Regulatory Interstate Chaos Across American  
22 Industry Act.

23 “(B) TRAINING.—The term ‘training’ in-  
24 cludes ingestion, analysis, embedding, or com-  
25 putational processing of copyrighted works to

1           develop or optimize parameters, weights, or ca-  
2           pabilities.

3           “(2) TRAINING AND INFERENCE EXCLUSION.—

4           The unauthorized reproduction, copying, or com-  
5           putational processing of copyrighted works for the  
6           purpose of training, fine-tuning, developing, or cre-  
7           ating artificial intelligence shall not constitute fair  
8           use under this section.

9           “(3) DERIVATIVE MODEL LIABILITY.—Any AI  
10          created in whole or in part through inference, dis-  
11          tillation, or similar processes shall be deemed to in-  
12          corporate copyrighted materials used in training ,  
13          fine-tuning, developing, or creating the AI unless the  
14          developer establishes by clear and convincing evi-  
15          dence that—

16                 “(A) the derivative AI was developed exclu-  
17                 sively using authorized materials; or

18                 “(B) no copyrighted expression from the  
19                 source AI training data is embedded in or re-  
20                 producible by the derivative AI.

21           “(4) OUTPUT LIABILITY.—Generation by AI of  
22          content that reproduces or derives from copyrighted  
23          works constitutes infringement.”.

1 **SEC. 1502. UNAUTHORIZED ARTIFICIAL INTELLIGENCE**  
2 **GENERATED DERIVATIVE WORKS.**

3 Section 103 of title 17, United States Code, is  
4 amended by adding at the end the following:

5 “(c) UNAUTHORIZED DERIVATIVE WORKS PRO-  
6 DUCED BY ARTIFICIAL INTELLIGENCES.—

7 “(1) IN GENERAL.—A derivative work gen-  
8 erated, synthesized, or produced by artificial intel-  
9 ligence, as defined in section 107(b), without the au-  
10 thorization of the copyright owner of the underlying  
11 work shall be deemed an infringing work under this  
12 title.

13 “(2) NO COPYRIGHT PROTECTION.—An infring-  
14 ing derivative work described in paragraph (1) shall  
15 not be eligible for copyright protection, and no per-  
16 son or entity may claim, assert, or register copyright  
17 in such work.

18 “(3) FINDING OF INFRINGEMENT NOT LIMITED  
19 TO ABSENCE OF HUMAN AUTHORSHIP.—The absence  
20 of human authorship, or the use of automated com-  
21 putational processes, shall not limit a finding of in-  
22 fringement under this subsection.

23 “(4) RULE OF CONSTRUCTION.—Nothing in  
24 this subsection shall be construed to permit the reg-  
25 istration of works that incorporate infringing AI-  
26 generated derivative material.”

1       **TITLE XVI—AGENCY USE OF**  
2       **ARTIFICIAL INTELLIGENCE**

3       **SEC. 1601. AGENCY USE OF ARTIFICIAL INTELLIGENCE.**

4       (a) DEFINITIONS.—In this section:

5               (1) AGENCY.—The term “agency” means—

6                       (A) an executive department (as defined in  
7                       section 101 of title 5, United States Code);

8                       (B) a military department (as defined in  
9                       section 102, United States Code);

10                      (C) an independent establishment (as de-  
11                      fined in section 104 of title 5, United States  
12                      Code); and

13                      (D) a wholly owned Government corpora-  
14                      tion (as defined in section 9101 of title 31,  
15                      United States Code).

16               (2) LARGE LANGUAGE MODEL.—The term  
17       “large language model” means a generative artificial  
18       intelligence model trained on vast and diverse  
19       datasets that enable the model to generate natural  
20       language responses to user prompts.

21               (3) NATIONAL SECURITY SYSTEM.—The term  
22       “national security system” has the meaning given  
23       the term in section 3552(b) of title 44, United  
24       States Code.

1           (4) UNBIASED ARTIFICIAL INTELLIGENCE PRIN-  
2           CIPLES.—The term “unbiased artificial intelligence  
3           principles”, with respect to a large language model,  
4           means—

5                   (A) truthfulness in responding to a user  
6                   prompt seeking factual information or analysis;

7                   (B) the prioritization of historical accu-  
8                   racy, scientific inquiry, and objectivity;

9                   (C) the acknowledgment of uncertainty in  
10                  a case in which reliable information is incom-  
11                  plete or contradictory;

12                  (D) ideological neutrality;

13                  (E) nonpartisanship;

14                  (F) the absence of manipulation in favor of  
15                  an ideological dogma, such as diversity, equity,  
16                  and inclusion; and

17                  (G) the absence of intentionally coded par-  
18                  tisan or ideological judgments with respect to  
19                  an output that is not prompted or otherwise  
20                  readily available to the end user.

21           (b) UNBIASED AI PRINCIPLES.—

22                   (1) IN GENERAL.—It shall be the policy of the  
23                   United States to promote the innovation and use of  
24                   trustworthy artificial intelligence.

1           (2) PROCUREMENT LIMITATION.—The head of  
2           an agency may only procure a large language model  
3           developed in accordance with unbiased artificial in-  
4           telligence principles.

5           (c) IMPLEMENTATION.—Not later than 120 days  
6           after the date of enactment of this Act, the Director of  
7           the Office of Management and Budget, in consultation  
8           with the Administrator for Federal Procurement Policy,  
9           the Administrator of General Services, and the Director  
10          of the Office of Science and Technology Policy, shall issue  
11          guidance implementing subsection (b) that—

12           (1) accounts for technical limitations in com-  
13           plying with that subsection;

14           (2) permits vendors to show that a large lan-  
15           guage model meets the requirements described in  
16           subparagraphs (D) through (G) of subsection (a)(4)  
17           by being transparent about ideological judgments  
18           through disclosure of the system prompt, specifica-  
19           tions, evaluations, or other relevant documentation  
20           of the large language model;

21           (3) avoids requiring disclosure of specific model  
22           weights or other sensitive technical data when prac-  
23           ticable;

24           (4) avoids over-prescription and affords latitude  
25           for vendors to comply with unbiased artificial intel-

1       ligence principles and take different approaches to  
2       innovation;

3               (5) specifies factors for the heads of agencies to  
4       consider in determining whether to apply the unbi-  
5       ased artificial intelligence principles to large lan-  
6       guage models developed by the agency and to artifi-  
7       cial intelligence models other than large language  
8       models; and

9               (6) makes exceptions as appropriate for the use  
10      of large language models in national security sys-  
11      tems.

12      (d) AGENCY REQUIREMENTS.—To the maximum ex-  
13      tent consistent with applicable law, the head of each agen-  
14      cy shall—

15              (1) include in each Federal contract for a large  
16      language model entered into after the date on which  
17      the Director of the Office of Management and Budg-  
18      et issues the guidance required under subsection (c)  
19      terms—

20                      (A) requiring that the procured large lan-  
21                      guage model comply with the unbiased artificial  
22                      intelligence principles; and

23                      (B) providing that decommissioning costs  
24                      shall be charged to the vendor in the event of  
25                      termination by the agency for the noncompli-

1           ance by the vendor with the contract following  
2           a reasonable period to cure;

3           (2) to the extent practicable and consistent with  
4           contract terms, revise existing contracts for large  
5           language models to include the terms described in  
6           paragraph (1); and

7           (3) not later than 90 days after the date on  
8           which the Director of the Office of Management and  
9           Budget issues the guidance required under sub-  
10          section (c), adopt procedures to ensure that large  
11          language models procured by the agency comply with  
12          unbiased artificial intelligence principles.

13          (e) GENERAL PROVISIONS.—

14           (1) RULES OF CONSTRUCTION.—Nothing in  
15          this section shall be construed to—

16           (A) impair or otherwise affect—

17           (i) the authority granted by law to an  
18          agency; or

19           (ii) the functions of the Director of  
20          the Office of Management and Budget re-  
21          lating to budgetary, administrative, or leg-  
22          islative proposals; or

23           (B) create any right or benefit, substantive  
24          or procedural, enforceable at law or in equity by  
25          any party against—

- 1 (i) the United States;  
2 (ii) an agency;  
3 (iii) an officer, employee, or agent of  
4 the United States; or  
5 (iv) any other person.

6 (2) IMPLEMENTATION.—This section shall be  
7 implemented consistent with applicable law and sub-  
8 ject to the availability of appropriations.

## 9 **TITLE XVII—MISCELLANEOUS**

### 10 **SEC. 1701. PREEMPTION.**

11 Notwithstanding any other provision of this Act or  
12 the amendments made by this Act, nothing in this Act  
13 or the amendments made by this Act shall preempt any  
14 generally applicable law, such as a body of common law  
15 or a scheme of sectoral governance, including a law, regu-  
16 lation, or other provision having the force or effect of law  
17 that may address artificial intelligence.

### 18 **SEC. 1702. SEVERABILITY.**

19 If any provision of this Act or any amendment made  
20 by this Act, or the application thereof to any person or  
21 circumstance, is held invalid, the remainder of this Act  
22 and the amendments made by this Act, and the applica-  
23 tion of the provision or amendment to other persons or  
24 circumstances, shall not be affected thereby.

1 **SEC. 1703. EFFECTIVE DATE.**

2       Except as otherwise provided, this Act and the  
3 amendments made by this Act shall take effect on the date  
4 that is 180 days after the date of enactment of this Act.