

119TH CONGRESS  
1ST SESSION

# H. R. 6371

To prohibit certain uses of automated decision systems by employers, and  
for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

DECEMBER 3, 2025

Ms. BONAMICI (for herself, Mr. DELUZIO, and Mr. MOYLAN) introduced the following bill; which was referred to the Committee on Education and Workforce, and in addition to the Committees on House Administration, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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## A BILL

To prohibit certain uses of automated decision systems by  
employers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “No Robot Bosses Act”.

5 **SEC. 2. DEFINITIONS.**

6 For purposes of this Act:

7 (1) **AUTOMATED DECISION SYSTEM.**—

1 (A) IN GENERAL.—The term “automated  
2 decision system” means a system, software, or  
3 process that—

4 (i) uses computation, in whole or in  
5 part, to determine outcomes, make or aid  
6 decisions (including through evaluations,  
7 metrics, or scoring), inform policy imple-  
8 mentation, or collect data or observations,  
9 including such a system, software, or proc-  
10 ess derived from machine learning, statis-  
11 tics, or other data processing or artificial  
12 intelligence techniques; and

13 (ii) is not passive computing infra-  
14 structure.

15 (B) PASSIVE COMPUTING INFRASTRUC-  
16 TURE.—For purposes of this paragraph, the  
17 term “passive computing infrastructure” means  
18 any intermediary technology that does not influ-  
19 ence or determine the outcome of a decision,  
20 make or aid in a decision (including through  
21 evaluations, metrics, or scoring), inform policy  
22 implementation, or collect data or observations,  
23 including web hosting, domain registration, net-  
24 working, caching, data storage, or cybersecu-  
25 rity.

1           (2) AUTOMATED DECISION SYSTEM OUTPUT.—

2           The term “automated decision system output”  
3           means any information, assumption, prediction,  
4           score, recommendation, decision, evaluation, metric,  
5           conclusion, inference, or profile generated by an  
6           automated decision system.

7           (3) CANDIDATE.—The term “candidate”, with  
8           respect to an employer, means an individual who ap-  
9           plies, or applied, to be employed by, or otherwise  
10          perform work for remuneration for, the employer.

11          (4) COVERED INDIVIDUAL.—The term “covered  
12          individual”, with respect to an employer, means an  
13          individual—

14                (A) who is employed by, or otherwise per-  
15                forming work for remuneration for, the em-  
16                ployer, including such an individual who is—

17                   (i) any individual performing work for  
18                   remuneration for an employer described in  
19                   clauses (i)(I) and (ii) of paragraph (6)(A);

20                   (ii) any individual performing work  
21                   for remuneration for an entity described in  
22                   paragraph (6)(A)(i)(II);

23                   (iii) any individual performing work  
24                   for remuneration for an employing office  
25                   described in paragraph (6)(A)(i)(III);

1 (iv) any individual performing work  
2 for remuneration for an employing office  
3 described in paragraph (6)(A)(i)(IV); or

4 (v) any individual performing work for  
5 remuneration for an employing agency de-  
6 scribed in paragraph (6)(A)(i)(V); or

7 (B) who is a candidate with respect to the  
8 employer.

9 (5) EMPLOY.—The term “employ” has the  
10 meaning given such term in section 3 of the Fair  
11 Labor Standards Act of 1938 (29 U.S.C. 203).

12 (6) EMPLOYER.—

13 (A) IN GENERAL.—The term “employer”  
14 means any person who is—

15 (i)(I) a covered employer who is not  
16 described in any other subclause of this  
17 clause;

18 (II) an entity employing a State em-  
19 ployee described in section 304(a) of the  
20 Government Employee Rights Act of 1991  
21 (42 U.S.C. 2000e–16e(a));

22 (III) an employing office, as defined  
23 in section 101 of the Congressional Ac-  
24 countability Act of 1995 (2 U.S.C. 1301);

1 (IV) an employing office, as defined in  
2 section 411(c) of title 3, United States  
3 Code; or

4 (V) an employing agency covered  
5 under subchapter V of chapter 63 of title  
6 5, United States Code; and

7 (ii) engaged in commerce (including  
8 government), or an industry or activity af-  
9 fecting commerce (including government).

10 (B) COVERED EMPLOYER.—In subpara-  
11 graph (A), the term “covered employer”—

12 (i) means any person engaged in com-  
13 merce or in any industry or activity affect-  
14 ing commerce who employs, or otherwise  
15 engages for the performance of work for  
16 remuneration, 11 or more covered individ-  
17 uals;

18 (ii) includes—

19 (I) any person who acts, directly  
20 or indirectly, in the interest of a cov-  
21 ered employer in relation to any indi-  
22 vidual performing work for remunera-  
23 tion for such covered employer;

24 (II) any successor in interest of a  
25 covered employer;

1 (III) any public agency; and

2 (IV) the Government Account-  
3 ability Office and the Library of Con-  
4 gress; and

5 (iii) does not include any labor organi-  
6 zation (other than when acting as an em-  
7 ployer) or anyone acting in the capacity of  
8 officer or agent of such labor organization.

9 (C) PUBLIC AGENCY.—For purposes of  
10 this paragraph, a public agency shall be consid-  
11 ered to be a person engaged in commerce or in  
12 an industry or activity affecting commerce.

13 (D) DEFINITIONS.—For purposes of this  
14 paragraph, the terms “commerce”, “person”,  
15 and “public agency” have the meanings given  
16 the terms in section 3 of the Fair Labor Stand-  
17 ards Act of 1938 (29 U.S.C. 203).

18 (7) EMPLOYMENT-RELATED DECISION.—The  
19 term “employment-related decision” includes a deci-  
20 sion by an employer with regard to—

21 (A) hiring a covered individual (including  
22 any decision with regard to recruiting, screen-  
23 ing, interviewing, or selecting a candidate);

1 (B) firing, retaining, taking a disciplinary  
2 action against, demoting, or reassigning duties  
3 of a covered individual; or

4 (C) any other term, condition, or privilege  
5 of employment or work of the covered indi-  
6 vidual, such as relating to pay, scheduling,  
7 health care or long-term care coverage, benefits,  
8 or hours worked or promoting a covered indi-  
9 vidual.

10 (8) GOVERNMENT ENTITY.—The term “govern-  
11 ment entity” means—

12 (A) a Federal agency (as such term is de-  
13 fined in section 3371 of title 5, United States  
14 Code);

15 (B) a State or political subdivision thereof;

16 (C) any agency, authority, or instrumen-  
17 tality of a State or political subdivision thereof;  
18 or

19 (D) a Tribal government or political sub-  
20 division thereof.

21 (9) INDIAN TRIBE.—The term “Indian Tribe”  
22 means any Indian or Alaska Native tribe, band, na-  
23 tion, pueblo, village, community, component band, or  
24 component reservation individually identified (includ-  
25 ing parenthetically) in the list published most re-

1 cently as of the date of enactment of this Act pursu-  
2 ant to section 104 of the Federally Recognized In-  
3 dian Tribe List Act of 1994 (25 U.S.C. 5131).

4 (10) LABOR ORGANIZATION.—The term “labor  
5 organization” has the meaning given the term in  
6 section 2(5) of the National Labor Relations Act (29  
7 U.S.C. 152(5)), except that such term shall also in-  
8 clude—

9 (A) any organization composed of labor or-  
10 ganizations, such as a labor union federation or  
11 a State or municipal labor body; and

12 (B) any organization which would be in-  
13 cluded in the definition for such term under  
14 such section 2(5) but for the fact that the orga-  
15 nization represents—

16 (i) individuals employed by the United  
17 States, any wholly owned Government cor-  
18 poration, any Federal Reserve Bank, or  
19 any State or political subdivision thereof;

20 (ii) individuals employed by persons  
21 subject to the Railway Labor Act (45  
22 U.S.C. 151 et seq.); or

23 (iii) individuals employed as agricul-  
24 tural laborers.

1           (11) PREDISPUTE ARBITRATION AGREEMENT.—

2           The term “predispute arbitration agreement” means  
3           any agreement to arbitrate a dispute that has not  
4           yet arisen at the time of the making of the agree-  
5           ment.

6           (12) PREDISPUTE JOINT-ACTION WAIVER.—The

7           term “predispute joint-action waiver” means an  
8           agreement, whether or not part of a predispute arbi-  
9           tration agreement, that would prohibit, or waive the  
10          right of, one of the parties to the agreement to par-  
11          ticipate in a joint, class, or collective action in a ju-  
12          dicial, arbitral, administrative, or other forum, con-  
13          cerning a dispute that has not yet arisen at the time  
14          of the making of the agreement.

15          (13) SECRETARY.—The term “Secretary”

16          means the Secretary of Labor.

17          (14) STATE.—The term “State” means each of

18          the several States of the United States, the District  
19          of Columbia, or any territory or possession of the  
20          United States.

21          (15) STATE ATTORNEY GENERAL.—The term

22          “State attorney general” means—

23                 (A) with respect to a State, the attorney  
24                 general or chief law enforcement officer of the  
25                 State, or another official or agency designated

1 by the State to bring civil actions on behalf of  
2 the State or the residents of the State; and

3 (B) with respect to a Tribal government,  
4 the attorney general or chief law enforcement  
5 officer of the Tribal government, or another of-  
6 ficial or agency designated by the Tribal gov-  
7 ernment to bring civil actions on behalf of the  
8 Tribal government or the Indian Tribe of the  
9 Tribal government.

10 (16) STATE PRIVACY REGULATOR.—The term  
11 “State privacy regulator” means—

12 (A) the chief consumer protection officer of  
13 a State; or

14 (B) a State consumer protection agency  
15 with expertise in data protection.

16 (17) TRIBAL GOVERNMENT.—The term “Tribal  
17 government” means the recognized governing body  
18 of an Indian Tribe.

19 **SEC. 3. USE OF AN AUTOMATED DECISION SYSTEM BY AN**  
20 **EMPLOYER.**

21 (a) EMPLOYMENT-RELATED DECISIONS.—

22 (1) IN GENERAL.—An employer—

23 (A) may not rely exclusively on an auto-  
24 mated decision system in making an employ-

1           ment-related decision with respect to a covered  
2           individual; and

3           (B) may not use an automated decision  
4           system output in making an employment-re-  
5           lated decision with respect to a covered indi-  
6           vidual unless—

7                   (i) the automated decision system  
8                   used to generate such automated decision  
9                   system output has had pre-deployment  
10                  testing and validation with respect to—

11                           (I) the efficacy of the system;

12                           (II) the compliance of the system  
13                   with applicable employment discrimi-  
14                   nation laws, including—

15                                   (aa) title VII of the Civil  
16                                   Rights Act of 1964 (42 U.S.C.  
17                                   2000e et seq.);

18                                   (bb) the Age Discrimination  
19                                   in Employment Act of 1967 (29  
20                                   U.S.C. 621 et seq.);

21                                   (cc) title I of the Americans  
22                                   with Disabilities Act of 1990 (42  
23                                   U.S.C. 12111 et seq.);

24                                   (dd) title II of the Genetic  
25                                   Information Nondiscrimination

1 Act of 2008 (42 U.S.C. 2000ff et  
2 seq.);

3 (ee) section 6(d) of the Fair  
4 Labor Standards Act of 1938 (29  
5 U.S.C. 206(d));

6 (ff) sections 501 and 505 of  
7 the Rehabilitation Act of 1973  
8 (29 U.S.C. 791; 793); and

9 (gg) the Pregnant Workers  
10 Fairness Act (division II of the  
11 Consolidated Appropriations Act,  
12 2023 (Public Law 117–328));

13 (III) the lack of any potential  
14 discriminatory impact of the system,  
15 including discriminatory impact based  
16 on race, color, religion, sex (including  
17 pregnancy, sexual orientation, or gen-  
18 der identity), national origin, age, or  
19 disability and genetic information (in-  
20 cluding family medical history); and

21 (IV) the compliance of the sys-  
22 tem with the Artificial Intelligence  
23 Risk Management Framework re-  
24 leased by the National Institute of

1 Standards and Technology on Janu-  
2 ary 26, 2023, or successor framework;

3 (ii) such automated decision system  
4 is, not less than annually, independently  
5 tested for discriminatory impact described  
6 in clause (i)(III) or potential biases and  
7 the results of such test are made publicly  
8 available;

9 (iii) the employer has provided the  
10 disclosure required under paragraph (2)  
11 with respect to such use of an automated  
12 decision system output;

13 (iv) such use is designed for purposes  
14 of making such an employment-related de-  
15 cision;

16 (v) the employer independently cor-  
17 roborates, via meaningful oversight by a  
18 human with appropriate and relevant expe-  
19 rience, such automated decision system  
20 output;

21 (vi) not later than 7 days after mak-  
22 ing such an employment-related decision,  
23 the employer provides full, accessible, and  
24 meaningful documentation in plain lan-  
25 guage to such covered individual (at no

1 cost to such covered individual) on the  
2 automated decision system output, includ-  
3 ing—

4 (I) a description of the auto-  
5 mated decision system used to gen-  
6 erate such automated decision system  
7 output;

8 (II) a description and expla-  
9 nation, in plain language, of the input  
10 data to such automated decision sys-  
11 tem used to generate such automated  
12 decision system output and a ma-  
13 chine-readable copy of such data;

14 (III) a description and expla-  
15 nation of how such automated deci-  
16 sion system output was used in mak-  
17 ing such employment-related decision;  
18 and

19 (IV) the reasoning for the use of  
20 such automated decision system out-  
21 put in such employment-related deci-  
22 sion; and

23 (vii) the employer enables the covered  
24 individual to, after receiving such docu-  
25 mentation—

1 (I) dispute (in a manner that is  
2 accessible and equitable and does not  
3 pose an unreasonable burden on the  
4 covered individual) such automated  
5 decision system output to a human  
6 with appropriate and relevant experi-  
7 ence; and

8 (II) appeal such employment-re-  
9 lated decision to a human with appro-  
10 priate and relevant experience who is  
11 not the human for purposes of the  
12 corroboration under clause (v).

13 (2) DISCLOSURE.—

14 (A) IN GENERAL.—An employer that uses  
15 or intends to use an automated decision system  
16 output in making an employment-related deci-  
17 sion with respect to a covered individual shall,  
18 in accordance with subparagraph (B), disclose  
19 to such covered individual—

20 (i) that the employer uses or intends  
21 to use an automated decision system out-  
22 put in making such an employment-related  
23 decision;

24 (ii) a description and explanation of  
25 the automated decision system used or in-

1 tended to be used to generate such auto-  
2 mated decision system output, including—

3 (I) the types of data collected or  
4 intended to be collected as inputs to  
5 the automated decision system and  
6 the circumstances of such collection;

7 (II) the characteristics that the  
8 automated decision system measures  
9 or is intended to measure, such as the  
10 knowledge, skills, or abilities of the  
11 covered individual;

12 (III) how such characteristics re-  
13 late or would relate to any function  
14 required for the work or potential  
15 work of the covered individual;

16 (IV) how the system measures or  
17 is intended to measure such charac-  
18 teristics; and

19 (V) how the covered individual  
20 can interpret the automated decision  
21 system output in plain language;

22 (iii) the identity of the individual or  
23 entity that operates the automated decision  
24 system that provides such an automated  
25 decision system output;

1 (iv) how the employer uses or intends  
2 to use such an automated decision system  
3 output in making such an employment-re-  
4 lated decision; and

5 (v) how the covered individual may  
6 dispute or appeal an employment-related  
7 decision made with respect to the covered  
8 individual using an automated decision sys-  
9 tem output.

10 (B) TIMING OF NOTICE.—

11 (i) INITIAL DISCLOSURE.—An em-  
12 ployer shall provide the disclosure required  
13 under subparagraph (A)—

14 (I) in the case of a covered indi-  
15 vidual for whom an employment-re-  
16 lated decision with regard to the hir-  
17 ing of the covered individual—

18 (aa) was made before the  
19 date of enactment of this Act, to  
20 the covered individual not later  
21 than 30 days after such date of  
22 enactment; or

23 (bb) is made on or after the  
24 date of enactment of this Act, to  
25 the covered individual, except as

1 provided in subclause (II), prior  
2 to making such employment-re-  
3 lated decision; and

4 (II) in the case of a candidate  
5 who applies to the employer on or  
6 after the date of enactment of this  
7 Act, prior to accepting an application  
8 by the candidate to be employed by,  
9 or otherwise perform work for remun-  
10 eration for, the employer.

11 (ii) SUBSEQUENT DISCLOSURES.—Not  
12 later than 30 days after any information  
13 provided by an employer to a covered indi-  
14 vidual through a disclosure required under  
15 clause (ii) or (iv) of subparagraph (A) sig-  
16 nificantly changes or after any significant  
17 new information required to be provided in  
18 such a disclosure becomes available, the  
19 employer shall provide the covered indi-  
20 vidual with an updated disclosure.

21 (3) TRAINING.—An employer that uses or in-  
22 tends to use an automated decision system output in  
23 making an employment-related decision with respect  
24 to a covered individual shall train any individual or  
25 entity that operates the automated decision system

1 that provides such an automated decision system  
2 output or uses such automated decision system out-  
3 put on the use of such system, including on—

4 (A) the input information used by such  
5 automated decision system;

6 (B) the appeals process for such an auto-  
7 mated decision system output;

8 (C) potential biases in automated decision  
9 systems;

10 (D) any limitations of the automated deci-  
11 sion system;

12 (E) any potential adverse effects to covered  
13 individuals due to the automated decision sys-  
14 tem;

15 (F) any potential errors or problems re-  
16 lated to the automated decision system; and

17 (G) examples of inappropriate uses of the  
18 automated decision system.

19 (b) MANAGEMENT BY AN AUTOMATED DECISION  
20 SYSTEM.—An employer that manages a covered individual  
21 through an automated decision system shall enable the  
22 covered individual to opt out of such management and be  
23 managed through a human manager who is able to make  
24 employment-related decisions with respect to the covered  
25 individual.

1 **SEC. 4. ESTABLISHMENT OF TECHNOLOGY AND WORKER**  
2 **PROTECTION DIVISION.**

3 (a) IN GENERAL.—There is established in the De-  
4 partment of Labor the Technology and Worker Protection  
5 Division.

6 (b) ADMINISTRATOR OF THE TECHNOLOGY AND  
7 WORKER PROTECTION DIVISION.—The President shall  
8 appoint an Administrator of the Technology and Worker  
9 Protection Division to head the Technology and Worker  
10 Protection Division.

11 (c) EMPLOYEES AND ADVISORY BOARDS OF THE DI-  
12 VISION.—

13 (1) IN GENERAL.—The Administrator—

14 (A) may select, appoint, and employ, with-  
15 out regard to the provisions of sections 3309  
16 through 3318 of title 5, United States Code, in-  
17 dividuals, including technologists, directly to po-  
18 sitions in the competitive service, as defined in  
19 section 2102 of such title, to carry out the du-  
20 ties of the Administrator under this Act; and

21 (B) may fix the compensation of the indi-  
22 viduals described in subparagraph (A) without  
23 regard to chapter 51 and subchapter III of  
24 chapter 53 of title 5, United States Code, relat-  
25 ing to classification of positions and General  
26 Schedule pay rates, except that the rate of pay

1 for such individuals may not exceed the rate  
2 payable for level V of the Executive Schedule  
3 under section 5316 of that title.

4 (2) ADVISORY BOARDS.—

5 (A) ESTABLISHMENT.—The Administrator  
6 shall establish the following advisory boards to  
7 advise and consult with in the exercise of the  
8 functions of the Administrator under this Act  
9 and to provide information on emerging prac-  
10 tices relating to the treatment of data by em-  
11 ployers:

12 (i) The User Advisory Board, which  
13 shall be comprised of experts in consumer  
14 protection, privacy, civil rights, disability  
15 rights, labor organizations, and ethics.

16 (ii) The Research Advisory Board,  
17 which shall be comprised of individuals  
18 with academic and research expertise in  
19 privacy, cybersecurity, computer science,  
20 innovation, design, ethics, economics, civil  
21 rights law, disability law, labor organiza-  
22 tions and public policy and representatives  
23 of labor organizations.

24 (iii) The Product Advisory Board,  
25 which shall be comprised of technologists,

1 computer scientists, designers, product  
2 managers, attorneys, representatives of  
3 labor organizations, workplace technology  
4 experts, accessibility experts, and other  
5 representatives of employers and employ-  
6 ees.

7 (iv) The Labor Advisory Board, which  
8 shall be comprised of representatives of  
9 labor organizations and representatives of  
10 workers.

11 (B) APPOINTMENTS.—The Administrator  
12 shall appoint members to the advisory boards  
13 established under subparagraph (A) without re-  
14 gard to party affiliation.

15 (C) REPRESENTATION FROM ACROSS RE-  
16 GIONS AND SECTORS.—In appointing members  
17 to each advisory board established under sub-  
18 paragraph (A), the Administrator shall ensure  
19 that the membership of such boards includes in-  
20 dividuals who—

21 (i) represent a range of geographic re-  
22 gions of the United States and its terri-  
23 tories, including rural, suburban, and  
24 urban areas;

1 (ii) provide perspectives and expertise  
2 from employers of varying sizes, including  
3 small- and medium-sized businesses;

4 (iii) include individuals with scientific  
5 expertise relevant to the use of automated  
6 decision systems in the workplace; and

7 (iv) reflect experience from distinct  
8 sectors of the economy and worker protec-  
9 tion fields to ensure that the advisory  
10 boards collectively consider the interests of  
11 employees and employers across all major  
12 industries and regions.

13 (D) MEETINGS.—Each advisory board es-  
14 tablished under subparagraph (A) shall meet—

15 (i) at the call of the Administrator;

16 and

17 (ii) not less than 2 times annually.

18 (E) COMPENSATION AND TRAVEL EX-  
19 PENSES.—A member of an advisory board es-  
20 tablished under subparagraph (A) who is not an  
21 officer or employee of the Federal Government  
22 shall—

23 (i) be entitled to receive compensation  
24 at a rate fixed by the Administrator while

1 attending meetings of the advisory board,  
2 including travel time; and

3 (ii) receive travel expenses, including  
4 per diem in lieu of subsistence, in accord-  
5 ance with applicable provisions under sub-  
6 chapter I of chapter 57 of title 5, United  
7 States Code.

8 (F) EXEMPTION FROM THE FEDERAL AD-  
9 VISORY COMMITTEE ACT.—Each advisory board  
10 established under subparagraph (A) shall be ex-  
11 empt from chapter 10 of title 5, United States  
12 Code.

13 (3) USE OF VOLUNTARY SERVICES.—The Ad-  
14 ministrator may, as may from time to time be need-  
15 ed, use any voluntary or uncompensated services.

16 (4) ATTORNEYS.—Attorneys appointed under  
17 this subsection may appear for and represent the  
18 Administrator in any litigation.

19 (d) OFFICES.—

20 (1) IN GENERAL.—The principal office of the  
21 Technology and Worker Protection Division shall be  
22 in the District of Columbia.

23 (2) REGIONAL, LOCAL, AND OTHER OFFICES.—  
24 The Administrator may establish regional, local, or  
25 other offices.

1 **SEC. 5. REGULATIONS.**

2 (a) IN GENERAL.—

3 (1) AUTHORITY.—

4 (A) IN GENERAL.—Except as provided in  
5 paragraph (2), the Secretary, acting through  
6 the Administrator, may prescribe such regula-  
7 tions as may be necessary to carry out this Act  
8 with respect to covered individuals described in  
9 section 2(4)(A) (other than covered individuals  
10 described in clauses (iii) through (v) of such  
11 section) and other individuals affected by em-  
12 ployers described in subclause (I) or (II) of sec-  
13 tion 2(6)(A)(i), including individuals who are  
14 covered individuals described in section 2(4)(B)  
15 with respect to such employers.

16 (B) CONSULTATION.—In prescribing any  
17 regulations authorized under this paragraph,  
18 the Secretary, acting through the Adminis-  
19 trator, may consult with—

20 (i) Federal agencies that have juris-  
21 diction over Federal privacy laws or exper-  
22 tise in privacy, including the Federal  
23 Trade Commission;

24 (ii) Federal agencies that have juris-  
25 diction over labor and employment issues,  
26 including the Equal Employment Oppor-

1 tunity Commission, the National Science  
2 Foundation, and the National Labor Rela-  
3 tions Board; and

4 (iii) any other Federal agencies with  
5 relevant expertise, including the United  
6 States Access Board and the Office of  
7 Science and Technology Policy.

8 (2) GOVERNMENT ACCOUNTABILITY OFFICE; LI-  
9 BRARY OF CONGRESS.—The Comptroller General of  
10 the United States and the Librarian of Congress  
11 shall prescribe any regulations described in para-  
12 graph (1)(A) with respect to covered individuals of  
13 the Government Accountability Office and the Li-  
14 brary of Congress, respectively, and other individuals  
15 affected by the Comptroller General of the United  
16 States and the Librarian of Congress, respectively.

17 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
18 COUNTABILITY ACT OF 1995.—

19 (1) AUTHORITY.—Not later than 45 days after  
20 the Secretary prescribes any regulation under sub-  
21 section (a)(1)(A), the Board of Directors of the Of-  
22 fice of Compliance shall prescribe (in accordance  
23 with section 304 of the Congressional Accountability  
24 Act of 1995 (2 U.S.C. 1384)) such regulations as  
25 may be necessary to carry out this Act with respect

1 to covered individuals described in section  
2 2(4)(A)(iii) and other individuals affected by em-  
3 ployers described in section 2(6)(A)(i)(III), including  
4 individuals who are covered individuals described in  
5 section 2(4)(B) with respect to such employers.

6 (2) AGENCY REGULATIONS.—The regulations  
7 prescribed under paragraph (1) shall be the same as  
8 substantive regulations promulgated by the Sec-  
9 retary under subsection (a)(1)(A) except insofar as  
10 the Board may determine, for good cause shown and  
11 stated together with the regulations prescribed  
12 under paragraph (1), that a modification of such  
13 regulations would be more effective for the imple-  
14 mentation of the rights and protections involved  
15 under this section.

16 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
17 3, UNITED STATES CODE.—

18 (1) AUTHORITY.—Not later than 45 days after  
19 the Secretary prescribes any regulation under sub-  
20 section (a)(1)(A), the President (or the designee of  
21 the President) shall prescribe such regulations as  
22 may be necessary to carry out this Act with respect  
23 to covered individuals described in section  
24 2(4)(A)(iv) and other individuals affected by employ-  
25 ers described in section 2(6)(A)(i)(IV), including in-

1 individuals who are covered individuals described in  
2 section 2(4)(B) with respect to such employers.

3 (2) AGENCY REGULATIONS.—The regulations  
4 prescribed under paragraph (1) shall be the same as  
5 substantive regulations promulgated by the Sec-  
6 retary under subsection (a)(1)(A) except insofar as  
7 the President (or designee) may determine, for good  
8 cause shown and stated together with the regula-  
9 tions prescribed under paragraph (1), that a modi-  
10 fication of such regulations would be more effective  
11 for the implementation of the rights and protections  
12 involved under this section.

13 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE  
14 5, UNITED STATES CODE.—

15 (1) AUTHORITY.—Not later than 45 days after  
16 the Secretary prescribes any regulation under sub-  
17 section (a)(1)(A), the Director of the Office of Per-  
18 sonnel Management shall prescribe such regulations  
19 as may be necessary to carry out this Act with re-  
20 spect to covered individuals described in section  
21 2(4)(A)(v) and other individuals affected by employ-  
22 ers described in section 2(6)(A)(i)(V), including indi-  
23 viduals who are covered individuals described in sec-  
24 tion 2(4)(B) with respect to such employers.

1           (2) AGENCY REGULATIONS.—The regulations  
2           prescribed under paragraph (1) shall be the same as  
3           substantive regulations promulgated by the Sec-  
4           retary under subsection (a)(1)(A) except insofar as  
5           the Director may determine, for good cause shown  
6           and stated together with the regulations prescribed  
7           under paragraph (1), that a modification of such  
8           regulations would be more effective for the imple-  
9           mentation of the rights and protections involved  
10          under this section.

11 **SEC. 6. WHISTLEBLOWER PROTECTIONS.**

12          No employer shall discriminate or retaliate (including  
13          through intimidation, threats, coercion, or harassment)  
14          against any covered individual of the employer—

15                 (1) for exercising, or attempting to exercise,  
16                 any right provided under this Act; or

17                 (2) because the covered individual (or another  
18                 individual acting at the request of the covered indi-  
19                 vidual) has—

20                         (A) filed a written or oral complaint to the  
21                         employer or a Federal, State, or local govern-  
22                         ment entity of a violation of section 3;

23                         (B) sought assistance or intervention with  
24                         respect to a worker privacy-related concern

1 from the employer, a Federal, State, or local  
2 government, or a worker representative;

3 (C) instituted, caused to be instituted, or  
4 otherwise participated in any inquiry or pro-  
5 ceeding under or related to this Act;

6 (D) given, or is about to give, any informa-  
7 tion in connection with any inquiry or pro-  
8 ceeding relating to any right provided under  
9 this Act; or

10 (E) testified, or is about to testify, in any  
11 inquiry or proceeding relating to any right pro-  
12 vided under this Act.

13 **SEC. 7. ENFORCEMENT.**

14 (a) IN GENERAL.—

15 (1) DEFINITION.—For purposes of this sub-  
16 section:

17 (A) COVERED INDIVIDUAL.—The term  
18 “covered individual” means a covered indi-  
19 vidual—

20 (i) described in section 2(4)(A) (other  
21 than covered individuals described in  
22 clauses (iii) through (v) of such section); or

23 (ii) described in section 2(4)(B) with  
24 respect to an employer.

1           (B) EMPLOYER.—The term “employer”  
2 means an employer described in subclause (I)  
3 or (II) of section 2(6)(A)(i).

4           (2) ENFORCEMENT BY THE TECHNOLOGY AND  
5 WORKER PROTECTION DIVISION.—

6           (A) INVESTIGATION.—

7           (i) IN GENERAL.—To ensure compli-  
8 ance with the provisions of this Act, or any  
9 regulation or order issued under this Act,  
10 the Secretary, acting through the Adminis-  
11 trator—

12                   (I) may investigate and gather  
13 data regarding the wages, hours, and  
14 other conditions and practices of em-  
15 ployment in any industry subject to  
16 this Act, and may enter and inspect  
17 any place or record (and make such  
18 transcriptions thereof), question any  
19 covered individual, and investigate any  
20 facts, conditions, practices, or matters  
21 as the Secretary may deem necessary  
22 or appropriate to determine whether  
23 an employer has violated any provi-  
24 sion of this Act, or which may aid in

1 the enforcement of the provisions of  
2 this Act; and

3 (II) may require, by general or  
4 special orders, an employer, to file  
5 with the Secretary, in such form as  
6 the Secretary may prescribe, annual  
7 or special reports or answers in writ-  
8 ing to specific questions, furnishing to  
9 the Secretary such information or  
10 records as the Secretary may require  
11 as to the organization, business, con-  
12 duct, practices, management, and re-  
13 lation to other corporations, partner-  
14 ships, and individuals, of the em-  
15 ployer.

16 (ii) REPORTS AND ANSWERS.—An em-  
17 ployer shall file the reports and answers  
18 (including information and records) re-  
19 quired under clause (i)(II) in such manner,  
20 including under oath or otherwise, and  
21 within such reasonable time period as the  
22 Secretary may require.

23 (iii) JOINT INVESTIGATIONS.—The  
24 Secretary, acting through the Adminis-  
25 trator, may conduct investigations and

1 make requests for information, as author-  
2 ized under this Act, on a joint basis with  
3 another Federal agency, a State attorney  
4 general, or a State agency.

5 (iv) OBLIGATION TO KEEP, PRESERVE,  
6 AND MAKE AVAILABLE RECORDS.—An em-  
7 ployer shall make, keep, preserve, and  
8 make available to the Secretary records  
9 pertaining to compliance with this Act in  
10 accordance with section 11(c) of the Fair  
11 Labor Standards Act of 1938 (29 U.S.C.  
12 211(c)) and in accordance with any regula-  
13 tion or order issued by the Secretary.

14 (B) ENFORCEMENT.—With respect to em-  
15 ployers and covered individuals, the Secretary,  
16 acting through the Administrator, shall receive,  
17 investigate, and attempt to resolve complaints  
18 of violations of section 3 or 6 in the same man-  
19 ner that the Secretary receives, investigates,  
20 and attempts to resolve complaints of violations  
21 of sections 6 and 7 of the Fair Labor Stand-  
22 ards Act of 1938 (29 U.S.C. 206 and 207).

23 (C) REFERRAL FOR CRIMINAL PRO-  
24 CEEDINGS.—If the Secretary, in the course of  
25 the performance of any act or duty under this

1 Act, obtains evidence that any employer has en-  
2 gaged in conduct that may constitute a viola-  
3 tion of Federal criminal law, the Secretary shall  
4 refer the matter to the Attorney General for  
5 prosecution under any applicable law. Nothing  
6 in this paragraph shall affect any other author-  
7 ity of the Secretary to disclose information.

8 (D) LITIGATION.—The Solicitor of Labor  
9 may appear for and represent the Secretary on  
10 any litigation brought under this subsection.

11 (3) PRIVATE RIGHT OF ACTION.—

12 (A) IN GENERAL.—

13 (i) COVERED INDIVIDUAL.—Notwith-  
14 standing any action by the Secretary under  
15 paragraph (2)(B), any covered individual  
16 adversely affected by an alleged violation of  
17 section 3 or 6, may commence a civil ac-  
18 tion against any person that violates such  
19 section in any Federal court of competent  
20 jurisdiction.

21 (ii) LABOR ORGANIZATION.—Notwith-  
22 standing any action by the Secretary under  
23 paragraph (2)(B), any labor organization  
24 adversely affected by an alleged violation of  
25 3 or 6 may commence a civil action against

1 any person that violates such section in  
2 any Federal court of competent jurisdic-  
3 tion.

4 (B) RELIEF.—

5 (i) IN GENERAL.—In a civil action  
6 brought under subparagraph (A) in which  
7 the covered individual or labor organization  
8 prevails, the court may award the covered  
9 individual or labor organization—

10 (I) damages of—

11 (aa) an amount equal to the  
12 sum of any actual damages sus-  
13 tained by the covered individual;  
14 or

15 (bb) not more than treble  
16 damages;

17 (II) statutory damages described  
18 in clause (iv);

19 (III) injunctive relief; and

20 (IV) equitable relief.

21 (ii) ATTORNEY'S FEES.—In a civil ac-  
22 tion brought under subparagraph (A) in  
23 which the covered individual or labor orga-  
24 nization prevails, the court shall award the  
25 covered individual or labor organization

1 reasonable attorney's fees and litigation  
2 costs.

3 (iii) TEMPORARY RELIEF FOR WHIS-  
4 TLEBLOWERS.—In a civil action brought  
5 under subparagraph (A) regarding a viola-  
6 tion of section 6, the court may award the  
7 covered individual or labor organization  
8 temporary relief while the case is pending,  
9 including reinstatement.

10 (iv) STATUTORY DAMAGES.—The  
11 court may, in accordance with clause (v),  
12 award statutory damages under clause  
13 (i)(II) against a person in the following  
14 amounts:

15 (I) USING AN AUTOMATED DECI-  
16 SION SYSTEM FOR PROHIBITED AC-  
17 TIVITIES.—For each violation of sec-  
18 tion 3 by an employer with respect to  
19 a covered individual, the court may,  
20 subject to clause (vi), award—

21 (aa) damages of an amount  
22 not less than \$5,000 and not  
23 more than \$20,000; or

24 (bb) for any willful or re-  
25 peated violation by the employer,

1 damages of an amount not less  
2 than \$10,000 and not more than  
3 \$40,000.

4 (II) RETALIATION ON WHISTLE-  
5 BLOWERS.—For each violation of sec-  
6 tion 6, the court may, subject to  
7 clause (vi), award—

8 (aa) damages of an amount  
9 not less than \$5,000 and not  
10 more than \$50,000; or

11 (bb) for any willful or re-  
12 peated violation, damages of an  
13 amount not less than \$10,000  
14 and not more than \$100,000.

15 (v) CONSIDERATIONS FOR STATUTORY  
16 DAMAGES.—In determining the amount of  
17 statutory damages assessed under clause  
18 (iv), the court shall consider any relevant  
19 circumstances presented by the parties to  
20 the action, including—

21 (I) the nature and seriousness of  
22 the violation;

23 (II) the number of violations;

24 (III) the persistence of the mis-  
25 conduct;

1 (IV) the length of time over  
2 which the misconduct occurred;

3 (V) the willfulness of the mis-  
4 conduct of the employer; and

5 (VI) the assets, liabilities, and  
6 net worth of the employer.

7 (vi) ADJUSTMENT FOR INFLATION.—

8 The dollar amounts referred to subclauses  
9 (I) and (II) of clause (iv) shall be in-  
10 creased annually, for fiscal year 2026 and  
11 every fiscal year thereafter, by the percent  
12 increase, if any, in the consumer price  
13 index for all urban consumers for the most  
14 recent 12-month period for which applica-  
15 ble data is available.

16 (C) RIGHTS OF THE SECRETARY AND A  
17 STATE ATTORNEY GENERAL.—Prior to an cov-  
18 ered individual or labor organization bringing a  
19 civil action under subparagraph (A), such cov-  
20 ered individual or labor organization shall, in  
21 writing, notify the Secretary and any relevant  
22 State attorney general of the intent to com-  
23 mence such civil action. Upon receiving such  
24 notice, the Secretary and State attorney general

1 shall each, not later than 60 days after receiv-  
2 ing such notice—

3 (i) determine whether to intervene in  
4 such action and, upon intervening—

5 (I) be heard on all matters aris-  
6 ing in such action; and

7 (II) file petitions for appeal of a  
8 decision in such action; and

9 (ii) notify such covered individual or  
10 labor organization.

11 (D) REMEDIES FOR STATE EMPLOYEES.—

12 (i) WAIVER OF SOVEREIGN IMMUN-  
13 NITY.—A State’s receipt or use of Federal  
14 financial assistance for any program or ac-  
15 tivity of a State shall constitute a waiver  
16 of sovereign immunity, under the 11th  
17 Amendment to the Constitution of the  
18 United States or otherwise, to a suit  
19 brought by a covered individual of that  
20 program or activity, or a labor organiza-  
21 tion representing such a covered individual,  
22 under this paragraph for equitable, legal,  
23 or other relief authorized under this para-  
24 graph.

1           (ii) OFFICIAL CAPACITY.—An official  
2 of a State may be sued in the official ca-  
3 pacity of the official by any covered indi-  
4 vidual or such a labor organization who  
5 has complied with the procedures under  
6 this paragraph, for injunctive relief that is  
7 authorized under this paragraph. In such a  
8 suit the court may award to the prevailing  
9 party those costs authorized by section 722  
10 of the Revised Statutes (42 U.S.C. 1988).

11           (iii) APPLICABILITY.—With respect to  
12 a particular program or activity, clause (i)  
13 applies to conduct that occurs—

14                   (I) after the date of enactment of  
15 this Act; and

16                   (II) on or after the day on which  
17 a State first receives or uses Federal  
18 financial assistance for that program  
19 or activity.

20           (iv) DEFINITION OF PROGRAM OR AC-  
21 TIVITY.—In this subparagraph, the term  
22 “program or activity” has the meaning  
23 given the term in section 606 of the Civil  
24 Rights Act of 1964 (42 U.S.C. 2000d–4a).

1 (E) REMEDIES FOR TRIBAL GOVERNMENT  
2 EMPLOYEES.—

3 (i) WAIVER OF SOVEREIGN IMMUN-  
4 NITY.—A Tribal government's receipt or  
5 use of Federal financial assistance for any  
6 program or activity of the Tribal govern-  
7 ment shall constitute a waiver of sovereign  
8 immunity to a suit brought by a covered  
9 individual of that program or activity, or a  
10 labor organization representing such a cov-  
11 ered individual, under this paragraph for  
12 equitable, legal, or other relief authorized  
13 under this paragraph.

14 (ii) OFFICIAL CAPACITY.—An official  
15 of a Tribal government may be sued in the  
16 official capacity of the official by any cov-  
17 ered individual or such a labor organiza-  
18 tion who has complied with the procedures  
19 under this paragraph for injunctive relief  
20 that is authorized under this paragraph. In  
21 such a suit the court may award to the  
22 prevailing party those costs authorized by  
23 section 722 of the Revised Statutes (42  
24 U.S.C. 1988).

1 (iii) APPLICABILITY.—With respect to  
2 a particular program or activity, clause (i)  
3 applies to conduct that occurs—

4 (I) after the date of enactment of  
5 this Act; and

6 (II) on or after the day on which  
7 a Tribal government first receives or  
8 uses Federal financial assistance for  
9 that program or activity.

10 (iv) DEFINITION OF PROGRAM OR AC-  
11 TIVITY.—In this subparagraph, the term  
12 “program or activity” has the meaning  
13 given the term in section 606 of the Civil  
14 Rights Act of 1964 (42 U.S.C. 2000d–4a).

15 (4) ENFORCEMENT BY THE GOVERNMENT AC-  
16 COUNTABILITY OFFICE AND LIBRARY OF CON-  
17 GRESS.—Notwithstanding any other provision of this  
18 subsection, in the case of the Government Account-  
19 ability Office and the Library of Congress, the au-  
20 thority of the Secretary under this subsection shall  
21 be exercised respectively by the Comptroller General  
22 of the United States and the Librarian of Congress,  
23 respectively.

24 (b) EMPLOYEES COVERED BY CONGRESSIONAL AC-  
25 COUNTABILITY ACT OF 1995.—The powers, remedies, and

1 procedures provided in the Congressional Accountability  
2 Act of 1995 (2 U.S.C. 1301 et seq.) to the Board (as de-  
3 fined in section 101 of that Act (2 U.S.C. 1301)), or any  
4 person, alleging a violation of section 202(a)(1) of that  
5 Act (2 U.S.C. 1312(a)(1)) shall be the powers, remedies,  
6 and procedures this Act provides to that Board, or any  
7 person, with regard to an allegation of a violation of sec-  
8 tion 3 or 6 against a covered individual described in sec-  
9 tion 2(4)(A)(iii) or described in section 2(4)(B) with re-  
10 spect to an employer described in section 2(6)(A)(i)(III).

11 (c) EMPLOYEES COVERED BY CHAPTER 5 OF TITLE  
12 3, UNITED STATES CODE.—The powers, remedies, and  
13 procedures provided in chapter 5 of title 3, United States  
14 Code, to the President, the Merit Systems Protection  
15 Board, or any person, alleging a violation of section  
16 412(a)(1) of that title, shall be the powers, remedies, and  
17 procedures this Act provides to the President, that Board,  
18 or any person, respectively, with regard to an allegation  
19 of a violation of section 3 or 6 against a covered individual  
20 described in section 2(4)(A)(iv) or described in section  
21 2(4)(B) with respect to an employer described in section  
22 2(6)(A)(i)(IV).

23 (d) EMPLOYEES COVERED BY CHAPTER 63 OF TITLE  
24 5, UNITED STATES CODE.—The powers, remedies, and  
25 procedures provided in title 5, United States Code, to an

1 employing agency, provided in chapter 12 of that title to  
2 the Merit Systems Protection Board, or provided in that  
3 title to any person, alleging a violation of chapter 63 of  
4 that title, shall be the powers, remedies, and procedures  
5 this Act provides to that agency, that Board, or any per-  
6 son, respectively, with regard to an allegation of a viola-  
7 tion of section 3 or 6 against a covered individual de-  
8 scribed in section 2(4)(A)(v) or described in section  
9 2(4)(B) with respect to an employer described in section  
10 2(6)(A)(i)(V).

11 (e) ENFORCEMENT BY STATES.—

12 (1) IN GENERAL.—In any case in which a State  
13 attorney general or a State privacy regulator has  
14 reason to believe that an interest of the residents of  
15 a State has been or is adversely affected by any per-  
16 son who violates any provision of section 3 or 6, in-  
17 cluding a regulation or order prescribed under this  
18 Act, the State attorney general or State privacy reg-  
19 ulator, as *parens patriae*, may bring a civil action on  
20 behalf of the residents of the State in an appropriate  
21 State court or an appropriate district court of the  
22 United States to—

23 (A) enjoin further violation of such provi-  
24 sion by the person;

25 (B) compel compliance with such provision;

1 (C) obtain damages (including statutory  
2 damages described in paragraph (4)), civil pen-  
3 alties, restitution, or other compensation on be-  
4 half of the residents of the State; or

5 (D) obtain reasonable attorney's fees and  
6 other litigation costs reasonably incurred.

7 (2) RIGHTS OF AGENCY.—Before initiating a  
8 civil action under paragraph (1), the State attorney  
9 general or State privacy regulator, as the case may  
10 be, shall notify the Secretary in writing of such civil  
11 action. Upon receiving such notice, the Secretary  
12 may—

13 (A) intervene in such action; and

14 (B) upon intervening—

15 (i) be heard on all matters arising in  
16 such civil action; and

17 (ii) file petitions for appeal of a deci-  
18 sion in such action.

19 (3) PREEMPTIVE ACTION BY AGENCY.—In any  
20 case in which a civil action is instituted by or on be-  
21 half of the Secretary for violation of this Act or a  
22 regulation promulgated under this Act, a State at-  
23 torney general or State privacy regulator may not,  
24 during the pendency of such action, institute a civil  
25 action against any defendant named in the com-

1       plaint in the action instituted by or on behalf of the  
2       Secretary for a violation that is alleged in such com-  
3       plaint. In a case brought by the Secretary that af-  
4       fects the interests of a State, the State attorney gen-  
5       eral or State privacy regulator may intervene as of  
6       right pursuant to the Federal Rules of Civil Proce-  
7       dure.

8               (4) STATUTORY DAMAGES.—In a civil action in-  
9       stituted under paragraph (1), a court may award  
10      statutory damages under paragraph (1)(C) against a  
11      person for a violation of any provision of section 3  
12      or 6—

13                   (A) in an amount not more than \$50,000  
14                   for each such violation; or

15                   (B) in the case of such a violation that re-  
16                   sults in the discharge of an employee or other  
17                   serious economic harm to an employee by such  
18                   a person who has, within the preceding 5 years,  
19                   committed another such violation resulting in  
20                   such a discharge or other serious economic  
21                   harm, not more than \$100,000 for each such  
22                   violation.

23               (5) PRESERVATION OF STATE POWERS.—Ex-  
24      cept as provided in paragraph (3), no provision of  
25      this subsection shall be construed as altering, lim-

1       iting, or affecting the authority of a State attorney  
2       general or State privacy regulator to—

3               (A) bring an action or other regulatory  
4               proceeding arising solely under the laws in ef-  
5               fect in that State; or

6               (B) exercise the powers conferred on the  
7               State attorney general or State privacy regu-  
8               lator by the laws of the State, including the  
9               ability to conduct investigations, administer  
10              oaths or affirmations, or compel the attendance  
11              of witnesses or the production of documentary  
12              or other evidence.

13       (f) **ARBITRATION AND CLASS ACTION.**—Notwith-  
14       standing any other provision of law, no predispute arbitra-  
15       tion agreement or predispute joint-action waiver shall be  
16       valid or enforceable with respect to any alleged violation  
17       of section 3 or 6.

18       **SEC. 8. COORDINATION.**

19       In carrying out this Act, the Secretary, acting  
20       through the Administrator, shall coordinate with any ap-  
21       propriate Federal agency or State regulator to promote  
22       consistent regulatory treatment of automated decision sys-  
23       tems.

1 **SEC. 9. RELATION TO OTHER LAWS.**

2 Except as explicitly provided otherwise in this Act,  
3 nothing in this Act shall be construed to preempt, modify,  
4 limit, or supersede—

5 (1) any provision of Federal or State law; or

6 (2) the authority of the Federal Trade Commis-  
7 sion, Equal Employment Opportunity Commission,  
8 National Labor Relations Board, or any other Fed-  
9 eral agency.

10 **SEC. 10. SEVERABILITY.**

11 If any provision of this Act or the application of such  
12 provision to any person or circumstance is held to be un-  
13 constitutional, the remainder of this Act and the applica-  
14 tion of the provisions of such to all other persons or cir-  
15 cumstances shall not be affected thereby.

○