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S. 3680

To require agencies that use, fund, or oversee algorithms to have an office of civil rights focused on bias, discrimination, and other harms of algorithms, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 15, 2026

Mr. MARKEY (for himself, Mr. MERKLEY, Mr. WELCH, Ms. WARREN, Mr. SCHIFF, Mr. WYDEN, and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require agencies that use, fund, or oversee algorithms to have an office of civil rights focused on bias, discrimination, and other harms of algorithms, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Eliminating Bias in
5 Algorithmic Systems Act of 2026”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) AGENCY.—The term “agency” has the
2 meaning given the term in section 3502 of title 44,
3 United States Code.

4 (2) COVERED AGENCY.—The term “covered
5 agency” means an agency that—

6 (A) uses, funds, or procures a covered al-
7 gorithm, or funds or otherwise participates in
8 the development of a covered algorithm; or

9 (B) oversees, regulates, or advises on the
10 development or use of a covered algorithm.

11 (3) COVERED ALGORITHM.—The term “covered
12 algorithm” means a process that—

13 (A) is—

14 (i) a computational process that uses
15 machine learning, natural language proc-
16 essing, artificial intelligence techniques, or
17 other computational processing techniques
18 of similar or greater complexity; or

19 (ii) a computational process derived
20 from a process described in clause (i); and

21 (B) has the potential to have a material ef-
22 fect on the impact of, access to, availability of,
23 eligibility for, cost of, terms of, or conditions
24 of—

- 1 (i) a program operated or funded by
- 2 an agency;
- 3 (ii) an economic opportunity regulated
- 4 by an agency; or
- 5 (iii) rights protected by an agency.

6 (4) PROTECTED CHARACTERISTIC.—The term
 7 “protected characteristic” means any of the fol-
 8 lowing actual or perceived traits of an individual or
 9 group of individuals:

- 10 (A) Race.
- 11 (B) Color.
- 12 (C) Ethnicity.
- 13 (D) National origin, nationality, or immi-
 14 gration status.
- 15 (E) Religion.
- 16 (F) Sex (including a sex stereotype, preg-
 17 nancy, childbirth, or a related medical condi-
 18 tion, sexual orientation or gender identity, and
 19 sex characteristics, including intersex traits).
- 20 (G) Disability.
- 21 (H) Limited English proficiency.
- 22 (I) Biometric information.
- 23 (J) Familial or marital status.
- 24 (K) Source of income.

1 (L) Income level (not including the ability
2 to pay for a specific good or service being of-
3 fered).

4 (M) Age.

5 (N) Veteran status.

6 (O) Genetic information or medical condi-
7 tions.

8 (P) Any other classification protected by
9 Federal law.

10 **SEC. 3. CIVIL RIGHTS OFFICES AND REPORTING ON AI**
11 **BIAS, DISCRIMINATION, AND OTHER HARMS.**

12 (a) OFFICES OF CIVIL RIGHTS.—The head of each
13 covered agency shall ensure that the covered agency has
14 an office of civil rights that employs experts and tech-
15 nologists focused on bias, discrimination, and other harms,
16 including the effect or tendency to subject communities,
17 groups, or individuals to bias based on, discrimination
18 based on, or other harms attributable to possessing or
19 being perceived as possessing a protected characteristic.

20 (b) BIAS, DISCRIMINATION, AND OTHER HARMS RE-
21 PORTS.—Not later than 1 year after the date of enactment
22 of this Act, and every 2 years thereafter, each office of
23 civil rights of a covered agency established under sub-
24 section (a) shall submit to each congressional committee

1 with jurisdiction over the covered agency a report that de-
2 tails—

3 (1) the state of the field and technology of cov-
4 ered algorithms with respect to jurisdiction of the
5 covered agency, including risks relating to bias based
6 on, discrimination based on, and other harms attrib-
7 utable to possessing or being perceived as possessing
8 a protected characteristic;

9 (2) any relevant steps the covered agency has
10 taken to mitigate harms from covered algorithms re-
11 lating to bias based on, discrimination based on, and
12 other harms attributable to possessing or being per-
13 ceived as possessing a protected characteristic;

14 (3) actions the covered agency has taken to en-
15 gage with relevant stakeholders, including industry
16 representatives, businesses, civil rights advocates,
17 consumer protection organizations, other relevant
18 civil society organizations, academic experts, individ-
19 uals with technical expertise, organizations rep-
20 resenting workers, and affected populations, regard-
21 ing bias, discrimination, and other harms including
22 the effect or tendency to subject communities,
23 groups, or individuals to bias based on, discrimina-
24 tion based on, and other harms attributable to pos-

1 sessing or being perceived as possessing a protected
2 characteristic; and

3 (4) any relevant recommendations for legisla-
4 tion or administrative action to mitigate bias based
5 on, discrimination based on, and other harms attrib-
6 utable to possessing or being perceived as possessing
7 a protected characteristic from covered algorithms,
8 as determined appropriate by the head of the office.

9 (c) INTERAGENCY WORKING GROUP.—Not later than
10 1 year after the date of enactment of this Act, the Assist-
11 ant Attorney General in charge of the Civil Rights Divi-
12 sion of the Department of Justice shall establish an inter-
13 agency working group on covered algorithms and civil
14 rights, of which each office of civil rights of a covered
15 agency established under subsection (a) shall be a mem-
16 ber.

17 (d) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to each covered agency
19 such sums as may be necessary to carry out this Act.

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