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(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To prohibit stealth bots, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Ms. LEE of Florida introduced the following bill; which was referred to the
Committee on _____

A BILL

To prohibit stealth bots, 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 “Stealth Bot Prohibi-
5 tion Act”.

6 **SEC. 2. PROHIBITION OF STEALTH BOTS.**

7 (a) PROHIBITION.—A person may not—

8 (1) deploy, direct, or cause to be deployed, a
9 stealth bot to access a website, digital platform, or
10 online service in a manner that is reasonably likely

1 to damage, impair, or burden the technical or com-
2 mercial operation of a website or other internet serv-
3 ice; or

4 (2) intentionally misrepresent, conceal, or ob-
5 scure the nature of the bot to appear as a human
6 user for use in connection with a generative AI
7 model or service.

8 (b) ENFORCEMENT.—

9 (1) CIVIL ACTION.—The Federal Trade Com-
10 mission may commence a civil action in any district
11 court of the United States to recover a civil penalty
12 for a violation of subsection (a) or to enjoin any per-
13 son from committing a violation of subsection (a).

14 (2) PENALTY.—The penalty for each violation
15 of subsection (a) may not exceed \$53,000 (as ad-
16 justed on January 1 each year by the percentage in-
17 crease (if any), during the preceding 12-month pe-
18 riod, in the Consumer Price Index for All Urban
19 Consumers published by the Bureau of Labor Statis-
20 tics).

21 (3) POWERS OF COMMISSION.—Notwithstanding
22 paragraphs (1) and (2), the Commission shall have
23 the same jurisdiction, powers, and duties to enforce
24 this section as though the applicable terms and con-

1 ditions of the Federal Trade Commission Act were
2 incorporated and made part of this section.

3 (4) RULES OF CONSTRUCTION.—Nothing in
4 this section may be construed to—

5 (A) limit the authority of the Commission
6 under any other provision of law; or

7 (B) authorize the Commission to issue reg-
8 ulations.

9 (b) ACTIONS BY STATES.—

10 (1) IN GENERAL.—In any case in which the at-
11 torney general of a State, or an official or agency of
12 a State, has reason to believe that an interest of the
13 residents of such State has been or is threatened or
14 adversely affected by an act or practice in violation
15 of subsection (a) or a regulation promulgated under
16 such subsection, the State, as *parens patriae*, may
17 bring a civil action on behalf of the residents of the
18 State in an appropriate district court of the United
19 States to—

20 (A) enjoin such act or practice;

21 (B) enforce compliance with such sub-
22 section or such regulation;

23 (C) obtain damages, restitution, or other
24 compensation on behalf of residents of the
25 State; or

1 (D) obtain such other legal and equitable
2 relief as the court may consider to be appro-
3 priate.

4 (2) NOTICE.—Before filing an action under this
5 subsection, the attorney general, official, or agency
6 of the State involved shall provide to the Federal
7 Trade Commission a written notice of such action
8 and a copy of the complaint for such action. If the
9 attorney general, official, or agency determines that
10 it is not feasible to provide the notice described in
11 this paragraph before the filing of the action, the at-
12 torney general, official, or agency shall provide writ-
13 ten notice of the action and a copy of the complaint
14 to the Federal Trade Commission immediately upon
15 the filing of the action.

16 (3) AUTHORITY OF FEDERAL TRADE COMMIS-
17 SION.—

18 (A) IN GENERAL.—On receiving notice
19 under paragraph (2) of an action under this
20 subsection, the Federal Trade Commission shall
21 have the right—

- 22 (i) to intervene in the action;
23 (ii) upon so intervening, to be heard
24 on all matters arising therein; and
25 (iii) to file petitions for appeal.

1 (B) LIMITATION ON STATE ACTION WHILE
2 FEDERAL ACTION IS PENDING.—If the Federal
3 Trade Commission or the Attorney General of
4 the United States has instituted a civil action
5 for violation of subsection (a) or a regulation
6 promulgated under such subsection (referred to
7 in this subparagraph as the “Federal action”),
8 no State attorney general, official, or agency
9 may bring an action under this subsection dur-
10 ing the pendency of the Federal action against
11 any defendant named in the complaint in the
12 Federal action for any violation of such sub-
13 section or regulation alleged in such complaint.

14 (4) RULE OF CONSTRUCTION.—For purposes of
15 bringing a civil action under this subsection, nothing
16 in this Act may be construed to prevent an attorney
17 general, official, or agency of a State from exercising
18 the powers conferred on the attorney general, offi-
19 cial, or agency by the laws of such State to conduct
20 investigations, administer oaths and affirmations, or
21 compel the attendance of witnesses or the production
22 of documentary and other evidence.

23 (c) DEFINITIONS.—In this section:

24 (1) ARTIFICIAL INTELLIGENCE; AI.—The terms
25 “artificial intelligence” and “AI” have the meaning

1 given the term “artificial intelligence” in section
2 5002 of the National Artificial Intelligence Initiative
3 Act of 2020 (15 U.S.C. 9401) as of the date of the
4 enactment of this section.

5 (2) BOT.—The term “bot” means software that
6 retrieves, scans, indexes, scrapes, or otherwise ac-
7 cesses a website or other internet source, including
8 but not limited to an online crawler, spider, fetcher,
9 client, user agent, AI agent, or equivalent tool.

10 (3) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (4) GENERATIVE AI.—The term “generative
13 AI” means artificial intelligence that is capable of
14 generating content such as code, images, music, text,
15 simulations, 3D renderings of objects, or videos.

16 (5) STATE.—The term “State” means each of
17 the several States, the District of Columbia, each
18 commonwealth, territory, or possession of the United
19 States, and each federally recognized Indian Tribe.

20 (6) STEALTH BOT.—The term “stealth bot”
21 means a bot that accesses, retrieves, scans, indexes,
22 scrapes, or otherwise interacts with a website, digital
23 platform, or online service without prior disclosure
24 of its identity and purpose, in particular by—

1 (A) failing to identify itself including
2 through a valid and accurate user-agent string;
3 or

4 (B) failing to disclose the specific nature
5 and purpose of the bot, including any proposed
6 use and purpose of page content (including text
7 and data mining, search indexing, inferencing,
8 artificial intelligence development, support, or
9 operations (such as training, fine tuning, re-
10 trieval augmented generation)) or other auto-
11 mated processing at the time access is re-
12 quested and in a format that the website oper-
13 ator can access.

14 (d) LIMITATIONS PERIOD, RELATIONSHIP TO OTHER
15 LAWS, AND SEVERABILITY.—

16 (1) LIMITATIONS PERIOD.—A civil action may
17 not be filed under this section unless the action is
18 commenced within six years after the date on which
19 the violation occurred.

20 (2) RELATIONSHIP TO OTHER LAWS.—Nothing
21 in this section shall affect any right, limitation, or
22 remedy available under any other Federal or State
23 law or the United States Constitution.

24 (e) EFFECTIVE DATE.—This section shall take effect
25 180 days after the date of the enactment of this Act.