

118TH CONGRESS
2D SESSION

S. _____

To provide for regulatory sandboxes that permit certain persons to experiment with artificial intelligence without expectation of enforcement actions.

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for regulatory sandboxes that permit certain persons to experiment with artificial intelligence without expectation of enforcement actions.

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 “Unleashing AI Innova-
5 tion in Financial Services Act”.

6 **SEC. 2. USE OF ARTIFICIAL INTELLIGENCE BY REGULATED**
7 **FINANCIAL ENTITIES.**

8 (a) DEFINITIONS.—In this section:

9 (1) AI TEST PROJECT.—The term “AI test
10 project” means a financial product or service that

1 falls under the jurisdiction of a financial regulatory
2 agency—

3 (A) substantially uses artificial intelligence;

4 and

5 (B) is or may be subject to a Federal regu-
6 lation or Federal statute.

7 (2) APPROPRIATE FINANCIAL REGULATORY
8 AGENCY.—The term “appropriate financial regu-
9 latory agency” means—

10 (A) the appropriate Federal banking agen-
11 cy, as defined in section 3 of the Federal De-
12 posit Insurance Act (12 U.S.C. 1813), with re-
13 spect to regulated entities described in sub-
14 section (q) of that section;

15 (B) the Securities and Exchange Commis-
16 sion, with respect to—

17 (i) any broker or dealer that is reg-
18 istered with the Commission under the Se-
19 curities Exchange Act of 1934 (15 U.S.C.
20 78a et seq.), with respect to the activities
21 of the broker or dealer that require the
22 broker or dealer to be registered under
23 that Act;

24 (ii) any investment company that is
25 registered with the Commission under the

1 Investment Company Act of 1940 (15
2 U.S.C. 80a–1 et seq.), with respect to the
3 activities of the investment company that
4 require the investment company to be reg-
5 istered under that Act;

6 (iii) any investment adviser that is
7 registered with the Commission under the
8 Investment Advisers Act of 1940 (15
9 U.S.C. 80b–1 et seq.), with respect to the
10 investment advisory activities of such com-
11 pany and activities that are incidental to
12 such advisory activities;

13 (iv) any clearing agency registered
14 with the Commission under the Securities
15 Exchange Act of 1934 (15 U.S.C. 78a et
16 seq.), with respect to the activities of the
17 clearing agency that require the agency to
18 be registered under such Act;

19 (v) any nationally recognized statis-
20 tical rating organization registered with
21 the Commission under the Securities Ex-
22 change Act of 1934 (15 U.S.C. 78a et
23 seq.);

24 (vi) any transfer agent registered with
25 the Commission under the Securities Ex-

1 change Act of 1934 (15 U.S.C. 78a et
2 seq.);

3 (vii) any exchange registered as a na-
4 tional securities exchange with the Com-
5 mission under the Securities Exchange Act
6 of 1934 (15 U.S.C. 78a et seq.);

7 (viii) any national securities associa-
8 tion registered with the Commission under
9 the Securities Exchange Act of 1934 (15
10 U.S.C. 78a et seq.);

11 (ix) any securities information proc-
12 essor registered with the Commission
13 under the Securities Exchange Act of 1934
14 (15 U.S.C. 78a et seq.);

15 (x) the Municipal Securities Rule-
16 making Board established under the Secu-
17 rities Exchange Act of 1934 (15 U.S.C.
18 78a et seq.);

19 (xi) the Public Company Accounting
20 Oversight Board established under the
21 Sarbanes-Oxley Act of 2002 (15 U.S.C.
22 7211 et seq.);

23 (xii) the Securities Investor Protection
24 Corporation established under the Securi-

1 ties Investor Protection Act of 1970 (15
2 U.S.C. 78aaa et seq.); and

3 (xiii) any security-based swap execu-
4 tion facility, security-based swap data re-
5 pository, security-based swap dealer or
6 major security-based swap participant reg-
7 istered with the Commission under the Se-
8 curities Exchange Act of 1934 (15 U.S.C.
9 78a et seq.), with respect to the security-
10 based swap activities of the person that re-
11 quire such person to be registered under
12 such Act;

13 (C) the Bureau of Consumer Financial
14 Protection, with respect to a covered person, as
15 defined in section 1002 of the Consumer Finan-
16 cial Protection Act of 2010 (12 U.S.C. 5481),
17 that is not described in subparagraph (A), (B),
18 (C), (E), or (F) of this paragraph;

19 (D) the National Credit Union Administra-
20 tion, with respect to an insured credit union;
21 and

22 (E) the Federal Housing Finance Agency,
23 with respect to Federal Home Loan Banks or
24 the Federal Home Loan Bank System, and
25 with respect to the Federal National Mortgage

1 Association or the Federal Home Loan Mort-
2 gage Corporation.

3 (3) ARTIFICIAL INTELLIGENCE.—The term “ar-
4 tificial intelligence” has the meaning given the term
5 in section 5002 of the National Artificial Intelligence
6 Initiative Act of 2020 (15 U.S.C. 9401).

7 (4) FEDERAL SECURITIES LAWS.—The term
8 “Federal securities laws” means—

9 (A) the Securities Act of 1933 (15 U.S.C.
10 77a et seq.);

11 (B) the Securities Exchange Act of 1934
12 (15 U.S.C. 78a et seq.);

13 (C) the Sarbanes-Oxley Act of 2002 (15
14 U.S.C. 7201 et seq.);

15 (D) the Trust Indenture Act of 1939 (15
16 U.S.C. 77aaa et seq.);

17 (E) the Investment Company Act of 1940
18 (15 U.S.C. 80a–1 et seq.);

19 (F) the Investment Advisers Act of 1940
20 (15 U.S.C. 80b–1 et seq.); and

21 (G) the Jumpstart Our Business Startup
22 Act (Public Law 112–106; 126 Stat. 306).

23 (5) FINANCIAL PRODUCT OR SERVICE.—The
24 term “financial product or service”—

1 (A) has the meaning given the term in sec-
2 tion 1002 of the Consumer Financial Protection
3 Act of 2010 (12 U.S.C. 5481);

4 (B) includes—

5 (i) activities that are financial in na-
6 ture, as defined in section 4(k)(4) of the
7 Bank Holding Company Act of 1956 (12
8 U.S.C. 1843(k)(4));

9 (ii) any financial product or service
10 provided by a person regulated by the
11 Commission, as defined in 1002 of the
12 Consumer Financial Protection Act of
13 2010 (12 U.S.C. 5481); and

14 (iii) includes the offer or sale of any
15 security subject to the Federal securities
16 laws

17 (C) does not include the business of insur-
18 ance.

19 (6) FINANCIAL REGULATORY AGENCY.—The
20 term “financial regulatory agency” means—

21 (A) the Board of Governors of the Federal
22 Reserve System;

23 (B) the Federal Deposit Insurance Cor-
24 poration;

1 (C) the Office of the Comptroller of the
2 Currency;

3 (D) the Securities and Exchange Commis-
4 sion;

5 (E) the Bureau of Consumer Financial
6 Protection;

7 (F) the National Credit Union Administra-
8 tion; and

9 (G) the Federal Housing Finance Agency.

10 (7) REGULATED ENTITY.—The term “regulated
11 entity” means an entity regulated by any financial
12 regulatory agency.

13 (b) REGULATORY SANDBOXES.—

14 (1) ESTABLISHMENT.—Each financial regu-
15 latory agency shall establish a regulatory sandbox
16 that allows regulated entities to experiment with AI
17 test projects without unnecessary or unduly burden-
18 some regulation or expectation of retroactive en-
19 forcement actions.

20 (2) APPLICATIONS.—

21 (A) SUBMISSION.—

22 (i) IN GENERAL.—A regulated entity
23 may submit to the appropriate financial
24 regulatory agency an application, on a
25 form determined by the appropriate finan-

1 cial regulatory agency, to engage in an AI
2 test project.

3 (ii) CONTENTS.—An application sub-
4 mitted under clause (i) shall include—

5 (I) a description of the AI test
6 project proposed to be carried out by
7 the regulated entity;

8 (II) an alternative compliance
9 strategy that—

10 (aa) identifies a regulation
11 issued by the appropriate finan-
12 cial regulatory agency or a Fed-
13 eral statute enforced by the ap-
14 propriate financial regulatory
15 agency that the regulated entity
16 requests to be waived or modi-
17 fied; and

18 (bb) proposes an alternative
19 method for the regulated entity
20 to comply with the regulation or
21 statute, including an explanation
22 as to why the alternative method
23 is essential to the operation of
24 the entity;

1 (III) a demonstration that, under
2 the strategy described in subclause
3 (I), the AI test project—

4 (aa) would serve the public
5 interest, improve consumer ac-
6 cess to a financial product or
7 service, or promote consumer
8 protection;

9 (bb) would enhance effi-
10 ciency or operations, foster inno-
11 vation or competitiveness, im-
12 prove risk management and secu-
13 rity, or enhance regulatory com-
14 pliance;

15 (cc) would not present a sys-
16 temic risk to the financial system
17 of the United States;

18 (dd) is consistent with the
19 purposes of the anti-money laun-
20 dering and countering the financ-
21 ing of terrorism obligations under
22 subchapter II of chapter 53 of
23 title 31, United States Code; and

1 (ee) would not present a na-
2 tional security risk to the United
3 States;

4 (IV) a proposed date on which
5 the AI test project would terminate
6 and explain why such termination
7 date would be appropriate;

8 (V) proposed limitations on the
9 size, scope, and growth of the AI test
10 project; and

11 (VI) an estimate of the economic
12 impact of the AI test project if ap-
13 proved.

14 (iii) **JOINT APPLICATIONS.**—Two or
15 more regulated entities may submit a joint
16 application to the same financial regu-
17 latory agency under clause (i).

18 (iv) **REGULATIONS AND STATUTES OF**
19 **OTHER AGENCIES.**—

20 (I) **IN GENERAL.**—A regulated
21 entity may submit an application
22 under this subparagraph that includes
23 an alternative compliance strategy for
24 a regulation issued by or a Federal
25 statute enforced by a financial regu-

1 latory agency that is not the appro-
2 priate financial regulatory agency for
3 the regulated entity.

4 (II) REQUIREMENTS.—An applica-
5 tion described in subclause (I) shall
6 be subject to the same requirements
7 as an application described in clause
8 (ii), except that—

9 (aa) the regulated entity
10 shall submit the application to
11 the appropriate financial regu-
12 latory agency and the financial
13 regulatory agency that issued the
14 regulation or enforces the statute
15 or regulation that is the subject
16 of the alternative compliance
17 strategy; and

18 (bb) the AI test project may
19 not take effect unless the appro-
20 priate financial regulatory agency
21 and any other financial regu-
22 latory agency that issued the reg-
23 ulation or enforces the statute
24 that is the subject of the alter-
25 native compliance strategy jointly

14

1 (ii) APPROVAL.—

2 (I) IN GENERAL.—If the appli-
3 cant shows that it is more likely than
4 not that the application meets the re-
5 quirements for establishing an alter-
6 native compliance strategy and meets
7 the requirements described in sub-
8 paragraph (A)(ii)(II), the agency shall
9 approve the application and notify the
10 applicant in writing of—

11 (aa) the regulation or Fed-
12 eral statute that is the subject of
13 the alternative compliance strat-
14 egy;

15 (bb) the terms of the alter-
16 native compliance strategy for
17 the AI test project;

18 (cc) the date on which the
19 AI test project will terminate;

20 (dd) any limitations on the
21 size, scope, or growth of the AI
22 test project; and

23 (ee) any additional limita-
24 tions or conditions on the AI test
25 project, as determined by the ap-

1 appropriate financial regulatory
2 agency.

3 (II) EFFECT OF APPROVAL.—Ex-
4 cept as provided in subclause (III),
5 beginning on the date on which an ap-
6 plication submitted under subpara-
7 graph (A) is approved and ending on
8 the date described in subclause
9 (I)(cc)—

10 (aa) the appropriate finan-
11 cial regulatory agency may en-
12 force a regulation or Federal
13 statute described in subclause
14 (I)(aa) only in the manner set
15 out in the alternative compliance
16 strategy described in subclause
17 (I)(bb); and

18 (bb) a financial regulatory
19 agency that is not the appro-
20 priate financial regulatory agency
21 may not enforce a regulation or
22 Federal statute described in sub-
23 clause (I)(aa) with respect to the
24 conduct of the AI test project by
25 the regulated entity.

1 (III) ENFORCEMENT BY AN-
2 OTHER FINANCIAL REGULATORY
3 AGENCY.—A financial regulatory
4 agency other than the appropriate fi-
5 nancial regulatory agency that ap-
6 proves an application under subpara-
7 graph (A)(iv) may enforce a regula-
8 tion or Federal statute described in
9 subclause (I)(aa) if the alternative
10 compliance strategy described in sub-
11 clause (I)(bb) provides for enforce-
12 ment by such financial regulatory
13 agency.

14 (IV) RULE OF CONSTRUCTION.—
15 Nothing in this clause may be con-
16 strued to limit the authority of a fi-
17 nancial regulatory agency to take an
18 enforcement action against a regu-
19 latory entity with respect to fraud re-
20 lating to an AI test project.

21 (iii) DENIAL.—

22 (I) IN GENERAL.—If an agency
23 denies an application submitted under
24 subparagraph (A), the agency—

1 (aa) shall submit to the ap-
2 plicant a written notice explain-
3 ing the reason for denial, includ-
4 ing evidence that the applicant
5 did not satisfy the requirements
6 for establishing an alternative
7 compliance strategy and the
8 baseline used by the agency to
9 measure the likely economic con-
10 sequences of rejecting the appli-
11 cation; and

12 (bb) may not take an en-
13 forcement action against the ap-
14 plicant earlier than the date that
15 is 30 days after the date on
16 which the agency submits the
17 written notice described in item
18 (aa).

19 (II) RESUBMITTALS.—Each time
20 an application submitted under sub-
21 paragraph (A) is denied, the regulated
22 entity may submit another application
23 if the application is not substantially
24 similar to the one denied.

1 (III) INJUNCTIVE RELIEF.—If a
2 financial regulatory agency determines
3 an AI test project presents an imme-
4 diate danger to consumers or presents
5 a risk to financial markets, the agency
6 may file a civil action in an appro-
7 priate court seeking to enjoin such
8 project.

9 (IV) RULE OF CONSTRUCTION.—
10 Nothing in this clause may be con-
11 strued to limit the authority of a fi-
12 nancial regulatory agency to take an
13 enforcement action against an appli-
14 cant with respect to fraud relating to
15 the AI test project.

16 (iv) EXTENSION.—If the financial reg-
17 ulatory agency needs additional time, the
18 agency may vote to extend the application
19 deadline by 90 days. After the expiration
20 of the 90-day period, if the agency has not
21 made a determination on the application,
22 the application will automatically be
23 deemed approved and effective.

1 (C) DATA SECURITY.—All data supplied by
2 sponsors of AI test projects submitted under
3 this section shall be stored in a secure manner.

4 (D) REGULATIONS.—Not later than 180
5 days after the date of enactment of this Act,
6 each financial regulatory agency shall promul-
7 gate regulations that—

8 (i) shall be published in the Federal
9 Register and provide a 45-day period for
10 public notice and comment;

11 (ii) include—

12 (I) procedures for modifying the
13 AI test projects that are approved by
14 the agency;

15 (II) consequences for failure to
16 comply with set terms;

17 (III) termination dates not ear-
18 lier than 1 year after the date on
19 which AI test projects are approved;

20 (IV) procedures to extend the
21 termination date described in sub-
22 clause (III);

23 (V) procedures for confiden-
24 tiality; and

1 (VI) procedures for coordinating
2 decisions relating to applications sub-
3 mitted jointly by multiple regulated
4 entities or applications submitted to
5 more than one financial regulatory
6 agency.

7 (c) REPORT.—Each financial regulatory agency shall
8 submit to the Committee on Banking, Housing, and
9 Urban Affairs of the Senate and the Committee on Finan-
10 cial Services of the House of Representatives an annual
11 report on the outcomes of AI test projects.

12 (d) REGULATIONS.—After approving not fewer than
13 1 AI test project, an agency may promulgate regulations,
14 after providing a notice and an opportunity for public
15 comment, other AI activities or products that qualify as
16 AI test projects.