119TH CONGRESS
1ST SESSION

S. _____

To direct the Federal Trade Commission to conduct a study on the governance
of neural data and other related data, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

——————————— (legislative day, ———————————), ———

Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. MARKEY) introduced the
following bill; which was read twice and referred to the Committee on
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A BILL

To direct the Federal Trade Commission to conduct a study
    on the governance of neural data and other related data,
    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 "Management of Indi-

5 viduals' Neural Data Act of 2025" or the "MIND Act of

6 2025".

7 **SEC. 2. SENSE OF CONGRESS.**

8   It is the sense of Congress that—

1 (1) an individual's neural data and other re-
2 lated data can be monetized and used to shape indi-
3 vidual behavior, emotional states, and decision mak-
4 ing in ways existing laws do not adequately address;

5 (2) vertical corporate integration of
6 neurotechnology, artificial intelligence systems, wear-
7 able devices, digital platforms, and global data infra-
8 structure may create interconnected systems with in-
9 sufficient transparency, accountability, or user con-
10 trol regarding the use of such data;

11 (3) such concentration increases the risk of be-
12 havioral influence, cognitive manipulation, erosion of
13 personal autonomy, and the exacerbation of existing
14 social and economic disparities, particularly in the
15 absence of enforceable privacy protections, including
16 protections of neural data and other related data;

17 (4) the absence of a comprehensive Federal
18 standard for the collection, processing, and inter-
19 national transfer of such data presents risks to civil
20 liberties and to national security, given the dual-use
21 potential of and foreign interest in the data assets
22 of the United States;

23 (5) strong protections for such data are essen-
24 tial to safeguard privacy, prevent discrimination and
25 exploitation, and ensure that innovation in

1   neurotechnology applications proceeds with account-

2   ability and public trust; and

3   (6) while this Act focuses primarily on neural

4   data, related biometric and behavioral data that can

5   reveal mental states may pose similar risks and war-

6   rant comparative analysis to identify broader privacy

7   gaps.

8 **SEC. 3. DEFINITIONS.**

9   In this Act:

10   (1) ARTIFICIAL INTELLIGENCE.—The term "ar-

11   tificial intelligence" has the meaning given such

12   term in section 5002 of the National Artificial Intel-

13   ligence Initiative Act of 2020 (15 U.S.C. 9401).

14   (2) COMMISSION.—The term "Commission"

15   means the Federal Trade Commission.

16   (3) FEDERAL AGENCY.—The term "Federal

17   agency" has the meaning given the term "agency"

18   in section 551 of title 5, United States Code.

19   (4) NEURAL DATA.—The term "neural data"

20   means information obtained by measuring the activ-

21   ity of an individual's central or peripheral nervous

22   system through the use of neurotechnology.

23   (5)   NEUROTECHNOLOGY.—The   term

24   "neurotechnology" means a device, system, or proce-

25   dure that accesses, monitors, records, analyzes, pre-

4

1   dicts, stimulates or alters the nervous system of an

2   individual to understand, influence, restore, or an-

3   ticipate the structure, activity, or function of the

4   nervous system.

5   (6) OTHER RELATED DATA.—The term "other

6   related data" —

7   (A) means biometric, physiological, or be-

8   havioral information that does not directly

9   measure the neural activity or central or pe-

10   ripheral nervous system of an individual, but

11   can be processed, analyzed, or combined with

12   other data to infer, predict, or reveal cognitive,

13   emotional, or psychological states or neuro-

14   logical conditions; and

15   (B) may include heart rate variability, eye-

16   tracking patterns, voice analysis, facial expres-

17   sion recognition, sleep patterns, or other signals

18   derived from consumer devices, wearables, or

19   biosensors.

20   **SEC. 4. FEDERAL TRADE COMMISSION STUDY AND REPORT**

21   **ON NEURAL DATA GOVERNANCE.**

22   (a) STUDY AND REPORT.—

23   (1) STUDY.—

24   (A) IN GENERAL.—The Commission shall

25   conduct a study on—

1   (i) what additional authorities, if any,

2   the Federal Government needs to regulate

3   neural data and other related data that

4   can reveal an individual's mental state or

5   activity, and to establish appropriate pri-

6   vacy protections for individuals in the

7   United States;

8   (ii) best practices for privacy and data

9   security for the private sector to protect

10   such data; and

11   (iii) the extent to which existing laws,

12   regulations, and governing frameworks, in-

13   cluding the Health Insurance Portability

14   and Accountability Act of 1996 (Public

15   Law 104–191), govern the use, storage,

16   processing, portability, and privacy of such

17   data, any gaps in law that should be ad-

18   dressed, and potential additional protec-

19   tions for such data that fall outside the

20   scope of such Act.

21   (B) CONSULTATION.—In conducting the

22 study described in subparagraph (A), the Com-

23 mission shall consult with—

24   (i) the Director of the Office of

25   Science and Technology Policy;

1   (ii) the Commissioner of Food and

2   Drugs;

3   (iii) other relevant Federal agencies

4   determined appropriate by the Commis-

5   sion; and

6   (iv) representatives of the private sec-

7   tor, academia, civil society, consumer advo-

8   cacy organizations, labor organizations, pa-

9   tient advocacy organizations, and clinical

10   research stakeholders including medical

11   and health care professionals.

12   (2) REPORT.—Not later than 1 year after the

13 date of enactment of this Act, the Commission

14 shall—

15   (A) submit to Congress a report on the

16   study conducted under paragraph (1) that—

17   (i) includes the information described

18   in subsection (b); and

19   (ii) describes a regulatory framework

20   that maximizes opportunities for respon-

21   sible innovation in neurotechnology while

22   minimizing the risks of harm that arise

23   from such innovation, such as discrimina-

24   tion, profiling, surveillance, manipulation,

25   and the misuse of neural data and other

7

1   related data in employment, healthcare, fi-

2   nancial services, education, commerce, and

3   public life; and

4   (B) publish the report on the website of

5   the Commission.

6   (b) REPORT CONTENTS.—The report described in

7 subsection (a)(2) shall include—

8   (1) an analysis on—

9   (A) the collection, processing, storage, sale,

10   and transfer of neural data and other related

11   data; and

12   (B) all relevant uses of neurotechnology,

13   neural data, and other related data for under-

14   standing, analyzing, and influencing human

15   mental states and behavior;

16   (2) a summary of the ethical, legal, and regu-

17   latory landscape surrounding neural data and other

18   related data that can reveal an individual's mental

19   state or activity, including any existing guidelines re-

20   lated to—

21   (A) the collection of such data;

22   (B) consent for the collection, use, and

23   transfer of such data;

24   (C) individual rights relating to such data;

25   (D) predictive modeling; and

1   (E) using such data to infer or influence

2   behavior;

3   (3) an assessment of—

4   (A) how neural and other related data is

5   collected, processed, and transferred in inter-

6   state commerce, and the benefits and risks as-

7   sociated with the collection and use of such

8   data, including how such data may serve the

9   public interest, improve the quality of life of the

10   people of the United States, or advance innova-

11   tion in neurotechnology and neuroscience; and

12   (B) how the use of such data may pose

13   risks to individuals, including vulnerable popu-

14   lations, across different contexts or use cases;

15   (4) recommendations for the categorization and

16 oversight of neural data and other related data uses,

17 including—

18   (A) a framework that—

19   (i) distinguishes categories of such

20   data, classifying such data based on both

21   the potential for beneficial use cases (in-

22   cluding medical, scientific, or assistive ap-

23   plications), and the potential for individual,

24   societal, or group-level harm arising from

25   misuse;

9

1   (ii) describes the properties of such

2   data based on its capacity to directly or in-

3   directly identify an individual or to reveal

4   or infer sensitive personal information

5   about an individual; and

6   (iii) suggests corresponding govern-

7   ance requirements such as heightened

8   oversight, stricter consent standards, pro-

9   hibited use cases regardless of individual

10   consent, enhanced access restrictions, and

11   cybersecurity protections;

12   (B) standards for computational models of

13 the brain and guidance on assessing harms in

14 contexts where such data is integrated with ar-

15 tificial intelligence or used as part of a system

16 designed to influence behavior or decision mak-

17 ing;

18   (C) an analysis of whether, and if so how,

19 individuals may be exposed to unfair, deceptive,

20 or coercive trade practices through the misuse

21 of neural data and other related data across

22 different environments, and recommendations

23 for safeguards to prevent such harms; and

24   (D) recommendations for categorizing cer-

25 tain applications of neural data and other re-

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1 lated data, or certain practices regarding such
2 data, as impermissible, such as those designed
3 to manipulate behavior or erode privacy with re-
4 spect to an individual's mental state or activity;
5 (5) an examination of how the application of ar-
6 tificial intelligence to neural and other related data
7 that can reveal an individual's mental state or activ-
8 ity may reshape the risks, oversight demands, and
9 ethical considerations associated with such data;
10 (6) recommendations for consumer trans-
11 parency, consent frameworks, and neural data and
12 other related data use restrictions, such as—
13 (A) limiting such data use to only clearly
14 disclosed purposes;
15 (B) restricting the resale of such data to
16 third parties or the use of such data for indi-
17 vidual profiling or targeted advertising;
18 (C) the use of separate, conspicuous con-
19 sent mechanisms for the use of such data in de-
20 veloping or deploying computational models of
21 the brain; and
22 (D) the public disclosure of—
23 (i) intended uses for such data, shar-
24 ing practices, and artificial intelligence ap-
25 plications; and

1   (ii) policies related to the retention

2   and deletion of such data; and

3   (E) prohibited use cases, regardless of in-

4   dividual consent;

5   (7) recommendations regarding applications of

6 neural data and other related data in specific areas,

7 including—

8   (A) sectors or practices that raise concerns

9   about privacy, manipulation, discrimination, in-

10   equality, or long-term harm, such as—

11   (i) employment practices, such as in

12   hiring, surveillance, or performance evalua-

13   tion;

14   (ii) educational settings and other set-

15   tings involving children under the age of

16   13 and teens;

17   (iii) insurance, financial, and housing

18   services;

19   (iv) neuromarketing and behavioral

20   shaping, including the targeting of con-

21   sumers;

22   (v) commercial surveillance;

23   (vi) monetization models, such as data

24   brokers, that aggregate or sell neural data

25   and other related data;

12

1   (vii) the transfer of neural data and

2   other related data through acquisitions,

3   mergers, or bankruptcy proceedings;

4   (viii) law enforcement and the crimi-

5   nal justice system; and

6   (ix) sectors where algorithmic rec-

7   ommendation or design patterns inten-

8   tionally amplify addictive use or behavioral

9   manipulation;

10   (B) how existing Federal statutes enforced

11   by the Commission, including the Federal

12   Trade Commission Act (15 U.S.C. 41 et seq.)

13   and other consumer protection laws, apply to

14   neural data and other related data; and

15   (C) whether there are regulatory gaps in

16   protecting the privacy of children and teens, in-

17   cluding the applicability of the Children's On-

18   line Privacy Protection Act of 1998 (15 U.S.C.

19   6501 et seq.) and related laws to neural data

20   and other related data;

21   (8) an analysis of the potential security risks

22 associated with the collection, use, and transfer of

23 neural data and other related data, including—

24   (A) an assessment of current cybersecurity

25   and data protection requirements applicable to

13

1   entities that collect, process, or store neural

2   data or other related data, including any gaps

3   in such requirements where such entities fall

4   outside existing Federal standards, such as the

5   Health Insurance Portability and Accountability

6   Act of 1996 (Public Law 104–191);

7   (B) an assessment of interagency review

8   models to determine whether certain exports,

9   public releases, or commercial uses of

10   neurotechnologies, including their component

11   parts and integration with artificial intelligence

12   systems, should be subject to restrictions or en-

13   hanced controls;

14   (C) an examination of foreign investment

15   risks in neurotechnology firms;

16   (D) recommendations on actions the Gov-

17   ernment and nongovernment actors can take to

18   ensure transparency and due diligence in inter-

19   national partnerships involving such data;

20   (E) supply chain risks involving compo-

21   nents used in neurotechnology that are acquired

22   from foreign countries; and

23   (F) the implications of storing and proc-

24   essing such data locally versus in cloud environ-

25   ments;

14

1   (9) recommendations for incentive structures

2 that promote ethical innovation in neurotechnology

3 that prioritize consumer protection and descriptions

4 of how such structures can be aligned with existing

5 regulatory and certification pathways or require-

6 ments, such as the development of—

7   (A) voluntary standards tied to business

8   incentives, such as research and development

9   tax credits and expedited regulatory pathways;

10   (B) financial support for responsible sci-

11   entific inquiry and innovation in

12   neurotechnology, conducted in ethically gov-

13   erned and controlled environments, with safe-

14   guards to prevent misuse or harmful applica-

15   tions;

16   (C) regulatory sandbox mechanisms to en-

17   able early-stage neural data applications to be

18   tested with agency oversight, informed consent,

19   and structured risk review;

20   (D) policies that promote long-term sup-

21   port for users of brain-computer interfaces,

22   such as interoperability standards and post-trial

23   maintenance practices;

24   (E) competitive incentives, such as pro-

25   curement preferences for companies that meet

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1   specified standards relating to the use of

2   neurotechnology;

3   (F) public-private partnerships to develop

4   open standards and ethical practices regarding

5   the treatment of neural data and other related

6   data;

7   (G) ways the Centers for Medicare & Med-

8   icaid Services and the Food and Drug Adminis-

9   tration can coordinate on the use and approval

10   of neurotechnology to reduce reimbursement

11   and coverage barriers;

12   (10) a proposed framework for enforcement

13   mechanisms, remedies, and penalties for the misuse

14   of, gross negligence regarding the use of, and unau-

15   thorized collection, use, transfer, or disclosure of

16   neural data and other related data; and

17   (11) other analysis and recommendations deter-

18   mined appropriate by the Commission.

19   (c) ANNUAL UPDATES.—Not later than 1 year after

20 the date the Commission submits the report to Congress

21 under subsection (a), and not less frequently than annu-

22 ally thereafter, the Commission shall publicly update the

23 findings in such report to—

24   (1) reflect evolving advancements in

25   neurotechnology, neural data and other related data

1   use cases, and the associated risks involved with

2   such advancements and use cases; and

3   (2) assess whether additional reports or updates

4   to any guidance are necessary to ensure that pri-

5   vacy, particularly as it relates to neural data and

6   other related data, continues to be protected.

7   (d) AUTHORIZATION OF APPROPRIATIONS.—There is

8 authorized to be appropriated $10,000,000 for purposes

9 of carrying out this section.

10 **SEC. 5. CONDITIONAL LIMITATIONS ON FEDERAL AGENCY**

11   **USE OF NEURAL DATA.**

12   (a) GUIDANCE TO FEDERAL AGENCIES.—

13   (1) IN GENERAL.—Not later than 180 days

14   after the Commission submits the report described

15   in section 4(a)(2), the Director of the Office of

16   Science and Technology Policy, in consultation with

17   the Commission and the Director of the Office of

18   Management and Budget, shall develop guidance,

19   using such report to inform such guidance, regard-

20   ing the procurement and operational use by Federal

21   agencies of neurotechnology that collects, uses, pro-

22   cures, or otherwise processes neural data or other

23   related data. Such guidance shall identify—

24   (A) prohibited, permissible, and condi-

25   tionally permitted use cases of such

17

1   neurotechnology that are consistent with such

2   report;

3   (B) technical, procedural, and ethical safe-

4   guards regarding each use case of such

5   neurotechnology; and

6   (C) requirements for transparency, limita-

7   tions regarding the purposes for which such

8   neurotechnology can be used, individual opt-in

9   consent mechanisms regarding the use of such

10   neurotechnology, and protections for the privacy

11   of the people of the United States.

12   (2) BINDING GUIDANCE.—Not later than 60

13   days after the Director of the Office of Science and

14   Technology Policy develops the guidance under para-

15   graph (1), the Director of the Office of Management

16   and Budget shall issue binding implementation guid-

17   ance to each Federal agency pursuant to the guid-

18   ance developed under paragraph (1).

19   (b) PROHIBITION.—

20   (1) IN GENERAL.—The head of a Federal agen-

21   cy may not procure or operate any neurotechnology

22   that collects, uses, procures, or otherwise processes

23   neural data in a manner inconsistent with the guid-

24   ance issued under subsection (a)(2).

1   (2) EFFECTIVE DATE.—Paragraph (1) shall

2   take effect on the date that is 1 year after the date

3   on which the Director of the Office of Management

4   and Budget issues guidance in accordance with sub-

5   section (a)(2).