# OVERVIEW OF ARTIFICIAL INTELLIGENCE (AI) LEGISLATION PENDING BEFORE THE 118TH CONGRESS

THE NEW ENGLAND COUNCIL

CONTACT

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## SUMMARY

The 118th Congress has embarked on a comprehensive legislative agenda addressing the proliferating presence of artificial intelligence (AI) in society. This selection of bills encompasses diverse concerns, signifying a concerted effort to grapple with AI's multifaceted challenges and opportunities. One such piece of legislation is the H.R.4223 National AI Commission Act, which advocates for the establishment of a bipartisan commission comprised of domain experts. This commission's primary goal is to formulate a comprehensive regulatory framework for AI, indicative of the growing recognition of the imperative to adapt regulatory paradigms to the swiftly evolving AI landscape.

In tandem with regulatory initiatives, several bills, such as the H.R.3831 AI Disclosure Act, pivot towards ensuring transparency in AI-generated content. This legislation advocates for the mandatory incorporation of disclaimers on AI-generated materials, particularly in domains like political advertising, to address concerns about their authenticity. This underlines the centrality of ethical AI deployment and the prevention of misleading practices that may erode trust in AI-generated content.

Workforce development assumes prominence in congressional deliberations through bills like the H.R.4503 AI Training Expansion Act and the H.R.4498 Jobs of the Future Act. These legislative endeavors underscore the critical necessity of equipping the American labor force with the requisite skills to thrive in an AI-driven economy. Simultaneously, they accentuate the importance of monitoring and mitigating potential employment displacement effects precipitated by the increasing assimilation of AI technologies. These bills endeavor to strike a harmonious balance between fostering AI-driven innovation and safeguarding employment opportunities.

Furthermore, national security considerations loom large in the legislative landscape, exemplified by bills like the H.R.1718 AI for National Security Act. This legislation mandates the procurement of AI-based security systems to fortify defenses against cyber threats, underscoring AI's pivotal role in contemporary defense and security strategies. Assuring the robustness and integrity of AI systems in national

security has become paramount as AI's footprint in military and intelligence operations expands.

These bills collectively underscore the urgency with which policymakers are confronting AI's impact across diverse facets of American society, ranging from ethical considerations and transparency to workforce preparation and national security. As AI continues its advancement, these legislative endeavors aim to navigate the intricate terrain between promoting innovation and ensuring AI's responsible and equitable integration into society.

## U.S. HOUSE OF REPRESENTATIVES

### H.R.1718 – AI FOR NATIONAL SECURITY ACT

- **Date Introduced**: 03/22/2023
- **Lead Sponsor(s)**: Rep. Jay Obernolte [R-CA-22]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):**
  - Rep. Jimmy Panetta [D-CA-19]
  - Rep. Patrick Ryan [D-NY-18]
- **Summary**: "The bill would amend the National Defense Authorization Act of 2022 to require procurement of 'artificial intelligence-based endpoint security that prevents cyber-attacks and does not require constant internet connectivity to function...'"[1]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/1718/text
- **Press Release**: https://obernolte.house.gov/media/press-releases/reps-obernolte-panetta-introduce-artificial-intelligence-national-security-act

### H.R.2894 – BLOCK NUCLEAR LAUNCH BY AUTONOMOUS ARTIFICIAL INTELLIGENCE

- **Date Introduced**: 04/26/23
- **Lead Sponsor(s)**: Rep. Ted Lieu [D-CA-36]
- **NE Co-Sponsor(s)**:
  - Rep. James McGovern [D-MA-2]
  - Rep. Seth Moulton [D-MA-6]
- **Other Co-Sponsor(s):**
  - Rep. Ken Buck  [R-CO-4]
  - Rep. Donald Beyer, Jr. [D-VA-8]
  - Rep. Jill Tokuda [D-HI-2]
  - Rep. Mike Levin [D-CA-49]
  - Rep. Chrissy Houlahan [D-PA-6]
  - Rep. Ilhan Omar [D-MN-5]
  - Rep. Alexander Mooney [R-WV-2]
  - Rep. Brad Sherman [DCA-32]
  - Rep. Juan Ciscomani [R-AZ-6]
  - Rep. Mark Pocan [D-WI-2]
  - Rep. Rashida Tlaib [D-MI-12]

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[1] Mintz, "AI Legislation," Mintz Insights (a. 2023), 2.

- o Rep. Raul Grijalva [D-AZ-7]
- o Rep. Sheila Jackson Lee [D-TX-35]
- o Rep. Jamaal Bowman [D-NY-16]
- o Rep. Val T. Hoyle [D-OR-4]
- **Summary**: Regarding the CCW, this bill would prohibit the appropriation of funds toward systems that are not subject to "meaningful human control" to launch a nuclear weapon or select and engage targets for the purposes of launching a nuclear weapon.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1394/text
- **Press Release**: https://www.markey.senate.gov/news/press-releases/markey-lieu-beyer-and-buck-introduce-bipartisan-legislation-to-prevent-ai-from-launching-a-nuclear-weapon

*Please see Senate companion bill S.1394 on page 14.*

## H.R. 3044 – REAL POLITICAL ADVERTISEMENTS ACT*

- **Date Introduced:** 05/15/2023
- **Lead Sponsor(s)**: Rep. Yvette Clark [D-NY-9
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):** N/A
- **Summary**: This bill would require the inclusion of a conspicuous disclaimer on any political advertisements employing text, images, video, or audio produced by or in conjunction with generative artificial intelligence. The Federal Elections Commission would enforce the act and would provide a compliance assessment within two years of enactment.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1596/text
- **Press Release**: https://www.klobuchar.senate.gov/public/index.cfm/2023/5/klobuchar-booker-bennet-introduce-legislation-to-regulate-ai-generated-content-in-political-ads

***Please see Senate companion bill S.1594 on page 16.*

## H.R.3168 – TO ESTABLISH A JOINT AUTONOMY OFFICE IN THE DEPARTMENT OF DEFENSE, AND FOR OTHER PURPOSES.

- **Date Introduced**: 05/09/2023
- **Lead Sponsor(s)**: Rep. Robert J. Whittman [R-VA-1]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):**
  - o Rep. C. A. Dutch Ruppersberger [D-MD-2]
  - o Rep. Jay Obernolte [R-CA-23]

- **Summary**: "The bill would establish within the Department of Defense a 'Joint Autonomy Office' to manage and develop acquisitions programs, development and testing platforms, and best practices for autonomous systems. The bill would also require the Secretary of Defense to give a briefing to the relevant congressional committees regarding the establishment of the Joint Autonomy Office. Finally, the Director of the Joint Autonomy Office would be required to finalize a 'plan and procedures to standardize the planning, resourcing, and integration efforts with respect to autonomous capabilities for current and future systems across the Department.'" [2]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/3168/text
- **Press Release**: https://wittman.house.gov/news/documentsingle.aspx?DocumentID=5011

## H.R.3369 – AI ACCOUNTABILITY ACT

- **Date Introduced:** 05/27/2023
- **Lead Sponsor(s):** Rep. Josh Harder [D-CA-9]
- **NE Co-Sponsor(s):** N/A
- **Other Co-Sponsor(s):**
  - Rep. Robin L. Kelly [D-IL-2]
  - Rep. Jay Obernolte [R-CA-23]
- **Summary**: A bill to direct the Assistant Secretary of Commerce for Communications and Information to conduct a study on AI system accountability measures and hold public meetings with industry, academic, and consumer stakeholders. The study would analyze how communications networks incorporate artificial intelligence accountability measures, how AI systems can assist in the "promotion of digital inclusion, and how accountability measures can reduce the cybersecurity risk."
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/3369/text
- **Press Release**: N/A

## H.R.3831 – AI DISCLOSURE ACT

- **Date Introduced:** 06/05/2023
- **Lead Sponsor(s):** Rep. Ritchie Torres [D-NY-15]
- **NE Co-Sponsor(s):** N/A
- **Other Co-Sponsor(s):** N/A
- **Summary**: This bill would require artificial intelligence to disclose that its output has been artificially generated. Products of generative artificial intelligence would

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[2] Mintz, "AI Legislation," Mintz Insights (a. 2023), 2.

be required to include the following text: "Disclaimer: this output has been generated by artificial intelligence." The bill would be enforced by the Federal Trade Commission under 15 USC 57a: "Unfair or deceptive acts or practices rulemaking proceedings."

- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/3831/text
- **Press Release**: https://ritchietorres.house.gov/posts/u-s-rep-ritchie-torres-introduces-federal-legislation-requiring-mandatory-disclaimer-for-material-generated-by-artificial-intelligence

## H.R.4223 – NATIONAL AI COMMISSION ACT

- **Date Introduced:** 06/20/2023
- **Lead Sponsor(s)**: Rep. Ted Lieu [D-CA-36]
- **NE Co-Sponsor(s)**:
    o Rep. Stephen F. Lynch [D-MA-8]
- **Other Co-Sponsor(s):**
    o Rep. Ken Buck [R-CO-4]
    o Rep Anna G. Eshoo [D-CA-16]
    o Rep. Robert J. Wittman [R-VA-1]
    o Rep. Zachary Nunn [R-IA-3]
    o Rep. Christopher R. Deluzio [D-PA-17]
- **Summary**: Bipartisan and bicameral legislation to create a national commission to focus on the question of regulating Artificial Intelligence (AI). The bipartisan commission would review the United States' current approach to AI regulation, make recommendations on any new office or governmental structure that may be necessary, and develop a risk-based framework for AI. The group would comprise experts from civil society, government, industry, and labor, and those with technical expertise coming together to develop a comprehensive framework for AI regulation.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/4223/text
- **Press Release**: https://lieu.house.gov/media-center/press-releases/reps-lieu-buck-eshoo-and-sen-schatz-introduce-bipartisan-bicameral-bill

## H.R.4498 – JOBS OF THE FUTURE ACT 2023

- **Date Introduced:** 07/06/2023
- **Lead Sponsor(s):** Rep. Darren Soto [D-FL-9]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):**
    o Rep. Lori Chavez-DeRemer [R-OR-5]
    o Rep. Lisa Blunt Rochester [D-DE]

           ○ Rep. Andrew R. Garbarino [R-NY-2]
- **Summary**: This bill authorizes the Department of Labor, National Science Foundation, and various House committees to create a report analyzing AI's future impact on the workforce. The research stipulations include (1) Data acquisition on artificial intelligence in the workforce. (2) Industry-specific projections of the impact of AI. (3) Worker and Congressional opportunities to impact the industry use of AI. (4) Demographic-based research on expanded career opportunity and career displacement vulnerability. (5) Identification of steps in workforce training to develop alongside AI. Furthermore, the bill calls for the joint committee report to offer recommendations to alleviate workforce displacement.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/4498/text
- **Press Release**: https://soto.house.gov/media/press-releases/soto-chavez-deremer-blunt-rochester-garbarino-introduce-bipartisan-jobs-future

## H.R.4503 – AI TRAINING EXPANSION ACT

- **Date Introduced:** 07/12/2023
- **Lead Sponsor(s)**: Rep. Nancy Mace [R-SC-1]
- **NE Co-Sponsor(s**): N/A
- **Other Co-Sponsor(s):** Rep. Gerald E. Connolly [D-VA-11]
- **Summary**: The bill seeks to expand the development of an AI training program for the executive branch of the Federal Government, focusing on promoting potential benefits and mitigating risks of new artificial intelligence technologies in federal programs.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/4503/text
- **Press Release**: N/A

## H.R.4624 – ALGORITHMIC JUSTICE AND ONLINE PLATFORM TRANSPARENCY ACT*

- **Date Introduced**: 07/13/2023
- **Lead Sponsor(s)**: Rep. Doris Matsui [D-CA-7]
- **NE Co-Sponsor(s**): N/A
- **Other Co-Sponsor(s):**
  - ○ Rep. Kweisi Mfume [D- MD-7]
  - ○ Rep. Mary Gay Scanlon [D-PA-5]
  - ○ Rep. Pramila Jayapal [D-WA-7]
  - ○ Rep. Maxwell Frost [D-FL-10
  - ○ Rep. Rashida Tlaib [D-MI-12
  - ○ Rep. Andre Carson [D-IN-7]

- o Rep. Anna Eshoo [D-CA-16]
- o Rep. Raul Grijalva [D-AZ-7]
- o Rep. Sheila Jackson Lee [D-TX-18]
- o Rep. Jamaal Bowman [D-NY-16]
- **Summary**: "The bill would establish certain requirements for online platforms utilizing algorithms for the purpose of content amplification, recommendation, or promotion. These include transparency and record-keeping requirements regarding the data collection and processing practices underlying these algorithms, disclosure 'in conspicuous, accessible, and plain language that is not misleading a complete description of the online platform's content moderation practices,' and the publishing of annual transparency reports regarding content moderation practices. Online platforms would be prohibited from employing 'an algorithmic process in a manner that is not safe and effective' or utilizing an algorithmic process to discriminate against a user. The bill would also establish an 'Interagency Task Force on Algorithmic Processes on Online Platforms" that would "conduct a study on the discriminatory use of personal information by online platforms in algorithmic processes.' This bill would be enforceable by the Federal Trade Commission, State Attorneys General, the Department of Justice, or a private right of action." [3]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/4624/text
- **Press Release**: https://matsui.house.gov/media/press-releases/matsui-markey-reintroduce-legislation-hold-big-tech-accountable-discriminatory

*Please see Senate companion bill S.2325 on page 19.*

## H.R.4683 – CLOSING LOOPHOLES FOR THE OVERSEAS USE AND DEVELOPMENT OF ARTIFICIAL INTELLIGENCE ACT

- **Date Introduced**: 07/17/2023
- **Lead Sponsor(s)**: Rep. Jeff Jackson [D-NC-14]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):**
    - o Rep. Michael Lawler [R-NY-17]
    - o Rep. Jasmine Crockett [D-TX-30]
    - o Rep. Richard McCormick [R-GA-6]
- **Summary**: "The bill would prohibit support for the remote use or cloud use of integrated circuits listed under Export Control Classification Numbers 3A090 and 4A090 of the Export Administration Regulations by entities located in the

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[3] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

People's Republic of China or Macau. Despite recent export controls on advanced semiconductors, 'Chinese entities are still developing artificial intelligence tools and models by purchasing remote and cloud access to these same advanced components to train artificial intelligence models and tools.' The bill would seek to close this loophole." [4]

- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/4683/text
- **Press Release**: https://jeffjackson.house.gov/media/press-releases/rep-jeff-jackson-introduces-bipartisan-cloud-ai-act-stop-china-remotely-using

## H.R.4814 – CONSUMER SAFETY TECHNOLOGY ACT

- **Date Introduced:** 07/27/23
- **Lead Sponsor(s)**: Rep. Darren Soto [D-FL-9]
- **NE Co-Sponsor(s)**:
  o  Rep. Lori Trahan [D-MA-3]
- **Other Co-Sponsor(s):**
  o  Rep. Michael C. Burgess [R-TX-26]
  o  Rep. Brett Guthrie [R-KY-2]
  o  Rep. Kathy Castor [D-FL-14]
- **Summary**: "The bill would direct the Consumer Product Safety Commission (CPSC) to establish a pilot program to explore the use of artificial intelligence in support of the mission of the Commission. During the pilot program, the CPSC would use AI for at least one of the four following purposes: (1) tracking trends with respect to injuries involving consumer products, (2) identifying consumer product hazards, (3) monitoring the retail marketplace for the sale of recalled consumer products, and (4) identifying consumer products to be refused admission into the customs territory of the United States as per the terms of the Consumer Product Safety Act. Following the conclusion of this pilot program, the CPSC would submit a report to relevant congressional committees regarding the outcome of the pilot program." [5]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/4814/text
- **Press Release**: https://soto.house.gov/media/press-releases/soto-burgess-trahan-guthrie-introduce-bipartisan-consumer-safety-technology

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[4] Mintz, "AI Legislation", Mintz Insights (a. 2023), 3.

[5] Mintz, "AI Legislation," Mintz Insights (a. 2023), 2.

## H.R.5077 – CREATE WITH ARTIFICIAL INTELLIGENCE ACT OF 2023*

- **Date Introduced:** 07/28/2023
- **Lead Sponsor(s):** Rep. Anna Eshoo [D-CA-16]
- **NE Co-Sponsor(s):**
  - **N/A**
- **Other Co-Sponsor(s):**
  - Rep. Michael McCaul [R-TX-10]
  - Rep. Donald Beyer Jr. [D-VA-8
  - Rep. Jay Obernolte [R-CA-23]
  - Rep. Marcus Molinaro [R-NY-19]
  - Rep. Robin Kelley [D-IL-2]
- **Summary**: The CREATE AI Act aims to establish the National Artificial Intelligence Research Resource (NAIRR). This resource is intended to promote innovation and accessibility in artificial intelligence (AI) research and development. It addresses concerns about limited access to computational resources and datasets by ensuring broader access, particularly for underrepresented groups in STEM fields. The bill establishes a governing structure, including a steering subcommittee and advisory committees, to oversee the NAIRR and its operations. It also outlines criteria for eligible users, resource categories, ethical considerations, and security measures.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/house-bill/5077/text
- **Press Release**: https://eshoo.house.gov/media/press-releases/ai-caucus-leaders-introduce-bipartisan-bill-expand-access-ai-research

*Please see Senate companion bill S.2714 on page 23.*

## U.S. SENATE

## S.1123 – MARTTE ACT

- **Date Introduced:** 3/30/2023
- **Lead Sponsor(s)**: Sen. Tammy Duckworth [D-IL]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):** N/A
- **Summary**: "The bill would direct the Armed Forces to implement programs towards 'the development and management of career field occupational codes aligned with the work roles related to computer programming, artificial intelligence and machine learning competency, and software engineering...'"[6]

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[6] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1123/text
- **Press Release**: https://www.duckworth.senate.gov/imo/media/doc/23.03.30%20-%20MARTTE%20Act%20Bill%20Text.pdf

## S.1356 – ASSESS AI ACT

- **Date Introduced:** 04/27/2023
- **Lead Sponsor(s)**: Sen. Michael Bennet [D-CO]
- **NE Co-Sponsor(s**): N/A
- **Other Co-Sponsor(s):** N/A
- **Summary**: "The bill would establish an 'AI Task Force' composed of regulators from a variety of federal agencies. The AI Task Force would be tasked with reviewing existing regulatory gaps with regard to AI, and recommending 'legislative and regulatory reforms to ensure that uses of artificial intelligence and associated data in Federal Government operations comport with freedom of expression, equal protection, privacy, civil liberties, civil rights, and due process."[7]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1356/text
- **Press Release**: https://www.bennet.senate.gov/public/index.cfm/2023/4/bennet-introduces-legislation-to-stand-up-an-ai-task-force-to-ensure-responsible-use-of-the-technology-by-the-federal-government#:~:text=The%20ASSESS%20AI%20Act%20would%20create%20a%20cabinet%2Dlevel%20AI,Americans'%20fundamental%20rights%20and%20liberties

## S.1394 – BLOCK NUCLEAR LAUNCH BY AUTONOMOUS ARTIFICIAL INTELLIGENCE*

- **Date Introduced**: 05/01/2023
- **Lead Sponsor(s)**: Sen. Edward Markey [D-MA]
- **NE Co-Sponsor(s**):
  - Sen. Elizabeth Warren [D-MA]
  - Sen. Bernard Sanders [I-VT]
- **Other Co-Sponsor(s):**
  - **Sen**. Jeff Merkley [D-OR]
- **Summary**: Regarding the CCW, this bill would prohibit the appropriation of funds toward systems that are not subject to "meaningful human control" to launch a

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[7] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.
*\* Please see Senate companion bill S.2894 on page 6.*

nuclear weapon or select and engage targets for the purposes of launching a nuclear weapon.

- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1394/text
- **Press Release**: https://www.markey.senate.gov/news/press-releases/markey-lieu-beyer-and-buck-introduce-bipartisan-legislation-to-prevent-ai-from-launching-a-nuclear-weapon

  *Please see House companion bill H.R.2894 on page 6.*

## S.1564 – AI LEADERSHIP TRAINING ACT

- **Date Introduced:** 05/11/2023
- **Lead Sponsor(s)**: Sen. Gary C. Peters [D-MI]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):** Sen. Mike Braun [R-IN]
- **Summary**: This bill would create an artificial intelligence training program for federal management officials, supervisors, and any other employee as determined to be appropriate by the Director of the Office of Personnel Management to improve their understanding of AI applications, including its potential risks and benefits.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1564/text
- **Press Release**: https://www.peters.senate.gov/newsroom/press-releases/peters-introduces-bipartisan-legislation-to-establish-artificial-intelligence-training-programs-for-federal-workforce-leadership

## S.1596 – REAL POLITICAL ADVERTISEMENTS ACT*

- **Date Introduced:** 05/15/2023
- **Lead Sponsor(s)**: Sen. Amy Klobuchar [D-MN]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):**
  - ○ Sen. Cory A. Booker [D-NJ]
  - ○ Sen. Michael F. Bennet [D-CO]
- **Summary**: This bill would require the inclusion of a conspicuous disclaimer on any political advertisements employing text, images, video, or audio produced by or in conjunction with generative artificial intelligence. The Federal Elections Commission would enforce the act and would provide a compliance assessment within two years of enactment.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1596/text
- **Press Release**: https://www.klobuchar.senate.gov/public/index.cfm/2023/5/klobuchar-booker-bennet-introduce-legislation-to-regulate-ai-generated-content-in-political-ads

## S.1626 – ASK ACT

- **Date Introduced:** 05/16/2023
- **Lead Sponsor(s):** Sen. Rick Scott [R-FL]
- **NE Co-Sponsor(s):** N/A
- **Other Co-Sponsor(s):** N/A
- **Summary**: This bill would regulate minors' access to artificial intelligence based on rules issued by the Federal Communications Commission in consultation with the Federal Trade Commission. The bill proposes three rules as a floor for the rules: (1) Parental consent must be acquired from entities offering the use of any artificial intelligence to a minor. (2) Parents may revoke their consent at any time. (3) Parents who choose to revoke their consent shall not be charged a fee for this decision.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1626/text
- **Press Release**: https://www.rickscott.senate.gov/2023/5/sen-rick-scott-introduces-the-ask-act-to-protect-kids-from-ai

## S.1671 – DIGITIAL PLATFORM COMMISSION ACT OF 2023

- **Date Introduced:** 05/18/2023
- **Lead Sponsor(s)**: Sen. Michael Bennet [D-CO]
- **NE Co-Sponsor(s)**: Sen. Peter Welch [D-VT]
- **Other Co-Sponsor(s):** N/A
- **Summary**: "This bill establishes a commission to regulate digital platforms. These are online services that facilitate interactions between users and between users and entities (including online services) that offer goods and services. The bill provides the commission with rulemaking, investigative, and related authorities to regulate access to, competition among, and consumer protections for digital platforms. This includes setting standards for age verification and age-appropriate design. The bill also provides for administrative and judicial enforcement of the regulations. The commission must establish a council of technical experts, representatives of digital platforms, and other experts (e.g., representatives of nonprofit public interest groups and academics) to recommend standards for algorithmic processes and other policies." [8]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1671/text
- **Press Release**: https://www.bennet.senate.gov/public/index.cfm/2023/5/bennet-welch-reintroduce-landmark-legislation-to-establish-federal-commission-to-

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[8] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

oversee-digital-
platforms#:~:text=introduced%20the%20Digital%20Platform%20Commission,an
d%20defend%20the%20public%20interest.

## S.1865 – TAG ACT

- **Date Introduced**: 06/14/23
- **Lead Sponsor(s)**: Sen. Gary C. Peters [D-MI]
- **NE Co-Sponsor(s**): N/A
- **Other Co-Sponsor(s):**
  - Sen. Mike Braun [R-IN]
  - Sen. James Lankford [R-OK]
- **Summary**: The bill would direct the Director of the Office of Management and Budget to issue guidance requiring 'agencies to provide disclosure and opportunity for appeal' when using 'an automated system to determine or substantially influence the outcomes of critical decisions,' such as those that meaningfully impact access to education, employment, housing, essential utilities, and more" [9]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1865/text
- **Press Release**: https://www.peters.senate.gov/newsroom/press-releases/peters-introduces-bipartisan-bill-to-require-transparency-of-federal-governments-use-of-ai

## S.1993 – A BILL TO WAIVE IMMUNITY UNDER SECTION 230 OF THE COMMUNICATIONS ACT OF 1934 FOR CLAIMS AND CHARGES RELATED TO GENERATIVE ARTIFICIAL INTELLIGENCE.

- **Date Introduced**: 06/14/2023
- **Lead Sponsor(s)**: Sen. Josh Hawley [R-MO]
- **NE Co-Sponsor(s**): Sen. Richard Blumenthal [D-CT]
- **Other Co-Sponsor(s):** N/A
- **Summary**: "The bill would amend Section 230 of the Communications Act of 1934 to exclude entities from Section 230 immunity if the claim or charge brought against the entity 'involves the use or provision of generative artificial intelligence…'" [10]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/1993/text

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[9] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

[10] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

- **Press Release**: https://www.hawley.senate.gov/hawley-blumenthal-introduce-bipartisan-legislation-protect-consumers-and-deny-ai-companies-section

## S.2043 – DEPARTMENT OF STATE AUTHORIZATION ACT OF 2023

- **Date Introduced:** 07/13/23
- **Lead Sponsor(s)**: Sen. Robert Menendez [D-NJ]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):** N/A
- **Summary**: "The bill would establish a 'Countering AI-Enabled Disinformation Task Force' to develop a unified international approach regarding potential responses to 'the growing threat of AI-enabled disinformation and its use by foreign state actors to augment influence operations and disinformation campaigns.' The bill would also establish the position of 'Chief Artificial Intelligence Officer within the State Department, whose primary responsibilities would be to oversee the adoption of AI applications in the State Department and advise the Secretary of State 'on the ethical use of AI and advanced analytics in conducting data-informed diplomacy.'" [11]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2043/text
- **Press Release**: https://www.foreign.senate.gov/press/dem/release/chairman-menendez-hails-bipartisan-committee-approval-of-state-department-authorization-act-to-modernize-and-advance-us-diplomacy

## S.2293 – AI LEAD ACT

- **Date Introduced:** 07/13/2023
- **Lead Sponsor(s):** Sen. Gary C. Peters [D-MI]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):** Sen. John, Cornyn [R-TX]
- **Summary**: This bill would require federal agencies to notify individuals when they are interacting with or subject to critical decisions made using certain AI or other automated systems. The bill also directs agencies to establish an appeals process that will ensure there is a human review of AI-generated critical decisions that may negatively affect individuals.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2293/text
- **Press Release**: https://www.peters.senate.gov/newsroom/press-releases/peters-introduces-bipartisan-bill-to-require-transparency-of-federal-governments-use-of-ai

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[11] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

## S.2325 – ALGORITHMIC JUSTICE AND ONLINE PLATFORM TRANSPARENCY ACT*

- **Date Introduced**: 07/13/2023
- **Lead Sponsor(s)**: Sen. Edward J. Markey [D-MA]
- **NE Co-Sponsor(s)**:
    - Sen. Sheldon Whitehouse [D-RI]
    - Sen. Elizabeth Warren [D-MA]
- **Other Co-Sponsor(s):** N/A
- **Summary**: "The bill would establish certain requirements for online platforms utilizing algorithms for the purpose of content amplification, recommendation, or promotion. These include transparency and record-keeping requirements regarding the data collection and processing practices underlying these algorithms, disclosure 'in conspicuous, accessible, and plain language that is not misleading a complete description of the online platform's content moderation practices,' and the publishing of annual transparency reports regarding content moderation practices. Online platforms would be prohibited from employing 'an algorithmic process in a manner that is not safe and effective' or utilizing an algorithmic process to discriminate against a user. The bill would also establish an 'Interagency Task Force on Algorithmic Processes on Online Platforms" that would "conduct a study on the discriminatory use of personal information by online platforms in algorithmic processes.' This bill would be enforceable by the Federal Trade Commission, State Attorneys General, the Department of Justice, or a private right of action." [12]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2325/text
- **Press Release**: https://www.markey.senate.gov/news/press-releases/sen-markey-rep-matsui-lets-ban-big-techs-black-box-algorithms-that-perpetuate-discrimination-inequality-and-racism-in-society#:~:text=Senator%20Markey%20and%20Congresswoman%20Matsui's,making%20is%20fair%20and%20transparent.

*Please see House companion bill H.R.4624 on page 11.*

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[12] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

## S.2333 – PANDEMIC AND ALL-HAZARDS PREPAREDNESS AND RESPONSE ACT

- **Date Introduced**: 07/20/23
- **Lead Sponsor(s)**: Sen. Robert P. Casey [D-PA]
- **NE Co-Sponsor(s**):
    - o Sen. Bernard Sanders [I-VT]
- **Other Co-Sponsor(s):**
    - o Sen. Mitt Romney [R-UT]
    - o Sen. Bill Cassidy [R-LA]
- **Summary**: "The bill would direct the Secretary of Health and Human Services to develop a strategy for 'public health preparedness and response to address the risks of misuse of artificial intelligence that present a threat to national health security' and strategies to mitigate these risks."[13]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2333/text
- **Press Release**: https://www.casey.senate.gov/news/releases/casey-romney-pandemic-preparedness-bill-passed-out-of-senate-health-committee

## S.2346 – STRATEGY FOR PUBLIC HEALTH PREPAREDNESS AND RESPONSE TO ARTIFICIAL INTELLIGENCE THREATS

- **Date Introduced:** 07/18/2023
- **Lead Sponsor(s):** Sen. Ted Budd [R-NC]
- **NE Co-Sponsor(s)**: Sen. Edward J. Markey [D-MA]
- **Other Co-Sponsor(s):** N/A
- **Summary**: This bill would require the "Secretary of Health and Human Services to develop a strategy for public health preparedness and response to artificial intelligence threats," in consultation with public and private stakeholders.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2346/text
- **Press Release**: https://www.markey.senate.gov/news/press-releases/sens-markey-budd-announce-legislation-to-assess-health-security-risks-of-ai

## S.2419 – NO ROBOT BOSSES ACT

- **Date Introduced**: 07/20/2023
- **Lead Sponsor(s)**: Sen. Robert P. Casey [D-PA}
- **NE Co-Sponsor(s)**:
    - o Sen. Bernard Sanders [I-VT]
- **Other Co-Sponsor(s):**

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[13] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

- o    Sen. Brian Schatz [D-HI]
- o    Sen. John Fetterman [D-PA]
- **Summary**: The bill would prohibit employers from exclusively relying on automated decision systems when making employment-related decisions regarding anyone 'who is employed by, or otherwise performing work for remuneration for, the employer'. Employers would also be prohibited from using an output produced by an automated decision system to make such employment-related decisions unless the system has had 'pre-deployment testing and validation' with respect to the system's efficacy, compliance with applicable employment discrimination laws, potential discriminatory impact, and compliance with the Artificial Intelligence Risk Management Framework released by the National Institute of Standards and Technology. When such systems make employment-related decisions, the employer must provide 'full, accessible, and meaningful documentation in plain language to such covered individual...on the automated decision system output' within seven days. Such automated systems must be annually tested for discriminatory impact. Within the Department of Labor the bill would establish a 'Technology and Worker Protection Division' within the Department of Labor tasked with enforcing and prescribing regulations pursuant to the act. State attorneys general or State privacy regulators would be able to bring civil actions under this act"."[14]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2419/text
- **Press Release**: https://www.casey.senate.gov/news/releases/no-robot-bosses-casey-introduces-legislation-to-protect-workers-from-being-managed-by-ai-and-bots

## S.2440 – EXPLOITATIVE WORKPLACE SURVEILLANCE AND TECHNOLOGIES TASK FORCE ACT OF 2023

- **Date Introduced**: 07/20/2023
- **Lead Sponsor(s)**: Sen. Robert P. Casey [D-PA]
- **NE Co-Sponsor(s**):
- **Other Co-Sponsor(s):**
  - o    Sen. Brian Schatz [D-HI]
  - o    Sen. John Fetterman [D-PA]
  - o    Sen. Cory A. Booker [D-NJ]
- **Summary**: "The bill would establish the 'White House Task Force on Workplace Surveillance and Technologies' staffed by representatives from across the federal bureaucracy. This group would be tasked with studying and evaluating

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[14] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

the use of workplace surveillance by employers, including: the prevalence of workplace surveillance across industries, the means by which employers are conducting workplace surveillance, and the use of automated systems to make determinations about worker compensation, responsibility, advancement, and other key matters. This group would report its findings to relevant congressional committees through a series of reports." [15]

- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2440/text
- **Press Release**: https://www.casey.senate.gov/news/releases/casey-booker-schatz-introduce-bill-to-protect-workers-from-invasive-exploitative-surveillance-technologies

## S.2597 – DIGITAL CONSUMER PROTECTION COMMISSION ACT OF 2023

- **Date Introduced**: 07/27/2023
- **Lead Sponsor(s)**: Sen. Elizabeth Warren [D-MA]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):**
    - Sen. Lindsey Graham [R-SC]
- **Summary**: "The bill would subject entities collecting, transferring, or processing personal data to a duty of care mandating, except in limited cases, that such entities not deploy algorithms in a manner likely to lead to injury or discrimination. Such entities must also allow users to opt out of algorithmic recommendation systems that use personal data. The bill would also establish an artificial intelligence advisory board for the purpose of recommending rules to implement regarding AI. Finally, if more than 10% of the owners of an operator of a dominant platform are citizens of a foreign adversary, the operator must sequester any algorithm concerning United States users such that these algorithms are inaccessible to any affiliate of the operator that is based outside of the United States" [16]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2597/text
- **Press Release**: https://www.warren.senate.gov/newsroom/press-releases/warren-graham-unveil-bipartisan-bill-to-rein-in-big-tech#:~:text=The%20bill%20would%3A,security%2C%20and%20prevent%20harm%20online.

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[15] Mintz, "AI Legislation," Mintz Insights (a. 2023), 1.

[16] Mintz, "AI Legislation," Mintz Insights (a. 2023), 2.

## S.2691 – AI LABELING ACT OF 2023

- **Date Introduced**: 07/27/2023
- **Lead Sponsor(s)**: Sen. Brian Schatz [D-HI]
- **NE Co-Sponsor(s)**: N/A
- **Other Co-Sponsor(s):**
  - Sen. John Kennedy [R-LA]
- **Summary**: "The bill would require each generative AI system that, by means of interstate or foreign commerce, produces image, video, or multi-media content to include on such content clear and conspicuous disclosure. Similar requirements would apply to text AI-generated content. Enforcement of this act would be up to the Federal Trade Commission. Additionally, the bill would establish an 'AI-Generated Content Consumer Transparency Working Group' made up of regulators, academics, technologists, and others that would be tasked with creating 'technical standards for AI-generated content detection technology to assist platforms in identifying image, video, audio, and multimedia AI-generated content'" [17]
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2691/text
- **Press Release**: N/A

## S.2714 – CREATE WITH ARTIFICIAL INTELLIGENCE ACT OF 2023*

- **Date Introduced:** 07/27/2023
- **Lead Sponsor(s):** Sen. Martin Heinrich [D-NM]
- **NE Co-Sponsor(s):**
  - **N/A**
- **Other Co-Sponsor(s):**
  - Sen. Todd Young [R-IN]
  - Sen. Cory Booker [D-NJ]
  - Sen. Mike Rounds [R-SD]
- **Summary**: The CREATE AI Act aims to establish the National Artificial Intelligence Research Resource (NAIRR). This resource is intended to promote innovation and accessibility in artificial intelligence (AI) research and development. It addresses concerns about limited access to computational resources and datasets by ensuring broader access, particularly for underrepresented groups in STEM fields. The bill establishes a governing structure, including a steering subcommittee and advisory committees, to oversee the NAIRR and its operations. It also outlines criteria for eligible users, resource categories, ethical considerations, and security measures.

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[17] Mintz, "AI Legislation," Mintz Insights (a. 2023), 2.

- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2714/text
- **Press Release**: https://www.heinrich.senate.gov/newsroom/press-releases/heinrich-young-booker-rounds-introduce-bipartisan-bill-to-expand-access-to-artificial-intelligence-research
  *\* Please see House companion bill H.R.5077 on page 13.*

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## S.2765 – ADVISORY FOR AI-GENERATED CONTENT ACT

- **Date Introduced**: 09/12/2023
- **Lead Sponsor(s)**: Sen. Pete Ricketts [R-Ne]
- **NE Co-Sponsor(s**): N/A
- **Other Co-Sponsor(s):** N/A
- **Summary**: This bill would mandate that certain categories of AI-generated material be watermarked. AI-generated material that: (1) impersonates a specific individual or group of individuals, (2) is represented as original material by the AI-generated entity that produced the material, (3) meets criteria established by the Federal Trade Commission (FTC), would have to include a watermark in a manner conforming to standards set by the FTC, the Federal Communications Commission, the Attorney General, and Secretary of Homeland Security.
- **Bill Text**: https://www.congress.gov/bill/118th-congress/senate-bill/2765/text
- **Press Release**: https://www.ricketts.senate.gov/press-releases/ricketts-introduces-bill-to-combat-deepfakes-require-watermarks-on-a-i-generated-content/

## POLICY FRAMEWORKS

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## BLUEPRINT FOR AN AI BILL OF RIGHTS

- **Date Introduced:** 01/26/2023
- **Lead Sponsor:** White House Office of Science and Technology Policy
- **Summary**: A framework for the regulation of Artificial Intelligence focused on the development of "Safe and Effective Systems," "Algorithmic Discrimination Protections," "Data Privacy," "Notice and Explanation," and "Human Alternatives."
- **Press Release**: https://www.whitehouse.gov/ostp/ai-bill-of-rights/

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## NIST RISK MANAGEMENT FRAMEWORK

- **Date Introduced:** 01/26/2023
- **Lead Sponsor:** National Institute of Standards and Technology
- **Summary**: "The AI RMF is divided into two parts. The first part discusses how organizations can frame the risks related to AI and outlines the characteristics of

trustworthy AI systems. The second part, the core of the framework, describes four specific functions — govern, map, measure, and manage — to help organizations address the risks of AI systems in practice. These functions can be applied in context-specific use cases and at any stage of the AI life cycle."

- **Press Release**: https://www.nist.gov/news-events/news/2023/01/nist-risk-management-framework-aims-improve-trustworthiness-artificial

## SAFE INNOVATION FRAMEWORK

- **Date Introduced:** 06/21/2023
- **Lead Sponsor:** Sen. Chuck Schumer [D-NY]
- **Summary**: A series of policy objectives proposed by Senator Schumer to promote the economic benefits and manage the security risks of artificial intelligence. The central objectives are Security, Accountability, Foundations, Explanation, and Innovation. Industry professionals have since criticized the framework for its lack of strategic detail.
- **Press Release**: https://www.democrats.senate.gov/imo/media/doc/schumer_ai_framework.pdf

## SENATORS' BLUMENTHAL & HAWLEY COMPREHENSIVE AI FRAMEWORK

- **Date Introduced:** 09/08/2023
- **Lead Sponsor(s):**
  - Sen. Richard Blumenthal [D-CT]
  - Sen. Josh Hawley [R-MO]
- **Summary:** "The framework lays out specific principles for upcoming legislative efforts, including the establishment of an independent oversight body, ensuring legal accountability for harms, defending national security, promoting transparency, and protecting consumers and kids…Specifically, the framework would Establish a Licensing Regime Administered by an Independent Oversight Body…Ensure Legal Accountability for Harms…Defend National Security and International Competition…Promote Transparency…Protect Consumers and Kids."[18]
    - **Press Release:** https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-and-hawley-announce-bipartisan-framework-on-artificial-intelligence-legislation

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[18] Blumenthal, Richard, "Blumenthal & Hawley Announce Bipartisan Framework on Artificial Intelligence Legislation", Press Releases (a. 2023).

## COMMITTEE HEARINGS

## SENATE JUDICIARY – SUBCOMMITTEE ON PRIVACY, TECHNOLOGY, AND LAW

### OVERSIGHT OF AI: PRINCIPLES FOR REGULATION

- **Date:** 07/25/2023
- **Panel Members in Attendance**:
  - Sen. Richard Blumenthal [D-CT]
  - Sen. Josh Hawley [R-MO]
  - Sen. Amy Klobuchar [D-MN]
  - Sen. Marsha Blackburn [R-TN]
- **NE Panel Members**:
  - Sen. Richard Blumenthal [D-CT]
- **Witnesses**:
  - Dario Amodei, Anthropic CEO
  - Yoshua Bengio, Quebec AI Institute Founder
  - Stuart Russell, UCB Computer Science Professor
- **Summary**: Panelists questioned the witnesses on future developments in AI technologies. Their questions centered on themes of election integrity, deepfakes, privacy and identity rights, labor rights, international competition, rouge AI, and consumer safety. The witnesses made certain policy recommendations, including (1) Establishing a federal AI research board to predict and respond to AI threats a/o malfunctions. (2) Mandating the implementation of "constitutional AI system[s]" to train new AI and prevent potential threats. (3) Mandating accident and incident reports on AI threats a/o malfunctions. (4) Mandating watermarks a/o other forms of disclosure of AI-generated text, images, and audio. (5) Establishing IP protections for consumers of AI, as well as for workers in the entertainment industry.
- **Press Release**: https://www.blumenthal.senate.gov/newsroom/press/release/blumenthal-questions-anthropic-ceo-and-academic-leaders-about-principles-for-regulating-artificial-intelligence

## SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES

### HEARING TO EXAMINE RECENT ADVANCES IN AI AND THE DEPARTMENT OF ENERGY'S ROLE IN ENSURING U.S. COMPETITIVENESS AND SECURITY

- **Date:** 09/07/2023
- **Panel Members**:
  - Sen. Joe Manchin [D-WV]
  - Sen. John Barrasso [D-WY]
- **NE Panel Members**:
  - Sen. Angus King [I-ME]
- **Witnesses**:
  - Deputy Secretary David Turk
- **Summary**: At the hearing, Committee Chairman Joe Manchin (D-WV) lauded the potential of AI, but he also voiced concerns over the national security of AI development amidst Chinese competition. "It is clear to me that DoE needs to do more strategic planning around AI so that Americans have confidence that we are leveraging our key resources, such as our national labs, to their fullest potential," noted the Chairman. Testifying before the Committee, Deputy Secretary of Energy David Turk maintained that the benefits of AI technology would outweigh the risks so long as risk matrices and inter-departmental coordination efforts remain strong. "We're sitting on a treasure trove of data from previous applicants for different permits out there," said Secretary Turk. The Secretary added, "We can take advantage of that data in a way that allows us to do what we need to do, which is build out our electricity infrastructure, our transmission, and other kinds of infrastructure that we need in our country."
- **Press Release**: https://www.manchin.senate.gov/newsroom/press-releases/manchin-questions-witnesses-on-rapid-development-of-artificial-intelligence-energy-departments-role-in-ensuring-security