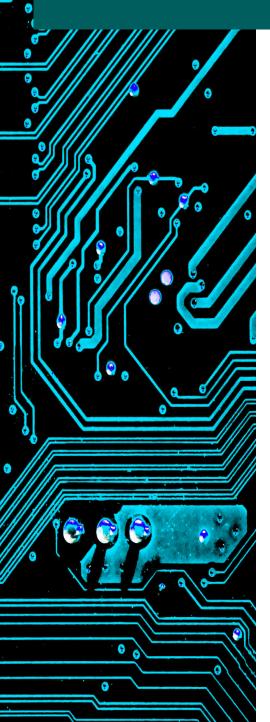# Bipartisan Framework for U.S. AI Act

## Senator Richard Blumenthal & Senator Josh Hawley

Chair and Ranking Member of the Subcommittee on Privacy, Technology, and the Law

- **Establish a Licensing Regime Administered by an Independent Oversight Body:** Companies developing sophisticated general-purpose A.I. models (e.g., GPT-4) or models used in high-risk situations (e.g., facial recognition) should be required to register with an independent oversight body. Licensing requirements should include the registration of information about AI models and be conditioned on developers maintaining risk management, pre-deployment testing, data governance, and adverse incident reporting programs. The oversight body should have the authority to conduct audits of companies seeking licenses and cooperate with other enforcers, including considering vesting concurrent enforcement authority in state Attorneys General. The entity should also monitor and report on technological developments and economic impacts of A.I., such as effects on employment. Personnel must be subject to strong conflict of interest rules to mitigate capture and revolving door concerns.

- **Ensure Legal Accountability for Harms:** Congress should ensure that A.I. companies can be held liable through oversight body enforcement and private rights of action when their models and systems breach privacy, violate civil rights, or otherwise cause cognizable harms. Where existing laws are insufficient to address new harms created by A.I., Congress should ensure that enforcers and victims can take companies and perpetrators to court, including clarifying that Section 230 does not apply to A.I.  In particular, Congress must take steps to directly prohibit harms that are already emerging from A.I., such as non-consensual explicit deepfake imagery of real people, production of child sexual abuse material from generative A.I., and election interference.

- **Defend National Security and International Competition:** Congress should utilize export controls, sanctions, and other legal restrictions to limit the transfer of advanced A.I. models, hardware and related equipment, and other technologies to China, Russia, and other adversary nations, as well as countries engaged in gross human rights violations.

- **Promote Transparency:** Congress should promote responsibility, due diligence, and consumer redress by requiring transparency from the companies developing and deploying A.I. systems.

  - Developers should be required to disclose essential information about the training data, limitations, accuracy, and safety of A.I. models to users and companies deploying systems, including through simple, comprehendible disclosures and to provide independent researchers access to data necessary to evaluate A.I. model performance.

  - Users should have a right to an affirmative notice that they are interacting with an A.I. model or system.

  - A.I. system providers should be required to watermark or otherwise provide technical disclosures of A.I.-generated deepfakes.

  - The new oversight body should establish a public database and reporting so that consumers and researchers have easy access to A.I. model and system information, including when significant adverse incidents occur or failures in A.I. cause harms.

- **Protect Consumers and Kids:** Companies deploying A.I. in high-risk or consequential situations should be required to implement safety brakes, including giving notice when A.I. is being used to make decisions, particularly adverse decisions, and have the right to a human review. Consumers should have control over how their personal data is used in A.I. systems and strict limits should be imposed on generative A.I. involving kids.