

119TH CONGRESS
2D SESSION

S. _____

To require disclosures for covered AI-generated content, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To require disclosures for covered AI-generated content, 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 “AI Labeling Act of
5 2026”.

6 **SEC. 2. REQUIRED DISCLOSURES FOR COVERED AI-GEN-**
7 **ERATED CONTENT.**

8 (a) REQUIREMENTS FOR PROVIDERS OF GENERA-
9 TIVE ARTIFICIAL INTELLIGENCE SYSTEMS THAT
10 PRODUCE COVERED AI-GENERATED CONTENT.—

1 (cc) the date and time the
2 covered AI-generated content was
3 created or modified; and

4 (dd) any other relevant in-
5 formation; and

6 (II) conforms to or is interoper-
7 able with the standards specified by
8 the Commission and the Working
9 Group established under section 7.

10 (ii) CLARIFICATION.—The disclosure
11 required under clause (i) shall not be re-
12 quired to include the personally-identifiable
13 information of the user of the generative
14 artificial intelligence system.

15 (C) DETECTION.—The provider shall en-
16 sure that a user or covered online platform can
17 detect, without undue financial burden, that the
18 output generated by the provider’s generative
19 artificial intelligence system includes covered
20 AI-generated content and view information re-
21 quired under subparagraph (B) by—

22 (i) ensuring that the covered AI-gen-
23 erated content is detectable by one or more
24 widely available detection tools and making
25 available to users or covered online plat-

1 forms clear instructions on how to access
2 and operate such tools; or

3 (ii) if no such detection tool exists,
4 providing to users and covered online plat-
5 forms access to a tool to enable detection
6 of covered AI-generated content and pro-
7 viding clear instructions on how to access
8 and operate such tool.

9 (D) COLLABORATION WITH COVERED ON-
10 LINE PLATFORMS.—The provider shall collabo-
11 rate with any covered online platform to assist
12 the covered online platform in complying with
13 the obligations described in subsection (b) with
14 respect to any content created or substantially
15 modified by the generative artificial intelligence
16 system of the provider.

17 (2) EXEMPTION FOR INTERNAL USE.—The re-
18 quirements of this subsection shall not apply to cov-
19 ered AI-generated content produced by a provider of
20 a generative artificial intelligence system if the cov-
21 ered AI-generated content—

22 (A) is generated or used solely for internal
23 research and development purposes; and

24 (B) is not intended for public release or
25 commercial deployment.

1 (b) COVERED ONLINE PLATFORMS.—Each covered
2 online platform shall—

3 (1) ensure that any covered AI-generated con-
4 tent displayed on the platform that incorporates a
5 machine-readable disclosure described in subsection
6 (a)(1)(B) is clearly and conspicuously identified as
7 covered AI-generated content;

8 (2) not tamper with or remove any such disclo-
9 sure, including when such covered AI-generated con-
10 tent is transferred to or otherwise shared to another
11 online platform;

12 (3) provide to any user sharing content the op-
13 tion to make content provenance information speci-
14 fied in subsection (a)(1)(B)(i)(I), as well as any ad-
15 ditional user-specified content provenance informa-
16 tion, readily available to other users of such plat-
17 form;

18 (4) make a good faith effort to combat the
19 liar’s dividend by implementing strategies rec-
20 ommended by the Commission; and

21 (5) to the extent technically and economically
22 feasible, ensure that information contained in the
23 identification described in paragraph (1) or content
24 provenance information made available under para-

1 graph (3) is accessible, including to individuals with
2 disabilities.

3 (c) ARTIFICIAL INTELLIGENCE CHATBOT DISCLO-
4 SURE.—Each person who, through any means or facility
5 of interstate or foreign commerce, makes available to users
6 an artificial intelligence chatbot shall include a clear and
7 conspicuous disclosure that identifies the system as an ar-
8 tificial intelligence chatbot.

9 (d) ENFORCEMENT BY THE COMMISSION.—

10 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-
11 TICE.—A violation of this section shall be treated as
12 a violation of a rule defining an unfair or deceptive
13 act or practice under section 18(a)(1)(B) of the Fed-
14 eral Trade Commission Act (15 U.S.C.
15 57a(a)(1)(B)).

16 (2) POWERS OF THE COMMISSION.—

17 (A) IN GENERAL.—The Commission shall
18 enforce this section in the same manner, by the
19 same means, and with the same jurisdiction,
20 powers, and duties as though all applicable
21 terms and provisions of the Federal Trade
22 Commission Act (15 U.S.C. 41 et seq.) were in-
23 corporated into and made a part of this section.

24 (B) PRIVILEGES AND IMMUNITIES.—Any
25 person who violates this section or a regulation

1 promulgated thereunder shall be subject to the
2 penalties and entitled to the privileges and im-
3 munities provided in the Federal Trade Com-
4 mission Act (15 U.S.C. 41 et seq.).

5 (C) AUTHORITY PRESERVED.—Nothing in
6 this Act shall be construed to limit the author-
7 ity of the Commission under any other provi-
8 sion of law.

9 (D) REGULATIONS AND GUIDANCE.—

10 (i) AUTHORITY TO IDENTIFY EXCEP-
11 TIONS.—The Commission may promulgate
12 regulations in accordance with section 553
13 of title 5, United States Code, to specify
14 exceptions from the requirements of this
15 section, such as for de minimis pieces of
16 content.

17 (ii) ESTABLISHMENT OF SPECIFIED
18 SAFE HARBORS.—

19 (I) IN GENERAL.—The Commis-
20 sion may specify interoperable stand-
21 ards that comply with the require-
22 ments of this section.

23 (II) DEEMED COMPLIANCE.—
24 Each person who makes available a
25 generative artificial intelligence sys-

1 tem or covered online platform shall
2 be deemed in compliance with the re-
3 quirements of this section by following
4 the standards established by the Com-
5 mission under subclause (I).

6 **SEC. 3. PROTECTION OF DISCLOSURES.**

7 (a) PROHIBITIONS.—

8 (1) PROHIBITION ON FRAUDULENT DISCLO-
9 SURE.—No person shall knowingly and with the in-
10 tent or substantial likelihood of deceiving a third
11 party, enable, facilitate, or conceal the circumvention
12 or falsification of a disclosure required under section
13 2, by adding a disclosure, or other information about
14 the provenance of covered AI-generated content, that
15 the person knows to be false.

16 (2) PROHIBITION ON FRAUDULENT DISTRIBUTU-
17 TION.—No person shall knowingly and for financial
18 benefit, enable, facilitate, or conceal the circumven-
19 tion or falsification of a disclosure required under
20 section 2 by knowingly distributing—

21 (A) covered AI-generated content that does
22 not include the required disclosure; or

23 (B) non-AI-generated content that includes
24 such disclosure.

1 (3) PROHIBITION ON PRODUCTS AND SERVICES
2 FOR CIRCUMVENTION OR FALSIFICATION.—No per-
3 son shall deliberately manufacture, import, or offer
4 to the public a technology, product, service, device,
5 component, or part thereof that—

6 (A) is primarily designed or produced and
7 promoted for the purpose of circumventing, re-
8 moving, or tampering with any disclosure re-
9 quired under section 2, or for adding any such
10 disclosure to non-AI-generated content, with the
11 intent or substantial likelihood of deceiving a
12 third party about the provenance of a piece of
13 digital content;

14 (B) has only limited commercially signifi-
15 cant or expressive purpose or use other than to
16 circumvent, remove, or tamper with a disclosure
17 required under section 2, or to add any such
18 disclosure to non-AI-generated content, and is
19 promoted for such purposes; or

20 (C) is marketed by such person or another
21 person acting in concert with such person with
22 the person's knowledge for use in circum-
23 venting, removing, or tampering with a disclo-
24 sure required under section 2, or for use in
25 adding any such disclosure to non-AI-generated

1 content, with an intent to deceive a third party
2 about the provenance of a piece of digital con-
3 tent.

4 (b) EXEMPTIONS.—

5 (1) IN GENERAL.—Nothing in subsection (a)
6 shall inhibit the ability of any individual to access,
7 read, or review a disclosure or the content prove-
8 nance or other information contained therein.

9 (2) EXCEPTION FOR NONPROFIT LIBRARIES,
10 ARCHIVES, AND EDUCATIONAL INSTITUTIONS.—

11 (A) IN GENERAL.—Except as otherwise
12 provided in this subsection, subsection (a) shall
13 not apply to a nonprofit library, archives, or
14 educational institution that generates, distrib-
15 utes, or otherwise handles covered AI-generated
16 content.

17 (B) COMMERCIAL ADVANTAGE, FINANCIAL
18 GAIN, OR TORTIOUS CONDUCT.—The exception
19 described in subparagraph (A) shall not apply
20 to a nonprofit library, archive, or educational
21 institution that willfully, for the purpose of
22 commercial advantage, financial gain, or in fur-
23 therance of tortious conduct, violates a prohibi-
24 tion described in subsection (a), except that

1 such nonprofit library, archive, or educational
2 institution shall—

3 (i) for the first offense, be subject to
4 the civil remedies described in section 4;
5 and

6 (ii) for repeated or subsequent of-
7 fenses, in addition to the civil remedies de-
8 scribed in section 4, forfeit the exemption
9 provided under subparagraph (A).

10 (C) CIRCUMVENTING TECHNOLOGIES.—

11 This paragraph may not be used as a defense
12 to a claim under paragraph (3) of subsection
13 (a), nor may this paragraph permit a nonprofit
14 library, archive, or educational institution to
15 manufacture, import, offer to the public, pro-
16 vide, or otherwise traffic in any technology,
17 product, service, component, or part thereof,
18 that circumvents a disclosure required under
19 section 2.

20 (D) QUALIFICATIONS OF LIBRARIES AND

21 ARCHIVES.—In order for a library or archive to
22 qualify for the exemption described in subpara-
23 graph (A), the collections of the library or ar-
24 chive shall be—

25 (i) open to the public; or

1 (ii) available not only to researchers
2 affiliated with the library or archive or
3 with the institution of which it is a part,
4 but also to other persons doing research in
5 a specialized field.

6 (3) REVERSE ENGINEERING.—A researcher act-
7 ing in good faith may circumvent, remove, add, or
8 tamper with a disclosure required under section 2
9 for the purpose of improving or testing the
10 robustness of such disclosures, or for improving or
11 testing the robustness of detection tools.

12 (4) LAW ENFORCEMENT, INTELLIGENCE, AND
13 OTHER GOVERNMENT ACTIVITIES.—The prohibitions
14 described in subsection (a) shall not prohibit the
15 lawfully authorized investigative, protective, informa-
16 tion security, or intelligence activity of an officer,
17 agent, or employee of the United States, a State, or
18 a political subdivision of a State, or a person acting
19 pursuant to a contract with the United States, a
20 State, or a political subdivision of a State.

21 **SEC. 4. ENFORCEMENT BY THE ATTORNEY GENERAL OF**
22 **THE UNITED STATES.**

23 (a) CIVIL ACTION.—The Attorney General may bring
24 a civil action in an appropriate district court of the United
25 States against any person who violates section 3(a).

1 (b) POWERS OF THE COURT.—In a civil action
2 brought under subsection (a), the court—

3 (1) may grant a temporary or permanent in-
4 junction on such terms as the court determines rea-
5 sonable to prevent or restrain a violation of section
6 3(a), but may not impose a prior restraint on free
7 speech or the press protected under the First
8 Amendment to the Constitution of the United
9 States;

10 (2) at any time while the civil action is pending,
11 may order the impounding, on such terms as the
12 court determines reasonable, of any device or prod-
13 uct that is in the custody or control of the alleged
14 violator and that the court has reasonable cause to
15 believe was involved in a violation of section 3(a);

16 (3) may award damages under subsection (c);

17 (4) in its discretion, may allow the recovery of
18 costs against any party other than the United States
19 or an officer thereof; and

20 (5) may, as part of a final judgment or decree
21 finding a violation of section 3(a), order the remedial
22 modification or the destruction of any device or
23 product involved in the violation that is in the cus-
24 tody or control of the violator or that has been im-
25 pounded under paragraph (2) of this subsection.

1 (c) AWARD OF DAMAGES.—

2 (1) IN GENERAL.—Except as otherwise pro-
3 vided in this section, a person committing a violation
4 of section 3(a) is liable for statutory damages as
5 provided in paragraph (2) of this subsection.

6 (2) STATUTORY DAMAGES.—

7 (A) ELECTION OF AMOUNT BASED ON
8 NUMBER OF ACTS OF CIRCUMVENTION.—At any
9 time before final judgment is entered in a civil
10 action brought under subsection (a), the Attor-
11 ney General may elect to recover an award of
12 statutory damages for each violation of section
13 3(a) in the sum of not more than \$2,500 per
14 act of circumvention, device, product, compo-
15 nent, offer, or performance of service, as the
16 court considers just.

17 (B) ELECTION OF AMOUNT; TOTAL
18 AMOUNT.—At any time before final judgment is
19 entered in a civil action brought under sub-
20 section (a), the Attorney General may elect to
21 recover an award of statutory damages for each
22 violation of section 3(a) in the sum of not more
23 than \$25,000.

24 (3) REPEATED VIOLATIONS.—In a civil action
25 brought under subsection (a), if the Attorney Gen-

1 eral sustains the burden of proving, and the court
2 finds, that a person has violated section 3(a) within
3 3 years after a final judgment was entered against
4 the person for another such violation, the court may
5 increase the award of damages up to triple the
6 amount that would otherwise be awarded, as the
7 court considers just.

8 (4) INNOCENT VIOLATIONS.—

9 (A) IN GENERAL.—The court, in its discre-
10 tion, may reduce or remit the total award of
11 damages under paragraph (2) if the court finds
12 that the violator was not aware and had no rea-
13 son to believe that the violator's acts con-
14 stituted a violation.

15 (B) NONPROFIT LIBRARIES, ARCHIVES,
16 EDUCATIONAL INSTITUTIONS, AND PUBLIC
17 BROADCASTING ENTITIES.—In the case of a
18 nonprofit library, archive, educational institu-
19 tion, or public broadcasting entity (as defined
20 in section 118(f) of title 17, United States
21 Code), the court shall remit damages under
22 paragraph (2) if the library, archive, edu-
23 cational institution, or public broadcasting enti-
24 ty sustains the burden of proving, and the court
25 finds, that the library, archive, educational in-

1 stitution, or public broadcasting entity was not
2 aware and had no reason to believe that its acts
3 constituted a violation.

4 (5) **DUPLICATIVE AWARDS.**—No compensatory
5 damages may be awarded under this section if com-
6 pensatory damages have been awarded under section
7 5 or 6 against the same defendant for the same con-
8 duct.

9 **SEC. 5. ENFORCEMENT BY STATES.**

10 (a) **CIVIL ACTION.**—If the attorney general of a State
11 has reason to believe that an interest of the residents of
12 that State has been or may be adversely affected by a vio-
13 lation of section 3(a), the attorney general of the State
14 may bring a civil action in the name of the State, or as
15 *parens patriae* on behalf of the residents of the State, in
16 an appropriate district court of the United States.

17 (b) **RELIEF.**—

18 (1) **IN GENERAL.**—In a civil action brought
19 under subsection (a), the court may award relief in
20 accordance with section 4(c).

21 (2) **DUPLICATIVE AWARDS.**—No compensatory
22 damages may be awarded under this section if com-
23 pensatory damages have been awarded under section
24 4 or 6 against the same defendant for the same con-
25 duct.

1 (c) RIGHTS OF ATTORNEY GENERAL AND COMMIS-
2 SION.—

3 (1) IN GENERAL.—Except as provided in para-
4 graph (4), the attorney general of a State shall no-
5 tify the Attorney General of the United States and
6 the Commission in writing prior to initiating a civil
7 action under subsection (a).

8 (2) CONTENTS.—The notification required by
9 paragraph (1) with respect to a civil action shall in-
10 clude a copy of the complaint to be filed to initiate
11 the civil action.

12 (3) INTERVENTION.—Upon receiving a notifica-
13 tion under paragraph (1), the Attorney General may
14 intervene in the civil action in accordance with sub-
15 section (e).

16 (4) EXCEPTION.—If it is not feasible for the at-
17 torney general of a State to provide the notification
18 required by paragraph (1) before initiating a civil
19 action under subsection (a), the attorney general of
20 the State shall notify the Attorney General of the
21 United States and the Commission immediately
22 upon instituting the civil action.

23 (d) ACTIONS BY ATTORNEY GENERAL.—If the Attor-
24 ney General of the United States institutes a civil action
25 under section 4(a) for a violation of section 3(a), no attor-

1 ney general of a State may, during the pendency of the
2 civil action, institute a civil action against any defendant
3 named in the complaint in the civil action instituted by
4 the Attorney General of the United States for a violation
5 of section 3(a) that is alleged in the complaint.

6 (e) INTERVENTION BY ATTORNEY GENERAL.—The
7 Attorney General of the United States may intervene in
8 any civil action brought by the attorney general of a State
9 under subsection (a) as a matter of right pursuant to the
10 Federal Rules of Civil Procedure, and upon intervening
11 be heard on all matters arising in the civil action and file
12 petitions for appeal of a decision in the civil action.

13 (f) INVESTIGATORY POWERS.—Nothing in this sec-
14 tion may be construed to prevent the attorney general of
15 a State from exercising the powers conferred on the attor-
16 ney general by the laws of the State to—

- 17 (1) conduct investigations;
18 (2) administer oaths or affirmations; or
19 (3) compel the attendance of witnesses or the
20 production of documentary or other evidence.

21 (g) ACTIONS BY OTHER STATE OFFICIALS.—

22 (1) IN GENERAL.—In addition to civil actions
23 brought by an attorney general of a State under
24 subsection (a), any other officer of a State who is
25 authorized by the State to do so may bring a civil

1 action in the same manner, subject to the same re-
2 quirements and limitations that apply under this
3 section to civil actions brought by an attorney gen-
4 eral of a State.

5 (2) SAVINGS PROVISION.—Nothing in this sub-
6 section may be construed to prohibit an authorized
7 official of a State from initiating or continuing any
8 proceeding in a court of the State for a violation of
9 any civil or criminal law of the State.

10 **SEC. 6. ENFORCEMENT BY PRIVATE PARTIES.**

11 (a) CIVIL ACTION.—A provider of a generative artifi-
12 cial intelligence system or covered online platform who is
13 harmed by a violation of section 3(a) using that system
14 or platform may bring a civil action against the violator
15 in an appropriate district court of the United States.

16 (b) RELIEF.—

17 (1) IN GENERAL.—In a civil action brought
18 under subsection (a), the court may award relief in
19 accordance with section 4(c).

20 (2) DUPLICATIVE AWARDS.—No compensatory
21 damages may be awarded under this section if com-
22 pensatory damages have been awarded under section
23 4 or 5 against the same defendant for the same con-
24 duct.

1 (c) RIGHTS OF ATTORNEY GENERAL AND COMMIS-
2 SION.—

3 (1) IN GENERAL.—The provider of a generative
4 artificial intelligence system or covered online plat-
5 form shall notify the Attorney General and the Com-
6 mission in writing prior to initiating a civil action
7 under subsection (a).

8 (2) CONTENTS.—The notification required by
9 paragraph (1) with respect to a civil action shall in-
10 clude a copy of the complaint to be filed to initiate
11 the civil action.

12 (3) INTERVENTION.—Upon receiving a notifica-
13 tion under paragraph (1), the Attorney General may
14 intervene in the civil action in accordance with sub-
15 section (e).

16 (d) ACTIONS BY ATTORNEY GENERAL.—If the Attor-
17 ney General institutes a civil action under section 4(a) for
18 a violation of section 3(a), no provider of a generative arti-
19 ficial intelligence system or covered online platform may,
20 during the pendency of the civil action, institute a civil
21 action against any defendant named in the complaint in
22 the action instituted by the Attorney General for a viola-
23 tion of section 3(a) that is alleged in the complaint.

24 (e) INTERVENTION BY ATTORNEY GENERAL.—The
25 Attorney General may intervene in any civil action brought

1 by a provider of a generative artificial intelligence system
2 or covered online platform under subsection (a) as a mat-
3 ter of right pursuant to the Federal Rules of Civil Proce-
4 dure, and upon intervening be heard on all matters arising
5 in the civil action and file petitions for appeal of a decision
6 in the civil action.

7 **SEC. 7. AI-GENERATED CONTENT CONSUMER TRANS-**
8 **PARENCY WORKING GROUP.**

9 (1) ESTABLISHMENT.—Not later than 90 days
10 after the date of enactment of this section, the Di-
11 rector of the National Institute of Standards and
12 Technology (in this section referred to as the “Di-
13 rector”), in coordination with the Commission, shall
14 establish the AI-generated content consumer trans-
15 parency working group (in this section referred to as
16 the “Working Group”).

17 (2) MEMBERSHIP.—The Working Group shall
18 include members from the following:

19 (A) Relevant Federal agencies.

20 (B) Developers of any generative artificial
21 intelligence system.

22 (C) Private sector groups engaged in the
23 development of content detection and content
24 provenance standards, audiovisual media for-

1 mats, and open-source implementation of such
2 standards and formats.

3 (D) Social media platforms and other cov-
4 ered online platforms.

5 (E) Academic institutions and other rel-
6 evant entities.

7 (F) Privacy advocates and experts.

8 (G) Media organizations, including news
9 publishers and image providers.

10 (H) Technical experts in digital forensics,
11 cryptography, content manipulation, digital dis-
12 ability accessibility, and secure digital content
13 and delivery.

14 (I) User experience designers and con-
15 sumer behavior experts or consumer psycholo-
16 gists.

17 (J) Groups or individuals representing vic-
18 tims affected by covered AI-generated content.

19 (K) Any other entity determined appro-
20 priate by the Director or by other relevant Fed-
21 eral agencies.

22 (3) COORDINATION AND DELEGATION OF DU-
23 TIES.—The Working Group shall be convened by the
24 Director, who shall delegate leadership on particular
25 duties (or components of such duties) to the Na-

1 tional Institute of Standards and Technology and to
2 its existing content provenance workstreams, to the
3 Commission, or to other relevant Federal agencies,
4 as appropriate.

5 (4) DUTIES.—The duties of the Working Group
6 shall include the following:

7 (A) Providing technical standards for iden-
8 tifying and labeling covered AI-generated con-
9 tent, including by considering existing, or devel-
10 oping new, standards that assist with identi-
11 fying, maintaining, interpreting, and displaying
12 content provenance information, and estab-
13 lishing guidelines and best practices for covered
14 online platforms to implement such standards
15 and the Commission to enforce the provisions of
16 this Act.

17 (B) Considering how to ensure any labels
18 and content provenance information are, to the
19 extent economically and technically feasible—

20 (i) indelible, tamper-resistant, and
21 tamper-evident to improve accuracy and
22 ease of identification; and

23 (ii) interoperable across all covered
24 online platforms, widely-used content-cre-
25 ation software applications, and other dig-

1 ital ecosystem considerations that are nec-
2 essary to maintain disclosure integrity
3 when transferring from one online plat-
4 form, software application, operating sys-
5 tem, or device to another.

6 (C) Providing the Commission with guid-
7 ance regarding—

8 (i) the technical and economic feasi-
9 bility of the requirements of this Act; and

10 (ii) the detection of covered AI-gen-
11 erated content, including by determining—

12 (I) reasonable criteria for detec-
13 tion accuracy;

14 (II) what widely available tools, if
15 any, meet the criteria described in
16 subclause (I); and

17 (III) any additional information
18 that should be included within the
19 machine readable disclosures required
20 by section 2(a)(1)(B)(i)(I)(dd).

21 (D) In order to inform enforcement of this
22 Act, providing to the Commission clarifications
23 and examples of digital content (which the
24 Commission shall distribute to covered online

1 platforms or providers of any generative artificial
2 intelligence system) that—

3 (i) is created or substantially modified
4 by generative artificial intelligence systems;

5 (ii) has had its meaning materially
6 added, removed, or altered by a generative
7 artificial intelligence system;

8 (iii) is realistic enough such that a
9 reasonable person would not necessarily as-
10 sume the content was created or substan-
11 tially modified by a generative artificial in-
12 telligence system; and

13 (iv) is not considered covered AI-gen-
14 erated content and would not require the
15 disclosures required by section 2.

16 (E) Developing recommendations for con-
17 tent detection and secure content provenance
18 practices for any content that is produced by a
19 generative artificial intelligence system and is
20 not covered under the requirements of this Act,
21 including text.

22 (F) Developing research and evidence re-
23 garding—

1 (i) the impact of covered AI-generated
2 content and required disclosures on con-
3 sumer behavior; and

4 (ii) how standards and guidelines can
5 contribute to an information environment
6 that is transparent and not overwhelming
7 for consumers.

8 (G) Supporting the development of guide-
9 lines and best practices to address circumven-
10 tion techniques and improve the enforcement of
11 the requirements of this Act.

12 (H) Providing the Commission with guide-
13 lines and best practices regarding how covered
14 online platforms can combat the liar's dividend,
15 including strategies to help ensure that non-AI-
16 generated content is not falsely labeled as cov-
17 ered AI-generated content.

18 (5) STANDARDS.—Not later than 1 year after
19 the date on which the Working Group is established
20 under paragraph (1), the Working Group shall pub-
21 lish technical standards, guidelines, and rec-
22 ommendations to implement and enforce the provi-
23 sions of this Act, taking into account the criteria de-
24 scribed in paragraph (4) and the relevant expertise
25 of the members of the Working Group.

1 (6) REPORT TO CONGRESS.—Not later than
2 180 days after the Working Group publishes the
3 standards under paragraph (5), the Director shall
4 submit to the Committee on Commerce, Science, and
5 Transportation of the Senate, the Committee on En-
6 ergy and Commerce of the House of Representa-
7 tives, and the Committee on Science, Space, and
8 Technology of the House of Representatives a report
9 that includes recommendations for legislative action.

10 (7) SUNSET.—The working group shall termi-
11 nate 60 days after the date on which the Director
12 submits the report required by paragraph (6), and
13 may be reconvened periodically at the discretion of
14 the Director or the Commission to consider further
15 developments in relevant technologies and research.

16 **SEC. 8. DEFINITIONS.**

17 In this Act:

18 (1) ARTIFICIAL INTELLIGENCE CHATBOT.—The
19 term “artificial intelligence chatbot” means a gen-
20 erative artificial intelligence system with which users
21 can interact by or through an interface that approxi-
22 mates or simulates textual, audio, or visually-based
23 conversation, including a system that—

1 (A) through an application programming
2 interface, or similar direct connection, publicly
3 posts digital content or text; or

4 (B) integrates with a search engine to pro-
5 vide a conversational search experience.

6 (2) COMMISSION.—The term “Commission”
7 means the Federal Trade Commission.

8 (3) CONTENT PROVENANCE.—The term “con-
9 tent provenance” means—

10 (A) information about the origin of a piece
11 of content and the history of modifications to
12 the content that is in a format that is compli-
13 ant with widely adopted guidelines or specifica-
14 tions promulgated by an established standards-
15 setting body; or

16 (B) data that is embedded into digital con-
17 tent, or that is included in the metadata of the
18 digital content, for the purpose of verifying the
19 authenticity or history of modification of the
20 digital content.

21 (4) COVERED AI-GENERATED CONTENT.—The
22 term “covered AI-generated content” means digital
23 content that is created or substantially modified by
24 a generative artificial intelligence system such
25 that—

1 (A) the use of the system materially alters,
2 adds, or removes the meaning or significance
3 that a reasonable person would interpret from
4 the content; and

5 (B) a reasonable person would believe that
6 the content is not generated using a generative
7 artificial intelligence system.

8 (5) COVERED ONLINE PLATFORM.—The term
9 “covered online platform” means any public-facing
10 website or software application available to users
11 that—

12 (A) predominantly provides a forum for
13 user-to-user sharing or searching of content (in-
14 cluding covered AI-generated content), includ-
15 ing a social media service, social network,
16 search engine, or content aggregation service
17 available to users; and

18 (B) either—

19 (i) at any point during the preceding
20 12 months, has at least 10,000,000 unique
21 monthly users or subscribers in the United
22 States; or

23 (ii) during the most recently com-
24 pleted taxable year, had more than
25 \$1,500,000,000 gross revenue.

1 (6) DIGITAL CONTENT.—The term “digital con-
2 tent” means an image, video, or audio content, or
3 any combination thereof, that exists in the form of
4 digital data.

5 (7) GENERATIVE ARTIFICIAL INTELLIGENCE
6 SYSTEM.—The term “generative artificial intel-
7 ligence system” means any system or software appli-
8 cation that uses artificial intelligence (as defined in
9 section 238(g) of the John S. McCain National De-
10 fense Authorization Act for Fiscal Year 2019) to
11 create or substantially modify digital content.

12 (8) LIAR’S DIVIDEND.—The term “liar’s divi-
13 dend” means, with respect to covered AI-generated
14 content, the benefit that a bad actor may receive or
15 otherwise gain by falsely claiming that non-AI-gen-
16 erated content is covered AI-generated content.

17 (9) MACHINE-READABLE.—The term “machine-
18 readable” has the meaning given such term in sec-
19 tion 3502 of title 44, United States Code.

20 (10) NON-AI-GENERATED CONTENT.—The
21 term “non-AI-generated content” means content
22 that was not created or substantially modified by a
23 generative artificial intelligence system.

24 (11) OPEN-SOURCE.—The term “open-source”
25 means, with respect to software, a software project

- 1 with source code that is publicly available for anyone
- 2 to view, modify, and distribute.