

NURTURE ORIGINALS, FOSTER ART, AND KEEP ENTERTAINMENT SAFE (NO FAKES) ACT

Senators Chris Coons, Marsha Blackburn, Amy Klobuchar, Thom Tillis

The Nurture Originals, Foster Art, and Keep Entertainment Safe (NO FAKES) Act of 2023 is a bipartisan proposal that would protect the voice and visual likeness of all individuals from unauthorized recreations from generative artificial intelligence (AI).

Generative AI has opened new worlds of creative opportunities, providing tools that encourage millions of people to explore their own artistic potential. Along with these creative benefits, however, these tools can allow users to exploit another person's voice or visual likeness by creating nearly indistinguishable digital replicas.

In one high profile example, the song "Heart on My Sleeve," which was created with AI-generated replicas of the voices of pop stars Drake and The Weeknd, quickly accumulated hundreds of thousands of listens on YouTube, Spotify, and other streaming sites before it was identified as a fake and removed from the platforms. More recently, an AI-generated version of Tom Hanks was used in advertisements for a dental plan that he never appeared in or otherwise endorsed.

The NO FAKES Act would address the use of non-consensual digital replications in these kinds of audiovisual works or sound recordings. The draft legislation would:

- Hold individuals or companies liable if they produce an unauthorized digital replica of an individual in a performance;
- Hold platforms liable for hosting an unauthorized digital replica if the platform has knowledge of the fact that the replica was not authorized by the individual depicted; and
- Exclude certain digital replicas from coverage based on recognized First Amendment protections.

The NO FAKES Act is being released as a discussion draft, and the sponsors look forward to continuing to work with stakeholders to ensure that Congress appropriately balances the need to protect individuals and creators, First Amendment considerations, and fostering U.S. leadership and innovation in AI.