ML STRATEGIES

Senate Passes AI Deepfake Bill, as Congress Considers AI Legislation — AI: The Washington Report

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VIEWPOINT TOPICS

- Artificial Intelligence
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- On February 12, the Senate unanimously passed the TAKE IT DOWN Act, which would criminalize the publication of non-consensual intimate imagery. The bill is now in the House, where it has bipartisan support and is expected to pass.
- The TAKE IT DOWN Act is one of the 13 bills that have been introduced so far in the 119th Congress. The 13 bills, six of which are bipartisan, touch on several facets of the AI ecosystem, including bans on certain AI harms, restrictions on AI imports and exports to China, and the promotion of AI in government.
- While only the TAKE IT DOWN Act has advanced in Congress, all 13 AI bills provide a first glimpse of the types of AI legislation the new Congress may consider. Rather than creating substantive and sweeping regulations applicable to AI – as bipartisan working groups in the House and Senate called for last Congress – the bills introduced so far target specific AI-related harms and largely leave AI in the private sector alone.

On February 12, the Senate unanimously passed the TAKE IT DOWN Act, which would criminalize the publication of non-consensual intimate imagery. The bill is now in the House, where it has broad bipartisan support and is expected to pass. The TAKE IT DOWN Act is one of the 13 bills that have already been introduced in the 119th Congress. The bills touch on several facets of the AI ecosystem, including bans on certain AI harms, restrictions on AI imports and exports to China, and the promotion of AI in government.

While only the TAKE IT DOWN Act has advanced in Congress, all 13 AI bills provide a first glimpse of the types of AI legislation the new Congress may consider. None propose a comprehensive regulatory approach to AI. Rather than creating substantive and sweeping regulations applicable to AI– as bipartisan working groups in the House and Senate called for last Congress – the newly introduced bills target specific AI-related harms and largely leave AI in the private sector alone. Below we summarize the key provisions of the 13 AI bills:

1. **The TAKE IT DOWN Act**

    a. **The Tools to Address Known Exploitation by Immobilizing Technological Deepfakes on Websites and Networks Act** (TAKE IT DOWN Act, S. 146) would criminalize the publication of non-consensual intimate imagery, including certain AI-generated deepfakes, and also require social media platforms to establish processes by which they remove such content from their platforms. **As we covered**, the TAKE IT DOWN Act was introduced last Congress and reintroduced in the 119th Congress by Senator Ted Cruz (R-TX). It was passed by the Senate without amendment by unanimous consent on February 13, and it was introduced in the House as **R. 633** by Rep. Maria Elvira Salazar (R-FL) and Madeleine Dean (D-PA).

2. **The Maintaining Innovation and Safe Technologies Act**

    a. **The Maintaining Innovation and Safe Technologies Act** (H.R. 193), introduced by Rep. David Schweikert (R-AZ), would direct the Secretary of Health and Human Services to release guidance for Medicare coverage of certain health care devices that use AI components.

3. **The Creating Legal and Ethical AI Recording (CLEAR) Voice Act**

    a. **The CLEAR Voice Act** (H.R. 334), introduced by Rep. Rick Allen (R-GA), would "amend the Communications Act of 1934 to establish technical and procedural standards for artificial or prerecorded voice systems created through generative artificial intelligence." It would require that calls generated by AI clearly identify the phone number "and address of the individual or entity initiating the call."

4. **The Quashing Unwanted and Interruptive Electronic Telecommunications (QUIET) Act**

    a. **The QUIET Act** (H.R. 1027), introduced by Rep. Eric Sorensen (D-IL) and Juan Ciscomani (R-AZ), would "amend the Communications Act of 1934 to require disclosures with respect to robocalls using artificial intelligence and to provide for enhanced penalties for certain violations involving artificial intelligence voice or text message impersonation."

5. **R. 1283**

    a. **R. 1283**, introduced by Rep. Gus Bilirakis (R-FL), would amend existing law to prohibit child pornography generated by AI.

6. **The Decoupling America's Artificial Intelligence Capabilities from China Act of 2025**

    a. **The Decoupling America's Artificial Intelligence Capabilities from China Act of 2025** (S. 321), introduced by Senator Josh Hawley (R-MO), would prohibit imports and exports of AI technology from and to China. It would also prohibit the transfer of AI research to China or Chinese educational institutions or corporations. And lastly, it would ban any US person "from knowingly holding or managing an interest in, or lending money or extending credit to, a Chinese entity of concern" that conducts research related to AI or produces AI technology.

7. **The Strategy for Public Health Preparedness and Response to Artificial Intelligence Threats Act**

    a. **The Strategy for Public Health Preparedness and Response to Artificial Intelligence Threats Act** (S.501), introduced by Senators Ted Budd (R-NC) and Ed Markey (D-MA), would require the Secretary of Health and Human Services "to develop a strategy for public health preparedness and response to address the risks of misuse of AI," especially related to the development of biological or chemical weapons.

8. **The Health Technology Act of 2025**

    a. **The Health Technology Act of 2025** (H.R. 238), introduced by Rep. David Schweikert (R-AZ), would allow for AI or machine learning technologies to prescribe prescription drugs.

9. **The Modernizing Retrospective Regulatory Review Act**

    a. **The Modernizing Retrospective Regulatory Review Act (**R. 67), introduced by Rep. Andy Biggs (R-AZ), would, among other things, direct the Office of Management and Budget to issue guidance on how AI can be leveraged to "more efficiently, cost-effectively, and accurately conduct any retrospective review of the existing regulations of the agency."

10. **The Preventing Algorithmic Collusion Act of 2025**

    a. **The Preventing Algorithmic Collusion Act of 2025** (S. 232) would prohibit "the use of pricing algorithms that can facilitate collusion through use of nonpublic competitor data." The bill would update antitrust law, which requires "proof of an explicit agreement to fix prices," to address

algorithmic collusion, which does not necessarily involve an explicit agreement, as **we've written about**. The bill was reintroduced from last Congress by Sen. Amy Klobuchar (D-MN).

11. **Promoting Resilient Supply Chains Act of 2025**

    a. The bipartisan **Promoting Resilient Supply Chains Act of 2025** (S. 257), introduced by Senators Maria Cantwell (D-WA), Marsha Blackburn (R-TN), and Lisa Rochester (D-DE), would direct the Assistant Secretary at the Department of Commerce to establish a critical supply chain resilience and crisis response work group to assess and identify vulnerabilities in supply chains for emerging technologies, including AI.

12. **Mathematical and Statistical Modeling Education Act**

    a. **The Mathematical and Statistical Modeling Education Act** (H.R. 730), introduced by Rep. Chrissy Houlahan (D-PA) and Rep. Jim Baird (R-IN), would coordinate federal efforts to modernize STEM education to include a focus on mathematical and statistical concepts, which AI and other rapidly emerging technologies rely on.

13. **The Emerging Innovative Border Technologies Act**

    a. **The Emerging Innovative Broder Technologies Act** (H.R. 993), introduced by Rep. Luis Correa (D-CA) and Rep. Morgan Luttrell (R-TX), would direct the Department of Homeland Security to develop a plan to integrate AI and other innovative technologies into border security.

Not all of the bills are expected to have hearings or votes in committees and more AI bills are expected to be introduced. Rep. Jay Obernolte (R-CA), who co-chaired the House AI task force last Congress and now chairs a key science subcommittee, has already pledged to reintroduce the CREATE ACT, which would codify the National AI Research Resource. The DEFIANCE Act, which would allow deepfake victims to sue and which was passed by the Senate last Congress, is also expected to be reintroduced.

As leadership in the House and Senate have yet to lay out an AI agenda or policy roadmap, as they did last Congress, GOP lawmakers are likely to wait on the release of the Trump administration's AI action plan in mid-July before they stake out a clearly defined approach to AI. During the February 25 confirmation hearing of Michael Kratsios, who the president tapped to lead the Office of Science and Technology Policy, Kratsios discussed utilizing AI in various federal agencies, which has been the goal of numerous proposed AI bills. As Congress pursues various priorities, including tax reform, a new budget, and confirmation hearings, lawmakers are likely to look to Kratsios and others in the Trump administration to finalize an approach to AI before they act on further AI legislation.

We will continue to monitor, analyze, and issue reports on developments about the 119th Congress' approach to and policies for AI.

Authors

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