

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 8893
OFFERED BY MRS. FOUSHEE OF NORTH
CAROLINA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Protecting Consumers
3 from Deceptive AI Act”.

4 **SEC. 2. GUIDELINES TO FACILITATE DISTINGUISHING CON-**
5 **TENT GENERATED BY GENERATIVE ARTIFI-**
6 **CIAL INTELLIGENCE.**

7 (a) MEASUREMENT RESEARCH ON DISTINGUISHING
8 CONTENT BY GENERATIVE ARTIFICIAL INTELLIGENCE.—

9 (1) IN GENERAL.—The Director of the National
10 Institute of Standards and Technology shall support
11 research and testing for the development of meas-
12 urements and standards necessary to accelerate the
13 development of tools and techniques for the fol-
14 lowing:

15 (A) The detection, authentication, and dis-
16 closure of content provenance.

1 (B) The detection of, and mitigation of
2 harms from, content produced or manipulated
3 by generative artificial intelligence or other
4 technologies.

5 (2) PRIORITIZATION.—In carrying out the re-
6 search and testing under paragraph (1), the Direc-
7 tor of the National Institute of Standards and Tech-
8 nology shall prioritize research on the following top-
9 ics:

10 (A) Text-based content created or substan-
11 tially modified by generative artificial intel-
12 ligence.

13 (B) Audio-based content created or sub-
14 stantially modified by generative artificial intel-
15 ligence, including live audio-based content.

16 (C) Video-based content created or sub-
17 stantially modified by generative artificial intel-
18 ligence, including live video-based content.

19 (D) Other modalities of content the Direc-
20 tor determines to have significant barriers pre-
21 venting the development of tools and techniques
22 to detect, authenticate, and disclose content
23 provenance.

1 (3) OUTREACH.—The Director of the National
2 Institute of Standards and Technology shall conduct
3 outreach to—

4 (A) receive input from private, public, and
5 academic stakeholders to inform the research
6 and testing under this subsection; and

7 (B) consider the feasibility of an ongoing
8 public sector and private sector engagement to
9 develop voluntary standards for the function
10 and outputs of generative artificial intelligence
11 or other technologies that synthesize or manipu-
12 late content.

13 (b) TASK FORCES FOR DEVELOPMENT OF GUIDE-
14 LINES AND PROMOTING STANDARDS.—

15 (1) IN GENERAL.—The Director of the National
16 Institute of Standards and Technology may establish
17 task forces to accomplish the following goals:

18 (A) Providing input on the research and
19 testing for the development of measurements
20 and standards carried out pursuant to sub-
21 section (a).

22 (B) Supporting the development of tech-
23 nical standards and guidelines to support the
24 detection, authentication, and disclosure of con-
25 tent.

1 (C) Supporting the development of tech-
2 nical standards and guidelines to assist online
3 application and content providers and operators
4 in identifying and disclosing content created or
5 substantially modified by generative artificial
6 intelligence, which may include exploring inter-
7 operable standards that assist social media and
8 other online platforms with identifying, main-
9 taining, interpreting, and displaying technical
10 measures, including watermarking, digital
11 fingerprinting, and metadata, associated with
12 content, while considering circumvention tech-
13 niques.

14 (D) Supporting the development of tech-
15 nical standards and guidelines, as appropriate,
16 to identify and label the following:

17 (i) Text-based content created or sub-
18 stantially modified by generative artificial
19 intelligence.

20 (ii) Audio-based content created or
21 substantially modified by generative artifi-
22 cial intelligence, including live audio-based
23 content as appropriate.

24 (iii) Video-based content created or
25 substantially modified by generative artifi-

1 cial intelligence, including live video-based
2 content as appropriate.

3 (2) STANDARDS BODIES.—If task forces are es-
4 tablished pursuant to paragraph (1), to the max-
5 imum extent possible, the output of such task forces
6 should inform development of technical standards
7 developed by private, consensus organizations, in ac-
8 cordance with section 2 of the National Institute of
9 Standards and Technology Act (15 U.S.C. 272) and
10 OMB Circular A–119.

11 (3) MEMBERSHIP.—If task forces are estab-
12 lished pursuant to paragraph (1), the Director of the
13 National Institute of Standards and Technology
14 shall seek to ensure such task forces include appro-
15 priate representatives from among the following:

16 (A) Relevant Federal agencies.

17 (B) Developers of generative artificial in-
18 telligence, including small business concerns.

19 (C) Entities, including standards develop-
20 ment organizations, engaged in the development
21 of content detection standards and technology,
22 including authentication and traceability.

23 (D) Private sector entities that support the
24 distribution of content, including social media
25 service providers, online instant messaging serv-

1 ice providers, online search engine service pro-
2 viders, and developers of mobile operating sys-
3 tems.

4 (E) Academic entities, civil society, non-
5 profit organizations (including organizations
6 that represent workers in relevant industries),
7 advocacy groups, and other related entities with
8 relevant expertise.

9 (F) Media organizations, including news
10 publishers and image providers.

11 (G) Creator associations and organizations
12 representing the interests of copyright owners.

13 (H) Technical experts in conducting rel-
14 evant artificial intelligence testing and evalua-
15 tion.

16 (I) Technical experts in digital forensics,
17 cryptography, and secure digital content and
18 delivery.

19 (J) Any other entity the Director deter-
20 mines appropriate.

21 (4) DUTIES.—

22 (A) SUBMISSION TO DIRECTOR.—If task
23 forces are established pursuant to paragraph
24 (1), each such task force shall, not later than
25 270 days after the establishment of such task

1 force, submit to the Director of the National
2 Institute of Standards and Technology a report
3 containing the following:

4 (i) Recommendations relating to the
5 technical standards and guidelines such
6 task force is supporting pursuant to such
7 paragraph.

8 (ii) An assessment of barriers to im-
9 plementing voluntary technical standards
10 and guidelines supported by such task
11 force, taking into account challenges faced
12 by developers of generative artificial intel-
13 ligence, including small business concerns.

14 (B) SUBMISSION TO CONGRESS.—

15 (i) IN GENERAL.—Except as provided
16 in clause (ii), if task forces are established
17 pursuant to paragraph (1), each such task
18 force shall, not later than one year after
19 the establishment of such task force and
20 every two years thereafter until December
21 30, 2031, submit to the Committee on
22 Science, Space, and Technology and the
23 Committee on Energy and Commerce of
24 the House of Representatives and the
25 Committee on Commerce, Science, and

1 Transportation of the Senate a report on
2 the activities of such task force for the im-
3 mediately preceding two year period.

4 (ii) EXCEPTION.—The first report re-
5 quired under clause (i) shall report on the
6 activities of the task force at issue for the
7 immediately preceding one year period.

8 (5) PRIVACY.—If task forces are established
9 pursuant to paragraph (1), each such task force
10 shall consider issuing guidance for online service and
11 application providers and operators to store and dis-
12 play content provenance and associated information
13 in a privacy-preserving manner, including clear guid-
14 ance on how such providers and operators can indi-
15 cate to users when such users are sharing content
16 that contains content provenance and associated in-
17 formation, indicate the information contained in the
18 data and metadata such users are so sharing, and
19 provide options to limit the data and metadata such
20 users are so sharing that may have privacy implica-
21 tions.

22 (6) PROHIBITION.—The Director of the Na-
23 tional Institute of Standards and Technology may
24 not transfer or reprogram any funds from any other

1 program, project, office, or other entity or activity of
2 the Institute to carry out this subsection.

3 (c) SUNSET.—This section shall terminate on Decem-
4 ber 31, 2032.

5 (d) DEFINITIONS.—In this section:

6 (1) CONTENT PROVENANCE.—The term “con-
7 tent provenance” means the chronology of the origin
8 and history associated with content.

9 (2) DIGITAL FINGERPRINTING.—The term
10 “digital fingerprinting” means the process by which
11 an identifier is derived from a piece of content and
12 stored in a database, for the purpose of identifying,
13 matching against, or verifying such content, or simi-
14 lar content, at a later date.

15 (3) GENERATIVE ARTIFICIAL INTELLIGENCE.—
16 The term “generative artificial intelligence” means
17 the class of models and algorithms that use deep
18 learning algorithms or other statistical techniques to
19 generate new data that has similar characteristics
20 and properties to the data with respect to which
21 such models and algorithms have been trained, in-
22 cluding any form of digital content.

23 (4) METADATA.—The term “metadata” has the
24 meaning given such term in section 3502 of title 44,
25 United States Code.

1 (5) SMALL BUSINESS CONCERN.—The term
2 “small business concern” has the meaning given
3 under section 3 of the Small Business Act (15
4 U.S.C. 632).

5 (6) WATERMARKING.—The term
6 “watermarking” means the act of embedding tam-
7 per-resistant information into content (whether per-
8 ceptibly or imperceptibly) which may be used to es-
9 tablish some aspect or aspects of the content prove-
10 nance of such content or to store associated informa-
11 tion or reference information.

12 (e) CONFORMING AMENDMENT.—Section 4 of the
13 Identifying Outputs of Generative Adversarial Networks
14 Act (Public Law 116–258) is repealed.

