NAYS—39

Barrasso	Daines	Mullin
Blackburn	Ernst	Paul
Boozman	Fischer	Ricketts
Braun	Grassley	Risch
Britt	Hagerty	Rounds
Budd	Hawley	Rubio
Capito	Hyde-Smith	Schmitt
Cassidy	Johnson	Scott (FL)
Cornyn	Lankford	Sullivan
Cotton	Lummis	Thune
Cramer	Marshall	Tuberville
Crapo	McConnell	Wicker
Cruz	Moran	Young

NOT VOTING—9

Fetterman	Lee	Scott (SC)
Hoeven	Menendez	Vance
Kelly	Romney	Warner

The PRESIDING OFFICER (Ms. BUTLER). On this vote, the yeas are 52, the nays are 39, and the motion is agreed to.

The motion was agreed to.

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EXECUTIVE CALENDAR

The PRESIDING OFFICER. The clerk will report the nomination.

The senior assistant legislative clerk read the nomination of Joseph Francis Saporito, Jr., of Pennsylvania, to be United States District Judge for the Middle District of Pennsylvania.

The PRESIDING OFFICER. The majority leader.

ARTIFICIAL INTELLIGENCE

Mr. SCHUMER. Madam President, in a few minutes, Senator KLOBUCHAR, chair of the Rules Committee, will ask for a unanimous consent request on two bills: the Protect Elections from Deceptive AI Act and the AI Transparency in Elections Act.

I want to thank Senator KLOBUCHAR for her leadership on these bills and for her committee's bipartisan work to protect our elections from the potential harms of AI. Both of these bills, the Protect Elections from Deceptive AI Act and the AI Transparency in Elections Act, have bipartisan support, so the Senate should support them and pass them without delay.

Madam President, we are less than 100 days out from the first national elections ever held in the age of AI. We all know AI has many incredible benefits, but alongside those benefits come great risks; and the risks of AI for our elections could be severe. If we are not careful, if we fail to install proper guardrails, AI could jaundice and even totally discredit our entire election system as we know it.

Misinformation is already a serious problem in our elections, but AI makes it easier than ever to generate and spread it. It is easier than ever to create deepfakes of candidates. AI already has been used in robocalls to impersonate President Biden for the purposes of misleading voters during the primary. Once that information is out, it is hard—often impossible—to put the genie back in the bottle. Well, we have a chance today to pass precisely the kind of guardrails that would protect our elections from the risks of AI.

We have a chance today to make sure that our democracy is not atrophied or harmed, discredited, because of these kinds of misleading ads. These bipartisan bills would ban the use of materially misleading AI-generated deepfakes that depict Federal candidates and require disclaimers any time political ads use AI in a substantial way.

Most Americans, I think, would overwhelmingly agree that these are reasonable guardrails and they give voters peace of mind that AI isn't being used against them during election season without their knowledge. These bills have broad support. Democrats support these bills. Republicans support these bills. Over 40 current and former election officials and national security experts support these bills. Everyone recognizes the need to get something done. We are in a new world with AI. It can do a lot of good things, but it can cause some harms; and our job is to maximize the benefits but decrease the harms. One of the harms could be these deepfakes in elections, and we must do something about it.

A few months ago, I worked with the Senate's bipartisan AI working group, which I created a year ago with Senators HEINRICH and YOUNG and ROUNDS to publish the first ever roadmap for AI policy. Our roadmap detailed a swath of proposals the Senate should consider to fortify our democracy in the age of AI. I am very glad to see that some of the good ideas we called for in our AI policy roadmap are reflected in these two bills.

So I, again, greatly thank Senator KLOBUCHAR for championing these bills, for coming to our AI forums and hearing what had to be said and then beginning to take action to make sure the abuses don't occur.

I look forward to working further with Senator KLOBUCHAR, the Rules Committee, other chairs in committees to regulate AI before it is too late.

I yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

UNANIMOUS CONSENT REQUEST—S. 2770

Ms. KLOBUCHAR. Madam President, I thank the leader for his support for these bills, but also for his bipartisan work on artificial intelligence, including the group that he put together with Senator HEINRICH and Senator ROUNDS and Senator YOUNG to really lead a bipartisan effort. One of the major focuses of that effort has been doing something on the democracy front.

While some of these bills actually passed through the Commerce Committee today on a bipartisan basis to start the initial work of some sensible guardrails on AI, the democracy work actually can't wait because, as the leader pointed out, we are less than 100 days from this election; and we are seeing States act across the country—red States, blue States, purple States—putting some simple rules in place for this new sophisticated technology.

I always believed that our laws have to be as sophisticated as those that are trying to mess with them, and we cannot simply stand by on the Federal basis for the Federal elections—we are not talking about messing around with their State rules. They are doing their own rules. We are talking about Federal elections when it comes to involvement with AI.

AI, as we know, is set to become one of the most significant technological advances of our time. Like with any emerging technology, it brings tremendous opportunities, but it also brings tremendous risks and uncertainties. I think David Brooks, the columnist, put it well when he wrote:

The people in A.I. seem to be experiencing radically different brain states all at once. I've found it incredibly hard to write about A.I. because it is literally unknowable whether this technology is leading us to heaven or hell.

Well, it is on us right now as the elected representatives of the people of this country to make the decision of what fork are we going to go on. If we put no guardrails in place when it comes to scams, when it comes to messing around with people's intellectual property rights, when it comes to national security, when it comes to democracy—which is our topic today—then we are not going to unleash the potential and the great opportunities of AI because we will not have put the guardrails in place to make it safe.

This means protecting ourselves from the significant risks AI poses without stifling innovation and working to preserve trust in business, government, and our elections, as we all adapt to this rapidly advancing technology.

With this year's election so soon in front of us, we must put in place these commonsense rules. We have heard repeatedly about the potential of AI to upend our election. All of our witnesses from both parties agreed that this was a threat when we had our hearing. And at the bipartisan AI forum that I just mentioned, there was consensus that Federal legislation is necessary; that disclaimers are not enough in some cases; and that it is critical to our national security.

By the way, these AI videos or fake robocalls or videos of people that aren't really the candidates that you don't like or you do like—if you don't know who you are watching, how are you going to be able to make your decision as a citizen in this great democracy?

And, by the way, these could be promoted by foreign governments, by foreign countries. We have seen this in Canada where they just completed an investigation and found that China had meddled in their elections, in their elections for parliament seats.

This is happening right now, and we need the ability to take these things off or at least label them so people know what they are viewing and what they are listening to. This is a hair-on-fire moment.

AI has the potential to turbocharge the spread of disinformation and deceive voters. This is happening to candidates on both sides. In the New

Hampshire primary on the Republican side, a video was released with fake AI-generated images of former President Trump hugging Dr. Fauci. That wasn't true. We have seen AI being used to generate viral misleading content about our colleagues in this Chamber, including a fake video with ELIZABETH WARREN—that wasn't really ELIZABETH WARREN—telling people that she didn't think that Republicans should be allowed to vote. Complete lie. It wasn't her. But it looked like her and talked like her.

We have seen this all over the country, and that is why States have been acting; 18 States across the country have already passed laws in this area, including my home State of Minnesota, which banned deepfakes of candidates 90 days before an election. Texas has a ban on deepfake videos of candidates. And that passed unanimously; the Minnesota bill, I think, one person voted against it. Democrats and Republicans joined together to say: We are not going to have these deepfakes because they could happen on either side, and our citizens aren't going to know who they are looking at and if it is the real Donald Trump or if it is the real KAMALA HARRIS or if it is the real AMY KLOBUCHAR or the real Senator FISCHER.

Other States who have done something on this: Alabama—these have been mostly disclaimers—Alabama, Arizona, California, Colorado, Florida, Hawaii, Idaho, Indiana, Michigan, Mississippi, New Mexico, New York, Oregon, Utah, Washington, and Wisconsin. If you listen to those States, you are not like, Oh, those are all blue states. Oh, those are all red states. Those are Governors and legislatures that decided we cannot just take this as it is not going to be a problem, and it is all fun and games. They have decided that: We have got to make sure our citizens know, for State political advertising, what is going on here.

Some tech companies are also taking action because they know that this technology has a potential to sow chaos in elections, but we cannot rely on a patchwork of State laws for just about half the States—probably what it will end up being—and voluntary commitments, as important as those are.

That is why as chair of the Rules Committee, we held a markup in May where we passed three bipartisan bills to take this head on.

I am calling on the Senate today to pass, first of all, the bipartisan bill with Senator HAWLEY, the lead Republican with me on this bill; with Senator COONS, Senator SUSAN COLLINS, Senator BENNET, and many others to ban AI-generated deepfakes of Federal candidates, within the framework of the Constitution.

So what does that mean? Well, that means an exception for parody and satire as well as reporting by news organizations. So we drafted this bill with Democratic and Republican lawyers in a way that it could be upheld in court under the Constitution.

Our bill is supported by a bipartisan group of more than 40 national security experts and current former government officials, including former Secretaries of Defense Chuck Hagel, a Republican, and Leon Panetta, a Democrat, and Secretaries of State from both parties. It was also endorsed by the former Republican Chairman of the Federal Election Commission, Trevor Potter, as well as tech companies like OpenAI, Microsoft, IBM, and Salesforce.

These companies actually want to be able to say: This is a deepfake. It is not the actual candidate, and there is a law that says we have to take it down.

That is what this is about, as well as allowing the defamed candidate—the person who it is not really the person in the video or the ad or the robocall—to sue whoever has done this to them. That is the way in other areas in our law we are able to stop bad conduct.

In the House, a bipartisan companion bill is led by Representative DEREK KILMER of Washington and TONY GONZALES of Texas.

With election day approaching, we have the opportunity to come together on a bipartisan basis to counter the threats that AI poses to our elections and protect public trust and faith in our democracy.

Now, there is a second bill that I will call for in a moment that deals with things that are maybe parody or things that don't rise to the level of the deepfakes or are in a different category that could complement this bill as well. But this is for the worst of the worst. And that is why we have had strong support from a conservative like Senator HAWLEY, who certainly is aware of what the Constitution says and what our rights are; moderate Republican like Senator SUSAN COLLINS; and many others to support this bill. So now I will call for this bill.

As if in legislative session and notwithstanding rule XXII, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 388, S. 2770; further, that the committee-reported substitute amendment be agreed to; the bill, as amended, be considered read a third time and passed; and the motion to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Senator from Nebraska.

Mrs. FISCHER. Madam President, reserving the right to object, could I have the Senator please clarify which bill she called up.

Ms. KLOBUCHAR. Yes. This was the bill—

Mrs. FISCHER. 2770?

Ms. KLOBUCHAR. 2770, which is the deepfake bill. The other bill is 3875, the Klobuchar-Murkowski bill, which is the disclaimer bill.

Mrs. FISCHER. Thank you.

Madam President, like many of my colleagues, I am concerned about arti-ficial intelligence-generated deepfakes in the context of political speech and election administration. But the Protect Elections From Deceptive AI Act is not a solution to this problem. The bill recycles provisions from the partisan For the People Act. It is overly broad, and it would prohibit the distribution of political ads that include AI-generated audio or visuals, including commonly used image and video editing programs. It greatly expands the regulation of protected speech and uses vague terms that will inevitably chill that speech.

This bill does not balance First Amendment rights with the evolving challenges that we have with the digital age; and, therefore, Madam President, I object.

The PRESIDING OFFICER (Ms. CORTEZ MASTO). The objection is heard.

Ms. KLOBUCHAR. Madam President, I will note again that Senator HAWLEY is the lead Republican on this bill, and I don't think for a minute that he would allow for a bill that is something that he disagrees with when it comes to being radical or broad or anything like that. He simply agrees with me, as does Senator COLLINS, that we have a major, major issue here with these deepfakes that are going to extend to, say, what happened in New Hampshire, which involved a fake robocall ad from President Biden that people believed was him calling on people not to vote. That case is, of course, being investigated by a Republican Attorney General, and a case is being brought in New Hampshire.

But the point is this is just the beginning. We haven't even entered the general election yet. That will start at the end of August. And so that is why time is of the essence here, and that is also why we drafted this bill with Democratic and Republican lawyers in a method that was narrowly tailored so that it would abide by the Constitution.

UNANIMOUS CONSENT REQUEST—S. 3875

Madam President, there is a second bill which is S. 3875, that Senator MURKOWSKI and I have. And, again, these two bills can mesh together. This is a bill that requires disclaimers on political ads substantially generated by AI. And I note "substantially generated by AI." This is not about changing a hair color or doing a minor thing.

While we must ban the most deceptive deepfakes, as I have just described, in our elections, it is also critical that voters know if ads they are seeing are made with this technology. This would especially help in cases of parody; in cases where, for instance, the video that was recently posted this last weekend by Elon Musk—which is a lengthy video—which takes the voice of candidate KAMALA HARRIS, Vice President KAMALA HARRIS, and puts her exact voice into words and sentences that she did not say. And while it is a parody and it wouldn't fall under the deepfake ban, it should require—even by X's own rules—a disclaimer