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SENATE AI WORKING GROUP RELEASES ROADMAP FOR ARTIFICIAL INTELLIGENCE POLICY

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On May 15, 2024, the Bipartisan Senate AI Working Group—Senate Majority Leader Chuck Schumer (D-NY) and Senators Mike Rounds (R-SD), Todd Young (R-IN), and Martin Heinrich (D-NM)—released a report titled "[Driving U.S. Innovation in Artificial Intelligence: A Roadmap for Artificial Intelligence Policy in the United States Senate](#)" outlining a comprehensive framework aimed at addressing the multifaceted opportunities and risks presented by artificial intelligence ("AI") technologies. The roadmap, a result of educational briefings and nine AI Insight Forums, emphasizes collaboration across party lines and public/private partnership to ensure that AI development is both innovative and ethical.

PRIORITIES

Key policy priorities listed in the roadmap include:

- **Promoting AI Innovation:** Working to ensure that institutions of higher education and companies of varying sizes are able to compete in AI innovation, including by funding the National AI Research Resource.
- **Investment in Research and Development:** Prioritizing US funding for AI research and development to maintain global competitiveness and spur technological advancements. The roadmap encourages at least [\\$32 billion per year](#) for non-defense AI innovation, as proposed by the National Security Commission on Artificial Intelligence's report.
- **Workforce Development:** Implementing training programs to equip workers with the skills needed to thrive in an AI-driven economy while also addressing potential job displacement.
- **Development and Enforcement of AI Laws and Guidelines:** Establishing ethical guidelines and ensuring enforcement of existing laws addressing the responsible development and deployment of AI technologies, including considerations of bias, testing, privacy, transparency, and explainability.
- **Intellectual Property:** Evaluating whether there is a need for legislation that protects, consistent with First Amendment principles, against the unauthorized use of a person's name, image, likeness, and voice, as it relates to AI.
- **Elections/Democracy – Protecting the Public:** Addressing the challenges manipulated technologies,

including “deepfakes,” pose to election content and nonconsensual intimate images and studying the impacts of AI on content creators.

- **Privacy and Liability:** Recognizing that privacy issues and safety should be addressed with high impact AI and expressing support for a federal data privacy law to address this topic more fully.
- **Managing AI-Related Risks:** Supporting the development and standardization of risk testing and evaluation methodologies and mechanisms, including red-teaming and commercial AI auditing.
- **National and Cyber Security:** Leveraging emerging AI technologies to bolster national security and address national security threats, risks, and opportunities for AI.

RESEARCH AND DEVELOPMENT

The roadmap also encourages cross-government AI research and development that spans various agencies and departments, including the Department of Energy, Department of Commerce, National Science Foundation, National Institute for Standards and Technology, National Institutes of Health, and National Aeronautics and Space Administration.

The roadmap highlights the importance of advancing research and development at the intersection of AI and national security, workplace safety, industrial efficiency, economic productivity, and competitiveness.

LEGISLATION

The Bipartisan Senate AI Working Group also emphasized the importance of integrating AI regulation into existing laws, including related to consumer protection and civil rights. Transparency, explainability, testing and evaluation, and heightened scrutiny for high-risk uses of AI will ideally remain guiding pillars as AI legislation is contemplated and drafted.

Senator Majority Leader Schumer has stated the Senate will not wait for one omnibus federal AI bill; rather, the Senate will review and consider legislation on a rolling basis as smaller bills arise. The Bipartisan Senate AI Working Group encourages Senate committees to continue to collaborate closely and frequently on AI legislation and agree on shared clear definitions for all key terms.

Enacting comprehensive AI legislation—whether substantive changes to existing law or the creation of new AI-related laws—in the current political climate will be challenging. Also, the funding recommendations are substantial, and achieving them may be particularly burdensome. However, the Senators’ approach to addressing the opportunities and challenges associated with AI have largely been bipartisan, which means consensus may be achievable. With the report’s clear statement that the respective committees of jurisdiction should develop legislation within their areas of expertise, the next steps will involve individual committee deliberations rather than the consideration of an omnibus bill on the Senate floor prior to committee activities. In addition, the Senate will need the cooperation of the House of Representatives to enact AI legislation. Senate Majority Leader Schumer intends to discuss AI legislation with House Speaker Mike Johnson (R-LA). The House has convened a bipartisan AI working group led by two very experienced technologists, California Representatives Jay Obernolte (R-CA) and Ted Lieu (D-CA). Increased House activity may help determine whether AI legislation is achievable this year or will need to wait until the new Congress begins in January.

Mayer Brown is advising clients on the rapidly evolving AI regulatory landscape. We will continue to provide updates as implementation of the Senate report continues.

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