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 2024 is a bipartisan bill that would protect the voice and visual likeness of all individuals from unauthorized computer-generated recreations from generative artificial intelligence (AI) and other technologies.

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 highly realistic digital replicas without permission.

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. Last October, an AI-generated version of Tom Hanks was used in advertisements for a dental plan that he never appeared in or otherwise endorsed. More recently, in April, a principal at a Baltimore, Maryland high school was framed as a racist by an AI-generated recording of his voice.

The NO FAKES Act would address the use of non-consensual digital replications in these kinds of audiovisual works, images, or sound recordings. The 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 actual knowledge of the fact that the replica was not authorized by the individual depicted;
- Exclude certain digital replicas from coverage based on recognized First Amendment protections; and
- Largely preempt State laws addressing digital replicas to create a workable national standard.

The NO FAKES Act balances the need to protect individuals and creators, First Amendment considerations, and fostering U.S. leadership and innovation in AI.