

118TH CONGRESS  
1ST SESSION

# S. 2765

To require a watermark for AI-generated materials, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 12, 2023

Mr. RICKETTS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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## A BILL

To require a watermark for AI-generated materials, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Advisory for AI-Gen-  
5 erated Content Act”.

6 **SEC. 2. WATERMARKS ON AI-GENERATED MATERIALS.**

7 (a) IN GENERAL.—

8 (1) WATERMARK REQUIREMENT.—It shall be  
9 unlawful for an AI-generating entity to create cov-  
10 ered AI-generated material unless such material in-

1 includes a watermark that meets the standards estab-  
2 lished by the Commission under paragraph (2).

3 (2) STANDARDS FOR AI WATERMARKS.—Not  
4 later than 180 days after the date of enactment of  
5 this section, the Commission, in consultation with  
6 the Federal Communications Commission, the Attor-  
7 ney General, and the Secretary of Homeland Secu-  
8 rity, shall issue regulations to establish standards  
9 for the watermarks required under paragraph (1).

10 (3) EFFECTIVE DATE.—The requirement estab-  
11 lished under paragraph (1) shall take effect on the  
12 date that is 1 year after the date on which the Com-  
13 mission promulgates the regulations required under  
14 paragraph (2).

15 (b) ENFORCEMENT.—

16 (1) UNFAIR OR DECEPTIVE ACTS OR PRAC-  
17 TICES.—A violation of this section or a regulation  
18 promulgated thereunder shall be treated as a viola-  
19 tion of a rule defining an unfair or deceptive act or  
20 practice under section 18(a)(1)(B) of the Federal  
21 Trade Commission Act (15 U.S.C. 57a(a)(1)(B)).

22 (2) POWERS OF THE COMMISSION.—

23 (A) IN GENERAL.—The Commission shall  
24 enforce this section in the same manner, by the  
25 same means, and with the same jurisdiction,

1 powers, and duties as though all applicable  
2 terms and provisions of the Federal Trade  
3 Commission Act (15 U.S.C. 41 et seq.) were in-  
4 corporated into and made a part of this Act.

5 (B) PRIVILEGES AND IMMUNITIES.—Any  
6 person who violates this section or a regulation  
7 promulgated thereunder shall be subject to the  
8 penalties and entitled to the privileges and im-  
9 munities provided in the Federal Trade Com-  
10 mission Act (15 U.S.C. 41 et seq.).

11 (C) AUTHORITY PRESERVED.—Nothing in  
12 this section shall be construed to limit the au-  
13 thority of the Commission under any other pro-  
14 vision of law.

15 (D) RULEMAKING.—The Commission shall  
16 promulgate in accordance with section 553 of  
17 title 5, United States Code, such rules as may  
18 be necessary to carry out this section.

19 (c) DEFINITIONS.—In this section:

20 (1) AI-GENERATING ENTITY.—The term “AI-  
21 generating entity” means an entity that generates,  
22 creates, or otherwise produces AI-generated mate-  
23 rial.

24 (2) AI-GENERATED MATERIAL.—The term “AI-  
25 generated material” means artificial intelligence

1 technology that can produce various types of con-  
2 tent, including text, images, audio, or synthetic data.

3 (3) COMMISSION.—The term “Commission”  
4 means the Federal Trade Commission.

5 (4) COVERED AI-GENERATED MATERIAL.—The  
6 term “covered AI-generated material” means AI-  
7 generated material that—

8 (A) impersonates a specific individual or  
9 group of individuals;

10 (B) is represented as original material by  
11 the AI-generating entity that produced the ma-  
12 terial, including with respect to artwork, songs,  
13 or news media; or

14 (C) meets such criteria as the Commission  
15 may establish.

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