

October 11, 2024

The Honorable Richard Durbin
Chair, Committee on the Judiciary
United States Senate
224 Dirksen Senate Office Building
Washington, DC 20510

The Honorable Jim Jordan
Chair, Committee on the Judiciary
U.S. House of Representatives
Rayburn House Office Building 2142
Washington, DC 20515

The Honorable Lindsey Graham
Ranking Member, Committee on the Judiciary
United States Senate
211 Russell Senate Office Building
Washington, DC 20510

The Honorable Jerrold Nadler
Ranking Member, Committee on the Judiciary
U.S. House of Representatives
Rayburn House Office Building 2132
Washington, DC 20515

Dear Chairman Durbin, Chairman Jordan, Ranking Member Graham and Ranking Member Nadler:

We the undersigned organizations dedicated to fostering innovation in artificial intelligence (AI) while protecting consumers from harm, write in support of the bipartisan, bicameral Nurture Originals, Foster Art, and Keep Entertainment Safe (NO FAKES) Act of 2024¹. This narrowly targeted legislation would help protect individuals, including artists and creators, from having their voice and likeness exploited by nefarious actors. We urge the members of the Senate and House Judiciary Committees to vote in favor.

The United States is the global leader in AI—from pioneering large language models to the advanced chips used to power them. AI will unlock new opportunities and economic growth across sectors, including for artists, creators, and the broader entertainment ecosystem.

However, as with any technology, bad actors will inevitably use it for harm. Legislation can play an important role in addressing these harms without stifling innovation. The NO FAKES Act strikes that balance.

From school students and faculty to famous celebrities like Taylor Swift, AI-generated digital replicas have been used for exploitative purposes.² In some cases, students have seen AI-generated, non-consensual intimate images (NCII) circulated by their classmates.³ In other cases, fake replicas of actors like Tom Hanks have been used in advertising.⁴

The NO FAKES Act would provide tools for individuals, companies, and enforcement authorities to address harmful, non-consensual replicas and deep fakes, including by holding those who create these

¹ S.4875, NO FAKES Act, 118th Cong. (2024), <https://www.congress.gov/bill/118th-congress/senate-bill/4875>; House version currently unnumbered. See: “Salazar Introduces the NO FAKES Act,” *Congresswoman Maria Elvira Salazar*, (Sept. 12, 2024), <https://salazar.house.gov/media/press-releases/salazar-introduces-no-fakes-act>

² Chappell, Bill, “Deepfakes exploiting Taylor Swift images exemplify a scourge with little oversight,” *NPR*, (Jan. 26, 2024), <https://www.npr.org/2024/01/26/1227091070/deepfakes-taylor-swift-images-regulation>

³ Tenbarge, Kat & Kreutz, Liz, “A Beverly Hills middle school is investigating students sharing AI-made nude photos of classmates,” *NBC News*, (Feb. 27, 2024), <https://www.nbcnews.com/tech/misinformation/beverly-vista-hills-middle-school-ai-images-deepfakes-rcna140775>

⁴ Tayler, Derrick Bryson, “Tom Hanks Warns of Dental Ad Using A.I. Version of Him,” *New York Times*, (Oct. 2, 2023), <https://www.nytimes.com/2023/10/02/technology/tom-hanks-ai-dental-video.html>

replicas liable. Importantly, the bill would also protect First Amendment protected use cases of digital replicas, such as for journalism or satire.

We agree with the cosponsors of the legislation that it balances important equities—protecting the likenesses of individuals and creators, First Amendment considerations, and fostering U.S. leadership and innovation in AI. We commend and thank Senators Coons, Blackburn, Klobuchar, and Tillis, and Representatives Salazar, Dean, Moran, Schiff, Whitman and Morelle for their thoughtful approach, outreach to a diverse array of stakeholders, and incorporating feedback they received on the discussion draft from last year. We look forward to the committees’ consideration and stand ready to work with them on policies that address harms from AI while ensuring that the U.S. remains the global leader in innovation.

Sincerely,

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Executive Director
Innovation Economy Alliance

Daniel J. Erspamer
Chief Executive Officer
Pelican Institute for Public Policy

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Founder and Executive Director
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