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Senate Majority Leader Schumer Continues Push for AI Framework

By **Hans Christopher Rickhoff**, **Ed Pagano**, **Natasha G. Kohne**, **Reggie Babin**, **Alan Martin Hayes** and **Taylor Daly**

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On Wednesday, June 21, 2023, Senate Majority Leader Chuck Schumer (D-NY) unveiled the five policy objectives underpinning his ongoing work on a legislative framework to regulate Artificial Intelligence (AI)—the Security, Accountability, Foundations, Explain (SAFE) Innovation Framework for AI—at a Center for Strategic and International Studies (CSIS) **event**. A summary of the framework is available **here**.

The culmination of months-long discussions with more than 100 stakeholders, Leader Schumer's push for an AI framework was first announced in April (see prior alert here), and the effort, which is expected to span across multiple congressional committees, is centered on four guardrails: "Who," "Where," "How" and "Protect."

In the latest development, Leader Schumer has noted that the SAFE Innovation Framework, which will use the CHIPS and Science Act (**P.L. 117-167**) process as a model, will adhere to the following policy objectives:

1. **Innovation**: Strike an appropriate balance between collaboration and competition among companies developing AI, while also addressing the appropriate amount of federal taxes and spending and the appropriate balance between private and open AI systems.

2. **Security**: Establish guardrails to ensure that foreign adversaries cannot use United States advances in AI for illicit and harmful purposes, while also taking measures to prevent job loss or misdistribution of income, including by engaging workers, businesses, educators and researchers.

3. **Accountability**: Establish guardrails regulating how AI is developed, audited and deployed, and make clear that certain practices should be prohibited.

4. **Foundations**: Ensure AI technologies align with American foundations such as human liberty, civil rights and justice.

5. **Explainability**: Ensure transparency for how AI systems operate, with companies taking a leading role, while also guarding against threats to intellectual property (IP).

Leader Schumer announced that he will be leading the bipartisan charge on AI regulation, along with Sens. Mike Rounds (R-SD), Todd Young (R-IN), Martin Heinrich (D-NM). As part of this effort, Commerce Chair Maria Cantwell (D-WA), Homeland Security and Governmental Affairs Chair Gary Peters (D-MI), Intelligence Chair Mark Warner (D-VA), Judiciary Chair Dick Durbin (D-IL) and Antitrust Subcommittee Chair Amy Klobuchar (D-MN) were all asked to contact their Ranking Members to commence bipartisan efforts. In terms of timeline, Leader Schumer projected that the framework would take "months."

As part of the push, Leader Schumer has also **unveiled** a slate of AI-focused, Member-only briefings this summer. On June 13, 2023, lawmakers convened for the first briefing, after which the Majority Leader **noted** the sense of urgency for lawmakers to stay proactive on the issue. While he pointed to societal benefits from AI such as

medical advances and fusion energy, Leader Schumer also highlighted challenges associated with the technology, including the difficulty of "explainability," calling for increased cooperation between legislators, developers, researchers, academics and advocates. Next month, the second and third briefings will focus on the trajectory of AI in the near future, as well as the resulting implications for U.S. national security.

Leader Schumer has indicated that he will convene a series of "AI Insight Forums" in the fall with AI developers and executives, scientists, national security experts and others. The goal is to establish a formal information gathering process that is more efficient than traditional congressional hearings and better aligned with the rapid timeline of AI innovation and advancement. Following these forums, committees of jurisdiction will still need to propose legislation informed by the preceding discussions.

As discussions convened by this bipartisan Senate group unfold, the Akin cross-practice AI team continues to keep clients apprised of key developments, as well as other forthcoming congressional, administrative, private-stakeholder and international initiatives on AI.

If you have questions about this client alert, please contact any Akin lawyer or advisor below:

Hans Christopher Rickhoff
hrickhoff@akingump.com
+1 202.887.4145

Ed Pagano
epagano@akingump.com
+1 202.887.4255

Natasha G. Kohne
nkohne@akingump.com
+1 415.765.9505

Reggie Babin
rbabin@akingump.com
+1 202.887.4140

Alan Martin Hayes
amhayes@akingump.com
+1 202.887.4272

Taylor Daly
tdaly@akingump.com
+1 202.416.5541