

# United States Senate

WASHINGTON, DC 20510-0609

January 23, 2024

Dear Majority Leader Schumer:

You opened last fall’s Artificial Intelligence (AI) Insight Forum series with a declaration that “[g]overnment must play a role in requiring . . . safeguards” to “make AI systems more accountable, transparent, and secure.”<sup>1</sup> Despite differences across forum participants, the conversations made clear that we must meet the transformative challenge of AI with a thoughtful and effective regulatory framework.

We believe this moment requires a new federal agency to protect consumers, promote competition, and defend the public interest. We have introduced legislation to create this new enforcement authority and put the American people in negotiation with the largest technology firms. Our *Digital Platform Commission Act* (from Senators Bennet and Welch) and *Digital Consumer Protection Commission Act* (from Senators Graham and Warren) would finally establish democratic oversight of Big Tech companies that dominate our society and economy.

Piecemeal efforts to regulate technology have failed. Over the past fifteen years, social media platforms have wreaked havoc on our children’s mental health, undermined user privacy, and distorted market incentives. Big Tech companies have exploited powerful network effects to secure an unassailable market position—allowing them to scoop up promising competitors, set crippling terms of service for third parties, and strip-mine Americans’ private data.

Big Tech companies have provided new vehicles for drug trafficking, harassment, and the sexual abuse and exploitation of children. Time and again, they have allowed disturbing content to proliferate unchecked across their platforms, amplified by hyper-aggressive algorithms.<sup>2</sup> American families are faced with the fallout: a rise in eating disorders, anxiety, depression, and teen suicide.<sup>3</sup>

Now, these same companies stand to benefit from the rapid development and deployment of AI. Although this technology has the potential to improve productivity and lead to new scientific breakthroughs, AI tools also threaten to exacerbate existing harms—threatening the well-being of our children and stifling economic competition. Your fora have made clear that Congress must

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<sup>1</sup> Senate Democrats, “[Majority Leader Schumer Opening Remarks for the Senate’s Inaugural AI Insight Forum](#),” press release, September 13, 2023.

<sup>2</sup> Keach Hagey and Jeff Horwitz, “[Facebook Tried to Make Its Platform a Healthier Place. It Got Angrier Instead](#),” *Wall Street Journal*, September 15, 2021; Tripp Mickle, “[YouTube’s Search Algorithm Directs Viewers to False and Sexualized Videos, Study Finds](#),” *Wall Street Journal*, July 7, 2021; Julia Jargon, “[TikTok Feeds Teens a Diet of Darkness](#),” *Wall Street Journal*, May 13, 2023.

<sup>3</sup> See generally Lydie A. Lebrun-Harris, Reem M. Ghandour et al., “[Five-Year Trends in US Children’s Health and Well-being, 2016-2020](#),” *JAMA Pediatrics* 176 no. 7 (2022); Office of the U.S. Surgeon General, *Social Media and Youth Mental Health*, May 2023; Centers for Disease Control and Prevention, *Youth Risk Behavior Survey*, February 2023.

regulate AI on behalf of the American people. But it would be a mistake to fixate on AI and ignore the broader threats posed by this industry as a whole. Narrow legislative fixes will not solve problems endemic to the digital sector.

When confronted with the emergence of complex, risk-prone industries, Congress has often elected to create regulatory bodies to address the challenges facing the American people. In 1906, for example, Congress established the Food and Drug Administration after revelations of unsafe factory standards. In 1934, Congress created the Federal Communications Commission as new telecommunication technologies like radio, television, and the telephone connected the country. In 1958, at the outset of the Jet Age, Congress founded the Federal Aviation Administration. In each case, Congress tapped experts to address the evolving threats posed by new industries, forming specialized agencies to oversee complicated new sectors of the economy.

The same approach is necessary here. Isolated policies targeting individual concerns such as privacy, national security, competition, or online safety will lead to unnecessary enforcement gaps. Parceling out oversight to various agencies will result in a fragmented regulatory landscape ripe for exploitation by companies with market caps greater than many countries' gross domestic product. Today's challenge calls for a dedicated and nimble agency that is able to keep measured pace with the speed of innovation, supporting safe development without stifling it.

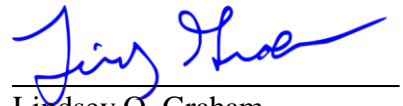
At an inflection point such as ours, we should not squander this opportunity to establish real oversight over the largest technology companies. Congress must create a new agency with the resources and meaningful enforcement authority to regulate these firms in a comprehensive, considered, and continuous manner. We can successfully mitigate the risks of AI while simultaneously addressing the harms American families and businesses experience every day in our digital world.

We are grateful for your leadership and look forward to working with you on this essential project.

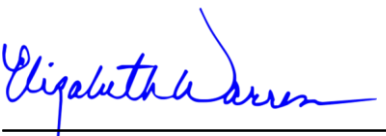
Sincerely,



Michael F. Bennet  
United States Senator



Lindsey O. Graham  
United States Senator



Elizabeth Warren  
United States Senator



Peter Welch  
United States Senator