

Frequently Asked Questions

Great American AI Act (discussion draft)

What safety requirements does this framework impose on frontier AI companies?

Transparency, auditing, and whistleblower anti-retaliation requirements. GAAIA would elevate leading state-level transparency, auditing, and whistleblower anti-retaliation laws to nationwide standards. Under GAAIA, large frontier AI developers would be required to publish and follow plans to address catastrophic risks, report safety incidents to federal and state regulators, submit to third-party audits, and face civil penalties and injunctions if they fail to comply. The Secretary of Commerce would be authorized to promulgate rules setting minimum quality standards and updating key statutory definitions. Moreover, frontier AI companies would be prohibited from retaliating against whistleblowers who expose wrongdoing.

Licensed independent verification organizations that assess catastrophic risk mitigation.

GAAIA would require every large frontier developer to retain one or more CAISI-licensed independent verification organizations (IVOs) to perform ongoing assessments of whether developers' AI frameworks achieve acceptable levels of catastrophic risk mitigation (cybersecurity, biosecurity, CBRN uplift, and loss-of-control). As private organizations, IVOs are inherently more agile than a federal regulator and can therefore leverage the same innovative capacities and technologies that are characteristic of the frontier labs.

Cooperative federalism (federal / state joint enforcement). GAAIA's regulatory regime manifests cooperative federalism, an approach embodied in laws like COPPA and the Clean Air Act. State AGs have the ability to opt into receiving all non-public information from the transparency, auditing, and verification provisions. State AGs would share enforcement authority with the federal Attorney General. The result is a single standard backed by multiple enforcers, so the federal government isn't a single point of failure.

Which federal agency would administer the framework's AI safety regime?

The Center for AI Standards & Innovation (CAISI), housed within the Department of Commerce, would be the lead administrator of the framework's AI safety regime. GAAIA would formally establish CAISI under a Secretary-appointed Director and charge it with developing voluntary guidelines, best practices, and standards for the AI industry; testing and evaluating frontier AI systems; and administering the auditing and verification regime. To support this role, GAAIA would authorize CAISI at \$100M/year—an order of magnitude above its current \$15M appropriation—and would grant it special authorities to hire critical technical experts at pay levels above the GS scale.

CAISI will collaborate with the Department of Commerce and its National Institute of Standards and Technology (NIST), Department of Justice, White House Office of Science and Technology Policy (OSTP), Department of Energy, Department of Defense, Department of Homeland Security and its Cybersecurity & Infrastructure Security Agency (CISA), intelligence community components, and other federal agencies and departments as appropriate.

What state laws would the framework federalize?

GAAIA would federalize leading frontier safety laws including California's SB-53, New York's RAISE Act, and Illinois' SB315. This will create important transparency, auditing, and whistleblower protection standards that belong and can be better implemented at the federal level. State AGs would retain authorities to enforce these standards.

What state laws would the framework preempt?

GAAIA would preempt laws that specifically regulate AI model development, including California's AB 2013 and SB 942 (partial).

- **CA AB 2013 — Training data summaries.** Requires model developers to publicly post high-level summaries of their training data. The law does not threshold on size, meaning open-source developers, startups and frontier labs alike have to comply. GAAIA would concentrate transparency reporting at the frontier level, exempting open source-developers, startups, and lower resourced organizations.
- **CA SB 942 — AI watermarking (partial).** Requires AI companies with more than 1M monthly users to "watermark" AI-generated image, audio, and video content. GAAIA tasks NIST with developing voluntary standards in lieu of government-mandated content provenance requirements.

What state laws would the framework preserve?

GAAIA would preserve state laws and regulations that regulate activities which occur upon or after the deployment of an artificial intelligence model, including the implementation, deployment, distribution, offering, or use of AI systems or products that incorporate artificial intelligence models. Additionally, GAAIA would preserve remedies available under the common law, including product liability claims, as well as laws that apply generally such as those covering civil rights, labor and workplace protections, copyright, child sexual abuse material (CSAM), and consumer privacy.

Does the preemption sunset?

Yes. GAAIA's preemption would sunset three years post-enactment, forcing Congress to remain engaged on this issue and requiring them to maintain a seat at the table when evaluating relevant case law, changes in the technology landscape, and related matters.