Federal Land Policy and Management Act of 1976 to ensure that ranchers who have grazing agreements on national grasslands are treated the same as permittees on other Federal land.

S. 2794

At the request of Ms. ERNST, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 2794, a bill to require the heads of agencies to establish a policy with respect to the deactivation of charge cards of employees separating from the agency, and for other purposes.

S. 2806

At the request of Mr. JOHNSON, the names of the Senator from Utah (Mr. LEE) and the Senator from Florida (Mr. SCOTT) were added as cosponsors of S. 2806, a bill to provide for automatic continuing appropriations.

S. 2848

At the request of Ms. ALSOBROOKS, the name of the Senator from Oregon (Mr. MERKLEY) was added as a cosponsor of S. 2848, a bill to require amounts used to pay the costs of the renaming the Department of Defense to be derived from the travel budget of the Secretary of Defense, and for other purposes.

S. 2854

At the request of Mr. KENNEDY, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 2854, a bill to amend the District of Columbia Home Rule Act to terminate the District of Columbia Judicial Nomination Commission, and for other purposes.

S. 2858

At the request of Mr. BOOKER, the names of the Senator from Delaware (Mr. COONS) and the Senator from West Virginia (Mrs. CAPITO) were added as cosponsors of S. 2858, a bill to improve research and data collection on stillbirths, and for other purposes.

S. 2859

At the request of Mr. LANKFORD, the name of the Senator from North Dakota (Mr. HOEVEN) was added as a cosponsor of S. 2859, a bill to amend the Higher Education Act of 1965 to ensure campus access at public institutions of higher education for religious groups.

S. 2881

At the request of Mr. PADILLA, the name of the Senator from California (Mr. SCHIFF) was added as a cosponsor of S. 2881, a bill to provide for the transfer of administrative jurisdiction over certain Federal land in the State of California, and for other purposes.

S. 2907

At the request of Mrs. BLACKBURN, the names of the Senator from Texas (Mr. CRUZ) and the Senator from North Carolina (Mr. BUDD) were added as cosponsors of S. 2907, a bill to prohibit health care professionals, hospitals, or clinics from participating in the chemical or surgical mutilation of a child and to provide a private right of action for children and the parents of children whose healthy body parts have been damaged by medical professionals practicing chemical and surgical mutilation.

S. RES. 61

At the request of Mr. MARKEY, the name of the Senator from Maryland (Mr. VAN HOLLEN) was added as a cosponsor of S. Res. 61, a resolution expressing support for the continued value of arms control agreements and negotiated constraints on Russian and Chinese strategic nuclear forces.

S. RES. 86

At the request of Mr. RISCH, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. Res. 86, a resolution expressing the sense of the Senate regarding United Nations General Assembly Resolution 2758 (XXVI) and the harmful conflation of China's ''One China Principle'' and the United States' ''One China Policy''.

S. RES. 409

At the request of Mr. RICKETTS, the names of the Senator from Mississippi (Mr. WICKER) and the Senator from Vermont (Mr. WELCH) were added as cosponsors of S. Res. 409, a resolution recognizing the 74th anniversary of the signing of the Mutual Defense Treaty between the United States and the Philippines and the strong bilateral security alliance between our two nations in the wake of escalating aggression and political lawfare by the People's Republic of China in the South China Sea.

AMENDMENT NO. 3060

At the request of Ms. KLOBUCHAR, the name of the Senator from Georgia (Mr. OSSOFF) was added as a cosponsor of amendment No. 3060 intended to be proposed to S. 2296, an original bill to authorize appropriations for fiscal year 2026 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SCHUMER (for himself, Ms. CANTWELL, and Mr. MARKEY):

S. 2925. A bill to direct the Federal Trade Commission to conduct a study on the governance of neural data and other related data, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. SCHUMER. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2925

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Management of Individuals' Neural Data Act of 2025'' or the ''MIND Act of 2025''.

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) an individual's neural data and other related data can be monetized and used to shape individual behavior, emotional states, and decision making in ways existing laws do not adequately address;

(2) vertical corporate integration of neurotechnology, artificial intelligence systems, wearable devices, digital platforms, and global data infrastructure may create interconnected systems with insufficient transparency, accountability, or user control regarding the use of such data;

(3) such concentration increases the risk of behavioral influence, cognitive manipulation, erosion of personal autonomy, and the exacerbation of existing social and economic disparities, particularly in the absence of enforceable privacy protections, including protections of neural data and other related data;

(4) the absence of a comprehensive Federal standard for the collection, processing, and international transfer of such data presents risks to civil liberties and to national security, given the dual-use potential of and foreign interest in the data assets of the United States;

(5) strong protections for such data are essential to safeguard privacy, prevent discrimination and exploitation, and ensure that innovation in neurotechnology applications proceeds with accountability and public trust; and

(6) while this Act focuses primarily on neural data, related biometric and behavioral data that can reveal mental states may pose similar risks and warrant comparative analysis to identify broader privacy gaps.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARTIFICIAL INTELLIGENCE.—The term ''artificial intelligence'' has the meaning given such term in section 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(2) COMMISSION.—The term ''Commission'' means the Federal Trade Commission.

(3) FEDERAL AGENCY.—The term ''Federal agency'' has the meaning given the term ''agency'' in section 551 of title 5, United States Code.

(4) NEURAL DATA.—The term ''neural data'' means information obtained by measuring the activity of an individual's central or peripheral nervous system through the use of neurotechnology.

(5) NEUROTECHNOLOGY.—The term ''neurotechnology'' means a device, system, or procedure that accesses, monitors, records, analyzes, predicts, stimulates or alters the nervous system of an individual to understand, influence, restore, or anticipate the structure, activity, or function of the nervous system.

(6) OTHER RELATED DATA.—The term ''other related data'' —

(A) means biometric, physiological, or behavioral information that does not directly measure the neural activity or central or peripheral nervous system of an individual, but can be processed, analyzed, or combined with other data to infer, predict, or reveal cognitive, emotional, or psychological states or neurological conditions; and

(B) may include heart rate variability, eye-tracking patterns, voice analysis, facial expression recognition, sleep patterns, or other signals derived from consumer devices, wearables, or biosensors.

SEC. 4. FEDERAL TRADE COMMISSION STUDY AND REPORT ON NEURAL DATA GOVERNANCE.

(a) STUDY AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Commission shall conduct a study on—

(i) what additional authorities, if any, the Federal Government needs to regulate neural data and other related data that can reveal an individual's mental state or activity, and to establish appropriate privacy protections for individuals in the United States;

(ii) best practices for privacy and data security for the private sector to protect such data; and

(iii) the extent to which existing laws, regulations, and governing frameworks, including the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191), govern the use, storage, processing, portability, and privacy of such data, any gaps in law that should be addressed, and potential additional protections for such data that fall outside the scope of such Act.

(B) CONSULTATION.—In conducting the study described in subparagraph (A), the Commission shall consult with—

(i) the Director of the Office of Science and Technology Policy;

(ii) the Commissioner of Food and Drugs;

(iii) other relevant Federal agencies determined appropriate by the Commission; and

(iv) representatives of the private sector, academia, civil society, consumer advocacy organizations, labor organizations, patient advocacy organizations, and clinical research stakeholders including medical and health care professionals.

(2) REPORT.—Not later than 1 year after the date of enactment of this Act, the Commission shall—

(A) submit to Congress a report on the study conducted under paragraph (1) that—

(i) includes the information described in subsection (b); and

(ii) describes a regulatory framework that maximizes opportunities for responsible innovation in neurotechnology while minimizing the risks of harm that arise from such innovation, such as discrimination, profiling, surveillance, manipulation, and the misuse of neural data and other related data in employment, healthcare, financial services, education, commerce, and public life; and

(B) publish the report on the website of the Commission.

(b) REPORT CONTENTS.—The report described in subsection (a)(2) shall include—

(1) an analysis on—

(A) the collection, processing, storage, sale, and transfer of neural data and other related data; and

(B) all relevant uses of neurotechnology, neural data, and other related data for understanding, analyzing, and influencing human mental states and behavior;

(2) a summary of the ethical, legal, and regulatory landscape surrounding neural data and other related data that can reveal an individual's mental state or activity, including any existing guidelines related to—

(A) the collection of such data;

(B) consent for the collection, use, and transfer of such data;

(C) individual rights relating to such data;

(D) predictive modeling; and

(E) using such data to infer or influence behavior;

(3) an assessment of—

(A) how neural and other related data is collected, processed, and transferred in interstate commerce, and the benefits and risks associated with the collection and use of such data, including how such data may serve the public interest, improve the quality of life of the people of the United States, or advance innovation in neurotechnology and neuroscience; and

(B) how the use of such data may pose risks to individuals, including vulnerable populations, across different contexts or use cases;

(4) recommendations for the categorization and oversight of neural data and other related data uses, including—

(A) a framework that—

(i) distinguishes categories of such data, classifying such data based on both the potential for beneficial use cases (including medical, scientific, or assistive applications), and the potential for individual, societal, or group-level harm arising from misuse;

(ii) describes the properties of such data based on its capacity to directly or indirectly identify an individual or to reveal or infer sensitive personal information about an individual; and

(iii) suggests corresponding governance requirements such as heightened oversight, stricter consent standards, prohibited use cases regardless of individual consent, enhanced access restrictions, and cybersecurity protections;

(B) standards for computational models of the brain and guidance on assessing harms in contexts where such data is integrated with artificial intelligence or used as part of a system designed to influence behavior or decision making;

(C) an analysis of whether, and if so how, individuals may be exposed to unfair, deceptive, or coercive trade practices through the misuse of neural data and other related data across different environments, and recommendations for safeguards to prevent such harms; and

(D) recommendations for categorizing certain applications of neural data and other related data, or certain practices regarding such data, as impermissible, such as those designed to manipulate behavior or erode privacy with respect to an individual's mental state or activity;

(5) an examination of how the application of artificial intelligence to neural and other related data that can reveal an individual's mental state or activity may reshape the risks, oversight demands, and ethical considerations associated with such data;

(6) recommendations for consumer transparency, consent frameworks, and neural data and other related data use restrictions, such as—

(A) limiting such data use to only clearly disclosed purposes;

(B) restricting the resale of such data to third parties or the use of such data for individual profiling or targeted advertising;

(C) the use of separate, conspicuous consent mechanisms for the use of such data in developing or deploying computational models of the brain; and

(D) the public disclosure of—

(i) intended uses for such data, sharing practices, and artificial intelligence applications; and

(ii) policies related to the retention and deletion of such data; and

(E) prohibited use cases, regardless of individual consent;

(7) recommendations regarding applications of neural data and other related data in specific areas, including—

(A) sectors or practices that raise concerns about privacy, manipulation, discrimination, inequality, or long-term harm, such as—

(i) employment practices, such as in hiring, surveillance, or performance evaluation;

(ii) educational settings and other settings involving children under the age of 13 and teens;

(iii) insurance, financial, and housing services;

(iv) neuromarketing and behavioral shaping, including the targeting of consumers;

(v) commercial surveillance;

(vi) monetization models, such as data brokers, that aggregate or sell neural data and other related data;

(vii) the transfer of neural data and other related data through acquisitions, mergers, or bankruptcy proceedings;

(viii) law enforcement and the criminal justice system; and

(ix) sectors where algorithmic recommendation or design patterns intentionally amplify addictive use or behavioral manipulation;

(B) how existing Federal statutes enforced by the Commission, including the Federal Trade Commission Act (15 U.S.C. 41 et seq.) and other consumer protection laws, apply to neural data and other related data; and

(C) whether there are regulatory gaps in protecting the privacy of children and teens, including the applicability of the Children's Online Privacy Protection Act of 1998 (15 U.S.C. 6501 et seq.) and related laws to neural data and other related data;

(8) an analysis of the potential security risks associated with the collection, use, and transfer of neural data and other related data, including—

(A) an assessment of current cybersecurity and data protection requirements applicable to entities that collect, process, or store neural data or other related data, including any gaps in such requirements where such entities fall outside existing Federal standards, such as the Health Insurance Portability and Accountability Act of 1996 (Public Law 104–191);

(B) an assessment of interagency review models to determine whether certain exports, public releases, or commercial uses of neurotechnologies, including their component parts and integration with artificial intelligence systems, should be subject to restrictions or enhanced controls;

(C) an examination of foreign investment risks in neurotechnology firms;

(D) recommendations on actions the Government and nongovernment actors can take to ensure transparency and due diligence in international partnerships involving such data;

(E) supply chain risks involving components used in neurotechnology that are acquired from foreign countries; and

(F) the implications of storing and processing such data locally versus in cloud environments;

(9) recommendations for incentive structures that promote ethical innovation in neurotechnology that prioritize consumer protection and descriptions of how such structures can be aligned with existing regulatory and certification pathways or requirements, such as the development of—

(A) voluntary standards tied to business incentives, such as research and development tax credits and expedited regulatory pathways;

(B) financial support for responsible scientific inquiry and innovation in neurotechnology, conducted in ethically governed and controlled environments, with safeguards to prevent misuse or harmful applications;

(C) regulatory sandbox mechanisms to enable early-stage neural data applications to be tested with agency oversight, informed consent, and structured risk review;

(D) policies that promote long-term support for users of brain-computer interfaces, such as interoperability standards and post-trial maintenance practices;

(E) competitive incentives, such as procurement preferences for companies that meet specified standards relating to the use of neurotechnology;

(F) public-private partnerships to develop open standards and ethical practices regarding the treatment of neural data and other related data;

(G) ways the Centers for Medicare & Medicaid Services and the Food and Drug Administration can coordinate on the use and approval of neurotechnology to reduce reimbursement and coverage barriers;

(10) a proposed framework for enforcement mechanisms, remedies, and penalties for the misuse of, gross negligence regarding the use of, and unauthorized collection, use, transfer, or disclosure of neural data and other related data; and

(11) other analysis and recommendations determined appropriate by the Commission.

(c) ANNUAL UPDATES.—Not later than 1 year after the date the Commission submits the report to Congress under subsection (a), and not less frequently than annually thereafter, the Commission shall publicly update the findings in such report to—

(1) reflect evolving advancements in neurotechnology, neural data and other related data use cases, and the associated risks involved with such advancements and use cases; and

(2) assess whether additional reports or updates to any guidance are necessary to ensure that privacy, particularly as it relates to neural data and other related data, continues to be protected.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $10,000,000 for purposes of carrying out this section.

SEC. 5. CONDITIONAL LIMITATIONS ON FEDERAL AGENCY USE OF NEURAL DATA.

(a) GUIDANCE TO FEDERAL AGENCIES.—

(1) IN GENERAL.—Not later than 180 days after the Commission submits the report described in section 4(a)(2), the Director of the Office of Science and Technology Policy, in consultation with the Commission and the Director of the Office of Management and Budget, shall develop guidance, using such report to inform such guidance, regarding the procurement and operational use by Federal agencies of neurotechnology that collects, uses, procures, or otherwise processes neural data or other related data. Such guidance shall identify—

(A) prohibited, permissible, and conditionally permitted use cases of such neurotechnology that are consistent with such report;

(B) technical, procedural, and ethical safeguards regarding each use case of such neurotechnology; and

(C) requirements for transparency, limitations regarding the purposes for which such neurotechnology can be used, individual opt-in consent mechanisms regarding the use of such neurotechnology, and protections for the privacy of the people of the United States.

(2) BINDING GUIDANCE.—Not later than 60 days after the Director of the Office of Science and Technology Policy develops the guidance under paragraph (1), the Director of the Office of Management and Budget shall issue binding implementation guidance to each Federal agency pursuant to the guidance developed under paragraph (1).

(b) PROHIBITION.—

(1) IN GENERAL.—The head of a Federal agency may not procure or operate any neurotechnology that collects, uses, procures, or otherwise processes neural data in a manner inconsistent with the guidance issued under subsection (a)(2).

(2) EFFECTIVE DATE.—Paragraph (1) shall take effect on the date that is 1 year after the date on which the Director of the Office of Management and Budget issues guidance in accordance with subsection (a)(2).

By Mr. DURBIN (for himself and Mr. HAWLEY):

S. 2937. A bill to establish legal standards for advanced artificial intelligence products; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2937

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Aligning Incentives for Leadership, Excellence, and Advancement in Development Act'' or the ''AI LEAD Act''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress finds the following:

(1) Artificial intelligence systems are products that shift decision-making power and responsibility away from humans to software-based systems, often without direct human oversight.

(2) These products, while holding great promise, have caused and will cause harm to businesses and individuals. For example, multiple teenagers have tragically died after being exploited by an artificial intelligence chatbot.

(3) Unpredictable allocations of liability jeopardize public safety and the financial well-being of both individuals and entire industries, particularly the small businesses of the United States, and adversely affect the Federal Government and taxpayers.

(4) Product liability law can help to address harms caused by artificial intelligence systems that affect interstate commerce by incentivizing safety, providing certainty to artificial intelligence developers and deployers to continue to innovate, and ensuring the competitiveness of the United States.

(5) A Federal products liability framework for artificial intelligence systems will remove barriers to interstate commerce and protect individuals' due process rights.

(6) This Act establishes Federal legislative guidelines for products liability without implicating expressive speech to ensure more predictable legal outcomes for individuals and industries and promotes business innovation.

SEC. 3. DEFINITIONS.

In this Act:

(1) ARTIFICIAL INTELLIGENCE SYSTEM.—

(A) IN GENERAL.—The term ''artificial intelligence system'' means any software, data system, application, tool, or utility—

(i) that is capable of making or facilitating predictions, recommendations, actions, or decisions for a given set of human- or machine-defined objectives; and

(ii) that uses machine learning algorithms, statistical or symbolic models, or other algorithmic or computational methods (whether dynamic or static) that affect or facilitate actions or decision-making in real or virtual environments.

(B) INCLUSION.—An artificial intelligence system may be integrated into, or operate in conjunction with, other hardware or software.

(2) CLAIMANT.—The term ''claimant'' means any person, including a class of persons, who brings a liability action.

(3) COVERED PRODUCT.—The term ''covered product'' means an artificial intelligence system.

(4) DEPLOYER.—The term ''deployer'' means a person, including a developer, who uses or operates a covered product for—

(A) the person's own personal or commercial use; or

(B) use by a third party.

(5) DESIGN.—The term ''design'', with respect to a covered product—

(A) means the intended or known material characteristics of the covered product; and

(B) includes—

(i) any intended or known formulation of the covered product and the usual result of the intended development or other processes used to produce the covered product, including unexpected skills or behaviors that appear in the covered product;

(ii) the selection of any data used for training a covered product through fitting its learnable parameters; and

(iii) training, testing, auditing, and fine-tuning the covered product.

(6) DEVELOPER.—The term ''developer'' means a person who designs, codes, produces, owns, or substantially modifies a covered product for—

(A) the person's own personal or commercial use; or

(B) use by a third party.

(7) EXPRESS WARRANTY.—The term ''express warranty'' means any material, positive statement, affirmation of fact, promise, or description relating to a covered product, including any sample or model of a covered product.

(8) HARM.—The term ''harm'' means, with respect to the effect of the use of a covered product—

(A) damage to property other than the covered product itself;

(B) personal physical injury, illness, or death;

(C) financial or reputational injury;

(D) mental or psychological anguish, emotional distress, or distortion of a person's behavior that would be highly offensive to a reasonable person; or

(E) any loss of consortium or services or other loss deriving from any type of harm described in subparagraph (A), (B), (C), or (D).

(9) LIABILITY ACTION.—The term ''liability action'' means a civil action brought under section 301 based on any theory for harm caused by a covered product or covered product use.

(10) PERSON.—The ''person'' means any individual, corporation, company, association,

firm, partnership, society, joint stock company, or other entity, including any government entity or unincorporated association of persons.

(11) SUBSTANTIAL MODIFICATION.—The term ''substantial modification'', with respect to a covered product—

(A) means any deliberate change made to the covered product by a deployer that—

(i) was not authorized or reasonably anticipated by the developer when the covered product left the control of the developer; and

(ii) changes the purpose, use, function, design, or intended use or manner of use of the covered product from that for which the covered product was originally designed, tested, or intended; and

(B) does not include a modification that solely reduces or mitigates a new or additional risk.

(12) UNDER A LEGAL DISABILITY.—The term ''under a legal disability'', with respect to a person, means the person lacks the capacity to understand, make, or communicate decisions regarding the person's legal rights—

(A) because of a mental illness or intellectual disability; or

(B) because the person is under the age of 18.

TITLE I—ALIGNING INCENTIVES FOR SAFETY, INNOVATION AND UNITED STATES COMPETITIVENESS

SEC. 101. DEVELOPER LIABILITY FOR HARM TO BUSINESS OR CONSUMER.

(a) IN GENERAL.—In any liability action, the developer shall be liable to a claimant if the claimant establishes by a preponderance of the evidence—

(1) that—

(A) the developer failed to exercise reasonable care with respect to the design of the covered product; and

(B) the failure to exercise reasonable care was a proximate cause of harm to the claimant;

(2) that—

(A) the developer failed to exercise reasonable care with respect to providing adequate instructions or warnings applicable to the covered product that allegedly caused the harm that is the subject of the complaint; and

(B) the failure to exercise reasonable care with respect to providing adequate instructions or warnings was a proximate cause of harm to the claimant;

(3) that—

(A) the developer made an express warranty applicable to the covered product that allegedly caused the harm that is the subject of the complaint;

(B) the covered product failed to conform to the warranty; and

(C) the failure of the covered product to conform to the warranty was a proximate cause of harm to the claimant; or

(4) that—

(A) the covered product was, at the time of sale or distribution, in a defective condition unreasonably dangerous when used or misused in a reasonably foreseeable manner; and

(B) the defective condition was a proximate cause of the harm to the claimant.

(b) DEFECTIVE DESIGN.—

(1) IN GENERAL.—In any liability action against a developer alleging that a covered product is unreasonably dangerous because of a defective design, as described in subsection (a)(1), the claimant shall be required to prove that, at the time of sale or distribution of the covered product by the developer, the foreseeable risks of harm posed by the covered product could have been reduced or avoided by the adoption of a reasonable alternative design by the developer, and the omission of the alternative design renders the covered product not reasonably safe.

(2) MANIFESTLY UNREASONABLE DESIGN.—Notwithstanding paragraph (1), in a liability action described in that paragraph, if the design of a covered product is found to be manifestly unreasonable, a claimant shall not be required to prove the existence of a reasonable alternative design.

(3) CIRCUMSTANTIAL EVIDENCE SUPPORTING INFERENCE OF COVERED PRODUCT DEFECT.—In a liability action described in subsection (a)(1), it may be inferred that the harm sustained by the claimant was caused by a covered product defect existing at the time of sale or distribution, without proof of a specific defect, when the incident that harmed the claimant—

(A) was of a kind that ordinarily occurs as a result of covered product defect; and

(B) was not, in the particular case, solely the result of causes other than covered product defect existing at the time of sale or distribution.

(4) NONCOMPLIANCE AND COMPLIANCE WITH REQUIRED COVERED PRODUCT SAFETY STATUTES OR REGULATIONS.—

(A) NONCOMPLIANCE.—For purposes of a liability action described in subsection (a)(1), if a covered product does not comply with an applicable covered product safety statute or administrative regulation, the covered product shall be deemed defective with respect to the risks sought to be reduced by the statute or regulation.

(B) COMPLIANCE.—For purposes of a liability action described in subsection (a)(1), the court may consider a covered product's compliance with an applicable covered product safety statute or administrative regulation in determining whether the covered product is defective with respect to the risks sought to be reduced by the statute or regulation, but such compliance does not preclude as a matter of law a finding of covered product defect.

(c) FAILURE TO WARN.—

(1) IN GENERAL.—For purposes of a liability action described in subsection (a)(2), a covered product shall be considered defective because of inadequate instructions or warnings if—

(A) the foreseeable risks of harm posed by the covered product could have been reduced or avoided by the provision of reasonable instructions or warnings by the developer; and

(B) the omission of the instructions or warnings renders the covered product not reasonably safe.

(2) ADEQUATE INSTRUCTION OR WARNING.—For purposes of paragraph (1), an adequate instruction or warning is one that a reasonably prudent person in the same or similar circumstances would have provided with respect to a reasonably foreseeable risk and that communicates sufficient information on the reasonably foreseeable risks and safe use of the covered product, taking into account the characteristics of, and the ordinary knowledge common to, an ordinary user of the covered product.

(3) KNOWLEDGE.—In a liability action described in subsection (a)(2), the claimant shall be required to prove that, at the time the covered product left the developer's control, the developer knew of or, in light of then-existing scientific and technical knowledge, reasonably should have foreseen, the risk that caused the claimant's harm.

(4) OPEN AND OBVIOUS.—

(A) IN GENERAL.—In a liability action described in subsection (a)(2), a developer shall not be liable for failure to instruct or warn about a foreseeable risk that is open and obvious to the user of the covered product, taking into account the characteristics of, and the ordinary knowledge common to, an ordinary user of the covered product.

(B) MINORS.—For purposes of subparagraph (A), a risk shall be presumed to not be open and obvious to a user of a covered product who is under 18 years old.

(5) NONCOMPLIANCE AND COMPLIANCE WITH REQUIRED COVERED PRODUCT SAFETY STATUTES OR REGULATIONS.—

(A) NONCOMPLIANCE.—In a liability action described in subsection (a)(2), if a covered product does not comply with an applicable covered product safety statute or administrative regulation, the covered product shall be deemed defective due to inadequate instructions or warnings with respect to the risks sought to be reduced by the statute or regulation.

(B) COMPLIANCE.—In a liability action described in subsection (a)(2), the court may consider a covered product's compliance with an applicable covered product safety statute or administrative regulation in determining whether the covered product is defective due to inadequate instructions or warnings with respect to the risks sought to be reduced by the statute or regulation, but such compliance does not preclude as a matter of law a finding of covered product defect.

(d) STRICT LIABILITY OF DEVELOPER FOR UNREASONABLY DANGEROUS OR DEFECTIVE COVERED PRODUCTS.—

(1) IN GENERAL.—In a liability action described in subsection (a)(4), the developer of a covered product shall be strictly liable for harm caused by the defective condition of the covered product, notwithstanding—

(A) that the developer exercised all possible care in the design or distribution of the covered product; or

(B) that the claimant did not purchase the covered product directly from the developer or otherwise enter into a contractual relationship with the developer.

(2) SUBSTANTIAL MODIFICATION.—A developer shall not be liable under subsection (a)(4) for harm solely caused by a substantial modification.

SEC. 102. DEPLOYER LIABILITY FOR HARM TO BUSINESS OR CONSUMER.

(a) IN GENERAL.—A deployer shall be deemed to be liable as a developer under section 101 for harm caused by a covered product if—

(1) the deployer makes a substantial modification to the covered product; or

(2) the deployer intentionally misuses the covered product contrary to its intended use and that misuse is the proximate cause of harm to the claimant.

(b) USE INTENDED BY DEVELOPER IS NOT MODIFICATION OR MISUSE.—

(1) IN GENERAL.—For purposes of subsection (a), a use of a covered product that is intended by the developer of the covered product does not constitute a substantial modification to or misuse of the covered product.

(2) INFERENCE OF INTENDED USE.—For purposes of paragraph (1), if a developer does not specify an intended use for a covered product, intended use shall be inferred by the targeted market and manner of distribution.

(c) LICENSING.—Subject to section 302, any deployer licensing a covered product shall not be liable to a claimant for a violation of section 101 solely by reason of ownership or use of the covered product.

TITLE II—UNCONSCIONABLE LIABILITY LIMITATIONS

SEC. 201. UNCONSCIONABLE LIABILITY LIMITATIONS.

(a) CONTRACT WITH DEPLOYER.—

(1) PROHIBITION.—A developer may not include language in a contract with a deployer that waives any right, proscribes any forum or procedure, or unreasonably limits liability under this Act or applicable State law related to harm caused by the covered product under section 101.

(2) UNENFORCEABLE.—Language in a contract that violates paragraph (1) shall be unenforceable.

(b) TERMS AND CONDITIONS.—

(1) PROHIBITION.—A developer or a deployer may not include language in terms and conditions relevant to a covered product that waives any right, proscribes any forum or procedure, or unreasonably limits liability under this Act or applicable State law related to harm caused by the covered product under section 101 or 102.

(2) UNENFORCEABLE.—Language in terms and conditions that violates paragraph (1) shall be unenforceable.

TITLE III—ENFORCEMENT

SEC. 301. FEDERAL CAUSE OF ACTION.

The Attorney General, any attorney general of a State, an individual or the legal representative of such an individual, or a class of individuals may bring a civil action in a district court of the United States against a developer or deployer for a violation of section 101, 102, or 201 to obtain—

(1) injunctive relief;

(2) in a case brought by the Attorney General, civil penalties;

(3) damages, restitution, or other compensation on behalf of individuals;

(4) reasonable attorney fees and other litigation costs reasonably incurred; or

(5) in a case brought by the Attorney General or a State attorney general, such other relief as the Attorney General or State attorney general may consider to be appropriate.

SEC. 302. SPECIAL RULE FOR DEPLOYERS.

(a) STANDING IN FOR THE DEVELOPER.—If the developer is not a party to a liability action because the developer is not subject to the court's jurisdiction, is insolvent, or cannot otherwise be made to answer for the harm, the deployer may be held liable to the same extent that the developer would have been liable under section 101.

(b) DISMISSAL OF DEPLOYER.—A court shall dismiss the deployer from a liability action, upon motion, if—

(1) the developer—

(A) is a party to the action; and

(B) is subject to the court's jurisdiction;

(2) the developer is not insolvent or otherwise unable to satisfy any likely judgment; and

(3) the deployer is not otherwise liable under section 102.

(c) JOINT FAULT.—

(1) IN GENERAL.—If both the developer and the deployer contributed to the harm under sections 101 and 102, each person may be held jointly and severally liable for the portion of harm caused by that person's conduct.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall limit the right of a claimant to maintain a liability action against the developer, the deployer, or both, if the claimant can establish that each person contributed to the harm under sections 101 and 102.

(d) INDEMNIFICATION AND ATTORNEY FEES.—

(1) RIGHT TO SEEK INDEMNIFICATION.—A deployer that is held liable for harm caused by the developer under subsection (a) may pursue indemnification, including the recovery of attorney fees and litigation costs, from the developer.

(2) LIMITATION.—If the deployer is determined to be at fault for a portion of the harm under subsection (c), indemnification under paragraph (1) of this subsection shall be limited to the portion of damages, fees, or costs attributable to the conduct of the developer.

(e) PRESERVATION OF CLAIMANT'S RIGHTS.—Nothing in this subsection shall limit the right of the claimant to maintain a liability action against the developer, the deployer, or both persons, if the claimant can establish that each person contributed to the harm under sections 101 and 102.

SEC. 303. PERIOD OF LIMITATIONS.

(a) IN GENERAL.—Except as provided in subsection (b), a liability action may be filed not later than 4 years after the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered—

(1) the harm that is the subject of the action; and

(2) the cause of the harm.

(b) LEGAL DISABILITY.—In the case of a person who is under a legal disability, the period of limitations under subsection (a) for a liability action brought by that person shall be tolled until the person ceases to be under a legal disability.

(c) TOLLING.—The period of limitations under subsection (a) shall be tolled from the date of the filing of a complaint against a developer or deployer to the date that a court enters a final judgment in the case.

SEC. 304. PREEMPTION.

(a) IN GENERAL.—This Act supersedes State law only where State law conflicts with the provisions of this Act.

(b) MINIMUM PROTECTIONS.—Nothing in this Act shall prevent a State from enacting or enforcing protections that align with the principles of harm prevention, accountability, and transparency for a covered product that are stronger than such protections under this Act.

SEC. 305. SEVERABILITY.

If any provision of this Act, or an amendment made by this Act, is determined to be unenforceable or invalid, the remaining provisions of this Act and amendments made by this Act shall not be affected.

TITLE IV—REGISTRATION OF FOREIGN ARTIFICIAL INTELLIGENCE SYSTEM DEVELOPERS

SEC. 401. FOREIGN AGENT REGISTRATION REQUIREMENT.

(a) DESIGNATION REQUIRED.—Before making a covered product available in the United States, a foreign developer shall designate an agent for service of process.

(b) REQUIREMENTS.—The designation of an agent under subsection (a) shall—

(1) be in writing and submitted to the Attorney General;

(2) include a written acceptance by the agent; and

(3) specify the full legal name and address of both the foreign developer and the agent.

(c) AGENT QUALIFICATIONS.—A designated agent under subsection (a) shall be a permanent resident of the United States.

(d) UPDATES.—A foreign developer of a covered product shall notify the Attorney General of any change to the designated agent under subsection (a) or the contact information thereof not later than 15 days after the change.

SEC. 402. ENFORCEMENT.

(a) PROHIBITION.—A foreign developer of a covered product that fails to designate an agent in accordance with section 401 may not deploy any covered product in the United States.

(b) ENFORCEMENT.—The Attorney General may seek injunctive relief to prevent a violation of subsection (a).

SEC. 403. PUBLIC REGISTRY.

The Attorney General shall maintain a publicly accessible registry of designated agents of foreign developers of covered products.

TITLE V—EFFECTIVE DATE

SEC. 501. EFFECTIVE DATE.

This Act shall apply with respect to any liability action commenced on or after the date of enactment of this Act without regard to whether the harm that is the subject of the liability action or the conduct that caused the harm occurred before that date of enactment.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 419—EXPRESSING SUPPORT FOR THE DESIGNATION OF SEPTEMBER 2025 AS ''HAWAIIAN HISTORY MONTH'' TO RECOGNIZE THE HISTORY, CULTURE AND CONTRIBUTIONS OF NATIVE HAWAIIANS AND REAFFIRM THE UNITED STATES FEDERAL TRUST RESPONSIBILITY TO THE NATIVE HAWAIIAN COMMUNITY TO SUPPORT THEIR WELL-BEING

Mr. SCHATZ (for himself and Ms. HIRONO) submitted the following resolution; which was referred to the Committee on Indian Affairs:

S. RES. 419

Whereas Native Hawaiians are the indigenous people of Hawaii with a rich cultural legacy rooted in centuries of self-sufficiency, land stewardship, innovation, and community-building across the Hawaiian archipelago;

Whereas, in the late 19th century, Native Hawaiians were among the most literate people in the world, estimated to have a literacy rate of more than 90 percent, and established the first high school west of the Mississippi River;

Whereas pivotal 19th century Native Hawaiian historians and scholars, including Samuel Kamakau, Davida Malo, Kepelino Keauokalani, and John Papa Ii, documented Hawaiian history and produced important literature on Native Hawaiian genealogies, practices, and stories that remains relevant today;

Whereas the Kingdom of Hawai'i was an internationally recognized sovereign nation until its unlawful overthrow by United States forces in 1893;

Whereas, in 1993, Congress enacted Public Law 103–150 to acknowledge the 100th anniversary of the illegal overthrow of the Kingdom of Hawai'i, and expressed regret for the role of the United States in the overthrow and affirmed the inherent sovereignty of the Native Hawaiian people;

Whereas, by 1919, the Native Hawaiian population had significantly declined since Western contact due to disease and loss of culture, language, land, and political leadership;

Whereas individual Native Hawaiians have led efforts to revitalize their culture, language, and traditions across generations, including—

(1) David Kalakaua, the first elected king of the Kingdom of Hawai'i, who commissioned the construction of 'Iolani Palace as a symbol of Hawaiian innovation and sovereignty and championed Hawaiian traditional arts and culture;

(2) Queen Liliuokalani, the last sovereign monarch of the Kingdom of Hawai'i, who promoted Hawaiian sovereignty through constitutional reform and preserved Native Hawaiian culture through her prolific musical compositions, writings, and philanthropic efforts;

(3) Bernice Pauahi Bishop, a princess of the Kingdom of Hawai'i whose will instructed the establishment of an institution to support the education and cultural stewardship of Native Hawaiian students;