

(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;

(4) George Helm, Jr., a musician and activist who, as a founding member of the Protect Kahoʻolawe Ohana organization, protested the U.S. military bombing of Kahoʻolawe Island and advocated for aloha aina, love for the land;

(5) Duke Kahanamoku, a swimming champion who won 3 gold medals and 2 silver medals over 3 Olympic games and whose passion for surfing led him to be globally recognized as the “father of modern surfing” and also remembered for his achievements as a life-guard, sheriff, and ambassador of aloha;

(6) Edith Kanakaʻole, a revered kumu hula (hula teacher), composer, and educator who preserved Hawaiian traditions through chant, dance, and academic instruction, and whose legacy was honored with a United States mint quarter in 2023;

(7) Mary Kawena Pukui, co-author of the Hawaiian Dictionary and a leading scholar of Hawaiian language, customs, and oral traditions; and

(8) Isabella Kauakea Yau Yung Aiona Abbott, the first woman on the biological sciences faculty at Stanford University, who in 1997 was awarded the Gilbert Morgan Smith medal, the highest award in marine botany from the National Academy of Sciences;

Whereas Native Hawaiians have made profound contributions to the United States at all levels of the Federal Government and in the Armed Forces including—

(1) Prince Jonah Kūhio Kalanianaʻole, elected as a delegate to the United States House of Representatives from the Territory of Hawaiʻi and the only royal-born member of Congress;

(2) Senator Daniel K. Akaka, elected to the United States House of Representatives for 7 consecutive terms until he was appointed to the United States Senate, becoming the first Native Hawaiian to serve as a United States Senator; and

(3) Private First Class Herbert Kailieha Pililaa and Private First Class Anthony T. Kahohano, Native Hawaiians who received the Medal of Honor;

Whereas Congress, over many decades, enacted hundreds of statutes to promote health, education, housing, and cultural preservation, recognizing and implementing the special political and trust relationship with the Native Hawaiian Community;

Whereas the State of Hawaii has enacted legislation formally recognizing September as Hawaiian History Month to honor the legacy of Queen Liliuokalani and promote public awareness for Native Hawaiian history and culture;

Whereas today, there are over 650,000 Native Hawaiians living across the globe, with the highest concentration living in Hawaiʻi, followed closely by California, Washington State, Nevada, Texas, and Oregon;

Whereas federal law recognizes the continued importance of ancestral homelands for Native Hawaiians and sets aside such lands for them, should they choose to return; and

Whereas Hawaiian History Month provides an opportunity to educate all people of the United States about Native Hawaiian history, celebrate their enduring contributions to the United States, and promote reconciliation: Now, therefore be it

*Resolved*, That the Senate expresses support for the designation of “Hawaiian History Month”—

(1) to honor the history, culture, and contributions of Native Hawaiians to the State of Hawaii, the United States, and the global community;

(2) to recognize the importance of Public Law 103-150 and the ongoing efforts to achieve reconciliation, including through consultation;

(3) to commend the revitalization of Native Hawaiian language, culture, and traditions

as essential to the well-being and identity of Native Hawaiian communities; and

(4) to encourage Federal agencies, educational institutions, and civil society to observe Hawaiian History Month with appropriate programs, ceremonies, and educational activities.

#### SENATE RESOLUTION 420—SUPPORTING THE DESIGNATION OF SEPTEMBER 19, 2025, AS “NATIONAL CONCUSSION AWARENESS DAY”

Ms. HASSAN (for herself, Mrs. CAPITO, Mr. DURBIN, and Mr. MULLIN) submitted the following resolution; which was considered and agreed to:

Whereas mild traumatic brain injury, otherwise known as a concussion, is an important health concern for children, teens, and adults;

Whereas, according to information from the Centers for Disease Control and Prevention—

(1) there are as many as 1,600,000 to 3,800,000 sports-related concussions annually;

(2) as many as 5,300,000 individuals live with the long-term effects of a traumatic brain injury;

(3) between 2010 and 2016, an estimated 2,000,000 children under age 18 visited an emergency department because of a traumatic brain injury sustained during sports- or recreation-related activities;

(4) in 2023, there were an estimated 69,000 fatalities related to traumatic brain injuries;

(5) each year an estimated 283,000 children seek care in emergency departments in the United States for a sports- or recreation-related traumatic brain injury, with traumatic brain injuries sustained in contact sports accounting for approximately 45 percent of those visits;

(6) 7 in 10 emergency department visits for sports- or recreation-related traumatic brain injury are for children ages 17 and younger;

(7) research suggests that many children with a traumatic brain injury do not seek care in emergency departments or do not seek care at all, resulting in a significant underestimate of prevalence; and

(8) approximately 15 percent of all high school students in the United States self-reported 1 or more sports- or recreation-related concussions within the preceding 12 months;

Whereas the seriousness of concussions should not be minimized in athletics, and return-to-play and return-to-learn protocols can help ensure recovery;

Whereas concussions can affect physical, mental, and social health, and a greater awareness and understanding of proper diagnosis and management of concussions is critical to improved outcomes; and

Whereas the Senate can raise awareness about concussions among the medical community and the public: Now, therefore, be it

*Resolved*, That the Senate—

(1) supports the designation of September 19, 2025, as “National Concussion Awareness Day”;

(2) recognizes that mild traumatic brain injury, otherwise known as a concussion, is an important health concern;

(3) commends the organizations and individuals that raise awareness about mild traumatic brain injury;

(4) encourages Federal, State, and local policymakers to work together—

(A) to raise awareness about the effects of concussions; and

(B) to improve the understanding of proper diagnosis and management of concussions; and

(5) encourages further research and prevention efforts to ensure that fewer individuals experience the most adverse effects of mild traumatic brain injury.

#### SENATE RESOLUTION 421—URGING THE EXECUTIVE BRANCH AND LEADERS OF THE G7 AND THE EUROPEAN UNION TO SEIZE SOVEREIGN ASSETS OF THE RUSSIAN FEDERATION UNDER THE JURISDICTION OF MEMBERS OF THE G7 AND DISBURSE SUCH ASSETS TO UKRAINE IN TRanches OF NOT LESS THAN \$10,000,000,000 UNITED STATES DOLLARS PER MONTH UNTIL EXPENDED

Mr. KENNEDY (for himself, Mr. BLUMENTHAL, Mr. GRAHAM, and Mr. WHITEHOUSE) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 421

Whereas, since the illegal invasion of Ukraine by the Russian Federation, the Russian Federation has committed widespread attacks on civilians amounting to crimes against humanity, including—

(1) widespread, systemic, and deliberate targeting of civilians by drones where civilians have been targeted for attack while going about their daily lives outside, and ambulances were struck while attempting to provide medical assistance;

(2) documented war crimes, including extrajudicial killings and torture of civilians and prisoners of war that are systemic and widespread throughout areas controlled by the Russian Federation;

(3) rape and sexual violence committed by Russian soldiers against male and female civilians and prisoners of war; and

(4) the illegal transfer of Ukrainian children to at least 210 different facilities inside the Russian Federation or areas controlled by the Russian Federation where the children are subjected to re-education and militarization;

Whereas the humanitarian costs of the invasion of Ukraine have been enormous, including—

(1) approximately 14,000 documented deaths of civilians, and more than 35,458 documented civilian casualties, including 700 children killed and 2,200 children injured since the start of the war;

(2) an estimated 120,000 Ukrainian soldiers killed or missing in action;

(3) displacement of more than 10,000,000 people, with 3,600,000 displaced within Ukraine and 6,900,000 seeking refuge abroad; and

(4) indiscriminate shelling and bombing in population centers leading to the destruction of critical civilian infrastructure that will cost an estimated \$524,000,000,000 to rebuild;

Whereas the conduct of the Russian Federation has not only harmed Ukraine but violates Article 2(4) of the United Nations Charter requiring states to refrain from the use of force against the territorial integrity or political independence of any state;

Whereas the principle of state responsibility under international law holds that a state committing an internationally wrongful act is obligated to make full reparation for the injury caused;

Whereas the legal doctrine of countermeasures under customary international law permits targeted and proportionate responses to serious breaches of international obligations, including the use of seized sovereign assets to repair harm caused by such breaches;