

.....
(Original Signature of Member)

119TH CONGRESS
2D SESSION

H. R. _____

To establish liability for injuries to non-users caused by artificial intelligence,
and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mrs. TRAHAN introduced the following bill; which was referred to the
Committee on _____

A BILL

To establish liability for injuries to non-users caused by
artificial intelligence, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clear Liability for Ar-
5 tificial Intelligence Misconduct Act” or the “CLAIM Act”.

6 **SEC. 2. DEFINITIONS.**

7 (a) **ARTIFICIAL INTELLIGENCE.**—The term “artifi-
8 cial intelligence” has the meaning given such term in sec-

tion 5002 of the National Artificial Intelligence Initiative Act of 2020 (15 U.S.C. 9401).

(b) DEVELOPER.—The term “developer” means a person that performs the initial training of an artificial intelligence system.

(c) FINE-TUNING.—The term “fine-tuning” means adjusting the model weights of a trained artificial intelligence system by exposing it to additional data.

(d) NON-USER.—The term “non-user” means , with respect to an injury caused by an artificial intelligence system, a person who is not a user of that artificial intelligence system.

(e) STATE.—The term “State” means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, and each other territory or possession of the United States.

(f) USER.—The term “user” means a person who operates, or directs or causes the operation of, an artificial intelligence system, including by providing input to or prompting the artificial intelligence system.

SEC. 3. LIABILITY FOR INJURIES.

(a) IN GENERAL.—Except with respect to any cause of action for defamation, a developer of an artificial intelligence system shall be liable, regardless of the degree of

1 care exercised, for all reasonably foreseeable injuries to a
2 non-user of the artificial intelligence system if—

3 (1) the injuries are factually and proximately
4 caused by an artificial intelligence system that en-
5 gages in conduct that, if undertaken by an adult
6 human of sound mind, would satisfy the elements of
7 negligence or any intentional tort or crime; and

8 (2) neither the user of the artificial intelligence
9 system nor any intermediary that fine-tuned,
10 scaffolded, or otherwise modified the system—

11 (A) intended the conduct; or

12 (B) was negligent with respect to the risk
13 of the artificial intelligence system engaging in
14 the conduct.

15 (b) **COMMERCE REQUIREMENT.**—This Act applies to
16 an artificial intelligence system the training, development,
17 provision, or deployment of which is in or affects interstate
18 or foreign commerce.

19 (c) **APPLICABLE STANDARDS.**—For purposes of this
20 Act, whether conduct would satisfy the elements of neg-
21 ligence, an intentional tort, or a crime shall be determined
22 under the law of the State in which the injury occurred.

23 **SEC. 4. PRESUMPTION OF MENTAL STATE.**

24 (a) **IN GENERAL.**—For purposes of this Act, for any
25 tort for which the mental state of the alleged tortfeasor

1 is relevant to the elements of the tort or crime, there shall
2 be a rebuttable presumption that the artificial intelligence
3 system satisfies the relevant mental state if the finder of
4 fact determines, by a preponderance of the evidence, that
5 a natural person who, under circumstances similar to
6 those of the artificial intelligence system, took actions
7 similar to those taken by the artificial intelligence system
8 would have acted with the relevant mental state.

9 (b) EFFECT OF REBUTTAL EVIDENCE.—Notwith-
10 standing Rule 301 of the Federal Rules of Evidence, and
11 unless the court determines that the presumption estab-
12 lished in subsection (a) is not applicable, if the party
13 against whom the presumption is invoked presents evi-
14 dence tending to rebut that presumption, the court shall
15 instruct the finder of fact to find that the presumed facts
16 exist unless the finder of fact is persuaded that the pre-
17 sumed facts do not exist.

18 (c) NO DEFENSE FOR INCAPACITY.—For purposes of
19 this Act, it shall not be a defense that artificial intelligence
20 systems are incapable of having mental states.

21 **SEC. 5. PRIVATE RIGHT OF ACTION; JURISDICTION.**

22 (a) PRIVATE RIGHT OF ACTION.—Any non-user who
23 suffers an injury described in section 3 may bring a civil
24 action against the developer to recover damages and to
25 obtain such other relief as the court considers appropriate.

1 (b) JURISDICTION.—The district courts of the United
2 States shall have jurisdiction over a civil action brought
3 under this Act, without regard to the amount in con-
4 troversy or the citizenship of the parties. Such jurisdiction
5 shall be concurrent with that of the courts of the States.

6 (c) LIMITATION.—A civil action may not be com-
7 menced under this Act later than 3 years after the date
8 on which the plaintiff discovered, or in the exercise of rea-
9 sonable diligence should have discovered, the injury that
10 is the basis of the action.

11 **SEC. 6. RELATIONSHIP TO STATE LAW.**

12 Nothing in this Act shall be construed to preempt,
13 displace, or otherwise limit any cause of action, remedy,
14 standard of liability, or other protection available under
15 the law of any State or political subdivision of a State,
16 and the remedies provided under this Act are in addition
17 to, and not in lieu of, any other remedies available under
18 Federal or State law.

19 **SEC. 7. SEVERABILITY.**

20 If any provision of this Act, or the application of any
21 such provision to any person or circumstance, is held to
22 be invalid, the remainder of this Act, and the application
23 of the provision to any other person or circumstance, shall
24 not be affected.

1 **SEC. 8. EFFECTIVE DATE.**

2 This Act shall take effect on the date of the enact-
3 ment of this Act and shall apply to conduct occurring, and
4 injuries arising, on or after that date.

5 **SEC. 9. SUNSET.**

6 This Act shall cease to have effect on the date that
7 is 5 years after the date of the enactment of this Act.