

## **Aligning Incentives for Leadership, Excellence, and Advancement in Development (AI LEAD) Act | S.\_\_\_\_**

### **Senator Dick Durbin (D-IL), Senator Josh Hawley (R-MO)**

Over the past few years, artificial intelligence (AI) tools have become increasingly prevalent in society. However, academic research and user experience have shown that AI companies often do not design their systems with safety in mind, preferring instead to get their product to market quickly. This has perhaps been most evident and alarming in cases where AI chatbots have contributed to the deaths of multiple teenagers across the United States.

Innovation and safety are not mutually exclusive. AI systems have the ability to bring about advances in medicine, science, and other fields, but to achieve the full benefits of AI, companies must design and deploy their products safely and be held accountable when they do not. Otherwise, society is left to pay the costs of companies' decisions.

The *AI LEAD Act* would classify AI systems as products and create a federal cause of action for products liability claims to be brought when an AI system causes harm. By doing so, the *AI LEAD Act* will ensure that AI companies are incentivized to design their systems with safety as a priority, and not as a secondary concern behind deploying the product to the market as quickly as possible. The *AI LEAD Act* does not prevent companies from innovating and continuing to develop beneficial AI systems. It simply incentivizes the development of safe AI systems by holding companies accountable for their choices.

### **Aligning Incentives for Safety, Innovation, and U.S. Competitiveness**

**Liability for harm.** This bill applies products liability law to AI systems. It enables the Attorney General, state attorneys general, and private actors to file suit to hold AI system developers liable for harms caused by the AI system for defective design, failure to warn, express warranty, and unreasonably dangerous or defective product claims.

In certain circumstances, AI system deployers can also be held liable for harm caused by an AI system. This would occur if an AI system deployer substantially modifies an AI system or intentionally misuses an AI system contrary to its intended use.

The *AI LEAD Act* does not prescribe certain steps that a company must take when developing their AI systems and allows companies to continue to innovate. However, by creating liability for harm caused by AI systems, developers are incentivized to make sure that their products are not only innovative and competitive but also designed and deployed safely.

**Enforcement.** A civil action for a violation of the bill may be brought in United States District Court by the Attorney General, a State attorney general, an individual, or a class of individuals.

**Endorsements.** This bill has been endorsed by the American Association for Justice, Bria AI, Encode AI, Fairplay for Kids, Issue One, National Center on Sexual Exploitation, Parents RISE!, ParentsSOS, Social Media Victims Law Center, Tech Justice Law Project, The Human Line Project, Transparency Coalition.