Ban Artificial Superintelligence Act – Section by Section

Sec. 1. Short Title: Ban Artificial Superintelligence Act of 2026

Sec. 2. Findings:

Sec. 3. Definitions:

- **Artificial Superintelligence** – "artificial superintelligence" means an artificial intelligence system that exhibits or can easily be modified to exhibit either of the following capabilities:
    - Exceeds human cognitive performance and capabilities across most domains or tasks, including those related to decision making, learning, and adaptive behavior.
    - Has sufficient capabilities to plan and execute the destruction or disempowerment of humanity, including by overthrowing or undermining the U.S. federal government.
- **Superintelligence Precursor Characteristics** – "Superintelligence precursor characteristics" are artificial intelligence system characteristics that would lead to the creation or generation of artificial superintelligence, including:
    - The capacity to automate or greatly accelerate the process of artificial intelligence research and development.
    - The capacity to access secured digital or physical infrastructure, such as a computer information system or network, without authorization or in excess of authorized access.
    - The capacity to ensure continued and independent operation notwithstanding attempts to shut down or otherwise hinder operations.
    - The capacity to uplift the design, production, modification, or procurement of nuclear, chemical, or biological weapons.
    - The capacity to independently modify or enhance its own functions.
    - The capacity to scheme, deceive, or otherwise prevent or avoid effective oversight or control by humans.
- **Advanced Artificial Intelligence System** – An "advanced artificial intelligence system" means an artificial intelligence system that is trained on computing power greater than or equal to 10^25 integer or floating-point operations. The Secretary of Artificial Intelligence shall adjust this threshold to reflect technological developments made after the bill is enacted.
- **Mandatory Pause** – "mandatory pause" means that an artificial intelligence system may not be trained, modified, or fine-tuned except to remove superintelligence precursor characteristics or to renter the system inoperative.

Sec. 4. Department of Artificial Intelligence

- Establishes a Department of Artificial Intelligence to safeguard the public from the dangers of artificial intelligence, including by enforcing a pause on the development of advanced artificial intelligence and a prohibition on artificial superintelligence.

Sec. 5. Secretary of Artificial Intelligence

- Establishes the Secretary of Artificial Intelligence as the head of the Department of Artificial Intelligence and is appointed by the President by and with the advice and consent of the Senate.

Sec. 6. Artificial Intelligence Advisory Board

- Establishes an Artificial Intelligence Advisory Board within the Department of Artificial Intelligence to provide independent scientific and technical advice to the Secretary on rules and regulations promulgated by the Department.

Sec. 7. Employee Matters

- No Department of Artificial Intelligence employee may participate in any matter in which that employee has a financial interest, or hold a controlling financial interest in any entity regulated by the Department, or represent any person or entity before the Department at any point after being employed there.

Sec. 8. Pause on Development of Advanced Artificial Intelligence

- Establishes a mandatory pause on advanced artificial intelligence systems until the Department of Artificial Intelligence is fully staffed and has established clear rules to ensure safe and secure development and deployment of artificial intelligence. Also pauses the deployment of unreleased advanced artificial intelligence systems during this period. Rules and regulations required to lift the pause include developers reporting pre-development plans, monitoring and evaluations throughout the advanced artificial intelligence system development process, audits to evaluate and improve organizational safety practices related to artificial intelligence, and final pre-deployment approval before any advanced artificial intelligence system is released to the public.

Sec. 9. Prohibitions and Limitations

- **Prohibition on Artificial Superintelligence** - No person may develop, deploy internally, deploy (either internally or externally), acquire, possess, fund, import, or transfer artificial superintelligence or artificial intelligence systems that display one or more superintelligence precursor characteristics.
- **Foreseeable Modification** - No person may deploy, release, transfer, or import an artificial intelligence system that may be foreseeably modified to produce artificial superintelligence or superintelligence precursor characteristics

- **Monitoring** – The Department of Artificial Intelligence shall monitor advanced artificial intelligence systems, including by conducting evaluations at all stages of the system's development lifecycle and during post-deployment periods, for artificial superintelligence and superintelligence precursor characteristics. The Department shall also monitor organizational safety practices related to artificial intelligence development.
- **Pre-Deployment Approval** – No person may deploy, release, import, or transfer an advanced artificial intelligence system without receiving a pre-deployment approval from the Department of Artificial Intelligence.

Sec. 10. Actions Against Systems Exhibiting Superintelligence Precursor Characteristics.

- **Superintelligence Precursor Characteristics** – Any system exhibiting superintelligence precursor characteristics shall be immediately sequestered from the internet and rendered inoperative 30 days from the date of discovery unless the developer can remove those superintelligence precursor characteristics.
- **Artificial Superintelligence** – Any system the Department identifies as artificial superintelligence shall be immediately rendered inoperative.

Sec. 11. Disclosure

- Any person who discovers an artificial superintelligence or an artificial intelligence system that possesses superintelligence precursor characteristics shall notify the Department of Artificial Intelligence within 24 hours.

Sec. 12. Charter for Advanced Artificial Intelligence

- Requires any company that develops or distributes advanced artificial intelligence to obtain a charter issued by the Department of Artificial Intelligence. As a condition for receiving a charter, artificial intelligence companies must allow the Department full access to their systems, staff, and physical infrastructure.

Sec. 13. Penalties

- Any policymaking individual or rogue actor who violates this bill's pauses and prohibitions shall be imprisoned for not more than 20 years. Any non-policymaking individual who violates this bill's pauses and prohibitions shall be barred from employment in the artificial intelligence industry for a period of 10 years. Any company that violates this bill's pauses and prohibitions shall have their charter revoked and surrender their intellectual property and assets to the Federal Government to ensure the safe and complete destruction of all systems and hardware related to the violation.

Sec. 14. Prohibition Against Retaliation

- No employer may retaliate against employees who report information related to artificial superintelligence, or on violations of the pauses and prohibitions described by this bill, to the Department of Artificial Intelligence, law enforcement agencies, or Congress.

Sec. 15. International Coordination and Policy

- The United States shall pursue international coordination to prevent the development of artificial superintelligence and shall pursue policies such as export controls on artificial intelligence computing infrastructure to prevent the development of artificial superintelligence globally.

Sec. 16. Federal Funding

- No federal funding shall be used for any activities banned by this bill, except that the Department of Artificial Intelligence shall be permitted to use federal funding for research related to defensive cybersecurity measures that utilize artificial intelligence characteristics related to hacking.