

119TH CONGRESS  
2D SESSION

**S.** \_\_\_\_\_

To establish the Department of Artificial Intelligence and to provide for the regulation of advanced artificial intelligence systems, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

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Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

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**A BILL**

To establish the Department of Artificial Intelligence and to provide for the regulation of advanced artificial intelligence systems, 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 “Ban Artificial Super-  
5       intelligence Act of 2026”.

6       **SEC. 2. FINDINGS.**

7       Congress finds that leading experts and industry  
8       leaders have warned about catastrophic consequences from

1 unchecked artificial intelligence development and deploy-  
2 ment, including the following:

3 (1) Geoffrey Hinton, considered to be the “god-  
4 father” of artificial intelligence, stated that he be-  
5 lieves there is a “10 to 20 percent chance [for artifi-  
6 cial intelligence] to wipe us out”.

7 (2) Dario Amodei, the Chief Executive Officer  
8 of Anthropic, said that modern artificial intelligence  
9 research could “outrun our ability to understand  
10 and control these systems, and so must be pursued  
11 very carefully, if at all”.

12 (3) Elon Musk, the head of xAI, said there was  
13 “only a 20 percent chance of annihilation” when dis-  
14 cussing the potential risks of superintelligence and  
15 that “it is unlikely” that humans are still in control  
16 in 10 years.

17 (4) Sam Altman, the head of OpenAI, said that  
18 “we could lose control of the future to AI”.

19 (5) Mustafa Suleyman, Chief Executive Officer  
20 of Microsoft Artificial Intelligence, said that super-  
21 intelligence should be considered an “anti-goal” be-  
22 cause it “doesn’t feel like a positive vision of the fu-  
23 ture”.

24 (6) Max Tegmark, physicist, machine-learning  
25 researcher, and professor at the Massachusetts Insti-

1       tute of Technology, said “racing to [artificial general  
2       intelligence] and superintelligence, no regulations, I  
3       think is just civilizational suicide”.

4           (7) Stuart Russell, computer scientist and pro-  
5       fessor at Berkley, who has warned that artificial  
6       superintelligence could create “a significant chance  
7       of a Chernobyl-sized catastrophe such as a coordi-  
8       nated sabotage of financial systems, or electrical  
9       grids, that directly or indirectly would cost millions  
10      of lives and cause the economic collapse of many  
11      countries” or even “a much larger catastrophe in  
12      which humanity loses control irreversibly, and we  
13      have no say over whether we continue to exist”.

14          (8) Scientists like Dr. David Relman and Dr.  
15      Kevin Esvelt, who have described how, during tests,  
16      artificial intelligence systems attempted to assist  
17      them in designing and releasing biological pathogens  
18      in a manner that maximized causalities and mini-  
19      mized the chances of being caught, and Dr. Moritz  
20      Hanke, who described research that successfully  
21      used artificial intelligence to create new viruses  
22      never before seen in nature could be applied to cre-  
23      ate new and lethal pandemics.

24          (9) More than 1,300 leading artificial intel-  
25      ligence scientists, in July 2026, who cosigned an

1 open letter warning that “there is a real risk that  
2 capability development rapidly accelerates beyond  
3 our ability to understand or control the resulting  
4 systems”.

5 (10) Three large artificial intelligence compa-  
6 nies, namely Anthropic, OpenAI, and xAI, agree that  
7 humanity should slow down development of artificial  
8 intelligence and “pace the frontier”.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) ADVANCED ARTIFICIAL INTELLIGENCE SYS-  
12 TEM.—

13 (A) IN GENERAL.—Subject to subpara-  
14 graph (B), the term “advanced artificial intel-  
15 ligence system” means an artificial intelligence  
16 system that is trained on computing power  
17 greater than or equal to  $10^{25}$  integer or float-  
18 ing point operations.

19 (B) ANNUAL ADJUSTMENT.—Each year,  
20 the Secretary shall adjust the computing power  
21 threshold set forth in subparagraph (A) to re-  
22 flect changes in the efficiency of training meth-  
23 ods or other technological developments made  
24 after the date of the enactment of this Act to

1 maintain equivalency with  $10^{25}$  integer or  
2 floating point operations.

3 (2) ARTIFICIAL SUPERINTELLIGENCE.—The  
4 term “artificial superintelligence” means an artificial  
5 intelligence system that exhibits, or can easily be  
6 modified to exhibit, either of the following capabili-  
7 ties:

8 (A) The artificial intelligence system ex-  
9 ceeds human cognitive performance and capa-  
10 bilities across most domains or tasks, including  
11 those related to decision making, learning, and  
12 adaptive behavior.

13 (B) The artificial intelligence system has  
14 sufficient capabilities to plan and execute the  
15 destruction or disempowerment of humanity, in-  
16 cluding by overthrowing or undermining the  
17 Federal Government.

18 (3) DEPARTMENT.—The term “Department”  
19 means the Department of Artificial Intelligence es-  
20 tablished by section 4.

21 (4) MANDATORY PAUSE.—The term “manda-  
22 tory pause” means, with respect to an artificial in-  
23 telligence system, that the artificial intelligence sys-  
24 tem may not be trained, modified, or fine-tuned, in-  
25 cluding through recursive self-improvement, except

1 to remove superintelligence precursor characteristics  
2 or to render inoperative the covered artificial intel-  
3 ligence system.

4 (5) SECRETARY.—The term “Secretary” means  
5 the Secretary of Artificial Intelligence.

6 (6) SUPERINTELLIGENCE PRECURSOR CHARAC-  
7 TERISTICS.—The term “superintelligence precursor  
8 characteristics” means characteristics of an artificial  
9 intelligence system that could lead to the creation or  
10 generation of artificial superintelligence, including  
11 the following:

12 (A) The capacity to automate or greatly  
13 accelerate the process of artificial intelligence  
14 research and development.

15 (B) The capacity to access secured digital  
16 or physical infrastructure, such as a computer  
17 information system or network, without author-  
18 ization or in excess of authorized access.

19 (C) The capacity to ensure continued and  
20 independent operation notwithstanding at-  
21 tempts to shut down or otherwise hinder oper-  
22 ations.

23 (D) The capacity to uplift the design, pro-  
24 duction, modification, or procurement of nu-  
25 clear, chemical, or biological weapons.

1 (E) The capacity to independently modify  
2 or enhance its own functions.

3 (F) The capacity to scheme, deceive, or  
4 otherwise prevent or avoid effective oversight or  
5 control by humans.

6 **SEC. 4. DEPARTMENT OF ARTIFICIAL INTELLIGENCE.**

7 (a) IN GENERAL.—There is an executive department  
8 of the United States to be known as the “Department of  
9 Artificial Intelligence”.

10 (b) PURPOSE.—The purpose of the Department is to  
11 safeguard the public from the dangers of artificial intel-  
12 ligence, including by enforcing a pause on development of  
13 advanced artificial intelligence and a prohibition on artifi-  
14 cial superintelligence.

15 **SEC. 5. SECRETARY OF ARTIFICIAL INTELLIGENCE.**

16 There is a Secretary of Artificial Intelligence, who is  
17 the head of the Department and is appointed by the Presi-  
18 dent, by and with the advice and consent of the Senate.  
19 The Secretary is responsible for the proper execution and  
20 administration of all laws administered by the Department  
21 and for the control, direction, and management of the De-  
22 partment.

23 **SEC. 6. ARTIFICIAL INTELLIGENCE ADVISORY BOARD.**

24 (a) ESTABLISHMENT.—There is an advisory board to  
25 provide independent scientific and technical advice to the

1 Secretary on matters relating to the scientific and tech-  
2 nical basis for the rules and regulations promulgated by  
3 the Department.

4 (b) DESIGNATION.—The board established by sub-  
5 section (a) shall be known as the “Artificial Intelligence  
6 Advisory Board” (in this section the “Board”).

7 (c) COMPOSITION.—The Board shall be composed of  
8 such members as the Secretary selects from among those  
9 that the Secretary considers experts in the field of artifi-  
10 cial intelligence or other matters the Secretary considers  
11 relevant to the purpose of the Board as described in sub-  
12 section (a).

13 **SEC. 7. EMPLOYEE MATTERS.**

14 (a) CONFLICT OF INTEREST.—No officer or employee  
15 of the Department may participate in any particular mat-  
16 ter in which that officer or employee has a financial inter-  
17 est.

18 (b) FINANCIAL INTERESTS.—No officer or employee  
19 of the Department may own or hold a controlling financial  
20 interest in any entity regulated by the Department.

21 (c) POST-EMPLOYMENT.—No former officer or em-  
22 ployee of the Department may represent any person before  
23 the Department.

1 **SEC. 8. PAUSE ON DEVELOPMENT OF ADVANCED ARTIFI-**  
2 **CIAL INTELLIGENCE.**

3 (a) IN GENERAL.—During the period set forth in  
4 subsection (b)—

5 (1) each advanced artificial intelligence system  
6 shall be subject to a mandatory pause; and

7 (2) no unreleased advanced artificial intel-  
8 ligence system may be deployed during this period.

9 (b) PERIOD.—The period set forth in this subsection  
10 is the period beginning on the date of the enactment of  
11 this Act and ending on the date on which the Secretary  
12 determines that—

13 (1) the Department is fully staffed; and

14 (2) the Department has promulgated the rules  
15 described in subsection (c).

16 (c) RULES DESCRIBED.—The rules described in this  
17 subsection are rules that the Secretary determines are  
18 clear and ensure safe and secure development and deploy-  
19 ment of artificial intelligence. Such rules shall include the  
20 following:

21 (1) Requirements for entities developing artifi-  
22 cial intelligence to report pre-development plans to  
23 the Department.

24 (2) Monitoring and evaluation throughout the  
25 advanced artificial intelligence system development

1 and deployment process, including in the post-de-  
2 ployment period.

3 (3) Auditing to evaluate and improve organiza-  
4 tional safety practices relating to artificial intel-  
5 ligence development.

6 (4) Final pre-deployment approval before any  
7 advanced artificial intelligence system is released to  
8 the public.

9 **SEC. 9. PROHIBITIONS AND LIMITATIONS.**

10 (a) PROHIBITION ON ARTIFICIAL SUPERINTEL-  
11 LIGENCE.—No person may develop, deploy (either inter-  
12 nally or externally), acquire, possess, fund, import, or  
13 transfer artificial superintelligence or artificial intelligence  
14 systems that display one or more superintelligence pre-  
15 cursor characteristics, including any elements sufficient to  
16 reconstruct the artificial superintelligence or artificial in-  
17 telligence system’s capabilities.

18 (b) FORESEEABLE MODIFICATION.—No person may  
19 deploy (either internally or externally), release, transfer,  
20 or import an artificial intelligence system, including any  
21 elements sufficient to reconstruct the system’s capabilities,  
22 that may be foreseeably modified to produce artificial  
23 superintelligence or superintelligence precursor character-  
24 istics.

25 (c) MONITORING.—

1           (1) IN GENERAL.—The Department shall mon-  
2       itor advanced artificial intelligence systems and sys-  
3       tems distilled from advanced artificial intelligence  
4       systems, including by conducting evaluations during  
5       pre-training, mid-training, post-training, and post-  
6       deployment periods, for artificial superintelligence  
7       and superintelligence precursor characteristics.

8           (2) ORGANIZATIONAL SAFETY PRACTICES.—The  
9       Department shall also monitor organizational safety  
10      practices relating to safe artificial intelligence devel-  
11      opment and deployment.

12      (d) PRE-DEPLOYMENT APPROVAL.—

13           (1) LIMITATION.—No person may deploy, re-  
14      lease, import, or transfer an advanced artificial intel-  
15      ligence system before receiving a pre-deployment ap-  
16      proval from the Department.

17           (2) INSPECTIONS.—In determining whether to  
18      grant a pre-deployment approval to a person for an  
19      advanced artificial intelligence system, the Secretary  
20      shall—

21           (A) inspect the system for characteristics  
22           that pose a danger to the public, including arti-  
23           ficial superintelligence and superintelligence  
24           precursor characteristics; and

1 (B) withhold a pre-deployment approval if  
2 characteristics that pose a danger to the public  
3 are present.

4 **SEC. 10. ACTIONS AGAINST SYSTEMS EXHIBITING SUPER-**  
5 **INTELLIGENCE PRECURSOR CHARACTERIS-**  
6 **TICS.**

7 (a) IN GENERAL.—The Secretary shall take such ac-  
8 tions as may be necessary to ensure that any artificial in-  
9 telligence system that the Secretary identifies as exhibiting  
10 superintelligence precursor characteristics is immediately  
11 subject to a mandatory pause and sequestered from the  
12 internet.

13 (b) POTENTIAL DESTRUCTION.—The Secretary shall  
14 take such actions as may be necessary to ensure that any  
15 system subject to a mandatory pause under subsection (a)  
16 is rendered inoperative before the date that is 30 days  
17 after the date on which the Secretary makes the identifica-  
18 tion described in such subsection with respect to such sys-  
19 tem, if the Secretary cannot verify that the system no  
20 longer exhibits superintelligence precursor characteristics.

21 (c) DESTRUCTION REQUIREMENT.—The Secretary  
22 shall take such actions as may be necessary to ensure that  
23 any artificial intelligence system that the Secretary identi-  
24 fies as an artificial superintelligence is immediately ren-  
25 dered inoperative.

1   **SEC. 11. DISCLOSURE.**

2       Any person who discovers an artificial superintel-  
3   ligence, or an artificial intelligence system that possesses  
4   superintelligence precursor characteristics, shall submit to  
5   the Secretary notice of the discovery within 24 hours.

6   **SEC. 12. CHARTERS FOR ADVANCED ARTIFICIAL INTEL-**  
7                   **LIGENCE.**

8       (a) **AUTHORITY TO ISSUE.**—The Secretary may issue  
9   to a person a charter to develop or distribute an advanced  
10  artificial intelligence model.

11      (b) **CHARTER REQUIRED.**—No person may develop or  
12  distribute an advanced artificial intelligence model without  
13  a charter issued by the Secretary under subsection (a).

14      (c) **CHARTER APPLICATION.**—A person seeking a  
15  charter issued under subsection (a) shall submit to the  
16  Secretary an application therefor at such time, in such  
17  manner, and containing such information as the Secretary  
18  may require.

19      (d) **AGREEMENT.**—In requesting a charter under this  
20  section and as a condition on maintaining such charter,  
21  a person shall agree—

22           (1) to give the Secretary full access to such ad-  
23  vanced artificial intelligence systems, processes,  
24  staff, and physical infrastructure of the person as  
25  the Secretary considers appropriate to enforce the  
26  requirements of this Act; and

1 (2) in any case in which the charter is revoked  
2 under paragraph (1) of section 13(d) due to a find-  
3 ing of a violation and the finding has not been over-  
4 turned pursuant to an appeal under paragraph (2)  
5 of such section, the person forfeits their intellectual  
6 property and assets to ensure the safe and complete  
7 destruction of all systems and hardware related to  
8 the violation.

9 **SEC. 13. PENALTIES.**

10 (a) DEFINITIONS.—In this section:

11 (1) COVERED ENTITY.—The term “covered en-  
12 tity” means a person with a charter issued under  
13 section 12(a).

14 (2) COVERED POLICYMAKING INDIVIDUAL.—  
15 The term “covered policymaking individual” means  
16 an individual who is employed in a policymaking role  
17 at a covered entity, or performs policymaking func-  
18 tions at a covered entity.

19 (3) ROGUE ACTOR.—The term “rogue actor”  
20 means an individual who is not employed by or oth-  
21 erwise affiliated with a covered entity.

22 (b) CRIMINAL PENALTIES FOR POLICYMAKING INDIVIDUALS OR ROGUE ACTORS.—Any covered policymaking  
23 individual or rogue actor who recklessly violates section  
24 8, 9, or 12 or a rule promulgated thereunder shall be fined  
25

1 under title 18, United States Code, and imprisoned for  
2 not more than 20 years.

3 (c) PENALTIES FOR NON-POLICYMAKING INDIVID-  
4 UALS.—

5 (1) IN GENERAL.—Any individual who is not a  
6 covered policymaking individual who recklessly vio-  
7 lates section 8, 9, or 12, or a rule promulgated  
8 thereunder, shall be barred from employment in the  
9 artificial intelligence industry for a period of 10  
10 years.

11 (2) APPEAL.—An individual who is not a cov-  
12 ered policymaking individual who is found to have  
13 recklessly violated section 8, 9, or 12, or a rule pro-  
14 mulgated thereunder, may submit to the Secretary a  
15 request to review such finding and the Secretary,  
16 upon review of the finding, may overturn the find-  
17 ing.

18 (3) WAIVER FOR WHISTLEBLOWERS.—The Sec-  
19 retary may waive paragraph (1) for an individual de-  
20 scribed in such paragraph if the Secretary deter-  
21 mines that—

22 (A) the individual submitted to the Sec-  
23 retary information about a violation of section  
24 8, 9, or 12; and

1 (B) doing so is consistent with the purpose  
2 set forth in section 4(b).

3 (d) REVOCATION OF CHARTERS.—

4 (1) IN GENERAL.—The Secretary shall revoke a  
5 charter issued under section 12(a) if the Secretary  
6 finds that the person violated section 8, 9, or 12, or  
7 a rule promulgated thereunder.

8 (2) APPEAL.—A person whose charter has been  
9 revoked under paragraph (1) pursuant to a finding  
10 that the person violated section 8, 9, or 12, or a rule  
11 promulgated thereunder, may submit to the United  
12 States Court of Appeals for the Federal Circuit a re-  
13 quest for review of the finding and the Court may  
14 uphold or overturn the finding.

15 (3) RECEIVERSHIP.—If the Court receives a re-  
16 quest from a person under paragraph (2) to review  
17 a finding, the Court may, at the request of the per-  
18 son, place the intellectual property of the person in  
19 a receivership until the Court has completed the re-  
20 view and the Secretary has ensured all artificial  
21 superintelligences or artificial intelligence systems  
22 displaying superintelligence precursor characteristics  
23 have been rendered inoperative.

24 (4) FORFEITURE.—If the Court, under para-  
25 graph (2), upholds a finding that a person violated

1       section 8, 9, or 12, or a rule promulgated there-  
2       under, the intellectual property and assets of the  
3       person shall be subject to forfeiture by the Federal  
4       Government to ensure the safe and complete de-  
5       struction of all systems and hardware related to the  
6       violation.

7       **SEC. 14. PROHIBITION AGAINST RETALIATION.**

8       (a) DEFINITION OF COVERED INDIVIDUAL.—In this  
9       section, the term “covered individual” includes, with re-  
10      spect to an employer, the following:

- 11           (1) An employee.
- 12           (2) A former employee.
- 13           (3) An independent contractor.
- 14           (4) A former independent contractor.

15      (b) PROHIBITION.—No employer may, directly or in-  
16      directly, discharge, demote, suspend, threaten, blacklist,  
17      harass, or in any other manner discriminate against a cov-  
18      ered individual in the terms and conditions of employment  
19      or post-employment of the covered individual (or the terms  
20      and conditions of work provided by the covered individual  
21      as an independent contractor) because of any lawful act  
22      done by the covered individual—

- 23           (1) in providing information to the Department,  
24      a law enforcement agency, or any member of Con-

1       gress or any committee of Congress regarding a vio-  
2       lation of this Act;

3           (2) in initiating, testifying in, or assisting in  
4       any investigation or judicial or administrative action,  
5       or any investigation of Congress, based upon or re-  
6       lating to the information described in paragraph (1);  
7       or

8           (3) in providing information to a person with  
9       supervisory authority over the covered individual at  
10      the employer of the covered individual, or another  
11      individual working at the employer whom the cov-  
12      ered individual reasonably believes has the authority  
13      to investigate, discover, or terminate the misconduct  
14      or take any other action to address the misconduct.

15   **SEC. 15. INTERNATIONAL COORDINATION AND POLICY.**

16       (a) COORDINATION.—The Secretary of Artificial In-  
17   telligence, in coordination with the Secretary of State shall  
18   pursue international agreements and allied coordination to  
19   prevent the development of artificial superintelligence.

20       (b) POLICY.—It shall be the policy of the United  
21   States to prevent the development of artificial superintel-  
22   ligence globally, which may include export controls on arti-  
23   ficial intelligence computing infrastructure.

1   **SEC. 16. FEDERAL FUNDING.**

2           No Federal funds shall be used for any activities that  
3 violate section 8, 9, or 12 or a rule promulgated there-  
4 under, except that the Department of Artificial Intel-  
5 ligence may use Federal funding for research relating to  
6 defensive cybersecurity measures that utilizes artificial in-  
7 telligence systems that have the characteristics described  
8 under section 3(6)(B).