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S. 5493

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 23, 2026

Mr. SANDERS introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

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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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Ban Artificial Superintelligence Act of 2026''.

SEC. 2. FINDINGS.

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

unchecked artificial intelligence development and deployment, including the following:

(1) Geoffrey Hinton, considered to be the ''godfather'' of artificial intelligence, stated that he believes there is a ''10 to 20 percent chance [for artificial intelligence] to wipe us out''.

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

(3) Elon Musk, the head of xAI, said there was ''only a 20 percent chance of annihilation'' when discussing the potential risks of superintelligence and that ''it is unlikely'' that humans are still in control in 10 years.

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

(5) Mustafa Suleyman, Chief Executive Officer of Microsoft Artificial Intelligence, said that superintelligence should be considered an ''anti-goal'' because it ''doesn't feel like a positive vision of the future''.

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

tute of Technology, said ''racing to [artificial general intelligence] and superintelligence, no regulations, I think is just civilizational suicide''.

(7) Stuart Russell, computer scientist and professor at Berkley, who has warned that artificial superintelligence could create ''a significant chance of a Chernobyl-sized catastrophe such as a coordinated sabotage of financial systems, or electrical grids, that directly or indirectly would cost millions of lives and cause the economic collapse of many countries'' or even ''a much larger catastrophe in which humanity loses control irreversibly, and we have no say over whether we continue to exist''.

(8) Scientists like Dr. David Relman and Dr. Kevin Esvelt, who have described how, during tests, artificial intelligence systems attempted to assist them in designing and releasing biological pathogens in a manner that maximized causalities and minimized the chances of being caught, and Dr. Moritz Hanke, who described research that successfully used artificial intelligence to create new viruses never before seen in nature could be applied to create new and lethal pandemics.

(9) More than 1,300 leading artificial intelligence scientists, in July 2026, who cosigned an

open letter warning that ''there is a real risk that capability development rapidly accelerates beyond our ability to understand or control the resulting systems''.

(10) Three large artificial intelligence companies, namely Anthropic, OpenAI, and xAI, agree that humanity should slow down development of artificial intelligence and ''pace the frontier''.

SEC. 3. DEFINITIONS.

In this Act:

(1) ADVANCED ARTIFICIAL INTELLIGENCE SYSTEM.—

(A) IN GENERAL.—Subject to subparagraph (B), the term ''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.

(B) ANNUAL ADJUSTMENT.—Each year, the Secretary shall adjust the computing power threshold set forth in subparagraph (A) to reflect changes in the efficiency of training methods or other technological developments made after the date of the enactment of this Act to

maintain equivalency with 10^25 integer or floating point operations.

(2) ARTIFICIAL SUPERINTELLIGENCE.—The term ''artificial superintelligence'' means an artificial intelligence system that exhibits, or can easily be modified to exhibit, either of the following capabilities:

(A) The artificial intelligence system exceeds human cognitive performance and capabilities across most domains or tasks, including those related to decision making, learning, and adaptive behavior.

(B) The artificial intelligence system has sufficient capabilities to plan and execute the destruction or disempowerment of humanity, including by overthrowing or undermining the Federal Government.

(3) DEPARTMENT.—The term ''Department'' means the Department of Artificial Intelligence established by section 4.

(4) MANDATORY PAUSE.—The term ''mandatory pause'' means, with respect to an artificial intelligence system, that the artificial intelligence system may not be trained, modified, or fine-tuned, including through recursive self-improvement, except

to remove superintelligence precursor characteristics or to render inoperative the covered artificial intelligence system.

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Artificial Intelligence.

(6) SUPERINTELLIGENCE PRECURSOR CHARACTERISTICS.—The term ''superintelligence precursor characteristics'' means characteristics of an artificial intelligence system that could lead to the creation or generation of artificial superintelligence, including the following:

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

(B) 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.

(C) The capacity to ensure continued and independent operation notwithstanding attempts to shut down or otherwise hinder operations.

(D) The capacity to uplift the design, production, modification, or procurement of nuclear, chemical, or biological weapons.

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

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

SEC. 4. DEPARTMENT OF ARTIFICIAL INTELLIGENCE.

(a) IN GENERAL.—There is an executive department of the United States to be known as the ''Department of Artificial Intelligence''.

(b) PURPOSE.—The purpose of the Department is to safeguard the public from the dangers of artificial intelligence, including by enforcing a pause on development of advanced artificial intelligence and a prohibition on artificial superintelligence.

SEC. 5. SECRETARY OF ARTIFICIAL INTELLIGENCE.

There is a Secretary of Artificial Intelligence, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

SEC. 6. ARTIFICIAL INTELLIGENCE ADVISORY BOARD.

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

Secretary on matters relating to the scientific and technical basis for the rules and regulations promulgated by the Department.

(b) DESIGNATION.—The board established by subsection (a) shall be known as the ''Artificial Intelligence Advisory Board'' (in this section the ''Board'').

(c) COMPOSITION.—The Board shall be composed of such members as the Secretary selects from among those that the Secretary considers experts in the field of artificial intelligence or other matters the Secretary considers relevant to the purpose of the Board as described in subsection (a).

SEC. 7. EMPLOYEE MATTERS.

(a) CONFLICT OF INTEREST.—No officer or employee of the Department may participate in any particular matter in which that officer or employee has a financial interest.

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

(c) POST-EMPLOYMENT.—No former officer or employee of the Department may represent any person before the Department.

SEC. 8. PAUSE ON DEVELOPMENT OF ADVANCED ARTIFICIAL INTELLIGENCE.

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

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

(2) no unreleased advanced artificial intelligence system may be deployed during this period.

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

(1) the Department is fully staffed; and

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

(c) RULES DESCRIBED.—The rules described in this subsection are rules that the Secretary determines are clear and ensure safe and secure development and deployment of artificial intelligence. Such rules shall include the following:

(1) Requirements for entities developing artificial intelligence to report pre-development plans to the Department.

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

and deployment process, including in the post-deployment period.

(3) Auditing to evaluate and improve organizational safety practices relating to artificial intelligence development.

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

SEC. 9. PROHIBITIONS AND LIMITATIONS.

(a) PROHIBITION ON ARTIFICIAL SUPERINTELLIGENCE.—No person may develop, 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, including any elements sufficient to reconstruct the artificial superintelligence or artificial intelligence system's capabilities.

(b) FORESEEABLE MODIFICATION.—No person may deploy (either internally or externally), release, transfer, or import an artificial intelligence system, including any elements sufficient to reconstruct the system's capabilities, that may be foreseeably modified to produce artificial superintelligence or superintelligence precursor characteristics.

(c) MONITORING.—

(1) IN GENERAL.—The Department shall monitor advanced artificial intelligence systems and systems distilled from advanced artificial intelligence systems, including by conducting evaluations during pre-training, mid-training, post-training, and post-deployment periods, for artificial superintelligence and superintelligence precursor characteristics.

(2) ORGANIZATIONAL SAFETY PRACTICES.—The Department shall also monitor organizational safety practices relating to safe artificial intelligence development and deployment.

(d) PRE-DEPLOYMENT APPROVAL.—

(1) LIMITATION.—No person may deploy, release, import, or transfer an advanced artificial intelligence system before receiving a pre-deployment approval from the Department.

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

(A) inspect the system for characteristics that pose a danger to the public, including artificial superintelligence and superintelligence precursor characteristics; and

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

SEC. 10. ACTIONS AGAINST SYSTEMS EXHIBITING SUPERINTELLIGENCE PRECURSOR CHARACTERISTICS.

(a) IN GENERAL.—The Secretary shall take such actions as may be necessary to ensure that any artificial intelligence system that the Secretary identifies as exhibiting superintelligence precursor characteristics is immediately subject to a mandatory pause and sequestered from the internet.

(b) POTENTIAL DESTRUCTION.—The Secretary shall take such actions as may be necessary to ensure that any system subject to a mandatory pause under subsection (a) is rendered inoperative before the date that is 30 days after the date on which the Secretary makes the identification described in such subsection with respect to such system, if the Secretary cannot verify that the system no longer exhibits superintelligence precursor characteristics.

(c) DESTRUCTION REQUIREMENT.—The Secretary shall take such actions as may be necessary to ensure that any artificial intelligence system that the Secretary identifies as an artificial superintelligence is immediately rendered inoperative.

SEC. 11. DISCLOSURE.

Any person who discovers an artificial superintelligence, or an artificial intelligence system that possesses superintelligence precursor characteristics, shall submit to the Secretary notice of the discovery within 24 hours.

SEC. 12. CHARTERS FOR ADVANCED ARTIFICIAL INTELLIGENCE.

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

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

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

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

(1) to give the Secretary full access to such advanced artificial intelligence systems, processes, staff, and physical infrastructure of the person as the Secretary considers appropriate to enforce the requirements of this Act; and

(2) in any case in which the charter is revoked under paragraph (1) of section 13(d) due to a finding of a violation and the finding has not been overturned pursuant to an appeal under paragraph (2) of such section, the person forfeits their intellectual property and assets to ensure the safe and complete destruction of all systems and hardware related to the violation.

SEC. 13. PENALTIES.

(a) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term ''covered entity'' means a person with a charter issued under section 12(a).

(2) COVERED POLICYMAKING INDIVIDUAL.—The term ''covered policymaking individual'' means an individual who is employed in a policymaking role at a covered entity, or performs policymaking functions at a covered entity.

(3) ROGUE ACTOR.—The term ''rogue actor'' means an individual who is not employed by or otherwise affiliated with a covered entity.

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

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

(c) PENALTIES FOR NON-POLICYMAKING INDIVIDUALS.—

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

(2) APPEAL.—An individual who is not a covered policymaking individual who is found to have recklessly violated section 8, 9, or 12, or a rule promulgated thereunder, may submit to the Secretary a request to review such finding and the Secretary, upon review of the finding, may overturn the finding.

(3) WAIVER FOR WHISTLEBLOWERS.—The Secretary may waive paragraph (1) for an individual described in such paragraph if the Secretary determines that—

(A) the individual submitted to the Secretary information about a violation of section 8, 9, or 12; and

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

(d) REVOCATION OF CHARTERS.—

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

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

(3) RECEIVERSHIP.—If the Court receives a request from a person under paragraph (2) to review a finding, the Court may, at the request of the person, place the intellectual property of the person in a receivership until the Court has completed the review and the Secretary has ensured all artificial superintelligences or artificial intelligence systems displaying superintelligence precursor characteristics have been rendered inoperative.

(4) FORFEITURE.—If the Court, under paragraph (2), upholds a finding that a person violated

section 8, 9, or 12, or a rule promulgated thereunder, the intellectual property and assets of the person shall be subject to forfeiture by the Federal Government to ensure the safe and complete destruction of all systems and hardware related to the violation.

SEC. 14. PROHIBITION AGAINST RETALIATION.

(a) DEFINITION OF COVERED INDIVIDUAL.—In this section, the term ''covered individual'' includes, with respect to an employer, the following:

(1) An employee.

(2) A former employee.

(3) An independent contractor.

(4) A former independent contractor.

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

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

gress or any committee of Congress regarding a violation of this Act;

(2) in initiating, testifying in, or assisting in any investigation or judicial or administrative action, or any investigation of Congress, based upon or relating to the information described in paragraph (1); or

(3) in providing information to a person with supervisory authority over the covered individual at the employer of the covered individual, or another individual working at the employer whom the covered individual reasonably believes has the authority to investigate, discover, or terminate the misconduct or take any other action to address the misconduct.

SEC. 15. INTERNATIONAL COORDINATION AND POLICY.

(a) COORDINATION.—The Secretary of Artificial Intelligence, in coordination with the Secretary of State shall pursue international agreements and allied coordination to prevent the development of artificial superintelligence.

(b) POLICY.—It shall be the policy of the United States to prevent the development of artificial superintelligence globally, which may include export controls on artificial intelligence computing infrastructure.

SEC. 16. FEDERAL FUNDING.

No Federal funds shall be used for any activities that violate section 8, 9, or 12 or a rule promulgated thereunder, except that the Department of Artificial Intelligence may use Federal funding for research relating to defensive cybersecurity measures that utilizes artificial intelligence systems that have the characteristics described under section 3(6)(B).

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