

119TH CONGRESS
2D SESSION

S. _____

To provide for limitations on the use of artificial intelligence by Department of Defense.

IN THE SENATE OF THE UNITED STATES

Ms. SLOTKIN introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide for limitations on the use of artificial intelligence by Department of Defense.

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 “AI Guardrails Act of
5 2026”.

6 **SEC. 2. LIMITATIONS ON USE OF ARTIFICIAL INTEL-**
7 **LIGENCE BY DEPARTMENT OF DEFENSE.**

8 (a) SENSE OF CONGRESS.—It is the sense of Con-
9 gress that, consistent with America’s AI Action Plan dated
10 July 2025, the United States must aggressively adopt arti-

1 ficial intelligence (AI) within its Armed Forces if it is to
2 maintain its global military preeminence while also ensur-
3 ing that the Department of Defense’s use of AI is secure
4 and reliable.

5 (b) LIMITATIONS.—The Department of Defense is
6 prohibited from using artificial intelligence as follows:

7 (1) For the execution of launching or deto-
8 nating a nuclear weapon.

9 (2) For the monitoring, tracking, profiling, or
10 targeting of individuals or groups in the United
11 States, without an individualized, articulable legal
12 basis, regardless of the origin of the data used. In
13 no event may the Department of Defense use AI
14 solely for the purpose of monitoring, tracking,
15 profiling, or targeting activities protected by the
16 First Amendment or the lawful exercise of other
17 rights secured by the Constitution or laws of the
18 United States.

19 (3) In the employment of lethal force by auton-
20 omous weapon systems without appropriate levels of
21 human judgment and supervision. All other uses of
22 artificial intelligence in autonomous weapon systems
23 shall be consistent with Department of Defense Di-
24 rective 3000.09, “Autonomy in Weapon Systems,”
25 dated January 25, 2023.

1 (c) WAIVER FOR CERTAIN AUTONOMOUS WEAPON
2 SYSTEMS.—

3 (1) IN GENERAL.—The Secretary of Defense,
4 without delegation, may waive the prohibitions under
5 subsection (b)(3) with respect to a system for up to
6 one year, or renew such a waiver for up to one year,
7 if the Secretary certifies, in writing, to the congress-
8 sional defense committees that extraordinary cir-
9 cumstances affecting the national security of the
10 United States require the waiver and that the prob-
11 ability of the system producing a result inconsistent
12 with commander intent does not exceed the docu-
13 mented error rate of trained human operators per-
14 forming equivalent functions under equivalent condi-
15 tions.

16 (2) NOTIFICATIONS.—For each waiver issued
17 under paragraph (1) with respect to a system, the
18 Secretary of Defense shall notify Congress, including
19 submission of the certification required under such
20 paragraph, not later than 5 days after—

21 (A) the issuance of a waiver for formal de-
22 velopment of such system;

23 (B) the issuance of a waiver for fielding of
24 such system; and

1 (C) any modification to such system that
2 results in the system algorithms, intended mis-
3 sions sets, intended operational environments,
4 intended target sets, or expected adversarial
5 countermeasures to substantially differ from
6 those granted for previously waived uses.

7 (3) ELEMENTS.—Each notification submitted
8 under paragraph (1) shall include the following ele-
9 ments:

10 (A) The rationale for the waiver.

11 (B) A description of the autonomous weap-
12 on system or technology covered by the waiver.

13 (C) A description of the operational pa-
14 rameters and safeguards for the system, includ-
15 ing:

16 (i) Assessments of system perform-
17 ance, capability, reliability, effectiveness,
18 and suitability under realistic conditions.

19 (ii) A description of the associated
20 training, doctrine, and tactics, techniques,
21 and procedures.

22 (iii) The timeframe and geographic
23 area of intended use.

24 (iv) A description of measures taken
25 to minimize the probability and con-

1 sequences of unintended engagements or
2 failures.

3 (v) Clear procedures for trained oper-
4 ators to activate and deactivate system
5 functions.

6 (vi) Post-deployment continuous moni-
7 toring mechanisms.

8 (vii) Results from the realistic system
9 developmental and operational testing and
10 evaluation that demonstrate the probability
11 of the system misidentifying a target, tak-
12 ing unintended action, or producing a re-
13 sult inconsistent with commander intent
14 does not exceed the documented error rate
15 of trained human operators performing
16 equivalent functions under equivalent con-
17 ditions.

18 (D) The anticipated duration of the waiv-
19 er.

20 (4) FORM.—A notification under paragraph (1)
21 shall be submitted in unclassified form, but may in-
22 clude a classified annex, as the Secretary determines
23 necessary.

24 (d) ARTIFICIAL INTELLIGENCE DEFINED.—In this
25 section, the term “artificial intelligence” has the meaning

- 1 given such term in section 5002 of the National Artificial
- 2 Intelligence Initiative Act of 2020 (15 U.S.C. 9401).