

119TH CONGRESS
2D SESSION

S. _____

To prohibit the use of certain artificial intelligence models across the Federal Government, and for other purposes.

IN THE SENATE OF THE UNITED STATES

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

A BILL

To prohibit the use of certain artificial intelligence models across the Federal Government, 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 “Safeguarding Against
5 Fabricated Exploitation Through Artificial Intelligence
6 Act of 2026”.

7 **SEC. 2. PROHIBITION ON THE USE OF CERTAIN ARTIFICIAL**
8 **INTELLIGENCE MODELS ACROSS THE FED-**
9 **ERAL GOVERNMENT.**

10 (a) DEFINITIONS.—In this section:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of General Serv-
3 ices.

4 (2) APPROPRIATE CONGRESSIONAL COMMIT-
5 TEES.—The term “appropriate congressional com-
6 mittees” means the Committee on Commerce,
7 Science, and Transportation of the Senate, the Com-
8 mittee on the Judiciary of the Senate, the Com-
9 mittee on Homeland Security and Governmental Af-
10 fairs of the Senate, the Committee on Oversight and
11 Government Reform of the House of Representa-
12 tives, the Committee on Energy and Commerce of
13 the House of Representatives, and the Committee on
14 the Judiciary of the House of Representatives.

15 (3) ARTIFICIAL INTELLIGENCE MODEL.—The
16 term “artificial intelligence model” means a capa-
17 bility or combined series of capabilities that can gen-
18 erate realistic image or video outputs for a given set
19 of objectives, prompts, or input.

20 (4) ARTIFICIAL INTELLIGENCE RISK MANAGE-
21 MENT FRAMEWORK.—The term “Artificial Intel-
22 ligence Risk Management Framework” means the
23 Artificial Intelligence Risk Management Framework,
24 or any successor document, and any associated guid-
25 ance or publications issued under section 22A of the

1 National Institute of Standards and Technology Act
2 (15 U.S.C. 278h-1).

3 (5) CHILD PORNOGRAPHY.—The term “child
4 pornography” has the meaning given the term in
5 section 2256 of title 18, United States Code.

6 (6) CHILD SEXUAL ABUSE MATERIAL.—The
7 term “child sexual abuse material”—

8 (A) means child pornography; and

9 (B) an intimate visual depiction of an indi-
10 vidual who is less than 18 years of age.

11 (7) COVERED APPLICATION.—The term “cov-
12 ered application” means an artificial intelligence
13 model that the Administrator of General Services or
14 the head of a Federal agency determines—

15 (A) is not in compliance with—

16 (i) the standards document of the Na-
17 tional Institute of Standards and Tech-
18 nology National Institute of Standards and
19 Technology numbered “NIST AI 600-1”
20 and entitled “Artificial Intelligence Risk
21 Management Framework: Generative Arti-
22 ficial Intelligence Profile” with respect to
23 non-consensual intimate imagery or child
24 sexual abuse material within “obscene, de-
25 grading, and/or abusive content”; or

1 (ii) a comparably robust successor
2 standard or framework with respect to syn-
3 thetic child sexual abuse material or non-
4 consensual intimate images of adults;

5 (B) is subject to a determination by a Fed-
6 eral court that the artificial intelligence model
7 has generated content depicting child pornog-
8 raphy; or

9 (C) is subject to a determination by a Fed-
10 eral court that the artificial intelligence model
11 has generated non-consensual intimate visual
12 depictions of an identifiable adult.

13 (8) DEVELOPER.—The term “developer” means
14 a person that develops an artificial intelligence
15 model, including any person that materially modifies
16 and subsequently distributes an artificial intelligence
17 model.

18 (9) FEDERAL AGENCY.—The term “Federal
19 agency” has the meaning given the term “agency”
20 in section 3502 of title 44, United States Code.

21 (10) INTIMATE VISUAL DEPICTION.—The term
22 “intimate visual depiction” has the meaning given
23 the term in section 1309 of the Violence Against
24 Women Act Reauthorization Act of 2022 (15 U.S.C.
25 6851).

1 (11) TECHNICAL CONTROL.—The term “tech-
2 nical control” means a technical control, or series of
3 technical controls, to prevent the ability of any pub-
4 licly released version of an artificial intelligence
5 model to generate child pornography.

6 (b) ESTABLISHMENT OF PERFORMANCE BENCH-
7 MARKS.—

8 (1) PERFORMANCE BENCHMARK.—

9 (A) IN GENERAL.—Not later than 90 days
10 after the date of enactment of this Act, the Di-
11 rector of the National Institute of Standards
12 and Technology shall initiate a process to estab-
13 lish performance benchmarks, consistent with
14 the Artificial Intelligence Risk Management
15 Framework Generative Artificial Intelligence
16 Profile, to prevent the generation of obscene,
17 degrading, and abusive content, including syn-
18 thetic child sexual abuse material and non-con-
19 sensual intimate images of adults.

20 (B) UPDATES.—The Director of the Na-
21 tional Institute of Standards and Technology
22 shall update, on a periodic basis, the perform-
23 ance benchmarks established under subpara-
24 graph (A) to address changes in technology and
25 circumvention practices.

1 (2) TESTING PROGRAM.—Not later than 180
2 days after the date of the enactment of this Act, the
3 Director of the National Institute of Standards and
4 Technology shall establish a voluntary vendor test
5 program consistent with the performance bench-
6 marks established under subparagraph (A).

7 (c) PROHIBITION ON FEDERAL ACQUISITION OR USE
8 OF COVERED APPLICATIONS.—

9 (1) IN GENERAL.—The head of a Federal agen-
10 cy may not procure a covered application or use
11 such application on an information technology sys-
12 tem operated by such Federal agency or by a con-
13 tractor of such Federal agency.

14 (2) IMPLEMENTATION.—

15 (A) INITIAL REMOVAL.—Not later than
16 180 days after the date of enactment of this
17 Act, the head of each Federal agency shall—

18 (i) remove any covered application
19 from each information technology system
20 operated by the Federal agency; and

21 (ii) ensure that each contractor of the
22 Federal agency removes any covered appli-
23 cation from each information technology
24 system operated by the contractor.

1 (B) SUBSEQUENT REMOVALS.—Not later
2 than 180 days after the date on which the Ad-
3 ministrator or the head of a Federal agency de-
4 termines that an artificial intelligence model
5 constitutes a covered application, including as a
6 result of a review performed under paragraph
7 (3), the head of each Federal agency shall carry
8 out the requirements of clauses (i) and (ii) of
9 subparagraph (A) with respect the covered ap-
10 plication.

11 (3) CONTINUOUS EVALUATION OF AVAILABLE
12 PRODUCTS AND SERVICES.—

13 (A) GENERAL SERVICES ADMINISTRA-
14 TION.—Effective on the date that is 1 year
15 after the date of enactment of this Act, and not
16 less frequently than every 90 days thereafter,
17 the Administrator shall review each product or
18 service offered within a contract vehicle or pur-
19 chasing program maintained by the General
20 Services Administration to determine whether
21 the product or service includes a covered appli-
22 cation.

23 (B) AGENCY PROCUREMENT REVIEW.—Ef-
24 fective on the date that is 1 year after the date
25 of enactment of this Act, and not less fre-

1 quently than annually thereafter, the Chief Ac-
2 quisition Officer or a senior procurement execu-
3 tive of each Federal agency shall review each
4 product or service used by the Federal agency
5 to determine whether the product or service
6 constitutes a covered application.

7 (d) SAFEGUARDS.—

8 (1) IN GENERAL.—If an artificial intelligence
9 model that is determined to constitute a covered ap-
10 plication lacks a vendor capable of making necessary
11 technical modifications to the artificial intelligence
12 model in order to remove the status of the artificial
13 intelligence model as a covered application, including
14 for the purpose of subsection (e), the head of each
15 Federal agency may implement additional technical
16 and compliance safeguards, including those de-
17 scribed in Reducing Risks Posed by Synthetic Con-
18 tent (NIST AI 100–4) or any successor publication,
19 with respect to the artificial intelligence model that
20 effectively prevent the use of the an artificial intel-
21 ligence model for the generation of child pornog-
22 raphy or non-consensual intimate visual depictions
23 of an identifiable adult.

24 (2) CERTIFICATION REQUIRED.—With respect
25 to the head of a Federal agency who implements

1 safeguards described in paragraph (1) on a covered
2 application, not later than 30 days after the date of
3 such implementation, the head of the Federal agency
4 shall issue a public certification that those safe-
5 guards are sufficient to prevent the misuse of the
6 covered application for the generation of child por-
7 nography or non-consensual intimate visual depic-
8 tions of an identifiable adult.

9 (3) CONGRESSIONAL NOTIFICATION.—Not later
10 than 7 days after the date on which the head of a
11 Federal agency issues a certification under para-
12 graph (2), the head of the Federal agency shall sub-
13 mit to the appropriate congressional committees a
14 notification of the certification that identifies the
15 safeguards described in paragraph (1).

16 (e) CURE.—If the Administrator or the head of a
17 Federal agency determines that an artificial intelligence
18 model constitutes a covered application, the Administrator
19 or the head of the Federal agency may offer the vendor
20 of the artificial intelligence model an opportunity to mod-
21 ify the artificial intelligence model in order to remove the
22 status of the artificial intelligence model as a covered ap-
23 plication at the cost of the vendor to avoid the removal
24 required under subsection (c)(2).

25 (f) PROHIBITION; PRIVATE RIGHT OF ACTION.—

1 (1) PROHIBITION ON PRODUCTS AND SERVICES
2 FOR CIRCUMVENTION.—No person may deliberately
3 manufacture, import, or offer to the public a tech-
4 nology, product, service, device, component, or part
5 thereof that—

6 (A) is primarily designed or produced and
7 promoted for the purpose of circumventing, re-
8 moving or tampering with a technical control;

9 (B) has only limited commercially signifi-
10 cant or expressive purpose or use other than to
11 circumvent, remove or tamper with a technical
12 control and is promoted for a purpose described
13 in subparagraph (A); or

14 (C) is marketed by the person or another
15 party acting in concert with the person with the
16 knowledge of the person for use in circum-
17 venting, removing or tampering with a technical
18 control.

19 (2) PRIVATE RIGHT OF ACTION.—

20 (A) IN GENERAL.—The following persons
21 may commence a civil action in an appropriate
22 district court of the United States:

23 (i) An individual whose image or like-
24 ness is contained in any child pornography.

1 (ii) An individual who has been in-
2 jured by a developer failing to implement
3 sufficiently robust technical controls to
4 prevent their image or likeness from being
5 used to generate child pornography, or
6 been injured by any person who has gen-
7 erated child pornography with the image or
8 likeness of that individual, in violation of
9 paragraph (1).

10 (iii) A developer whose technical con-
11 trols are subverted by a person in violation
12 of paragraph (1).

13 (B) POWERS OF THE COURT.—In an ac-
14 tion brought under subparagraph (A), the
15 court—

16 (i) may grant temporary and perma-
17 nent injunctions on such terms as it deter-
18 mines reasonable to prevent or restrain a
19 violation, but in no event shall impose a
20 prior restraint on free speech or the press
21 protected under the First Amendment to
22 the Constitution of the United States;

23 (ii) at any time while an action is
24 pending, may order the impounding, on
25 such terms as it determines reasonable, of

1 any device or product that is in the cus-
2 tody or control of the alleged violator and
3 that the court has reasonable cause to be-
4 lieve was involved in a violation;

5 (iii) may award damages under sub-
6 paragraph (C);

7 (iv) in its discretion may allow the re-
8 covery of costs by or against any party
9 other than the United States or an officer
10 thereof;

11 (v) in its discretion may award rea-
12 sonable attorney's fees to the prevailing
13 party; and

14 (vi) may, as part of a final judgment
15 or decree finding a violation, order the re-
16 medial modification or the destruction of
17 any device or product involved in the viola-
18 tion that is in the custody or control of the
19 violator or has been impounded under
20 clause (ii).

21 (C) AWARD OF DAMAGES.—

22 (i) IN GENERAL.—Except as otherwise
23 provided in this section, a person commit-
24 ting a violation of this section is liable for
25 either—

1 (I) the actual damages and any
2 additional profits of the violator, as
3 provided in clause (ii), or

4 (II) statutory damages, as pro-
5 vided in clause (iii).

6 (ii) ACTUAL DAMAGES.—In an action
7 brought under this paragraph, the court
8 shall award to the complaining party the
9 actual damages suffered by the party as a
10 result of the violation, and any profits of
11 the violator that are attributable to the
12 violation and are not taken into account in
13 computing the actual damages, if the com-
14 plaining party elects such damages at any
15 time before final judgment is entered.

16 (iii) STATUTORY DAMAGES.—At any
17 time before final judgment is entered in a
18 case brought under this paragraph, a com-
19 plaining party may elect to recover an
20 award of statutory damages of \$50,000.

21 (D) REPEATED VIOLATIONS.—In any ac-
22 tion brought under this paragraph in which the
23 injured party sustains the burden of proving,
24 and the court finds, that a person has violated
25 this section within 3 years after a final judg-

1 ment was entered against the person for an-
2 other such violation, the court may increase the
3 award of damages up to triple the amount that
4 would otherwise be awarded, as the court con-
5 siders just.

6 (E) INNOCENT VIOLATIONS.—In an action
7 brought under this paragraph, the court in its
8 discretion may reduce or remit the total award
9 of damages in any case in which the violator
10 sustains the burden of proving, and the court
11 finds, that the violator was not aware and had
12 no reason to believe that its acts constituted a
13 violation.