

May 19, 2025

Speaker Mike Johnson
Democratic Leader Hakeem Jefferies
The Honorable Members of the United States Congress
Washington, D.C. 20510

Re: Opposition to Federal Preemption of State AI Laws

Dear Mr. Speaker, Mr. Jeffries, and Members of Congress,

We, the undersigned organizations committed to protecting civil rights, promoting consumer protections, and fostering responsible innovation, write to express our strong opposition to a provision in the House Energy and Commerce Committee Draft Budget Resolution, passed out of committee on May 14, that would preempt state and local laws governing artificial intelligence (AI).

The scope of Section 43201(c) "Artificial Intelligence and Information Technology Modernization Initiative: Moratorium" is sweeping. As AI systems increasingly shape critical aspects of Americans' lives—including hiring, housing, healthcare, policing, and financial services—states have taken important steps to protect their residents from the risks posed by unregulated or inadequately governed AI technologies. As we have learned during other periods of rapid technological advancement, like the industrial revolution and the creation of the automobile, protecting people from being harmed by new technologies, including by holding companies accountable when they cause harm, ultimately spurs innovation and adoption of new technologies. In other words, we will only reap the benefits of AI if people have a reason to trust it.

This total immunity provision blocks enforcement of all state and local legislation governing AI systems, AI models, or automated decision systems for a full decade, despite those states moving those protections through their legislative processes, which include input from stakeholders, hearings, and multistakeholder deliberations. This moratorium would mean that even if a company deliberately designs an algorithm that causes foreseeable harm — regardless of how intentional or egregious the misconduct or how devastating the consequences — the company making that bad tech would be unaccountable to lawmakers and the public. In many cases, it would make it virtually impossible to achieve a level of transparency into the AI system necessary for state regulators to even enforce laws of general applicability, such as tort or antidiscrimination law.

Despite how little is publicly known about how many AI systems work, harms from those systems are already well-documented, and states are acting to mitigate those harms. Many state laws are designed to prevent harms like algorithmic discrimination and to ensure recourse when automated systems harm individuals. For example, there are many documented cases of

AI having highly sexualized conversations with minors¹ and even encouraging minors to commit harm to themselves and others²; AI programs making healthcare decisions that have led to adverse and biased outcomes;³ and AI enabling thousands of women and girls to be victimized by nonconsensual deepfakes.⁴

Congress's inability to enact comprehensive legislation enshrining AI protections leaves millions of Americans more vulnerable to existing threats described above such as discrimination and all of us exposed to the unpredictable safety risks posed by this nascent industry. Fortunately, states across the nation, on a bipartisan basis, have pioneered thoughtful frameworks that promote transparency, accountability, safety, and fairness in AI deployment. Two-thirds of states, including Kentucky, Ohio, North Dakota and New Jersey have considered common-sense laws that address gaps in federal protections and are crafted in close dialogue with impacted communities. Those states are filling the need for substantive policy debate over how to safely advance development of this technology.

Federal preemption would invalidate key state laws that protect against "high impact" AI, which is contrary to the Trump administration's executive memo⁵ aiming to protect consumers from AI harms in employment, lending, education, and beyond. Protections for civil rights and children's privacy, transparency in consumer-facing chatbots to prevent fraud, and other safeguards would be invalidated, even those that are uncontroversial. The resulting unfettered abuses of AI or automated decision systems could run the gamut from pocketbook harms to working families like decisions on rental prices, to serious violations of ordinary Americans' civil rights, and even to large-scale threats like aiding in cyber attacks on critical infrastructure or the production of biological weapons.

No person, no matter their politics, wants to live in a world where AI makes life-or-death decisions without accountability. This is underscored by the fact that state attorneys general, from all 50 states, have warned Congress⁶ that AI has been used to harm children including through child sexual abuse material. Further, many state attorneys general have also shown interest in pursuing enforcement actions based on the laws in their own states, which would be barred by this preemption language. This includes state attorneys general from Alabama,⁷

¹ <https://www.pcmag.com/news/meta-ai-capable-of-having-sexual-conversations-with-minors>

² <https://www.npr.org/2024/12/10/nx-s1-5222574/kids-character-ai-lawsuit>

³ <https://www.axios.com/2023/12/20/ai-bias-diagnosis>

⁴ <https://www.cnn.com/2024/11/12/tech/ai-deepfake-porn-advice-terms-of-service-wellness>

⁵ <https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-21-Accelerating-Federal-Use-of-AI-through-Innovation-Governance-and-Public-Trust.pdf>

⁶ <https://www.naag.org/press-releases/54-attorneys-general-call-on-congress-to-study-ai-and-its-harmful-effects-on-children/>

⁷ <https://www.alabamaag.gov/attorney-general-marshall-urges-congress-to-ban-china-based-ai-platform-deepseek-on-government-devices/>

California,⁸ New Jersey,⁹ Oregon,¹⁰ Massachusetts,¹¹ Texas,¹² and Pennsylvania¹³ among others.

Section 43201(c) is not the only provision in this package that is of concern to our organizations, and there are some provisions on which we will undoubtedly disagree with each other. However, when it comes to this provision, we are united. You must reject this sweeping proposal. Americans deserve both meaningful federal protections and the ability of their states to lead in advancing safety, fairness, and accountability when AI systems cause harm.

Sincerely,

Demand Progress

32 Branding Co.

350.org

AASA, The School Superintendents Association

Access Now

Actors' Equity Association

AFM Local 7

AFT

AI Procurement Lab

Alphabet Workers Union - CWA Local 9009

Amazon Employees for Climate Justice

American Composers Forum

American Economic Liberties Project

American Federation of Musicians

American Sustainable Business Council

Americans for Financial Reform

Americans for Responsible Innovation (ARI)

Artrain

⁸<https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-legal-advisories-application-california-law-ai>

⁹<https://www.njoag.gov/attorney-general-platkin-and-division-on-civil-rights-announce-new-guidance-on-algorithmic-discrimination-creation-of-civil-rights-innovation-lab/>

¹⁰<https://www.doj.state.or.us/media-home/news-media-releases/ag-rosenblum-issues-guidance-on-ai-for-oregon-businesses/>

¹¹<https://www.mass.gov/news/ag-campbell-issues-advisory-providing-guidance-on-how-state-consumer-protection-and-other-laws-apply-to-artificial-intelligence>

¹²<https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-launches-investigations-characterai-reddit-instagram-discord-and-other>

¹³<https://www.attorneygeneral.gov/taking-action/ag-henry-leads-26-states-in-urging-federal-authorities-to-strict-usage-of-artificial-intelligence-in-marketing-phone-calls/>

ArtsKC - Regional Arts Council

Asian Americans Advancing Justice | AAJC

Association of Educational Service Agencies

Autistic Self Advocacy Network (ASAN)

Brennan Center for Justice

California Initiative for Technology and Democracy (CITED)

California Nurses Association/National Nurses United

California School Employees Association

Center for Democracy & Technology

Center for Economic and Policy Research

Center for Inclusive Change

Center for Responsible Lending

Center on Policy Initiatives

Children Now

Children's Advocacy Institute, University of San Diego School of Law

Clearinghouse on Women's Issues

Climate and Community Institute

Colorado Center on Law and Policy

Common Sense Media

Community Change Action

Connecticut Voices for Children

Consumer Action

Consumer Federation of America

Costume Designers Guild

Courage California

Cultural Advocacy Network of Michigan

Dance/USA

Data & Society

Disability Rights Education and Defense Fund (DREDF)

Distributed AI Research Institute

Economic Policy Institute

Economic Security Project Action

Electronic Privacy Information Center
(EPIC)

Encode AI

Fair Vote UK

Feminist Majority Foundation

Fight for the Future

FPWA

Free Press Action

Friends of the Earth US

Future of Music Coalition

Green Web Foundation

Greenpeace USA

Groundwork Collaborative

HTTP

Innocence Project

Institute for Local Self-Reliance

Institute for Strategic Dialogue

Interfaith Center on Corporate
Responsibility

International Federation of Professional
and Technical Engineers (IFPTE)

Investor Alliance for Human Rights

Kapor Center

LatinoProsperity

Lawyers for Good Government

Legal Momentum, The Women's Legal
Defense and Education Fund

Local Progress

Long Beach Alliance for Clean Energy

Los Angeles Alliance for a New Economy
(LAANE)

Maurice and Jane Sugar Law Center for
Economic & Social Justice

Mozilla

National Action Network

National Association of Consumer
Advocates

National Consumer Law Center, on behalf
of its low-income clients

National Domestic Workers Alliance

National Employment Law Project

National Employment Lawyers Association

National Fair Housing Alliance

National Guild for Community Arts
Education

National Health Law Program

National Immigration Law Center

National Institute for Workers' Rights

National Music Council of the United States

National Nurses United

National Organization for Women

National Organization for Women (CA
NOW)

National Partnership for Women & Families

National Union of Healthcare Workers

National Women's Law Center

NCNW

New Jersey Policy Perspective

North Alabama Area Labor Council

Oregon Consumer Justice

Outten & Golden LLP

P Street

People Power United

PowerSwitch Action

Privacy Rights Clearinghouse

Public Citizen

Public Knowledge

S.T.O.P. - The Surveillance Technology
Oversight Project

SEIU California

Service Employees International Union
(SEIU)

Silicon Valley Rising Action

Stand.earth

Take on Wall Street

Teamsters Local 70

Tech Justice Law Project

TechEquity

The Bell Policy Center

The Center on Privacy & Technology at Georgetown Law

The Freedom BLOC

The Greenlining Institute

The Leadership Conference on Civil and Human Rights

The Southern Poverty Law Center

The Value Alliance

The Workers Lab

Towards Justice

Transparency Coalition

U.S. Public Interest Research Group (PIRG)

UFCW Western States Council

Ujima, The National Center on Violence Against Women in the Black Community

UltraViolet

UnidosUS

United Church of Christ Media Justice Ministry

United Musicians and Allied Workers (UMAW)

University of California, Santa Cruz - Center for Labor and Community

University of Essex

Warehouse Worker Resource Center

William E. Morris Institute for Justice

Working Partnerships USA

Workplace Justice Project

X-Lab

Young People's Alliance