

November 19, 2025

Senate Majority Leader John Thune
Senate Democratic Leader Charles Schumer
Speaker Mike Johnson
House Democratic Leader Hakeem Jefferies
Chairman Mike Rogers, House Armed Services Committee
Ranking Member Adam Smith, House Armed Services Committee
Chairman Roger Wicker, Senate Armed Services Committee
Ranking Member Jack Reed, Senate Armed Services Committee
Washington, D.C.

Re: Opposition to Federal Preemption of State AI Laws within the NDAA

Dear Leaders, Mr. Speaker, Chairmen, and Ranking Members,

We, the undersigned organizations committed to protecting civil rights, promoting consumer protections, and fostering responsible innovation, write to express our strong opposition to adding a provision to the NDAA that would preempt state and local laws governing artificial intelligence (AI).

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 is yet another egregious attempt at sneakily incorporating AI preemption in a legislative vehicle when the American people have rejected preemption as a concept, most famously during a historic 99-1 AI Moratorium defeat.¹ Americans have routinely supported measures to hold AI companies accountable for the harms they are responsible for. Polling shows 80 percent of Americans want to maintain rules for AI and data security.²

However if passed, preemption 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 or using that bad tech would be unaccountable to lawmakers and the public. In many cases, it would make it

¹ <https://www.pbs.org/newshour/politics/senate-pulls-ai-regulatory-ban-from-gop-bill-after-complaints-from-states>

² <https://news.gallup.com/poll/694685/americans-prioritize-safety-data-security.aspx>

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 minors³ and even encouraging minors to commit harm to themselves and others⁴; AI programs making healthcare decisions that have led to adverse and biased outcomes;⁵ and AI enabling thousands of women and girls to be victimized by nonconsensual deepfakes.⁶

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 memo⁷ aiming to protect the public from harms in federal agencies use of AI 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 Congress⁸ 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

³ <https://www.pcmag.com/news/meta-ai-capable-of-having-sexual-conversations-with-minors>

⁴ <https://www.npr.org/2024/12/10/nx-s1-522574/kids-character-ai-lawsuit>

⁵ <https://www.axios.com/2023/12/20/ai-bias-diagnosis>

⁶ <https://www.cnn.com/2024/11/12/tech/ai-deepfake-porn-advice-terms-of-service-wellness>

⁷ <https://www.whitehouse.gov/wp-content/uploads/2025/02/M-25-21-Accelerating-Federal-Use-of-AI-through-Innovation-Governance-and-Public-Trust.pdf>

⁸ <https://www.naag.org/press-releases/54-attorneys-general-call-on-congress-to-study-ai-and-its-harmful-effects-on-children/>

barred by this preemption language. This includes state attorneys general from Alabama,⁹ California,¹⁰ New Jersey,¹¹ Oregon,¹² Massachusetts,¹³ Texas,¹⁴ and Pennsylvania¹⁵ among others.

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,

32 Branding Co
350 Triangle
350.org
AASA, The School Superintendents Association
Access Now
Actors' Equity Association
AFM Local 7
AFT
AI Now Institute
AI Procurement Lab
Alexander Neville Foundation
Alliance for Affordable Energy
Alliance for quality education
Alliance for Retired Americans
Alliance to Counter Crime Online
Alphabet Worker's Union
Amazon Employees for Climate Justice
American Composers Forum
American Economic Liberties Project
American Federation of Musicians
American Sustainable Business Council
Americans for Financial Reform
Artrain

⁹<https://www.alabamaag.gov/attorney-general-marshall-urges-congress-to-ban-china-based-ai-platform-deepseek-on-government-devices/>

¹⁰<https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-legal-advisories-application-california-law-ai>

¹¹<https://www.njoag.gov/attorney-general-platkin-and-division-on-civil-rights-announce-new-guidance-on-algorithmic-discrimination-creation-of-civil-rights-innovation-lab/>

¹²<https://www.doj.state.or.us/media-home/news-media-releases/ag-rosenblum-issues-guidance-on-ai-for-oregon-businesses/>

¹³<https://www.mass.gov/news/ag-campbell-issues-advisory-providing-guidance-on-how-state-consumer-protection-and-other-laws-apply-to-artificial-intelligence>

¹⁴<https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-launches-investigations-characterai-reddit-instagram-discord-and-other>

¹⁵<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)
AWK Survivor Advocate Attorneys PLLC
Bard High School Early College Queens
Beyond Nuclear
Brennan Center for Justice
Buckets Over Bullying/The Bronstein Family Foundation
California Common Cause
California Initiative for Technology and Democracy (CITED)
California Nurses Association/National Nurses United
California School Employees Association
California Survivor Coalition
Center for AI and Digital Policy (CAIDP)
Center for Countering Digital Hate
Center for Democracy & Technology
Center for Digital Democracy
Center for Economic and Policy Research
Center for Inclusive Change
Center for Justice & Democracy
Center for Progressive Reform
Center for Responsible Lending
Center for Responsible Technology
Center on Policy Initiatives
Chesapeake Physicians for Social Responsibility
Children Now
Children's Advocacy Institute, University of San Diego School of Law
Citizens Awareness Network
Clearinghouse on Women's Issues
Climate and Community Institute
Climate Families NY
Colorado Center on Law and Policy
Common Cause
Common Sense Media
Communications Workers of America Union (CWA)
Community Change Action
Community Land and Power
Connecticut Voices for Children
Consumer Action
Consumer Federation of America
Cornell University
Costume Designers Guild
Courage California

Court Accountability Action
Cultural Advocacy Network of Michigan
Dance/USA
Data & Society
David's Legacy Foundation
Demand Progress
Denver Against Machines
Design It For Us
Dionisio Sherwood Law Firm
Disability Rights Education and Defense Fund (DREDF)
Distributed AI Research Institute
Economic Policy Institute
Economic Security Project Action
Electronic Privacy Information Center (EPIC)
Emmy's Champions
Encode AI
Fair Vote UK
Fairplay
Feminist Majority Foundation
Fight for the Future
Food & Water Watch
FPWA
Free Press Action
Friends of the Earth
Future of Music Coalition
Georgia WAND Education Fund Inc.
Green Party of Cuyahoga County
Green Party of Ohio
Green Web Foundation
Greenpeace USA
Groundwork Collaborative
Health-e-Habits
HTTP
Illinois Families for Public Schools
Innocence Project
Institute for Local Self-Reliance
Institute for Strategic Dialogue
Institute on Race, Power and Political Economy
Interfaith Center on Corporate Responsibility
International Federation of Professional and Technical Engineers (IFPTE)
Investor Alliance for Human Rights
Issue One
Kairos Action
Kapor Center

Kapor Center Advocacy
LatinoProsperity
Laughing Gull Foundation
Lawyers' Committee for Civil Rights Under Law
Lawyers for Good Government
League of Conservation Voters
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)
Lynn's Warriors
Make GVL Greener
Maurice and Jane Sugar Law Center for Economic & Social Justice
Memphis Community Against Pollution
Mentari
Montana Environmental Information Center
Mothers Against Media Addiction (MAMA)
Mozilla
My Name My Voice
National Action Network
National Association of Consumer Advocates
National Consumer Law Center, on behalf of its low-income clients
National Consumers League
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 Hispanic Media Coalition
National Immigration Law Center
National Institute for Workers' Rights
National Music Council of the United States
National Nurses United
National Organization for Women
National Partnership for Women & Families
National Union of Healthcare Workers
National Women's Law Center
NBJC
NC Environmental Justice Network
NCAC
NCNW
Network for Public Education
neuland - Büro für Informatik GmbH

New Jersey Policy Perspective
New York City Public Schools
No Landover Data Center
North Alabama Area Labor Council
NTEN
Nuclear Energy Information Service (NEIS)
Nuclear Information and Resource Service
Nuclear Watch South
Ohio Nuclear Free Network
Open Markets Institute
OPERA America
Oregon Consumer Justice
Oregon PeaceWorks
Outten & Golden LLP
P Street
Parent Coalition for Student Privacy
Parents RISE!
Parents Supporting Parents NY
Parents Who Fight
ParentsSOS
ParentsTogether Action
Partnership for the Future of Learning
People Power United
People's Tech Project
Policing Project at NYU School of Law
Popular Democracy in Action
PowerSwitch Action
Privacy Rights Clearinghouse
Project STAND
PSR Colorado (Physicians for Social Responsibility)
Public Citizen
Public Knowledge
Radical Futurist Lab
Reconnect Malden
Reconnect Webinars
Rights4Girls
Rocky Mountain Peace and Justice Center
Roots to Resilience
S.T.O.P. - The Surveillance Technology Oversight Project
SAG-AFTRA
SAVE-Suicide Awareness Voices of Education
Screen Guardians/Kids Digital Health Hub
SEIU California
Service Employees International Union (SEIU)

Seventh Planet, Inc.
Shield North Carolina
Silicon Valley Rising Action
Smartphone Free Childhood US
Snake River Alliance
socialmediaharms.org
Speaking of Social
Stand.earth
Stop the Data Center Pine Island MN
Survivor Leader Network of San Diego
Take on Wall Street
Teamsters Local 70
Tech Justice Law Project
Tech Oversight California
Tech Safe Solutions LLC
TechEquity
TechTonic Justice
Texas Appleseed
The Alliance for Secure AI
The Bell Policy Center
The Carson J Bride Effect
The Center on Privacy & Technology at Georgetown Law
The Freedom BLOC
The Greenlining Institute
The Leadership Conference on Civil and Human Rights
The Movement of Rank and File Educators (MORE)
The Screentime Consultant
The Southern Poverty Law Center
The Tech Oversight Project
The Value Alliance
The Workers Lab
Towards Justice
Transparency Coalition
Turning Life On
U.S. Public Interest Research Group (PIRG)
UFCW Western States Council
UFT
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

Voice for Justice Law PLLC
Warehouse Worker Resource Center
West End Revitalization Association
William E. Morris Institute for Justice
Wisconsin Alliance for Excellent Schools
Wisconsin Public Education Network
Working Partnerships USA
Workplace Justice Project
X-Lab
Yellowstone Human Trafficking Task Force
Young People's Alliance
Zoe Ministries of Delaware