

Congress of the United States

Washington, DC 20515

November 26, 2025

The Honorable Mike Johnson
Speaker
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

The Honorable John Thune
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

Dear Speaker Johnson, Minority Leader Jeffries, Majority Leader Thune, and Minority Leader Schumer:

We write to express our strong opposition to any effort in the National Defense Authorization Act (NDAA) that would reintroduce a sweeping moratorium on the ability of states and local governments to enforce their own artificial intelligence (AI) laws and regulations. Similarly, we strongly oppose related proposals under consideration for a presidential executive order that would attempt to preempt duly enacted state AI laws and coerce states, by threatening federal funding, into abandoning enforcement.

Earlier this year, the Senate rejected this same AI moratorium concept on an overwhelming bipartisan 99-1 vote for H.R.1, the reconciliation bill. That vote sent a clear, bipartisan message: Congress should not freeze state and local AI safeguards, least of all when there are no meaningful federal protections in place. Trying to revive the same flawed policy in the NDAA, or through executive action, is an attempt to quietly jam through an idea that has already been rejected, as well as sidestepping public debate and bypassing the regular committee process.

Proponents of the ban on state AI laws claim it is necessary to protect innovation, but that gets the tradeoff exactly backwards. We strongly support innovation, and it is simply wrong to accept the premise that identifying and addressing AI-specific risks, and setting common-sense guardrails, is incompatible with U.S. leadership in AI. Clear, trusted rules unlock innovation by giving people confidence and certainty, while promoting a fair, open, and competitive playing field.

Our federal system is designed to let states serve as “laboratories of democracy,” as states are closest to the communities already experiencing AI harms—from deepfakes and targeted scams to automated systems that entrench bias, and emerging risks to kids’ online safety. If states are blocked from enforcing their own AI laws without any meaningful federal alternative in place, those harms will deepen, public trust will erode, and U.S. competitiveness will suffer.

States, led by both Democrats and Republicans, are working to find that balance.¹ Last year, Utah enacted its Utah Artificial Intelligence Policy Act to mandate certain disclosure requirements for entities using generative AI tools, and further updated the law this year to address mental health chatbots, showing how states can

¹ See, e.g., TN H.B. 2091 Ensuring Likeness Voice and Image Security (ELVIS) Act.

<https://wapp.capitol.tn.gov/apps/BillInfo/default.aspx?BillNumber=HB2091&GA=113>; Utah H.B. 452. Artificial intelligence amendments. <https://le.utah.gov/~2025/bills/static/HB0452.html>; NY Local Law 144: <https://www.lawandtheworkplace.com/wp-content/uploads/sites/29/2023/03/Local-Law-144.pdf>;

quickly adapt as new risks emerge.² And in October, California enacted a first-of-its-kind law, the Transparency in Frontier Artificial Intelligence Act (SB-53), establishing basic transparency and safety requirements for the largest AI companies. This law is a common-sense framework: it helps protect the public without slowing innovation or overburdening smaller developers, while recognizing the potential to align with future federal frameworks should the federal government adopt national AI standards.³ Notably, leading AI companies agree this is the right direction. Anthropic endorsed SB-53. OpenAI stated the company was “pleased to see that California has created a critical path toward harmonization with the federal government.” And Meta said it “supports balanced AI regulation,” calling the law “a positive step in that direction.”⁴

By contrast, the federal government has yet to enact, or even seriously discuss, a single comprehensive AI safety or accountability law that would provide meaningful protections for consumers, workers, or our democracy. At the same time, we are hearing growing reports of tragic suicides encouraged by AI chatbots—like that of 16-year-old Adam Raine—and AI-induced psychosis.⁵ Against this backdrop, it would be especially irresponsible to tell states they cannot act when there are no meaningful federal protections in place. Many states have been stepping in where the federal government has not, trying to address the documented harms that AI is causing right now in the real world.

In addition to the renewed push for an AI moratorium in the NDAA, we are deeply concerned by reports that President Trump is preparing an executive order that would directly undermine state authority over AI. Specifically, we understand that such an order could:

1. Create an AI Litigation Task Force at the Department of Justice and direct it to challenge state AI laws as unconstitutional or preempted, including by invoking the Commerce Clause and interstate commerce as a pretext; and
2. Direct federal agencies to identify so-called “onerous” state AI laws and withhold or restrict non-deployment Broadband Equity, Access, and Deployment (BEAD) funds and other discretionary federal funds unless states walk away from these critical AI protections, while urging regulators such as the Federal Communications Commission and Federal Trade Commission to treat certain state safeguards as preempted.

If accurate, this would be a troubling attempt to weaponize preemption doctrine and federal funding streams to override the policy decisions of state legislatures and local governments. Such an order would represent an unprecedented, sweeping effort to strip states of their ability to regulate and protect their residents from serious AI harms. This would set a dangerous precedent. Congress should reject any attempt to codify this approach in the NDAA or other legislation and be prepared to exercise robust oversight of any such executive action.

We are equally concerned by any effort to condition critical federal programs on a state AI law moratorium. Earlier proposals to tie BEAD funds to state AI preemption were deeply misguided. Conditioning vital federal funding, authorized and appropriated by Congress, on unrelated state concessions about AI regulation would punish communities for insisting on reasonable safeguards, delay essential projects, and inject unnecessary uncertainty into programs that are supposed to be focused on closing the digital divide.

² See Utah H.B. 452. Artificial intelligence amendments. <https://le.utah.gov/~2025/bills/static/HB0452.html>.

³ Governor Gavin Newsom, Signing Message for SB 53 (Sept. 29, 2025), <https://www.gov.ca.gov/wp-content/uploads/2025/09/SB-53-Signing-Message.pdf>.

⁴ Politico, Gavin Newsom signs first-in-nation AI safety law (Sept. 29, 2025), <https://www.politico.com/news/2025/09/29/newsom-signs-ai-law-00585348>.

⁵ Psychiatrist.com, Investigations Warn of Psychosis-Like Behavior in Chatbots (Sept. 22, 2025), <https://www.psychiatrist.com/news/investigations-warn-of-psychosis-like-behavior-in-chatbots/>.

This proposal is not only dangerous, but it is also unpopular. The American people reject it, state leaders reject it, and experts reject it.

A recent Gallup survey found that 80% of U.S. adults believe the government should maintain rules for AI safety and data security—including 88% of Democrats and 79% of Republicans and independents.⁶ In other words, there is overwhelming, bipartisan support for common-sense AI safeguards.

Opposition to an AI moratorium is also broad and bipartisan. The earlier version was publicly opposed by a wide coalition, including 40 state attorneys general, 260 state lawmakers, faith leaders, more than 130 advocacy groups, 17 Republican governors, and many child safety experts.⁷⁸ Already, both Republican and Democratic governors, lawmakers, and stakeholders have spoken out against this new push for a federal AI moratorium.⁹

As you consider the NDAA, we urge you to oppose any effort to reinsert an AI moratorium barring state and local governments from enforcing their laws.

The American people want AI to be used in ways that are safe, fair, and accountable. They want innovation they can trust, not a rush to strip away all safeguards. We stand ready to work with you on robust federal legislation that meets this moment. But we cannot support efforts to silence states, undermine existing protections, or use must-pass bills like the NDAA to jam through a policy that has already been soundly rejected.

Thank you for your attention to this important matter.

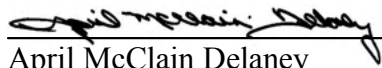
Sincerely,



Doris Matsui
Member of Congress



Ted W. Lieu
Member of Congress



April McClain Delaney
Member of Congress



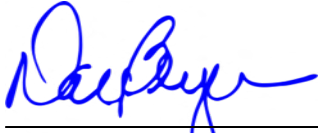
Luz M. Rivas
Member of Congress

⁶ Gallup, Americans Prioritize AI Safety and Data Security (Sept. 16, 2025), <https://news.gallup.com/poll/694685/americans-prioritize-safety-data-security.aspx>.

⁷ Public Citizen, Senate Votes 99-1 To Remove AI Moratorium From Budget in Major Blow to Big Tech and Sen. Cruz (July 1, 2025), <https://www.citizen.org/news/senate-votes-99-1-to-remove-ai-moratorium-from-budget-in-major-blow-to-big-tech-and-sen-cruz/>.

⁸ Politico, GOP governors urge Thune to nix AI moratorium (June 27, 2025), <https://www.politico.com/live-updates/2025/06/27/congress/gop-govs-urge-thune-to-nix-ai-moratorium-00430083>.

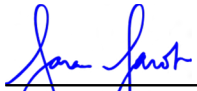
⁹ Politico, Where health care talks stand (Nov. 20, 2025), <https://www.politico.com/newsletters/inside-congress/2025/11/20/where-health-care-talks-stand-00661366>; Business Insider, MAGA is once again divided over AI (Nov. 20, 2025), <https://www.businessinsider.com/maga-divided-trump-ai-state-rights-regulate-2025-11>.



Donald S. Beyer Jr.
Member of Congress



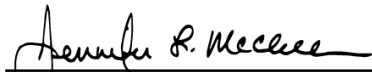
Yvette D. Clarke
Member of Congress



Sara Jacobs
Member of Congress



Delia C. Ramirez
Member of Congress



Jennifer L. McClellan
Member of Congress



Ro Khanna
Member of Congress



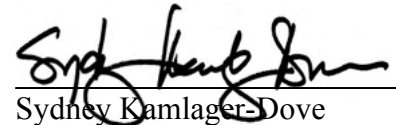
Kevin Mullin
Member of Congress



Shontel M. Brown
Member of Congress



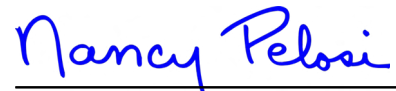
Kim Schrier, M.D.
Member of Congress



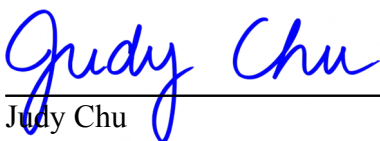
Sydney Kamlager-Dove
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Brendan F. Boyle
Member of Congress



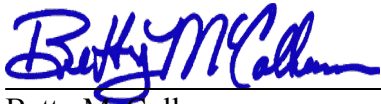
Nancy Pelosi
Member of Congress



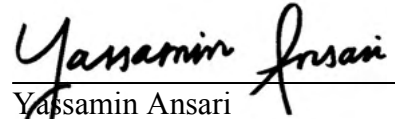
Judy Chu
Member of Congress



Rashida Tlaib
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Betty McCollum
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Yassamin Ansari
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Ayanna Pressley
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James P. McGovern
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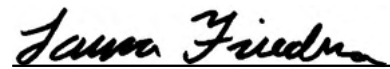
Pramila Jayapal
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Lori Trahan
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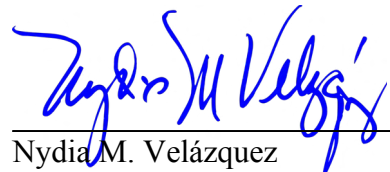
Donald Norcross
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Laura Friedman
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Bill Foster
Member of Congress



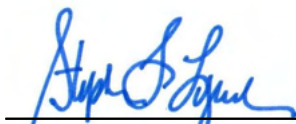
Nydia M. Velázquez
Member of Congress



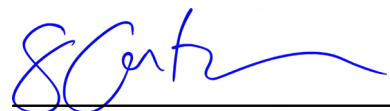
Diana DeGette
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Greg Landsman
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Stephen F. Lynch
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Sean Casten
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Valerie P. Foushee
Member of Congress



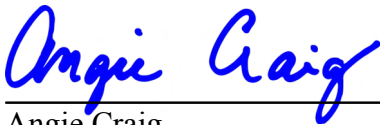
Paul D. Tonko
Member of Congress



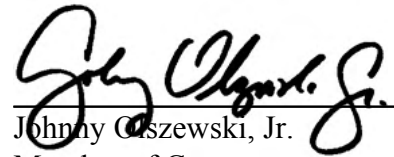
Dan Goldman
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Dina Titus
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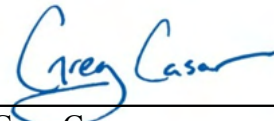
Angie Craig
Member of Congress



Johnny Ciszewski, Jr.
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Lizzie Fletcher
Member of Congress



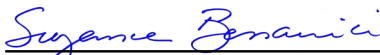
Greg Casar
Member of Congress



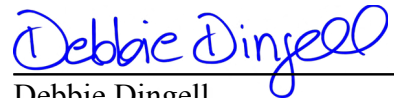
Madeleine Dean
Member of Congress



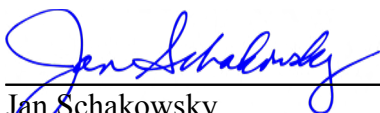
Deborah K. Ross
Member of Congress



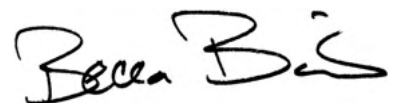
Suzanne Bonamici
Member of Congress



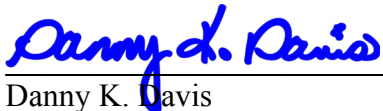
Debbie Dingell
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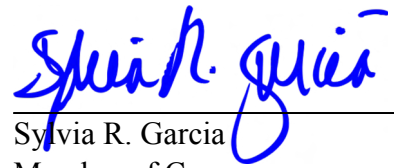
Jan Schakowsky
Member of Congress



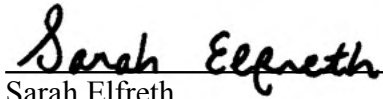
Becca Balint
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Danny K. Davis
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Sylvia R. Garcia
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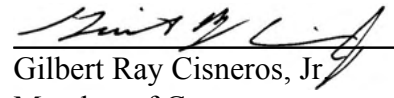
Sarah Elfreth
Member of Congress



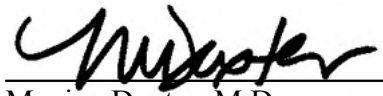
Dave Min
Member of Congress



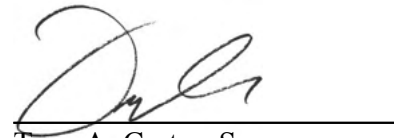
Raul Ruiz, M.D.
Member of Congress



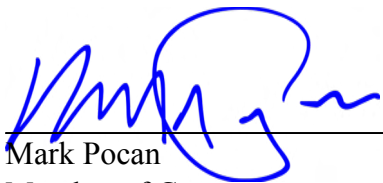
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Mark Pocan
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Herbert C. Conaway, Jr.
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Darren Soto
Member of Congress



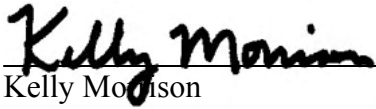
George Latimer
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Val Hoyle
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Gabe Amo
Member of Congress



Kelly Morrison
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Jesús G. "Chuy" García
Member of Congress



Ami Bera, M.D.
Member of Congress



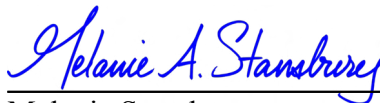
Robert J. Menendez
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Dwight Evans
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Emilia Strong Sykes
Member of Congress



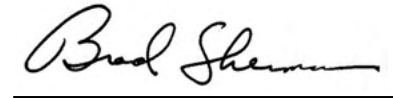
Melanie Stansbury
Member of Congress



Eleanor Holmes Norton
Member of Congress



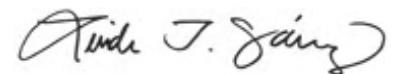
Alexandria Ocasio-Cortez
Member of Congress



Brad Sherman
Member of Congress



Chris Deluzio
Member of Congress



Linda T. Sánchez
Member of Congress



Robin L. Kelly
Member of Congress



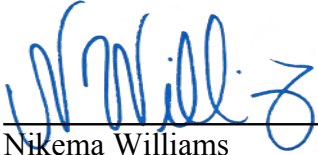
Seth Magaziner
Member of Congress



Mike Thompson
Member of Congress



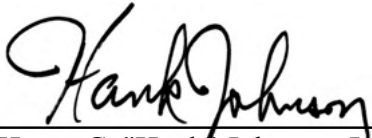
John Garamendi
Member of Congress



Nikema Williams
Member of Congress



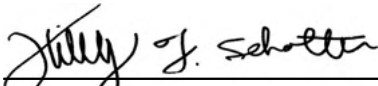
Shri Thanedar
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Grace Meng
Member of Congress



Hillary J. Scholten
Member of Congress