Senator Alex Padilla
331 Hart Senate Office Building
Washington, DC 20515

Senator Adam Schiff
112 Hart Senate Office Building Office Building
Washington, DC 20510

Monday, November 24, 2025

Re: Opposition to Federal Preemption of State AI Laws

We write as California State organizations who have been working for years to ensure California is a leader in protecting its residents. We have been deeply alarmed this week to see an industry effort to force AI preemption language into the National Defense Authorization Act (NDAA) and a leaked Executive Order that would place a blanket moratorium on state legislation. Over the summer we were successful in overwhelmingly defeating the 10-year AI state law moratorium in the budget reconciliation bill; we stand opposed again here today.

We were joined by an unprecedented coalition: 45 state attorneys general, a bipartisan group of 260 state legislators, 4 in 5 Americans (including 60,000+ petition signatures), 17 Republican governors, hundreds of civil society organizations, and members of Congress across the political spectrum. In a 99-1 vote, the Senate sided with that coalition and rejected a federal moratorium on state AI law enforcement.

California has for years carefully balanced meaningful protections for its residents with the innovation that has made us the fourth-largest economy in the world. We led the nation on data privacy protections, kids online safety, workers' rights, and now on AI. The largest AI companies in the world are based right here and have flourished under our state's governance. Stripping states like California of their right to institute common sense AI guardrails will only hurt our residents at a time when careful protections are sorely needed.

California has enacted several AI laws, requiring transparency from AI developers about critical risks in frontier models, protecting musicians and performers from AI replicating their voice or their likeness, requiring companies to do more to protect minors from harmful companion chatbots, ensuring AI cannot pretend to be a doctor a licensed healthcare provider, and tackling how AI is used to drive up prices for necessities like groceries and housing. These laws address real risks, yet preemption could eliminate them all before they even take effect

Proponents of preemption may wield these narrow pieces of legislation as chips in a "trade" to convince members of our Congressional delegation to support preemption. We want to be very clear: while these pieces of legislation are important, they are narrow, transparency focused first steps in addressing what is the fastest moving technology in human history. Passing narrow bills like SB 53 or SB 243 or AB 853 in Congress does not abdicate its responsibility on this issue or make robbing our state of its ability to protect us acceptable.

Those pushing broad federal preemption know that they cannot win if they go through the regular legislative process, and recent polling shows this. 70% of Californians say we need strong laws to make AI fair and 9% more trust California to act over the federal government.[1] The backlash this summer was so fierce that now they are resorting to sneaking their priorities into must-pass legislation like the NDAA.

[1] https://techequity.us/2025/08/19/how-californians-feel-about-ai/

This is a dangerous effort to circumvent the rights of states and advance a narrow special interest objective over the overwhelming bipartisan coalition that defeated the moratorium this summer. Preempting state laws to protect corporations over people would validate the 59% of Californians who already fear that AI will only benefit the wealthiest households and corporations[2] and the 58% of Americans who feel that the government will not go far enough in regulating AI.[3]

The alarming risks and harms that have come to light in just the few months since the AI moratorium was resoundingly defeated remind us why all levels of government must retain their ability to respond to the risks of this technology. AI has encouraged young children in California to commit suicide,[4] threatened the rights of workers, strained the energy grid and our water supply, and driven a dramatic rise in AI-generated child sexual abuse material in our schools and communities.

States will always be the most responsive and flexible governing bodies, an essential attribute for a technology that is evolving as quickly as AI. California, as home to the nation's leading AI companies, has a particularly vital role in sharpening smart AI policy that protects the public while fostering the technology leadership that is essential to our nation's future. Blanket federal preemption fails to recognize the vital role of states like California and would shut down the democratic exchange that fuels sound policy development.

Building AI with safety by design is essential to earning the public trust that is key to broad adoption and continued innovation. Smart regulations steer AI development in ways that benefit the public interest, national security, and global competitiveness. However, circumventing regular order to insert state AI preemption language at the last minute into must-pass national security legislation, and failing to recognize the role that states must continue to play in the development of this immensely powerful and consequential technology, is as objectionable now as it was when we successfully opposed this effort earlier this year.

AI safety and common-sense AI legislation is supported by leaders on both sides of the political spectrum, and by millions of Americans: 55% of Americans oppose the proposed AI moratorium in June. Americans of all age categories oppose taking away states' ability to regulate AI, with younger voters the most opposed.[5]

We urge you to be the voice of Californians who are demanding real regulation by publicly opposing this attempt to force AI preemption into the NDAA and unilaterally remove our state's authority through Executive Order.

Thank you,

American Federation of Musicians Local 7

California Federation of Labor Unions

California Initiative for Technology & Democracy

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[2] https://techequity.us/2025/08/19/how-californians-feel-about-ai/
[3] https://www.pewresearch.org/internet/2025/04/03/how-the-us-public-and-ai-experts-view-artificial-intelligence/
[4] https://www.bbc.com/news/articles/cgerwp7rdlvo
[5] https://ifstudies.org/blog/americans-oppose-the-ai-regulation-moratorium-by-a-3-to-1-margin?ref=compactmag.com

California School Employees Association

Center for AI and Digital Policy - CA Chapter

Center on Policy Initiatives

CFT - A Union of Educators and Classified Professionals

Common Sense Media

Concept Art Association

Cunningham Concept Design

Disability Rights Education and Defense Fund (DREDF)

Fair Housing Advocates of Northern California

IATSE LOCAL 80

IATSE Local 800 Art Directors Guild AI and Technology Committee

Kapor Center Advocacy

LAANE

Media Alliance

Music Artists Coalition

National Action Network, Western Region

Oakland Privacy

PowerSwitch Action

Scrolling 2 Death

SEIU California

SMART - Transportation Division

Tech Oversight California

TechEquity

The Greenlining Institute

Transparency Coalition

UFCW Western States Council

Warehouse Worker Resource Center

Western Center on Law and Poverty

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