

June 30, 2025

Dear Senator,

**The ACLU strongly urges you to vote “YES” on the Cantwell-Markey Amendment, No. 2763.** The Amendment would strike the “AI moratorium” from the reconciliation package, thereby permitting states to continue addressing the emerging harms around artificial intelligence. **This vote will be scored, in addition to our scored vote on the entire reconciliation package** (vote “NO” on the reconciliation bill as a whole).

The AI moratorium seeks to prohibit states from regulating artificial intelligence, “artificial intelligence models,” “artificial intelligence systems,” and “automated decision systems.” The moratorium will undermine existing state protections against AI uses that lead to discriminatory outcomes in housing, credit, education, employment, and more. It will also prevent states from addressing the emerging challenges around data centers, generative AI, deepfakes, and chatbots.

States’ continuing efforts to refine their approaches will serve as an important foundation for eventual federal legislation. For that reason, the moratorium has been opposed by bipartisan groups of governors, [state attorneys general](#), and [state legislators](#).

In fact, the [Republican governors of 17 states](#) wrote to the Senate about the damage that the moratorium would cause to their ability to protect people in their states. The letter was signed by the governors of Alabama, Alaska, Arkansas, Georgia, Idaho, Iowa, Louisiana, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Carolina, South Dakota, Tennessee, Utah, and Wyoming. The Governors wrote, “[W]e cannot support a provision that takes away states’ powers to protect our citizens. **Let states function as the laboratories of democracy they were intended to be and allow state leaders to protect our people.**”

Perhaps most concerning, the version included in the reconciliation package conditions state funding for broadband under the BEAD Program on accepting the AI moratorium. This places states in an untenable position: regulate AI or expand broadband to under- and unserved communities.

The moratorium would open the door to untold AI harms, and **the ACLU urges you to support its removal and vote “YES” on Amendment No. 2763.**

Best,

Cody Venzke

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