

U.S. Senator Maria Cantwell
Virtual Press Conference on an AI Law Moratorium

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Full Event Transcript

[\[VIDEO\]](#)

Sen. Cantwell Opening Remarks

Sen. Cantwell: We're here today -- and I'm so proud to be here with my colleague, Senator Marsha Blackburn, who we worked together on a lot of privacy and AI and quantum and a whole bunch of issues. And I so appreciate working with her, our Attorney General from Washington and the Attorney General from Tennessee.

Thank you so much, Attorney General Skrametti for being with us as well, and they'll get a larger introduction in a minute. But we're here because members of the House and Senate are trying to write a reconciliation bill and determine that you could stop what are reasonable theft and fraud laws on the books in our states now, specifically by imposing a 10-year moratorium on the enforcement of state laws that protect their citizens from AI harm and [on] responsible development of AI systems.

As I mentioned, I'm joined by three people who know a lot about this and are working to try to get this language removed from the bills. I'm concerned because in Congress, those who wish to stop us from having these important laws on the books are using the reconciliation process, which isn't really meant to carry public policy. They're trying to prohibit policy that is already on the books. This either in the form of prohibiting states from enacting or enforcing AI laws or regulations or a regulation of language that says temporarily pause those laws that are now on the books related to AI, neither one of those are acceptable to me. We should be fighting to protect consumers, not enabling AI theft or fraud to happen.

Last Congress, Senator Blackburn and I and our colleagues from the Commerce Committee worked to pass federal government role in AI, innovation, safety, workforce development, but we weren't able to get them all the way through the Congress, and that is what we should work together on now to pass responsible legislation so the US can lead an AI. But AI can also bring other challenges to it. It can be used to supercharge fraud, rob musicians or artists, delay rights to go to creators of content, deny individuals access to essential goods or services.

The States know this, and last year, 24 states enacted regulating AI in some way, and they have adopted these laws that fill a gap while we are waiting for federal action. Now Congress is threatening these laws, which will leave hundreds of millions of Americans vulnerable to AI harm by abolishing those state law protections. The moratorium would erase hundreds of state laws that protect Americans from harm, and I know that Attorney General Skrametti will talk about one of them, the ELVIS Act that my colleague, Senator Blackburn, and I are not only

trying to protect in this instance, but also trying to get it implemented as a federal law as well, which would stop the AI from impersonating artists.

Believe me, I've run into constituents in my state who were subject of fraud cases where an individual was posing as Kevin Costner and extracted a fee from them, hoping that Kevin Costner and the fee being paid was going to visit them in and around SeaTac, Washington. So sad to hear of the situation.

Attorney [General] Brown will talk about Washington's law to basically stop the deceptive AI election practices. We know in New Hampshire, someone spoofed President Biden's voice urging people or saying they didn't have to vote, and then Washington passed a law basically prohibiting these kinds of things. If this language is in the underlying bill of reconciliation passes, it would force that law on our books in Washington not to be implemented.

There are other state laws that have been passed. Utah requires companies that use AI to interact with consumers in high-risk situations, like when a consumer is asked to give sensitive personal information. The Utah law says you have to basically tell the consumer that they are talking to a chat bot, not a human, because that [] chat bot, not person is getting their personal information.

In 17 states, including California, Indiana, Montana, have passed privacy laws that allow citizens to opt out of profiling done by AI systems that use consumer data to extract sensitive insights about those individuals and the state of Colorado, San Francisco and Philadelphia passed laws - and [Minneapolis] that prohibit the use of AI to set rent. Basically, it's taking information and allowing landlords to collude on a price. And this law would also be interrupted if this underlying [] reconciliation language would stick in the bill. So, as I said, we should be fighting to protect consumers, not enabling AI theft or fraud. We have lots of work to hear do here in Congress to get AI right, and we should be given the chance to do that. I'll now turn to my colleague, Senator Blackburn for her comments.

Sen. Blackburn Opening Remarks

Thank you, Senator Cantwell, and thank you so much for the work that you have done on this issue and for pushing back on the proposed moratorium. As you said, this is not the type thing that we put into reconciliation bills, and we are working to move forward with legislation at the federal level, but we do not need a moratorium that would prohibit our states from stepping up and protecting citizens in their state.

Now, the ELVIS Act is very similar to that very first NO FAKES Act that we had in place trying to pass last Congress. And we were thrilled when Tennessee moved forward with the ELVIS act that would give those protections to our fabulous creative community in Tennessee. Our singers, our songwriters, our musicians, our authors, our publishers. And having a moratorium would prohibit our state from implementing that work.

Now, the ELVIS Act really is groundbreaking work. And it would put power back in the hands of all of these artists and singers and songwriters and musicians and authors, and it would give

them a way to crack down on unlawful use of their name, their image, their likeness and their voice.

And as we know, for the creative community, that is indeed their stock and trade. And you can't just say we're not going to regulate or enforce state laws for a period of 10 years, because think of what would happen to individuals in that period of time.

Someone could create an entire virtual you of them by using their name, their image, their likeness and their voice to train large language models. And indeed, we need a national standard, but until we get it, it is our states that are standing in the in the gap.

So, we're continuing to look at policies that need to pass at the federal level. The COPIED Act that we have, the Kids Online Safety Act, all of these need to be moving forward, but until we do, we're grateful that the states have stepped up.

I want to turn it over to our Tennessee Attorney General, Jonathan Skrmetti. He is doing such an aggressive job for us in Tennessee. He's not a native Tennessean, he grew up in Connecticut, Harvard Law trained, and as he became the attorney general in our state, he's put the emphasis on having a litigation unit, having an investigative unit, and addressing those consumer protections that are so vital. And he's been one of the leaders in our nation in holding big tech accountable.

So, General Skrmetti, the floor is yours.

Tennessee Attorney General Jonathan Skrmetti Opening Remarks

Thank you, Senator, and thank you to everyone. It's great to be part of this bipartisan effort to protect American consumers.

You know, technology moves fast, and unfortunately, the federal government does not. And we are at this incredible inflection point for AI where it is becoming a huge part of all sorts of consumer-facing products.

A lot of them are obvious, some of them are not. And it's moving so fast that we don't know where it's going to end up. But you see state laws that are being passed to try to keep up with this, the ELVIS Act in Tennessee to protect the creative output of our world-class creators who work really hard to do meaningful things to enhance the world, and who don't want those efforts to be taken by AI.

We are also seeing AI come up in a lot of our more traditional consumer protection type work. You know they're in Agri Stats, which is a case where meat and poultry producers were using AI to price fix, and it resulted in higher prices at the grocery store for consumers when they went to buy chicken or turkey or pork products. Or RealPage where you had rents that were artificially pushed up through the use of AI collusion.

Now, some of our traditional laws clearly encompass this behavior, and we would have an argument under the exception in the moratorium, but the AI products are getting so sophisticated and so creative that there is no guarantee that we would be able to keep up using existing tools, and there would be arguments out there for the big tech companies that the moratorium does, in

fact, preclude any enforcement of any consumer protection laws if there's an AI component to the product that we're looking at.

Now, we've seen with social media that there have been abuses that took a long time to be addressed by the governments. The states are moving now. We've seen real harms to children that could have been precluded if we were more agile.

AI is such a more powerful and potentially influential technology than social media, and it is a great thing. We want America to be AI dominant. We want to make sure that our adversaries don't get ahead of us, but we need to make sure that in the process, we're not leaving American consumers behind. And if there's a 10-year moratorium on state enforcement, that effectively means 10 years where we are at the mercy of the judgment of big tech, and we have no guarantees that they will be responsible with the incredible power this would give them. Our nation is built on checks and balances, and we have to be sure that the states are in a position to fulfill their mandate of protecting their citizens. Thank you.

Washington Attorney General Nick Brown Opening Remarks

Thank you very much, Senator Cantwell, and kudos to you and Senator Blackburn for hosting this opportunity. And it's great to be with my colleague, [Attorney] General Skrmetti from Tennessee.

I really just want to echo many of the comments that have already been said. And first and foremost, I think we all recognize the tremendous value that AI can provide to our states and to this country, and being in Washington, we have so many tech industries here that are leading some of the innovative developments in this field.

But we also have to recognize many of the potential harms that come from AI across our states and across this country, and why it's vitally important that states continue to be those laboratories of democracy as we figure out the best way to both regulate and protect people in our states.

And as Senator Cantwell mentioned earlier, this law that's being proposed as part of the reconciliation package would undermine, if not outright prohibit, so many existing laws in our states, including here in Washington, and there are a few that give me real concern that we would not be able to operate moving forward.

First is the one that Senator Cantwell mentioned, that Washington has a law that prohibits deep fakes being used against political candidates by mimicking their appearance and their speech, and provides a right of action when that is being used. And in this particular environment where we see so much misinformation, we want to make sure that states have the opportunity to regulate that.

We also have a law that prohibits sharing fabricated sexual images without consent and provides for penalties for those who possess and distribute such images. That law would be undermined and invalid if this was to pass in Congress.

We also have a law that prohibits the knowing distribution of forged digital likenesses that can be used to harm or defraud people.

All of those laws, in my reading, would be invalid if this was to pass through Congress, and each of those laws are prohibiting and protecting people here in our state.

I think we all recognize that the federal government has the ability to preempt state regulation of AI, but they really shouldn't do that when there's no other protections at the federal level. And to do this ban without any federal regulation really could be potentially harmful to our states.

In Washington, we had a law that was passed in 2024 that created a AI task force in the Attorney General's office, and we've taken that and run for the last year with many, many different stakeholders across different industries to help us study and research the impacts of AI and develop good regulations at a state-based level. And there's a number of subcommittees that are part of that work in our task force here in the office, that are really providing good information for not only our agency, but for the public moving forward. That includes ethical AI governance, that includes protections for labor and workforce -- you know, we see so many potential violations and abuses against people that are working hard in our companies. It includes protections in the healthcare industry, housing industry and so many different areas.

And one of the areas that I was really concerned about, coming in as a new attorney general, is how we can do more to protect the children in our state. And we advanced a piece of legislation this year that would require tech companies and particularly those that are using social media to target and harm our children, that would prohibit them from using algorithms to target and generate harmful content for our children. If we continue to move forward with that law that would be preempted, by this piece of legislation from Congress, and that gives me grave concern.

You know, we have so much opportunity at a state level to move forward and innovate and have new ways to protect our kids and all of our residents, but we want to make sure that we have the ability to do that, and this piece of legislation that's being contemplated in Congress right now would not give us that ability. That's why it's really important that we raise alarm about this issue, and I'm really, again, pleased to see so much bipartisan engagement on this particular matter. Thank you.