

Senators Should Not Fall for Deceptive AI Moratorium ‘Revision’

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WASHINGTON, D.C. — New legislative text from Senators Marsha Blackburn and Ted Cruz amending the controversial AI moratorium provision in the Senate reconciliation package reduces the moratorium’s duration from ten years to five and includes supposed carve outs for laws protecting children, artists, workers, and against identity theft.

Public Citizen’s Big Tech accountability advocate J.B. Branch issued the following statement in response, warning lawmakers that the changes fail to address the underlying harm of preempting state regulation of artificial intelligence.

"This new language fixes nothing — Congress is still attempting to undo state protections. The so-called 'carve outs' for child protection and consumer safety are meaningless when a catch-all clause buried in the text bars enforcement of any state law that places an 'undue' or 'disproportionate' burden on AI systems —effectively undermining every consumer protection law passed at the state level.

“The updated provision is a clever Trojan horse designed to wipe out state protections while pretending to preserve them. No senator should fall for it.

“This is a Big Tech immunity bill of epic proportions. This text would threaten bipartisan state efforts to protect kids from social media manipulation, block distribution of child sexual abuse material, protect election integrity, prevent consumer manipulation, address environmental harms, prevent employment discrimination, stop the spread of intimate deepfakes and more.

“Every senator should be crystal clear: This text is not about facilitating AI development. It is about granting effective immunity to Big Tech corporations.”

State legislatures have taken the lead on AI oversight where Congress has failed and this provision would pull the rug out from under those efforts. The AI moratorium remains a sweeping act of preemption that threatens public safety, privacy, civil rights, and democratic governance. Public Citizen’s preliminary analysis of state laws impacted by this language can be found [here](#).