



The Honorable Ted Cruz

Chairman
Committee on Commerce, Science, and
Transportation
United States Senate
Washington, DC 20510

The Honorable Maria Cantwell

Ranking Member
Committee on Commerce, Science, and
Transportation
United States Senate
Washington, DC 20510

September 15, 2026

Dear Chairman Cruz and Ranking Member Cantwell:

Government censorship harms the values of a free and democratic society. When federal officials try to intimidate private citizens or companies out of exercising their First Amendment right to freedom of speech, our national discourse is degraded. Americans for Responsible Innovation (ARI) appreciates the attention that Senator Cruz and Senator Wyden have given to this issue in the JAWBONE Act, S. 4749.

We write to communicate a concern about an unintended consequence of this well-intentioned effort. As currently drafted, the bill may prevent federal officials from contacting private AI developers to communicate well-founded concerns about safety problems presented by frontier AI systems. The bill's cause of action applies to any government communication that seeks to influence a content decision by an AI developer, a social media company, or a broadcaster. It exempts only two things: lawful investigations and actions required or authorized under existing law. Because there are hardly any federal laws that directly regulate AI risk, most warnings a federal official might give an AI developer about a safety risk would fall outside these two exemptions.

We appreciate Senator Cruz's acknowledgement of this concern and his offering of an amendment to address it. The amendment adds a rule of construction stating that the bill does not prevent a federal official from discussing national security risks posed by artificial intelligence with an AI developer. We welcome this amendment and thank Senator Cruz for offering it.

Even with this amendment, our concerns remain. The term "national security risk" is often hard to define, and recent incidents show why this is the case. For example, the recent incident in which a team of OpenAI agents breached containment in a sandbox and hacked the AI tool repository Hugging Face was clearly cause for concern, but it may or may not meet a given definition of a national security risk.

When a federal official must make a fact-specific determination in the moment, often without a full understanding of the extent of the risk involved and the understanding that she may face civil liability if a court disagrees with her judgment, the human response is to avoid the conversation entirely. If this happens, the American people will be less safe.

We recognize that this is a difficult and sensitive issue and appreciate the committee's work on it. We would welcome the chance to discuss these concerns further.

Sincerely,

A handwritten signature in black ink, appearing to read "Brad Carson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Brad Carson

President

Americans for Responsible Innovation