

June 5, 2026

RE: ACLU Opposes Preemption Language in Great American AI Act (GAAIA) Draft Bill

Dear Representative:

The ACLU opposes broad federal preemption of state and local AI regulation, including the preemption language in the Great American AI Act (GAAIA) draft bill. This draft bill would prohibit states and localities from enacting or enforcing laws that regulate the development of artificial intelligence (AI) models. We urge you to reject GAAIA and any other legislation that would block state and local regulation of AI technology.

AI technology impacts every area of our lives. At a doctor's office, AI tools assess scans and transcribe visits. At work, they assess applications and monitor employee productivity. At school, AI technology monitors students for cheating and other behaviors. Since these tools are used in the most sensitive areas of our lives, we must ensure that they are safe, trustworthy, and nondiscriminatory.

Yet, Congress has failed to act and meaningfully curb the abuses of tech giants who have created powerful AI tools with little regard for their impact on people. In this vacuum, states and cities have led the charge on regulating AI and other emerging technologies by passing laws establishing privacy protections,¹ bias auditing frameworks,² frontier model transparency requirements,³ and much more. Moreover, traditional civil rights and consumer protection laws apply regardless of the tools used. Therefore, states regularly enforce these laws against tech companies, as has been the practice across industries for decades. Given states' crucial role in AI oversight, governors,⁴ state attorneys general,⁵ and state lawmakers⁶ from both parties have resoundingly opposed preemption.

¹ International Association of Privacy Professionals, US State Comprehensive Privacy Laws Report: 2025 Legislative Session (2025), <https://iapp.org/resources/article/us-state-privacy-laws-overview>.

² New York City Council, File No. Int 1894-2020 (Feb. 27, 2020), <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4353703&GUID=6D1644CD-1022-4161-A79B-864B29E3060E>.

³ S.B. 53, 2025-2026 Reg. Sess. (Cal. 2025), https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202520260SB53.

⁴ Joint Governors Letter on One Big, Beautiful Bill AI Moratorium (June 27, 2025), <https://governor.arkansas.gov/joint-governors-letter-on-one-big-beautiful-bill-a-i-moratorium/>.

⁵ Letter from State Attorneys General to Congress (May 16, 2025), <https://www.doj.nh.gov/sites/g/files/ehbemt721/files/inline-documents/sonh/letter-to-congress-re-proposed-ai-preemption-final.pdf>.

⁶ Letter from State Policymakers to Congress (June 3, 2025), <https://ari.us/wp-content/uploads/2025/06/State-Policymaker-Coalition-Letter-Oppose-AI-Preemption-6-3-25.pdf>.



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GAAIA attempts to draw a distinction between state regulation of AI model development and deployment. For purposes of protecting people from AI harms, this distinction does not work. Risks of biased outputs and privacy violations are often encoded into models at the training stage. Furthermore, many companies use off-the-shelf products or only make minor modifications to a model before deployment. In these cases, the deployer has limited insight into the model and ability to address the underlying issue. Therefore, it is critical that states can regulate both development and deployment.

AI technology must be safe, trustworthy, and nondiscriminatory. Preempting state laws would only take away vital accountability measures. Congress has already acknowledged the importance of state AI regulation by twice overwhelmingly rejecting an AI moratorium on a bipartisan basis last year. We urge you to continue to oppose any bill that would preempt state and local laws regulating AI. Thank you for your consideration. If you have any questions or would like to discuss further, please contact Jina John at jjohn@aclu.org.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Anders".

Christopher Anders
Director, Democracy and Technology

A handwritten signature in black ink, appearing to read "Jina John".

Jina John
Senior Policy Counsel