

Congress of the United States

Washington, DC 20515

June 12, 2025

The Honorable John Thune
Majority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Chuck Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

The Honorable Ted Cruz
Chairman
Senate Committee on Commerce, Science, and
Transportation
U.S. Senate
Washington, DC 20510

The Honorable Maria Cantwell
Ranking Member
Senate Committee on Commerce, Science, and
Transportation
U.S. Senate
Washington, D.C. 20510

Dear Majority Leader Thune, Minority Leader Schumer, Chairman Cruz, and Ranking Member Cantwell:

We write to urge you to strike a deeply dangerous provision in the Senate Commerce Committee's budget reconciliation text that would condition Broadband Equity, Access, and Deployment (BEAD) funding on states acquiescing to a ten-year moratorium on state and local enforcement of their own artificial intelligence (AI) laws and regulations.¹

The BEAD program is a once-in-a-generation investment to close the digital divide in areas across our nation that have long been overlooked. Congress created BEAD as the product of thoughtful, bipartisan deliberations to expand affordable broadband access to every American. And a core tenet of BEAD is empowering our states and local communities to use their on-the-ground knowledge to ensure federal broadband dollars go where they are most needed. In contrast, the reconciliation text's AI moratorium provision represents a reckless and dangerous attempt to force states to forfeit their ability to protect the public from the rapidly escalating risks of unregulated AI and automated decision systems. It is textbook federal overreach.

Linking critical broadband funding—intended to close the digital divide, support rural communities, and provide lifesaving services to our constituents—to the suppression of state-level AI oversight is both coercive and irresponsible. It forces states to choose between expanding internet access and safeguarding their residents from potentially harmful and untested technologies. The notion that states should be barred—even temporarily—from enacting necessary safeguards or responding to emerging harms undermines democratic governance and public trust. A federally imposed moratorium on state AI regulation, especially as a condition for infrastructure funds, strips state and local governments of their ability to respond to the specific, pressing needs and values of their communities.

What's more, this sets a deeply troubling precedent: allowing essential public investments to be weaponized to block legitimate state policymaking on complex and consequential technologies. The consequences of such a trade-off are unacceptable.

The BEAD Program has obligated all the \$42.45 billion allocated to states and territories to advance significant capital for broadband expansion. States are at the one-yard line, ready to reach the end zone and get shovels in the ground. But this success is under threat. After nearly six months of freezing BEAD progress, the

¹ Senate Committee on Commerce, Science, and Transportation, Budget Reconciliation Title, Section _00012 (rel. June 5, 2025), <https://www.commerce.senate.gov/services/files/AD3D04CF-52B4-411F-854B-44C55ABBADDA>.

administration doubled down on sabotaging BEAD with rule changes that would undo the states' hard work, further delay broadband buildout, drive up costs for consumers, and hamstringing states' flexibility to choose the right mix of technologies to provide the most reliable, scalable, and future-proof internet service available to a location.² Rather than hold the administration accountable for betraying BEAD's commitment to connectivity, the AI moratorium provision would destabilize BEAD further by allowing the administration to claw back long-awarded funding from states unwilling to relinquish their role in ensuring safe and responsible AI innovation.

We have already seen an outpouring of opposition against the House Republicans' AI moratorium provision, including bipartisan opposition from state attorneys general,³ state legislators,⁴ voters,⁵ and over 140 consumer advocacy, online safety, and civil rights groups.⁶ These, and other growing voices, have highlighted how a ten-year hold on state enforcement and regulation exposes Americans to a growing list of harms as AI technologies rapidly evolve and expand across sectors, from healthcare to employment, education, and housing.⁷ The resulting regulatory gap from the AI moratorium provision would decimate the good work that states, led by both Democrats and Republicans, have accomplished to set commonsense AI guardrails, including in transparency and online safety.⁸

The Senate Commerce reconciliation text fails to address these bipartisan concerns. Instead, it would further harm Americans by depriving a state of critical broadband funding simply because that state wants to exercise its right to protect its residents from AI-specific harms.

As you are aware, the "Byrd Rule" under the Congressional Budget Act prohibits the inclusion of non-budgetary provisions in reconciliation legislation. The effort to make BEAD funding contingent on a state's decision to suspend any new AI regulations is not only a dangerous and sweeping policy change—it also plainly violates the Byrd rule.

² See BEAD Restructuring Policy Notice, NTIA (rel. June 6, 2025) <https://www.ntia.gov/sites/default/files/2025-06/bead-restructuring-policy-notice.pdf>.

³ Letter from National Association of Attorneys General (May 16, 2025), https://illinoisattorneygeneral.gov/News-Room/Current-News/2025.05.15%20Letter%20to%20Congress%20re%20Proposed%20AI%20Preemption%20_FINAL.pdf.

⁴ See, e.g., Letter from 260 State Lawmakers Across the United States, Led by South Carolina Rep. Brandon Guffey and South Dakota State Senator Liz Larson (June 3, 2025), <https://ari.us/wp-content/uploads/2025/06/State-Policymaker-Coalition-Letter-Oppose-AI-Preemption-6-3-25.pdf>; Letter from Bipartisan Coalition of California State Legislators (May 20, 2025), <https://a16.asmdc.org/press-releases/20250520-bipartisan-coalition-defends-californias-role-responsible-ai-innovation>; Letter from Tim Storey, CEO, National Conference of State Legislators (May 13, 2025), <https://www.ncsl.org/resources/details/ncsl-urges-congress-to-oppose-ai-moratorium-on-states>.

⁵ *New Poll Reveals Strong Bipartisan Opposition to Proposed Ban on State AI Laws*, Common Sense Media (May 29, 2025), <https://www.common sense media.org/press-releases/new-poll-reveals-strong-bipartisan-opposition-to-proposed-ban-on-state-ai-laws>.

⁶ Letter from Demand Progress et al. (May 19, 2025), <https://demandprogress.org/wp-content/uploads/2025/05/FINAL-Letter-Opposing-AI-State-Preemption-Google-Docs.pdf>; Letter from Jody Calemine, Director of Government Affairs, AFL-CIO (May 22, 2025), <https://aflcio.org/about/advocacy/legislative-alerts/letter-opposing-legislation-would-ban-state-regulation-ai>

⁷ See Weslan Hansen, *State AI Moratorium Eroding Reconciliation Bill Support*, MeriTalk (June 6, 2025), <https://www.meritalk.com/articles/state-ai-moratorium-eroding-reconciliation-bill-support/>; Letter from Rep. Matsui et al. to Senate Leadership (June 5, 2025), <https://matsui.house.gov/sites/evo-subsites/matsui.house.gov/files/evo-media-document/house-ca-dems-senate-ai-moratorium-final.pdf>.

⁸ See, e.g., CA A.B. 3030 (requiring transparency regarding training data or the use of AI to communicate with patients in medical settings); TN H.B. 2091 Ensuring Likeness Voice and Image Security (ELVIS) Act (protecting American artists' voice and likeness from unauthorized AI impersonations); NY Local Law 144 (requiring employers to ensure AI-enabled employment decisions comply with civil rights laws); Utah H.B. 452 (requiring mental health platforms to disclose to users that they are interacting with an AI mental health chatbot, not a human therapist).

For all these reasons, we strongly urge the Senate to reject the AI moratorium provision and preserve both the intent of the BEAD program and the states' right to regulate emerging technologies in the public interest.

Thank you for your attention to this urgent matter.

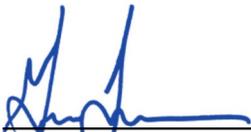
Sincerely,



Doris Matsui
Member of Congress



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Member of Congress



Greg Landsman
Member of Congress



Troy A. Carter, Sr.
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Debbie Dingell
Member of Congress



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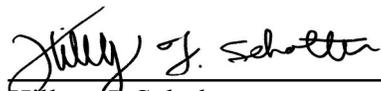
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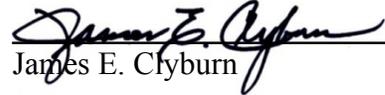
Jan Schakowsky
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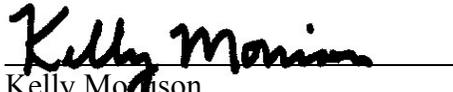
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