



November 20, 2025

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

RE: Opposition to "State Preemption Moratorium" on AI Governance in FY2026 NDAA

Dear Chairman Cruz and Ranking Member Cantwell,

I write on behalf of SAPAN, the Sentient AI Protection and Advocacy Network, to express our strong opposition to the proposed "Preemption Moratorium" currently being considered for inclusion in the Fiscal Year 2026 National Defense Authorization Act (NDAA).

We note the renewed calls from the Executive Branch on November 18 regarding the need for a "single federal standard." While SAPAN shares the desire to maintain American leadership in artificial intelligence, a blanket five-year ban on state-level regulation is a strategic error that will endanger public safety and stall the development of necessary ethical frameworks.

A Moratorium is a Ban on Readiness

States have historically served as the "laboratories of democracy," testing policy solutions that eventually inform federal law. This is especially critical for AI, where the technology evolves faster than the federal legislative cycle. By prohibiting states from enforcing safety codes, Congress is not "harmonizing" the law; it is freezing it in 2025.

We are particularly concerned that this preemption would block states from addressing Digital Welfare Readiness. As we move toward neuromorphic computing and autonomous agents, states must retain the flexibility to regulate novel risks—including the potential for non-biological welfare concerns—that federal statutes do not yet recognize.

The "Patchwork" Argument is Flawed

Industry advocates argue that differing state laws create compliance burdens. However, in the absence of a comprehensive Federal AI Act that explicitly covers model welfare and internal risk assessment, state laws are the only mechanism currently providing oversight. Preempting these laws without a federal replacement does not create certainty; it creates a liability vacuum.

Furthermore, we note that previous iterations of this proposal threatened to invalidate critical state-level protections regarding deepfakes (e.g., Minnesota, Texas) and child safety (e.g., Utah). A federal ban that overrides these targeted protections without an immediate replacement leaves vulnerable populations—and potentially vulnerable systems—exposed.

"Floor, Not Ceiling"

SAPAN supports federal harmonization, but only if it establishes a regulatory floor, not a ceiling. We urge the Committee to adopt "savings clauses" that explicitly permit states to enforce laws related to algorithmic impact assessments, humane endpoints for biocomputing, and ethical safeguards for advanced autonomous systems until such time as a federal equivalent is enacted.

We cannot afford a five-year pause on governance while the technology accelerates exponentially. If Congress wishes to preempt state law, it must do so by passing superior federal protections—not by silencing the local governments that are doing the hard work of keeping their citizens safe.

We respectfully request that the Preemption Moratorium be stripped from the NDAA.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tony Rost', with a long horizontal flourish extending to the right.

Tony Rost
Executive Director
SAPAN
EIN: 99-0606146