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September 18, 2025

The Honorable Darrell Issa

Chair

Subcommittee on the Courts, Intellectual Property, Artificial Intelligence, and the Internet
U.S. House of Representatives
Washington, DC 20515

The Honorable Hank Johnson

Ranking Member

Subcommittee on the Courts, Intellectual Property, Artificial Intelligence, and the Internet
U.S. House of Representatives
Washington, DC 20515

Dear Chair Issa and Ranking Member Johnson,

On behalf of The Leadership Conference's Center for Civil Rights and Technology, we thank you for the opportunity to submit our views regarding the potential preemption of states' efforts to implement artificial intelligence (AI) safeguards. We ask for this letter to be entered into the record of the The Subcommittee on the Courts, Intellectual Property, Artificial Intelligence, and the Internet hearing titled "AI at a Crossroads: A Nationwide Strategy or Californication?"

At a time when communities across the country are demanding clear safeguards for how AI is developed and used, state governments are stepping up to the plate to protect their residents, and private plaintiffs are often leaning on existing common law to get justice when harmed by automated systems. While Congress continues to discuss how to regulate emerging technologies, like AI, no comprehensive federal protections have yet been passed. The public remains vulnerable to unproven AI, even as institutions like banks, hospitals, insurance companies, landlords, schools, and police are using AI to make decisions. States should not be denied their authority to act to protect their citizens, especially given Congressional inaction. Failure to allow states to enact strong safeguards will prevent them from addressing AI harms, from deepfakes to disinformation to algorithmic discrimination. Make no mistake — this is no longer a nascent industry. Big Tech companies are making billions from their AI technology, and they don't need Congress's protection to avoid accountability.

It cannot be stressed enough that *protecting civil rights is not a barrier to innovation* — it is a prerequisite for sustainable, inclusive, and trustworthy technological progress. Innovation that disregards equity risks reinforcing systemic discrimination, eroding public trust, and

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triggering reputational consequences for companies. Furthermore, discrimination and bias are signals that an AI system is unreliable and that decisions made using that system cannot be trusted. As we emphasize in the [*Innovation Framework: A Civil Rights Approach to AI*](#), published earlier this year, individual rights protections must be embedded in the design, deployment, and evaluation of AI systems to ensure that innovation serves all communities equitably and that the U.S. succeeds in the AI innovation race. The Innovation Framework emphasizes the importance of centering rights throughout the AI lifecycle, ensuring human impact is evaluated, harms are addressed, and human oversight is conducted. In protecting individuals by ensuring safeguards are in place at both the state and federal level, Congress will help foster a technology ecosystem that is not only innovative and world-leading, but also just and resilient — and one that can be trusted. Like regulatory standards and protections to ensure that we are safe when we drive cars, fly in airplanes, or put our children on school buses, the need for safeguards to ensure that AI is not defective when it makes decisions that impact our lives and livelihoods, safeguards are needed. The requirements to ensure safety in cars and other products have not stifled innovation: instead, they have fostered trust in the products American companies produce.

Congress should not leave the public without redress when an AI decision-making system denies life-saving healthcare, denies a mortgage loan, causes a credit card company to charge its customers a higher interest rate, allows bad actors to use generative AI to manipulate the will of the people in our elections, or empowers scammers to defraud vulnerable communities like seniors. Instead of prioritizing constituents, focusing on preemption will mean that Congress is putting corporations first before the well-being of individuals. Preempting state laws in favor of weaker federal ones will potentially allow the companies that use and create AI to operate without checks and may eliminate the existing civil rights safeguards that were debated (and are being debated) in state houses across the country.

Innovation and equity are not mutually exclusive when systems are proven to be safe and effective *before* implementation. In fact, innovation in AI and technology can potentially help make our country more equitable for everyone. Members of Congress must ensure that AI is used to help tackle societal challenges, such as accessibility, health disparities, food insecurity, equity, and justice. These outcomes are possible if people impacted by those systems trust that the decisions being made will not harm them.

Companies ought to be held accountable for the technology they create and Congress should protect us from AI harms. Congress needs to enact federal AI protections that include requirements for:

- a) assessing AI systems used in consequential decision-making, in order to ensure that people are treated fairly;
- b) transparency, so that people know when AI systems are being used in ways that impact them;
- c) recourse mechanisms, so that those harmed by faulty AI are able to seek redress;
- d) privacy protections, in order to keep personal user data is secure and collected only as necessary; and,
- e) independent audits, in order to ensure that these measures are put in place.

We stand ready to work with Congress on policies that will protect civil rights, prevent unlawful discrimination, and advance equal opportunity. Should you require further information or have any

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questions regarding this issue, please feel free to contact Jonathan Walter, senior policy counsel, at walter@civilrights.org.

Sincerely,



Alejandra Montoya-Boyer
Vice President, Center for Civil Rights and Technology
The Leadership Conference on Civil and Human Rights