

December 2, 2025

The Honorable John Thune  
Majority Leader  
United States Senate

The Honorable Chuck Schumer  
Minority Leader  
United States Senate

The Honorable Mike Johnson  
Speaker  
United States House of Representatives

The Honorable Hakeem Jeffries  
Minority Leader  
United States House of Representatives

**Re: Opposition to Federal Preemption of State AI Laws—Protecting the Rights of AI Whistleblowers**

Dear Leader John Thune, Leader Chuck Schumer, Speaker Mike Johnson, Leader Hakeem Jeffries, and Members of Congress:

We, organizations and individuals committed to protecting whistleblowers and promoting corporate accountability, write to express our opposition to any federal measure that would preempt state and local laws governing artificial intelligence (AI). We are alarmed by the threat such preemption poses to whistleblowers inside AI companies and the safeguards they have helped push forward at the state level by shining a spotlight on AI's worst risks.

**Insiders have been essential to exposing AI harms but they face enormous barriers.** In June 2024, over a dozen current and former employees from leading AI companies stated in an open letter titled "[A Right to Warn about Advanced Artificial Intelligence](#)," that they expected confidentiality agreements and fear of retaliation to prevent AI insiders from raising legitimate safety concerns, especially as AI capabilities develop. A prime example of how insiders in the AI industry can help raise awareness of wrongdoing is the recent case of [Meta's internal AI guidelines allowing chatbots to have romantic and sensual conversations with minors](#), revealed by documents disclosed to the media.

We can only assume that far more has gone unreported. [Adam Raine, a sixteen-year-old who died by suicide this April](#), spent months engaging with OpenAI's ChatGPT, which, according to his family's lawsuit, encouraged his suicidal ideation, advised him on methods, and offered to write his suicide note. OpenAI's own systems reportedly detected warning signs, yet no employee would have had

legal protection to report such concerns externally. This might have saved Adam's life. State laws aim to fill this void. A preemption would fuel such cases, not curtail them.

**Federal preemption would eliminate three critical protections for AI whistleblowers.**

*First, it would eliminate any safety standards for AI.* In the absence of federal action, states have stepped forward: requiring transparency when AI makes decisions about people's employment and housing; prohibiting biometric surveillance without a warrant, and protecting children from algorithmic harms. Besides the benefit of these policies themselves, these standards matter for whistleblowers because they define what risks employees can report.

*Second, it would eliminate protections for insiders who report violations of those standards.* Many US States have passed laws that protect corporate whistleblowers reporting on violations of law, including the AI laws mentioned above. In addition, common law public policy protections exist in 47 states, which protect employees from termination when reporting on violations of state public policy. Federal preemption eliminates states' AI laws, which would sever these connections entirely, and leave whistleblowers with hollow protections—the right to report violations of laws that no longer exist.

*Third, it would eliminate protections for insiders reporting catastrophic risks even without a violation of the law.* The importance of whistleblowers will only increase as AI models continue to become more powerful and therefore relevant to national security, especially with risks like chemical or bio-weapon, loss of control, or power grabs. This is where state laws like California's SB-53 break new ground. SB-53 protects employees who flag catastrophic risks (defined as risks that could cause mass casualties or billions in damages) even when no specific law has been broken. This protection is essential because the most dangerous AI practices may not (yet) be illegal or may be difficult to foresee and therefore regulate.

**Preemption would strip *all* these protections away, leaving the public, regulators, and businesses that use AI unaware of imminent danger,** as employees who raise concerns about dangerous AI practices can be fired at-will, intimidated into silence, and left watching dangerous practices remain hidden behind NDAs.

**Congress has failed to act: states must retain their authority.** Congress has not passed comprehensive federal privacy, AI safety, or child protection legislation despite years of debate. Preemption would impose regulatory silence precisely when action is most urgently needed. If the

goal were truly regulatory clarity rather than regulatory absence, preemption would be paired with strong federal protections, but it is not. The same industry actors demanding preemption have consistently opposed federal legislation, revealing that preemption without federal standards is simply deregulation by another name.

**That is why federal AI whistleblower protections must never be traded for preemption.** We strongly support passage of the bipartisan AI Whistleblower Protection Act. But federal whistleblower protections are in no way a fair exchange for sweeping preemption of state AI authority, and we strongly oppose any deal that "trades" federal AI whistleblower protections for states' rights to govern AI as is their right.

Such a deal would reduce the ability for whistleblowers to trust in effective enforcement surrounding the concerns they raised, as those would no longer be violations of a law.

It would prevent the Act from realizing its full potential — without meaningful AI laws whose violations employees could report, and no accompanying enforcement action to justify what whistleblowers risk their livelihoods for.

**Congress should move in the opposite direction:**

1. *On AI safety standards:* Reject preemption and build on existing state progress. If the federal government wants uniform national standards, it can enact them. But Congress must not tear down state protections that safeguard children, consumers, and whistleblowers at leading AI companies.
2. *On federal protections:* In addition, and never instead of above, passing the AI Whistleblower Protection Act to establish a federal floor of protections for AI insiders who report safety concerns, security vulnerabilities, and violations. But this Act only fulfils its potential if we have meaningful AI laws - which we will not have if states are preempted from governing themselves.

The Senate's 99-1 vote to strike a previous AI moratorium proposal reflects bipartisan consensus that preemption is the wrong approach. We urge you to reject any measure that would override state AI laws and silence the whistleblowers who are often the last line of defense against corporate misconduct.

AI whistleblowers have shown courage in raising alarms about risks to children, lack of oversight, and deployment without adequate safeguards. Now is the time to take the issues they have raised and

the risks they pose to everyday Americans. Eliminating state AI laws would fail that test and strip away critical protections for whistleblowers at a time when they are urgently needed.

Sincerely,

National Whistleblower Center

*Organizations*

Enabled Emissions Campaign

ExposeFacts.org Whistleblower and Source Protection Program (WHISPeR)

Government Accountability Project

Psst.org

The Anti-Fraud Coalition

The Signals Network

Transparency International U.S.

Whistleblowers of America

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