Congress of the United States
Washington, DC 20515

February 19th, 2026

The Honorable Howard Lutnick
Secretary of Commerce
U.S. Department of Commerce
1401 Constitution Avenue NW
Washington, D.C. 20230

CC: The Honorable Pam Bondi
Attorney General of the United States
U.S. Department of Justice
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Secretary Lutnick:

We write as Representatives whose home states have enacted new regulations on artificial intelligence (AI). AI is poised to be among the most transformative technologies of our generation, with profound implications for American economic growth, competitiveness, and national security. The United States must lead in the development and deployment of these technologies, or we risk ceding future economic growth and global AI dominance to the Chinese Communist Party.

As President Trump's December 11, 2025, executive order (EO) makes clear: a patchwork of conflicting, burdensome, and imprudent state regulations threatens U.S. AI leadership.[1] While we recognize that existing laws of general applicability already protect consumers from many AI risks, we agree with the President that U.S. AI leadership can be enhanced through a "minimally burdensome national policy framework" that ensures "children are protected" and "communities are safeguarded."[2] To effectuate this policy, the President directed the Secretary of Commerce to evaluate recent state AI laws for their impact on interstate commerce and for their consistency with the First Amendment.[3] As you begin this evaluation, we urge you to carefully consider the following state laws.

Colorado. Colorado's "Artificial Intelligence Act" (SB 205), enacted in May 2024, is the first comprehensive AI regulation in the nation.[4] The law imposes sweeping compliance obligations on "developers" and "deployers" of AI systems, including vague, duplicative, and technically infeasible requirements related to "algorithmic discrimination" and "consequential decisions" that have left innovators and businesses of all sizes struggling to understand their legal obligations.[5] Notably, Governor Jared Polis

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[1] Donald J. Trump, *Ensuring a National Policy Framework for Artificial Intelligence*, THE WHITE HOUSE (Dec. 11, 2025), www.whitehouse.gov/presidential-actions/2025/12/eliminating-state-law-obstruction-of-national-artificial-intelligence-policy/.
[2] Ibid.
[3] Ibid.
[4] Act of May 17, 2024, ch. 198, 2024 Colo. Sess. Laws 1199 (codified at C.R.S. § 6-1-1701 to § 6-1-1705).
[5] Viven F. Peaden, *Rocky Mountain High on AI: Colorado Emerged as the First Mover on State AI Law*, BAKER DONELSON (May. 10, 2024), www.bakerdonelson.com/rocky-mountain-high-on-ai-colorado-emerged-as-the-first-mover-on-state-ai-law.

(D) signed SB 205 into law with significant reservations, cautioning in his signing statement that the law creates a "complex regulatory regime."[6] He has explicitly called for federal legislation to preempt state AI laws, stating that "a strong national policy governing AI consumer protection that supersedes state law would be the best course of action, as a state-by-state patchwork creates a challenging regulatory environment, and would leave consumers worse off overall."[7]

The challenges posed by SB 205 have been demonstrated since its enactment. In August 2025, Governor Polis convened a special session to amend the law and address stakeholder concerns, but ultimately failed to secure any substantiative changes.[8] As a result, the effective date was postponed from February 1, 2026, to June 30, 2026—an acknowledgement that the law, as written, is not ready for full implementation.[9] According to one estimate, by 2030, SB 205 could result in 40,000 job losses across key sectors, over $4 billion in lost statewide GDP, and nearly $7 billion in lost economic output.[10] Colorado was the first state to enact such legislation, and other states may soon follow this misguided approach, threatening to create an fragmented, burdensome regulatory landscape for AI innovators and businesses of all sizes that increasingly use these technologies.

New York. New York's Responsible AI Safety and Education (RAISE) Act, signed into law on December 19, 2025, by Governor Hochul imposes extensive requirements on AI developers, including mandatory annual audits, incident reporting, and broad liability provisions.[11] Critics have warned that the Act's "prophylactic, pre-deployment regulatory regime" introduces significant friction into the innovation cycle, while its apparent extraterritorial reach seeks to position New York as a de facto national regulator for AI development.[12] The law's broad reach applies to models "developed, deployed, or operated in whole or in part in New York state," effectively positioning New York as another de facto national regulator.[13] This raises serious concerns under the Commerce Clause and conflicts with federal efforts to establish a coherent national AI framework.[14]

New York City's Local Law 144 also raises concerns. Although a city ordinance, it requires employers using AI to hire in our nation's largest city to assess their tools for

[6] ED Sealover, *"With reservations," Polis signs landmark AI regulation bill*, THE SUM & SUBSTANCE (May 21, 2024), tsscolorado.com/with-reservations-polis-signs-landmark-ai-regulation-bill/.

[7] Gregory Ferenstein, *Governor Polis signed Colorado's restrictive AI law, but supports a federal moratorium,* REASON FOUNDATION (June 2, 2025), reason.org/commentary/governor-polis-signed-colorados-restrictive-ai-law-but-supports-a-federal-moratorium-on-similar-legislation/.

[8] Jesse Paul and Taylor Dolven, *Colorado lawmakers abandon special session effort to tweak AI law, will push back start date to June 2026*, THE COLORADO SUN (Aug. 25, 2025), coloradosun.com/2025/08/25/colorado-ai-law-tweak-dies/.

[9] Marianne Goodland, *Gov. Polis convenes new working group to address Colorado's lingering AI law challenges*, COLORADO POLITICS (Oct. 15, 2025), www.coloradopolitics.com/2025/10/15/gov-polis-convenes-new-working-group-to-address-colorados-lingering-ai-law-challenges/.

[10] Caitlin Hereford, Caitlin McKennie, Ph.D., Thomas Young, Ph. D., *Unintended Costs: The Economic Impact of Colorado's AI Policy,* COMMON SENSE INSTITUTE COLORADO (Aug. 20, 2025), www.commonsenseinstituteus.org/colorado/research/jobs-and-our-economy/unintended-costs-the-economic-impact-of-colorados-ai-policy.

[11] Governor Kathy Hochul, *Governor Hochul Signs Legislation Expanding Historic Empire AI Consortium and Establishing Nation-Leading AI Protections for Responsible Growth as Part of the FY 2026 Budget* (May. 9, 2025), www.governor.ny.gov/news/governor-hochul-signs-legislation-expanding-historic-empire-ai-consortium-and-establishing.

[12] Adam Thierer, *Coalition Urges New York Lawmakers to Avoid Heavy-Handed AI Mandates*, R STREET INSTITUTE (May. 12, 2025), www.rstreet.org/outreach/coalition-urges-new-york-lawmakers-to-avoid-heavy-handed-ai-mandates/.

[13] Assem. Bill. A.6453, Reg. 2025-2026, Stat. of N.Y. 2026, https://www.nysenate.gov/legislation/bills/2025/A6453/amendment/A.

[14] Wendy Kearns, Apurva Dharia, Andrew M. Lewis, *New York Enacts RAISE Act for AI Transparency Amid Federal Preemption Debate,* DAVIS WRIGHT TREMAINE LLP (Dec. 12, 2025), www.dwt.com/blogs/artificial-intelligence-law-advisor/2025/12/new-york-raise-act-ai-safety-rules-developers.
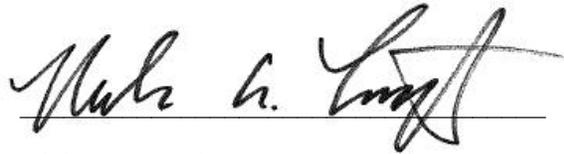
"disparate impact" along intersectional lines. Such an approach is out of step with longstanding anti-discrimination laws and any prudent national AI policy framework.

In 2025, states enacted 145 AI-related laws, an almost 50 percent increase over the previous year.[15] While the laws specified above are not a comprehensive list, we nonetheless urge you to include them in the Department's report, as they exemplify the conflicting, burdensome, and imprudent state regulations that the President's EO seeks to address. We stand ready to support the Administration's goal of establishing a coherent, pro-innovation national AI policy framework that promotes American innovation and competitiveness and ensures children and communities remain safeguarded.

Sincerely,

Gabe Evans
Member of Congress

Nick Langworthy
Member of Congress

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[15] Multistate.ai, *Artificial Intelligence (AI) Legislation Lawmakers are increasingly addressing AI through legislation*, (Feb. 6, 2026), https://www.multistate.ai/artificial-intelligence-ai-legislation