



April 3, 2026

To: General Services Administration
maspmo@gsa.gov

Submitted via email

Re: Request for Comment: GSAR 552.239-7001, Basic Safeguarding of Artificial Intelligence Systems

The Center for Democracy & Technology (CDT), the Electronic Frontier Foundation (EFF), the AI for Democracy Action Lab at Protect Democracy Project, and the Electronic Privacy Information Center (EPIC) respectfully submit these comments in response to the General Services Administration (GSA) Request for Comment on GSAR 552.239-7001, Basic Safeguarding of Artificial Intelligence Systems (AI Terms and Conditions). CDT is a nonprofit 501(c)(3) organization that focuses on advancing civil rights and civil liberties in the digital age. EFF is a nonprofit 501(c)(3) organization that works to ensure that technology supports freedom, justice, and innovation for all people of the world. Protect Democracy Project is a nonpartisan, nonprofit 501(c)(3) organization dedicated to building more resilient democratic institutions and protecting free and fair elections, including through the pro-democracy governance and application of data and advanced technology. EPIC is a nonprofit 501(c)(3) organization established in 1994 to protect privacy, freedom of expression, and democratic values in the information age.

GSA's draft AI Terms and Conditions were released against the backdrop of the Trump Administration's broader efforts to weaponize the federal procurement process to influence the activities and development decisions of AI companies. On July 23, 2025, President Trump issued Executive Order 14319 (woke AI EO), *Preventing Woke AI in the Federal Government*, which directs agency heads to only procure large language model (LLM) systems that have been developed in accordance with its "unbiased AI principles" of "ideological neutrality" and "truth seeking."¹ And more recently, President Trump directed all federal agencies to cease use of Anthropic's Claude as part of the Pentagon's ongoing standoff with the company over the potential use of the tool for autonomous weapons or domestic mass surveillance, leading nearly a dozen federal agencies to quickly halt use of the AI tool.²

¹ *E.O. 14319 – Preventing Woke AI in the Federal Government*, The White House (Jul. 23, 2025)

<https://www.whitehouse.gov/presidential-actions/2025/07/preventing-woke-ai-in-the-federal-government/>.

² Mirand Nazaro, 'Nobody really knows:' Pentagon clash with Anthropic throws agencies into limbo, The Hill (Mar. 18, 2026)

<https://thehill.com/policy/technology/5788261-nobody-really-knows-pentagon-clash-with-anthropic-throws-agencies-into-limbo/>.



Together, these actions amount to a concerted effort to wield federal procurement dollars as a tool for pressuring AI companies to comply with the Administration’s political goals. GSA’s draft AI Terms and Conditions pose a significant risk of further eroding the procurement process by cementing many of these actions as standard requirements for all federal AI contracts.

While some portions of GSA’s draft AI Terms and Conditions include important safeguards for AI systems procured by federal agencies, such as privacy and confidentiality protections for personally identifiable information, many provisions are overly broad and would make AI tools less safe by requiring systems to produce responses regardless of the risks and requiring them to adhere to meaningless “unbiased AI principles.”³ The net effect of these measures is the worst of both worlds: forcing vendors to remove even more safeguards and deterring responsible companies from working with the government at all. Given the potential risks posed by the draft AI Terms and Conditions, GSA should significantly revise these provisions or strike the following provisions entirely.

1. *Requirements for contractors and government service providers to license AI systems for all lawful purposes are unclear and could undermine vendor trust and safety measures.*

The draft AI Terms and Conditions would impose extremely broad requirements for all vendors to grant the government “an irrevocable, royalty-free, non-exclusive license to use the AI system [...] for any lawful Government purpose.” Such a requirement is so open-ended that vendors will face significant difficulty complying, as a wide range of “lawful purposes” are likely to be restricted by a given system’s model training or safety protocols, such as alignment training that restricts harmful outputs.⁴ This is particularly concerning given the broad and often opaque definitions of “lawful purposes” in a government context, which is further exacerbated by the fact that many of our legal system’s existing guardrails have not yet caught up with the attendant risks and capabilities brought on by AI.⁵ Moreover, the draft AI Terms and Conditions include contradictory requirements that “AI System(s) must not refuse to produce data outputs or conduct analyses based on the Contractor’s or Service Provider’s discretionary policies,” while also stating “this requirement must not be construed to require retraining

³ Jessica Tillipman, *The GSA’s Draft AI Clause Is Governance by Sledgehammer*, Lawfare (Mar. 18, 2026) <https://www.lawfaremedia.org/article/the-gsa-s-draft-ai-clause-is-governance-by-sledgehammer>.

⁴ Chinmay Deshpande, *How Foundation Model Safety Training Works*, Center for Democracy & Technology (Jul. 8, 2025) <https://cdt.org/insights/how-foundation-model-safety-training-works/>.

⁵ Samir Jain, Greg Nojeim, & Jake Laperruque, *CDT Joins ACLU in Amicus Brief in Support of Anthropic as it Challenges its DOD Designation as a “Supply-Chain Risk”*, Center for Democracy & Technology (Mar. 16, 2026) <https://cdt.org/insights/cdt-joins-aclu-in-amicus-brief-in-support-of-anthropic-as-it-challenges-its-dod-designation-as-a-supply-chain-risk/>.



of the model or alteration of model weights.” In practice, this will likely mean that vendors will be forced to have their systems provide outputs regardless of potential risk, while also leaving them without clarity about how to implement their obligations on a technical level.

Similarly, the “eyes off” data handling requirements in the draft AI Terms and Conditions could undermine vendor safety practices. These requirements would limit a contractor’s or service provider’s ability to implement human review of government data except for instances where strictly necessary and would require transparency about when such access occurs. While limiting data access to only those who most need it is important for ensuring data privacy and security, the current provisions are overly broad such that they could inadvertently hinder a vendor’s ability to implement routine safety and evaluation measures or to catch and correct AI systems that degrade or malfunction.

2. *The draft AI Terms and Conditions would embed ill-defined, technically infeasible, and ideologically driven requirements into federal contracts.*

The draft AI Terms and Conditions also impose a series of obligations for vendors to comply with “unbiased AI principles.” These include requirements for AI systems to “be truthful in responding to user prompts seeking factual information or analysis” and “be a neutral, nonpartisan tool that does not manipulate responses in favor of ideological dogmas such as Diversity, Equity, Inclusion.” If finalized, this would codify the objectives of the woke AI EO as a standard component of every federal contract.

As currently written, such requirements pose three significant challenges. First, the draft AI Terms and Conditions leave “unbiased AI” ill-defined, citing broad concepts like “historical accuracy, scientific inquiry, and objectivity” without providing any additional information about what these terms would mean in practice. Second, as CDT previously explained, requiring “ideological neutrality” in AI tools is neither technically definable nor measurable, creating a significant barrier for such obligations to be implemented on a technical level.⁶ Third, and most critically, the provisions contradict themselves by simultaneously requiring “unbiased AI” tools in federal procurement, while also enumerating specific viewpoints as disfavored, making it impossible for companies to comply with both provisions.⁷ Together, these restrictions threaten to create significant confusion for vendors and additional vulnerabilities for partisan actors to further weaponize the federal procurement process.

⁶ Amy Winecoff & Chinmay Deshpande, *Anti-Woke AI is a Technical Mirage*, Center for Democracy & Technology (Aug. 8, 2025) <https://cdt.org/insights/anti-woke-ai-is-a-technical-mirage/>.

⁷ Becca Branum & Quinn Anex-Ries, *What to Watch for in Implementation of the “Woke AI” Executive Order*, Center for Democracy & Technology (Aug. 8, 2025) <https://cdt.org/insights/what-to-watch-for-in-implementation-of-the-woke-ai-executive-order/>.



Conclusion

The rules that govern federal procurement have existed for decades to shelter the use of public dollars from political whims, and without these guardrails in place, our tax dollars are vulnerable to misuse, waste, and corruption. GSA's draft AI Terms and Conditions are an overall detriment to advancing key safeguards in AI systems. Instead of focusing on codifying commonsense guardrails into federal contracts, these overly broad requirements would make AI tools less safe at a time when the federal government's capacity to responsibly procure and deploy AI tools is at an all-time low, with fewer personnel and more constrained resources than ever. To address these concerns, GSA should consider revising or striking the above discussed provisions in the draft AI Terms and Conditions.

Questions about these comments may be directed to CDT's Director of Equity in Civic Technology Elizabeth Laird at elaird@cdt.org, CDT Senior Policy Analyst Quinn Anex-Ries at ganex-ries@cdt.org, EFF's Legal Director Corynne McSherry at corynne@eff.org, Protect Democracy's Impact Director Deana El-Mallawany at deana.ellmallawany@protectdemocracy.org, Protect Democracy's Head of Tech and Data Governance Nicole Schneidman at nicole.schneidman@protectdemocracy.org, or EPIC's Calli Schroeder at schroeder@epic.org.