January 23, 2026

The Honorable Brian Babin
Chairman
Committee on Science, Space, and Technology
United States House of Representatives
Washington, District of Columbia 20515

The Honorable Zoe Lofgren
Ranking Member
Committee on Science, Space, and Technology
United States House of Representatives
Washington, District of Columbia 20515

The Honorable Jay Obernolte
Chairman
Committee on Science, Space, and Technology
Subcommittee on Research and Technology
United States House of Representatives
Washington, District of Columbia 20515

The Honorable Jim Baird
Ranking Member
Committee on Science, Space, and Technology
Subcommittee on Research and Technology
United States House of Representatives
Washington, District of Columbia 20515

RE: Committee hearing, "Advancing America's AI Action Plan"

Dear Chairman Babin, Ranking Member Lofgren, Chairman Obernolte, and Ranking Member Baird,

ACT | The App Association (ACT) appreciates the opportunity to submit this Statement for the Record for the House Committee on Science, Space, and Technology's Subcommittee on Research and Technology's hearing entitled *"Advancing America's AI Action Plan."* ACT is committed to accomplishing policy actions needed to sustain and enhance America's leadership in artificial intelligence (AI), while ensuring that unnecessarily burdensome or outdated regulatory frameworks do not hamper innovation.

Small businesses are leading the way on AI. As some of the leading consumers, developers, and adapters of AI tools, ACT members have a major stake in how policymakers view AI markets. ACT represents an ecosystem valued at approximately $1.8 trillion domestically,

supporting 6.1 million American jobs.[1] ACT members are innovators that create the software bringing your smart devices to life. They also make connected devices that are revolutionizing healthcare, agriculture, public safety, financial services, and virtually all other industries. We are concerned that state-level efforts to regulate AI technologies before neither the risks nor the benefits of their use are fully understood could unnecessarily preempt ACT members' ability to compete in AI markets and leverage the technologies.

AI is an evolving constellation of technologies that enable computers to simulate elements of human thinking, including learning and reasoning. In practice, Americans most often encounter AI incrementally through improvements to existing digital services, such as streamlined workflows, image analysis, voice recognition, and predictive analytics. We urge policymakers to recognize these applications as "narrow" AI, meaning systems that already deliver significant societal benefits and are widely deployed by small and medium-sized innovators.

Examples of these narrow AI applications include detecting financial fraud, strengthening cybersecurity, enabling accessibility tools for people with disabilities, improving healthcare diagnostics, and supporting more efficient infrastructure and resource management. Ensuring that federal policy supports continued deployment of these tools is essential to maintaining U.S. competitiveness and delivering real world benefits.

Implementing the AI Action Plan Through Coordination, Not Fragmentation

The Administration's AI Action Plan appropriately recognizes that sustaining U.S. leadership in AI depends on strong federal coordination, robust research and development, accessible infrastructure, and international engagement. As Congress considers how best to support implementation of the Plan and reauthorization of the National AI Initiative Act, we urge a focus on execution, coordination, and clarity rather than the creation of duplicative regulatory regimes.

A wide range of existing federal and state laws already prohibit harmful conduct regardless of whether AI is involved, including laws governing unfair or deceptive practices, discrimination, consumer protection, and privacy. The use of AI does not shield companies from these obligations. Accordingly, federal agencies should first clarify how existing frameworks apply to AI-enabled systems before advancing new authorities. Fragmented or overlapping requirements risk increasing compliance burdens without improving safety, particularly for small businesses.

To support a more grounded and coordinated approach, ACT has launched a new flagship research initiative examining how existing federal, state, and local laws already apply across

[1] https://actonline.org/wp-content/uploads/APP-Economy-Report-FINAL-1.pdf.

common AI use cases.[2] This project aims to map notable current legal obligations across areas such as civil rights, consumer protection, privacy, safety, labor, competition, and intellectual property, demonstrating that AI systems are already subject to extensive legal accountability. By establishing a clear baseline of existing law, this effort aims to inform federal coordination, reduce regulatory duplication, and help policymakers distinguish between genuine gaps and areas where improved guidance or standards may be more effective than new legislation.

The Office of Science and Technology Policy (OSTP) plays a critical role in coordinating this effort across agencies, consistent with its responsibilities under the National AI Initiative Act. Congressional oversight should reinforce this coordinating function and ensure agencies apply risk-based approaches aligned with existing standards or best practices rather than pursue inconsistent or duplicative requirements.

Risk-Based Governance and Voluntary Standards

ACT strongly supports risk-based approaches to AI governance that align with recognized standards of safety, efficacy, and reliability. Frameworks such as the National Institute of Standards and Technology's (NIST) AI Risk Management Framework provide a flexible and interoperable foundation for managing AI risks across diverse use cases and sectors.

Industry-led, voluntary, and consensus-based standards remain a cornerstone of U.S. technological leadership. The longstanding U.S. approach, reflected in OMB Circular A-119,[3] has enabled innovation, interoperability, and global adoption while allowing standards to evolve alongside rapidly changing technologies. Congress should continue to support agency participation in voluntary standards development and remove barriers that limit small business engagement in these processes.

As AI becomes increasingly embedded in standards reliant technologies, policymakers must also address risks arising from abusive standard-essential patent (SEP) licensing practices. When patent holders voluntarily contribute technologies to standards, they commit to licensing those patents on fair, reasonable, and non-discriminatory (FRAND) terms. Abusive deviations from these commitments undermine interoperability, delay deployment, and disproportionately harm small businesses. Safeguarding balanced FRAND licensing practices is therefore an important component of advancing trustworthy and competitive AI ecosystems.

[2] https://actonline.org/wp-content/uploads/ACT_Mapping_Existing_Laws_to_AI_Outline.pdf.
[3] https://www.whitehouse.gov/wp-content/uploads/2017/11/Circular-119-1.pdf.

Research, Infrastructure, and the National AI Research Resource

Sustained federal investment in AI research and infrastructure is essential to maintaining U.S. leadership. Programs such as the National AI Research Resource (NAIRR) are critical to providing researchers and innovators, particularly those outside large institutions, with access to datasets, models, cloud computing, and AI credits. While the NAIRR pilot has demonstrated significant promise and the National Science Foundation (NSF) has begun steps to transition the program toward full-scale operations, its long-term success still depends on congressional appropriations, clear governance, and sustained access to compute resources beyond the pilot phase.

In addition to research funding, the AI Action Plan correctly highlights the importance of physical and digital infrastructure, including data centers, energy systems, and advanced computing. Streamlining permitting, preventing inconsistent state level barriers, and supporting reliable energy generation are necessary steps to ensure affordable and secure access to AI infrastructure across the country.

Global Leadership, Trade, and Export Competitiveness

America's AI leadership depends not only on domestic innovation, but also on the ability of U.S. companies, especially small and medium-sized businesses, to compete globally. Trade policies should preserve cross border data flows, resist forced data localization, protect intellectual property and source code, and promote open and interoperable standards.

Initiatives such as the American AI Exports Program can play an important role in supporting U.S. competitiveness abroad, provided they are designed to be accessible to smaller innovators and recognize the modular nature of the AI technology stack. Federal export promotion, standards diplomacy, and international engagement should reinforce innovation driven governance models rooted in U.S. values rather than allowing restrictive foreign regulatory frameworks to set global norms.

Clarifying Roles and Shared Responsibility Across the AI Value Chain

Effective AI governance depends on a clear understanding of the roles and responsibilities of different actors across the AI value chain, from developers to deployers to end users. Assigning obligations based on demonstrated harms and each actor's ability to mitigate risk promotes accountability while avoiding misplaced burdens.

To support this approach, ACT has developed an AI Roles and Interdependencies Framework, which maps common actors in the AI ecosystem to practical risk management responsibilities aligned with the NIST AI Risk Management Framework. We submit this framework as an appendix to this Statement for the Record and urge policymakers to consider it as a tool for improving clarity, coordination, and proportionality in AI governance.

Conclusion

ACT appreciates the Committee's leadership in examining the implementation of the AI Action Plan and the future of U.S. AI policy. Congress has a vital role to play in ensuring that federal efforts emphasize coordination, risk-based governance, robust research funding, infrastructure development, and global engagement while avoiding fragmentation that could slow innovation and disadvantage small businesses.

We stand ready to work with the Committee, OSTP, and federal agencies to advance policies that enable responsible AI development and deployment, strengthen U.S. competitiveness, and ensure that innovators of all sizes can contribute to and benefit from America's AI future.

Thank you for your consideration.

Respectfully submitted,

Graham Dufault

General Counsel

ACT | The App Association

Kedharnath Sankararaman

Policy Associate

ACT | The App Association