

**BEFORE THE
NETWORKING AND INFORMATION TECHNOLOGY RESEARCH AND
DEVELOPMENT NATIONAL COORDINATION OFFICE AND
WHITE HOUSE OFFICE OF SCIENCE AND TECHNOLOGY POLICY**

In the Matter of

**Request for Information on the Development
of an Artificial Intelligence Action Plan**

**COMMENTS OF THE CONSUMER TECHNOLOGY ASSOCIATION
IN RESPONSE TO THE NETWORKING AND INFORMATION TECHNOLOGY
RESEARCH AND DEVELOPMENT NATIONAL COORDINATION OFFICE ON THE
DEVELOPMENT OF AN ARTIFICIAL INTELLIGENCE ACTION PLAN**

The Consumer Technology Association[®] (“CTA”) submits this response to the Networking and Information Technology Research and Development (“NITRD”) National Coordination Office’s (“NCO”) Request for Information on behalf of the Office of Science and Technology Policy (“OSTP”) regarding the development of an Artificial Intelligence (“AI”) Action Plan (the “AI Action Plan”).¹

CTA’s membership includes over 1200 companies from every facet of the consumer technology industry, including manufacturers, distributors, developers, retailers, and integrators, with startups or small and mid-sized companies comprising 80 percent of CTA’s members. CTA also owns and produces CES[®]—the most powerful tech event in the world.

I. INTRODUCTION

CTA applauds the Trump Administration’s (the “Administration”) early and decisive action to reframe our nation’s AI policy to enhance competitiveness and private sector growth while limiting unnecessary regulation and oversight. With this action, the Administration can

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seize this “‘Sputnik moment,’ and unshackle American innovation” to “help America’s tech leaders go toe to toe with foreign competitors.”²

Investment in AI technology and systems continues to grow, and U.S. companies are at the forefront of the development and deployment of this powerful new technology that is positioning America’s tech industry to dominate the global competition and transform society for the benefit of all Americans. Indeed, CTA member companies continue to lead in the development and implementation of AI-enabled systems and solutions that are positively impacting human and societal development: promoting growth, improving the welfare and well-being of individuals, and enhancing global innovation and productivity.³

However, overly broad and prescriptive rules are likely to undermine the many benefits of AI that are available now and in the future. Notably, the National Security Commission on Artificial Intelligence’s Final Report declined to endorse significant new regulation for AI technologies due, in part, to the “speed of technology development by the private sector....”⁴

For these reasons, the Administration must adopt a new national policy framework that supports private sector investment and growth; eschews excessive regulation and oversight; establishes federal primacy on issues of national policy; and leverages existing public and private standards and norms that ensure sufficient guardrails for AI systems.

² CTA CEO and Vice Chair, Gary Shapiro's letter to the editor [published](#) in The New York Times (Feb. 12, 2025).

³ For example, Google has worked with the ALS Therapy Development Institute to use AI technologies to improve the lives of people with ALS. *Google and ALS TDI: Working Together to Use Data to Improve the Lives of People with ALS*, March 3, 2022, <https://www.als.net/news/google-and-als-tdi/>. And Microsoft’s AI for Good Lab is exploring AI solutions to pressing issues such as curbing malnutrition and empowering blind and low-vision individuals to easily navigate their world. See AI For Good Lab, <https://www.microsoft.com/en-us/research/group/ai-for-good-research-lab/>.

⁴ See Final Report, National Security Commission on Artificial Intelligence, at 449 (Mar. 19, 2021), available at <https://www.nsc.ai.gov/wp-content/uploads/2021/03/Full-Report-Digital-1.pdf>.

II. RESET AMERICAN AI POLICY TO ENSURE CONTINUED AMERICAN COMPETITIVENESS AND EXCELLENCE

The Administration’s AI Action Plan should recognize the private sector’s essential role in driving AI innovation and adopt affirmative policies to support continued private sector growth. U.S. companies, both large and small, are leading on the development and deployment of leading AI models, systems and technology. The Stanford Institute for Human-Centered Artificial Intelligence analyzed data on key indicators including research, private investment, and patents from 36 countries and ranked the U.S. first in AI development.⁵

The National Institute of Standard and Technology (“NIST”) has recognized that “new AI-enabled systems are revolutionizing and benefitting nearly all aspects of our society and economy – everything from commerce and healthcare to transportation and cybersecurity.”⁶ The economic and societal effects of AI are already having a beneficial impact on the way we work, live and play. For example, AI agents are reportedly able to create detailed research summaries in minutes that would take humans hours to draft,⁷ and a 2023 study led by Harvard Business School found that consultants who worked with A.I. produced 40 percent higher quality results on 18 different work tasks.⁸ Similarly, using AI hardware and high-performance computing systems are improving medical imaging quality, supporting improved scientific modeling and

⁵ Stanford HAI Staff, Global AI Power Rankings: Stanford HAI Tool Ranks 36 Countries in AI, November 21, 2024, available at: <https://hai.stanford.edu/news/global-ai-power-rankings-stanford-hai-tool-ranks-36-countries-ai>

⁶ *Artificial Intelligence*, NIST, <https://www.nist.gov/artificial-intelligence>.

⁷ Rhiannon Williams, *OpenAI’s New Agent Can Compile Detailed Reports on Practically Any Topic*, February 3, 2025, MIT Technology Review, available at: <https://www.technologyreview.com/2025/02/03/1110826/openais-new-agent-can-compile-detailed-reports-on-practically-any-topic/>

⁸ Fabrizio Dell’Acqua, Edward McFowland III, Ethan Mollick, Hila Lifshitz-Assaf, Katherine C. Kellogg, Saran Rajendran, Lisa Kraye, François Cadelon, and Karim R. Lakhani, *Navigating the Jagged Technological Frontier: Field Experimental Evidence of the Effects of AI on Knowledge Worker Productivity and Quality*, September 22, 2023, Harvard Business School Technology & Operations Mgt. Unit Working Paper No. 24-013; available at: https://www.hbs.edu/ris/Publication%20Files/24-013_d9b45b68-9e74-42d6-a1c6-c72fb70c7282.pdf

helping simulate critical infrastructure and services such as weather simulations and biological modeling.

To ensure American companies' continued leadership in AI innovation, the AI Action Plan should avoid heavy handed regulations and unnecessary oversight, like those proposed in the prior administration. Instead, AI policies should ensure responsible development while maintaining U.S. global leadership and competitiveness. The AI Action Plan should also be principles-based and focused on outcomes rather than on the technical inputs of AI systems. Further, the AI Action Plan should adopt a risk-based perspective that focuses potential mitigation on specific, concrete potential harms without imposing unnecessary compliance burdens on the thousands of applications and use cases that present no risks.

President Biden's Executive Order on AI reflected a misguided approach to AI policymaking, favoring the development of complex and costly regulations in certain areas, at the risk of slowing innovation and growth. For example, the prior administration's reliance on the Defense Production Act to mandate complex "know your customer" data collection and disclosure rules reflects the type of regulation that this Administration must avoid. A more balanced federal policy for AI would encourage the continued development of accurate, ethical, and trustworthy AI without imposing burdensome government mandates and reporting requirements of the past that slowed innovation and growth.

In line with this approach, the Administration should prioritize policies that endorse self-regulation or reliance on established industry standards to ensure sufficient guardrails are in place. Where possible, the new AI Action Plan should also embrace the use of regulatory sandboxes or other tools to explore measures to manage risks without imposing arbitrary, heavy-handed regulations.

Only when regulations are deemed to be absolutely necessary should they be considered, and then only after a vigorous cost-benefit analysis based on a robust public record. This approach was used in the previous Trump Administration policies on AI and should be adopted again in this context.⁹ Further, any new regulations should focus on specific use cases based on risk, rather than attempting to apply new rules broadly to AI systems or models. Finally, the Administration should articulate a policy that opposes foreign government attempts to impose excessive restrictions on the development of AI models or on US AI innovation, such as requiring pre-deployment testing of AI models. These efforts should focus, initially, on counterparts in Europe to warn against overreaching regulations implementing components of the EU AI Act.

III. AI POLICY SHOULD BE SET AT THE FEDERAL LEVEL

The AI Action Plan should set a clear national AI policy which obviates the need for states and localities to attempt to govern in this area. Guardrails set at the national level will increase consumer trust and allow American innovation in AI to safely flourish. In the absence of a clear federal framework for AI, state legislatures will likely continue to attempt to regulate the development and deployment of AI via a patchwork of state and local obligations. Several states

⁹ See Executive Order 13859, *Maintaining American Leadership in Artificial Intelligence*, February 11, 2019, available here: <https://www.federalregister.gov/documents/2019/02/14/2019-02544/maintaining-american-leadership-in-artificial-intelligence> (directing agencies to develop appropriate technical standards for AI technologies in consultation with the privacy sector, academia, non-governmental entities, and other appropriate stakeholders); *Memorandum for the Heads of Executive Departments and Agencies: Guidance for Regulation of Artificial Intelligence Applications*, Office of Management and Budget, November 17, 2020, available here: <https://www.whitehouse.gov/wp-content/uploads/2020/11/M-21-06.pdf> (directing agencies to avoid precautionary approach to AI regulation that holds AI systems to an impossibly high standard).

have already adopted such laws, and in the first 66 days of 2025, 781 bills involving AI have already been introduced in 47 state legislatures.¹⁰

If left unchecked, state and local regulation of AI will create a particularly challenging compliance environment by creating inconsistent and sometimes conflicting state laws that will increase compliance and litigation costs, which in turn will hamper innovation and growth. CTA recognizes that startups and small to medium-sized businesses are the engine of the American economy. Unlike larger companies, these firms lack the resources to navigate a fragmented regulatory landscape. Burdening them with complex, state-by-state compliance will divert their focus from groundbreaking advancements, suppressing AI innovation and ceding a competitive edge to our global adversaries. AI developers and deployers are already facing a complex regulatory environment that includes requirements based on sectoral and state-specific requirements. For example, state privacy laws already create obligations related to the use of automated decision-making technologies, and a number of states have passed laws specifically targeting the development and deployment of AI tools.

To prevent further spread of burdensome state AI laws, the AI Action Plan should articulate clear principles and federal action to ensure American competitiveness continues. Ideally, the AI Action Plan would be enacted through statute to emphasize the primacy of federal law and preempt conflicting or inconsistent state laws and policies. Further, the Administration should direct federal agencies to clarify the applicability of existing law to AI technology, thereby reducing the need for duplicative and cumbersome new regulations or laws. In addition,

¹⁰ See, e.g., *Utah Artificial Intelligence Policy Act*, Utah Code Ann. § 13-2-12 *et seq.*; *Colorado Artificial Intelligence Act*, Colo. Rev. Stat. § 6-1-1701 *et seq.*; *California AI Transparency Act*, Cal. Bus. & Prof. Code § 22757.1; *California Generative Artificial Intelligence: Training Data Transparency Act*, Cal. Civ. Code § 3111; Artificial Intelligence (AI) Legislation, MultiState, available here: <https://www.multistate.ai/artificial-intelligence-ai-legislation>; *Virginia proposed High-Risk Artificial Intelligence Developer and Deployer Act*, HB2094 (passed in both houses of the legislature and currently pending before Virginia Governor Youngkin).

building on the previous Trump Administration’s work under the National Artificial Intelligence Initiative, the AI Action Plan should reestablish a center for technical expertise to advance government understanding of AI and to support federal agencies with authority over critical sectors of our economy.¹¹

IV. ENSURE THAT THE AI ACTION PLAN RECOGNIZES WIDELY ACCEPTED VOLUNTARY PRINCIPLES, STANDARDS AND FRAMEWORKS

The AI Action Plan should reflect the principles articulated in established, consensus-based frameworks developed by industry groups and public-private collaborations. Specifically, the AI Action Plan should incorporate principles of CTA’s [National AI Policy and Regulatory Framework](#), which, if adopted, would ensure that businesses have the flexibility to adopt AI risk management measures that focus on high-risk systems and are tailored to the specific risk profile of the AI systems they develop, deploy, and/or implement. In line with CTA’s framework, the AI Action Plan should recognize the unique roles of developers and deployers in the AI ecosystem system, and should consider the size, revenue, time in operation, and size of the user base when developing potential new obligations or system guardrails. It is important that the roles of developers and deployers be clearly defined, as some companies, such as retailers, may fall somewhere in between, depending on the use case.

Other industry groups have also been actively developing standards for the development of safe AI systems. These consensus-based industry standards have established critical norms and standards to ensure the adoption of accurate, ethical, and trustworthy AI. In addition to CTA,

¹¹ Executive Order 13859, *Maintaining American Leadership in Artificial Intelligence*, February 11, 2019, available here: <https://www.federalregister.gov/documents/2019/02/14/2019-02544/maintaining-american-leadership-in-artificial-intelligence> (establishing a process for coordination with the private sector, academia, non-governmental entities, and other stakeholders).

ISO and many other industry standards bodies have developed comprehensive and detailed standards governing the use and development of AI in various domains, including:

- ANSI/CTA-2096: Guidelines for Developing Trustworthy Artificial Intelligence Systems.
- ANSI/CTA-2125: Best Practices and Recommendations for Information Disclosure.
- ISO/IEC 23894: AI Risk Management standard.
- ISO/IEC 42001:2023: Information Technology - Artificial Intelligence – Management System.
- IEEE P2863 – Recommended Practice for Organizational Governance of Artificial Intelligence.

The AI Action Plan should also leverage and build upon existing efforts at public-private collaboration to establish flexible and evolving guardrails, such as the NIST AI Risk Management Framework (“RMF”). The RMF was developed at the direction of President Trump’s Executive Order 13859 of February 11, 2019, Maintaining American Leadership in Artificial Intelligence and NIST’s August 9, 2019, report “U.S. Leadership in AI: A Plan for Federal Engagement in Developing Technical Standards and Related Tools” and continues to be a leading voluntary standard for measuring, mapping and managing potential risks.

CTA supports the development of frameworks such as the RMF because they offer a flexible and voluntary approach to AI governance that helps identify and address risks in the design, development, use, and evaluation of AI products and services across a wide spectrum of types, applications, and use cases throughout the AI lifecycle. The RMF is widely accepted as a critically important framework for AI governance, risk management and operations.

Significantly, because the RMF is not binding it provides necessary flexibility for organizations of all sizes to implement key elements of the framework to suit their specific operational needs. This flexibility ensures that small and medium-sized enterprises can operationalize risk management protocols without facing the burden of complex and costly government mandates.

To address any potential risks posed by the most advanced, “frontier” AI models, the AI Action Plan should focus on research to improve the measurement of frontier model capabilities in national security-related areas. In line with a risk-based approach, the Administration should develop narrowly tailored requirements for models that achieve these capabilities, and should engage with standards organizations and international bodies to develop consensus around security protocols that are aligned with the U.S. approach.

The AI Action Plan should provide safe harbor protections for entities that have self-certified or obtained a third-party certification of compliance with an accepted AI risk management or governance standard, such as the NIST AI RMF or ISO 42001.¹²

The Administration’s new plan should also recognize that certain entities are already subject to federal and state sector-specific regulations, and that additional overarching rules are unnecessary. Businesses in highly regulated industries such as healthcare, financial services, and automobile manufacturing are subject to regulations that govern their use of AI, and existing laws may apply to businesses’ use of AI in the hiring and employment context. The AI Action Plan should exempt businesses that are subject to sector-specific obligations from any new proposed obligations to avoid creating overly complex compliance obligations.

V. INCENTIVIZE PRIVATE SECTOR INVESTMENT IN AI INFRASTRUCTURE AND ADOPT POLICIES THAT WILL ENSURE THE U.S. CONTINUES TO LEAD IN AI

The Administration should adopt policies that encourage and facilitate the development of necessary infrastructure to support the development and training of large models, such as

¹² See also *Colorado Artificial Intelligence Act*, Colo. Rev. Stat. Ann. § 6-1-1706(3)(b) (establishing compliance with the RMF as an affirmative defense to alleged violations of the Colorado Artificial Intelligence Act), *Virginia proposed High-Risk Artificial Intelligence Developer and Deployer Act*, HB2094 § 59.1-609(c) (establishing presumption of compliance for AI systems that are in conformity with the RMF).

encouraging public-private partnerships and developing policies that encourage domestic chip development and data centers.

The Administration should also consider promoting open data initiatives that would lower barriers to accessing large datasets that could be used to train and fine-tune large AI models. Building on the work done to make government data available at data.gov, the Administration should develop large datasets accessible to US businesses that could be used to responsibly train AI models. Doing so would enhance competition within the US by lowering the barrier for smaller firms to access sufficiently large datasets to train AI models. This proposal accords with section 5(v) of President Trump's Executive Order 13859 of February 11, 2019, Maintaining American Leadership in Artificial Intelligence, which directed agencies to identify opportunities to use new technologies and best practices to increase access to and usability of open data and models.

CTA urges the Administration to consider policies that promote innovation in safety and AI applications for autonomous vehicles ("AVs"). This is consistent with the goals envisioned by President Trump in his first term. The widespread and safe deployment of AVs will improve the safety of the traveling public, lower healthcare costs, improve the mobility of the elderly and blind and disabled Americans, bolster our supply chain, and strengthen the economy. The National Highway Traffic Safety Administration and Federal Motor Carrier Safety Administration should pursue rulemakings that assert the agencies' exclusive authorities to test, approve, and oversee automated driving system technologies, enforcing compliance through Federal Motor Vehicle Safety Standards and Federal Motor Carrier Safety Regulations for all vehicle classes. Such action will help eliminate unnecessary barriers to the integration of AI

enabled safety-improving technologies into our transportation system, as well as ensuring American leadership in the AV sector.

In line with CTA’s comments on the Administration’s reciprocal tariffs policies, the AI Action Plan should use leverage gained through tariff negotiations to break down barriers—not build them up—and to expand opportunities for American businesses, while avoiding tariffs that cause inflation and lead to higher prices for consumers.¹³ Similarly, the AI Action Plan should avoid barriers to transfers of data and investments in AI.¹⁴ Specifically, the Administration should develop an international data center policy that permits businesses to use data centers in international locations subject to reasonable security controls, such as ensuring that such locations are certified under FedRAMP and that the data centers adhere to multi-layered technical and business controls to ensure data security.

The Administration should also continue to use export controls to limit adversary access to critical technologies while working extensively with our allies to align U.S. measures with theirs. To ensure appropriate controls are in place, the Administration should adequately resource and modernize the Bureau of Industry and Security, including through the adoption of AI for supply chain analysis. The Administration should also consider revising Executive Order 14141 on Advancing US Leadership in AI Infrastructure to remove those sections which create an unworkable national industrial policy for AI infrastructure through government leasing of federal lands. Instead, the Administration should preserve those sections of E.O. 14141 which seek to enable private sector innovation, development, and capacity-building through removal of

¹³ *CTA CEO on Tariff Reciprocity Announcement*, February 13, 2025, CTA, available at: <https://www.cta.tech/Resources/Newsroom/Media-Releases/2025/February/CTA-CEO-on-Tariff-Reciprocity-Announcement>; Gary Shapiro, Letter to Chief of Staff Susie Wiles, February 19, 2025, available here: <https://cdn.cta.tech/cta/media/media/pdfs/cta-innovation-agenda-letter-to-wh-cos-wiles.pdf>

¹⁴ See CTA advocacy page on Trade and Tariffs, available here: <https://www.cta.tech/Advocacy/Issues/Trade>

regulations, streamlining of process, and incentives for private sector energy, infrastructure, and AI companies.

The Administration should adopt energy policies that facilitate the development of AI technologies. Specifically, the Administration should grant the Federal Energy Regulatory Commission with greater authority to site and permit interstate transmission lines deemed to be in the national interest. This would streamline the approval process to remove barriers to accessing sufficient energy for data centers. In addition, the Administration should implement federal policies to prevent states from enacting discriminatory policies that disproportionately burden data centers.

As it relates to the actual consumer technology products, the Administration should continue to administer the ENERGY STAR program through the Environmental Protection Agency.¹⁵ The guidelines for products established under the ENERGY STAR help reduce the energy demands of those products on the grid by driving energy efficiency gains without imposing burdensome regulations. As a voluntary program devised with the leadership of industry, ENERGY STAR is a clear example of how thoughtful guidelines can promote energy efficiency, consumer welfare, encourage innovation in new technologies, and enhance competition, all without subjecting industry to regulations that are not able to keep pace with the technological advancements. It is a critical path in making strides toward energy dominance and energy independence.

¹⁵ Gary Shapiro, Letter to Environmental Protection Agency (EPA) Administrator Lee Zeldin, March 11, 2025, available here: [https://cdn.cta.tech/cta/media/media/pdfs/epaadmin_energystar_letter_cta_\(03112025\)_final.pdf](https://cdn.cta.tech/cta/media/media/pdfs/epaadmin_energystar_letter_cta_(03112025)_final.pdf).

VI. ENSURE SUFFICIENT ACCESS TO DATA FOR TRAINING AND DEVELOPMENT OF ADVANCED AI MODELS AND SYSTEMS

The AI Action Plan should adopt balanced copyright rules that protect rights holders while enabling AI systems to learn from prior knowledge and publicly available information. Specifically, the Administration should ensure access to publicly available scientific papers to accelerate AI in science fields. The Administration should establish that the fair use doctrine and text and data mining exceptions allow for uses of copyrighted, publicly available material for AI training purposes, so long as rights holders can opt out of such use. This mechanism will avoid significant impacts on rightsholders while avoiding unpredictable and lengthy negotiations with data holders during model development.

VII. CONCLUSION

The Administration should capitalize on this opportunity to reset US AI policy. It can do so by adopting policies that promote private sector growth, avoiding overbroad and burdensome obligations, and leveraging existing frameworks and standards. Importantly, federal AI policy and regulations should explicitly preempt patchwork state laws to avoid creating complicated overlays of overlapping state, federal, and sectoral requirements. By leveraging flexible, risk-based approaches to AI governance, and establishing policies that enhance American firms' competitiveness, this Administration can ensure continued American dominance in the development and adoption of AI.

Respectfully submitted,

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