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Statement of Adam Thierer, Senior Fellow, R Street Institute

On House Bill 392

R Street Testimony in Favor of HB House Bill 392, "To enact section 9.89 of the Revised Code to limit further regulation of certain computational systems, require risk management policies for AI-controlled critical infrastructure, and to name this act the Ohio Right to Compute Act."

February 4, 2026

Ohio House Committee on Technology and Innovation

Chairman Claggett, Vice Chair Workman, Ranking Member Mohamed and members of the House Committee on Technology and Innovation:

My name is Adam Thierer and I am a Senior Fellow in the Technology and Innovation program at the R Street Institute. The R Street Institute is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including emerging technology.

H.B. 392, The Ohio Right to Compute Act establishes a pro-innovation policy vision that can help make Ohio a leader in the modern AI economy. The approach it sets forth offers the state a chance to be a trailblazer in the nation by helping to establish a positive baseline for AI and emerging technology policy. This sort of policy vision is needed desperately today because some states are moving aggressively to adopt more heavy-handed approaches to AI regulation that will undermine growth and opportunity.[1]

Consider what we can learn about high-technology policy over the past 30 years by examining the different paths that the United States and the European Union (EU) took on Internet and online commerce policy. American technology policy was rooted in a general freedom to innovate and our firms became the global leaders in virtually every field of advanced computing, e-commerce, online services, and now AI-related systems and applications.[2] This boosted economic growth, jobs, and public access to countless new goods and services.[3] According to the U.S. Bureau of Economic Analysis, in 2022

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[1] Dean Ball, Greg Lukianoff & Adam Thierer, "How state AI regulations threaten innovation, free speech, and knowledge creation," The Eternally Radical Idea, April 3, 2025. https://eternallyradicalidea.com/p/how-state-ai-regulations-threaten.

[2] Adam Thierer, "The Policy Origins of the Digital Revolution & the Continuing Case for the Freedom to Innovate," R Street Real Solutions, Aug. 15, 2024. https://www.rstreet.org/commentary/the-policy-origins-of-the-digital-revolution-the-continuing-case-for-the-freedom-to-innovate.

[3] Adam Thierer, Testimony before the U.S. Joint Economic Committee Hearing on "Artificial Intelligence and Its Potential to Fuel Economic Growth and Improve Governance," June 4, 2024.

alone, U.S. digital technology firms are contributing over $4 trillion of gross output for the nation, $2.6 trillion of value added (translating to 10 percent of U.S. GDP), $1.3 trillion of compensation, and 8.9 million jobs.[4]

Meanwhile, across the Atlantic, Europe chose the path of heavy-handed regulation and technology repression. Digital entrepreneurs got smothered with red tape and liability threats at every juncture by EU bureaucrats. Unsurprisingly, most of Europe's best and brightest escaped the continent and fled elsewhere to innovate. Today it is hard to even name a major European digital technology leader with global presence. While America has 18 of the 25 largest digital companies in the world by market cap, Europe has only two.[5] In 2022, a magazine survey of experts on cross-Atlantic technology leadership trends found such a lopsided lead for America in this regard that they labelled Europe "the biggest loser" in the global digital technology race today.[6]

This trans-Atlantic cautionary tale offers powerful continuing lessons as policymakers consider how our nation formulates AI policy at both the federal and state level. Put simply, innovators respond to incentives, and when government policies default to fear-based thinking and highly restrictive rules, innovators will move elsewhere.

Importantly, just because we won the first round of the global digital technology battles does not guarantee America will dominate going forward. Our nation currently finds itself locked in heated race with China for global supremacy in advanced computational technology creation and diffusion.[7] Some even call it an "AI Cold War."[8] Many analysts claim America has already slipped behind China in ensuring widespread diffusion of AI software to many regions of the globe[9] and that "it seems only a matter of time before China emerges as the AI superpower of the 21st century."[10]

The policy decisions being made today by lawmakers at all levels of government will have a powerful bearing on whether or not America wins this race. This is why it is troubling that many states across America are today currently considering AI policies based more on the disastrous European model of

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https://www.rstreet.org/outreach/adam-thierer-testimony-hearing-on-artificial-intelligence-and-its-potential-to-fuel-economic-growth-and-improve-governance.

[4] U.S. Bureau of Economic Analysis, "U.S. Digital Economy: New and Revised Estimates, 2017–2022," Dec. 6, 2023. https://apps.bea.gov/scb/issues/2023/12-december/1223-digital-economy.htm.

[5] "Largest Tech Companies by Market Cap," *last accessed Jan. 30, 2026*, https://companiesmarketcap.com/tech/largest-tech-companies-by-market-cap.

[6] "The Biggest Loser," *The International Economy*, (Spring 2022). http://www.international-economy.com/TIE_Sp22_EuropeTechLoser.pdf.

[7] Adam Thierer, Testimony before the House Committee on Science, Space, and Technology Hearing on "DeepSeek: A Deep Dive," Apr. 8, 2025. https://www.rstreet.org/outreach/adam-thierer-testimony-hearing-on-deepseek-a-deep-dive.

[8] Arthur Herman, "China and Artificial Intelligence: The Cold War We're Not Fighting," Commentary, July/Aug. 2024. https://www.commentary.org/articles/arthur-herman/china-artificial-intelligence-cold-war; Josh Chin and Raffaele Huang, "The AI Cold War That Will Redefine Everything," *Wall Street Journal*, Nov. 10, 2026. https://www.wsj.com/tech/ai/the-ai-cold-war-that-will-redefine-everything-4e1810b2.

[9] Scott Singer and Pavlo Zvenyhorodskyi, "DeepSeek was a warning shot. China is building its next surprise," *Washington Post*, Jan. 30, 2026. https://www.washingtonpost.com/opinions/2026/01/30/china-ai-robots-autonomous-drones.

[10] John Thornhill and Caiwei Chen, "The State of AI: is China about to win the race?" *Financial Times*, Nov. 3, 2025. https://www.ft.com/content/794caa5d-1039-4c21-9883-9374912fe1a9.

technology regulation instead of the winning formula America used to become the global leader in computing and Internet services.[11]

Ohio has a chance to help counter that troubling trend and is now in a position to help establish a pro-innovation, pro-investment, pro-freedom baseline for AI policy that can help ensure our domestic technology champions can stay on top of this crucial global competition. Equally importantly, it will help ensure that our nation's innovators are well positioned to provide the public with life-enriching services to improve their health and welfare along multiple dimensions.[12]

The Right to Compute Act holds this promise, and Ohio would not be alone in advancing this pro-freedom vision.[13] In April 2025, Montana passed a Right to Compute Act,[14] and New Hampshire has floated a Right to Compute amendment to their state constitution that would enshrine freedom to "freely access, use, and employ computation resources."[15] These efforts could serve as a powerful counterweight to the misguided policies being pursued by other states and, hopefully, encourage other state lawmakers to join this effort.

I also applaud the recent introduction of H.B. 650, a bill to "Establish Frontier Technologies and Quantum Computing Commission" by Rep. Heidi Workman and several co-sponsors. One of the smartest things for state governments to be doing at this critical moment is studying how to better prepare themselves for an uncertain, rapidly-changing technology environment. H.B. 650 furthers that goal and could also help examine the Ohio code for existing laws and regulations that are already applicable to algorithmic systems. That will help inform lawmakers about what enforcement capacity already covers perceived problems, and where there might be gaps to be addressed.

There are natural synergies between H.B. 392 and H.B. 650 because these two measure signal a willingness to approach AI governance more thoughtfully by avoiding the knee-jerk tendency to over-regulate new technologies and sectors. Wise emerging technology policy should be rooted in patience and humility. The balanced approaches in these measures will serve Ohio and the nation well for decades to come.

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[11] Kevin Frazier & Adam Thierer, "No Single State Should Dictate National AI Policy," *Governing*, Aug. 28, 2028. https://www.governing.com/artificial-intelligence/no-single-state-should-dictate-national-ai-policy.

[12] Adam Thierer & Nicholas Thielman, "AI and Public Health Series Part 4: How AI Can Make Healthcare More Affordable and Accessible," R Street Institute Real Solutions, Oct. 22, 2025. https://www.rstreet.org/commentary/ai-and-public-health-series-part-4-how-ai-can-make-healthcare-more-affordable-and-accessible.

[13] Greg Lawson, "Positioning Ohio as a National Leader in AI," Interested Party Testimony, Ohio Technology and Innovation Committee, October 28, 2025, https://www.legislature.ohio.gov/legislation/136/hb392/committee.

[14] https://archive.legmt.gov/content/Sessions/69th/Contractor_index/CH0150.pdf

[15] New Hampshire Legislative Service Request, "CACR 6 - As Introduced," February 9, 2025, https://gc.nh.gov/lsr_search/billText.aspx?id=828&type=4.