ML STRATEGIES

Trump Administration Receives 8,755 Comments for AI Action Plan — AI: The Washington Report

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VIEWPOINT TOPICS

- Artificial Intelligence

- The Trump administration's Office of Science and Technology Policy received 8,755 comments in response to its Request for Information for the development of its AI Action Plan implementing the Trump AI Executive Order issued in January. The comment period ended on March 15.
- Although the comments have not been made publicly available by the government, some were released by the commenters, which provide insights into stakeholders' priorities regarding the Trump administration AI policies, including the use of copyrighted information to train AI models and federal preemption of state AI laws.
- At this point, while the comments define the range of issues that might go into the AI Action Plan, it remains to be seen which policy proposals might end up in the Plan, which is scheduled to be announced by mid-July 2025.

The Trump administration's Office of Science and Technology Policy (OSTP) received 8,755 comments in response to its **Request for Information** (RFI) for the new administration's AI Action Plan. OSTP's RFI sought public input on "priority actions that should be included in the plan," which is being developed pursuant to President Trump's **Executive Order on AI**, and the comment period ended on March 15.

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AI Action Plan: Executive Order and RFI

During his first week in office, President Trump signed an **Executive Order on Removing Barriers to American Leadership in Artificial Intelligence** (AI EO). The AI EO states that "it is the policy of the United States to sustain and enhance America's global AI dominance in order to promote human flourishing, economic competitiveness, and national security." The EO directs the President's top AI and technology advisors to develop an AI Action Plan within 180 days of the order to achieve the policy of the US on AI.

Pursuant to the AI EO, on February 6 the White House OSTP published a RFI seeking public comments on the development of the AI Action Plan, as **we covered**. The RFI was open ended, but it specifically mentioned data centers, hardware and chips, open-source development, and procurement, among others, as topics of interest. The comment period closed on March 15.

The White House OSTP received 8,755 comments in response to its RFI. The government has not made the comments public, but some of the commenters have released their submissions. Those available touch upon a range of subjects, which is useful to canvass as we wait to obtain more official insights as to the evolution of the AI Action Plan.

Use of Copyrighted Information for Training AI Models

Commenters expressed vastly different views on the use of copyrighted materials to train AI models. Several large tech companies expressed support for the use of copyrighted, publicly available information to train their AI models, under fair use exemptions for copyright laws. One tech company argued that fair use exemptions promote AI innovation by allowing AI models to train using large amounts of data and also "avoid often highly unpredictable, imbalanced, and lengthy negotiations with data holders during model development or scientific experimentation." "Applying the fair use doctrine to AI is not only a matter of American competitiveness—it's a matter of national security," according to a large AI company. The AI

company expressed concerns that if Chinese AI companies have "unfettered access to data," while "American AI companies are left without fair use access," "the race for AI is effectively over."

A number of Hollywood actors, directors, writers, and creators, however, argued against the fair use exemption for training AI models with copyrighted materials. According to the group, "There is no reason to weaken or eliminate the copyright protections that have helped America flourish. Not when AI companies can use our copyrighted material by simply doing what the law requires: negotiating appropriate licenses with copyright holders — just as every other industry does."

As **we've written about**, the United States Copyright Office is working on a forthcoming report about the use of copyrighted materials to train AI models. Numerous courts are also wrestling with the same question in lawsuits brought by the creative industry and may bring additional clarity this year as well.

Federal Preemption of State AI Laws

Tech companies also called on the Trump administration to create a unified federal approach to AI regulations that preempts the patchwork of AI laws proposed and passed by various states. The "patchwork of [state AI] regulations risks bogging down innovation and, in the case of AI, undermining America's leadership position," according to one company's comments. The AI company proposed a framework for voluntary partnerships between the federal government and AI companies, under which the "government receives learnings and access, where appropriate, in exchange for providing the private sector relief from the 781 [AI bills]" introduced in states this year.

A unified federal approach to AI is a "federal prerogative," according to one tech company, "and would ensure a united national framework for frontier AI models focused on protecting national security while fostering an environment where American AI innovation can thrive." The tech company specifically advocated for "focused, sector-specific, and risk-based AI governance and standards" that avoid overly regulating the emerging technology and "[intervene] directly only when demonstrably necessary."

In contrast, an organization of state legislators expressed support for states legislatures and state AI laws that have created "expertise where little existed in government" and "bipartisan innovative regulatory frameworks to review and model at the federal level." The organization encouraged the administration to "solicit input from a bipartisan group of [state] legislators as it" develops the AI Action Plan.

Loosening Export Controls

Several tech companies also asked the government to reconsider current export controls on AI-related technologies, including chips, which were put in place during the Biden administration. One tech company argued that existing export controls, including the AI Diffusion Rule, which **we wrote about,** "may undermine economic competitiveness goals the current administration has set by imposing disproportionate burdens on US cloud service providers."

Meanwhile, another tech company proposed modifying the AI Diffusion Rule to expand the countries eligible for a license exception for the export controls to include not only close US allies but also countries "that are committed to democratic AI principles and that present a relatively low risk to American AI infrastructure." The tech company argued that this strategy would "encourage global adoption of democratic AI principles, promoting the use of democratic AI systems while protecting US advantage."

As **we wrote about**, the Trump administration has so far kept in place the Biden administration's export control rules, which may be viewed as necessary to prevent foreign countries, including China, from benefiting from US AI advancements.

AI R&D and Infrastructure Investments

Various stakeholders, including tech companies and state governments, also called on the administration to increase investments in AI R&D, including public-private research partnerships, and AI infrastructure, such as data centers. One state government proposed investments in "federally backed research partnerships between leading public and private universities, national laboratories, and private-sector leaders." Moreover, the state government recommended that "federal grant programs and tax incentives should be expanded to encourage AI researchers and startups to collaborate with industry partners."

Various commenters highlighted the need to expand the nation's energy capabilities and supply to fuel AI innovation. According to a tech company, "A potential lack of new energy supply is the core constraint to expanding AI infrastructure in the near term." Several tech companies expressed support for permitting reforms to expedite the permitting process. They also advocated for public-private partnerships to develop new energy load facilities to meet the surging energy demand linked to AI.

There is a long way to go before the AI Action Plan is written and released to the public. We will continue to monitor, analyze, and issue reports on developments regarding the Trump administration's approach to
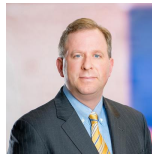
and policies for AI.

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