

Client Alert: White House Advances Development of New Artificial Intelligence Action Plan and R&D Strategy

Publications

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Recent activity by the White House Office of Science and Technology Policy (OSTP) highlights the Federal government's ongoing focus on US leadership in artificial intelligence (AI) and opportunities for public input. On April 24, 2025, OSTP published the over-10,000 public comments submitted in response to the White House's Request for Information for the development of a new White House action plan on AI (AI Action Plan). The AI Action plan, which is set to be delivered to the President in July, is intended to "define priority policy actions to enhance America's position as an AI powerhouse and prevent unnecessarily burdensome requirements from hindering private sector innovation." On April 29, 2025, OSTP released a new Request for Information on the "Development of a 2025 National Artificial Intelligence Research and Development Strategic Plan" (R&D Strategy), giving the public a new opportunity to share views on federal AI policy.

Background

On January 23, 2025, President Trump issued Executive Order 14179 on "Removing Barriers to American Leadership in Artificial Intelligence." The order revoked all "existing AI policies and directives that act as barriers to American AI innovation" and established 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." It further directed relevant officials within the Executive Office of the President to develop and submit to the president an "action plan" to achieve the new US AI policy.

Pursuant to this executive order, on February 6, 2025, OSTP posted a Request for Information (RFI) in the Federal Register, soliciting public input on the development of the AI Action Plan until March 15, 2025. On April 29, 2025, OSTP released its RFI on the R&D Strategy, which "will be aligned with the AI Action Plan" and is intended to "identify the Federal strategic priorities for AI research and development, with particular attention on areas that industry is unlikely to address" because they may not provide "immediate commercial returns." The R&D Strategy will update a prior version released in 2023.

AI Action Plan & R&D Strategy Comments

While the commentators include a range of sectors and perspectives and the comments covered a range of topics, certain common themes and issues are likely to inform the White House's development of the AI Action Plan. Many commenters raised concerns about the need to prevent a fragmented and overly burdensome regulatory environment resulting from multiple state AI laws. Other comments raised concerns regarding the potential implications of AI for labor markets, the rapid progress of Chinese AI companies, and the need to greatly expand American energy infrastructure to support AI's increasing energy demands. Many commenters also focused on the issue of copyright protection.

Over time, federal actions to address AI could include measures concerning some or many of these issues, using a range of potential federal authorities. The AI Action Plan itself, like national strategies frequently do, may focus primarily on articulating a strategic vision and outlining the administration's policy priorities with respect to these issues, leaving it to subsequent presidential and agency actions, as well as collaboration with Congress in enacting new legislation, to put those policies into motion. Federal government officials have until July 22, 2025 to review the received comments and then develop and submit a recommended action plan to the president.

The public also has a new opportunity to provide input on federal AI policy in the context of the R&D Strategy. Here, OSTP is considering R&D areas that may lack market incentives, and in particular, R&D challenges in AI that the Federal government should prioritize over the next three-to-five years, along with ideas for novel partnerships with industry and academia. OSTP will also consider comments submitted on the AI Action Plan as it develops the R&D Strategy. Comments are due May 29, 2025.

Jenner & Block's Critical and Emerging Technologies Practice continues to monitor new developments regarding the regulation of artificial intelligence and other critical and emerging technologies and is available to counsel clients on a broad range of AI issues. Aaron Cooper is founding co-chair of the firm's Critical and Emerging Technologies Practice, co-chair of the Cybersecurity and Data Privacy Practice, and a partner in the Investigations, Compliance, and Defense Practice. Philip Chertoff is an associate in the National Security and Crisis Practice.

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