

ALERT

Advancing AI Action Plan, OSTP Seeks Comment on Regulatory Barriers

September 29, 2025

On September 24, 2025, the White House Office of Science and Technology Policy (OSTP) issued a Request for Information (RFI), *Regulatory Reform on Artificial Intelligence*, seeking comment on federal statutes and regulations that could hinder artificial intelligence (AI) development, deployment, or adoption. This RFI follows the Trump Administration's AI Action Plan (Action Plan) released on July 23, 2025, and is part of OSTP's actions to advance the Plan's Pillar I: Accelerate AI Innovation.

Below, we provide a high-level summary of the RFI. The comment period is open through October 27, 2025.

Overview of RFI: The RFI seeks comment on federal statutes and regulations that could hinder AI development, deployment, or adoption due to requirements or assumptions incompatible with how modern AI systems function or could function. OSTP requests input from all interested stakeholders, including private-sector organizations, industry groups, and academia.

In the RFI, OSTP identifies five categories of potential obstacles that could impede the development and deployment of AI across industries: (1) regulatory mismatches, where existing rules no longer align with AI capabilities; (2) structural incompatibility, where legal or operational requirements are fundamentally unsuitable for AI systems; (3) lack of regulatory clarity, where insufficient guidance about rules that plausibly cover AI systems delays adoption, increases compliance costs, and slows innovation; (4) direct hindrance, where regulations directly target AI development, deployment, and adoption; and (5) organizational factors, which influence how available policy frameworks and administrative tools are and are not

Authors

Duane C. Pozza
Partner
202.719.4533
dpozza@wiley.law

Kathleen E. Scott
Partner
202.719.7577
kscott@wiley.law

Alexandrine De Bianchi
Public Policy Advisor
202.719.3125
adebianchi@wiley.law

Lauren N. Lerman
Associate
202.719.4664
llerman@wiley.law

Kevin T. Nguyen
Associate
202.719.3395
knguyen@wiley.law

Practice Areas

AI Executive Order
Artificial Intelligence (AI)
Emerging Technologies
Federal Policy and Regulation
Political Law
Privacy, Cyber & Data Governance
Trump Administration Resource Center

used.

Overall, OSTP seeks input on priorities for regulatory reform or other agency action “necessary to promote AI innovation and adoption.” Specifically, the RFI invites comment on six questions:

- (1) “What AI activities, innovations, or deployments are currently being inhibited, delayed, or otherwise constrained due to Federal [statutes], regulations, or policies? Please describe the specific barrier and the AI capability or application that would be enabled if it was addressed. The barriers may directly hinder AI development or adoption, or indirectly hinder [AI] through incompatible policy frameworks.”
- (2) “What specific Federal statutes, regulations, or policies present barriers to AI development, deployment, or adoption in your sector? Please identify the relevant rules and authority with specificity, including a cite to the Code of Federal Regulations (CFR) or the U.S. Code (U.S.C.) where applicable.”
- (3) “Where existing policy frameworks are not appropriate for AI applications, what administrative tools (e.g., waivers, exemptions, experimental authorities) are available, but underutilized? Please identify the administrative tools with specificity, citing the CFR or U.S.C. where applicable.”
- (4) “Where specific statutory or regulatory regimes are structurally incompatible with AI applications, what modifications would be necessary to enable lawful deployment while preserving regulatory objectives?”
- (5) “Where barriers arise from a lack of clarity or interpretive guidance on how existing rules cover AI activities, what forms of clarification (e.g., standards, guidance documents, interpretive rules) would be most effective?”
- (6) “Are there barriers that arise from organizational factors that impact how Federal [statutes], regulations, or policies are used or not used? How might Federal action appropriately address them?”

Takeaway: This RFI is among the Administration’s first steps to put the Action Plan’s recommended policy actions into effect. Interested stakeholders should consider commenting to help inform the Administration’s developing approach.

* * * *

Wiley’s Artificial Intelligence Practice counsels clients on AI compliance, risk management, and regulatory and policy approaches, and we engage with key government stakeholders in this quickly moving area. Please reach out to the authors with any questions.

To stay informed on all of the Executive Orders and announcements from the Trump Administration, please visit our dedicated resource center below.

Wiley’s Trump Administration Resource Center