



**Before the
NATIONAL SCIENCE FOUNDATION AND THE OFFICE OF SCIENCE AND TECHNOLOGY
POLICY
Washington, DC**

In the Matter of)	
)	
Development of an Artificial Intelligence Action Plan)	Docket No. NSF_FRDOC_0001-3479
)	

Comments of Meta Platforms, Inc.¹

March 14, 2025

INTRODUCTION

Meta appreciates the opportunity to provide comments regarding the development of an Artificial Intelligence Action Plan. The President has put forward a bold vision for American AI leadership, based on American innovation and entrepreneurship, and the strength of our free markets. This will empower a future in which America leads the world in the development of technology that will “promote human flourishing, economic competitiveness, and national security.”² Meta is grateful for the President’s leadership on this issue and is eager to partner with the Administration in bringing the benefits of AI to the American people and the world.

Today, American AI is the global gold standard. It is fundamentally important for American workers, our economy, and our national security that the U.S. maintain its leadership in the AI technological revolution. Open source AI is the foundation of continued U.S. leadership and long-term dominance of this technology. Meta has been at the forefront of open source for over a decade. An open source approach to AI leads to better products, faster innovation, and larger economic growth and increased productivity.

To achieve the shared American vision this Administration has put forth, America’s Artificial Intelligence Action Plan should address three critical issues: (1) protecting and promoting open source AI; (2) reducing barriers to innovation and growth in the U.S., including stopping a patchwork of state laws that could impede innovation and investment; and (3) continuing advocacy abroad to oppose foreign governments’ attempts to impose undue restrictions and discriminatory measures on American companies, especially in relation to AI.

SUMMARY OF RECOMMENDATIONS

¹ This document is approved for public dissemination. The document contains no business-proprietary or confidential information. Document contents may be reused by the government in developing the AI Action Plan and associated documents without attribution.

² Removing Barriers to American Leadership in Artificial Intelligence, The White House, Jan. 23, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/removing-barriers-to-american-leadership-in-artificial-intelligence/>.

As the President said, “[w]ith the right Government policies, we can solidify our position as the global leader in AI and secure a brighter future for all Americans.”³ To help craft these policies, and to fulfill this Administration’s goal of securing America’s AI dominance, Meta makes the following recommendations:

❖ **Protect and Promote American Open Source AI by:**

- Promoting and encouraging export of American open source AI.
- Preferring open source AI for government use.
- Ensuring the U.S. government has the necessary AI expertise and resources to leverage AI dominance to benefit the American people.
- Building public-private partnerships focused on, and providing incentives for, re-skilling and workforce development.
- Developing testbeds to leverage open source models to accelerate discovery in critical scientific fields.
- Issuing guidance on fair use and enabling access to new sources of training data.

❖ **Preserve American Global Technology Leadership by:**

- Removing energy, infrastructure, and permitting barriers to enable timely and efficient advancement of energy infrastructure to support domestic data center investment and growth.
- Streamlining and shortening the various approval processes for constructing data centers and deploying terrestrial and subsea broadband fiber.
- Supporting federal preemption of state laws that conflict with the Administration’s pro-innovation agenda.

❖ **Continue Strong Advocacy Abroad to Support Global American Technology Leadership by:**

- Defending American AI companies and innovators from overseas extortion and punitive fines, penalties, investigation, and enforcement.

DISCUSSION

I. The Policy of the U.S. Should be to Protect and Promote American Open Source AI

A. Open Source AI is a Critical Element of American National Security

President Trump has established that “[i]t 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.”⁴ In the global race for AI dominance, the U.S. has an opportunity to secure its leadership through American open source AI.⁵ Open source models

³ Id.

⁴ *Removing Barriers to American Leadership in Artificial Intelligence*, Jan. 23, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/removing-barriers-to-american-leadership-in-artificial-intelligence/>.

⁵ *The United States Must Win The Global Open Source AI Race*, <https://www.justsecurity.org/104676/american-ai-leadership-requires-support-open-source/> (“Openly-released software is a cornerstone of America’s current dominance in the global technological ecosystem, with nearly every digital service—including every app and website enabled in some way by open source software. Open-weight AI translates many of the benefits associated with open source software to the world of AI.”). See also *Defense*

will become the standard on which developers around the world build, and on which further innovation is based. To further the U.S.' national and economic security, that global AI substrate should be American open source AI.⁶

1. To Win the Race with China, America Must Compete via Open Source AI

Recommendation

Promote and encourage export of American open source AI. Open source models are essential for the U.S. to win the AI race against China and ensure American AI dominance. Export controls on open source models would take the U.S. out of that race, allowing Chinese companies like DeepSeek to set the AI standard on which the world builds and embedding authoritarian values in the global tech ecosystem. Instead, the U.S. government should support U.S. open source models as the best way to ensure the systemic advantages of setting the global AI standard accrue to the U.S., creating a flywheel of innovation that will propel American AI dominance.

Restricting American companies' ability to release open source AI models would directly benefit China.⁷ Without a vibrant U.S.-based open source AI ecosystem developers worldwide would turn to open source models developed by other countries, including China. The U.S.' global competitive advantage has long been decentralized and open innovation.⁸ Government mandates to close models—through export controls or other tools favoring closed models—to prevent China from gaining access to American models would be ineffective and ultimately only serve to weaken U.S. interests.

In particular, restricting open models would be particularly harmful, entrenching the advantages of China and other geopolitical adversaries because we will have ceded the space to lead in establishing the global standard for AI development. At the same time, this will not prevent these companies from leveraging the world's leading AI technology, as the recent DeepSeek release illustrated. DeepSeek is alleged to have been built using outputs from OpenAI's *closed* models, demonstrating that even a restrictive "closed source" policy would not stop technological diffusion to China.⁹

2. Open Source AI Can Directly Benefit National Security Through Government Adoption

Priorities in the Open-Source AI Debate, <https://www.csis.org/analysis/defense-priorities-open-source-ai-debate> ("Preliminary evidence suggests that an open foundation model ecosystem could benefit the U.S. Department of Defense's... sustenance, cybersecurity, and innovation priorities."). See generally *The Real Threat of Chinese AI: Why the United States Needs to Lead the Open-Source Race*, <https://www.foreignaffairs.com/china/real-threat-chinese-ai>.

⁶ Policy Checklist To Accelerate American Tech Innovation & Win The Tech Race With China <https://americanedgeproject.org/wp-content/uploads/2025/03/AEP-Policy-Checklist-2025.pdf>. See also Ex-Google chief warns west to focus on open-source AI in competition with China, <https://www.ft.com/content/84cf0b2e-651d-4cb4-b426-ebc7afd634fa>.

⁷ See generally *China wants to dominate in AI — and some of its models are already beating their U.S. rivals*, <https://www.cnn.com/2024/12/17/chinese-ai-models-are-popular-globally-and-are-beating-us-rivals-in-some-areas.html>.

⁸ *Open Source AI is the Path Forward*, <https://about.fb.com/news/2024/07/open-source-ai-is-the-path-forward/>.

⁹ *OpenAI Warns DeepSeek 'Distilled' Its AI Models - Reports*, <https://www.newsweek.com/openai-warns-deepseek-distilled-ai-models-reports-2022802>.

Recommendation

Prefer open source AI for government use. Following the model of the Cybersecurity and Infrastructure Security Agency, the U.S. government should adopt an “open by default” software development policy, including related to the utilization of AI. Open source AI models offer more secure processing of sensitive data without calling to an API, better customization and fine-tuning with government data, cost savings to taxpayers given the underlying model is free of charge, and deployability to challenging environments such as the battlefield or space.

Open source AI can strengthen U.S. security while reducing costs and saving taxpayer money.¹⁰ Meta has made Llama available to U.S. government agencies working on national security uses, and we are working with multiple parts of the U.S. government and its private-sector partners to facilitate uses for national security and civilian purposes. We believe that government should harness open source AI models like Llama to enable:

- Efforts at improving government efficiency, such as by piloting programs that accelerate or automate routine paperwork processes,¹¹ streamline logistics, or improve service delivery; and
- National security use cases that give the U.S. technological, logistical, or other types of advantage over its adversaries.

Open source AI models, such as Llama, are strongly positioned for these use cases, as they allow the U.S. government to securely process sensitive data on its own servers without the need for processing on servers controlled by a private company. Open models also allow customization and fine-tuning with government data, again without the need to expose that data to the model developer. Open source AI models also allow the government to apply complex modifications and engage in unique interventions, such as processing new modalities (e.g., sensor data from robotics, model data from computer-assisted design programs). This level of local, secure, and customizable control is not possible with closed, proprietary models, and for this reason we encourage the government to prioritize the adoption of open models.¹²

3. Open Source AI Enhances Cybersecurity

Recommendation

Ensure the U.S. government has the necessary AI expertise and resources to leverage AI dominance to benefit the American people. The U.S. government and the American people must reap the rewards of American AI dominance, whether via gains in government

¹⁰Open Source AI Can Help America Lead in AI and Strengthen Global Security, <https://about.fb.com/news/2024/11/open-source-ai-america-global-security/>.

¹¹ Efficient government and safe innovation: A collaborative approach to artificial intelligence policy, <https://www.brookings.edu/articles/efficient-government-and-safe-innovation-a-collaborative-approach-to-artificial-intelligence-policy/>.

¹² Defense Priorities in the Open-Source AI Debate, <https://www.csis.org/analysis/defense-priorities-open-source-ai-debate> (“[A] robust open foundation model ecosystem might enable AI use cases that receive less attention from closed-source providers. Because open models can be retrained, fine-tuned, and broadly customized, they can serve as a basis for national-security-specific applications.”).

efficiency, breakthroughs in health research, or more advanced military technology to give us an edge over our adversaries. To maximize the benefits of this technology to the American people and U.S. interests, the U.S. needs AI expertise at all levels of government and adequate resourcing for testing, experimentation, and deployment. In addition to deploying AI to benefit the American people, government should have the expertise and resources to collaborate with industry on national security risks that enables model developers to anticipate and test for pressing security risks.

By maintaining the open source path for AI, the U.S. can produce benefits for its own cyber defenders, which strengthens the security of physical and digital assets and supply chains in both government and the private sector. History has shown repeatedly that open source technologies not only offer significant security advantages over closed technologies, but that foundational technologies are considered secure specifically *because* they are open source.¹³ A core example of this is open source encryption technology, which allows the security community to collectively identify and fix issues well before a single bad actor can find and exploit them.¹⁴ Other examples include open source tooling that is used by cybersecurity experts for penetration testing and threat detection.¹⁵

Open source AI models can help bolster cyber defense mechanisms, which is critical for repelling the attacks of criminal or state-sponsored Advanced Persistent Threats, such as those originating from Iran or China. For example, the security community is already using AI for vulnerability detection.¹⁶ At Meta, we use Llama for report generation, threat modelling, and reducing defender bottlenecks. We believe that the U.S. government can leverage open source AI models, including Llama, in a similar way. Open source models, tools, and benchmarks like CyberSecEval¹⁷ have also been a catalyst for exploration in the security ecosystem.¹⁸ This ultimately benefits cyber defenders.

¹³ See *Understanding Open Source Security: Pros, Cons, and Community Impact*, <https://linuxsecurity.com/features/must-read-articles/examining-open-source-benefits-security-challenges> (“Security has always been at the core of open-source software adoption. By permitting anyone to inspect, modify, and improve source code directly, open-source projects utilize global developer communities as an invaluable resource to quickly detect bugs and vulnerabilities in their source code. Open auditing increases trustworthiness and effectiveness in security measures employed by widely used software such as OpenSSL, Linux, and Apache HTTP Server.”).

¹⁴ See generally *Why Open Source Is Mandatory For Secure Communication In A Quantum World*, <https://www.forbes.com/councils/forbestechcouncil/2024/03/29/why-open-source-is-mandatory-for-secure-communication-in-a-quantum-world>.

¹⁵ See generally *Kali, The most advanced Penetration Testing Distribution*, Kali.org; *Metasploit, The world’s most used penetration testing framework* <https://www.metasploit.com/>, *Snort*, <https://www.snort.org/>, *About Sigma*, <https://sigmahq.io/docs/guide/about>.

¹⁶ GreyNoise Intelligence Discovers Zero-Day Vulnerabilities in Live Streaming Cameras with the Help of AI, <https://www.greynoise.io/blog/greynoise-intelligence-discovers-zero-day-vulnerabilities-in-live-streaming-cameras-with-the-help-of-ai>.

¹⁷ Purple Llama CyberSecEval: A benchmark for evaluating the cybersecurity risks of large language models, <https://ai.meta.com/research/publications/purple-llama-cyberseceval-a-benchmark-for-evaluating-the-cybersecurity-risks-of-large-language-models>.

¹⁸ Model Card for (Llama-3-CEH) LLama3-CyberSec, <https://huggingface.co/L33tcode/llama-3-8b-CEH-hf>. See also *Interactive Tools Substantially Assist LM Agents in Finding Security Vulnerabilities*, <https://arxiv.org/abs/2409.16165>; *How open-source LLMs enable security teams to stay ahead of evolving threats*, <https://venturebeat.com/security/how-open-source-llms-enable-security-teams-to-stay-ahead-of-evolving-threats> (“Open-source LLMs enable us to scale security patching for open-source components in ways that closed models cannot.”).

B. Open Source AI is a Critical Element of American Economic Security

Open sourcing AI technologies is an accelerant for economic growth and productivity. In a world where economic security is national security, this aspect of America's ability to win the global competition is critical. Open source AI reduces the barriers to entry to AI and drives down prices so that AI can be deployed not only by the few technology companies that have the computing infrastructure to pretrain large models, but also by the broader community of developers. Using free open source AI models offers an affordable entry point for developers, enabling them to leverage advanced technologies without a hefty investment. Open source models are available, without charge, for everyone to use, modify and build on, becoming an entry point for micro, small, and medium businesses to cutting-edge AI technology. Open source AI models allow developers to better customize models and control how they are deployed, which includes greater control over how data is used and with whom it is shared, making it easier to work with sensitive data. Having access to state-of-the-art AI creates opportunities for entities of all sizes. Open source provides the foundations on which developers can innovate that would otherwise be prohibitively costly.

1. Open Source AI Supports the Economy and Empowers American Workers

Recommendation

Build public-private partnerships focused on, and provide incentives for, re-skilling and workforce development. The government should build on initiatives that President Trump launched during his first Administration, including building public-private partnerships focused on re-skilling and workforce development (e.g., direct programs, certification programs, and vocational training grants) to help workers succeed in a rapidly changing economy. As part of these efforts, the government should provide incentives—utilizing existing or creating new tax credits—for companies to help them provide any necessary skills training to their workforce.¹⁹

The Vice President has stated that AI presents “the extraordinary prospect of a new industrial revolution ...” and that the Trump Administration “will always center American workers in our AI policy.... We believe and we will fight for policies that ensure that AI is going to make our workers more productive, and we expect that they will reap the rewards with higher wages, better benefits and safer and more prosperous communities.”²⁰

Meta believes that open source will be critically—and uniquely—important for driving the economy for the following decades and empowering American workers. American AI leadership continues to drive the American economy. In November 2023, Goldman Sachs predicted that in the next decade AI would lead to a 1.5% annual increase in U.S. productivity growth and as much as a 15% boost to global GDP.²¹ Open source AI will be a multiplier in

¹⁹ <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-establishing-presidents-national-council-american-worker>.

²⁰ Quotes from U.S. Vice President JD Vance's AI speech in Paris, Feb. 11, 2025, <https://www.reuters.com/technology/quotes-us-vice-president-jd-vances-ai-speech-paris-2025-02-11>.

²¹ AI may start to boost US GDP in 2027, <https://www.goldmansachs.com/insights/articles/ai-may-start-to-boost-us-gdp-in-2027>.

driving economic impact because, as the FTC notes, it has “the potential to drive innovation, reduce costs, increase consumer choice, and generally benefit the public – as has been seen with open-source software.”²² We have seen a groundswell of enthusiasm for open source AI from businesses of all sizes across the U.S. They recognize the transformative potential of AI for competition, innovation, and productivity, which is already contributing to U.S. economic growth. From agriculture to healthcare, construction, manufacturing, and energy sector, they are driving innovation and enhancing productivity and efficiency.

We agree with Vice President Vance about the importance of maintaining a pro-worker growth path for AI to enable job creation in the U.S.²³ A recent study by the International Labour Organization found that far more jobs will be augmented by AI than automated.²⁴ AI can be used to elevate the capabilities of less-skilled workers, streamline repetitive tasks and enhance customer engagement, job fulfilment and employee retention. According to a recent McKinsey & Company report, “[E]mployees anticipate AI will have a dramatic impact on their work. Now they would like their companies to invest in the training that will help them succeed. Nearly half of employees in our survey say they want more formal training and believe it is the best way to boost AI adoption.”²⁵ Open models are particularly suitable for this as they can be adapted to meet the unique economic needs of different communities and businesses within the U.S.

2. Open Source AI Ensures America’s Global Leadership in Science

Recommendation

Develop testbeds to leverage open source models to accelerate discovery in critical scientific fields.

Open source AI will drive the future of scientific breakthroughs. We believe that American open source AI models are important for securing U.S. leadership in critical scientific areas necessary for ongoing American global leadership. As Office of Science and Technology Policy (OSTP) nominee Michael Kratsios testified, “The shape of future global order will be defined by whomever leads across AI, quantum, nuclear, robotics, and other critical and emerging technologies. Chinese progress in nuclear fusion, quantum technologies, and autonomous systems all press home the urgency of the work ahead.”²⁶ Today, openly-released assets like

²² *On Open-Weights Foundation Models*, <https://www.ftc.gov/policy/advocacy-research/tech-at-ftc/2024/07/open-weights-foundation-models>.

²³ Quotes from US Vice President JD Vance's AI speech in Paris, <https://www.reuters.com/technology/quotes-us-vice-president-jd-vances-ai-speech-paris-2025-02-11/>.

²⁴ Generative AI and jobs: A global analysis of potential effects on job quantity and quality, https://www.ilo.org/sites/default/files/wcmsp5/groups/public/@dgreports/@inst/documents/publication/wcms_890761.pdf.

²⁵ Superagency in the workplace: Empowering people to unlock AI’s full potential, McKinsey & Company, Jan. 28, 2025, <https://www.mckinsey.com/capabilities/mckinsey-digital/our-insights/superagency-in-the-workplace-empowering-people-to-unlock-ais-full-potential-at-work>.

²⁶ *Nominations Hearing for Michael Kratsios to Lead the Office of Science and Technology Policy and Mark Meador to Serve as a Federal Trade Commissioner*, U.S. Senate Committee on Commerce, Science and Transportation, <https://www.commerce.senate.gov/2025/2/nominations-hearing-for-michael-kratsios-to-lead-the-office-of-science-and-technology-policy-and-mark-meador-to-serve-as-a-federal-trade-commissioner>; *Trump science policy nominee calls China most formidable technology, science competitor*, <https://www.reuters.com/world/us/trump-science-policy-nominee-calls-china-most-formidable-technology-science-2025-02-24>.

Llama and Meta FAIR models are advancing promising new scientific applications, including molecular analysis,²⁷ clinical trials development,²⁸ scientific literature synthesis,²⁹ material science,³⁰ robotics,³¹ and computer vision.³² We believe ensuring the openness of the underlying technologies, such as models, code, and libraries will allow for AI to advance scientific fields, unblock key bottlenecks to scientific discovery, and strengthen the U.S.' position as a science superpower.

We believe that the government has a role in developing testbeds to leverage open source models to accelerate discovery in these areas. We encourage the U.S. government to leverage DOE National Labs and the Frontiers in Artificial Intelligence for Science, Security and Technology (FASST) initiative to use open source models to tackle the most critical scientific problems of our day.

C. Open Source AI is Inextricably Tied to the American Tradition of Fair Use

Recommendation

Issue guidance on fair use and enable access to new sources of training data. To enable continued AI innovation and the ability for American AI companies to compete globally, the Administration should clarify that the use of publicly available data to train models is unequivocally fair use, through an Executive Order, an agency report, or other statement. The Administration should also require its trade partners to explicitly respect the fundamental international principle of territoriality with respect to copyright and ensure that training is protected.

The ability to train AI models is critical to sustaining American dominance in AI. While the current balance in copyright rules recognizes that activities like AI model training are permitted under the long-standing doctrine of “fair use,”³³ copyright maximalists seek to upend this balance, creating the risk that American innovators could be mired in cease and desist orders and fights over how much to pay rightsholders for things not required by law. Removing any uncertainty regarding fair use will ensure American innovators are able to compete globally,

²⁷ *How Organizations Are Using Llama to Solve Industry Challenges*, <https://about.fb.com/news/2025/01/organizations-using-llama-solve-industry-challenges>.

²⁸ *How Llama is helping Saama deliver new possibilities in personalized medicine and data-driven care*, <https://ai.meta.com/blog/saama-data-driven-care-built-with-llama>.

²⁹ *Language Agents Achieve Superhuman Synthesis of Scientific Knowledge*, <https://arxiv.org/pdf/2409.13740>.

³⁰ *Open Catalyst*, <https://ai.meta.com/research/impact/open-catalyst>.

³¹ *Advancing embodied AI through progress in touch perception, dexterity, and human-robot interaction*, <https://ai.meta.com/blog/fair-robotics-open-source>.

³² *Introducing Meta Segment Anything Model 2 (SAM 2)*, <https://ai.meta.com/sam2>. See also *Envision and Meta Partner to Revolutionize Accessibility with AI*, <https://www.letsenvision.com/blog/meta-envision-partnership-accessibility>.

³³ See, e.g., Meta's Initial Comments to the U.S. Copyright Office's NOI on Artificial Intelligence & Copyright, Docket No. 2023-6 (Oct. 30, 2023), available at <https://www.regulations.gov/comment/COLC-2023-0006-9027>, particularly beginning on page 10. See also, e.g., *Authors Guild v. Google, Inc.* (Google Books), 804 F.3d 202, 209 (2d Cir. 2015); *Kelly v. Arriba Soft Corp.*, 336 F.3d 811, 818–22 (9th Cir. 2003); Meta's Reply Comments to the U.S. Copyright Office's NOI on Artificial Intelligence & Copyright, Docket No. 2023-6, at 3, nn. 18-19 (Dec. 6, 2023), available at <https://www.regulations.gov/comment/COLC-2023-0006-10332>.

preserving the balance inherent in copyright law and protecting the access to data that will advance American AI dominance.³⁴

To that end, the Administration should clarify that the use of publicly available data to train models is unequivocally fair use, through an Executive Order, an agency report, or other statement. It could also be done legislatively. For example, Japan³⁵ and Singapore³⁶ have enacted stand-alone exceptions to copyright. Additionally, we recommend that the Administration require its trade partners to explicitly respect the fundamental international principle of territoriality³⁷ regarding copyright, which means for example, that if a model is trained in the U.S., then it is clearly U.S. copyright law which applies.

II. Pro-Innovation Policies Will Preserve American Global Technology Leadership

America leads the world in AI innovation, but continued leadership in AI is not assured. The Vice President rightly warned, “excessive regulation of the AI sector could kill a transformative industry just as it’s taking off.” Such measures (e.g., regulations that impose restrictions on models based on obsolete measurements, do not account for deployment type, or impose onerous reporting or testing requirements where the evaluations practices are nascent), would impede innovation in the U.S. to the detriment of the goal of American AI dominance.

Within days of taking office, the President revoked “certain existing AI policies and directives that act as barriers to American AI innovation, clearing a path for the United States to act decisively to retain global leadership in artificial intelligence.”³⁸ The President then directed agency heads to identify and rescind or modify regulations that “harm the national interest by significantly and unjustifiably impeding technological innovation, infrastructure development, ... research and development, economic development, energy production, land use, and foreign policy objectives.”³⁹

In line with these actions, we propose that the Administration’s AI Action Plan establish a policy framework that affirmatively promotes advances in AI technologies and guarantees continued American AI leadership by reducing barriers to innovation and growth. This should include, among other initiatives, steps to reduce barriers to AI infrastructure investment, and stopping the growing thicket of state AI regulations.

A. Reducing Barriers to AI Infrastructure Investment

³⁴ The Act does not “give a copyright holder control over all uses of his copyrighted work,” and one who “puts the work to a use not enumerated [by the Act] does not infringe.” *Twentieth Century Music Corp. v. Aiken*, 422 U.S. 151, 154-55 (1975); see also *CDK Glob. LLC v. Brnovich*, 16 F.4th 1266, 1276 (9th Cir. 2021) (“[T]he Copyright Act does not provide copyright owners the exclusive right to use their works.” (emphasis in original)).

³⁵ Copyright Law of Japan, Article 30-4.

³⁶ Singapore Copyright Act of 2021, Sections 243-244.

³⁷ Berne Convention for the Protection of Literary and Artistic Works (1886) Art. 7, 8; Title 17 U.S.C. Chapter 1; see also <https://www.uspto.gov/ip-policy/copyright-policy/copyright-basics> (last visited Mar. 10, 2025).

³⁸ Removing Barriers to American Leadership in Artificial Intelligence, Jan. 23, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/removing-barriers-to-american-leadership-in-artificial-intelligence>.

³⁹ Ensuring Lawful Governance and Implementing the President’s “Department of Government Efficiency” Deregulatory Initiative, Feb. 19, 2025, <https://www.whitehouse.gov/presidential-actions/2025/02/ensuring-lawful-governance-and-implementing-the-presidents-department-of-government-efficiency-regulatory-initiative>.

Advanced AI infrastructure is important for training larger, higher capability models and to distill knowledge into smaller and more efficient models,⁴⁰ both of which are critical for developing a robust and innovative AI ecosystem. To maintain U.S. leadership, the government should continue to boost the investment in, and deployment of, AI infrastructure, including U.S.-based data centers.

1. Powering America's AI Infrastructure

Recommendation

Remove energy, infrastructure, and permitting barriers to enable timely and efficient advancement of and investment in energy infrastructure to support domestic data center investment and deployment.

We recommend that the AI Action Plan establish a comprehensive national strategy to support domestic data center investment and deployment, including policies that provide investment stability, timely access to reliable electricity, and speed to market and permitting efficiency.

A strong business environment is critical to the U.S. remaining globally competitive for domestic data center development - particularly given the significant capital expenditures required to build and maintain over the long-term. Policies that provide needed certainty and stability to promote U.S. data center investment may include: (1) creation of an inventory and fund development of "Industrial Certified Sites" for data centers consistent with State efforts to develop certified sites (either greenfield, brownfield, or redevelopment) that can break ground in 6-months or less, and (2) consideration of federal incentives to encourage investment in domestic data centers and related data center equipment.

Aligned with the ambition of the National Energy Dominance Council, modern and reliable energy infrastructure is a critical path issue in ensuring U.S. global dominance in AI. Aging and insufficient grid infrastructure is leading to transmission and generation constraints, making it harder and longer for new data centers to connect to the grid, slowing development. Federal energy policy that supports U.S. data center investment may consider: (1) supporting legislation to incentivize private investment in advanced nuclear generation technologies through federally-backed cost overrun insurance, (2) supporting passage of energy permitting reform legislation that includes clear agency timelines and faster review processes for new generation and transmission, (3) supporting grid enhancing technologies to unlock capacity in the existing transmission system, (4) providing clear guidelines on co-location or behind the meter options for data centers through Federal Energy Regulatory Commission (FERC) rulemaking to clarify cost allocation and treatment large customer load arrangements, and (5) supporting a robust domestic energy infrastructure supply chain through potential incentive structures to spur domestic production of critical electric infrastructure components, as growing supply chain bottlenecks, especially for transformers and breakers, is delaying data center investment and deployment.

2. Building and Connecting America's AI Infrastructure

⁴⁰ This helps facilitate *model distillation*, which is broadly the process of using a bigger, more powerful model to teach a smaller model. See *generally Distilling the Knowledge in a Neural Network* <https://arxiv.org/abs/1503.02531>.

Recommendations

Streamline and shorten the various approval processes for constructing data centers and deploying terrestrial and subsea broadband fiber.

Building a data center, including the supporting fiber network, requires dozens of approvals and permits at the local, state and federal level and permitting delays slow constructions and raise costs. Federal permitting policy should consider the following: (1) development of a Nationwide Permit for Data Center Uses through U.S. Army Corps of Engineers (USACE), and (2) streamlining existing USACE Clean Water Act Section 404 permitting process.

The ability to rapidly deploy high-capacity fiber networks connecting data centers to each other, to the Internet backbone, and to the rest of the world is essential to U.S. AI leadership. The Administration should streamline the process of deployment of broadband facilities, especially on federal lands, where permitting and regulatory delays add substantially to cost and slow fiber deployment. Similarly, the ability to process the world's data and train AI in the U.S. depends on the rapid and efficient deployment of subsea fiber networks. Regulatory delays in subsea cable deployment can add years and hundreds of millions of dollars in cost to what is already an expensive and time consuming process. The President's 2020 "Team Telecom" Executive Order⁴¹ began the important process of improving subsea cable licensing over four years ago, but since that time the licensing process has grown increasingly complex, unpredictable, opaque and lengthy. This threatens new and existing systems and investments. The Administration should establish clear timelines for any Team Telecom and Federal Communications Commission processing of subsea cable applications, ensuring that America's national interest, including its economic interests and the importance of American leadership in AI, are considered in the process.

B. Ensuring State Actions Are Consistent with the Federal Policy of U.S. AI Dominance

Recommendation

Support federal preemption of state laws that conflict with the Administration's pro-innovation agenda. This will be central to the success of the Administration's vision for continued AI dominance and to avoid a patchwork of state laws which will hamper American AI innovation.

In 2024, more than 700 AI-related bills were introduced across the States. Of those, 113 were enacted into law. In the first two months of 2025, the number of introduced bills has already surpassed the total for all of 2024. These bills take dramatically diverging approaches to regulating AI that will, collectively, result in an unworkable regulatory environment full of overlapping and contradictory standards. In aggregate, these laws will deter U.S. innovation by imposing a tax – one that costs both money and time – on every U.S. AI developer, which will

⁴¹ Executive Order on Establishing the Committee for the Assessment of Foreign Participation in the United States Telecommunications Services Sector, Apr. 4, 2020, <https://trumpwhitehouse.archives.gov/presidential-actions/executive-order-establishing-committee-assessment-for-eign-participation-united-states-telecommunications-services-sector/>.

have to navigate a complex web of state-by-state compliance requirements. As more states regulate, that tax will grow to the point that it will be far more costly, and far slower, to build AI in the U.S. than abroad.

For example, the current proposals include adopting different foundational definitions, establishing different risk taxonomies, and pursuing different obligations on the development and deployment of models and systems. They also include importing obligations from the EU AI Act, like prohibitions on certain uses of technology, regulating using varying technical standards, and proposing civil and criminal sanctions.

The reality is that state regulations are limiting AI research and development here in the U.S. instead of offering regulatory freedom to explore and innovate, which is what will enable U.S. AI dominance. We are deeply concerned about the immediate and profoundly negative impact this could have on American AI innovation and leadership. In addition to proposing, and potentially enacting, new AI legislation, the state regulators are also interpreting existing laws to apply, without evidence or supporting science, to restrict AI development.

Taken from the state view, the U.S. is currently on path to developing an AI regulatory environment that is more onerous and more restrictive than that anywhere else - including in the EU. Analysis by the Information Technology and Innovation Foundation notes that this likely costs the economy billions of dollars annually—costs that are borne by businesses and, ultimately, passed on to consumers.⁴²

The impact on AI innovation could be severe. Even if compliance with these laws might be possible—though in many cases these proposals are not technically or commercially feasible—compliance with such a vast matrix of laws and regulations covering every aspect of the AI tech stack would draw resources away from development and deployment. This, in turn, would dramatically slow down, fossilize, or halt entirely American innovation to the advantage of developers in China and other countries.

In addition to this impact on AI innovation, a fragmented regulatory environment will directly impact the national economy, and the ability for the Federal government - as well as State and local governments - to access and adopt AI technologies to deliver for the American people.

III. The Administration Should Continue its Strong Advocacy Abroad to Support Global American Technology Leadership

Recommendation

Defend American AI companies and innovators from overseas extortion and punitive fines, penalties, investigation, and enforcement, pursuant to the policy set out in the President’s memorandum, ensuring U.S. companies will be able to compete fairly.

The U.S. can continue its AI leadership by ensuring that global standards and regulations do not discriminate against or otherwise thwart American businesses and innovation. As the Vice President noted at the Paris AI Summit, “America wants to partner with all of you. We want to

⁴² The Looming Cost of a Patchwork of State Privacy Laws, Jan. 24, 2022, <https://itif.org/publications/2022/01/24/looming-cost-patchwork-state-privacy-laws>.

embark on the AI revolution before us with the spirit of openness and collaboration. But to create that kind of trust, we need international regulatory regimes that foster the creation of AI technology rather than strangle it, and we need our European friends in particular to look to this new frontier with optimism.” We are encouraged that the Trump Administration is already taking a strong stand defending U.S. businesses abroad, especially in Europe.

A. Foreign Regulatory Thickets Are Stifling American Innovation

American companies are being targeted unfairly in many instances, especially in Europe, where discriminatory regulations risk undermining U.S. companies’ opportunities to compete in the global AI marketplace. For example, Meta has been singled out by European regulators and fined over \$2.8 billion, often for activities that are allowed when done by European companies. Under the guise of their competition and privacy laws, EU regulators are targeting Meta and other American technology companies and forcing innovative American companies to make unjust, unfair changes to our business models and our products (changes that they are not asking European companies to make). For instance, European regulators are beginning to enforce new restrictions under the EU Digital Markets Act that apply *only* to a small handful of companies that the EU designates as “gatekeepers” – virtually all of which are U.S.-based.

The EU AI Act, the forthcoming Code of Practice, and how the Act will be enforced by each of the 27 EU Member States as well as the European Commission, will have negative implications for America's AI competitiveness. The EU's political ambition was clear: set the global standard for the regulation of the development, deployment, and use of all AI systems and models. This emulates the approach of its privacy regime, the General Data Protection Regulation (GDPR), that disproportionately penalizes U.S. companies (e.g., almost €5 billion in fines have been imposed on U.S. companies to date). Fines in the AI Act are even more arbitrary and punitive: 7% of a company’s global revenue (an escalation from the 4% of global revenue targeted by Europe’s GDPR). U.S. companies will inevitably bear the brunt of this, as the EU AI Act sets up a regime that will target U.S. companies by focusing on size, reach, and number of users. At the same time, Chinese companies will get a free pass: DeepSeek’s R1 model, for example, would not be in scope for many of the Act’s obligations because it falls below an arbitrary threshold established by the EU for so-called “systemic risks.”

If the EU continues to target American tech companies—through uncertain and hostile regulatory regimes and other measures, such as digital services taxes, punitive antitrust laws, ambiguous privacy laws, the global AI standard will be Chinese. China is working toward becoming the global AI leader by 2030,⁴³ investing an estimated \$1.4 trillion in AI by 2030, and focusing on becoming a leader in both open source AI⁴⁴ and also for industry-specific applications.⁴⁵

Instead of working with the U.S. to ensure China does not set the global standard, as the Information Technology & Innovation Foundation points out, “the EU has declared open

⁴³ China And AI In 2025: What Global Executives Must Know To Stay Ahead, <https://www.forbes.com/sites/markgreeven/2024/12/23/china-and-ai-in-2025-what-global-executives-must-know-to-stay-ahead/>.

⁴⁴ See generally *The Real Threat of Chinese AI: Why the United States Needs to Lead the Open-Source Race*, <https://www.foreignaffairs.com/china/real-threat-chinese-ai>

⁴⁵ China's AI industry could see US\$1.4 trillion in investment in 6 years, executive says, Sep. 9, 2024, <https://finance.yahoo.com/news/chinas-ai-industry-could-see-093000369.html>.

season on American tech companies and the U.S. has mounted no coordinated response....These attacks hurt U.S. economic interests, threaten U.S. jobs and competitiveness, and weaken a key U.S. sector's capacity for innovation through billions in lost revenue and opportunities."⁴⁶ In addition to costing U.S. companies billions in fines,⁴⁷ European policymakers have delayed extraordinary innovations from reaching European consumers and businesses, and created a non-tariff barrier for U.S. companies.

B. Foreign Regulators are Weaponizing Antitrust Review

The emergence of competition regulations aimed at curtailing the growth and influence of U.S. companies, especially in the EU and UK, has the potential for detrimental effect on American AI.⁴⁸ From digital *ex ante* regulations, like Europe's Digital Markets Act, to the punitive use of merger control regimes, these measures ostensibly promote competition and protect consumer data. In practice, they often serve as veiled attempts to restrict U.S. tech firms' ability to innovate and operate freely.⁴⁹

Mergers and acquisition activity is a critical component of the innovation ecosystem because it provides an off-ramp for startups and venture capital to bring technology to scale – including in the AI space. Merger control plays an important role in maintaining competitive markets and protecting consumer interests. But, increasingly, competition authorities in Europe, the UK, and elsewhere are wielding merger control in a punitive manner against U.S. technology companies. These foreign enforcers are holding up transactions even where the statutory threshold for review is not met and regardless of whether a deal would actually enhance consumer choice or competition. This willingness to challenge deals outside of the legal thresholds creates legal uncertainty and business risk. Several jurisdictions have indicated their interest in reviewing not just acquisitions but also any AI partnerships, creating legal uncertainty and disincentivizing investments in AI.⁵⁰

⁴⁶ US Policymakers Should Fight Back Against EU Attacks on America's Tech Sector, Information Technology & Innovation Foundation, Mar. 25, 2024, <https://itif.org/publications/2024/03/05/us-policymakers-should-fight-back-against-eu-attacks-on-americas-tech-sector>.

⁴⁷ The EU's Ten Biggest Antitrust Actions on Tech, TechCrunch, Sep. 21, 2024, <https://techcrunch.com/2024/09/21/the-eus-10-biggest-antitrust-actions-on-tech>.

⁴⁸ See generally *Digital Competition Regulations Around the World*, Int'l Ctr for Law & Economics, May 16, 2024, <https://laweconcenter.org/spotlights/digital-competition-regulations-around-the-world>.

⁴⁹ Defending American Companies and Innovators From Overseas Extortion and Unfair Fines and Penalties, The White House, Feb. 21, 2025, <https://www.whitehouse.gov/presidential-actions/2025/02/defending-american-companies-and-innovators-from-overseas-extortion-and-unfair-fines-and-penalties>.

⁵⁰ For example, the UK Competition and Markets Authority has already reviewed key AI partnerships, and although it found no competition concerns it raised business legal uncertainty and risk in the case of several U.S. technology companies. In a joint statement by national competition authorities representing the EU, the UK, and the Biden Administration noted that agencies will be using all of their "available powers to ... scrutiniz[e] investments and partnerships between incumbents and newcomers, to ensure that these agreements are not sidestepping merger enforcement or handing incumbents undue influence or control in ways that undermine competition." Joint Statement on Competition in Generative AI Foundation Models and AI Products, <https://www.justice.gov/atr/media/1361306/dl?inline>. Similarly, South Korea recently amended its merger control regime to grant more powers to the Korean Federal Trade Commission (KFTC) and allow the agency to review and suspend most start-up acquisitions acquired by U.S. technology companies should they identify competition concerns. The EU has also suggested that "[...] competition authorities need to be "on guard over market concentration, anticompetitive behavior and new types of partnerships between tech companies." Finally, the UK's Competition Markets Authority has reviewed non-reportable transactions.

CONCLUSION

American innovation, entrepreneurship, and free markets have created the best AI in the world, poised to deliver a new industrial revolution. That leadership, challenged by China and others, is at risk from excessive regulation at home and abroad, legal uncertainty, and from foreign governments seeking to hobble American technology. The Trump Administration's proposals, and the suggestions Meta offers above, will help ensure America continues to lead the world in AI, including critically important open source AI. Meta stands eager to work with the Administration to implement its Artificial Intelligence Action Plan and to secure economic benefits and national security for America and the American worker for generations.