

January 24, 2025

Trump Administration Issues Executive Order on Artificial Intelligence

The Executive Order Directs Presidential Advisors and Agencies to Develop an Artificial Intelligence Action Plan and Conduct a Review for the Purpose of Promoting U.S. Leadership in AI

SUMMARY

Since taking office on January 20, 2025, President Trump has issued two Executive Orders on artificial intelligence (“AI”). On his first day in office, President Trump issued the Executive Order titled “Initial Rescissions of Harmful Executive Orders and Actions,”¹ which, among other actions, revoked Executive Order 14110 titled “Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence” issued on October 30, 2023 (the “Biden Order”).² Yesterday, President Trump issued an Executive Order titled “Removing Barriers to American Leadership in Artificial Intelligence” (the “Trump Order”), which (1) expresses the Administration’s policy of sustaining and enhancing the “dominance” of the United States in AI, (2) directs certain presidential advisors, executive departments and agencies to develop an action plan within 180 days to achieve that policy, and (3) directs such advisors, in coordination with the heads of relevant agencies, to determine if any policies or actions taken pursuant to the Biden Order are inconsistent with such policy, and if so, to suspend or revise any such policies or actions.³

THE EXECUTIVE ORDER

The stated purposes of the Trump Order include developing “AI systems that are free from ideological bias or engineered social agendas,” and revoking certain existing AI policies and directives that “act as barriers to American AI innovation.” The Trump Order articulates that it is the policy of the United States to sustain and enhance the United States’s “global AI dominance in order to promote human flourishing, economic competitiveness, and national security” (together with stated purposes above, the “Trump AI Policy”).

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The Trump Order requires certain key presidential advisors, including the Assistant to the President for Science and Technology (“APST”), the Special Advisor for AI and Crypto (“SAAIC”) and the Assistant to the President for National Security Affairs (“APNSA”), among others, to submit an action plan within 180 days of the Trump Order to achieve the Trump AI Policy. President Trump previously announced the appointments of Michael Kratsios as APST,⁴ David Sacks as SAAIC⁵ and Mike Waltz as APNSA.⁶

In addition, the Trump Order requires the APST, the SAAIC and the APNSA to conduct a review, in coordination with certain relevant heads of agencies, of all policies and actions taken under the Biden Order and identify any actions taken thereunder that may be inconsistent with the Trump AI Policy. For any such actions identified, the heads of agencies must, consistent with applicable law, suspend, revise or rescind such actions or, if such suspension, revision or rescission cannot be finalized immediately, promptly take steps to provide all available exemptions under applicable law.

The Trump Order further requires the Director of the Office of Management and Budget (OMB), in coordination with the APST, to revise OMB M-24-10, issued on March 28, 2024, titled “Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence”⁷ and OMB M-24-18, issued on September 24, 2024, titled “Advancing the Responsible Acquisition of Artificial Intelligence in Government”⁸ (collectively, the “OMB Memos”) as necessary to make them consistent with the Trump AI Policy. The OMB Memos set forth policies for agencies related to AI governance, such as requiring agencies to designate a Chief AI Officer, and the acquisition of AI systems.

IMPLICATIONS

President Trump’s revocation of the Biden Order was expected. The Trump Order takes the additional step of empowering named presidential advisors to more fully effect that revocation by taking actions to undo (i.e., to “suspend, revise or rescind”) the Biden Order, to the extent they deem inconsistent with the Trump AI Policy.

At this time, it remains unclear what concrete actions will be taken pursuant to the Trump Order. However, the emphasis on ensuring AI systems are “free from ideological bias or engineered social agendas,” as well as the focus on economic growth and national security, is apparent. While economic growth and national security priorities were shared by the Biden Order, the expression of U.S. policy in the Trump Order notably omits a number of other priorities articulated in the Biden Order (and OMB Memos), including in relation to:

- AI governance;
- AI safety;
- labor market impacts;
- civil rights;
- consumer protection; and
- privacy.

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For example, the Biden Order directed the Secretary of Commerce, through the National Institute of Standards and Technology (NIST), among other agencies, to formulate guidelines for safe and secure AI, including generative AI, and NIST issued such guidelines in July 2024.⁹ NIST also established the AI Safety Institute “to continue the efforts set in motion” by the Biden Order.¹⁰

To the extent that these guidelines and initiatives, and policies or actions of other federal agencies, have sought to implement the Biden AI Order since its issuance in 2023, we can expect those actions to be subject to scrutiny and potential revocation or revision in light of the Trump Order.

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ENDNOTES

- 1 *Executive Order: Initial Rescissions of Harmful Executive Orders and Actions*, WHITE HOUSE (January 20, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/initial-rescissions-of-harmful-executive-orders-and-actions>.
- 2 *Executive Order 14110: Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, Federal Register (October 30, 2023), <https://www.federalregister.gov/documents/2023/11/01/2023-24283/safe-secure-and-trustworthy-development-and-use-of-artificial-intelligence>.
- 3 *Executive Order: Removing Barriers to American Leadership in Artificial Intelligence*, WHITE HOUSE (January 23, 2025), <https://www.whitehouse.gov/presidential-actions/2025/01/removing-barriers-to-american-leadership-in-artificial-intelligence>.
- 4 See Jeffrey Mervis, *Trump Names OSTP Director as Part of White House Tech Team*, SCIENCE (December 23, 2024), <https://www.science.org/content/article/trump-names-ostp-director-part-white-house-tech-team>.
- 5 See Matt O'Brien and Sarah Parvini, *Trump Signs Order Calling for AI Development 'Free from Ideological Bias'*, TIME (January 24, 2025), <https://time.com/7209689/trump-ai-ideological-bias-executive-order>.
- 6 See Sam Cabral, Amy Walker and Nadine Yousif, *Who Has Joined Trump's Top Team?*, BBC NEWS (January 20, 2025), <https://www.bbc.com/news/articles/cx24gze60yzo>.
- 7 *Memorandum: Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence*, EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET (March 28, 2024).
- 8 *Memorandum: Advancing the Responsible Acquisition of Artificial Intelligence in Government*, EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET (September 24, 2024).
- 9 *Department of Commerce Announces New Guidance, Tools 270 Days Following President Biden's Executive Order on AI*, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (July 26, 2024), <https://www.nist.gov/news-events/news/2024/07/department-commerce-announces-new-guidance-tools-270-days-following>.
- 10 *NIST AI 600-1, Artificial Intelligence Risk Management Framework: Generative Artificial Intelligence Profile*, NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY (July 2024), <https://nvlpubs.nist.gov/nistpubs/ai/NIST.AI.600-1.pdf>.

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