

Trump's AI Executive Order and What it Means

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Trump signed an Executive Order on January 23, 2025 (the “AI Order”), that aims to make the United States the world capital for artificial intelligence (AI) and to develop AI that is free from “ideological bias.”¹ This overturns many of Biden’s policies, including his sweeping 2023 Executive Order 14110 (EO 14110).² In this blog, I aim to address the apparent goals from Trump’s AI Order, what will change, and what will stay the same.

The AI Order identifies three main goals: removing barriers to American AI innovation; enhancing America’s AI leadership; and continuing prioritization of AI.³ For removing barriers to AI innovation, the AI Order promotes the removal of Biden administration AI policies, including those associated with Biden’s EO 14110. For enhancing leadership, the AI Order states the need to be free from “ideological bias or engineered social agendas” to develop.⁴ For continuing prioritization, the Order bullet points Trump’s previous actions regarding AI.⁵ The AI Order also calls for the development of a new AI action plan within 180 days of the publication.⁶

The AI Order itself is somewhat vague, it doesn’t set out any clear actions apart from overturning Biden’s order (EO 14110) and creating an action plan. However, the most confusing aspect of the AI Order may be the language itself. When it comes to the terminology “ideological bias or engineered social agendas,” we are left to speculate. A statement from Elon Musk, one of Trump’s advisors, helps to develop an understanding of what this might mean. Musk warned about the risks behind “woke AI” which supposedly reveals liberal biases.⁷ It’s safe to assume that this AI Order also reflects a manifestation of panic among American tech companies and politicians about the “AI race” between the United States and China.⁸ Further, Trump aims to promote efforts from the private sector in developing new technology.⁹

For his 180-day deadline, Trump organized a group to create an AI action plan. He rechartered the President’s Council of Advisors on Science and Technology (PCAST).¹⁰ The Special Advisor for AI & Crypto will be a Co-Chair of the PCAST.¹¹ Trump named former PayPal

¹ Exec. Order No 14179, 90 Fed. Reg. 8741 (Jan. 31, 2025).

² Exec. Order No. 14110, 88 Fed. Reg. 210 (Oct. 30, 2023).

³ THE WHITE HOUSE, FACT SHEET: PRESIDENT DONALD J. TRUMP TAKES ACTION TO ENHANCE AMERICA’S AI LEADERSHIP (Jan. 23, 2025) <https://www.whitehouse.gov/fact-sheets/2025/01/fact-sheet-president-donald-j-trump-takes-action-to-enhance-americas-ai-leadership/> [<https://perma.cc/8QBW-H5HR>].

⁴ *Id.*

⁵ *Id.*

⁶ Matt O’Brien and Sarah Parvini, *Trump Signs Executive Order on Developing Artificial Intelligence ‘Free from Ideological Bias’*, ASSOCIATED PRESS (Jan. 23, 2025), <https://apnews.com/article/trump-ai-artificial-intelligence-executive-order-eef1e5b9bec861eaf9b36217d547929c> [<https://perma.cc/4L4V-EMNK>].

⁷ *Id.*

⁸ David Ingram, *Trump Says China’s DeepSeek AI ‘Should Be a Wake-Up Call for American Tech Companies*, NBC NEWS (Jan. 27, 2025, 8:22 PM), <https://www.nbcnews.com/tech/innovation/trump-china-deepseek-ai-wake-call-rcna189526> [<https://perma.cc/28YW-UY63>].

⁹ O’Brien and Parvini, *supra* note 6.

¹⁰ THE WHITE HOUSE, PRESIDENT’S COUNCIL OF ADVISORS ON SCIENCE AND TECHNOLOGY (Jan. 23, 2025).

¹¹ *Id.*

executive David Sacks for this position.¹² This is an interesting turn of events; Trump once called crypto a scam and now wants the United States to become the crypto capital.¹³

To become the capital for AI, Trump believes that all existing policies that hinder the development of AI must be eliminated.¹⁴ This means that we are leaving behind Biden-era AI guidance. Biden's Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence asked federal agencies to provide guidance and reports that employers can use to form their AI policies, rather than placing rules directly on employers.¹⁵ While Trump's AI Order focuses on rapid development, Biden's focused on security, privacy, and avoiding discrimination.¹⁶ Trump's AI Order completely disregards anti-discrimination guidance or potential civil rights threats related to the use and development of AI.

Biden's AI policies focused on having agency review of technological impacts. This produced a lot of knowledge about how AI was impacting the public, and what needs to be done to protect the public.¹⁷ An example of Biden's efforts to promote this review is the National Science Foundation's (NSF) National Artificial Intelligence Research Resource Pilot. The future of this program is now unclear.¹⁸ This was implemented last January and was meant to run for two years. Like most of Biden's AI efforts, it was targeting development while upholding privacy, civil rights/liberties, and overall public safety.¹⁹ NSF said it was eager to work with the new administration, but there has been no response.²⁰ Currently, it seems that the Trump administration is unconcerned with learning about the potential impacts of AI on the public, as it may hinder rapid development.

By eliminating Biden-era efforts to prevent the utilization of technology to discriminate based on race, it is unclear what the effects will be. AI facial recognition technology has led to horrendous injustices, including wrongful arrests that disproportionately target Black individuals.²¹ Although Trump desires the private sector to develop new technology, it is concerning to think about what may happen if the government or public adopts these technologies without making necessary changes to address bias. By removing so many barriers to the development of this new technology, many fear that there won't be proper safeguards in place to ensure public safety.

¹² REUTERS, *Trump Appoints Former PayPal Exec David Sacks as AI and Crypto Czar*, (Dec. 6, 2024, 2:38 PM), <https://www.reuters.com/world/us/trump-appoints-former-paypal-coo-david-sacks-ai-crypto-czar-2024-12-06/> [https://perma.cc/F43C-X74D].

¹³ *Id.*

¹⁴ O'Brien and Parvini, *supra* note 6.

¹⁵ Guy Brenner, Jonathan Slowik & Margo Richard, *Trump Alters AI Policy with New Executive Order*, Proskauer (Jan. 28, 2025), <https://www.lawandtheworkplace.com/2025/01/shifting-ai-policies-president-donald-trump-issues-new-ai-executive-order-and-revokes-another/> [https://perma.cc/W2PX-C9UB]

¹⁶ *Id.*

¹⁷ Find cites/examples of AI research performed by Biden administration.

¹⁸ Madison Alder, *Trump Orders Review of Biden Admin's AI Work, Creation of New AI Action Plan*, Fedcoop (Jan. 23, 2025), <https://fedcoop.com/trump-orders-review-of-biden-admins-ai-work-creation-of-new-ai-action-plan/> [https://perma.cc/T99K-NZ98]; *National Artificial Intelligence Research Resource Pilot*, U.S. NAT'L SCI. FOUND., <https://new.nsf.gov/focus-areas/artificial-intelligence/nairr#about-the-nairr-pilot-bcb> [https://perma.cc/X977-57LM].

¹⁹ *Id.*

²⁰ *Id.*

²¹ Rachel Fergus, *Facial Recognition Remains Largely Ungoverned – and Dangerous – in Minnesota*, ACLU MINN. (Feb. 29, 2024, 11:45AM), <https://www.aclu-mn.org/en/news/biased-technology-automated-discrimination-facial-recognition> [https://perma.cc/LE6W-H64F].

Trump plans to uphold one Biden measure -- setting aside federal lands for AI data centers.²² The two administrations seem to see eye to eye on one thing: that AI will continue to grow. It seems that Trump supports this singular measure because it was consistent with his plans prior to taking office. Trump announced Stargate his first week in office, a project that is putting billions into the development of more AI data centers. This collaboration between top tech companies has some stirred suspicion, with people questioning whether the President is seeking this technological development to benefit billionaires.²³ It has other people excited, as many believed that the Biden administration approach was “fear-based.”²⁴

This AI Order seems to be just an introduction to Trump administration AI regulation. In the next 180 days, we will see what the AI development plan holds, and its impact on both the technology industry and the public. The current AI Order demonstrates that Trump aims to differentiate his policies from the previous administration, and to prioritize industry and development over concern for public safety. Trump’s collaborative efforts with tech billionaires may meet his goal of turning the United States into the AI capital of the world, but it’s possible that we will see problems arise as these companies start to develop AI technology without bounds.

²² Deepa Shivaram, *Trump Has Tossed A Lot of Biden Policies. But There’s One AI Measure He Wants to Keep*, NPR (Jan. 24, 2025, 5:00 AM), <https://www.npr.org/2025/01/24/nx-s1-5269981/trump-biden-ai-executive-orders> [<https://perma.cc/GU5J-PSCZ>]

²³ O’Brien and Parvini, *supra* note 6.

²⁴ Shivaram, *supra* note 22.