

President Trump Revokes Biden Administration's AI EO: What To Know

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As expected, President Trump took action on the first day of his new term to revoke the landmark 2023 Executive Order on Artificial Intelligence (AI) that was the centerpiece of the Biden Administration's approach to AI. Specifically, on January 20, 2025, President Trump issued an Executive Order titled Initial Rescissions of Harmful Executive Orders and Actions (Recission EO), which revoked a long list of Executive Orders and actions issued during the Biden Administration, including the October 2023 Executive Order 14110 on AI (2023 Biden AI EO). While this move had been previewed for several months, the focus now turns to how the new Administration will handle specific efforts and projects that the 2023 Biden AI EO launched across the federal government, and how the Trump Administration might reorient federal AI policy from a regulatory standpoint.

Looking Back: The 2023 Executive Order Launched a Wide Range of Federal AI Efforts

The 2023 Biden AI EO launched a massive effort across the federal government to address emerging AI issues – including by instructing federal agencies to adopt new guidelines, rules, and policies, in addition to requiring them to employ AI officers, engage in international efforts, and in some cases move forward with regulatory proposals. With the exception of a few 2025 deadlines, the Biden Administration reported that federal agencies had met their goals under the EO at the end of last year.

Now with the 2023 Biden AI EO revoked, the fate of many of those efforts is uncertain. As one example, the Office of Budget and Management (OMB) was required under the 2023 Biden AI EO to

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issue guidance on the federal use of AI, and it issued (1) the Memorandum on Advancing Governance, Innovation, and Risk Management for Agency Use of Artificial Intelligence, which was finalized in March 2024 and provided guidance and established a set of evaluation, monitoring, and risk mitigation practices for federal agencies regarding use of AI technology, and (2) Memorandum M-24-18, Advancing the Responsible Acquisitions of Artificial Intelligence in Government, which was finalized in October 2024 and created new requirements and recommendations for federal agency acquisition of AI. However, the current Administration is likely to revisit at least some portions of the guidance for federal agency use of AI. Stakeholders should therefore monitor OMB announcements and guidance closely to gain insight and clarity into whether this guidance – like the underlying EO – will also be revoked or will be updated.

Additionally, not all Biden Administration AI efforts were rolled back in the Rescission EO. For example, in early January 2025, President Biden issued two Executive Orders related to AI – Executive Order 14141 on Advancing United States Leadership in Artificial Intelligence Infrastructure (Biden 2025 AI Infrastructure EO) and Executive Order 14144 on Strengthening and Promoting Innovation in the Nation's Cybersecurity (Biden 2025 Cybersecurity EO). Specifically:

- The Biden 2025 AI Infrastructure EO sets out five guiding principles for the federal government to abide by to “enable the development and operation of AI infrastructure, including data centers, in the United States.” It also, among other things, lays out a plan for the Department of Defense and the Department of Energy to coordinate the leasing of federal land for the purpose of developing AI data centers, and includes provisions to promote partnerships with private investors as well as ones aimed to minimize the environmental impact of such data centers.
- The Biden 2025 Cybersecurity EO generally is designed to strengthen cybersecurity defenses, respond to threats from China, and raise the security of software and cloud services. As it relates to AI, it includes a section titled “Promoting Security with and in Artificial Intelligence.” At a high level, this section states that “the Federal Government must accelerate the development and deployment of AI, explore ways to improve the cybersecurity of critical infrastructure using AI, and accelerate research at the intersection of AI and cybersecurity.” The AI section includes mandates to establish several research and development programs to study both how to use AI to improve cybersecurity and how to design secure AI systems.

At the time of this writing, these Executive Orders remain intact, as the Trump Administration has not revoked them.

Looking Ahead: What to Expect from the Trump Administration on AI

President Trump has indicated his intention to promote AI development and infrastructure in the U.S. While his exact plans are not yet known, President Trump's two Executive Orders related to AI during his first term may be good benchmarks. President Trump's first-term AI EOs focused on maintaining U.S. leadership in AI and promoting the use of “trustworthy” AI in the federal government. Among other things, they directed the National Institute of Standards and Technology (NIST) to lead the development of technical standards for AI systems to continue U.S. leadership in international standard-setting for AI technologies, and instructed OMB

to consider ways to reduce barriers to AI deployment to prevent pushing AI innovation overseas. It is likely that the second Trump Administration will look for ways to promote AI development, particularly with the recent announcement of an AI and Crypto "Czar" to focus on AI policy. In short, while revoking the 2023 Biden AI EO was the first step in refocusing federal AI policy, it will not be the last.

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.

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