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White House Issues Executive Order to Promote National AI Policy Framework and Challenge Certain State AI Laws
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On December 11, 2025, President Trump signed an Executive Order titled, *Ensuring a National Policy Framework for Artificial Intelligence* (AI National Framework EO), which establishes a federal policy to "sustain and enhance the United States' global AI dominance through a minimally burdensome national policy framework for AI," and outlines a series of steps to challenge or preempt state laws that conflict with that policy statement. Specific directives include launching a Federal Communications Commission (FCC) proceeding to consider a federal reporting and disclosure standard for AI models, issuing a Federal Trade Commission (FTC) policy statement regarding how the FTC Act applies to AI models and could preempt certain state laws, evaluating potential conditions on federal funding provided to states, and establishing a U.S. Department of Justice (DOJ) AI Litigation Task Force to challenge state AI laws inconsistent with the policy statement.

Overall, the EO's directives to federal agencies and offices are aimed at supporting the stated goal of working with Congress to adopt a federal framework that, among other things, preempts conflicting state laws and that "should also ensure that children are protected, censorship is prevented, copyrights are respected, and communities are safeguarded." They are also aimed at taking action to "check the most onerous and excessive [state AI] laws" until such a federal framework is adopted. The AI National Framework EO follows a series of efforts in Congress to pass a moratorium on state AI laws, which to date have been unsuccessful.

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Practice Areas
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AI Executive Order
Artificial Intelligence (AI)
Broadband
Federal Policy and Regulation
Privacy, Cyber & Data Governance
State Regulation

Below we highlight some of the AI National Framework EO's major provisions.

Policy Statement

As discussed above, the AI National Framework EO establishes a federal policy that the U.S. will work to "sustain and enhance the United States' global AI dominance through a minimally burdensome national policy framework for AI." This policy statement serves as the foundation for the rest of the EO and is intended to guide its various directives.

Key Directives

The EO will launch a number of workstreams across several federal agencies and offices, with the Special Advisor for AI and Crypto and the Assistant to the President for Science and Technology playing central consulting roles. For example:

- Within 30 days, the Attorney General is directed to establish an AI Litigation Task Force to challenge state AI laws that are inconsistent with the EO's policy statement.

- Within 90 days, the Secretary of Commerce is directed to publish an evaluation of existing state AI laws that identifies "onerous" laws that conflict with the EO's policy statement. Additionally, the Secretary of Commerce has 90 days to issue a policy notice specifying eligibility conditions which may impact states' access to remaining funding under the Broadband Equity Access and Deployment (BEAD) Program.

- All Executive departments and agencies are directed to determine whether they may condition discretionary grant programs on states either not enacting or not enforcing AI laws that conflict with the EO's policy statement.

- Within 90 days, the FCC Chair is directed to initiate a proceeding to determine whether to adopt a "Federal reporting and disclosure standard for AI models that preempts conflicting State laws."

- Within 90 days, the FTC Chair is directed to issue a policy statement on the FTC Act's application to AI models. This policy statement must explain how state AI laws that "require alterations to the truthful outputs of AI models" are preempted by the FTC Act's authority to regulate "deceptive acts or practices affecting commerce."

Legislation Recommendation

The AI National Framework EO requires the Special Advisor for AI and Crypto and the Assistant to the President for Science and Technology to develop a legislative recommendation to establish a federal policy framework for AI. Specifically, the EO directs that the recommended framework should preempt state AI laws that conflict with the EO's policy statement but should *not* recommend that preemption of state AI laws extends to: (1) children's safety, (2) AI compute and data center infrastructure, other than generally applicable permitting reforms, or (3) state procurement and use of AI.

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Overall, there will be significant federal activity in the coming months to determine whether and how to challenge certain state AI laws, against the backdrop of state legislative sessions that are expected to consider a range of potential new laws.

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.