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Shifting AI Policies: President Donald Trump Issues New AI Executive Order and Revokes Another

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On January 23, 2025, President Trump issued an Executive Order entitled "Removing Barriers to American Leadership in Artificial Intelligence." The Executive Order seeks to maintain US leadership in AI innovation. To that end, the Order "revokes certain existing AI policies and directives that act as barriers to American AI innovation," but does not identify the impacted policies and directives. Rather, it appears those policies and directives are to be identified by the Assistant to the President for Science and Technology, working with agency heads. The Order also requires the development of a new AI action plan within 180 days. Although the details of the new AI action plan are forthcoming, the Order states that the development of AI systems must be "free from ideological bias or engineered social agendas."

Earlier in the week, Trump also signed an executive order revoking 78 executive orders signed by President Biden, including Biden's Executive Order on Safe, Secure, and Trustworthy Artificial Intelligence, issued on October 30, 2023. Biden's Executive Order sought to regulate the development, deployment, and governance of artificial intelligence within the United States, and the document offered insight into the types of issues that concerned the previous Administration (specifically, AI security, privacy and discrimination). More information on Biden's Executive Order can be found here.

As relevant to employers and developers of AI tools for employers, the revocation of Biden's Executive Order is largely symbolic, because it did not directly impose requirements on employers who use AI. Instead, it directed federal agencies to prepare reports or publish non-binding guidance on topics such as:

- "the labor-market effects of AI,"
- "the abilities of agencies to support workers displaced by the adoptions of AI and other technological advancements," and

- “principles and best practices for employers” to “mitigate AI’s potential harms to employees’ well-being and maximize its potential benefits.”

Biden’s Executive Order had also directed agencies to provide anti-discrimination guidance to federal benefits programs and federal contractors over their use of AI algorithms and to coordinate on best practices for investigating and enforcing civil rights violations related to AI.

While employers may not experience any immediate effects from the two new Executive Orders this week, taken together, they lend support to predictions that the new Administration would take a more hands-off approach to regulating AI. We will continue monitor how the AI legal landscape evolves under the new Administration and continue to report on AI developments that affect employers.

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