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White House Issues Executive Order on National Artificial Intelligence Policy

On December 11, 2025, the Trump Administration issued an Executive Order on "Ensuring a National Policy Framework for Artificial Intelligence" (the "AI Order"). A copy of the AI Order can be found [Here](#).

The AI Order has as its object the promotion of a minimally burdensome AI policy framework by prevention of enactment of AI legislation by the individual states, creating a patchwork of inconsistent laws that would stifle innovation and inevitably create conflicts among the states that would delay AI development in the U.S. and would only be resolved by years of litigation.

To that end, the AI Order directs:

- the U.S. Attorney General to establish a task force to challenge state laws inconsistent with the minimal regulatory policy posture;
- the Secretary of Commerce to publish an evaluation of existing state AI laws that may be burdensome to the national AI policy and which should be referred to the AG task force. At a minimum, the evaluation is to identify state laws that would require AI models to alter their "truthful outputs" or report information in a manner that would violate the U.S. Constitution, particularly the First Amendment;
- the Secretary of Commerce to issue a policy notice specifying conditions under which states may remain eligible for funding

under the existing Broadband Equity Access and Deployment program, including notice of ineligibility for states with onerous AI laws;

- the Chair of the Federal Communications Commission to initiate a regulatory proceeding to determine whether to adopt a Federal reporting and disclosure standard for AI models that preempts conflicting state laws;
- the Chair of the Federal Trade Commission to issue a policy statement on the application of the Federal Trade Commission Act's prohibition on unfair and deceptive acts or practices to AI models, focusing again on AI models that alter "truthful outputs";
- the Special Advisor for AI and Crypto and Assistant to the President for Science and Technology to prepare a recommendation for Federal legislation enacting the AI Order's policy framework that preempts inconsistent state laws, excepting state laws relating to child safety protections, AI and data center infrastructure, and state government procurement of AI.

Although the stated goals of the AI Order make sense, it is worth keeping in mind that legislative and regulatory creativity and innovation in the U.S. are often born in the laboratories of the states, particularly in an era of divided and often paralyzed Congress. For a related example from the information technology sector, this year's federal GENIUS Act on cryptocurrencies and stablecoins followed years of Congressional inaction while several states, notably Wyoming, moved ahead with crypto/digital asset laws that wound up significantly influencing the GENIUS Act.

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