EXECUTIVE ORDER

- - - - - - -

ELIMINATING STATE LAW OBSTRUCTION OF NATIONAL AI POLICY

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. Purpose. United States leadership in Artificial Intelligence (AI) will promote American national and economic security and dominance across many domains. Pursuant to Executive Order 14179 of January 23, 2025 (Removing Barriers to American Leadership in Artificial Intelligence), I revoked my predecessor's attempt to paralyze this industry and directed my Administration to remove barriers to American AI leadership.

My Administration has already done tremendous work to advance that objective, including by updating existing Federal regulatory frameworks to remove barriers to and encourage adoption of AI applications across sectors. But we remain in the earliest days of this technological revolution and are still in a race with adversaries for supremacy within it. Our national security demands that we win this race.

To win, American AI companies must be free to innovate without cumbersome regulation. But State legislatures have introduced over 1,000 AI bills that threaten to undermine that innovative culture. California, for example, recently enacted a complex and burdensome disclosure and reporting law premised on the purely speculative suspicion that AI might "pose significant catastrophic risk." And a new Colorado law about so-called "algorithmic discrimination" may even force AI models to embed DEI in their programming, and to produce false results in order to avoid a "differential treatment or impact" on Colorado's enumerated demographic groups. But the United States' AI regulatory framework must prioritize truth. Moreover, sophisticated proponents of a fear-based regulatory capture strategy are responsible for inciting these laws, where subjective safety standards hinder necessary AI development, and which creates a patchwork regulatory framework that forces compliance with the lowest common denominator and allows the most restrictive states to dictate national AI policy at the expense of America's domination of this new frontier. My Administration will act to ensure that there is a minimally burdensome national standard -- not 50 discordant State ones.

Sec. 2. Policy. It is the policy of the United States to sustain and enhance America's global AI dominance through a minimally burdensome, uniform national policy framework for AI.

Sec. 3. AI Litigation Task Force. Within 30 days of the date of this order, the Attorney General shall establish an AI Litigation Task Force whose sole responsibility shall be to challenge State AI laws, including on grounds that such laws unconstitutionally regulate interstate commerce, are preempted by existing Federal regulations, or are otherwise unlawful in the Attorney General's judgment, including, if appropriate, those laws identified pursuant to section 4 of this order. The AI Litigation Task Force shall consult from time to time with the Special Advisor for AI and Crypto, the Assistant to the President for Science and Technology, the Assistant to the President for Economic Policy, and Counsel to the President regarding the emergence of specific State AI laws that warrant challenge.

Sec. 4. Evaluation of Onerous State AI Laws. Within 90 days of the date of this order, the Secretary of Commerce, consistent with his authorities under 47 U.S.C. 902(b) and 15 U.S.C. 272(b), shall, in consultation with the Special Advisor for AI and Crypto, Assistant to the President for Economic Policy, Assistant to the President for Science and Technology, and Counsel to the President, publish an evaluation of existing State AI laws that identifies laws that conflict with the policy set forth in section 1 of this order, as well as laws that should be referred to the Task Force established pursuant to section 3 of this order. That evaluation of State AI laws shall, at a minimum, identify laws that require AI models to alter their truthful outputs, or that may compel AI developers or deployers to disclose or report information in a manner that would violate the First Amendment or any other provision of the Constitution.

Sec. 5. Restrictions on State Funding. (a) Within 90 days of the date of this Order, the Secretary of Commerce, through the Assistant Secretary of Commerce for Communications and Information, shall issue a Policy Notice specifying the conditions under which States may be eligible for remaining funding under the Broadband Equity Access and Deployment (BEAD) Program that was saved through my Administration's "Benefit of the Bargain" reforms, consistent with 47 U.S.C. 1702(e)-(f). That Policy Notice must provide that States with AI laws identified pursuant to section 4 of this order are ineligible for non-deployment funds, to the maximum extent allowed by Federal law. The Policy Notice must also describe how a fragmented State regulatory landscape for AI threatens to undermine BEAD-funded deployments, the growth of AI applications reliant on high-speed networks, and BEAD's mission of delivering universal, high-speed connectivity.

(b) Agencies shall take immediate steps to assess their discretionary grant programs and determine whether agencies may condition such grants on States either not enacting an AI law that conflicts with the policy of this order, including any AI law identified pursuant to section 4 or challenged pursuant to section 3 of this order, or, for those States that have enacted such laws, on those States entering into a binding agreement with the relevant agency not to enforce any such laws during any year in which it receives the discretionary funding.

Sec. 6. Federal Reporting and Disclosure Standard. Within 90 days of the publication of the identification specified in section 4 of this order, the Chairman of the Federal Communications Commission shall, in consultation with the Special Advisor for AI and Crypto, initiate a proceeding to determine whether to adopt a Federal reporting and disclosure standard for AI models that preempts conflicting State laws.

Sec. 7. Preemption of State Laws Mandating Deceptive Conduct in AI Models. Within 90 days of the date of this order, the Chairman of the Federal Trade Commission shall, in consultation with the Special Advisor for AI and Crypto, issue a policy statement on the application of the FTC Act's prohibition on unfair and deceptive acts or practices under 15 U.S.C. 45 to AI models. That policy statement must explain the circumstances under which State laws that require alterations to the truthful outputs of AI models are preempted by the FTC Act's prohibition on engaging in deceptive acts or practices affecting commerce.

Sec. 8. Legislation. The Special Advisor for AI and Crypto and the Director of the Office of Legislative Affairs shall jointly prepare for my review a legislative recommendation establishing a uniform Federal regulatory framework for AI that preempts State AI laws that conflict with the policy set forth in this order.

Sec. 9. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) The costs of publication of this order shall be borne by the Department of Commerce.