Revocation of Executive Order 14110—Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence: Relevance to Design Professional Practice

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On January 20, 2025, President Trump revoked Executive Order (EO) 14110—*Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence*, issued on October 30, 2023. EO 14110 was promulgated as a coordinated Federal Government-wide response to opportunities and risks related to the rapid development of generative artificial intelligence (AI) technologies.

With the rapid advancements in generative AI technologies and potential benefits related to integrating such technologies into design professional practice an important question is whether there will be any impacts to the practice by the promulgation and subsequent revocation of EO 14110. Four sections of EO 14110 include provisions relevant to the question of potential impacts to design professionals who may be considering integrating or have already integrated generative AI tools and solutions within their practice.

Section 4—*Ensuring the Safety and Security of AI Technology* focused on the development of consensus-based industry wide standards for the development of safe, secure, and trustworthy AI systems through the promulgation of guidelines and best practices. Two of those guidelines were generative AI extensions to the National Institute of Standards and Technology (NIST) AI Risk Management Framework and the NIST Secure Software Development Framework, which were both published in July 2024. Since the generative AI extensions to the AI Risk Management Framework and Secure Software Development Framework have already been published by the NIST, the revocation of EO 14110 may have minimal impact on any industry-wide standard that may result from the adoption of recommendations promulgated by the NIST in the generative AI extensions to the AI Risk Management Framework and Secure Software Development Framework. As such, design professionals may see improvements to safety, security and trustworthiness of generative AI tools and solutions that they have implemented or are considering implementing as a result of industry-wide adoption of those NIST recommendations notwithstanding the revocation of EO 14110.

Section 5—*Promoting Innovation and Competition* included a strategy to address copyright concerns related to generative AI training and outputs. The Under Secretary of Commerce for Intellectual Property, within 180 days after the publication of a forthcoming U.S. Copyright Office (USCO) study on copyright issues raised by AI, was to issue recommendations to the President on potential executive actions related to copyright and AI. On December 16, 2024, the USCO provided an update to Congress via letter indicating that while Part 1 of the AI study, a report on Digital Replicas, was published on July 31, 2024, Part 2, a report regarding copyrightability of generative AI outputs, and Part 3, a report on issues related to the training of AI models on copyrighted works, would not be published until 2025. Consequently, the Under Secretary of Commerce for Intellectual Property had not provided recommendations to the President prior to the revocation of EO 14110. The issue for design professionals with respect to generative AI and copyright is when a generative AI tool or solution is employed to assist in a design professional's work, how do you determine which part of the work product is copyrightable. EO 14110 provided a clearer path towards possible executive action related to copyright issues and AI such as those that concern design professionals regarding

copyrightability of generative AI-assisted work product. However, the revocation of EO 14110 does not preclude the President from requesting and the Under Secretary of Commerce for Intellectual Property from providing recommendations related to copyright and AI.

Section 10—*Advancing Federal Government Use of AI* provided best practices for the use of generative AI within Federal Government agencies, such as the establishment of guidelines and limitations on the appropriate use of generative AI and access limitations to specific generative AI services, when necessary, based on specific risk assessments, instead of broad general bans on the use of generative AI. EO 14110 set a standard for best practices related to Federal Government use of generative AI, but like many standards that originally were developed for Federal Government use, such as Advanced Encryption Standard (AES) encryption, these best practices may subsequently have been adopted by the private sector. As such, with the revocation of EO 14110 the path toward standardization of best practices related to the use of generative AI is less certain for the private sector including design professionals.

Section 11—*Strengthening American Leadership Abroad* focused on promoting American leadership at the international level with respect to harnessing the potential of AI and managing risks associated with the development of AI systems by coordinating the development of common regulatory and accountability principles and consensus-based AI standards regarding terminology, nomenclature, best practices, trustworthiness, verification, assurance and risk management. Design professionals who employ or are considering employing generative AI tools and solutions on projects outside the United States must consider the regulatory and accountability frameworks in place in those other jurisdictions with respect to the development and use of AI systems. EO 14110 provided a pathway for the development of common regulatory and accountability principles and consensus-based AI standards on a global level that may have provided clarity with respect to the regulatory and accountability requirements related to usage of generative AI tools and solutions by design professionals on projects outside of the United States.

Ultimately, the impact of the revocation of EO 14110 on design professionals ranges from minimal impact, with respect to the generative AI extensions that had already been published by the NIST pursuant to EO 14110 Section 4, to moderate impact, with respect to the loss of clarity that the common regulatory and accountability principles and consensus-based AI standards on a global level that were proposed in EO 14110 Section 11 could have provided.

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