

# Initial Reactions to the White House AI Action Plan: Five Things U.S. Businesses Should Know

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Yesterday, the White House released “Winning the Race: America’s AI Action Plan” (the “Action Plan”), a comprehensive framework that emphasizes AI adoption, innovation, and competitiveness over previous priority areas, such as AI safety, protected class discrimination, and ethical usage. The White House also subsequently released three Executive Orders in line with the objectives outlined in the Action Plan: [Preventing Woke AI in the Federal Government](#), [Accelerating Federal Permitting of Data Center Infrastructure](#), and [Promoting the Export of the American AI Technology Stack](#).

The Action Plan is extensive and spans a broad range of topics, such as ideological bias in frontier models, open-source initiatives, AI sandboxes, workforce reskilling, and international AI diplomacy. In this initial reaction Debevoise Data Blog post, we focus on the five points from the Action Plan that we think will be most relevant to our clients.

- 1. State AI Regulation And Federal Funding Decisions.** The Office of Management and Budget (“OMB”) will lead efforts to ensure that federal agencies consider a state’s AI regulatory environment when awarding discretionary AI-related funding. The Action Plan also directs the Federal Communications Commission to “evaluate whether state AI regulations interfere with the agency’s ability to carry out its obligations and authorities under the Communications Act of 1934.” These directives could significantly influence pending state-level AI regulations, particularly the Colorado AI Act, which already faces legislative resistance and may now encounter further hurdles or limiting amendments.
- 2. Accelerated Adoption of Deepfake Evidentiary Standards by Federal Agencies.** The Department of Justice will guide agencies toward adopting standards similar to proposed Federal Rule of Evidence 901(c) on authentication of deepfake evidence, which is under consideration by the Advisory Committee on Evidence Rules of the Federal Judicial Conference. Companies engaged in federal agency adjudications that involve the production or use of synthetic content should be prepared to address challenges that can arise related to the authentication and use of these materials.

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- 3. Incorporation of AI Into Cybersecurity Incident Response.** Led by the National Institute of Standards and Technology, federal agencies will work with the cyber and AI industries to incorporate AI-specific scenarios into cybersecurity incident response frameworks, including into playbooks developed by the Cybersecurity and Infrastructure Security Agency for federal civilian agencies and their service providers. Expected changes include requirements for agency Chief Information Security Officers to coordinate with Chief AI Officers during incidents. While the proposed changes focus on the operators of Federal Civilian Executive Branch Information Systems (namely, the IT and operational technology systems used by the civilian branch of the federal government), they can be expected to flow through to the private sector as best practices. Therefore, companies that rely heavily on AI should likewise update their own playbooks and conduct tabletop exercises to address potential operational disruptions that cause, or are caused by, AI system failures.
  - 4. Revisiting Federal Regulations That Hinder AI Innovation.** The Office of Science and Technology Policy and OMB will solicit public feedback on federal regulations that impede AI innovation and will coordinate with agencies to repeal or revise restrictive rules. Additionally, ongoing Federal Trade Commission (“FTC”) investigations into AI-related matters initiated under the Biden administration—as well as “all FTC final orders, consent decrees, and injunctions”—will be reviewed to ensure that they do not unduly burden AI innovation. Businesses currently navigating FTC legal and policy concerns related to use or development of AI—including in connection with pricing algorithms, investment decision-making, or use of personal data—should monitor these developments closely.
  - 5. New Export Control Requirements for AI-Related Hardware and Technology.** For all businesses, the Action Plan highlights clear and continued interest in scrutinizing cross-border hardware and software dependencies across the AI value chain. Federal agencies, particularly the Department of Commerce, will implement stricter export controls on semiconductor technologies critical to AI, including geolocation-verified chip exports, and will impose expanded controls on semiconductor manufacturing subsystems. Asset managers investing in technology or hardware providers, or companies operating internationally, must reassess their compliance frameworks to mitigate risks associated with heightened enforcement, potential licensing requirements, and disruptions to global supply chains. As a complement to this prong of the Action Plan, the White House Executive Order issued today on “Promoting the Export of the American AI Technology Stack” mobilizes executive branch agencies to encourage exports of American AI full-stack technology.

The Action Plan signals a clear federal shift toward prioritizing AI innovation and competitiveness over imposing AI safeguards. Companies should promptly assess and align their operations, compliance strategies, and governance practices accordingly.

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