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NDIA June 2025 Cybersecurity Division Meeting

Key Executive Orders and How They Are Likely to Impact Government Contractors

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What We Will Cover

- **Background**
- **What's Happening in the Executive Branch**
 - Executive Orders
 - Litigation
 - "Revolutionary" FAR 2.0
- **Emerging Federal Procurement Issues**
- **Takeaways**

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What's Happening in the Executive Branch **NDIA**



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Executive Actions Affecting Government Contractors

- January 2025
 - FR Doc. 2025-01906 (90 FR 8249) Regulatory Freeze Pending Review
 - **EO 14148 Initial Rescissions of Harmful Executive Orders**
 - **EO 14150 America First Policy Directive to the Secretary of State**
 - **EO 14151 Ending Radical & Wasteful Government DEI Programs & Preferencing**
 - EO 14154 Unleashing American Energy
 - **EO 14158 Establishing and Implementing the President's Department of Government Efficiency**
 - EO 14162 Putting America First in International Environmental Agreements
 - EO 14165 Securing Our Borders
 - EO 14169 Reevaluating and Realigning US Foreign Aid
 - **EO 14173 Ending Illegal Discrimination & Restoring Merit-Based Opportunity**
 - **EO 14174 Revocation of Certain Executive Orders**
 - **EO 14186 The Iron Dome for America**
 - EO 14190 Ending Radical Indoctrination in K-12 Schooling

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Executive Actions Affecting Government Contractors

- February 2025
 - **EO 14192 Unleashing Prosperity through Deregulation**
 - FR Doc. 2025-03598 (90 FR 11249) Adjusting Imports of Steel into the United States
 - FR Doc. 2025-03596 (90 FR 11251) Adjusting Imports of Aluminum into the United States
 - EO 14209 Pausing Foreign Corrupt Practices Act Enforcement to Further American Economic and National Security
 - **EO 14210 Implementing the President's Department of Government Efficiency Workforce Optimization Initiative**
 - **EO 14219 Ensuring Lawful Governance and Implementing the President's DOGE Deregulatory Initiative**
 - **EO 14222 Implementing the President's DOGE Cost Efficiency Initiative**

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Executive Actions Affecting Government Contractors

- March 2025
 - FR Doc. 2025-05930 (90 FR 14705) Adjusting Imports of Automobiles & Automobile Parts into the United States
 - EO 14225 Immediate Expansion of American Timber Production
 - **EO 14236 Additional Recissions of Harmful Executive Orders & Actions**
 - **EO 14238 Continuing the Reduction of the Federal Bureaucracy**
 - **EO 14239 Achieving Efficiency Through State and Local Preparedness**
 - **EO 14240 Eliminating Waste & Saving Taxpayer Dollars by Consolidating Procurement**
 - EO 14241 Immediate Measures to Increase American Mineral Production
 - EO 14242 Improving Education Outcomes by Empowering Parents, States, & Communities
 - **EO 14243 Stop Waste, Fraud and Abuse by Eliminating Information Silos**
 - EO 14245 Imposing Tariffs on Countries Importing Venezuelan Oil
 - **EO 14255 Establishing the United States Investment Accelerator**

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Executive Actions Affecting Government Contractors

• April 2025

- **FR Doc. 2025-06353 (90 FR 15648) Directing the Repeal of Unlawful Regulations**
- EO 14257 Regulating Imports with a Reciprocal Tariff to Rectify Trade Practices that Contribute to Large & Persistent Annual United States Goods Trade Deficits
- EO 14259 Amendment to Reciprocal Tariffs and Updated Duties as Applied to Low-Value Imports from the People's Republic of China
- **EO 14265 Modernizing Defense Acquisitions & Spurring Innovation in the Defense Industrial Base**
- EO 14266 Modifying Reciprocal Tariff Rates to Reflect Trading Partner Retaliation & Alignment
- **EO 14267 Reducing Anti-Competitive Regulatory Barriers**
- **EO 14268 Reforming Foreign Defense Sales to Reduce Speed and Accountability**
- EO 14270 Zero-Based Regulatory Budgeting to Unleash American Energy
- **EO 14271 Ensuring Commercial, Cost-Effective Solutions in Federal Contracts**
- **EO 14275 Restoring Common Sense to Federal Procurement**

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Executive Actions Affecting Government Contractors

• May 2025

- EO 14290 Ending Taxpayer Subsidization of Biased Media
- EO 14292 Improving the Safety and Security of Biological Research
- EO 14293 Regulatory Relief to Promote Domestic Production of Critical Medicines
- EO 14294 Fighting Overcriminalization in Federal Regulations
- **EO 14295 Increasing Efficiency at the Office of the Federal Register**
- EO 14298 Modifying Reciprocal Tariff Rates to Reflect Discussions with the People's Republic of China
- EO 14299 Deploying Advanced Nuclear Reactor Technologies for National Security
- EO 14302 Reinvigorating the Nuclear Industrial Base

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FAR 2.0 Rewrite

- Process is very aggressive and streamlined
- **OMB M-25-26 Overhauling the Federal Acquisition regulation**
 - Intent to go back to statutory roots, plus provisions that are essential
 - OFPP leading the overhaul process and coordinating with FAR Council, Agency points of contact
 - Plan for formal rulemaking after all parts overhauled and posted
- **Issuing whole FAR parts for comment through Acquisition.gov**
<https://www.acquisition.gov/far-overhaul/far-part-deviation-guide>
- At around same time issuing Agency-specific FAR Deviations to implement the FAR 2.0 parts overhauled; intend to use in new procurements and new and (where asked) in existing contracts
- Current FAR Parts in the mix
 - Part 1 FAR Principles
 - Part 10 Market Research
 - Part 34 Major System Acquisition
 - Part 52 Solicitation Provisions and Contract Clauses

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Acquisition.gov/FAR Overhaul

The screenshot shows the Acquisition.gov website with a navigation bar and a main content area. The main content is divided into 'Completed Parts' and 'Awaiting Overhaul'. Under 'Completed Parts', there are four entries: Part 1 - Federal Acquisition Regulation System, Part 10 - Market Research, Part 34 - Major System Acquisition, and Part 52 - Solicitation Provisions and Contract Clauses. Each entry includes an 'Agency Deviations' link and an 'Issuance Date' of May 2, 2025. Under 'Awaiting Overhaul', there are two entries: Part 2 and Part 3. A 'Useful Links' section on the right contains links to FAR approved OMB control numbers and Public Laws. A 'Caveat' section on the right explains that the FAR Council created deviations to include clauses and provisions currently required by statute and Executive Order.

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GSA Webinar Discussed Executive Orders and the “Revolutionary” FAR Overhaul

- May 28, 2025
- Contract consolidations and summary of FAR overhaul activities
- Acquisition.gov site will be important to track
- New things being created that you will need to look at **beyond the FAR**
 - “Strategic Acquisition Guidance” (SAG)
 - “Practitioner Album”
 - “FAR Companion Guide”
 - Category “Buying Guide” (may be renamed “Category Guide”)
- ***Is this really revolutionary change or just reshuffling? Will it be more efficient?***

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Litigation Abounds

- More than 100 cases challenging the Presidential Executive Orders and Implementation Actions
- We anticipate more to come
- ***E.g., Challenges to DOGE and Elon Musk***
 - ***New Mexico et al. v. Musk et al.***, Case No. 1:25-cv-00429
 - Fourteen states have sued Musk, DOGE and Trump in February, ***alleging violations of the Constitutional Appointments Clause***
 - DC District Court Judge Chutkan so far
 - Appears to agree with DOJ, Court cannot bar the President “in the performance of his official duties”
 - May find plaintiff’s alleged loss of financial or programmatic harm enough to establish standing
 - But are there grounds for issuing an injunction? Stay tuned.
 - ***FYI Musk’s last day was May 30, 2025!***

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Takeaways

- **You REALLY need to pay attention to what is happening**
- **Consider how it may affect you**
- **Leverage your connections (always appropriately)**
- **Consider what you might have to do to pivot**
- **If there are changes or other developments that impact your performance**
 - Give timely notice
 - Document and track the impacts
 - Put together solid submissions
- **When in doubt, consult with counsel**

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Some Steps You Might Take Now

- **Existing contracts and grants**
 - Contract administration
 - Contract changes
 - Contract stop work / termination
- **New procurements**
 - GSA Common goods and services
 - GSA IT contracting
 - Everything else
- **Predictions for the Future**
 - FAR 2.0 Rewrite; Consolidation of Agencies

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Questions?

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