Proskauer

Breaking: President Trump Rescinds Executive Order 11246

Government Contractor Compliance & Regulatory Update on **January 22, 2025**

On January 21, 2025, President Trump issued a broad executive order titled "Ending Illegal Discrimination and Restoring Merit-Based Opportunity" (the "Order"), which among other things, rescinds Executive Order ("EO") 11246. EO 11246 is the underpinning for government contractor race and sex affirmative action program requirements. The order also instructs OFCCP to immediately cease:

(A) Promoting "diversity"; (B) Holding Federal contractors and subcontractors responsible for taking "affirmative action"; and (C) Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.

In line with other actions taken with respect to diversity, equity, and inclusion ("DEI") initiatives, President Trump's executive order also instructs agency heads to "include in every contractor or grant award" a term requiring the contractor/grantee to "certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws."

We are still unpacking what all of this means for federal contractors. For example, government contractors have affirmative action obligations with respect to protected veterans and individuals with disabilities, which are grounded in statute and not EO 11246. Those requirements presumably remain in effect.

Proskauer's Government Contractor Compliance Group will continue to monitor and report developments here.

View original.

Related Professionals

- **Guy Brenner**
  Partner

- **Mallory Knudsen Hart**
  Associate