

President Trump Rescinds EO 11246

A Practical Guidance® Article by
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On January 21, 2025, President Trump issued a broad executive order tilted [“Ending Illegal Discrimination and Restoring Merit-Based Opportunity”](#) (the “Order”), which among other things, rescinds Executive Order (“EO”) 11246.

What is EO 11246?

EO 11246 was first issued by President Lyndon Johnson in September 1965. Notably, EO 11246 established requirements for non-discriminatory practices in hiring and employment on the part of federal government contractors and subcontractors.

It prohibited “federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, or national origin.” It also required contractors to “take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex or national origin.”

EO 11246 is one of the key affirmative action obligations that is currently enforced by the Office of Federal Contract Compliance Programs (“OFCCP”).

What Did President Trump’s Order Do?

In addition to rescinding EO 11246, President Trump’s Order also instructs the 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, sexual preference, religion or national origin.”

In line with his prior executive orders signed on January 20, 2025 with respect to diversity, equity, and inclusion (“DEI”) initiatives within the federal government, President Trump’s instant executive order rescinding EO 11246 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.”

What Happens Next?

According to the express language of President Trump’s Order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025, for the next 90 days. The Order has also directed the Director of the Office of Management and Budget (“OMB”), with the assistance of the Attorney General, (1) to review all

Government-wide processes, directives, and guidance, (2) remove references to DEI and DEI principles from Federal acquisition, contracting, grants, and finance assistance procedures, and (3) terminate all “diversity,” “equity,” “equitable decision-making,” “equitable deployment of financial and technical assistance,” “advancing equity,” and like mandates, requirements, programs, or activities, as appropriate.

At least for now, government contractors that are subject to Section 503 of the Rehabilitation Act of 1973 and the Vietnam Era Veterans’ Readjustment Assistance Act (“VEVRAA”) will still have affirmative obligations with respect to individuals with disabilities and protected veterans, as those obligations are grounded in statute and not EO 11246.

What Does This Mean for Me?

The exact implications of this revocation will be clear over the coming weeks but there are a few things you should be aware of now:

- If you are undergoing an OFCCP audit, this may impact that audit including any pending or anticipated enforcement.
- Company policies regarding EO 11246 may need to be revisited and updated.
- You may also need to evaluate and change your supply agreements if they included requirements pertaining to EO 11246.

As this is a developing story, the Kilpatrick team will continue to monitor these developments and provide updates as

developments occur. For more information on how this new order may affect your workplace policies and compliance obligations, please contact one of the authors or your regular

Footnote. On January 20, 2025, President Trump signed an Executive Order targeting federal diversity, equity, and inclusion (“DEI”) programs, named “Ending Radical and Wasteful Government DEI Programs and Preferencing.” He also signed another Executive Order, titled “Initial Recissions of Harmful Executive Orders and Actions,” which revokes, among other things, President Biden’s foundational DEI Executive Orders, including EO 13985 on racial equity and EO 14035 on diversity in the federal workforce.

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Statutes & Regulations

- The White House, Presidential Actions, [Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)

Gunjan R. Talati, Partner, Kilpatrick Townsend and Stockton LLP

Gunjan Talati is an experienced government contracts practitioner who regularly represents contractors in a variety of sectors, including aerospace and defense, technology, energy, infrastructure, transportation, logistics, and health care. Gunjan’s practice is a mix of regulatory compliance, transactional, and litigation matters.

Gunjan’s regulatory compliance experience includes advising government contractors on complying with various Federal Acquisition Regulations, navigating small business and socioeconomic regulations and matters, addressing GSA and Federal Supply Schedule issues, and meeting ethics and compliance requirements. Gunjan also has significant experience in helping contractors navigate federal cybersecurity regulations and requirements.

Gunjan’s regulatory compliance experience also includes advising companies on export controls, including the International Traffic in Arms Regulations (ITAR), Export Administration Regulations (EAR), and the Office of Foreign Assets Controls restrictions. His experience includes setting up export control compliance programs, internal investigations of suspected and actual export control violations, and disclosures.

Gunjan’s litigation experience includes representing contractors in suspension and debarment proceedings, bid protests, and prime/sub disputes. Gunjan has helped contractors of all sizes through contentious suspension and debarment proceedings before multiple agencies including the U.S. Air Force, U.S. Army, General Services Administration, Environmental Protection Agency, Department of Education, and U.S. Agency for International Development. In 2014, he was named a D.C. “Rising Star—one of 40 lawyers under the age of 40” by the National Law Journal’s Legal Times for his suspension and debarment work.

In bid protests, Gunjan has represented contractors of all sizes before the Government Accountability Office, the Court of Federal Claims, and state and local government agencies. In these cases, Gunjan has represented both protestors and intervenors on programs valued from several million to over a billion dollars.

Gunjan's transactional experience includes serving as lead government contracts counsel in contractor mergers and acquisitions. In addition to advising on government contracting issues, Gunjan also advises on Defense Security Service and Committee on Foreign Investment in the U.S. (CFIUS) issues and filings. As part of his CFIUS practice, Gunjan has experience counseling companies in various industries, including aerospace, semiconductors, and biotechnologies on the Foreign Investment Risk Review Modernization Act (FIRRMA). His transactional experience also encompasses drafting and negotiating joint venture and teaming agreements.

Prior to joining the firm, Gunjan was a partner in the Washington, D.C. office of a national law firm where he focused his practice on government contracts, including suspension and debarment, bid protests, small business matters, and mergers and acquisitions. Gunjan's career includes two secondments at *Fortune* 100 government contractors, giving him a unique perspective on working with particular types of government contractors.

While attending law school, Gunjan was a law clerk for the U.S. Army Office of the Chief Attorney where he provided guidance on government contracts administration and bid protests. He was also an Editorial Assistant and a staff member of the *Catholic University Law Review*.

Gunjan is recognized in the 2022, 2023 and 2024 editions of *Chambers USA: America's Leading Lawyers for Business* in the area of Nationwide Government Contracts. He was recognized in 2021 and the seven years immediately preceding as a Washington D.C. "Rising Star" in the area of Government Contracts by *Super Lawyers* magazine. Gunjan was recommended in 2017 by *Legal 500 US* for Real Estate and Construction Law. He is fluent in Gujarati, an Indian dialect.

Kathryn J. Trent, Associate, Kilpatrick Townsend and Stockton LLP

Kathryn Trent focuses her practice on labor and employment law. Kathryn's litigation experience includes defending employers in a broad range of labor and employment disputes including discrimination, harassment, wage and hour, wrongful termination, as well as prosecuting and defending matters seeking injunctive and equitable relief regarding restrictive covenants, misappropriation of trade secrets, tortious interference, and other business-related claims in multiple states. In addition, Kathryn regularly advises clients on all aspects of the employment relationship, as well as providing guidance and analysis related to compliance requirements for covered federal government contractors.

Prior to joining the firm, Kathryn worked as an associate in the Atlanta, Georgia office of a southeast regional law firm. As a civil defense litigator, Kathryn focused her practice on matters related to commercial litigation, class action defense, bad faith, catastrophic injury and wrongful death, appellate litigation, and professional liability. Previously, Kathryn was an attorney in the Staff Attorney's Office of the U.S. Court of Appeals for the Eleventh Circuit in Atlanta, Georgia.

While attending the University of Alabama School of Law, Kathryn served as a summer honors intern in the FBI Office of the General Counsel of the U.S. Department of Justice in Washington, D.C. and as a judicial intern for the Honorable L. Scott Coogler in the U.S. District Court for the Northern District of Alabama in Tuscaloosa, Alabama. Kathryn earned CALI awards for the highest grade in Legal Writing, Bankruptcy, and Trial Advocacy. She was also a research assistant for Professor Gary Sullivan and Articles Editor of the *Alabama Law Review*. Kathryn won Best Advocate and was a semi-finalist in the 27th Annual Duberstein Bankruptcy Moot Court Competition. She was also a semi-finalist in the 2019 Cristol, Kahn, Paskay Cup Competition.

Kathryn was recognized in 2024 and 2025 as one of the "Best Lawyers: Ones to Watch" for Labor and Employment Litigation by *The Best Lawyers in America*®.

Kathryn has basic knowledge of French.

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