

FAR 2.0: Executive Order Aims to Rewrite the Federal Acquisition Regulation

Client Alerts

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On April 15, 2025, the Trump Administration issued executive order “Restoring Common Sense to Federal Procurement,” (the EO), which aims to overhaul the Federal Acquisition Regulation (FAR) “to create the most agile, effective, and efficient procurement system possible.” The EO adds to the growing list of executive orders issued by the Trump administration in its effort to streamline the procurement process and comes in the wake of several weeks of rumored efforts by the Office of Management and Budget (OMB) to rewrite the FAR (FAR 2.0).

The EO criticizes the current FAR for imposing an “excessive and overcomplicated regulatory framework” that results in inefficiencies and serves as a barrier to doing business with the federal government. The EO seeks to return to the “vision” of the federal procurement system to “deliver on a timely basis the best value product or service to the customer, while maintaining the public’s trust and fulfilling public policy objectives.” To that end, the EO calls for the removal of any FAR provisions that are not “required by statute or essential to sound procurement.” The White House fact sheet accompanying the EO elaborates that the revisions will “rewrite the FAR in plain English, eliminate non-statutory and duplicative regulations, remove DEI and wokeness, and add buyer guides in place of burdensome and outdated requirements.”

In addition, all provisions that are not statutorily required but will nonetheless remain in the FAR must be identified and will automatically expire after four years of the effective date of the final rule promulgating the revised FAR, unless the provision is renewed by the FAR Council. The four-year sunset provision will also apply to any new regulations issued after the final rule implementing the revised FAR takes effect.

The EO imposes tight deadlines to implement the significant changes that are being contemplated.

Within 180 days of the EO—by October 12, 2025—the Administrator for the Office of Federal Procurement Policy (OFPP), “in coordination” with the Federal Acquisition Regulatory Council (FAR Council), the heads of agencies, and other appropriate agency senior acquisition and procurement officials must take “appropriate actions to amend the FAR” to remove provisions that are not required by statute, or that are not “necessary to support simplicity and usability, strengthen the efficacy of the procurement system, or protect economic or national security interests.”

Within 15 days—by April 30, 2025—each agency must name a senior acquisition or procurement official tasked with helping rewrite the agency-specific supplemental regulations to the FAR, such as the DFARS, to ensure the supplemental regulations align with the revised FAR.

Within 20 days—by May 5, 2025—the Director of OMB must provide the agencies with implementation guidance for the EO that also proposes new supplemental regulations and internal guidance to promote expedited and streamlined acquisitions.

The FAR overhaul and the Trump administration’s interest in reforming the FAR does not come as a surprise; however, the full implications for federal contractors will not be clear until there are further steps to implement the EO. For example, while the EO’s intent is clear enough, it includes numerous concepts that are open to interpretation, such as “essential to sound procurement,” “efficacy of the procurement system,” and “protect economic or national security interests.” In a positive sign, it references past recommendations from expert groups—such as the Section 809 panel—and retains the FAR Council in the process. It also envisions using the existing regulatory process that contractors are familiar with and that can provide structure for such dramatic changes—e.g., providing that the FAR Council “take appropriate actions to amend the FAR” and “shall issue deviation and interim guidance . . . until final rules reforming the FAR are published.”

Government contractors are potentially witnessing a once-in-a-generation sea change in the way the federal government does business. Contractors can expect that there will be fewer regulatory requirements in their government contracts, and they should be prepared for contract modifications to remove newly deleted FAR provisions. New opportunities and risks may arise. Jenner & Block will continue to monitor developments in the implementation of this EO and stands ready to help you adapt to changes and capitalize on opportunities.

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