

ALERT

Trump's Day 1 Executive Orders: Key Impacts and Advisory for Businesses

January 21, 2025

On January 20, 2025, President Trump issued an array of wide-ranging Executive actions. Wiley has established a multidisciplinary Executive Order (EO) response team that is tracking and analyzing developments in real time. This team draws from experts across the firm who have deep relationships with the new Administration and Congress, decades of substantive experience in the areas where Executive action is focused, and expertise in the administrative law impacts of various actions.

Early actions include rescission of dozens of EOs from the Biden Administration, declarations of emergency, major trade and tariff changes, and the imposition of new requirements on federal agencies and employees. The President also named Chairs and Acting Chairs of several agencies, including the Federal Communications Commission, Federal Trade Commission, Securities and Exchange Commission, Equal Employment Opportunity Commission, and Surface Transportation Board. The President also moved to institutionalize the Department of Government Efficiency (DOGE).

Further, the President directed Executive departments and agencies not to propose or issue any rule "until a department or agency head appointed or designated by the President after noon on January 20, 2025, reviews and approves the rule." The new EO also directs federal department or agency heads to immediately withdraw any rules that have been sent for publication in the *Federal Register*. Unclear at this time is how this action impacts the timing of current comment periods. The President also has rescinded dozens of Biden Administration EOs in areas spanning COVID response; climate policy; immigration; sanctions; diversity, equity, and inclusion

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programs; and various policies related to succession planning. Many of these rescissions will impact federal contractors and entities regulated by the federal government whose activities were affected by those EO's.

The orders include a variety of trade and tariff actions, including review of counterfeit products, the *de minimis* exemption, national security reviews, and many other issues. In addition, President Trump issued an EO regarding the fate of TikTok, and the Trump Administration rescinded a 2023 EO, No. 14110, on Safe, Secure, and Trustworthy Development and Use of Artificial Intelligence. Restoring Freedom Of Speech And Ending Federal Censorship provides that "no Federal department, agency, entity, officer, employee, or agent may act or use any Federal resources" to "engage in or facilitate any conduct that would unconstitutionally abridge the free speech of any American citizen." The new EO also directs the Attorney General to investigate the activities of the federal government over the last four years that are inconsistent with these purposes and make recommendations for remedial actions.

In addition to changes to regulation, we anticipate an uptick in federal government investigative and audit activities related to federal contractor programs and regulatory compliance across an array of federally funded programs. The Department of Justice, agency Inspectors General, and Congressional Committees will be energized to review various government programs and private organizations in a variety of areas.

Some of the President's regulatory activities, such as the operation of DOGE, were immediately challenged in federal court. We expect litigation to arise from many of the actions taken by the White House in the First 100 days and beyond, as well as federal agencies and departments. There may also be interesting legal questions that arise in the early days of the 119th Congress, as some regulatory actions taken in the waning days of the Biden Administration may be subject to the Congressional Review Act now that Republicans control both houses of Congress.

To stay informed on all of the Executive Orders and announcements from the Trump Administration, please visit our dedicated resource center below.

Wiley's Trump Administration Resource Center