



Election 2020: Potential Impacts **National Security**

Jason Klitenic | Mary Beth Bosco | Tom Davis

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Holland & Knight

Thank you for joining today's program

- All participants are on mute
- Please ask questions via Q&A box
- Today's program is being recorded and will be posted on our website
- For technical assistance please reach out to the host via the chat box

Speakers



Jason Klitenic
Partner



Mary Beth Bosco
Partner



Tom Davis
Partner

Employee Protections Will Increase if the Administration Changes

- Trump Administration has rescinded Obama Executive Orders on Labor Protections:
 - EO 13495: Contractors awarded contracts covered by the Service Contract Act must offer employees working under predecessor contracts a right of first refusal of employment.
 - EO 13673: Required contractors to disclose violations of labor laws, including the Fair Labor Standards Act, OSHA, and the Family and Medical Leave Act.
 - Recent EO (13590) banning federal contractors from providing Diversity and Inclusion Training Programs that include “offensive and anti-American race and sex stereotyping and scapegoating.”

Increase in Enforcement and Oversight if the Administration Changes

Trump:

- Unlikely that there will be an increase in enforcement efforts, with the exception of matters involving EO 13590.
- Procurement False Claims Cases brought by DoJ may focus more on foreign companies.
- May impact number of PPP loan audits.
- Buy America enforcement.

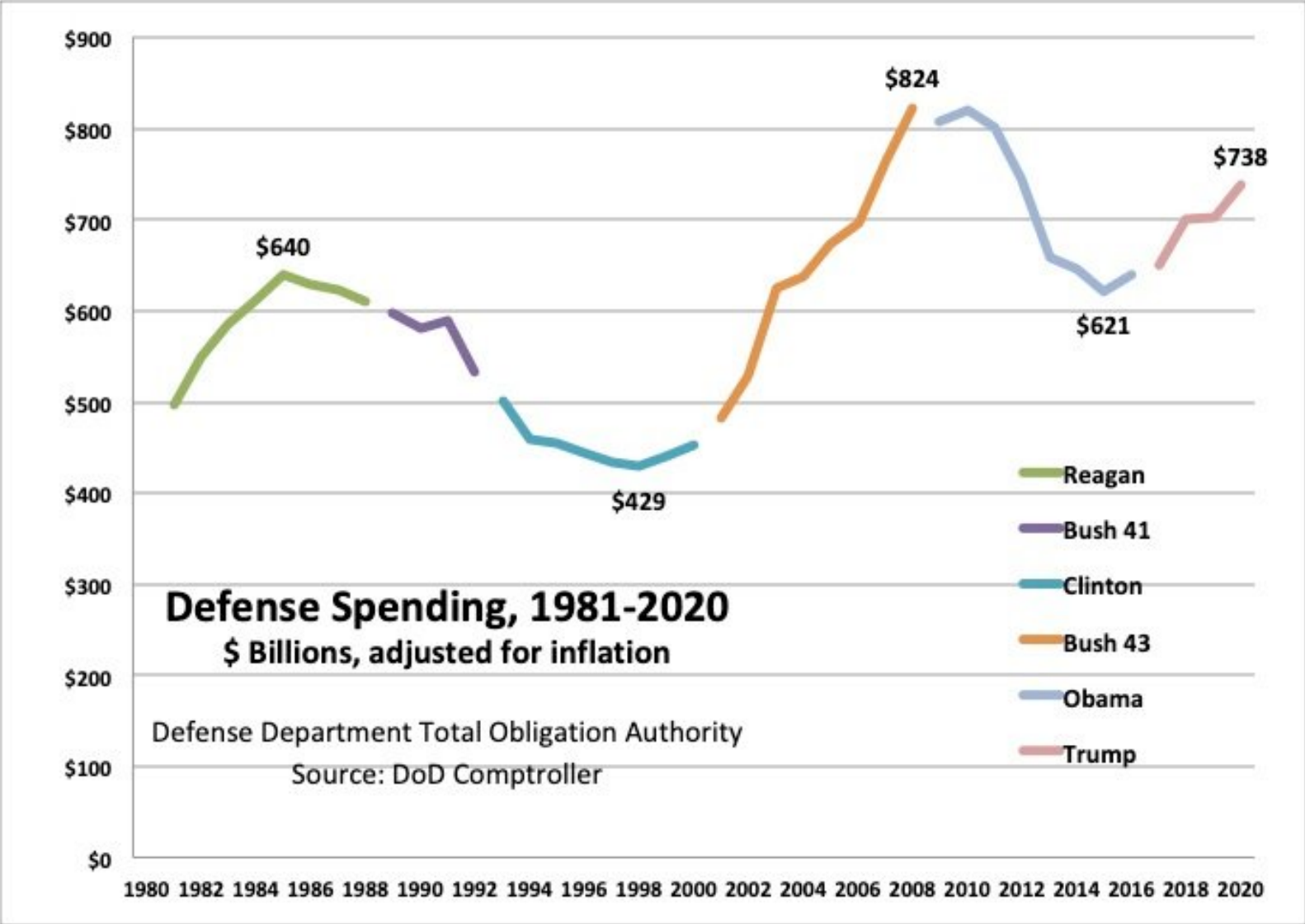
Biden:

- Creation of a new government agency with the purpose of overseeing and enforcing federal anti-corruption and ethics laws.
- PPP Loan audits more likely to move forward.
- Increase in audits/investigations involving employee rights and labor regulations.
- Buy America Enforcement.

Potential Relief from CMMC and Section 889 Requirements for DoD Contractors?

- DoD contractors have recently been hit with two regulatory requirements that are costly to implement. Neither a Trump nor a Biden Administration is likely to eliminate these requirements, but a Trump Administration might be more amenable to delaying or waiving some of the requirements.
 - Cybersecurity: New DoD Interim Final rule states that contractors will be ineligible for contract award unless: (1) The Contractor performs a self-assessment of its cybersecurity protocols using NIST Standard 800-171 standards and posts its result in a new DoD database; and (2) once the new CMMC requirements are implemented, the Contractor must have an approved third-party assessor certify whether the Contractor meets the CMMC level assigned to the contract.
 - Supply Chain Review: Section 889 of the 2019 NDAA requires the government to identify products or services that present a threat to national security and to ban them from the DoD supply chain. The ban presently applies to electronic communications products or services and video surveillance made by Chinese companies, such as Huawei. Contractors cannot sell covered equipment to the government that contains these products or services, and they cannot use the prohibited equipment anywhere in their facilities.

Historic Defense Spending



Defense Spending

- Vice President Biden has stated that he wants to avoid cutting the Defense Budget.
- Difference will come from how money is spent and on what.
 - Trump defense budget priorities not expected to change significantly; emphasis on “build back” the military.
 - Biden defense policy and budget:
 - Pull back on nuclear build-up, and seek to re-engage with Iran and North Korea.
 - Restore relationships with our traditional allies.
 - View climate change as a national security risk.
 - Review of “legacy platforms.”
 - Review arms sales and view through the lens of human rights.
 - Emphasize cybersecurity and AI.
 - Space Force?

117th Congress Key Committee Changes - Senate

Committee	Current Chair	New Chair
Appropriations	Shelby (AL)	Leahy (VT)
DOD Subcommittee	Shelby (AL)	Durbin (IL)
Milcon/VA Subcommittee	Boozman (AR)	Schatz (HI)
Homeland Security Subc.	Capito (WV)	Tester (MT)
Labor/HHS Subcommittee	Blunt (MO)	Murray (WA)
CJS Subcommittee	Moran (KS)	Shaheen (NH)
Intelligence	Burr (NC), Rubio (FL)	Warner (VA)
Armed Services	Inhofe (OK)	Reed (RI)
Finance	Grassley (IA)	Wyden (OR)

117th Congress Key Committee Changes - House

Committee	Current Chair	New Chair
Appropriations	Lowey (NY)	DeLauro (CN)
Defense Subcommittee	Visclosky (IN)	McCollum (MN)
Armed Services (Ranking)	Thornberry (TX)	Rogers (AL) (Turner, Wilson)

Questions?

Thank You

Jason Klitenic



Partner

Washington, D.C.

202.469.5120

Jason.Klitenic@hklaw.com

Jason Klitenic is a partner in Holland & Knight's Washington, D.C., office, where he leads the firm's National Security, Defense and Intelligence Team. Mr. Klitenic focuses his practice on representing clients in an array of government enforcement, corporate compliance and public policy matters. In doing so, he works closely with the U.S. Intelligence Community and federal law enforcement agencies.

Prior to rejoining Holland & Knight, Mr. Klitenic served as the presidentially appointed, Senate-confirmed General Counsel for the Office of the Director of National Intelligence (ODNI). In this role he was responsible for overseeing legal issues within the cabinet-level agency, as well as coordinating issues arising throughout the Intelligence Community and its 17 member agencies.

Earlier in his career, Mr. Klitenic held senior government positions at the U.S. Department of Homeland Security, where he was the agency's first Deputy General Counsel, and the U.S. Department of Justice, where he served as Deputy Associate Attorney General.

In recognition for his contributions to the Intelligence Community, Mr. Klitenic has received special awards and citations from the Central Intelligence Agency, Federal Bureau of Investigation, National Security Agency and Office of the Director of National Intelligence.

Mary Beth Bosco



Partner

Washington, D.C.

202.469.5270

MaryBeth.Bosco@hklaw.com

Mary Beth Bosco is an attorney in Holland & Knight's Washington, D.C., office. She has more than 30 years of experience working with new and experienced government contractors, and focuses her practice on advising such organizations in contract and regulatory compliance, transactional matters, and entering and navigating the federal marketplace.

A substantial portion of Ms. Bosco's practice focuses on compliance matters and transactional work. With a background in regulatory matters and litigation, Ms. Bosco counsels clients on the drafting of procurement manuals, and the development and implementation of compliance and training programs. In this connection, she has performed numerous audits of contractor compliance systems and policies. Ms. Bosco, who has a vast knowledge on government contract subject matter, represents companies, financial institutions and investment funds in connection with acquisitions, investments and credit facilities involving government contractors.

Ms. Bosco also devotes a significant amount of time to bid protests before the General Accountability Office (GAO), the U.S. Court of Federal Claims and U.S. Court of Appeals for the Federal Circuit. Ms. Bosco has led the response and defense of complex concurrent agency and congressional investigations. She has also advised clients in investigations involving Inspectors General and the U.S. Department of Justice with respect to the False Claims Act, other fraud investigations and whistleblower actions. She has handled voluntary disclosures for clients, and responded to government audits, including those by the Defense Contract Audit Agency, for both contractors and grant recipients. She represents numerous nonprofit organizations receiving federal grant money.

Tom Davis



Partner

Washington, D.C.

202.469.5486

Tom.Davis@hklaw.com

Tom Davis is a Washington, D.C., attorney who focuses his practice on handling a variety of congressional and regulatory affairs, including congressional investigations, land use and legislative strategy.

Mr. Davis served 14 years in the U.S. House of Representatives, representing the 11th Congressional District of Virginia. He served as chairman of the Committee on Oversight and Government Reform from 2003 to 2007, where he led a number of high-profile investigations. In addition, Mr. Davis was elected chairman of the National Republican Congressional Committee and served in that role from 1999 to 2002. When he joined Congress, Mr. Davis was the first freshman representative in 50 years to hold a subcommittee chairmanship, taking the gavel of the Subcommittee on the District of Columbia.

While in Congress, Mr. Davis was a chief author of more than 100 pieces of legislation that became law, including the Services Acquisition Reform Act (SARA), Federal Information Security Management Act (FISMA), D.C. "Control Board" Act, District of Columbia College Access Program, D.C. Revitalization Act, Federal Acquisition Reform Act (FARA), National Capital Transportation Amendments Act (Washington Metro Authorization), Unfunded Mandates Reform Act and the Y2K Act (tort reform). He also presided over 150 hearings and investigations culminating in reports which included Hurricane Katrina, steroid use in professional baseball and contracting in Iraq.

Mr. Davis also served as a supervisor on the Fairfax County (Va.) Board of Supervisors from 1980 to 1994, and as the board chairman from 1991 to 1994.