



## Top Takeaways January 2026 Member Roundtable Meeting

The Institute is committed to keeping our members informed regarding cutting-edge developments. Below are the top highlights from Tuesday's January 21<sup>st</sup> Member Roundtable with Institute Leaders Nita Beecher, David Cohen, David Fortney, Laura Mitchell as well as former Acting EEOC Chair and Institute Faculty Vicki Lipnic.

Please share these key takeaways with your internal leaders. The replay of the January 2026 Roundtable is located [here](#). Members will need to log in for full access.

### Highlights

- **EEOC Updates.** Former EEOC Acting Chair Vicki Lipnic provided an update on EEOC, discussing the revocation of the EEOC harassment guidance, new voting rules, budget for FY2026 and subpoena enforcement actions. On January 14, the new Republican majority voted 2 to 1 to eliminate the Biden era rule which allowed any Commissioner to "agenda" an item with the Commission. The hearing set up the rescission of the harassment guidance which was voted on January 22<sup>nd</sup>. Vicki noted that the Commission has increased its use of subpoena enforcement actions including one against Northwestern Mutual Life over its DEI Program. Congress has approved a 5% cut to EEOC's budget for FY2026 but stipulated that EEOC must notify Congress before it reorganizes.
- **OFCCP.** David Cohen pointed out although the administration wanted to kill the agency a bipartisan bill provided OFCCP with \$101M in the new DOL budget. Additionally, Diana Sen has been moved into Deputy Director position.
  - Laura Mitchell said the 9<sup>th</sup> Circuit decision on releasing federal contractors' EEO-1 Reports was final and had been returned to the federal district court for final disposition. However, the previous judge retired and the new judge has to get up to speed on the case.
- **DOL.** Nita Beecher and David Fortney discussed the new DOL budget of \$13.7B as well as the \$259M the agency collected in FY2025. David mentioned DOL's Project Firewall involving extensive investigation of H-1B worker certifications with national origin claims being sent to EEOC and False Claims Act allegations to DOJ.
- **DOJ.** David Cohen and David Fortney discussed DOJ's recent litigation against state of Minnesota's affirmative action programs, challenging the Supreme Court's *Weber/Johnson* cases allowing voluntary affirmative action plans.
  - **False Claims Act.** David Fortney reminded members that DOJ is pursuing FCA through civil investigative demands. However, DOJ has not been very successful in using FCA to target civil health institutions over their gender affirming care and has had six of its CIDs rejected by the courts. DOJ's failure in these cases provide guidance to federal contractors on how to challenge DEI CIDs.

- ➔ **Next Member Roundtable Meeting:** **February 17 at 2 pm Eastern.** Please click [here](#) for the zoom information.
- ➔ **Webinars are always complimentary for Institute members.** Registration information is located [here](#).