

**Federal Contractors’ Best Practices in Response to the Revocation of EO 11246**

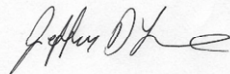
We recognize that the new Executive Order issued by President Trump revoking EO 11246 results in major changes in key compliance metrics for federal contractors, as well as associated reporting requirements and enforcement by the Department of Labor’s Office of Federal Contract Compliance Programs (OFCCP). Federal contractors, however, should take proactive steps to ensure that their workplace policies and practices result in employment decisions based on merit and do not include illegal discrimination or illegal DEI. It is prudent to be prepared for additional future changes, including the new compliance certification referenced in the new Executive Order.

President Trump’s Executive Order (*Ending Illegal Discrimination and Restoring Merit-Based Opportunity*) issued on January 21, 2025, revoked Executive Order 11246 and its regulatory obligations. The new Executive Order effectively ends contractors’ affirmative action and related obligations. Under the new Executive Order, however, non-discrimination obligations still exist. It is, therefore, essential that federal contractors maintain a strong commitment to ensuring non-discrimination compliance and to safeguarding federal contracting workplaces from “illegal DEI.” Contractors’ obligations relating to protected veterans under VEVRAA and individuals with disabilities under Section 503 also remain in effect and are not modified.


Federal contractors that maintain and repurpose their existing federal contractor compliance programs and metrics will be best positioned to comply with the new certification requirements established by the new Executive Order and to mitigate the legal risks resulting from illegal DEI practices or other discriminatory employment practices prohibited by Title VII of the Civil Rights Act. Companies should continue to leverage their existing compliance protocols and workforce analytics to confirm that no “illegal DEI” programs or other discriminatory employment practices are in place. We will continue to consult with the Trump Administration on how these new requirements can be efficiently implemented under the new federal contractor program and will provide timely updates.

For highly compliant contractors, we believe existing protocols serve as a robust framework to ensure compliance with the Trump administration's DEI-related policies and non-discrimination law.


**Affirmity:**

By:   
Jeffery Lewis  
Managing Director

**Berkshire Associates & Resolution Economics, LLC:**

By:   
Ali Saad, Ph.D.  
Managing Partner

**DCI Consulting Group, Inc.:**

By:   
David Cohen  
Founder & President

**OutSolve, LLC:**

By:   
Jeremy Mancheski  
Founder & CEO

January 23, 2025