

Congress of the United States
Washington, DC 20515

December 15, 2020

The Honorable Russell T. Vought
Director
Office of Management and Budget
1650 Pennsylvania Avenue, N.W.
Washington, D.C. 20502

Dear Director Vought:

We write to reiterate our September 29, 2020, request for documents and information on President Trump’s Executive Order 13950 and Office of Management and Budget (OMB) Memorandum M-20-34 implementing the Administration’s ban on anti-racism and diversity trainings in the federal government and private organizations that receive federal funds.¹

Rather than provide the documents we requested, your November 9, 2020, reply misleadingly claimed that the Executive Order “only seeks to curb trainings that ‘perpetuate racial stereotypes and division.’” Your office wrote that if a training does not teach “divisive concepts,” then “that particular training would not be impacted by the Executive Order and may continue.”²

These claims do not appear to be accurate. The Administration’s actions have already shut down initiatives across the nation—inside and outside the federal government—meant to combat bias and discrimination in the workplace.

For example, in October, the Justice Department indefinitely suspended *all* diversity and inclusion training and “any related activities and events” for its employees and managers.³ The State Department has similarly frozen all diversity and inclusion training, and reports indicate

¹ Letter from Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al. to Acting Director Russell T. Vought, Office of Management and Budget (Sept. 29, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/2020-09-29.CBM%20GEC%20et%20al.%2C%20to%20Vought-OMB%20re%20Diversity%20and%20Inclusion%20Training.pdf>).

² Letter from Associate Director, Legislative Affairs Jason A. Yaworske, Office of Management and Budget, to Chairwoman Carolyn B. Maloney, Committee on Oversight and Reform, et al. (Nov. 9, 2020) (online at <https://oversight.house.gov/sites/democrats.oversight.house.gov/files/Maloney.pdf>).

³ *Justice Dept. Suspends All Diversity and Inclusion Training for Staff*, New York Times (Oct. 9, 2020) (online at www.nytimes.com/2020/10/09/us/politics/justice-department-diversity-training.html).

similar cancellations have occurred at the Environmental Protection Agency and the Department of Veterans Affairs.⁴

The Defense Department paused a previously announced audit by the Inspector General that was meant to review whether its anti-discrimination efforts were effective and instead shifted its focus to ensure that its trainings were in compliance with the executive order's ban on discussing "white people's role in systemic racism."⁵

One report has tied the Trump Administration's surprise demotion of former Federal Energy Regulatory Commission Chairman Neil Chatterjee's to "his unwillingness to go along with the Trump Administration's governmentwide edicts against diversity training."⁶

The executive order stymied diversity and anti-racism training efforts outside of federal agencies as well. The "chillingly punitive" consequences of non-compliance have caused multiple universities and other entities in receipt of federal funds to roll back crucial efforts meant to combat discriminatory and biased behavior.⁷

The University of Iowa shuttered programs that included training for university employees on race or sex stereotyping and scapegoating.⁸ The University issued a statement that cited the "seriousness of the penalties for non-compliance" as a reason for suspending these programs.⁹ The Texas State University System issued a similar statement.¹⁰

⁴ *Exclusive: U.S. State Department Suspends All Diversity Training After Trump's Directive*, Reuters (Oct. 24, 2020) (online at www.reuters.com/article/us-global-race-statedepartment-exclusive/exclusive-u-s-state-department-suspends-all-diversity-training-after-trumps-directive-idUSKBN2790JC); *Trump's Diversity Training Order Faces Lawsuit*, Associated Press (Nov. 12, 2020) (online at <https://apnews.com/article/trump-diversity-training-lawsuit-naacp-4c426e9f14fcf0618eac5d457e0d2066>).

⁵ *DoD Cancels Its Diversity Training Audit to Comply with New White House Rules*, Military Times (Oct. 30, 2020) (online at www.militarytimes.com/news/your-military/2020/10/30/dod-canceled-its-diversity-training-audit-to-comply-with-new-white-house-rules/).

⁶ *White House Demoted Chatterjee Over Diversity Training*, E&E News (Nov. 6, 2020) (online at www.eenews.net/stories/1063717987).

⁷ NAACP Legal Defense Fund, *Press Release: NAACP Legal Defense Fund, National Urban League, National Fair Housing Alliance File Suit Against Trump Administration; African American Policy Forum Launches #TruthBeTold Campaign* (Oct. 29, 2020) (online at www.naacpldf.org/wp-content/uploads/EO-Complaint_Press-Release-10.29.20-FINAL.pdf); *Trump Attack on Diversity Training Has a Quick and Chilling Effect*, New York Times (Oct. 13, 2020) (online at www.nytimes.com/2020/10/13/us/politics/trump-diversity-training-race.html).

⁸ University of Iowa, *Regarding Executive Order 13950* (online at <https://diversity.uiowa.edu/regarding-executive-order-13950>).

⁹ *Trump Attack on Diversity Training Has a Quick and Chilling Effect*, New York Times (Oct. 13, 2020) (online at www.nytimes.com/2020/10/13/us/politics/trump-diversity-training-race.html).

¹⁰ Texas State University, *Diversity, Equity, and Inclusion Training Task Force* (Oct. 9, 2020) (online at www.txstate.edu/oei/updates/Diversity-Equity-and-Inclusion-Training-Task-Force.html).

Stanford University considered a blanket prohibition on acknowledging that “systemic racism exists at Stanford” in order to maintain access to federal funds.¹¹ In addition, at John A. Logan College in Carterville, Illinois, a planned talk in honor of Hispanic Heritage Month was cancelled “for fear of the executive order.”¹² The threat of losing federal funds has left colleges and universities scrambling to understand how much of their anti-bias trainings must be discontinued.¹³

A coalition of business organizations objected to the broad scope of the executive order, noting that it has prompted some companies to suspend all diversity and inclusion trainings and has had a “broadly chilling effect” on “legitimate and valuable [diversity and inclusion] training companies use to foster inclusive workplaces.”¹⁴

Civil rights groups have also raised urgent concerns about the “echoes of McCarthyism” in the executive order’s mandate that the Department of Labor set up a hotline to report potentially unlawful trainings.¹⁵ Enforcement by federal agencies has forced organizations “to choose between censoring speech on these important issues or forfeiting any opportunity to enter into a federal contract.”¹⁶

These directives are consistent with this Administration’s repeated opposition to anti-racism initiatives. In October, the Department of Labor initiated an investigation into Microsoft’s attempts to increase the diversity of its workforce as part of the “commitments [the company] made in June to address issues faced by the Black and African American

¹¹ *Stanford Rushes to Comply with Trump Executive Order Limiting Diversity Training*, Venture Beat (Nov. 17, 2020) (online at <https://venturebeat.com/2020/11/17/stanford-rushes-to-comply-with-trump-executive-order-limiting-diversity-training/>).

¹² *Trump Attack on Diversity Training Has a Quick and Chilling Effect*, New York Times (Oct. 13, 2020) (online at www.nytimes.com/2020/10/13/us/politics/trump-diversity-training-race.html).

¹³ *Diversity Work Interrupted*, Inside Higher Ed (Oct. 7, 2020) (online at www.insidehighered.com/news/2020/10/07/colleges-cancel-diversity-programs-response-trump-order); State University of New York, *The President’s Executive Order on Combating Race and Sex Stereotyping: What Colleges and Universities Need to Know* (Oct. 2, 2020) (online at https://system.suny.edu/sci/news/10-3-20-eo-on-combating-race-and-sex-stereotyping/index.html#_ftn2).

¹⁴ Letter from U.S. Chamber of Commerce et al. to President Donald J. Trump (Oct. 15, 2020) (online at <http://image.uschamber.com/lib/fe3911727164047d731673/m/5/b5c62775-5376-4f8d-9384-35b76ce39682.pdf>).

¹⁵ *Agencies, Contractors Suspend Diversity Training to Avoid Violating Trump Order*, National Public Radio (Oct. 30, 2020) (online at www.npr.org/2020/10/30/929165869/agencies-contractors-suspend-diversity-training-to-avoid-violating-trump-order).

¹⁶ *Trump’s Diversity Training Order Faces Lawsuit*, Associated Press (Nov. 12, 2020) (online at <https://apnews.com/article/trump-diversity-training-lawsuit-naacp-4c426e9f14fcf0618eac5d457e0d2066>); *LGBT Groups Say Trump Order Limiting Diversity Training is Unconstitutional*, Reuters (Nov. 3, 2020) (online at www.reuters.com/article/employment-diversity/lgbt-groups-say-trump-order-limiting-diversity-training-is-unconstitutional-idUSL1N2HQ00T).

community.”¹⁷ Wells Fargo became the subject of a similar inquiry after the bank promised to diversify its leadership ranks following the murder of George Floyd.¹⁸

The Department of Education threatened Princeton University’s federal funding after its president acknowledged the “[r]acist assumptions” that are “embedded” within the school; the Administration has perversely characterized this attempt to reckon with the harms of systemic racism as a potential violation of the Civil Rights Act of 1964.¹⁹

Our original request for information about the executive order and its implementation was due by October 13, 2020. It is now December, and you have not provided it. We reiterate our previous request and also request a Member-level briefing with the appropriate staff overseeing implementation of the executive order and OMB memorandum. Please provide all requested documents and the briefing by December 22, 2020.

The Committee on Oversight and Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. If you have any questions, please contact Subcommittee staff at (202) 225-5051.

Thank you for your prompt attention to this matter.

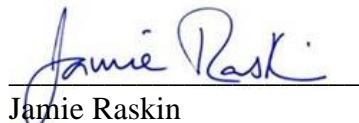
Sincerely,



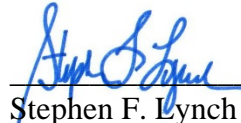
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Chairwoman
Committee on Oversight and Reform



Gerald E. Connolly
Chairman
Subcommittee on Government
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Chairman
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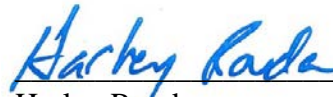
¹⁷ Microsoft, *Responding to the OFFCP on Our June Diversity Commitments* (Oct. 6, 2020) (online at <https://blogs.microsoft.com/on-the-issues/2020/10/06/ofccp-diversity-employment-laws/>); *Department of Labor Investigating Whether Microsoft’s Pledge to Hire More Black Workers is Legal*, ABC (Oct. 7, 2020) (online at <https://abcnews.go.com/Business/department-labor-investigating-microsofts-pledge-hire-black-workers/story?id=73472488>).

¹⁸ *Wells Fargo’s Diversity Initiative to Hire More Black Leaders Probed by Labor Department*, USA Today (Oct. 7, 2020) (online at www.usatoday.com/story/money/2020/10/07/wells-fargo-trump-labor-department-diversity-black-leaders/5911388002/).

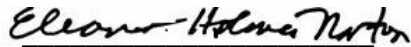
¹⁹ Letter from Assistant Secretary Robert King, Department of Education, to President Christopher L. Eisgruber, Princeton University (Sept. 16, 2020) (online at www.princeton.edu/sites/default/files/documents/2020/09/Princeton-Letter-9-16-20-Signed.pdf).



Raja Krishnamoorthi
Chairman
Subcommittee on Economic and
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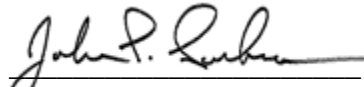
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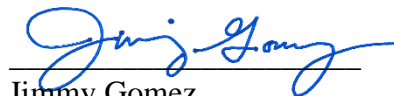
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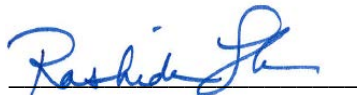
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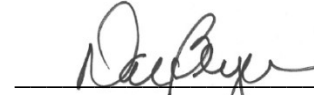
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Member of Congress



David Trone
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Jennifer Wexton
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The Honorable Russell T. Vought

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cc: The Honorable James R. Comer, Ranking Member
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The Honorable Jody B. Hice, Ranking Member
Subcommittee on Government Operations

The Honorable Chip Roy
Subcommittee on Civil Rights and Civil Liberties

The Honorable Glenn Grothman, Ranking Member
Subcommittee on National Security

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The Honorable Mark Green, Ranking Member
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