

United States Senate

December 17, 2020

Mr. Russell T. Vought
Director
Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Dear Mr. Vought,

We write today to express our profound opposition to President Trump’s recent Executive Order on Combating Race and Sex Stereotyping. The Executive Order and the Administration’s implementation actions to date are already stifling much-needed efforts in our states to reduce racial and sex-based discrimination. There is widespread uncertainty regarding the scope of the Executive Order, and some entities have cancelled their diversity and inclusion trainings altogether out of fear of losing federal funding. Given that the ongoing COVID-19 pandemic has exacerbated our nation’s stark racial inequities and other health disparities, the Administration should focus on reducing racial and sex-based discrimination rather than engaging in ill-informed political stunts. We urge you to immediately halt your efforts to implement this propagandist and deeply harmful Executive Order.

On September 22, 2020, President Trump issued Executive Order 13950, which claims to “combat offensive and anti-American race and sex stereotyping and scapegoating” by prohibiting federal agencies, contractors, and grant recipients from using workplace training programs that promote “divisive concepts.”¹ According to the Executive Order, such concepts include that “one race or sex is inherently superior to another race or sex” and that “an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.” In your September 28, 2020 memorandum instructing the heads of executive departments and agencies on implementation, you stated that the Executive Order likely prohibits trainings that use terms such as “systemic racism,” “white privilege,” and “unconscious bias.”²

Legitimate diversity and inclusion training for federal employees, contractors, or federally supported entities would not promote repugnant ideas such as the “inherent superiority” of a particular race – and in fact such a training would already be illegal under longstanding anti-discrimination laws. However, by equating the acknowledgement of unconscious bias or systemic racism with claims of racial superiority, the Administration is purposefully sowing confusion and fear about our country’s growing diversity and recent political movements in support of racial equity. By creating vague and illogical requirements, the Administration is effectively discouraging entities from offering diversity and inclusion trainings altogether, which

¹ <https://www.whitehouse.gov/presidential-actions/executive-order-combating-race-sex-stereotyping/>

² <https://www.whitehouse.gov/wp-content/uploads/2020/09/M-20-37.pdf>

we fear is the underlying goal of this misguided effort. Additionally, the Executive Order is unclear about its applicability to federal grantees, creating widespread uncertainty among state governments and other federal grant recipients.

Indeed, the Executive Order and your subsequent memorandum have exerted a chilling effect on both federal agencies and the many entities in our states that receive federal funding. The Department of Justice and the Department of Health and Human Services halted all diversity and inclusion trainings for managers and employees. The Health Resources and Services Administration has reportedly frozen funding for some state-run implicit bias trainings for hospitals and community health centers. Some colleges and universities paused or cancelled their diversity and inclusion trainings and other diversity-focused events out of fear of jeopardizing their federal funding.³ Companies and non-profit organizations that hold contracts with the federal government cancelled or delayed their trainings.⁴

By continuing to implement this misguided policy during the final days of President Trump's Administration, your agency is discouraging and needlessly politicizing critical efforts to end racial and sex-based discrimination. Once again, we urge you to immediately cease implementing this illogical and harmful Executive Order. Thank you for your prompt consideration of this urgent matter no later than December 23, 2020.

Sincerely,

/s/ Robert Menendez
Robert Menendez
United States Senator

/s/ Sherrod Brown
Sherrod Brown
United States Senator

/s/ Elizabeth Warren
Elizabeth Warren
United States Senator

/s/ Edward J. Markey
Edward J. Markey
United States Senator

/s/ Ron Wyden
Ron Wyden
United States Senator

/s/ Sheldon Whitehouse
Sheldon Whitehouse
United States Senator

/s/ Benjamin L. Cardin
Benjamin L. Cardin
United States Senator

/s/ Kirsten Gillibrand
Kirsten Gillibrand
United States Senator

/s/ Amy Klobuchar
Amy Klobuchar
United States Senator

³ <https://www.insidehighered.com/news/2020/10/07/colleges-cancel-diversity-programs-response-trump-order>

⁴ <https://www.nytimes.com/2020/10/13/us/politics/trump-diversity-training-race.html>

/s/ Tina Smith
Tina Smith
United States Senator

/s/ Bernard Sanders
Bernard Sanders
United States Senator

/s/ Tammy Baldwin
Tammy Baldwin
United States Senator

/s/ Michael F. Bennet
Michael F. Bennet
United States Senator

/s/ Catherine Cortez Masto
Catherine Cortez Masto
United States Senator

/s/ Tim Kaine
Tim Kaine
United States Senator

/s/ Jeffrey A. Merkley
Jeffrey A. Merkley
United States Senator

/s/ Mark R. Warner
Mark R. Warner
United States Senator

/s/ Richard J. Durbin
Richard J. Durbin
United States Senator

/s/ Dianne Feinstein
Dianne Feinstein
United States Senator

/s/ Jacky Rosen
Jacky Rosen
United States Senator

/s/ Jack Reed
Jack Reed
United States Senator