

The Latest Administrative Actions Affecting the Workforce and Related Employment Challenges

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Trump's Executive Orders on Diversity, Equity, and Inclusion, Explained

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Trump's Executive Orders on Diversity, Equity, and Inclusion, Explained ›

In his first week in office, President Trump issued a series of executive orders (EOs) targeting diversity, equity, and inclusion programs in the public and private sectors. These executive orders are designed to chill and prohibit lawful efforts to advance equal opportunity. They attempt to do so by spreading disinformation and distorting federal laws to advance an agenda based on division and hate.

What do the EOs do?

Among other things, the EOs direct the Trump administration agencies and staff to:

- Terminate diversity, equity, and inclusion offices, positions, and programs in the federal government.
- Terminate equity-related grants and contracts.
- Repeal prior executive orders designed to ensure equal opportunity in the workplace, including a decades-old executive order from the Johnson Administration that required contractors receiving federal funds to take active steps to prevent discrimination and address barriers to employment opportunities.
- Direct federal agencies to contractually obligate federal contractors and grantees to certify that they “do not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws,” while making clear that President Trump considers DEI to be illegal and immoral.
- Challenge the programs of publicly traded corporations, large nonprofits, philanthropic foundations, professional associations, and institutions of higher education that are designed to advance equity, including by threatening legal action, with the obvious goal of chilling their programs.
- Issue guidance that may seek to limit what state and local educational agencies and institutions of higher education can do to ensure equal access to education.

What don't the EOs do?

Equal opportunity and antidiscrimination obligations are enshrined in the U.S. Constitution and our federal civil rights laws. The EOs do not and cannot change that. The President's role is to implement laws; he can't rewrite them. Diversity, equity, and inclusion policies and programs help organizations comply with civil



rights laws by ensuring that all people are on an equal footing in the workplace and in educational and medical settings. Organizations that roll back these efforts risk violating anti-discrimination laws if unfair barriers persist. The EOs also do not halt programs that are specifically designed to remedy ongoing discrimination against people of color and women that are codified in statute or regulation, like the Department of Transportation's Disadvantaged Business Enterprise Program.

The EOs also do not change the reality that the American Dream is not equally available to all. In 2023, the Department of Education reported that it received the most civil rights complaints in its history, most of which allege race, sex, or disability discrimination. While the number of Black people with college degrees has increased over the last two decades, Black people remain relegated to lower wage jobs and less lucrative industries compared to white people with similar levels of education, and Black women experience some of the largest pay gaps. Black people and other people of color in the United States suffer disproportionately from preventable disease and premature deaths, including high rates of maternal mortality, despite living in a country with one of the most advanced medical systems in the world—racial disparities that persist even when accounting for socioeconomic status, lifestyle, insurance coverage, and other risk factors. These racial inequities hurt the American economy as a whole: A 2020 study by Citi estimates that the United States' aggregate economic output would have been \$16 trillion dollars higher since 2000 if we had closed racial gaps in wages, access to higher education, lending, and mortgage access.

What are diversity, equity, and inclusion programs?

Programs that increase diversity, equity, inclusion, and accessibility are not quotas, which are illegal. Instead, they are strategies to equalize opportunities for groups of people who are unfairly disadvantaged, such as: engaging in broader outreach and recruitment measures to expand a college applicant pool; adopting a policy to only focus on necessary skills and qualifications in hiring; providing training to ensure that healthcare providers can effectively treat patients of all backgrounds; among others. At the end of the day, a successful diversity, equity, and inclusion program strives to ensure that no one feels excluded or treated unfairly. The federal government should encourage these programs, not limit them.

How can these EOs harm America as a whole?

Federal programs should serve everyone equally. The federal workforce is best able to serve our country if it reflects the full range of available talent. If the Trump administration fully implements these EOs, they will erect new barriers to federal programs and employment, making the federal government less able to meet the needs of the nation. The EOs also try to empower the Trump administration to interfere in private sector efforts to open up opportunity. Ultimately, these EOs will weaken our economy, endanger our national security, and threaten our multi-racial democracy.

We are prepared to use all of the tools at our disposal to ensure that everyone can advance the laudable goals of “diversity, equity, and inclusion” in all aspects of our daily lives.

For more information, please visit LDF's website at <https://www.naacpldf.org/equal-protection-initiative/> or contact Amalea Smirniotopoulos (asmirniotopoulos@naacpldf.org).

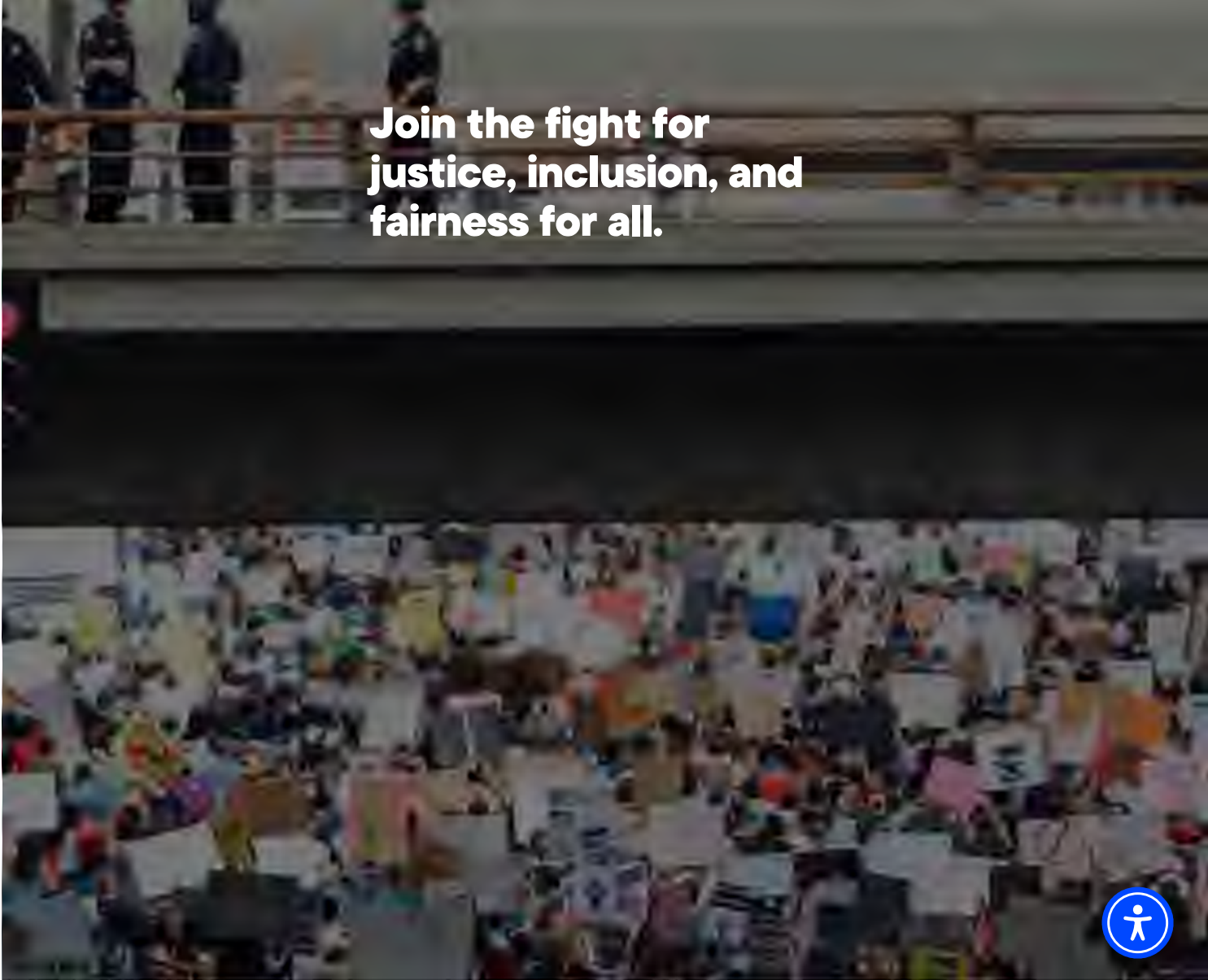
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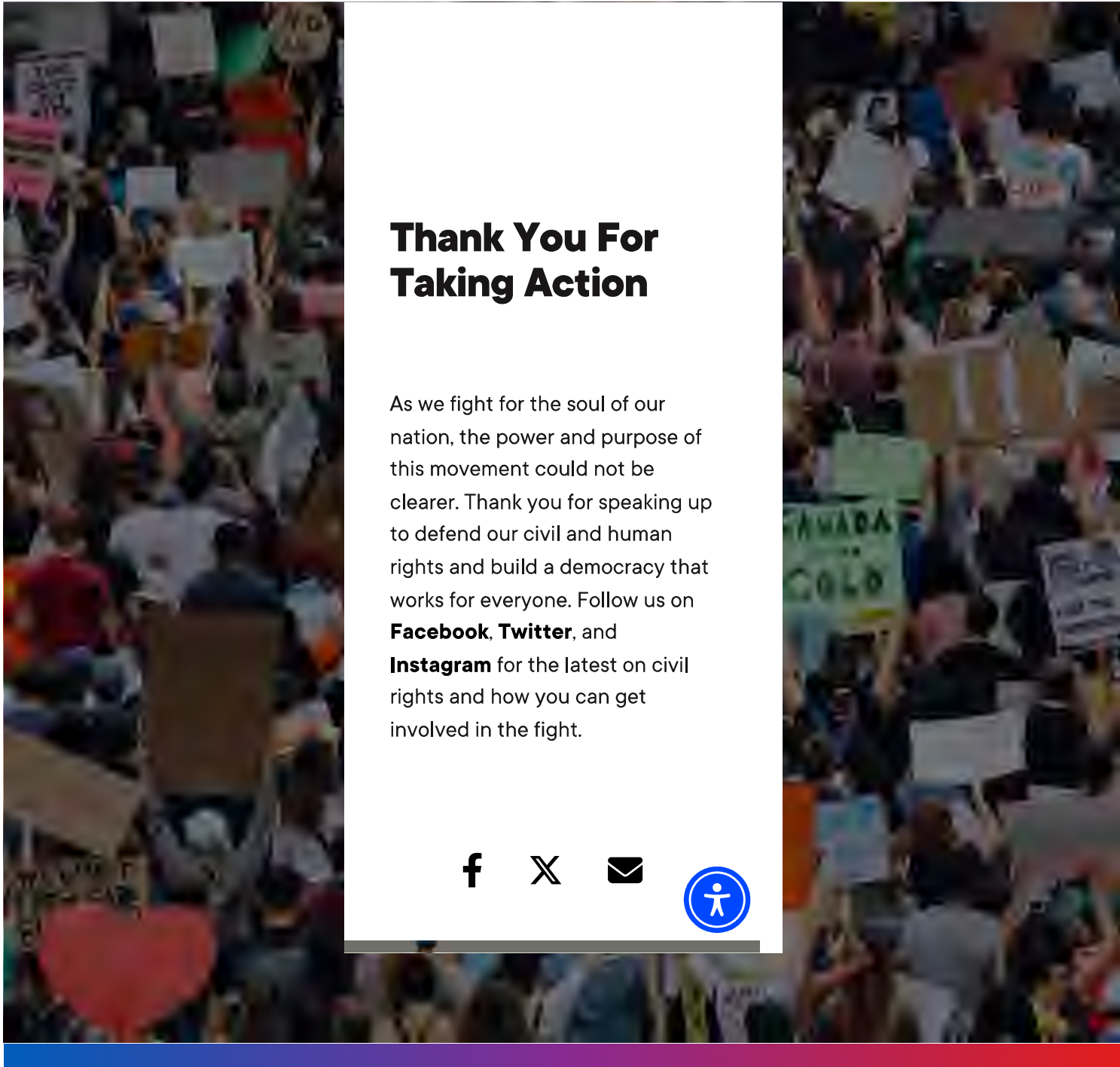
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Trump administration using fraud law to target major companies on DEI



Jessica Guynn

USA TODAY

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◆ What You Need to Know

The Trump administration is leveraging the False Claims Act to investigate corporate diversity, equity and inclusion (DEI) programs, issuing civil investigative demands to major firms and threatening costly lawsuits, which has prompted many large companies to roll ba... [Read more](#)

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The Trump administration is investigating [diversity initiatives](#) at major companies under the False Claims Act, a federal law the Department of Justice uses to take action against contractors that defraud the government.

As [USA TODAY reported](#) in October, the DOJ earlier this year began issuing civil investigative demands to employers across a broad range of industries, directing them to turn over information about their diversity, equity and inclusion programs.

The use of CIDs – a legal tool that allows the government to gather information during a civil investigation and that is usually reserved to pursue government contractors that submit fraudulent bills for their services – has rattled corporate America because it leaves companies vulnerable to claims that could reach into the millions of dollars.

Among the companies that have received DOJ investigative demands are Alphabet's Google and Verizon Communications, the [Wall Street Journal reported](#). Google could not be immediately reached for comment. Verizon declined to comment.

DOJ intensifies DEI scrutiny

Just hours after he took the oath of office, President [Donald Trump](#) issued executive orders to [dismantle diversity programs](#) and directed federal contractors to end "[illegal DEI discrimination](#)." Fearing lawsuits and the loss of government contracts, dozens of the nation's largest companies, from McDonald's to Facebook owner Meta, [rolled back or eliminated DEI programs](#).

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In May, the DOJ signaled its intention to investigate federal contractors and grant recipients by creating the "Civil Rights Fraud Initiative," which threatens legal action under the False Claims Act, a civil law that allows the government to recover funds lost to fraud.

Government scrutiny has only intensified as the Trump administration moves aggressively to pressure employers into overhauling hiring practices to [align with the president's political agenda](#).

While testifying before the Senate Judiciary Committee in July, Harmeet Dhillon, the assistant attorney general for civil rights, issued a warning about the Trump administration's crackdown on DEI initiatives. During her testimony, Dhillon

promised the Trump administration would bring "numerous investigations and lawsuits against institutions that continue to offend our federal civil rights laws."

"Either DEI will end on its own," Dhillon told senators, "or we will kill it."

DEI divided: [Two men fought for jobs in a river-town mill. 50 years later, the nation is still torn.](#)

False Claims Act lawsuits can be costly

Damages and penalties can quickly add up in False Claims Act lawsuits, lawyers told USA TODAY. Defendants are at risk of being held liable for three times the damages the government alleges.

What's more, the DOJ is encouraging whistleblowers to file [DEI lawsuits](#) on the government's behalf and potentially receive a portion of the windfall. Last year, the DOJ took in nearly \$3 billion in False Claims Act settlements and judgments.

Just the mere threat of a False Claims Act investigation is a powerful cudgel, lawyers say. And becoming a target of the Trump administration carries significant business risks, from reputational damage to shareholder class action lawsuits.

"I've had many leaders say to me, 'we are very confident from a purely legal perspective in what we are doing,'" David Glasgow, executive director of the Meltzer Center for Diversity, Inclusion and Belonging at the NYU School of Law, told USA TODAY in October. "And then a lot of them will say to me, 'none of that really matters if we have been dragged through the mud by this administration.'"

