

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

Secretary of Labor Eugene Scalia
United States Department of Labor
200 Constitution Ave NW
C-2318
Washington, DC 20210

October 8, 2020

Dear Director Vought and Secretary Scalia:

The undersigned associations write to express our concerns with the September 22, 2020 Executive Order (EO) on Combating Race and Sex Stereotyping. Collectively, our associations represent thousands of government contractors and millions of employees, all of whom will be directly impacted by this EO's attempts to restrict existing diversity, equity, and inclusion (DE&I) training programs. The EO fails to acknowledge the realities of ongoing racial inequality and inequities in America and represents an unwarranted intrusion into private sector efforts to combat systemic racism. We urge the federal government to immediately rescind the EO.

Broadly, this EO would undo progress made toward promoting racial equity and ensuring American businesses can attract the diverse talent they need to remain best-in-class. Most federal government contractors have voluntarily instituted internal DE&I programs because they recognize the importance of hiring, recruiting, and retaining a diverse and inclusive workforce. Private businesses in America generally exercise control over their internal human resources decisions, including the messaging conveyed through employee training. By limiting the type of information companies can provide to their own employees, this EO raises significant First Amendment concerns and hobbles longstanding private sector efforts to promote diversity and inclusion.

By prohibiting training on "divisive concepts"—including suggestions that America has lingering problems with racism or sexism or that an individual may be consciously or unconsciously biased against another based on race or sex—the EO appears to restrict certain types of training programs that seek to combat race or sex stereotyping. We simply do not agree that there is anything divisive about providing information that encourages our employees to treat all of their colleagues equally and with respect. That is how we help ensure a secure, productive, and equitable workplace for all Americans.

Finally, the EO has created confusion among the government contractor community. Contractors will incur the administrative and oversight burdens of determining compliance, with severe consequences for misinterpreting the EO's ill-defined requirements. The EO sets a dangerous precedent by instituting sweeping federal contracting changes without a clear path forward for multi-agency review and public comment during the rulemaking process.

Given these significant concerns, we urge the federal government to rescind the EO immediately.

Sincerely,

Alliance for Digital Innovation

American Association of Advertising Agencies (4A's)

BSA | The Software Alliance

Cybersecurity Coalition

Entertainment Software Association

HR Policy Association

Information Technology Industry Council

Internet Association

National League of Cities (NLC)

NCTA – The Internet & Television Association

TechNet

U.S. Black Chamber

XR Association