



## Statement of Jenny R. Yang and Pamela Coukos on Trump's Executive Order Revoking EO 11246

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Today, President Trump issued an Executive Order that rescinds critical equal opportunity protections for federal contractor workers. Executive orders requiring government contractors to make sure job opportunities are available to all without discrimination date back to 1941. There are extensive structures in place that protect workers and make sure taxpayer dollars do not fund illegal discrimination. There are nearly 60 years of enforcement standards, legal precedents and compliance tools, and these principles have been written into hundreds of thousands of existing contracts worth billions of dollars. The Federal Government spends over \$750 billion a year in federal contracts, and Federal contractors employ over 20 percent of the American workforce.

Trump's action today rescinds President Lyndon Johnson's Executive Order 11246, which for nearly 60 years, has required Federal contractors to take proactive action to eliminate discriminatory employment practices and remove discriminatory barriers to opportunity. Republican and Democratic Presidents alike have reaffirmed and expanded these protections. In so doing, the Trump Administration has undertaken a radical move that is out of step with what a majority of Americans believe – that our workplaces should provide fair and open opportunities for all workers.

The Trump EO threatens enforcement actions against companies for engaging in "illegal DEI," spreading a false narrative about diversity, equity, and inclusion efforts that are fully lawful activities and best practices to prevent discrimination and advance equal opportunity. Longstanding OFCCP rules already forbid discrimination, do not require balancing the workforce, and do not permit racial preferences or quotas.

This latest Trump EO seeks to weaponize the Federal Government to bully American employers into backing away from important and fully lawful anti-discrimination efforts that have been strengthening our workforce and America's economy for decades. Leading employers have signaled a continuing commitment to workplace practices that remove barriers to opportunity and advance full inclusion for all workers because they know this is good for business.

An Executive Order cannot prohibit private employers from engaging in lawful strategies to advance equal opportunity for all. Under Title VII of the Civil Rights Act of 1964, employers have long standing obligations to ensure fair workplace practices and should feel confident continuing to use the wide array of established, effective strategies for advancing diversity, equity, and inclusion that do not involve explicit consideration of race or other protected traits in employment decisions. This moment is a critical time for employers to reaffirm

their commitments to equal opportunity by investing in the kinds of employment practices that create real change in removing long standing barriers to opportunity.

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