

Congress of the United States

Washington, DC 20515

December 9, 2025

The Honorable Linda McMahon
Secretary
U.S. Department of Education
400 Maryland Ave SW
Washington, DC 20202

Dear Secretary McMahon,

We write in response to the executive orders from the Trump administration directing the Office of Management and Budget (OMB), the Attorney General, and the Director of the Office of Personnel Management (OPM), to work with federal agencies, including the Department of Education (the Department), to terminate diversity, equity, inclusion, and accessibility, environmental justice offices and positions, and equity-related federal grants and contracts (“anti-DEIA executive orders”).¹ Specifically, we write to inquire about the Department’s implementation of these executive orders to date.

America should work for everyone. We all deserve equal access to quality educational opportunities, healthcare, good jobs, and entrepreneurial opportunities without discrimination, so that we can lead full, productive lives, support our families, and contribute to our communities. However, America’s troubling history of exclusionary policies has led to persistent discrimination and significant barriers to access and opportunity for communities of color, women, LGBTQ+ people, and other underserved communities. For these reasons, programs that recognize the ongoing impacts of bias and work to remedy inequities, including many diversity, equity, inclusion, and accessibility efforts, are critical to increase opportunity and fairness.

To be clear, many programs designed to advance equity have long been authorized by Congress—some for decades.² Moreover, contrary to the Trump administration’s insistence otherwise, diversity, equity, inclusion, and accessibility efforts are not discriminatory. Organizations have numerous lawful means to advance these goals, which can help organizations comply with civil

¹ See Exec. Order No. 14.151, 90 Fed. Reg. 8339 (Jan. 29, 2025) (entitled “Ending Radical And Wasteful Government DEI Programs And Preferencing”); see also Exec. Order No. 14.173, 90 Fed. Reg. 8633 (Jan. 21, 2025) (entitled “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”).

² See 42 U.S.C. § 300ff (The Ryan White Program is an example of an equity-forward statute. It considers disparities in access to HIV/AIDS healthcare to ameliorate the problem); see also 24 C.F.R. § 574.300 (The Housing Opportunities For People With Aids regulations address similar disparities in housing).

rights laws.³ An executive order, alone, cannot terminate Congressionally-authorized programs or rewrite federal statutes.⁴

Trump’s anti-DEIA orders hurt *everyone*, regardless of their identity. Efforts to dismantle diversity, equity, inclusion, and accessibility weaken the economy⁵ and perpetuate false and harmful stereotypes that talented and qualified Black people and other people of color, women, LGBTQIA+ people, and other groups do not deserve the professional accomplishments they have earned. Federal agencies, including the Department, should encourage the use of diversity, equity, inclusion, and accessibility principles, not limit them.

We are aware that agencies have begun implementing President Trump’s anti-equity executive orders. Our offices have heard from organizations relying on federal funding to operate that they fear wrongful rescission of their funding if they do not comply with the Trump Administration’s anti-equity policies. This chilling effect has caused real and significant harm.⁶ Organizations who serve those most in need are being forced to choose between their missions and their funding. Choosing not to advance diversity, equity, inclusion, and accessibility in their work will disproportionately impact the most underserved communities.

To help us better understand the steps the Department has taken to implement the Trump administration’s anti-equity executive orders, and how the Department intends to implement the anti-equity executive orders, please respond in writing to the following questions by January 9, 2026:

1. Executive Order 14151 of January 20, 2025, and Executive Order 14173 of January 21, 2025, use a variety of different terms that are not defined in those executive orders. Please provide the definitions your agency uses for the following terms:
 - a. DEI
 - b. DEIA
 - c. DEI principles

³ See, e.g., *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701 (2007) (“In the administration of public schools by the state and local authorities it is permissible to consider the racial makeup of schools and to adopt general policies to encourage a diverse student body, one aspect of which is its racial composition”); see also *Students for Fair Admissions, Inc. v. President & Fellows of Harv. Coll.*, 600 U.S. 181, 317 (2023) (Kavanaugh, concurring) (explaining “governments and universities still can, of course, act to undo the effects of past discrimination in many permissible ways that do not involve classification by race” (internal citations and quotations omitted)). For guidance on how organizations can advance equal opportunity while being mindful of recent Supreme Court precedent, see NAACP Legal Defense Fund, *Affirmative Action in Higher Education* (Sep. 9, 2023), https://www.naacpldf.org/wp-content/uploads/2023_09_29-Report.pdf; and NAACP Legal Defense Fund, *The Economic Imperative to Ensure Equal Opportunity* (Feb. 1, 2024), <https://www.naacpldf.org/wp-content/uploads/2024-02-01-Aff-Axn-Economic-Guidance-2.pdf>.

⁴ See generally Valerie C. Brannon, *Can a President Amend Regulations by Executive Order?*, CONGRESS.GOV (Jul. 18, 2018), <https://www.congress.gov/crs-product/LSB10172> (demonstrating the cabined legal role of executive orders).

⁵ Dana M. Peterson & Catherine L. Mann, *Closing the Racial Inequality Gaps*, Citi Group (Sep. 22, 2020), <https://www.citigroup.com/global/insights/closing-the-racial-inequality-gaps-20200922>.

⁶ See generally *Nat’l Urb. League v. Trump*, Civil Action No. 25-471 (TJK), 2025 U.S. Dist. LEXIS 83732 (D.D.C. May 2, 2025); *Chi. Women in Trades v. Trump*, Civil Action No. 1:25-cv-02005 (N.D. Ill. Feb. 26, 2025); *Nat’l Assoc. Of Diversity Officers In Higher Educ. v. Trump*, Civil Action No. 1:25-cv-00333 (D. Md. Feb 3, 2025).

- d. DEIA principles
 - e. Illegal DEI
 - f. Illegal DEIA
 - g. Diversity, equity, and inclusion
 - h. Diversity, equity, inclusion, and accessibility
 - i. Discriminatory programs
 - j. Environmental justice
 - k. Equity
 - l. Equity-related
 - m. DEI training
 - n. DEIA training
 - o. Illegal preferences and discrimination
 - p. Discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements
 - q. Diversity
 - r. Workforce balancing
 - s. Promoting DEI
 - t. Equitable decision-making
 - u. Equitable deployment of financial and technical assistance
 - v. Advancing equity
 - w. Inclusion
 - x. Accessibility
 - y. Merit
2. Please provide any guidance or other communications you have received from the Office of Management and Budget, the Attorney General, the Director of the Office of Personnel Management, and/or any other agency regarding the definitions of the following terms:
- a. DEI
 - b. DEIA
 - c. DEI principles
 - d. DEIA principles
 - e. Illegal DEI
 - f. Illegal DEIA
 - g. Diversity, equity, and inclusion
 - h. Diversity, equity, inclusion, and accessibility
 - i. Discriminatory programs
 - j. Environmental justice
 - k. Equity
 - l. Equity-related
 - m. DEI training
 - n. DEIA training

- o. Illegal preferences and discrimination
 - p. Discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements
 - q. Diversity
 - r. Workforce balancing
 - s. Promoting DEI
 - t. Equitable decision-making
 - u. Equitable deployment of financial and technical assistance
 - v. Advancing equity
 - w. Inclusion
 - x. Accessibility
 - y. Merit
3. What steps did your agency take to determine which mandates, policies, programs, preferences, and activities in the Federal Government constitute illegal or discriminatory DEI, DEIA, or diversity, equity, inclusion, and accessibility efforts?
- a. Please provide a list of all mandates, policies, programs, preferences, and activities in the Federal Government terminated or modified by your agency in response to the Executive Orders. If modified, please explain how.
4. What steps did your agency take to determine what constitutes DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); “equity” actions, initiatives, or programs; or “equity-related” grants or contracts?
- a. Please provide a list of all DEI, DEIA, and “environmental justice” offices and positions (including but not limited to “Chief Diversity Officer” positions); “equity” actions, initiatives, or programs; or “equity-related” grants or contracts terminated or modified by your agency. If modified, please explain how.
5. Pursuant to Section 2 (b)(iii)(b) of Executive Order 14151, can you please detail what methodology, analysis and/or public input informed your agency’s recommendations “to align programs, activities, policies, regulations, guidance, employment practices, enforcement activities, contracts, grants, consent orders, and litigating positions with the policies set forth in section 1 of the order?” How do those recommendations uphold and abide by the Civil Rights Act and all other established laws?
6. Please detail any terms added to contracts or grant awards pursuant to Section 3(iv)(B) of Executive Order 14173 of January 21, 2025, or any other Executive Order issued on or after January 20, 2025.

7. Please describe any plans, policies, actions or decisions to use the False Claims Act in relation to EO 14173, EO 14151 or any “DEI,” “DEIA,” “diversity,” “equity,” “equity-related,” “gender,” or “inclusion” grants, contracts, initiatives, preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, requirements, or other such categories.
8. Please provide all records related to any communications, policies, and/or procedures to require certification by contractees or grantees regarding any DEI or "illegal DEI" policies, programs or procedures.
9. Please provide copies of all policies and procedures to determine what contracts, policies, programs are “misleadingly relabeled” or “like” DEI, equity, or related terms.
10. Please provide the analysis detailing the alleged \$2 billion in savings from cutting “DEI” programs and positions that the Trump administration [provided to Fox News](#).
11. Please provide an estimate of the cost to taxpayers of defending the lawsuits challenging the administration’s unlawful actions in court, including the amount of attorneys’ fees and costs spent on each case related to EO 14173 or EO 14151, broken down by each case and category of expenses.

Thank you in advance for your attention to this matter.

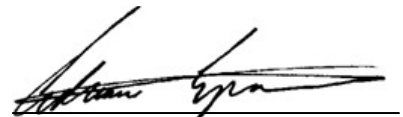
Sincerely,



Maxine Waters
Member of Congress



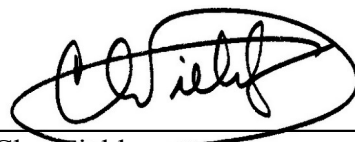
Yvette D. Clarke
Member of Congress



Adriano Espaillat
Member of Congress



Eleanor Holmes Norton
Member of Congress



Cleo Fields
Member of Congress



Jared Huffman
Member of Congress



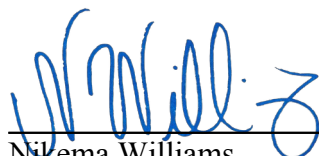
Delia C. Ramirez
Member of Congress



Joyce Beatty
Member of Congress



Dan Goldman
Member of Congress



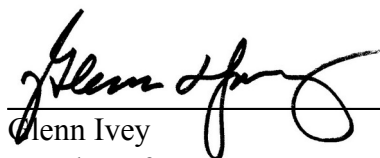
Nikema Williams
Member of Congress



Ayanna Pressley
Member of Congress



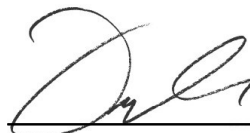
Summer L. Lee
Member of Congress



Glenn Ivey
Member of Congress



Rashida Tlaib
Member of Congress



Troy A. Carter, Sr.
Member of Congress



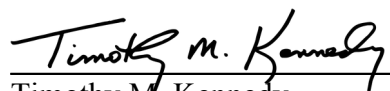
Shontel M. Brown
Member of Congress



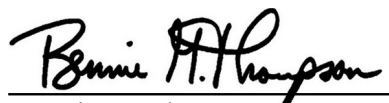
Robin L. Kelly
Member of Congress



Frederica S. Wilson
Member of Congress



Timothy M. Kennedy
Member of Congress



Bennie G. Thompson
Member of Congress



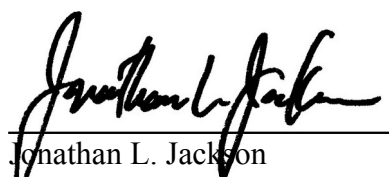
Sylvia R. Garcia
Member of Congress



Jesús G. "Chuy" García
Member of Congress



Pramila Jayapal
Member of Congress



Jonathan L. Jackson
Member of Congress



Danny K. Davis
Member of Congress



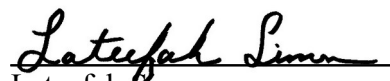
Bonnie Watson Coleman
Member of Congress



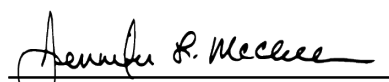
Al Green
Member of Congress



André Carson
Member of Congress



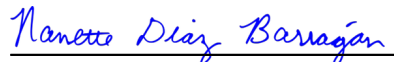
Lateefah Simon
Member of Congress



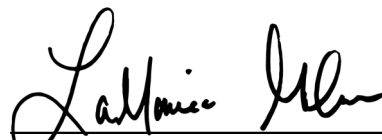
Jennifer L. McClellan
Member of Congress



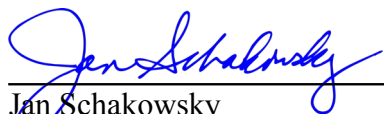
Terri A. Sewell
Member of Congress



Nanette Diaz Barragán
Member of Congress



LaMonica McIver
Member of Congress



Jan Schakowsky
Member of Congress



Ritchie Torres
Member of Congress



Henry C. "Hank" Johnson, Jr.
Member of Congress



Steve Cohen
Member of Congress



Dwight Evans
Member of Congress



Kelly Morrison
Member of Congress



Lauren Underwood
Member of Congress