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# President Trump Issues Sweeping Executive Orders Aimed at DEI

**Law and the Workplace** on **January 24, 2025**

In his inaugural address on Monday, January 20, 2025, President Trump declared, “We will forge a society that is colorblind and merit-based.” In the days that followed, President Trump has proceeded to issue a series of executive orders in quick succession, many of which specifically seek to eliminate diversity, equity, and inclusion (“DEI”) initiatives in both the private sector and the federal government. In addition, President Trump rescinded nearly 80 executive orders issued by President Biden, many of which relate to DEI.

Below is an overview of some of President Trump’s and his appointees’ recent actions that employers should be aware of when reviewing and evaluating their own policies and practices pertaining to DEI:

***Ending Radical and Wasteful Government DEI Programs And Preferencing***

Within hours of his taking office, President Trump issued an Executive Order entitled “Ending Radical and Wasteful Government DEI Programs and Preferencing.” The Order specifically takes aim at Executive Order 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), issued by President Biden, which in turn repealed Trump’s 2020 ban on racial bias trainings for federal agencies and contractors.

The new Executive Order mandates the Director of the Office of Management and Budget ("OMB"), in conjunction with the Attorney General and the Director of the Office of Personnel Management ("OPM"), to terminate all "illegal DEI and 'diversity, equity, inclusion, and accessibility' (DEIA) mandates, policies, programs, preferences, and activities" within the federal government. The Order also directs each federal agency to terminate all DEI, DEIA, and environmental justice offices and positions, and all "equity-related" grants or contracts. As a result, federal contractors and/or grantees engaged in such "equity-related" work should expect such contracts or grants to be terminated in short order. In addition, the Order calls for the termination of "all DEI or DEIA performance requirements for employees, contractors, or grantees."

The Acting Director of the OPM wasted no time issuing initial guidance pursuant to the Executive Order in a memorandum published late on Tuesday, January 21, 2025. According to the memorandum, by 5 p.m. EST on Wednesday, January 22, 2025, all agency heads must: (i) issue an agency-wide notice to employees informing them that all DEIA offices are closing and asking them "if they know of any efforts to disguise these programs by using coded or imprecise language," (ii) notify all employees of such DEIA offices that they are being placed on paid administrative leave effective immediately, and (iii) take down all outward facing media (i.e., websites, social media accounts) of DEIA offices. Additional action and guidance pursuant to this Executive Order is anticipated.

***Ending Illegal Discrimination And Restoring Merit-Based Opportunity***

On Tuesday, January 21, 2025, President Trump issued another Executive Order pertaining to DEI, entitled "Ending Illegal Discrimination And Restoring Merit-Based Opportunity." This Order instructed all executive departments and federal agencies to "terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements" and further ordered all federal agencies "to enforce our longstanding civil-rights laws and to combat illegal private-sector DEI preferences, mandates, policies, programs, and activities." Notably, the Order provides that federal and private-sector employment and contracting preferences for U.S. military veterans can continue.

Section 4 of the Executive Order, titled "Encouraging the Private Sector to End Illegal DEI Discrimination and Preferences," calls on the Attorney General, in consultation with relevant agency heads and the Director of OMB, to submit a report to the Assistant to the President for Domestic Policy with recommendations for "appropriate measures to encourage the private sector to end illegal discrimination and preferences, including DEI." According to the Order, the report must contain the following:

- Key sectors of concern within the agency's jurisdiction;
- The most egregious and discriminatory DEI practitioners in each sector of concern;
- A plan of specific steps or measures to deter DEI programs or principles that constitute illegal discrimination or preferences;
- Other strategies to encourage the private sector to end illegal DEI discrimination and preferences and comply with all federal civil-rights laws;
- Litigation that would be potentially appropriate for federal lawsuits, intervention, or statements of interest; and
- Potential regulatory action and sub-regulatory guidance.

As part of this report, each agency must "identify up to nine potential civil compliance investigations of publicly traded corporations, large non-profit corporations or associations, foundations with assets of 500 million dollars or more, State and local bar and medical associations, and institutions of higher education with endowments over 1 billion dollars." Moreover, the Executive Order also requires the Attorney General and the Secretary of Education to issue guidance to "all institutions of higher education that receive Federal grants or participate in the Federal student loan assistance program" regarding the practices that are required to comply with the Supreme Court's 2023 decision in *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College.*

Lastly, the Executive Order also revoked several prior executive orders, including Executive Order 11246 signed by Lyndon B. Johnson in 1965, which established non-discriminatory hiring practices for federal contractors. More on this revocation on our Government Contractor Compliance & Regulatory Update blog here.

**Statement by Newly Appointed EEOC Acting Chair Andrea R. Lucas**

In addition to the executive orders issued by President Trump, on Tuesday, January 21, 2025, newly appointed EEOC Acting Chair Andrea R. Lucas issued a statement setting forth her enforcement priorities. In the statement, Lucas said that her enforcement priorities will include:

- Rooting out unlawful DEI-motivated race and sex discrimination;
- Protecting American workers from anti-American national origin discrimination;
- Defending the biological and binary reality of sex and related rights, including women's rights to single-sex spaces at work;
- Protecting workers from religious bias and harassment, including antisemitism; and
- Remedying other areas of recent under-enforcement.

**Other Notable Executive Actions**

On Monday, January 20, 2025, President Trump issued an Executive Order entitled, "Reforming the Federal Hiring Process And Restoring Merit to Government Service." The Executive Order calls for the prioritization of "merit" and "skill" in federal hiring. The Order states: "Federal hiring should not be based on impermissible factors, such as one's commitment to illegal racial discrimination under the guise of 'equity,' or one's commitment to the invented concept of 'gender identity' over sex." The Order instructs the Assistant to the President for Domestic Policy to send to all agency heads a federal hiring plan, which, among other things, "prevent[s] the hiring of individuals based on their race, sex, or religion."

On Wednesday, January 22, 2025, Presidential Trump signed a Presidential Memorandum entitled "President Donald J. Trump Ends DEI Madness and Restores Excellence and Safety Within The Federal Aviation." The memorandum orders the Secretary of Transportation and the Federal Aviation Administration (FAA) Administrator to "immediately stop Biden DEI hiring programs and return to non-discriminatory, merit-based hiring" for FAA employees.

**Takeaways**

President Trump’s series of executive orders and actions, as well as Acting Chair Lucas’ statement of enforcement priorities, make clear that the Trump Administration and federal agencies tasked with enforcing civil rights laws plan to focus their enforcement efforts on corporate DEI programs.  Employers should carefully evaluate their current DEI-related and recruiting/hiring policies and practices in light of these developments. We anticipate further updates in this area and will continue to monitor and report on these updates.

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