The President
The White House
Washington, DC 20500

Dear Mr. President:

We write to convey our concerns regarding Executive Order 13950, Combating Race and Sex Stereotyping. Many of our members are federal contractors and subcontractors that will be covered by this E.O. As currently written, we believe the E.O. will create confusion and uncertainty, lead to non-meritorious investigations, and hinder the ability of employers to implement critical programs to promote diversity and combat discrimination in the workplace. We urge you to withdraw the Executive Order and work with the business and nonprofit communities on an approach that would support appropriate workplace training programs.

While it is encouraging that the E.O. states that, "Training employees to create an inclusive workplace is appropriate and beneficial," we fear that the E.O. will diminish the amount of training that takes place. The E.O. seeks to identify specific concepts that would be prohibited, but the description of these concepts leaves considerable ambiguity as to what content would not be permitted in diversity and inclusiveness (D&I) training. Furthermore, there is a great deal of subjectivity around how certain content would be perceived by different individuals. For example, the definition of "divisive concepts" creates many gray areas and will likely result in multiple different interpretations. Because the ultimate threat of debarment is a possible consequence, we have heard from some companies that they are suspending all D&I training. This outcome is contrary to the E.O.'s stated purpose, but an understandable reaction given companies' lack of clear guidance. Thus, the E.O. is already having a broadly chilling effect on legitimate and valuable D&I training companies use to foster inclusive workplaces, help with talent recruitment, and remain competitive in a country with a wide range of different cultures.

Under the E.O., OFCCP has established a hotline to receive complaints from employees who believe they have been subjected to proscribed training. Employers are concerned that this will invite non-meritorious complaints from employees who may be disgruntled about a range of different matters. Also, because of the ambiguity and subjective nature of the key terms that define what training materials are not allowed, whether the training material in question is compliant could very well depend on the outlook of the person filing the complaint. In addition, training sessions often involve discussions between participants. Things heard in these discussions could easily form the basis of a complaint even though they are not part of the official course materials. Even if a company is ultimately found to be in compliance, it will still have to undergo OFCCP's investigative process, which represents a not insignificant burden.

The E.O. is silent with respect to how multi-national companies that are federal contractors should proceed regarding training for their employees outside the U.S. The content of the D&I training for those employees is likely to reflect the local country's attitudes towards

diversity and inclusiveness, and may not align with the E.O.'s restrictions on "divisive concepts." Must these contractors ensure their D&I training in other countries follows the E.O.?

Finally, many of us raised strong concerns with the Obama Administration regarding the use of the federal procurement and contracting process to address issues unrelated to goods or services being purchased by the government. Such an approach effectively creates two sets of rules, one for those companies that do business with the government and another for those that do not. Those same concerns apply equally today. Federal contractors should be left to manage their workforces and workplaces with a minimum amount of interference so long as they are compliant with the law.

Federal contractors are firmly committed to maintaining a diverse and inclusive workforce and to providing their employees the necessary training to reinforce this goal. The Executive Order on Combating Race and Sex Stereotyping does not help contractors in this regard, and in fact creates several significant obstacles and impediments. We urge you to withdraw the E.O. and look forward to working with you on an approach that addresses any concerns that have been raised while continuing to promote efforts to create inclusive workplaces.

Sincerely,

Aeronautical Repair Station Association

Alliance of Arizona Nonprofits

American Alliance of Museums

American Beverage Association

American Chemistry Council

American Council of Engineering Companies

American Council of Life Insurers

American Society of Association Executives

Americans for the Arts

America's SBDC

Arkansas State Chamber/Associated Industries of Arkansas

Associated Industries of Massachusetts - AIM

Association of Art Museum Directors

Association of American Publishers

Auburn Area Chamber of Commerce

Barnesville-Lamar County Chamber of Commerce

Barrow County Chamber of Commerce, Inc.

Bellingham Regional Chamber of Commerce

Bend Chamber of Commerce

Billings Chamber of Commerce

Bolingbrook Area Chamber of Commerce

Bristol Chamber of Commerce

Business Roundtable

Cedar Park Chamber of Commerce

Cedar Rapids Metro Economic Alliance

Center for Nonprofit Advancement (DC)

Center for Nonprofit Excellence (VA)

Center for Non-Profits (NJ)

Chamber Southwest Louisiana

Chandler Chamber of Commerce

Charlotte Regional Business Alliance

Chattanooga Area Chamber of Commerce

Clarion Area Chamber of Business & Industry

Colorado Nonprofit Association

Commerce Lexington Inc.

Common Good Vermont

Consumer Data Industry Association

Council Bluffs Area Chamber of Commerce

Council for Responsible Nutrition

CTIA

Delaware Alliance for Nonprofit Advancement

Detroit Regional Chamber

Downtown Billings Alliance

Edison Electric Institute

Eugene Area Chamber of Commerce

Ferndale Chamber of Commerce

Florida Nonprofit Alliance

Foraker (Alaska)

Forefront (IL)

Genoa Area Chamber of Commerce

Georgia Chamber of Commerce

Greater Akron Chamber

Greater Boston Chamber of Commerce

Greater Cheyenne Chamber of Commerce

Greater Des Moines Partnership

Greater Flagstaff Chamber of Commerce

Greater Fort Lauderdale Chamber of Commerce

Greater Houston LGBT Chamber of Commerce

Greater Kansas City Chamber of Commerce

Greater North Dakota Chamber

Greater Scranton Chamber of Commerce

Greater Springfield Chamber of Commerce

Greater Stillwater Chamber of Commerce

Greater Summerville/Dorchester County Chamber of Commerce

Greater Winter Haven Chamber of Commerce

Hanover Area Chamber of Commerce

Harrisburg Regional Chamber

Henry County Chamber of Commerce

Houston West Chamber of Commerce

Howard County Chamber

HR Policy Association

Huntington Regional Chamber of Commerce

Idaho Nonprofit Center

Independent Sector

International Sign Association

Irving Hispanic Chamber of Commerce

Kentucky Chamber of Commerce

Kentucky Nonprofit Network

Kingsport Chamber

Lansing Regional Chamber

Lincoln Chamber of Commerce

Loudoun County Chamber of Commerce

Maine Association of Nonprofits

Marana Chamber of Commerce

Marshall Area Chamber of Commerce

Maryland Chamber of Commerce

Maryland Nonprofits

Mason City Area Chamber of Commerce

Massachusetts Nonprofit Network

Meridian Chamber of Commerce

Michigan Nonprofit Association

Mid-America LGBT Chamber of Commerce

Minnesota Council of Nonprofits

Mississippi Alliance of Nonprofits and Philanthropy

Momentum Nonprofit Partners (TN)

Montana Nonprofit Association

Montgomery Ohio Chamber of Commerce

Murrieta/Wildomar Chamber of Commerce

Nashville LGBT Chamber

National Association of Manufacturers

National Association of REALTORS®

National Council of Nonprofits

National Investor Relations Institute

National LGBT Chamber of Commerce (NGLCC)

Nebraska Chamber of Commerce & Industry

Network for Strong Communities (MO)

New Hampshire Center for Nonprofits

New Jersey State Chamber of Commerce

New Mexico Thrives

New York Council of Nonprofits, Inc.

Nonprofit Association of Oregon

Nonprofit Association of the Midlands (NE)

Nonprofit New York

North Carolina Center for Nonprofits

North Carolina Chamber

North Port Area Chamber of Commerce

North Texas Commission

North Texas LGBT Chamber of Commerce

Oklahoma Center for Nonprofits

Oregon Business & Industry

OUT Georgia Business Alliance

Pennsylvania Association of Nonprofit Organizations

Perry County Chamber of Commerce

Plexus LGBT + Allied Chamber of Commerce

Plexus LGBT Chamber of Commerce

Providers' Council (MA)

Puerto Rico Chamber of Commerce

Puyallup Sumner Chamber of Commerce

Santa Fe Springs Chamber of Commerce

Seattle Southside Chamber of Commerce

Selma and Dallas County Chamber of Commerce and Tourism

Information

Shakopee Area Chamber of Commerce

Software & Information Industry Association

Solon Chamber of Commerce

Southern Ohio Chamber Alliance

Tacoma-Pierce County Chamber

Tampa Bay LGBT Chamber

The American Institute of Architects

The Associated General Contractors of America

The Chamber, Leading Business in Cabarrus

The Institute for Workplace Equality

The National Business League, Inc.

The Slone Group

Together SC

Tompkins County Chamber of Commerce

Troy Area Chamber of Commerce

Tucson Metro Chamber

Tulsa Regional Chamber

Tyler Area Chamber of Commerce

United Philanthropy Forum

U.S. Chamber of Commerce

USTelecom - The Broadband Association

Utah Nonprofits Association

Vegas Chamber
Vinyl Institute
Washington Nonprofits
Wake Forest Area Chamber of Commerce
Waverly Chamber of Commerce/Main Street
West Virginia Chamber of Commerce
Wine & Spirits Wholesalers of America
Winona Area Chamber of Commerce
Wyoming Nonprofit Network

cc: The Honorable Eugene Scalia, Secretary of Labor