

June 28, 2024

The Honorable Mike Johnson
Speaker
568 Cannon House Office Building
Washington, D.C. 20515

The Honorable Hakeem Jeffries
Minority Leader
2433 Rayburn House Office Building
Washington, D.C. 20515

Chair Kay Granger
U.S. House Appropriations Committee
1026 Longworth House Office Building
Washington, DC 20515

Ranking Member Rosa DeLauro
U.S. House Appropriations Committee
1036 Longworth House Office Building
Washington, DC 20515

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Mitch McConnell
Minority Leader
U.S. Senate
317 Russell Senate Office Building
Washington, D.C. 20510

Chair Patty Murray
U.S. Senate Appropriations Committee
154 Russell Senate Office Building
Washington, DC 20510

Vice Chair Susan Collins
U.S. Senate Appropriations Committee
413 Dirksen Senate Office Building
Washington, DC 20510

Dear Leader Schumer, Leader McConnell, Speaker Johnson, Leader Jeffries, Chair Granger, Ranking Member DeLauro, Chair Murray, and Vice Chair Collins:

On behalf of the NAACP Legal Defense and Educational Fund, Inc. (“LDF”) and the undersigned organizations, we urge you to oppose all provisions in and amendments to the Fiscal Year (FY) 25 appropriations bills that would impede the federal government’s ability to effectively serve all Americans and advance equal opportunity and civil rights. This year, as we commemorate the 70th anniversary of *Brown v. Board of Education* and the 60th anniversary of the Civil Rights Act of 1964, we implore Congress to effectuate its mandate to desegregate and advance equal opportunity not only in our nation’s educational systems, but in all aspects of American life. We all benefit when people from every background have equal access to educational, economic, and other opportunities. Federal programs that increase access to opportunity for Black, Latinx, Asian American, and Indigenous people; women; people with disabilities; LGBTQ+ people; older adults; and people from minority religious communities are necessary to strengthen our economy and secure our multi-racial democracy. However, as currently drafted, several House FY25 appropriations bills would prohibit federal agencies from funding diversity, equity, inclusion and accessibility (“DEIA”) programs; “critical race theory” (a term which has spuriously been used to attack programs ranging from curricula that accurately discuss American history to programs that provide support to students and encourage inclusive learning environments but which in reality describes a legal and academic framework); and the

implementation of Executive Orders 13985,¹ 14035,² and 14091,³ which seek to advance racial equity and support underserved communities. As Congress considers the remaining FY25 appropriations bills, we urge Congress to reject these poison-pill riders.

The country as a whole benefits when we break down barriers that unfairly exclude people of color, women, LGBTQ+ people, people with disabilities, and other underrepresented groups. Our national security, our ability to solve complex problems like climate change, and our capacity to compete in a global economy depend on scientific and technological innovation. Research has shown that teams that bring together people with different backgrounds and experiences engage in more rigorous and thoughtful decision-making, making them better equipped to find innovative solutions, a benefit that is even more important during recessions.⁴ Remedying discrimination will also help grow the economy. A 2020 study by Citi estimates that the United States' aggregate economic output would have been \$16 trillion higher since 2000 if we had closed racial gaps in wages, access to higher education, lending, and mortgage access.⁵ Researchers at McKinsey estimated that the racial wealth gap alone will cost the U.S. economy between \$1 trillion and \$1.5 trillion between 2019 and 2028—4 to 6 percent of the projected gross domestic product in 2028.⁶

Unfortunately, unfair barriers continue to limit student success, exclude talented individuals from employment, and prevent underrepresented groups from accessing federal programs. The need to eliminate racial disparities and address other discriminatory outcomes in our nation's schools remains critical, underscoring the need to defend against attacks on racially inclusive curricula and DEIA funding. One recent study found that one in five Black students experience discrimination on college and university campuses, and that Black students attending the least racially diverse schools experience discrimination most frequently.⁷ Moreover, even as the number of Black people with college degrees has increased in the last 20 years, the level of occupational segregation has worsened, and Black people remain relegated to lower wage jobs and less lucrative industries compared to white people with similar levels of education.⁸ While the federal government has made some progress in supporting ensuring that its workforce reflects the full range of talent in America, in FY 2021, women and Latinx employees were

¹ Exec. Order No. 13985, 86 FR 7009 (Jan. 20, 2021).

² Exec. Order No. 14035, 86 FR 34593 (Jun. 25, 2021).

³ Exec. Order No. 14091, 88 FR 10825 (Feb. 16, 2023).

⁴ David Rock & Heidi Grant, *Why Diverse Teams are Smarter*, HARV. BUS. REV. (Nov. 4, 2016); William J. Holstein, *Diversity is Even More Important in Hard Times*, N.Y. TIMES (Feb. 13, 2009) (“[I]t’s difficult, if not impossible, for [a] homogenous board[] to challenge and offer different perspectives, unique experiences and the broad-based wisdom that makes the board, and therefore the company, as effective as they can be.”).

⁵ DANA M. PETERSON & CATHERINE L. MANN, CITI GPS, *CLOSING THE RACIAL INEQUALITY GAPS: THE ECONOMIC COST OF BLACK INEQUALITY IN THE U.S.* 7 (2020).

⁶ Nick Noel, et al., *The economic impact of closing the racial wealth gap*, MCKINSEY & CO. (Aug. 13, 2019), <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/the-economic-impact-of-closing-the-racial-wealth-gap>.

⁷ Camille Lloyd & Courtney Brown, *One in Five Black Students Report Discrimination*, GALLUP (Feb. 9, 2023), [available at https://news.gallup.com/poll/469292/one-five-black-students-report-discrimination-experiences.aspx](https://news.gallup.com/poll/469292/one-five-black-students-report-discrimination-experiences.aspx).

⁸ Ashley Jardina, et al., *The Limits of Educational Attainment in Mitigating Occupational Segregation Between Black and White Workers*, NAT’L BUREAU OF ECON. RES. (Aug. 2023), <https://doi.org/10.3386/w31641>.

underrepresented compared to the civilian workforce.⁹ Finally, underrepresented groups remain disproportionately excluded from some federal programs.¹⁰

As a nation, we cannot afford to forfeit the benefits of the talents and gifts of every student and worker in our country. The United States will be majority people of color by 2043, and people under 18 are already approaching this threshold.¹¹ More than 1 in 4 people under the age of 30 identify as LGBTQ+, and our electorate will soon contain more people in that age group than any other.¹² Programs that help recruit, retain, and support talented individuals of all backgrounds and ensure that federal programs are open to all are both lawful and necessary. For example, dedicated DEIA teams,¹³ mentoring programs,¹⁴ and other efforts can break down barriers that often exclude qualified employees. Similarly, studies have shown that DEIA initiatives in K-12 and postsecondary education are essential to creating an equitable environment for all students. For example, DEIA initiatives have improved academic outcomes in postsecondary education like re-enrollment in classes and graduation rates.¹⁵ Researchers have also found that educator diversity resulted in improved reading and math skills, as well as lowered absenteeism and suspension rates for students of color.¹⁶ These programs may also play an essential role in mitigating the risk of future discrimination and harassment in the federal workforce and federally-funded programs.

In order to fully realize our nation's multiracial democracy, we must ensure that pathways to opportunity are open to all, especially for communities that have historically faced barriers. Unfortunately, several House FY25 appropriations bills include language that prohibits federal funding for DEIA programs, so-called "critical race theory," and the implementation of Executive Orders 13985, 14035, and 14091.¹⁷ These riders would further exacerbate longstanding

⁹ U.S. GOV'T ACCOUNTABILITY OFF., FEDERAL WORKFORCE: DATA REVEAL MINOR DEMOGRAPHIC CHANGES FROM 2011-2021 (2023), <https://www.gao.gov/assets/d24105924.pdf>.

¹⁰ A Politico analysis found that, in 2020, the U.S. Department of Agriculture provided assistance to 71% of white applicants applying for loans helping farmers pay for land but just 37% of Black applicants. Ximena Bustillo, *Rampant issues: Black farmers are still left out at USDA*, POLITICO (July 5, 2021, 7:00 AM ET), <https://www.politico.com/news/2021/07/05/black-farmers-left-out-usda-497876>. That same year, the number of direct federal loans to Black farmers fell from a peak of 945 in 2015 to 460. Elisha Brown, *Stalled U.S. debt relief is the latest broken promise to Black farmers*, FACING SOUTH (Aug. 12, 2021), <https://www.facingsouth.org/2021/08/stalled-us-debt-relief-latest-broken-promise-black-farmers>. Farmers of color received less than 1% of the 2020 COVID-19 relief for farmers even though they make up 5% of all farmers nationwide. Bustillo, *supra*.

¹¹ Press Release, U.S. Census Bureau, U.S. Census Bureau Projections Show a Slower Growing, Older, More Diverse Nation a Half Century from Now (Dec. 12, 2012), <https://www.census.gov/newsroom/releases/archives/population/cb12-243.html>.

¹² Matt Laviertes, *Nearly 30% of Gen Z adults identify as LGBTQ, national survey finds*, NBC NEWS (Jan. 24, 2024), <https://www.nbcnews.com/nbc-out/out-news/nearly-30-gen-z-adults-identify-lgbtq-national-survey-finds-rcna135510>.

¹³ Alexandra Kalev, et al., *Best practices or best guesses? Diversity management and the remediation of inequality*, 71 AM. SOC. REV. 589 (2006).

¹⁴ Frank Dobbin, et al. *Diversity management in corporate America*, CONTEXTS vol. 6, no. 4, p. 21–28 (2007); Emilio Castilla, *Social networks and employee performance in a call center*, 110 AM. J. OF SOC. 1243 (2005).

¹⁵ Tammie Cumming, et al., *DEI Institutionalization: Measuring Diversity, Equity, and Inclusion in Postsecondary Education*, 55 CHANGE: THE MAGAZINE OF HIGHER LEARNING 31 (2023); Momoh Sekou Dudu, *Impact of Targeted Diversity, Equity, and Inclusion (DEI) Initiatives on the Retention and Graduation Rates of Students of Color at Community Colleges*, Hamline University Sch. of Business Student Theses and Dissertations (2023), https://digitalcommons.hamline.edu/hsb_all/26.

¹⁶ DESIREE CARVER-THOMAS, LEARNING POLICY INST., *DIVERSIFYING THE TEACHING PROFESSION: HOW TO RECRUIT AND RETAIN TEACHERS OF COLOR* (2018), https://learningpolicyinstitute.org/sites/default/files/product-files/Diversifying_Teaching_Profession_REPORT_0.pdf.

¹⁷ *See, e.g.*, FY25 Military Construction, Veterans Affairs, and Related Agencies Appropriations Bill Secs. 414, 415, 417, <https://docs.house.gov/meetings/AP/AP18/20240521/117357/BILLS-118-SC-AP-FY2025-MilCon->

inequalities and hinder the ability of the government to serve the needs of all people, provide equal educational opportunities, strengthen our economy, and ensure our place as a global leader. As Congress considers FY25 appropriations bills, we urge you to reject these poison pill riders and redouble the federal government's commitment to equity for underserved communities.

Please reach out to Hamida Labi, Senior Policy Counsel, LDF (hlabi@naacpldf.org) and Amalea Smirniotopoulos, Senior Policy Counsel and Co-Manager of the Equal Protection Initiative, LDF (asmirniotopoulos@naacpldf.org), if you have any questions or would like additional information.

Thank you.

Sincerely,

NAACP Legal Defense and Educational Fund, Inc. (LDF)

African American Policy Forum

American Association of University Women

American Atheists

American Civil Liberties Union

American Federation of Teachers (AFT)

Americans United for Separation of Church and State

American Pride Rises

Arab American Institute (AAI)

Asian Americans Advancing Justice | AAJC

Association of People Supporting Employment First (APSE)

Autistic People of Color Fund

Autistic Self-Advocacy Network (ASAN)

Bazon Center for Mental Health Law

Coalition on Human Needs

Education Law Center

EdTrust

Equal Justice Society

Fair Count Inc.

Feminist Majority Foundation and the Clearinghouse on Women's Issues

Fund for Leadership, Equity, Access and Diversity (LEAD Fund), an affiliate of the American Association for Access, Equity and Diversity

Girls, Inc.

FY25MilconSubcommitteeMark.pdf; FY25 Legislative Branch Appropriations Bill Sec. 212, <https://docs.house.gov/meetings/AP/AP24/20240523/117366/BILLS-118-SC-AP-FY2025-LegBranch-FY25LegBranchSubcommitteeMark.pdf>; see also Letter from Rep. Bob Good, et al. to Speaker of the House Mike Johnson (Feb. 21, 2024), available at <https://punchbowl.news/policy-riders-letter-2-21-2024/> (advocating for anti-DEI riders in the FY 24 appropriations process that were mostly removed from the final bill).

GLSEN

Human Rights Campaign

Human Rights First

Japanese American Citizens League (JACL)

Jewish Council for Public Affairs

Just Solutions

Justice in Aging

Lambda Legal

LatinoJustice PRLDEF

Lawyers' Committee for Civil Rights Under Law

The Leadership Conference on Civil and Human Rights

League of United Latin American Citizens (LULAC)

Minority Business Enterprise Legal Defense and Education Fund, Inc.

Muslim Advocates

National Action Network

National Association of Councils on Developmental Disabilities

National Association for Latino Community Asset Builders (NALCAB)

National Black Justice Collective

National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE)

National Council of Jewish Women

National Education Association

National Employment Lawyers Association

National Employment Law Project

National Fair Housing Alliance

National Institute for Workers' Rights

National Minority Supplier Development Council

National Organization for Women

National Partnership for Women & Families

NETWORK Lobby for Catholic Social Justice

O&G Racial Equity Collaborative

People For the American Way

PFLAG

PolicyLink

The Southern Poverty Law Center Action Fund

The Workers Circle

UnidosUS

Union for Reform Judaism

YWCA USA

Education Law Center-PA

Equality California

Houston Immigration Legal Services Collaborative
Silver State Equality
Vermont Federation of Families for Children's Mental Health