

Congress of the United States
House of Representatives
Washington, D.C. 20515

April 28, 2025

The Honorable Catherine Eschbach
Director
Office of Federal Contract Compliance Programs
Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

Dear Director Eschbach:

We write in strong opposition to the Trump Administration’s attacks on civil rights protections and enforcement for workers employed by federal contractors with its rescission of Executive Order 11246, “Equal Employment Opportunity” (EO 11246), and recent steps to drastically reduce the workforce and operations of the Office of Federal Contract Compliance Programs (OFCCP or the Agency).¹ Americans deserve fairness and respect in any workplace, especially workplaces funded by taxpayer dollars in service to the country, yet these actions undermine equal opportunity for federal contract workers and leave them vulnerable to discrimination. To ensure Congress and the American people understand the full impact of the Trump Administration’s actions to dismantle OFCCP, we request information on the Agency’s operations, capacity, and ability to uphold its historic mission to safeguard the rights of workers.

OFCCP was established in 1965 and charged with overseeing federal contractors’ employment practices under EO 11246.² Initially signed by President Lyndon B. Johnson in 1965 and expanded several times since, EO 11246 was a foundational civil rights law that protected federal contract workers—today covering approximately one-fifth of the entire U.S. labor force—from unlawful discrimination based on race, color, religion, sex, sexual orientation, gender identity, or national origin.³ In addition to OFCCP’s obligation to enforce anti-discrimination provisions under EO 11246, OFCCP is also charged with protecting federal contract workers against discrimination on the basis of disability and veteran’s status under Section 503 of the Rehabilitation Act of 1973 (Section 503) and the Vietnam Era Veterans’ Readjustment Assistance

¹ Exec. Order No. 14173, 90 Fed. Reg. 8633, 8634 (Jan. 31, 2025) (rescinding Exec. Order No. 11246, 30 Fed. Reg. 12319 (Sept. 28, 1965)); Rebecca Klar, Bloomberg Law, DOL Puts Contractor Watchdog Employees on Leave as Layoffs Loom (April 16, 2025), <https://news.bloomberglaw.com/daily-labor-report/dol-puts-contractor-watchdog-employees-on-leave-as-layoffs-loom>. Rebecca Klar, Bloomberg Law, DOL Contractor Watchdog Plans to Cut Staff by 90%, Memo Says (Feb. 27, 2025), <https://news.bloomberglaw.com/us-law-week/dol-contractor-watchdog-directed-to-cut-staff-by-90-memo-says>.

² U.S. Dep’t of Lab., Sec’y’s Order No. 26-65, Office of Federal Contract Compliance (1965).

³ Exec. Order No. 11246, 30 Fed. Reg. 12319 (Sept. 28, 1965) (banning discrimination in Federal employment based on race, creed, color, or national origin); Exec. Order No. 11478, 34 Fed. Reg. 12985, (Aug. 12, 1969) (banning discrimination in Federal employment based on race, color, religion, sex, or national origin); Exec. Order No. 13672, 79 Fed. Reg. 42971, (July 23, 2014) (adding sexual orientation and gender identity to the listed of protected categories under EO 11246).

Act (VEVRAA), respectively. Collectively, EO 11246, Section 503, and VEVRAA have ensured that employers that receive the privilege of contracting with the federal government do not use taxpayer dollars to unlawfully discriminate against workers and are held accountable for violations. EO 11246, Section 503, and VEVRAA have also required federal contractors to take affirmative actions to promote equal employment opportunities, including by establishing policies and practices to ensure that all applicants receive equal opportunity in recruitment, advancement, and terms of employment.⁴

Each year, the federal government spends hundreds of billions of taxpayers' dollars on federal contracts.⁵ It is imperative that the government ensure that employment opportunities created by tax dollars are fair and not tainted by discriminatory practices. OFCCP plays a critical role in ensuring that workers are protected from discrimination in taxpayer-funded contracts. In its enforcement of EO 11246, OFCCP obtained over \$260 million over the past decade for workers who faced discrimination on the job by federal contractors.⁶ In Fiscal Year (FY) 2024, OFCCP recovered \$22.5 million for affected workers through compliance evaluations—nearly a quarter of its annual budget.⁷

On January 21, 2025, President Trump issued Executive Order 14173, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” (EO 14173), which, contrary to its name, revoked EO 11246 and its protection of a worker’s merit from being discounted due to discriminatory practices.⁸ EO 14173 also instructed OFCCP to “immediately cease promoting ‘diversity;’ holding federal contractors and subcontractors responsible for ‘affirmative action;’ and allowing or encouraging federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.”⁹ In response to EO 14173, then Acting Secretary of Labor, Vince Micone, ordered OFCCP to cease and desist all investigative and enforcement activity under the rescinded EO 11246 and the regulations promulgated under it.¹⁰ This included all pending cases, conciliation agreements, investigations, complaints, and any other enforcement-related or investigative activity.¹¹

⁴ Exec. Order No. 11246, 30 Fed. Reg. 12319 (Sept. 28, 1965).

⁵ Rebecca Klar, *Trump’s Blow to Tiny But Powerful Contractor Watchdog: Explained*, Bloomberg Law (Jan. 29, 2025), <https://news.bloomberglaw.com/daily-labor-report/trumps-blow-to-tiny-but-powerful-contractor-watchdog-explained>.

⁶ *Id.*

⁷ U.S. Dep’t of Lab., DOL 2024 Annual Performance Report (2024).

⁸ Exec. Order No. 14173, 90 Fed. Reg. 8633, 8634 (Jan. 31, 2025).

⁹ *Id.*

¹⁰ U.S. Dep’t of Lab., Sec’y’s Order No. 03-2025, To Cease and Desist All Investigative and Enforcement Activity Under Rescinded Executive Order 11246 (Jan. 24, 2025).

¹¹ *Id.*

The order required OFCCP to notify all regulated parties with impacted open reviews or investigations that the EO 11246 component of the review or investigation had been closed.¹² One such regulated party was Tesla Inc., Elon Musk's car company that had been under OFCCP investigation for workplace discrimination until President Trump took office and authorized Mr. Musk to pursue sweeping cuts across the federal government.¹³ Additionally, the order required OFCCP to hold in suspension all reviews and investigations under Section 503 and VEVRAA pending further guidance, escalating risks to veterans and individuals with disabilities.¹⁴

On February 25, 2025, OFCCP informed then-Secretary Micone that it planned to reduce its footprint from 55 offices to 4 offices and from 479 employees to 50 employees.¹⁵ Cuts of this magnitude, combined with the halting OFCCP's EO 11246 enforcement activity, will leave workers increasingly vulnerable to discrimination and unfair hiring practices when they pursue work with federal contractors.

In keeping with our Committees' oversight responsibilities, we request your response no later than May 16, 2025, to the following questions:

1. How many compliance cases, conciliation agreements, audits, complaints, investigations, and enforcement activities were open or pending under EO 11246 as of January 20, 2025? Please provide an Excel spreadsheet with a breakdown in number for each category.
2. How many compliance cases, conciliation agreements, audits, complaints, investigations, and enforcement activities have been suspended, closed, or terminated since January 20, 2025?¹⁶ Please provide an Excel spreadsheet with a breakdown for each category.
3. How were suspensions, terminations, and closures since January 20, 2025, communicated to the parties involved?
4. How many dual file complaints and charges were filed and open with OFCCP and the Equal Employment Opportunity Commission (EEOC) as of January 20, 2025?

¹² *Id.*

¹³ Jonah Owen Lamb, *Tesla Discrimination Probe Killed as Trump Axes Watchdog Agency*, San Francisco Standard (Feb. 6, 2025), <https://sfstandard.com/2025/02/06/trump-order-stops-tesla-discrimination-investigation/>.

¹⁴ U.S. Dep't of Lab., Sec'y's Order No. 03-2025, To Cease and Desist All Investigative and Enforcement Activity Under Rescinded Executive Order 11246 (Jan. 24, 2025).

¹⁵ Rebecca Klar, *DOL Contractor Watchdog Plans to Cut Staff by 90%, Memo Says*, Bloomberg Law (Feb. 27, 2025), <https://news.bloomberglaw.com/us-law-week/dol-contractor-watchdog-directed-to-cut-staff-by-90-memo-says>. See also: Rebecca Klar, *DOL Puts Contractor Watchdog Employees on Leave as Layoffs Loom*, Bloomberg Law (April 16, 2025) <https://news.bloomberglaw.com/daily-labor-report/dol-puts-contractor-watchdog-employees-on-leave-as-layoffs-loom>.

¹⁶ U.S. Dep't of Lab., Sec'y's Order No. 03-2025, To Cease and Desist All Investigative and Enforcement Activity Under Rescinded Executive Order 11246 (Jan. 24, 2025).

Please provide a list with a breakdown for each category of discrimination under EO 11246.

5. Of the compliance cases, conciliation agreements, audits, complaints, investigations, and enforcement activities that were suspended, closed, or terminated since January 20, 2025, how many fall under the 15-employee threshold under Title VII of the *Civil Rights Act* of 1964? Please provide an Excel spreadsheet with a breakdown for each category that falls under the 15-employee threshold.
6. How many joint or coordinated investigations with EEOC were still open as of January 20, 2025? Please provide a list of joint or coordinated investigations with EEOC that were still open as of January 20, 2025.
7. How many regulated parties received notice per Section 3b of Secretary's Order 03-2025, which requires notification to entities who have open reviews or investigations by January 31, 2025, that their review or investigation has been closed or held in abeyance pending further guidance? Please provide a list enumerating the number of open investigations and reviews closed or held in abeyance for each category: EO 11246, Section 503, and VEVRAA.
8. Is the Memorandum of Understanding between OFCCP and EEOC from December 2024 still in effect?¹⁷ If not, when was it terminated and who ordered its termination?
9. Did OFCCP coordinate with EEOC on any closed or suspended cases as part of EO 14173 and Secretary's Order 03-2025?
10. How will OFCCP work with EEOC on pending dual filing complaints and charges?
11. How has OFCCP handled and how will it handle joint or coordinated investigations that were pending as of January 20, 2025?
12. Please provide any documents that discuss or describe the items in Questions 8-11.

¹⁷ *Memorandum of Understanding Between the U.S. Department of Labor, Office of Federal Contract Compliance Programs and the U.S. Equal Employment Opportunity Commission* (Dec. 17, 2024) (Retrieved from: <https://www.eeoc.gov/memorandum-understanding-between-us-department-labor-office-federal-contract-compliance-programs>).

13. Is OFCCP following its statutory obligations under Section 503 and VEVRAA to ensure nondiscrimination and affirmative action? Please provide a detailed description of the Agency's current enforcement plan.
14. Have reviews and investigations under Section 503 and VEVRAA resumed? If not, is there a timeline for when their suspension will be lifted? Please provide a detailed plan for resuming enforcement under Section 503 and VEVRAA.
15. Has the further guidance on Section 503 and VEVRAA mentioned in Secretary's Order 03-2025 been issued? If yes, please provide a copy of any guidance and any relevant documents that discuss and describe it. If not, is there a timeline for when further guidance will be issued?
16. Who is enforcing orders, settlements, compliance agreements, and other resolutions against employers who were found to commit violations prior to the rescission of EO 11246?
17. How many OFCCP staff have been terminated since January 20, 2025?
18. For each OFCCP staff terminated since that date, please provide an Excel spreadsheet with the following information:
 - a. Agency (e.g., specific field office or headquarters);
 - b. Identifiable functional area;
 - c. Job title;
 - d. Classification on the General Schedule pay scale;
 - e. Number of years of federal service; and
 - f. Justification for termination.
19. For each OFCCP staff terminated or anticipated to be terminated due to a reduction in force, please provide an Excel spreadsheet with the following information:
 - a. Agency (e.g., specific field office or headquarters);
 - b. Identifiable functional area;
 - c. Job title;
 - d. Classification on the General Schedule pay scale;
 - e. Number of years of federal service to date; and
 - f. Justification for planned termination.
20. Provide all documents and communications, including downloads, copies, or screenshots of any messages on any digital communications platform, since January 20, 2025, identifying personnel to be terminated, criteria for terminations, goals or quotas for terminations, meetings or consultations about terminations, or any other matter related to implementation of the U.S. Department of Government

Efficiency (DOGE) Workforce Optimization Initiative or Executive Order 14210 within the Labor Department.¹⁸

21. Please provide an analysis of how any staff terminations will result in the elimination of waste, fraud, and abuse.

The Committee on Education and Workforce has jurisdiction over the organization, administration, and general management of the Department of Labor as well as matters concerning labor and the conditions of labor generally under House Rule X. The Committee on Oversight and Government Reform is the principal oversight committee of the House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Should there be any questions regarding this request, please contact the House Committee on Education and Workforce at EWDOvernight@mail.house.gov or at (202) 225-3725 and the House Committee on Oversight and Government Reform at (202) 225-5051.

Sincerely,



ROBERT C. "BOBBY" SCOTT
Ranking Member
Education and Workforce Committee



GERALD E. CONNOLLY
Ranking Member
Committee on Oversight and Government Reform

cc: The Honorable Tim Walberg, Chairman, House Committee on Education and Workforce

The Honorable James Comer, Chairman, House Committee on Oversight and Government Reform

¹⁸ Exec. Order No. 14210, 90 Fed. Reg. 9,669 (Feb. 14, 2025).