

# ROADMAP TO EQUALITY

Terminate, Settle,  
Investigate:  
Dismantling the “Equity  
Agenda”



WISCONSIN INSTITUTE  
FOR LAW & LIBERTY

# Roadmap to Equality

## *Terminate, Settle, Investigate: Dismantling the “Equity Agenda”*

### Introduction

According to the White House, “hours after taking the oath of office,” President Biden [embarked](#) on an ambitious “day one” “whole of government” agenda to “advance racial equity.” What followed was a shock-and-awe program of racial preferences. During his term, President Biden signed three signature pieces of legislation—the American Rescue Plan Act, the Inflation Reduction Act, and the Bipartisan Infrastructure Act—which gave certain preferred racial groups access to programs, benefits, and special treatment, while excluding others. These programs spent—and continue to spend—tens of billions in tax dollars and impact millions of Americans.

None of these programs fared well in court. Courts struck down several as unconstitutional race discrimination, such as the [Farmer Loan Forgiveness Program](#), [Restaurant Revitalization Fund](#), and the [Minority Business Development Agency](#). As of December 2024, the Biden Administration was [0 for 9](#) in defending racial preferences in court. These cases and the great run of Supreme Court precedent over the past fifty years make clear that *no* form of racial discrimination can be acceptable. While government can certainly take steps to increase opportunity for it all, it may not treat individuals differently based on race to achieve equal outcomes among groups in a misguided attempt to “even the score.”

While the Administration lost in court, and conservative law firms like WILL won, these legal victories just scratched the surface of Biden’s “Equity Agenda.” According to an [analysis](#) published by the Wisconsin Institute for Law & Liberty, at least sixty federal discriminatory programs remain enshrined in federal statutory law, untouched by lawsuits. Some of these programs are substantial, such as the Department of Treasury’s two flagship race-based programs: the \$2.5 billion Small Business Credit Initiative (which discriminates against small businesses) and the \$10 billion Homeowner Assistance Fund (which discriminates against homeowners). The USDA alone runs over two dozen race-based programs that discriminate against farmers. These are by no means the only ones. Almost all Cabinet-level agencies now run racially discriminatory programs, policies, or regulations that impact Americans every day, all under the banner of “equity.”

What can the new administration do to root out DEI from the federal bureaucracy?

## The Tools

To dismantle DEI and restore a policy of equality in our federal government, we suggest three main tools that can be used by President Trump's appointees, with legal support from the new Attorney General.

**Terminate.** First, Trump's cabinet can literally shut down discriminatory programs or policies. According to a 1994 [opinion](#) from DOJ's Office of Legal Counsel, the President, through his officials, may "appropriately decline to enforce a statute that he views as unconstitutional," although such a power should be exercised "with caution" so as to not infringe on the powers of the other branches. The Constitution demands equal treatment of all Americans, and the President should not tolerate the continued unconstitutional race discrimination by the federal agencies. In addition, agencies can use the Administrative Procedures Act to repeal discriminatory regulations, although that process takes much longer.

**Settle.** Second, the agencies can settle, where appropriate, multiple lawsuits challenging unconstitutional DEI programs and other discriminatory programs. Agencies, through the U.S. Department of Justice have [broad authority](#) to compromise (i.e. settle) lawsuits and agree to action on behalf of the United States. While we understand that the government has an obligation to defend legislative mandates, precedent has made clear that racial preferences are almost always impermissible. The federal government has no obligation to defend the indefensible. According to [Ballotpedia](#), this practice has a long and storied history, under both Republican and Democrat administrations. President Biden eagerly [resolved](#) lawsuits defended by the prior administration, and President Trump's DOJ should not defend clearly unconstitutional race-based programs.

**Investigate.** Agencies, such as the Department of Education, DOJ, and the EEOC, have jurisdiction to investigate and resolve allegations of racial discrimination among K-12 schools, higher-education institutions, hospitals, and other entities that receive federal funds. Title VI of the Civil Rights Act of 1964 is a powerful tool to root out illegal DEI programs among recipients of federal funds. Federal agencies may use their powers to investigate universities that [discriminated](#) against students during the pro-Hamas protests, local school [districts](#) that use "equity" to discriminate against students, and [hospital](#) systems that discriminate against patients based on race.

## The Targets

The following are racially discriminatory programs, policies, and regulations currently on the books at federal agencies. These are not the inward-facing DEI policies that have previously been identified by other organizations, such as Do No Harm's identification of

[over 500 DEI policies](#) or the Heritage Foundation’s [report](#) on the State Department’s \$77 million in DEI spending. While those inward-facing policies are pernicious and ought to be disbanded, the following outward-facing programs, policies, and regulations affect millions of Americans every year. The Trump Administration should target these programs, policies, and regulations, and then terminate, settle, or investigate.

### Making Changes Permanent

While these tools are certainly powerful, and needed in the short term, the President should also work with Congress to make these changes permanent. As shown below, many of these unconstitutional race-based programs are enshrined in federal law. Refusing to enforce these laws, without more, will leave them dormant for the next President to perhaps reactivate. America needs more than a temporary victory against DEI, and fixing federal law is not simply an exercise of executive power, but of legislative power.

### Office of the White House

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>Executive Orders on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government.</b> E.O. 13985 and E.O. 14091 are two foundational <a href="#">executive orders</a> that directs the entire federal bureaucracy to focus on racial equity, resulting in numerous policies that treat Americans differently based on race. Replacing these orders with a new order, mandating equal treatment of all, should specifically revoke all existing “Equity Action Plans” and entrenched DEI offices, which exist in most agencies. ( <a href="#">See e.g., Health and Human Services, Department of Agriculture, Department of Justice.</a> )	X		
2.	<b>Office of Federal Procurement Policy, Office of Federal Contract Compliance Programs.</b> These offices coordinate and enforce many minority-contracting <a href="#">preferences</a> and implements the statute authorizing government-wide preferences based on race in federal procurement. See 41 U.S.C. § 1122. The President should use these offices to terminate all race-based preferences throughout all agencies.	X		

3.	<p><b>Office of Management &amp; Budget Memo on Racial Preferences.</b> On October 25, 2023, OMB <a href="#">ordered</a> all agencies to increase purchases from minority-owned businesses to 15%.</p>	X		
4.	<p><b>OMB Racial Classifications.</b> Since <a href="#">1977</a>, OMB has issued racial classifications used by nearly all federal agencies and many states. OMB should revoke these classifications, including the recent “<a href="#">MENA</a>” classification. The U.S. Supreme Court in <i>SFFA</i> ruled that such classifications were unconstitutional.</p>	X		
5.	<p><b>Government-Wide Disparate Impact Regulations.</b> The White House should identify and coordinate the repeal of all regulations that allow the imposition of disparate-impact liability. Disparate-impact law is nothing more than a legal embodiment of the wrongheaded and demonstrably false theory of “systemic racism.” See, e.g., OPM (5 CFR Part 900 Subpart D); DHS (6 CFR Part 21); USDA (7 CFR Part 15 Subpart A, 7 CFR 1901.202); Department of Energy (10 CFR 1040.13); NASA (14 CFR Part 1250); Tennessee Valley Authority (18 CFR Part 1302); State Department (22 CFR Part 141); DOJ (28 CFR Part 42 Subpart C); Department of Treasury (31 CFR Part 22); DOD (32 CFR Part 195); Department of Education (34 CFR Part 100); VA (38 CFR Part 18); GSA (41 CFR Part 101-6); Department of Interior (43 CFR Part 17); HHS (45 CFR Part 80); NSF (45 CFR Part 611); National Foundation on the Arts and Humanities (45 CFR Part 1110); DOT (49 CFR Part 21); CFPB (12 CFR Part 1002 Supp. I Sec. 1002.6(a)-2); HUD (24 CFR pt 100).</p>	X		
6.	<p><b>Interagency Memo on Special Purpose Credit Programs.</b> In 2022, several agencies banded together to encourage banks to set up special race-based credit programs. This <a href="#">interagency memo</a> and related <a href="#">actions</a> should be repealed by the White House.</p>	X		

## Department of Justice

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<p><b>Disparate Impact Enforcement Actions.</b> There are several disparate impact lawsuits pending against employers for using race-neutral factors like criminal background checks because the government believes they unfairly disqualify members of certain demographics more than others. These cases include: <i>U.S. v. Cobb County</i>, No. 1:24-cv-02010 (N.D. Ga.) (disparate impact of credit check); <i>U.S. v. Maryland State Police</i>, No. 1:24-cv-02862 (D. Md.) (disparate impact of written tests); <i>U.S. v. City of Durham</i>, No. 1:24-cv-00838 (M.D.N.C.) (disparate impact of written test); <i>U.S. v. South Bend</i>, No. 3:24-cv-00830 (N.D. Ind.) (disparate impact of written tests); <i>U.S. v. Suburban Heights</i>, No. 4:24-cv-01319 (E.D. Mo.) (disparate impact of background checks for tenants); <i>EEOC v. Sheetz, Inc.</i>, No. 3:24-cv-00231 (D. Md.) (disparate impact of criminal background checks).</p>		X	
2.	<p><b>Disparate Impact Litigation.</b> On Aug. 22, 2024, the U.S. District Court for the Western District of Louisiana issued an injunction barring the United States Environmental Protection Agency (EPA) and the United States Department of Justice (DOJ) from enforcing disparate-impact regulations. <i>Louisiana v. EPA</i>, No. 2:23-CV-00692 (W.D. La. Aug. 22, 2024).</p>		X	
3.	<p><b>Race-Data Litigation.</b> USDOJ is currently <a href="#">defending FCC's demand</a> for stations to college race and gender data of their employees. <i>National Religious Broadcasters v. FCC</i>, 24-60219 (5th Cir. 2024).</p>		X	
4.	<p><b>American Bar Association Discrimination.</b> As a federal-funds recipient, ABA is subject to Title VI, but USDOJ <a href="#">ruled</a> on August 7, 2024, that ABA does not have to abide by that law's nondiscrimination provisions. USDOJ should reverse this position and hold the ABA accountable for race discrimination.</p>			X

## Department of Agriculture

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<p><b>Socially Disadvantaged Farmers &amp; Ranchers Programs.</b> Nearly all discrimination issues at USDA (including all those below) derive from the agency’s use of the term SDI (socially disadvantaged individuals) or SDFR (socially disadvantaged farmer or rancher). USDA and USDOJ <a href="#">should investigate the use of these terms</a> agency wide, and prohibit any differing treatment based on race.</p>			X
2.	<p><b>Emergency Relief Program.</b> This disaster-relief <a href="#">program</a> discriminates based on race, helping some farmers and ranchers but not others. Currently in litigation in <a href="#">Strickland v. USDA</a>.</p>		X	
3.	<p><b>Discriminatory Disaster Relief Programs.</b> USDA runs several discriminatory programs related to disaster relief. The Secretary may waive certain paperwork and fee requirements for minorities seeking disaster assistance. See 19 U.S.C. § 2497. Certain minority groups are “covered producers” eligible for <a href="#">additional assistance</a>. See 7 U.S.C. § 9081. Certain races receive disaster assistance <a href="#">waivers</a> that others do not under this program. See 7 U.S.C. §1531. In the Emergency Conservation Program, USDA provides emergency <a href="#">funding</a> to producers to rehabilitate farmland damaged by natural disasters; cost-share rates are increased based on race. See 16 U.S.C. § 2202a.</p>	X		
4.	<p><b>Education and Risk Management Assistance Program.</b> USDA runs a competitive grant program that employs a race-based <a href="#">preference</a>. See 7 U.S.C. § 1524.</p>	X		
5.	<p><b>Local Agricultural Market Program.</b> The program gives a race-based <a href="#">priority</a> to certain minority farmers, including a 10% set-aside. See 7 U.S.C. § 1627c.</p>	X		

6.	<b>Grants for Cooperative Development Centers.</b> Also known as “ <a href="#">Socially Disadvantaged Groups Grant</a> ,” provides 20% set aside funds for recipients based on race. See 7 U.S.C. § 1932.	X		
7.	<b>Down Payment Loan, Relending, &amp; Contract Land Sales Programs.</b> These <a href="#">programs</a> facilitate “the transfer of farms and ranches from retiring farmers and ranchers” to <a href="#">minorities</a> , while providing operating loan guarantees to facilitate the transaction. See 7 U.S.C. § 1935. And in programs like the Heirs Property Relending Program, USDA <a href="#">gives preferences</a> to cooperatives, credit unions, and nonprofit organizations with experience serving certain racial communities. See 7 U.S.C. § 1936c. USDA gives <a href="#">guarantees</a> on loans made to certain racial groups, but not others. See 7 U.S.C. § 1936.	X		
8.	<b>Farmer Individual Development Accounts Pilot Program.</b> USDA gives a <a href="#">preference</a> to applicants that have a track record of serving certain racial communities. See 7 U.S.C. § 1983b.	X		
9.	<b>Sale of Property Program.</b> USDA <a href="#">sells</a> property to “socially disadvantaged” farmers or ranchers at current market value “before it is available to the general public.” This is a racial preference. See 7 U.S.C. § 1985.	X		
10.	<b>Homestead Protection Act.</b> Certain racial groups are given a <a href="#">right of first refusal</a> to reacquire homestead property with a price cap. See 7 U.S.C. § 2000.	X		
11.	<b>Agricultural Credit Program/Target Participation Rates.</b> In all programs, loans, and land purchases, minorities must have proportional representation. See 7 U.S.C. § 2003. Directs USDA to establish county-level target participation rates and to reserve farm loan funding for certain racial groups.	X		
12.	<b>Farm Loan Guarantee Program.</b> Some racial groups <a href="#">receive</a> specially loan guarantee of 95% of the principal offered. See 7 U.S.C. § 2008b.	X		



13.	<b>Farming Training, Research, and Funding Set Aside (2501 Program).</b> USDA provides <a href="#">special treatment</a> to some minority farmers in the areas of technical assistance, training opportunities. See 7 U.S.C. § 2279.	X		
14.	<b>Fair and Equitable Treatment Mandate.</b> Generalized <a href="#">requirement</a> to force the secretary to adjust bases and yields “to provide for the fair and equitable treatment” of producers based on race. See 7 U.S.C. § 2279a.	X		
15.	<b>Greenhouse Gas Advisory Council.</b> This council has a <a href="#">quota</a> for members representing the interests of “socially disadvantaged” farmers or ranchers. See 7 U.S.C. § 6712.	X		
16.	<b>Office of Public Engagement; Socially Disadvantaged Farmers Group.</b> Creation of <a href="#">institutions</a> within USDA to ensure equitable allocation of benefits to certain racial groups and the creation of special initiatives for minorities See 7 U.S.C. § 6934	X		
17.	<b>Noninsured Crop Assistance Program.</b> USDA <a href="#">waives</a> a fee and 50% premium reduction for noninsured crop insurance program for minority farmers. See 7 U.S.C. § 7333.	X		
18.	<b>Food Safety Grant Program.</b> This <a href="#">program</a> gives race-based priority for grants awarded under this program. See 7 U.S.C. § 7625.	X		
19.	<b>Biomass Crop Assistance Program.</b> USDA <a href="#">provides</a> a special price cap on costs to minority farmers. See 7 U.S.C. § 8111.	X		
20.	<b>Price Loss Coverage &amp; Agricultural Risk Coverage Programs.</b> Minority farmers <a href="#">receive</a> special exemption to the 10-acre base acre minimum in the Price Loss Coverage and Agricultural Risk Coverage Programs. See 7 U.S.C. § 8711, 8752, 9014.	X		
21.	<b>Diary Margin Coverage Fees.</b> Some farmers, based on race, <a href="#">exempt</a> from the administrative fee. See 7 U.S.C. § 9054.	X		

22.	<b>Conservation Loans.</b> Race-based <a href="#">priority</a> to farmers to receive direct conservation loans and guarantees, 7 U.S.C. § 1924(d), and a higher proportion. 7 U.S.C. § 1924(e). And for Conservation Planning Technical Assistance, the Secretary of Agriculture may waive certain fees of <a href="#">minorities</a> . See 16 U.S.C. § 590c.	X		
23.	<b>Payments of Grants of Aid.</b> The Secretary of Agriculture must ensure <a href="#">representation</a> of some racial groups on state conservation committees. See 16 U.S.C. § 590h.	X		
24.	<b>Commodity Credit Corporation Quotas.</b> Five percent set asides for some racial groups for certain incentives made <a href="#">available</a> by the Commodity Credit Corporation. See 16 U.S.C. § 3841(h).	X		
25.	<b>Conservations Reserve Program.</b> The Secretary of Agriculture may <a href="#">modify</a> conservation reserve contracts to benefit certain racial minorities. See 16 U.S.C. § 3835. Also, 50% set aside payment for “socially disadvantaged individuals” to cover soil health and income protection <a href="#">program</a> . Allocates \$50 million to the CRP Transition Incentive Program, which facilitates the transfer of CRP land from existing CRP contract holders to farmers based on race. See 16 U.S.C. § 3831c & 3841(a)(1)9(B). The USDA conservation program also <a href="#">authorizes</a> incentives to encourage participation of certain racial groups. See 16 U.S.C. § 3844.	X		
26.	<b>Environmental Quality Incentives Program.</b> <a href="#">Provides</a> assistance to agricultural producers to address natural resource concerns. Establishes additional support for certain racial groups, which may receive up to 90%, and not less 25%, of the applicable cost to implement conservation practices and who may receive up to 50% of the estimated payment in advance of the completion of an approved practice for materials and contracting. See 16 U.S.C. § 3839aa-2(d)(4).	X		

## Department of Commerce

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<p><b>Section 8(a) Program.</b> In 2023, the U.S. District Court for the Eastern District of Tennessee <a href="#">ordered</a> the SBA to stop discriminating based on race. SBA continues to operate this program, but the Secretary of Commerce should investigate SBA’s compliance with the Constitution’s demand of complete race neutrality by the government in government contracting. See 15 U.S.C. § 637.</p>			X
2.	<p><b>Minority Business Development Agency.</b> In 2023, the U.S. District Court for the Northern District of Texas <a href="#">ordered</a> the MBDA to stop discriminating based on race. MBDA claims compliance with the order, but the agency’s name and mission statement still say “Minority,” which gives the clear indication that only minorities will be helped. The Secretary of Commerce should change the MBDA’s name and adjust its mission accordingly.</p>			X
3.	<p><b>Manufacturing USA Institute.</b> SBA <a href="#">ensures</a> that financial assistance is awarded to areas “located in an area with high proportion of” minorities. See 15 U.S.C. § 278s.</p>	X		
4.	<p><b>Government-Wide Priority Preference.</b> SBA implements government-wide goal of 5% minority participation for all prime contracts and subcontracts each year. See 15 U.S.C. § 644.</p>	X		
5.	<p><b>Office of International Trade.</b> SBA gives <a href="#">priority</a> to minorities in the trade expansion program. See 15 U.S.C. § 649.</p>	X		
6.	<p><b>Surety Bond Guarantee Program.</b> SBA <a href="#">gives</a> certain minorities preferences in small-business bond forgiveness. See 15 USC § 694b.</p>	X		

7.	<b>Community Navigator Pilot Program.</b> SBA <a href="#">operates</a> a \$100 million outreach program with priorities to minority owned businesses. See 15 U.S.C. § 9013.	X		
8.	<b>Broadband Opportunity Grants.</b> Preference for minorities in awarding grants. 47 U.S.C. § 1305.	X		

### Department of Defense

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>MOU with MBDA.</b> Shortly after the election, DOD <a href="#">signed</a> an agreement with MBDA to expand opportunities for minority businesses to supply to the DOD. This agreement should be terminated as unlawful race discrimination.	X		
2.	<b>West Point Lawsuit.</b> DOD should immediately stop using race as a factor in admission to the military service academies. As such, the Secretary should settle the pending lawsuit, <a href="#">Students for Fair Admission v. U.S. Military Academy West Point</a> .		X	
3.	<b>Race-Based Scholarships.</b> DOD should end their practice of supporting race-based scholarships, including the U.S. Navy-supported scholarships challenged in a <a href="#">lawsuit</a> by Do No Harm.		X	
4.	<b>Mentor-Protégé Program.</b> DOD runs a mentor program giving special preference to firms that mentor businesses owned by minorities. See 10 U.S.C. § 4902.	X		

## Department of Education

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>McNair Program.</b> The Department is currently being <a href="#">sued</a> for its nationwide, race-based higher education program that helps certain students pursue a graduate-level education. This lawsuit should be settled, and the program should be shut down.		X	
2.	<b>Pro-Hamas Protest Discrimination Complaints.</b> In 2024, the Department received numerous civil-rights complaints arising from the Pro-Hamas campus protests. In particular, the Department should investigate universities that have committed to providing special scholarships or benefits to students based on national origin, like <a href="#">Northwestern University</a> and <a href="#">Rutgers University</a> .			X
3.	<b>K-12 Discipline Guidance.</b> The Department should revoke the Biden Administration’s “ <a href="#">Resource on Confronting Racial Discrimination in Student Discipline</a> ” (May 2023). This policy subtly threatens school districts with investigations and sanctions unless racial disparities are erased.	X		
4.	<b>K-12 Racial Balancing Investigations.</b> Some K-12 districts take specific actions, such as changing <a href="#">admission criteria</a> , or <a href="#">closing down</a> programs or schools, specifically to erase racial disparities. The Department should investigate these allegations, such as the <a href="#">pending complaint</a> against the Wauwatosa School District in Wisconsin.			X
5.	<b>SFFA Guidance.</b> The Department, along with the USDOJ, should immediately rescind the <a href="#">guidance document</a> the entitled, “Questions and Answers Regarding the Supreme Court’s Decision in <i>Students for Fair Admissions, Inc. v. Harvard College and University of North Carolina</i> ,” which was the Biden Administration’s attempt to narrow the scope of the decision.	X		

6.	<p><b>SFFA Compliance Investigations.</b> Several universities claim compliance with <i>SFFA</i>, yet their incoming freshman-class demographics have changed little, <a href="#">such as</a> Yale and Princeton. The Department should investigate universities for falsely claiming to comply with Title VI to receive significant amounts of federal funds. The Department should also investigate whether universities have a racial motivation in dropping their use of the SAT or ACT, or whether they are engaging in discrimination by using ZIP codes as a proxy for race. Finally, as Vice-President Elect Vance <a href="#">wrote</a>, universities should be investigated for whether they coordinated in violation of anti-trust laws.</p>			X
----	---	--	--	---

### Department of Energy

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<p><b>Integrated Bioenergy Research and Development.</b> Set aside of \$5 million in bioenergy research for certain minorities. See 42 U.S.C. § 16311(d).</p>	X		
2.	<p><b>Home Energy Whole-House Rebates.</b> For homes located in minority communities, \$200 “disadvantaged community incentive” for homes. See 42 U.S.C. § 18795.</p>	X		

### Department of Health and Human Services

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<p><b>DEI Grant Conditions.</b> Various HHS agencies offer grants and other federal awards for discriminatory purposes and impose discriminatory requirements. As just one example, most, if not all, NIH/NSF grants require <a href="#">diversity statements</a> and <a href="#">require hiring of minorities</a>.</p>	X		

2.	<b>DEI in Healthcare Systems.</b> Several complaints are pending against hospital systems, such as <a href="#">Cincinnati Children's</a> and <a href="#">Cleveland Clinic</a> , based on allegations that these federal-funds recipients are racially discriminating against patients, students, and employees.			X
----	---	--	--	---

### Department of Homeland Security

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>Preparedness Accreditation and Certification Program.</b> This program gives preference to third parties who perform certification processes that are owned by minorities. 6 U.S.C. § 321m.	X		
2.	<b>Mentor Protégé Program.</b> Special mentorship program for minority-owned firms. 6 U.S.C. § 475a.	X		
3.	<b>Intelligence And Cybersecurity Diversity Fellowship Program.</b> Internship for minorities. 6 U.S.C. § 665a	X		
4.	<b>Public Transportation Security Grants.</b> Preferences for minority owned businesses. 6 U.S.C. § 1135.	X		

### Department of Labor

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>ESG Lawsuit.</b> The DOL is <a href="#">defending</a> a rule that allows the use of ESG factors in retirement investing.		X	
2.	<b>EEO-1 Forms, Office of Federal Contract Compliance.</b> This Office collects EEO-1 forms from employers detailing racial statistics based on outdated and illegal racial categories.	X		

## Department of Transportation

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>Federal DBE Program.</b> USDOT operates the largest and oldest affirmative action program in the U.S. It is currently partially <a href="#">enjoined</a> by a federal court.		X	
2.	<b>Project grants for airport operations.</b> Racial preferences in airport operations project grants. 49 U.S.C. § 47107.	X		
3.	<b>Airport Development.</b> Ten percent of all funds for airport development spent through SDI-owned businesses. 49 U.S.C. § 47113.	X		
4.	<b>Amtrack Grants.</b> The Secretary of USDOT shall award grants for Amtrack whenever possible to “disadvantaged business concerns,” defined elsewhere as minorities. 6 U.S.C. § 1152.	X		
5.	<b>NASA Contracting.</b> Agency-wide goal that at least 8% of all prime and subcontracts will be awarded to SDIs. 51 U.S.C. § 30304.	X		
6.	<b>NASA Outreach Program.</b> Program to promote minorities & gives preference to “socially disadvantaged” companies in contracting programs. 51 U.S.C. § 30305.	X		

## Department of Treasury

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>Homeowner Assistance Fund.</b> \$10 billion homeowner assistance fund with SDI preference. 15 U.S.C. § 9058d.	X		
2.	<b>Local Government Financial Assistance Fund.</b> 10% quota for spending contract dollars with SDI-owned small business concerns. 31 U.S.C. § 6701.	X		



3.	<b>State Small Business Technical Assistance Grants.</b> \$500 million for technical assistance to states to distribute to businesses owned by SDIs. 12 U.S.C. § 5708.	X		
4.	<b>State Small Business Credit Initiative.</b> \$2.5 billion program for states to distribute to businesses owned by SDIs. 12 U.S.C. § 5702.	X		
5.	<b>US Debt Collection.</b> Preference/set asides for contracting with law firms to collect us debt obligations, including law firms. 31 U.S.C. § 3718.	X		
6.	<b>Export-Import Bank.</b> Small Business Division’s function shall be to increase loans, guarantees, and insurance to SDIs. 12 U.S.C. § 635a.	X		
7.	<b>Export-Import Bank Preferences.</b> Program to increase loans to minorities. 12 U.S.C. § 635.	X		

**Environmental Protection Agency**

Discriminatory Program		Action to Take		
		Terminate	Settle	Investigate
1.	<b>Justice40.</b> EPA operates this <a href="#">initiative</a> in the name of “environmental justice” and promotes pseudoscience like “indigenous knowledge” under NEPA.	X		
2.	<b>Federal Contracting in Environmental Programs.</b> Agency goal that 8% of all prime and subcontracts awarded by EPA in all authorized programs, including grants, loans, contracts for wastewater and storage tanks, must be to minorities. 42 U.S.C. § 4370d.	X		

The background of the entire image is a photograph of the Wisconsin State Capitol building, featuring its iconic dome and classical columns. The image is overlaid with a semi-transparent dark blue filter.

**LEARN MORE**

[will-law.org/equality](http://will-law.org/equality)



WISCONSIN INSTITUTE  
FOR LAW & LIBERTY