

November 20, 2020

The Honorable Joe Biden
Presidential Transition Office
1401 Constitution Ave NW
Washington, DC 20230

Dear President-Elect Biden:

On behalf of the undersigned charitable organizations, we are writing to express serious concerns about Executive Order 13950, *Combating Race and Sex Stereotyping*, signed on September 22, 2020 by President Donald J. Trump, and urge the incoming Administration to take immediate action to rectify this troubling issue. Together, the undersigned charitable organizations have a strong commitment to advancing diversity, justice, equity and inclusion. We urge the incoming Administration to immediately rescind this Executive Order (EO) and encourage you to continue working with the nonprofit sector to strengthen the implementation of diversity and inclusion as well as equity training.

The nonprofit sector is the backbone of our communities. Before the pandemic, nonprofits collectively employed over 12.3 million Americans — more than construction, more than manufacturing. Today, we transform lives in all fifty states across the country. Nonprofit health and human services providers are currently on the frontlines, directly serving people impacted by the COVID-19 global pandemic. Cultural institutions are providing online educational programs for children, teachers and families. Charitable organizations are lending a critical hand helping with food and housing insecurity as job losses and evictions mount. Together, these organizations are unified in their commitment to providing services that meet the needs of all members of their communities.

Many organizations within the charitable community administer federal contracts and/or grants stand to be affected if the incoming Administration does not immediately rescind the EO. Today, we are already seeing the chilling effects the EO is having on diversity, equity and inclusion training at a time when such work is needed more than ever. Among other things, the EO bans the use of certain terms, including “critical race theory,” “white privilege,” “intersectionality,” “systemic racism,” and “unconscious bias,” in materials or trainings. Rather than being “divisive concepts,” these are core principles of equity and inclusion developed and confirmed through decades of research and scholarly articles by academics and practitioners that cannot simply be ignored or dismissed.

Additionally, the EO not only raises questions regarding impact and workability across a broad number of contracts and grants administered by various agencies, but, more importantly, it will upend the progress that organizations have made in advancing racial justice and gender equity work within their organizations, programs and communities. The EO’s negative ripple effect stands contrary to the mission, goals and programs of nonprofits, and further underscored our urgency and immediate call to rescind this executive action.

Today, our nation is facing intersecting crises of the COVID-19 pandemic, impact from significant natural disasters and social injustices that are having an acute impact on people of color. It is

troubling that the EO would restrict the freedom of private nonprofits with federal grants and contracts from using their own business judgment to provide the workplace training and programs that they understand are necessary to most effectively meet their missions. In fact, it may create circumstances where some nonprofits that provide public services through federal grants and contracts are unable to administer workplace training and community programs. It could also create circumstances where these restrictions deny grants and contracts to these nonprofits on which local, state and federal governments rely to provide shelter, nutrition, job training and other public services. The consequences resulting from the EO are likely to have detrimental effects in communities — an additional reason it should be immediately rescinded.

Finally, the EO continues to inflict deep concern and confusion across the nonprofit sector due to its vague terms, its restrictions on speech and its already-documented chilling effects on workplace diversity and inclusion efforts. Many organizations have long-standing programs and employee training already in place. The EO imposes unnecessary and unreasonable burdens to make significant and potentially costly changes to these trainings along with administrative and oversight duties with significant consequences for misinterpreting ambiguous requirements. It also creates the great risk of arbitrary and inconsistent interpretations by various offices within government. This outcome is contrary to the EO's intended purpose and continues to hinder the ability of employers to genuinely foster inclusive workplaces.

As nonprofit organizations committed to equity and justice, we are committed to advancing racial justice within our organizations and in all areas of civic and community life. At a time when our country continues to battle the ongoing COVID-19 global pandemic and struggles to recover from a deep economic crisis, we must work to [enact policies](#) or work to pass legislation that will support individuals and organizations during these uncertain times, not tear communities apart. Given the significant concerns raised by the nonprofit sector and many other industries, we urge the incoming Administration to immediately rescind Executive Order 13950 on its first day in office.

Thank you in advance for your consideration. Please feel free to contact Pam Yuen, YWCA USA Government Relations Manager, at pyuen@ywca.org or 202-559-7022, if you have any questions.

Sincerely,

American Cancer Society Cancer Action Network
Alliance for Strong Families and Communities
American Alliance of Museums
American Heart Association
American Lung Association
Americans for the Arts
The Arc of the United States
Arts & Democracy
Association of Art Museum Directors
Association of People Supporting Employment First (APSE)
Children's Advocacy Institute
Children's Trust Fund Alliance
Coalition on Human Needs
Communities In Schools, National Office

Council on Foundations
Culture Push, Inc.
Covenant House International
Dance/USA
Dance/NYC
Epilepsy Foundation
Eyebeam
Fourth Arts Block
Futures Without Violence
Girl Scouts of the USA
Goodwill Industries International
Habitat for Humanity International
Independent Sector
José Limón Dance Foundation
League of American Orchestras
Lutheran Services in America
March of Dimes
Mental Health America
More Art
Museum of Contemporary African Diasporan Art (MoCADA)
National Council of Nonprofits
National Crittenton
National Health Council
Network of Jewish Human Service Agencies
New Yorkers for Culture & Arts
OneHope United
OPERA America
Prevent Child Abuse America
Service Year Alliance
The Field
The National Foundation to End Child Abuse and Neglect
United Philanthropy Forum
UrbanGlass
Welcoming America
Women of Color in the Arts (WOCA)
YWCA USA