

Written Statement
of the
Human Rights Campaign

Committee on Oversight and Accountability
Full Committee Business Meeting on November 20, 2024

Chairman Comer and Ranking Member Raskin:

The Human Rights Campaign (HRC) is the nation's largest civil rights organization working to achieve equality for lesbian, gay, bisexual, transgender, and queer (LGBTQ+) people. By inspiring and engaging all people, we strive to end discrimination against LGBTQ+ people and realize a nation that achieves fundamental fairness and equality for all, without exception. On behalf of our more than three million members and supporters, we write to strongly oppose passage of H.R. 8706, the Dismantle DEI Act of 2024, and urge your unequivocal vote against this bill.

The federal government cannot abandon its critical role in securing lived equality for all, but H.R. 8706 would undermine and even outright prohibit it from working to realize that goal. This bill would do so by ending the federal government's enforcement of nondiscrimination protections for LGBTQ+ people, severely restricting efforts to ensure our workplaces affirm and provide equal opportunity to all employees, and ceasing our leadership in responding to LGBTQ+ human rights abuses abroad. Every provision of this bill is directly contrary to one of our most closely held values as Americans—that all people are entitled to equal opportunity, whether in employment or any other aspects of public life, that is free from violence, harassment, and discrimination—and should be rejected in the strongest possible terms.

This Bill Would Encourage Illegal Discrimination Nationwide

A small number of American workplaces have recently been undergoing a troubling transformation in their policies and practices that could undermine our collective work to secure lived equality for all. H.R. 8706 seeks to impose these changes and even build on them using the might of the federal government, ignoring the clear negative impact that its mandates would have not only on millions of federal employees, but also all Americans who continue to experience discrimination simply because of who they are.

We reject this bill's proposed amendment of federal protections against discrimination including in federal buildings and property that are directly aimed at excluding LGBTQ+ people from the reach of the law. Egregiously, this legislation would revoke well founded executive orders and memoranda designed to address discrimination and provide more inclusive work environments for all Americans, including Executive Order 13988 on preventing and combating discrimination based on gender identity or sexual orientation. This approach would chill if not outright eliminate efforts by federal agencies to address anti-LGBTQ+ discrimination. This could lead to LGBTQ+ people being denied housing because of who they are or who they love, being denied emergency medical care, or being denied equal access to an education.

Like all other people, LGBTQ+ people deserve to live their lives free from discrimination, but this bill would deny them that basic dignity and fairness by cutting off their access to protections

guaranteed by federal civil rights laws. Under Executive Order 13988, federal agencies must take all necessary actions to implement the U.S. Supreme Court's 2020 decision in *Bostock v. Clayton County*, which calls for federal laws that prohibit sex discrimination being read to also prohibit sexual orientation and gender identity discrimination. By revoking this order and instructing agencies to stop carrying out its policy goals, significant numbers of regulations and guidance covering areas like employment, housing, education, and health care would be thrown out.

This sudden shift and new lack of clarity from federal agencies could lead to increased discrimination against LGBTQ+ people, in turn furthering challenges they already face when compared to other Americans. For example, data analyzed by the HRC Foundation show LGBTQ+ people are paid lower median earnings when compared to the average American worker—with even more pronounced disparities when comparing subpopulations like transgender people and LGBTQ+ people of color. Yet, H.R. 8706 would call for the government to ignore the tools it already has at its disposal to help address this disparity.

And to be clear, while H.R. 8706 claims that these and its other proposed changes are in service of ensuring the government prohibits all forms of discrimination, it contains provisions that would actually encourage increased discrimination against groups, even beyond LGBTQ+ people. Broadly worded language requiring the elimination of offices working to enforce most prohibitions against sexual orientation and gender identity discrimination (and preventing them from reassigning any eliminated employees to elsewhere in their departments) could be used to completely close most Offices for Civil Rights. This would effectively end the federal government's role in protecting the rights of groups like people of color and people of faith. The White House Council of Economic Advisers recently issued an issue brief detailing ways in which discrimination continues to impact Americans across the board, including that “a typical Black worker in 2023 made about 12 percent less and was 2 percentage points less likely to be employed than a typical White worker of the same age, gender, education, and living in the same Census region.” The government has always been committed to fighting against discrimination, but H.R. 8706 could lead it to now be responsible for allowing discrimination to spread nationwide. This proposition alone is enough to support rejecting this bill in its entirety.

This Bill Would Abandon Core American Principles of Equality and Inclusion

Among its provisions, H.R. 8706 would revoke three executive orders regarding diversity, equity, and inclusion, and would prohibit agencies from carrying out those executive orders. This would fundamentally shift the government away from the principles of equality and inclusion core to our country's values and its obligations under the law. Every employee deserves to be respected and affirmed in the workplace, including our federal employees who come to work every day to serve the American people.

H.R. 8706 grossly mischaracterizes the widely successful policies and programs used by the government and private businesses alike for decades to create a safer, fairer workplace as allowed, and even required, by the law. As the nation's largest employer, the federal government has a responsibility to ensure each of its employees, including those from marginalized communities, can live up to their potential, continue in their public service, and contribute the most to their jobs. And indeed, the executive orders, policies, practices, and trainings that would be eliminated by H.R. 8706 are meant to ensure the federal government can be a great place to

work for all employees, regardless of who they are. They likewise ensure federal resources can reach everyone—including those who have been historically underserved by the government.

Abandoning this work within any office, much less across the entirety of the federal government, will mean our country will no longer be able to recruit top talent from across the full pool of qualified people wishing to serve their fellow Americans. Likewise, by eliminating employee resource groups, networking opportunities, mentorship programs, and other pathways for professional development, our federal workplaces will be left without proven lifelines for employees whose experiences with discrimination and bias can lead them to leave for other workplaces willing to ensure their right to equal opportunity. This is not mere speculation: research shows over half (54.0%) of LGBTQ+ adults would feel less safe at work if their employer reduced supportive initiatives like those cut through this bill.

We should not close doors for qualified candidates from underrepresented backgrounds, but this bill would set the stage for the government to begin doing so based solely on who those people are. This would threaten our economy and our democratic values, and send a troubling message about the value our society places on individuals based on their backgrounds. All workers deserve the ability to compete equally for work and advancement, but H.R. 8706 would lead the federal government to push away their talent, skills, and perspectives—despite how crucial their contributions have proven for innovation and our competitiveness in a global economy.

Extremist campaigns have sought to push businesses to make changes mirroring what H.R. 8706 is attempting to impose on the federal government: We must not follow the lead of the few companies that have chosen this ill-advised course of action. Most businesses across industries continue to see the tremendous value—for the success of both their employees and their companies—of maintaining programs, initiatives, and trainings that center equity and inclusion to ensure no employee is left behind. These businesses recognize that if they stop investing in their people and in our shared values as Americans, they even risk violating the law's guarantees against hostile work environments and other forms of discrimination and harassment.

If H.R. 8706 is enacted, we risk not only the future success of the federal government and its employees, but also other companies and workers who may take its passage as a signal that our well-established civil rights laws can be ignored. By rejecting the role of equal opportunity and inclusion in the workplace, we will undoubtedly see a chilling effect on discussions surrounding race, gender, and other protected characteristics across the country. The government cannot turn its back on efforts proven to ensure fair and safe work environments for everyone by proactively combating the persistent stigma, hatred, and hostility some individuals and groups would otherwise face due to their protected characteristics. This bill should therefore be rejected.

H.R. 8706 Would Undermine Our Global Leadership on Addressing Human Rights Abuses

Finally, H.R. 8706 seeks to dismantle the United States' decades of work and leadership in the global fight for equality. The United States has long played a critical role in protecting the rights of LGBTQI+ people globally, including by building coalitions of like-minded nations and engaging international organizations to stop the criminalization of LGBTQ+ lives. It is unacceptable that H.R. 8706 would force the federal government to abandon its commitment to defending against all human rights abuses.

Presidential administrations led by both Republicans and Democrats have prioritized the global fight for equality as part of their foreign affairs agendas. But H.R. 8706 would revoke the existing National Security Memorandum on Advancing LGBTQI+ Rights Around the World and would prevent agencies from carrying out its policies. This means that the State Department would no longer be able to respond to efforts to criminalize LGBTQI+ identities, including through bills like Uganda's Anti-Homosexuality Act that includes the death penalty for some same-sex sexual conduct. Likewise, agencies like USAID would no longer be able to focus on many of their inclusive development efforts, and agencies would no longer be able to support LGBTQ+ human rights defenders also facing ongoing threats to their safety and freedoms.

Countries around the globe are currently considering and passing new laws that further criminalize the LGBTQ+ community. They will likely intensify their efforts if the United States shows it has turned its back on equality by passing this bill. We therefore urge voting against H.R. 8706 and its abdication of our critical role in ending the scourge of violence and discrimination faced by LGBTQ+ people worldwide.

Conclusion

The strength of our economy, the fabric of our society, and the integrity of our democracy depend on ensuring that every American has an equal opportunity to participate and succeed. Americans are counting on your leadership to defend their rights and preserve the promise of equality that is guaranteed under the law. We urge your vote against further consideration and passage of H.R. 8706, and against all future bills that similarly seek to deny equal opportunity and dignity for all.