

Trump Administration Dropped Policy Prohibiting Contractors From Having Segregated Facilities

The provision had been in place since the civil rights era.



By Erica L. Green

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A bus station in Durham, N.C., in 1940. Universal History Archive/Universal Images Group, via Getty Images



In 1962, removing a restroom sign at Montgomery Municipal Airport in Alabama, in compliance with a federal court order banning segregation.

Associated Press

The Trump administration has removed a longstanding directive from the civil rights era that explicitly prohibited federal contractors from allowing segregated facilities, the latest move to eradicate diversity, equity and inclusion policies from government operations that has drawn fierce rebuke.

The removal of the segregated-facilities policy was included in a memo last month from the General Services Administration, which manages federal property and oversees procurement for the federal government. The memo, which applies to all civilian federal agencies, was among the many directives from agencies aiming to purge safeguards put in place in the 1960s to comply with executive orders issued by President Trump on race and gender identity. In his first days in office, Mr. Trump directed agencies to rid themselves of “harmful” and “wasteful” diversity policies, and “gender ideology extremism.”

The memo, which came to light after it was reported by National Public Radio this week, drops several clauses from the G.S.A.’s Federal Acquisition Regulation, which is used to solicit contracts for services and supplies. The memo said the wording was “not consistent with the direction of the president.” Among the deletions is a policy, last updated in 2015, that stipulated federal contractors couldn’t have “segregated facilities,” such as waiting rooms, work areas, restrooms, lunchrooms and water fountains.

The Civil Rights Act of 1964 still bars discrimination, and segregated facilities, in the United States. But civil rights groups have feared that Mr. Trump’s war on D.E.I. programs has signaled the federal government’s willingness to retreat from enforcing it.

Dariely Rodriguez, the acting co-chief counsel for the Lawyers’ Committee for Civil Rights Under Law, said that like Mr. Trump’s revocation of a decades-old order issued by President Lyndon B. Johnson barring discrimination in hiring for government contractors, the stripping of the segregation provision “weakens the very safeguards that promote equity and inclusion across multiple sectors, including workplaces.”

“The Trump administration’s actions are pressure-testing our democracy, eroding more than 60 years of progress,” Ms. Rodriguez said.

“The Civil Rights Act of 1964 remains the law of the land,” she added, “but laws are only as strong as their enforcement.”

In a statement to The Times, Stephanie Joseph, a spokeswoman for the General Services Administration, said that the G.S.A. would “continue to ensure that our federal contractors comply with long established civil-rights provisions found in U.S. laws.” She also said, “G.S.A. is committed to supporting the president’s direction to streamline the federal contracting process to restore merit-based opportunity, enhance speed and efficiency, and reduce costs.”

Margaret Huang, the president and chief executive of the Southern Poverty Law Center, called the measure “another step backwards that threatens to create hostile work environments for women, people of color and others who have faced a history of employment discrimination.”

“We hope contractors have the good sense not to reintroduce segregation into the workplaces,” she said, “but this decision sends a clear message that the federal government does not care if they do.”

The White House dismissed the criticism as “unserious falsehoods” and “baseless reporting” that undermined Mr. Trump’s charge by his voters to unify the country.

“President Trump continues to follow the law in his pursuit to reverse the disastrous policies of the previous administration and unleash prosperity through deregulation,” Harrison Fields, a White House spokesman, said in a statement. “Thanks to his leadership, businesses will face fewer bureaucratic roadblocks and have a smoother path to working with the federal government.”

The White House has argued that Mr. Trump’s executive orders were not aimed at any particular group of people and that agencies have had autonomy in implementing them. But the fallout has disproportionately focused on policies that impact Black people, like purges of employees of color and the erasure of their history.

Erica L. Green is a White House correspondent, covering President Trump and his administration.