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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

March 27, 2025

VIA ELECTRONIC TRANSMISSION

The Honorable Gene L. Dodaro
Comptroller General
Government Accountability Office

Dear Comptroller General Dodaro:

In its first year, the Biden-Harris administration signed Executive Order 14035 (Biden-Harris EO) on June 25, 2021, “to strengthen the Federal workforce by promoting diversity, equity, inclusion, and accessibility,” or DEIA.¹ The Biden-Harris EO created new offices in the federal government and resulted in the administration creating and funding new programs.² The taxpayer has a right to know how much money was spent as a result of the EO. Specifically, the taxpayer has a right to know how many DOJ employees were hired to work on DEIA programs or initiatives and how much money DOJ spent on these functions including salaries, fringe benefits, rent for office space, and supplies for employees.

For example, Parents Defending Education reportedly found the Biden-Harris DOJ “awarded over \$100 million in grants to promote restorative justice and diversity, equity and inclusion (DEI) measures” to K-12 school districts.³ Separately, a search on USAspending.gov showed the Biden administration’s DOJ obligated \$36,150,754 in grants that included “Diversity, Equity, and Inclusion” in the award

¹ Exec. Order No. 14035, 86 Fed. Reg. 34593, (June 25, 2021), <https://www.federalregister.gov/documents/2021/06/30/2021-14127/diversity-equity-inclusion-and-accessibility-in-the-federal-workforce>. Although “DEIA” is distinct from “DEI” in that the former adds the category of accessibility, this letter will treat “DEIA” as including “DEI.”

² The Biden-Harris EO required the head of each agency to “seek opportunities to establish a position of chief diversity officer [CDO] or diversity and inclusion officer [DIO] (as distinct from an equal employment opportunity officer), with sufficient seniority to coordinate efforts to promote diversity, equity, inclusion, and accessibility within the agency.” *Id.* The last administration’s Office of Personnel Management (OPM) also established the Chief Diversity Officers Executive Council (CDOEC) to serve as “the principal interagency forum to implement and sustain a national strategy for DEIA across the Federal government and position the Federal government as a model for DEIA.” FEDweek Staff, *Issue Briefs: OPM Issues Update on Actions under DEIA Initiative for Federal Workforce*, FEDweek, (Feb. 21, 2023), <https://www.fedweek.com/issue-briefs/opm-issues-update-on-actions-under-deia-initiative-for-federal-workforce/>. Membership of the CDOEC included the CDO, DIO, or equivalent executive of the 24 CFO Act agencies, which includes DOJ. Cong. Rsch. Serv., *Executive Order 14035 Implementation: Diversity, Equity, Inclusion, and Accessibility (DEIA) in the Federal Workforce*, (June 3, 2024), <https://crsreports.congress.gov/product/pdf/R/R48080>.

³ Kendall Tietz, *DOJ spent more than \$100M on ‘restorative justice,’ DEI measures for K-12 students during Biden presidency*, FOX NEWS, (Jan. 10, 2025), <https://www.foxnews.com/media/doj-spent-more-than-100m-restorative-justice-dei-measures-k-12-students-during-biden-presidency>.

description.⁴ The taxpayer should know the full cost of the DEIA programs the Biden-Harris DOJ funded and created.

In November 2021, the Biden-Harris administration published a *Government-Wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*.⁵ That plan listed Government-wide DEIA EO priorities relating to safe workplaces, chief diversity officers, data collection, and DEIA training and learning.⁶ The taxpayer should know how much money DOJ spent on programs established for these government-wide priorities, how much the DOJ bureaucracy grew to effectuate these priorities, and how many hours of DEIA trainings DOJ employees were forced to sit through in lieu of performing their core job functions for the taxpayer.

Executive agencies also had reporting and data collection requirements under the EO.⁷ For example, the EO required agency heads to “take a data-driven approach to advancing policies that promote” DEIA; “measure demographic representation and trends related to diversity in the agency’s overall workforce composition, senior workforce composition, employment applications, hiring decisions, promotions, pay and compensation, professional development programs, and attrition rates;” and “take steps to ensure that data collection and analysis practices allow for the capture or presence of multiple attributes and identities to ensure an intersectional analysis.”⁸ Agencies were required to, on an annual basis, report to the President the status of their efforts to advance DEIA, and their DEIA strategic plan.⁹ GAO should review the time and money DOJ dedicated to these efforts.

Finally, as GAO conducts its review, it’s important to note that spending for DEIA programs and initiatives may not be readily apparent. Specifically, GAO should ensure its review seeks the total dollar amount that DOJ spent on DEIA programs, initiatives, trainings, grants, and contracts even if those spending entries were not expressly labeled as DEIA-related. That includes intra-agency units that may

⁴ USAspending.gov, Advanced Search, (last accessed Mar. 27, 2025), <https://www.usaspending.gov/search/?hash=0b432ce0a68ce59692d229da6b95c6a8>. The same search for the time period of President Trump’s first term yielded no results. USAspending.gov, Advanced Search, (last accessed Mar. 27, 2025), <https://www.usaspending.gov/search/?hash=1774c8e13ebb191ae9b59dbeee51df30>.

⁵ The White House, *Government-wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*, (Nov. 2021), https://web.archive.org/web/20241218200904/https://www.whitehouse.gov/wp-content/uploads/2021/11/Strategic-Plan-to-Advance-Diversity-Equity-Inclusion-and-Accessibility-in-the-Federal-Workforce-11.23.21.pdf?utm_medium=email&utm_source=govdelivery. The EO also required a significant amount of collaboration for DEIA planning. For example, the Biden-Harris EO required the Director of OPM and the Deputy Director for Management of OMB, in coordination and consultation with other officials, to reestablish a coordinated Government-wide initiative to promote DEIA in the federal workforce and develop the aforementioned *Government-Wide DEIA Strategic Plan*. The head of each agency was required to “implement the Government-wide DEIA Plan...and such other related guidance as issued from time to time by the Director of OPM or the Deputy Director for Management of OMB” and required to implement its own “Agency DEIA Strategic Plan.”

⁶ The White House, *Government-wide Strategic Plan to Advance Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce*, (Nov. 2021), https://web.archive.org/web/20241218200904/https://www.whitehouse.gov/wp-content/uploads/2021/11/Strategic-Plan-to-Advance-Diversity-Equity-Inclusion-and-Accessibility-in-the-Federal-Workforce-11.23.21.pdf?utm_medium=email&utm_source=govdelivery.

⁷ See *id.*

⁸ *Id.*

⁹ *Id.*

have changed their names and descriptions since the Trump administration was sworn in. The taxpayer should know if bureaucrats have tried to mask DEIA spending.

The Biden-Harris EO was a divisive bureaucratic burden on the Executive Branch. The taxpayer deserves to know how much time and money the Biden-Harris DOJ spent on these efforts. Accordingly, we ask that you conduct a performance audit of the DOJ's DEIA-related initiatives from January 20, 2021, to January 20, 2025, based on the following requests and that you do so as quickly as possible:

1. The total amount of money the Biden-Harris DOJ directly or indirectly spent on DEIA programs, initiatives, grants, trainings, and similar efforts.¹⁰
2. The total amount of hours employees, contractors, and grantees spent working on DEIA programs, initiatives, grants, trainings, and similar efforts.

After the performance audit of the DOJ has concluded, we request the same parameters be applied in a performance audit of all DOJ component agencies.

Thank you for your prompt attention to this matter. Should you have any questions, please contact Jace Pimentel of my Committee staff at (202) 224-5225.

Sincerely,



Charles E. Grassley
Chairman
Committee on the Judiciary



Mike Lee
United States Senator



Ted Cruz
United States Senator



Ashley Moody
United States Senator

¹⁰ This amount should reflect costs incurred by all types of spending including grants, contracts, and payroll.