

March 26, 2026

Mr. Edward C. Forst  
Administrator  
General Services Administration  
1800 F St., NW  
Washington, DC 20405

Docket (GSA-GSA-2026-0001)

Dear Administrator Forst,

This letter presents comments on Information Collection “3090-0290, System for Award Management Registration Requirements for Financial Assistance Recipients” posted by your office on January 28, 2026. This amendment to the registration requirements for recipients of federal funding appropriately aligns the requirements with federal civil rights laws as outlined in the U.S. Department of Justice’s “Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination” (July 29, 2025) and the White House Executive Order 14173 (January 21, 2025, “Ending Illegal Discrimination and Restoring Merit-Based Opportunity”).

Both documents emphasize the urgency for federal officials to enforce civil rights laws such as the Civil Rights Act of 1964 in the federal workforce and contracting arrangements with vendors. So-called diversity, equity, and inclusion (DEI) programs and initiatives often blatantly violate civil rights statutes through hiring and promotion policies that use racial quotas and other discriminatory practices. DEI officers also frequently require job applicants to complete statements pledging adherence to unlawful positions affirming racial preferences.<sup>1</sup>

The most pressing concerns with DEI are 1) a large body of academic research finds so-called anti-bias, antiracist, and DEI trainings to be ineffective at changing attitudes and behaviors and 2) DEI activities often violate state and federal civil rights laws.

First, DEI trainings are ineffective at changing participants’ attitudes and actions. As I have written in prior research,

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<sup>1</sup> See, for example, Jonathan Butcher, “Restoring Equality in Employment: Sinking the DEI Ship,” Heritage Foundation Backgrounder No. 3875, November 27, 2024, <https://www.heritage.org/sites/default/files/2024-11/BG3875.pdf> and Jonathan Butcher, “Corporations Are Giving DEI the Pink Slip,” The Washington Times, December 4, 2024, <https://www.google.com/url?sa=t&source=web&rct=j&opi=89978449&url=https://www.washingtontimes.com/news/2024/dec/4/corporations-finally-giving-dei-pink-slip/&ved=2ahUKEwiFoei5zpiTAxXzx8kDHbSnIcUQFnoECBoQAQ&usq=AOVvaw06lnOVs4eprKWnBWJOqJXF>.

In one review of nearly 1,000 studies on the effects of antiprejudice training, researchers at Harvard and Yale “conclude that the causal effects of many widespread prejudice-reduction interventions, such as workplace diversity training and media campaigns, remain unknown.”<sup>2</sup> Another meta-analysis (a study combining the results of other studies in the same research area), looking at nearly 500 papers reviewing different attempts to change implicit bias, found that measurements of changes to “implicit” bias “are possible,” but “those changes do not necessarily translate into changes in explicit measures or behavior” and that “effects are often relatively weak.”<sup>3</sup> One review of the research in this area from 2017 finds that most of the changes in attitudes among participants did not last long after the training.<sup>4</sup>

A recurring theme in the research is that even when changes in implicit bias are measured, they do not persist. A study of 6,300 participants using nine different interventions for antibias training found that “none were effective after a delay of several hours to several days.”<sup>5</sup>

Research on the most famous implicit-bias test, the Implicit Association Test created by Anthony Greenwald and Mahzarin Banaji, has found similar results. In fact, in 2015, Greenwald, Banaji, and a co-author reported that their test has “properties that render it problematic to use them to classify persons as likely to engage in discrimination.”<sup>6</sup> Following this research, a writer for *The Washington Post* claimed that required diversity training aimed at reducing bias “actually do more harm than good.”<sup>7</sup>

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<sup>2</sup> See Jonathan Butcher, *Splintered: Critical Race Theory and the Progressive War on Truth* (Nashville, TN: Post Hill Press/Bombardier Books, 2022); Jonathan Butcher, “How America’s Great Philanthropic Foundations Are Corrupting Their Missions Under DEI Pressures,” Heritage Foundation Special Report No. 273, May 23, 2023, 10-11, <https://www.heritage.org/sites/default/files/2023-05/SR273.pdf>; and Elizabeth Levy Paluck and Donald P. Green, “Prejudice Reduction: What Works? A Review and Assessment of Research and Practice,” *Annual Review of Psychology*, Vol. 60 (January 10, 2009), pp. 339–367, <https://www.annualreviews.org/doi/ful/10.1146/annurev.psych.60.110707.163607>.

<sup>3</sup> Patrick S. Forscher et al., “A Meta-Analysis of Procedures to Change Implicit Measures,” PsyArXiv, August 9, 2019, <https://psyarxiv.com/dv8tu/>.

<sup>4</sup> Carol T. Kulik and Loriann Roberson, “Common Goals and Golden Opportunities: Evaluations of Diversity Education in Academic and Organizational Settings,” *Academy of Management Learning & Education*, Vol. 7, No. 3 (2008), <https://journals.aom.org/doi/abs/10.5465/amle.2008.34251670>.

<sup>5</sup> C. K. Lai et al., “Reducing Implicit Racial Preferences: II. Intervention Effectiveness Across Time,” *Journal of Experimental Psychology: General*, Vol. 145, No. 8 (2016), pp. 1001–1016, <https://doi.org/10.1037/xge0000179>.

<sup>6</sup> Heather Mac Donald, “The False ‘Science’ of Implicit Bias,” *The Wall Street Journal*, October 9, 2017, <https://www.wsj.com/articles/the-false-science-of-implicit-bias-1507590908>; Anthony G. Greenwald, Mahzarin R. Banaji, and Brian A. Nosek, “Statistically Small Effects of the Implicit Association Test Can Have Societally Large Effects,” *Journal of Personality and Social Psychology*, Vol. 108, No. 4 (2015), pp. 553–561, <https://faculty.washington.edu/agg/pdf/Greenwald,Banaji&Nosek.JPSP.2015.pdf>.

<sup>7</sup> Jena McGregor, “To Improve Diversity, Don’t Make People Go to Diversity Training. Really,” *The Washington Post*, July 1, 2016, <https://www.washingtonpost.com/news/on-leadership/wp/2016/07/01/to-improve-diversity-dont-make-people-go-to-diversity-training-really-2/>.

Jesse Singal asked in the *New York Times* “What if Diversity Training Is Doing More Harm than Good?” He wrote, “If diversity training has no impact whatsoever, that would mean that perhaps billions of dollars are being wasted annually in the United States on these efforts. But there’s a darker possibility: Some diversity initiatives might actually worsen the D.E.I. climates of the organizations that pay for them.”<sup>8</sup> Similar warnings can be found from the corporate consulting firm McKinsey & Company. and *Education Week*.<sup>9</sup> Singal cites research from Frank Dobbin and Alexandra Kalev that finds DEI trainings “can activate bias or spark a backlash” among participants.<sup>10</sup> Dobbin and Kalev write, “Trainers tell us that people often respond to compulsory courses with anger and resistance—and many participants actually report more animosity toward other groups afterward.”<sup>11</sup> Over and over again, social science research has found DEI trainings ineffective or even counterproductive.

Second, DEI activities and policies based on racial preferences often violate state and federal civil rights laws. In 2023, the U.S. Supreme Court ruled against the use of racial preferences in college admissions (*Students for Fair Admissions v. Harvard*), a mainstay of DEI departments on university campuses around the country.<sup>12</sup> Justices wrote, “Eliminating racial discrimination means eliminating all of it” and that “[r]acial discrimination [is] invidious in all contexts,” citing *Edmonson v. Leesville Concrete Co.*<sup>13</sup>

College officials around the country, however, defended the use of racial preferences in college admissions with administrators writing in support of these preferences.<sup>14</sup> Representatives at University of Washington-St. Louis, Davidson College, Oberlin, University of Michigan, and more, released statements following the *Students for Fair Admissions* ruling.<sup>15</sup> A still longer list of schools wrote briefs in support of racial preferences, including Barnard, Vassar, Amherst, Bates, Bucknell, and others.<sup>16</sup> Yet the High Court’s majority ruled against the use of racial quotas in school admissions decisions.

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<sup>8</sup> Jesse Singal, “What if Diversity Training Is Doing More Harm than Good?” *The New York Times*, January 17, 2023, <https://www.nytimes.com/2023/01/17/opinion/dei-trainings-effective.html>.

<sup>9</sup> Drew Goldstein, Sasha Goluskin, Holly Price, and Julia Sperling-Magro, “Don’t Train Your Employees on DEI. Build Their Capabilities,” McKinsey & Company, April 11, 2022, <https://www.mckinsey.com/capabilities/people-and-organizational-performance/our-insights/the-organization-blog/dont-train-your-employees-on-de-and-i-build-their-capabilities> and Sarah D. Sparks, “Training Bias Out of Teachers: Research Shows Little Promise So Far,” *Education Week*, November 17, 2020, <https://www.edweek.org/leadership/training-bias-out-of-teachers-research-shows-little-promise-so-far/2020/11>.

<sup>10</sup> Frank Dobbin and Alexandra Kalev, “Why Diversity Programs Fail,” *Harvard Business Review*, July-August 2016, <https://hbr.org/2016/07/why-diversity-programs-fail>.

<sup>11</sup> *Ibid.*

<sup>12</sup> *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, 600 U.S. \_\_\_\_ (2023).

<sup>13</sup> *Ibid.*; *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 619 (1991).

<sup>14</sup> Jonathan Butcher, *The Polarization Myth: America’s Surprising Consensus on Race, Schools, and Sex* (New York: Encounter Books, 2025), 37-40.

<sup>15</sup> *Ibid.*

<sup>16</sup> *Students for Fair Admissions, Inc. v. President and Fellows of Harvard College*, *Amici Curiae* available at [https://www.supremecourt.gov/DocketPDF/20/20-1199/232512/20220801174102841\\_20-1199%20and%2021-707\\_Brief%20of%20Amici%20Curiae%20Amherst%20et%20al%20Colleges%20and%20Bucknell%20et%20al%20Universities.pdf](https://www.supremecourt.gov/DocketPDF/20/20-1199/232512/20220801174102841_20-1199%20and%2021-707_Brief%20of%20Amici%20Curiae%20Amherst%20et%20al%20Colleges%20and%20Bucknell%20et%20al%20Universities.pdf).

Courts have also ruled against educators' use of racial quotas in school discipline. In *People Who Care v. Rockford Board of Education*, the 7<sup>th</sup> Circuit Court of Appeals wrote, "Racial disciplinary quotas violate equity in its root sense. They entail either systematically overpunishing the innocent or systematically underpunishing the guilty."<sup>17</sup>

States attorneys general have warned corporations against their use of racial quotas in hiring practices. Florida officials called for an investigation into Starbucks' hiring practices in 2024, and the attorneys general across 13 states wrote letters to the top 100 of the list of Fortune 500 companies warning them against the use of racial preferences in employment decisions.<sup>18</sup>

DEI is both ineffective at promoting tolerance and racial understanding and often violates state and federal civil rights laws. Your office is correct to require that recipients of federal funding align their operating policies with civil rights statutes and the 14<sup>th</sup> Amendment to the U.S. Constitution.

Sincerely,

Jonathan Butcher  
Acting Director for the Center for Education Policy and Will Skillman Senior  
Research Fellow at The Heritage Foundation

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<sup>17</sup> *People Who Care v. Rockford Board of Education*, 111 F.3d 528 (7<sup>th</sup> Cir. 1997).

<sup>18</sup> Jonathan Butcher, "Restoring Equality in Employment: Sinking the DEI Ship," Heritage Foundation Backgrounder No. 3875, November 27, 2024, <https://www.heritage.org/sites/default/files/2024-11/BG3875.pdf>.