

SACRIFICING EXCELLENCE FOR IDEOLOGY: THE REAL COST OF DEI

HEARING

BEFORE THE

SUBCOMMITTEE ON HEALTH CARE AND
FINANCIAL SERVICES

OF THE

COMMITTEE ON OVERSIGHT AND
GOVERNMENT REFORM

U.S. HOUSE OF REPRESENTATIVES

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WEDNESDAY, JUNE 25, 2025

U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEE ON HEALTH CARE AND FINANCIAL SERVICES.
Washington, D.C.

The Subcommittee met, pursuant to notice, at 10:03 a.m., in room 2247, Rayburn House Office Building, Hon. Glenn Grothman [Chairman of the Subcommittee] presiding.

Present: Representatives Grothman, Gosar, McGuire, Gill, Krishnamoorthi, Randall, Bell, and Simon.

Mr. GROTHMAN. Okay. Thank you, first of all. The Committee will come to order.

Okay. Without objection, the Chair may declare a recess at any time.

OPENING STATEMENT OF CHAIRMAN GLENN GROTHMAN REPRESENTATIVE FROM WISCONSIN

Mr. GROTHMAN. I recognize myself for the purposes of making an opening statement, but before I do that, just a little bit of house cleaning. I am going to ask that Congresswoman Beth Van Duyne and Congressman Scott Perry be allowed to sit in here, and they both expressed an interest in showing up, and, of course, the more, the merrier.

Okay. Now welcome to the Subcommittee on Health Care and Financial Services. Today's hearing will focus on the destructive diversity, equity, and inclusion, or DEI, policies that radical Democrats have tried to insert in American institutions, and really going back a little bit more than that, all the way back to affirmative action and the executive order put into place by President Johnson in 1965. I think it is important we all understand the effect and the scope of these policies have had on American life in the last 60 years.

On September 24, 1965—we got to remember to celebrate that anniversary—almost 60 years ago, Lyndon Johnson signed Executive Order 11246, which mandated affirmative action programs and policies which facilitated discrimination. In 1965, minority groups had faced a generation of despicable and repugnant discrimination, though I know individual universities who were already practicing affirmative action ten years before that. I know Princeton was practicing it in 1955. At the time, these nascent DEI policies were

nobly aimed at reversing that harm. Unfortunately, even well-intentioned bad policy is still bad policy. Discrimination should never be fought with more discrimination. That is exactly what affirmative action and DEI policies have done.

Over the last 60 years, these policies have infiltrated nearly every type of institution in America, including higher education, corporate workplaces, the military, and more. In my opinion, it really has not been gradual over the last 60 years. I think if you look back even in the 1970s, the 1960s, these policies were around. These policies divide Americans by putting them all in groups and educating people that they should not view themselves as an individual, they should view themselves as a group, which is why I think people who want to destroy America are so in favor of them. Categories, I might add, these arbitrary categories, are entirely self-reported.

Rather than focusing on the whole of somebody's circumstances, DEI assumes that anyone who checks a box faces a certain racist disadvantage. Of course, we do not want to be a society where we go back and try to give preferences based on other factors as well. On President Biden's first day in office, he signed an executive order to promote DEI in Federal employment. This order went further than any before by expanding racial divisions, including immigrants. Thankfully, President Trump rescinded this executive order and decades of executive orders that preceded it.

Let us be clear about what DEI is. It is a deliberate and explicit choice to put ideology over excellence. To deny admission of highly qualified students, to accept students with lower scores to fill in the box, right, is un-American, and, like I said, encourages divisiveness. To award government contracts to minority-owned companies over companies with better bids, this is spelled out plainly in the "E" of DEI. Under DEI, equity means ensuring equal outcomes. I think it is beyond Marxism, though. You are trying to destroy America by doing to America what they do in other countries in trying to set one ethnic group against another ethnic group. You know, you think of Canada, the French against the English. You think of Middle Eastern countries, the Shiites against the Sunnis, what have you. That is what they are trying to do in this country.

Fortunately, despite the Democrats' best efforts, the courts have been opposed to this sort of thing. The Civil Rights Act protects everyone. Earlier this month, the Supreme Court rejected a lower court's requirement that members of majority groups must meet a certain higher standard to win discrimination cases against their employers. By the way, the case was unanimously decided. Even Justice Jackson authored the majority opinion. In 2023, the Supreme Court ended race-based admission programs at colleges and universities, finding that that considering race as a factor in admissions violated the Fourteenth Amendment of the Equal Protection Clause and Title VI of the Civil Rights Act.

The Trump Administration has launched a wide-reaching effort to eliminate DEI, including revoking LBJ's 1965 executive order. These steps are critical, but there is more work to be done. Above all, we have to educate the American public what has been going on in this country in the last 60 years. Hopefully, the hearing will provide us with an opportunity to discuss this important topic and

consider possible reforms to fortify American meritocracy and excellence, and above all, have reforms that do not continue with this policy of what I believe is intentionally trying to set one group of Americans against another.

I yield to my Ranking Member Krishnamoorthi for his opening statement.

**OPENING STATEMENT OF RANKING MEMBER
RAJA KRISHNAMOORTHY, REPRESENTATIVE FROM ILLINOIS**

Mr. KRISHNAMOORTHY. Mr. Chair, thank you, and thank you for convening this hearing. Despite this being the Health Care and Financial Services Subcommittee of the Oversight Committee, I am disappointed that the words “healthcare,” “financial services,” and “oversight” do not appear anywhere in today’s hearing topic. Rather than conducting real oversight into the damage being done to our Nation’s healthcare systems, this Subcommittee is once again failing to meet the moment. I can understand the Majority’s desire to change the subject. If I had to defend the Big Beautiful Bill, or what I call the Large Lousy Law, I would be looking for a distraction as well. It is easier to deflect than to face the truth. This Large Lousy Law is cutting at least \$625 billion from Medicaid, leaving millions without access to healthcare. It is taking food from children through cuts to SNAP. It is forcing thousands of veterans out of their homes by slashing affordable housing assistance, and not to mention this bill adds so much to the Nation’s debt that CBO, the Congressional Budget Office, says the bill may trigger \$500 billion in automatic cuts to Medicare in addition to the cuts that are happening to Medicaid.

It is no surprise that with the Senate Republicans making even deeper cuts to Medicaid in their version of what I call the Large Lousy Law, this Subcommittee is trying even harder to change the subject, holding a hearing not about healthcare, but how great it would be to pit Americans against each other and go after the concept of diversity. The Majority believes diversity is a barrier to excellence, but I believe that it is, in fact, the key to achieving excellence in America. Diversity means lowering the barrier so everyone can compete. When we have competition, America benefits. Diversity means we have more competition in our work force so our employers can perform better. It means more opportunities for small businesses. It means higher quality products and services, and ultimately, it means lower prices.

From consumers to taxpayers to employers, everyone wins when we expand opportunity and lower barriers to competition. This is not theory, it is proven. Studies from across the political spectrum back it up. Indeed.com, the Nation’s largest online recruiter, found that diverse teams make faster, better decisions. *McKinsey* reported that companies with more women in leadership are significantly more likely to outperform companies with fewer women in leadership. *Forbes* found that diverse workplaces are essential to retaining top talent. Diversity means not giving someone an unfair head start and making sure ultimately that the race is not rigged.

When I first ran for office in Illinois, I said my name is Raja Krishnamoorthi and instead was called Roger Christian Murphy. A tee shirt with that name now hangs in my office. Yes, it is funny,

but it is also a pointed reminder that the whole point of diversity is that Raja Krishnamoorthi does not have to be Roger Christian Murphy in order to get ahead. Real competition and true opportunity drive economic success. That is why it is no accident that Illinois is one of just 13 states that sends more tax dollars to Washington than it receives in services. Illinois does this by fostering diverse talent, and it invests in having the broadest opportunities for everyone. Those investments mean that Illinois ranks near the top nationally in economic performance, education, and quality of life, and Illinois is an engine of America's economy. Diversity is one of its drivers. There is no reverse gear for prosperity, and I will not go back to the days when the American Dream was reserved merely for the privileged few. Thank you, and I yield back.

Mr. GROTHMAN. Okay. I am pleased today to welcome our witnesses, Dan Lennington, Erec Smith, Judge Glock, and Shaun Harper. Dan Lennington is managing vice president and Deputy Counsel at the Wisconsin Institute for Law & Liberty. Erec Smith is a research fellow at the Cato Institute. Judge Glock is the Director of Research and Senior Fellow at the Manhattan Institute, and Shaun Harper is provost Professor of Public Policy, Business, and Education at the University of Southern California. We look forward to hearing what you have to say on today's important topic.

Pursuant to Committee Rule 9(g), the witnesses will please stand and raise their right hand.

Do you solemnly swear or affirm that the testimony that you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Mr. GROTHMAN. The record will show that the witnesses all answered in the affirmative, so we are going to get nothing but the facts today. Thank you, and you may take a seat. Okay. I appreciate you being here today.

Let me remind the witnesses that we have read your written statement and it will appear in full in the hearing record. Please limit your oral statement to 5 minutes.

As a reminder, please press the button on the microphone in front of you so that it is on and the Members can hear you. When you begin to speak, the light in front of you will turn green. After 4 minutes, the light will turn yellow, which means you have got a minute to go. When the red light comes on, your 5 minutes have expired, and I ask you to wrap up as quickly as possible. We will start with Dan Lennington for your opening statement.

**STATEMENT OF DAN LENNINGTON
MANAGING VICE PRESIDENT AND DEPUTY COUNSEL
WISCONSIN INSTITUTE FOR LAW & LIBERTY**

Mr. LENNINGTON. Thank you, Members of the Subcommittee, for inviting me here to testify. A few weeks ago, the U.S. Supreme Court unanimously held that Federal civil rights laws apply to all Americans equally. The law of the land is color blind. Diversity, equity, and inclusion, or DEI, stands in direct contrast to this legal principle. DEI treats individuals as members of racial groups and then aims to even out the outcomes through racial balancing, a practice the U.S. Supreme Court has repeatedly deemed unlawful.

This morning, I would like to emphasize two points briefly. First, DEI hurts real Americans every day, and second, DEI is, in fact, illegal. At the Wisconsin Institute for Law & Liberty, we have represented over 80 clients from 25 states who have been harmed by discriminatory DEI policies. We have filed lawsuits, including six against the Biden Administration and one recent lawsuit against the Trump Administration, to protect Americans from these harmful DEI policies. Programs we have successfully challenged include grant programs, investment vehicles, educational policies, government programs that discriminate against many Americans based on race.

DEI in the workplace is particularly harmful. Many victims suffer in silence, fearing retaliation or job loss. For instance, an employee at a Fortune 500 company recently told us he was excluded from a fast-track promotion program because he is White. A different employee told us about a policy that rewards managers for meeting race-based hiring goals. These are not isolated anecdotes. A 2023 Pew study found that over half of American workers encounter discriminatory DEI policies every day at work. *McKinsey & Company* estimates that DEI spending will hit \$15 billion by 2026. Beyond workplaces, corporations like Microsoft, Amazon, BMO Harris Bank run race-based programs for their customers and suppliers. Hospitals and health systems, like Johns Hopkins and Cleveland Clinic, have prioritized race in patient care, employment, or contracting, and the Federal Government still runs dozens of race-based programs even to this day, under the guise of helping “socially disadvantaged individuals,” a designation that several courts have held is illegal race discrimination.

DEI is, in practice, illegal. In 2023, the U.S. Supreme Court outlawed affirmative action because it violates five separate rules just like DEI. First, diversity and racial balancing are never lawful reasons to discriminate based on race. Second, racial categories, like “Asian” or “Hispanic,” are simply too vague to enforce and sometimes overbroad or underinclusive to permit any racial distinctions. Third, race can never be used as a negative, favoring one race over another. Fourth, race can never be used as a stereotype, such as encouraging racial diversity as an end in and of itself. And fifth, any race-based remedy, if it is permitted at all, has to be temporary. DEI runs afoul of all these rules and hurts Americans every day.

Congress should lead by example by reforming Federal law to root out all benefits and preferences for “socially disadvantaged individuals”. In our recent “Roadmap To Equality” report, we identified dozens of such race-based programs currently enshrined in Federal law. Additionally, Congress should provide more funding to support those Federal agencies that enforce our civil rights, such as the EEOC and the Department of Justice.

To end, I would like to briefly quote one of our clients, Colby Decker, a mom from Green Bay, Wisconsin, whose son could not get help at school for dyslexia simply because he is White. Mrs. Decker told me, “As a mother, it is heartbreaking to see countless children directly and mercilessly impacted by DEI.” These are not victimless policies and practices. Indeed, DEI is not victimless. Penalizing individuals to “make up” for past discrimination is wrong.

As the Supreme Court wrote in *Brown v. Board of Education*, treating people differently based on race “generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.” Thank you, and I look forward to your questions.

Mr. GROTHMAN. Dr. Smith.

**STATEMENT OF DR. EREC SMITH, PH.D.
RESEARCH FELLOW, CATO INSTITUTE**

Dr. SMITH. Chairman Grothman, Ranking Member Krishnamoorthi, and Members of the Committee, thank you for the opportunity to speak today. My name is Dr. Erec Smith. I am a former professor and current research fellow at the Cato Institute, and I am also the president of Free Black Thought, a nonprofit dedicated to viewpoint diversity and academic freedom, particularly in discussions surrounding race and education. I come before you today with deep concern about how diversity, equity, and inclusion, commonly known as DEI, has evolved, or rather devolved, in our institutions of higher learning. What began as a call for fairness has transformed into a sprawling ideology that undermines academic rigor, weakens individual accountability, and consumes public and student resources. In many cases, it replaces education with political conditioning.

Let me be clear: I support racial equality and inclusion in principle, but too many of today’s DEI practices are rooted in a framework drawn from Marxist critical theory, typically critical social justice, and postmodern thought. These programs promote the idea that all disparities result from systemic oppression and that institutions must be re-engineered along lines of race, gender, and identity. This framework rejects principles like merit and equal treatment, and instead replaces them with a primacy of identity and identity-based power dynamics. Thus, when most critics go after DEI, they are not going after racial equality and inclusion in principle. They are going after their opposites disguised as justice. This ideology has consequences. In my own academic career, I have seen how the rise of DEI has undermined meritocracy and discouraged open dialog. When I questioned the efficacy of some certain ideas and tenets, I was labeled a White supremacist. I will give people time to wrap that around your mind. Okay, good. When I questioned the efficacy of certain ideas and tenets, White supremacy was what was associated with me.

My experience is not unique. Universities are increasingly rewarding ideological conformity and penalizing dissent, even when that dissent is rooted in rigorous evidence-based argumentation. Now, many studies highlight DEI’s apparent benefits. Many others, however, challenge its core claims, such as its role in reducing harm, preventing violence, or aiding recovery. Research increasingly shows that DEI training often fails to reduce harm and may even exacerbate it. A fair comparison of the evidence on both sides is long overdue.

Meanwhile, students are paying the price. DEI promotes the notion that minority students are too fragile for challenging ideas, which weakens resilience and hinders intellectual growth. Many now graduate with little improvement in critical thinking and writ-

ing skills—writing skills, which are sometimes dismissed as inherently White, and, therefore, racist to expect from minority students. I will pause again and let you wrap your minds around that. Even the Smithsonian’s National Museum of African American History & Culture once echoed this view. Undermining the very traits that foster success, this is not empowerment. This is educational malpractice.

Perhaps most troubling for this Committee is that DEI has become a publicly funded industry. Universities often use Federal student loans and grants to fund DEI initiatives that have very little to do with actual education. DEI bureaucracies are self-reinforcing. The more they declare society to be systemically racist, the more positions and programs they claim are necessary to fix it. This alone does not prove ill will, but it does create a feedback loop that diverts taxpayer dollars and tuition revenue away from instruction, research, and student support. The actual amount of the funding is irrelevant. The money could be better put to use. Yes, some DEI proponents say they do not abide by this detrimental ideology and create initiatives more aligned with classical liberal values, but where were they when detrimental ideologies were ruining lives, demonizing critical thinking and inquiry, and pushing a narrative of doom and gloom for minorities? In this scenario, silence is indeed consent.

In sum, DEI has ceased to be a tool for fairness. It is now a mechanism for ideological control, bureaucratic expansion, and fiscal inefficiency. It undermines academic integrity, penalizes viewpoint diversity, and shortchanges the very students it claims to uplift. Let us find a better way. Thank you.

Mr. GROTHMAN. Thank you very much. Dr. Glock.

**STATEMENT OF DR. JUDGE GLOCK, PH.D.
DIRECTOR OF RESEARCH AND SENIOR FELLOW
MANHATTAN INSTITUTE**

Dr. GLOCK. Chairman Grothman, Ranking Member Krishnamoorthi, and distinguished Members of the Subcommittee, thank you very much for the opportunity to testify on DEI, in particular on the topic of race and sex-based contracting. Although it does not receive the attention of other so-called diversity, equity, and inclusion programs, the Federal Government’s programs to award contracts to businesses based on the owner’s race and sex are probably the most expensive by an order of magnitude.

Last year, the Federal Government spent over \$750 billion on contracts involving everything from Army tanks to office software, and its grants to state and local governments supported contracts involving everything from energy infrastructure to highways. Yet for years, Federal laws and regulations have demanded that significant portions of contracts at all levels of government go to businesses based not upon those contracts’ quality or cost, but on the race and sex of business owners. The Biden Administration actually had a goal to require up to 15 percent of all Federal contracts to go to so-called disadvantaged businesses. We now know that these minority contracting programs cost taxpayers tens of billions of dollars a year, degrade our infrastructure and national defense,

encourage corruption, and do nothing to help the truly disadvantaged. Congress should end them as soon as possible.

There are two main race contracting programs, one the 8(a) program, which gives preferences to so-called disadvantaged businesses in Federal contracting, and the Disadvantaged Business Enterprise Program, which gives preferences to minority- and women-owned firms in programs funded by the Federal Government. Contracting officers are required to give certain proportions of all their contracts to these firms or require subcontracting to them. Given that tens of billions of dollars are at stake based not on contract price or quality, but on the race and sex of business owners, it should not be surprising that many otherwise non-qualifying businesses seek to take advantage of these. A Department of Transportation Inspector General report found that over a third of its active fraud cases involved disadvantaged business enterprise fraud over the previous five years, and in those cases, the Department of Transportation recovered hundreds of millions of dollars in financial penalties. A Small Business Administration report found that 20 of the 25 8(a) disadvantaged firms they reviewed, which included 15 of the largest 8(a) contractors, 20 of them should not have been in the program.

Stories of minority contracting fraud are shockingly common. Just last month, the U.S. Supreme Court decided a fraud case involving two companies that used a fake passthrough firm to meet disadvantaged targets, with the passthrough firm taking a significant fee and performing no work, which is a very regular tendency in these contracting programs. Just this month, the Department of Justice secured four guilty pleas involving bribery by an 8(a) firm of a United States Agency for International Development (USAID) official to secure over \$550 million in contracts. There was a recent even more egregious case involving an individual who, although considered socially and economically disadvantaged, according to the filed complaint, was living in a 14,000 square foot waterfront mansion that was featured on HGTV'S *Extreme Houses*—or *Extreme Homes*, excuse me for missing the term of the TV show.

There is solid academic evidence that these programs are costly. A well-regarded paper from 2009 looked at what happened when California banned consideration of race and sex in contracting. The author found the cost of state-funded highways fell about 5-and-a-half percent relative to federally funded projects. A working paper from last year found that disadvantaged business set-asides increases cost overruns by about a third and delays by about nine percent. There have been some welcome developments in the field of minority contract, including changes in the courts and the executive branch, some of which my fellow witnesses have mentioned. Unfortunately, much of these contracting programs will continue without further action from Congress.

A district court recently said that businesses can no longer be presumed eligible for the 8(a) program based on their owner's race, but soon after the decision, the Small Business Administration requested current and potential 8(a) businesses to write what they called social disadvantaged narratives to receive admittance to the program. It now recommends applicants for this contracting program describe how their race, ethnic origin, sexual orientation, or

other so-called identities and characteristics have caused them to suffer discrimination and made them disadvantaged and eligible. It seems the Federal Government is now awarding large defense and infrastructure contracts based on essays about putative social slights, which would strike most Americans as absurd.

American taxpayers deserve the best deal possible, which means the core of contracting with the Federal Government should always be price and quality. Preferences for already successful businesses based on their owner's race or sex are unconstitutional, expensive, and detrimental to the core functions of government. They should be removed from all levels of government as quickly as possible. Thank you.

Mr. GROTHMAN. Thank you. Now, I will go on to Shaun Harper for his opening statement.

**STATEMENT OF DR. SHAUN HARPER, PH.D.
(MINORITY WITNESS), PROVOST PROFESSOR OF
PUBLIC POLICY, BUSINESS, AND EDUCATION
UNIVERSITY OF SOUTHERN CALIFORNIA**

Dr. HARPER. Thanks for inviting me. I am a tenured professor in three academic schools at the University of Southern California, but I am not here today as a spokesperson for my institution. America owes the enslaved Africans who built the White House and the U.S. Capitol Building. Neither they nor family members of theirs and subsequent generations were rightly compensated for those magnificent contributions or for centuries of additional unpaid labor.

America owes the women who have never received equal pay for their performance of equal work. It owes employees who were sexually harassed and abused in their workplaces, especially those who never received legal or financial remedies. It owes extraordinarily talented service members of color who were unfairly passed over for promotions in our Nation's military. It owes extraordinarily talented people with disabilities who never received the accommodations that would have enabled them to advance in their careers, and it owes extraordinarily talented professionals who never got a real shot at earning their way to the top in their workplaces because of their weight, accents, last names, sexual orientations, or skin color.

DEI policies and programs aim to redress these and myriad other longstanding realities. Opponents often critique DEI plans that they have never read. They make unsubstantiated generalizations about DEI experiences in which they have not participated. I furnish several examples of this in my written testimony. One such overestimation and overstatement is that White employees are being most routinely discriminated against in their workplaces. Here are the facts. Seventy-two percent of employees in leadership roles at colleges and universities are White. Cumulatively across all industries, 77-percent of managers are White. Eighty-four percent of C-suite executives in Fortune 100 companies are White. Eighty-seven percent of Fortune 500 CEOs are White. Ninety-four percent of U.S. Governors are White. Seventy-three percent of the current U.S. Congress is comprised of White Members. All but one President of the United States of America has been White. Put sim-

ply, there is insufficient evidence to confirm that highly qualified, White professionals, especially men, are being systematically passed over for leadership roles on the basis of their race. There is even less evidence that DEI policies and programs are responsible for racial discrimination against them or anyone else.

Opponents also exaggerate the amount of time and money spent on DEI activities. At U.S. Defense Secretary Pete Hegseth's confirmation hearing, Indiana senator, Jim Banks, claimed that the Defense Department spent over five million hours on counterextremism and diversity training during the first year of Joe Biden's presidency. Banks did not disentangle counterextremism from DEI activities. Surely, they are not the same. Rhode Island senator, Jack Reed, pointed out that the estimated 5.9 million hours devoted to DEI were out of more than two billion hours that the Defense Department devoted to all training activities during that same year. That means that less than .3 percent of training time was spent on DEI. Notwithstanding, Hegseth went on to say that as Defense Secretary, he would "send a clear message that this is not a time for equity."

It is essential for Secretary Hegseth, the Trump Administration, and all other citizens to understand the real cost of inequity to our country. Here are the real costs that too many Americans pay with their lives. Infant mortality, maternal mortality, diabetes, asthma, COVID-19, heart attacks, strokes, AIDS-related illnesses, and most forms of cancer disproportionately kill Americans of color. Analysis presented in a highly cited W.K. Kellogg Foundation report revealed that closing racial gaps in health, education, and employment would increase America's GDP by \$8 trillion. On their own, health disparities in the United States annually produce \$93 billion in excess medical costs and \$42 billion in lowered productivity according to that same Kellogg Foundation report. Additionally, the economic impact of shortened life spans among people of color is \$175 billion. Now, those are the real cause. Thank you.

Mr. GROTHMAN. Okay. Now, we will begin to open it up for questions, and I will call upon myself first.

Mr. LENNINGTON, I would like to have you give us a little bit of a background of what some people call affirmative action. As I understood, it began in 1965, Lyndon Johnson, and since that time, our Nation has shifted more and more in that direction. First of all, I think it was supposed to be a race thing, but at what time did people from south of the border wind up getting added to the mix? At what time did women get added to the mix? And do these policies result, as a practical matter, in American businesses discriminating by sex or race?

Mr. LENNINGTON. I think that is a fair estimation. What I would say is, you know, the first thing to remember is that the Civil Rights Act of 1964 was passed in July 1964. There was an election in November 1964, and every single person who voted for that law was reelected. It was very popular among the American people, and one of the reasons why is because the law was itself colorblind. There was actually a provision at the end of Title VII that says that nothing in this law should be read to encourage the development of quotas or goals. But after that election, President Johnson did go on to establish this Executive Order 11246, which estab-

lished affirmative action with some teeth, which meant that goals were going to be then enforced by the Federal Government. And so, Federal contractors were encouraged to set aside businesses for minorities under something called the Philadelphia Plan that was later expanded greatly by President Nixon under his Secretary of Labor, George Shultz, and then basically ratified by the U.S. Supreme Court in a couple of decisions, *Bakke* and *Weber*, saying that it is okay to take race into account when you are establishing benefits and burdens. So, based on—

Mr. GROTHMAN. Could you describe what you mean by race at the time? I believe President Biden recently added people from North Africa, Middle Eastern. You know, when it began, were you just talking about Black? Were you talking about Hispanic? Were you talking about Asian? At what time were these different groups added, and at what time were women added to the mix?

Mr. LENNINGTON. So, the women were a few years after the original affirmative action order was issued, but then, in the 1970s, the OMB came up with this Directive 15, which establishes racial categories that we actually live with today, which broadly defines “Asian,” but irrationally also defines “Asian” to exclude many people who are from Asia. For example, someone from Afghanistan is not considered Asian under the Federal law. Someone from the Middle East is not considered Asian. People from North Africa are considered White. So, people from, you know, different parts of the world are labeled other things. You know, Hispanics are people who only derive from Spanish-speaking countries.

Mr. GROTHMAN. If I am, say, of German descent, but my ancestors spent a few generations in Uruguay, am I considered Hispanic or am I considered European?

Mr. LENNINGTON. These are difficult questions, and I think, right now, you would be considered South American or Latino or Hispanic, depending on which Federal law you are actually looking at. A lot of these Federal laws contradict each other in who is in and who is out.

Mr. GROTHMAN. Right. If I am one-quarter Mexican and three-quarters Irish or something in ancestry, and by Mexican, I mean—

Mr. LENNINGTON. Hispanic.

Mr. GROTHMAN. Even not Hispanic because Hispanic, as you just mentioned, covers people of European descent who came here from Cuba, say. Like I said, if one-quarter of my ancestry is from Uruguay and three-quarters is from Ireland, am I considered a minority for purposes of this law?

Mr. LENNINGTON. It is presently interpreted as self-identification. So, if you identify as that race, you get the benefits under the current Federal law, so it is not a blood quantum sort of process that they go through. They ask you how you identify.

Mr. GROTHMAN. You are talking about people who are at a disadvantage. If my father is a billionaire but my ancestry is Latin American, am I considered disadvantaged?

Mr. LENNINGTON. Yes. One interesting point. We just won a case against the Minority Business Development Agency, and the judge in that case said that under Federal law, Oprah Winfrey is disadvantaged.

Mr. GROTHMAN. Right. So, is there any reason for this other than that you want to divide Americans? If we are really looking at disadvantaged, I can have a life of hell, but since my ancestors are from Europe, I am not disadvantaged. You know what I mean?

Mr. LENNINGTON. We can decide who is disadvantaged in this country by asking them. Under Medicaid, you can get on the Medicaid rolls by establishing your individual need. There is no reason to assume someone is disadvantaged just by the color of their skin, which is what Federal law does in many, many programs right now.

Mr. GROTHMAN. Okay. I will maybe come back to myself later. Mr. Krishnamoorthi.

Mr. KRISHNAMOORTHY. Thank you, Mr. Chair. In the name of expunging DEI, the Trump Administration has lurched from the farcical to the cruel in its effort to rewrite history, including, for instance, threatening to remove Emmett Till's monument to even deleting references to the historic and heroic Tuskegee Airmen. These actions are wrong but do not compete in cruelty with the ending of a suicide hotline for lesbian, gay, bisexual, transgender, and queer/questioning (LGBTQ) youth, which I just want to go into very briefly.

Mr. Lennington, in the Trump Administration, CDC in this report found that suicide risk is around four times higher for LGBTQ youth compared to their peers. You do not dispute that these are the Trump CDC's findings from 2020, correct?

Mr. LENNINGTON. I cannot see what you are holding up, but are you talking about the Trevor Project? Is the—

Mr. KRISHNAMOORTHY. No, I am talking about the CDC.

Mr. LENNINGTON. Okay. No, I do not know what that is.

Mr. KRISHNAMOORTHY. Okay. In 2018, Republican Senator Orrin Hatch said, "It is a tragedy that in the United States suicide is a leading cause of death among young people, and more tragic is the fact that LGBTQ youth are especially vulnerable." You do not dispute that that is what Senator Hatch said, correct, Mr. Lennington?

Mr. LENNINGTON. I am not aware of what he said at all.

Mr. KRISHNAMOORTHY. And in 2019, Democrats and Republicans came together to pass the National Suicide Hotline Designation Act, which was signed into law by President Trump, and, Dr. Harper, you do not dispute that President Trump signed that into law?

Dr. HARPER. I do not dispute that.

Mr. KRISHNAMOORTHY. This May, so just a month ago, Republican Representatives Lawler and Kim wrote that this dedicated LGBTQ hotline has received over 1.3 million calls and texts. They go on to say in their letter, "Eliminating these support systems would be a devastating setback for youth already at elevated risk." You do not dispute that my Republican colleagues said this, do you, Mr. Lennington?

Mr. LENNINGTON. I am not aware of anything to do with the suicide hotline.

Mr. KRISHNAMOORTHY. And that is the problem, a lack of awareness. The fact that we are expunging an LGBTQ youth suicide hotline in the name of expunging DEI is precisely why this crusade is so misguided.

Let me go to my next topic. The Trump Administration is eliminating DEI programs to ensure “equality for everybody.” That supposed equality has also translated into ending programs that have helped working people get ahead, leaving everybody equally a lot worse off. Dr. Harper, the California Medical Association reported that the Republican Senate reconciliation proposal will slash Medicaid by \$900 billion. You do not dispute they found that, right?

Dr. HARPER. I do not.

Mr. KRISHNAMOORTHY. The House reconciliation bill will lead to at least 16 million people losing their health insurance. The Senate plan will be worse. Within this estimation, the Kaiser Family Foundation (KFF) reports that 1.3 million Medicare beneficiaries will lose their Medicaid coverage. You do not dispute they found that, right?

Dr. HARPER. I do not, and it will disproportionately affect people of color.

Mr. KRISHNAMOORTHY. Crain’s Chicago Business reported that this proposed slashing of Medicaid will leave at least eight hospitals to immediately close their doors in Illinois and potentially hundreds of hospitals across the country to do the same. Again, that is what this Large Lousy Law is about to do, and we are talking about eliminating DEI programs all day around here.

Last topic. The title of this hearing is “Sacrificing Excellence for Ideology: The Real Cost of DEI.” I would like to discuss some of the excellence within the Trump Administration. Mr. Lennington, the AP reports that Defense Secretary Pete Hegseth is being investigated for accidentally sharing potentially classified information with the Atlantic’s editor-in-chief. You do not dispute this report, right?

Mr. LENNINGTON. No.

Mr. KRISHNAMOORTHY. *ProPublica* reported that President Trump appointed a 22-year-old to oversee the government’s main hub for terrorism prevention. His only qualification? Having served as the secretary general of a Model U.N. club. You do not dispute that *ProPublica* reported this, Dr. Harper, do you?

Dr. HARPER. I do not.

Mr. KRISHNAMOORTHY. I have an interesting picture of this gentleman as well, which I will show you in a second. Oh, actually, he is here, this guy. Additionally, *The New York Times* reported that the President’s Health and Human Services Secretary, Robert F. Kennedy, Jr., has promoted numerous unproven conspiracy theories. He claims HIV does not cause AIDS, that fluoride is a neurotoxin, and Wi-Fi causes cancer. You do not dispute these reports, do you, Dr. Smith?

[No response.]

Mr. KRISHNAMOORTHY. In 2023, Mr. Lennington, you wrote in an article titled, “Re-nominating Trump could cause a dangerous chain reaction,” that, “Republicans may want to think about nominating someone else.” To end on a positive note, I agree wholeheartedly with you. Thank you.

Mr. LENNINGTON. Thank you.

Mr. GROTHMAN. Okay. Mr. Gosar.

Mr. GOSAR. Well, thank you, Chairman Grothman. DEI might as well be renamed DIE, because that is where all good things go to

die. Under DEI, no longer are skills valued because it forces people to judge a man based on the color of his skin rather than content of his character. We are all created unique, men and women, in God's image, each with unique talents. In the 117th Congress, I introduced the MERIT Act to prohibit government hiring and contracting based on affirmative action. I invite all my colleagues on this dais to join me and to co-sponsor this bill.

In healthcare, do you want a doctor or a dentist like me or a nurse based on my skin color or based on my qualifications? By promoting DEI in schools, you are teaching students to see color in their classmates before virtues. Now, I am not denying that discrimination does not exist in this world. It does. But DEI and affirmative action have historically failed to protect Americans. You guys cannot keep repeating these same mistakes because it is called insanity. Dr. Smith, would you agree that modern DEI originated with the affirmative action?

Dr. SMITH. Modern DEI did not originate with 1964 Civil Rights Act. That definition of affirmative action meant a prohibition of discriminating based on race and denying resources to people of color. Later on, through case law, it became a quota system, so it started out with great intentions, but it has devolved substantially.

Mr. GOSAR. Okay. For example, I have a bill to terminate Affirmatively Furthering Fair Housing Initiative or DEI mandates in local planning and zoning decisions. Mr. Lennington, anyone who is complicit in promoting DEI is violating the civil rights. As an attorney, what are the consequences of violating the Civil Rights Act?

Mr. LENNINGTON. Well, if you are an employer, you can be held liable in court for damages, and under Federal civil rights law, you can be held liable for punitive damages, too, so there are severe consequences. Also, if you are a Federal contractor, you can have your Federal money taken away, or if you are a Federal grant recipient, you can have your Federal money taken away. So, there are very harsh consequences to discriminating based on race, and everybody who does discriminate based on race should be punished.

Mr. GOSAR. So, should these DEI pushing companies and schools be pursued for violating the Civil Rights Act?

Mr. LENNINGTON. Yes, I think they are. Actually, right now, under the Civil Fraud Initiative at the U.S. Department of Justice, they are actively investigating U.S. companies. We have filed a complaint against Amazon a few weeks ago for running something called the Black Business Accelerator. Lockheed Martin was just brought up in the news over denying bonuses to employees based on race. That is a major Federal contractor. And so, yes, the agenda of the Trump Administration is to investigate and root out DEI in Federal grant recipients and Federal contractors.

Mr. GOSAR. So, you mentioned in your testimony that victims of DEI discrimination often suffer in silence for fear of retaliation. In your opinion, do DEI policies make a mockery of real discrimination cases like those against pregnant women in the workplace, for example, or individuals with disabilities?

Mr. LENNINGTON. Yes, it does. It does not help the people who need help. If people have been the victims of race discrimination, we should punish the offender and provide a remedy to the victim of race discrimination. Taking a job away from an unaffiliated

White male and giving it to someone else does not cure the discrimination. It just pushes the discrimination onto someone else.

Mr. GOSAR. Dr. Glock, will Federal costs decrease if DEI is truly abolished across the Federal Government?

Dr. GLOCK. Absolutely.

Mr. GOSAR. What happens if we do not stop this madness now? What are the dangers of a prolonged DEI policies?

Dr. GLOCK. Well, we will see continued high costs in defense and infrastructure contracting. We will see increased delays. We will continue to see corruption. We will continue to see more cost overruns on government projects and poor projects in general because they are selected not on price and quality, but on race and sex.

Mr. GOSAR. There is really no shortage of dangers because how infected both the public and private sectors are with DEI. We are talking about compromising healthcare outcomes, defense force and readiness, and infrastructure construction. And I just got one last question. Where does Native Americans fit in this thing, Dr. Glock?

Dr. GLOCK. There is significant contracting benefits for some Native Americans and some Native-American tribes, but there has been a lot of evidence that, of course, the actual beneficiaries, they are a small group of owners, and the benefits rarely flow down to the actual disadvantaged Native Americans.

Mr. GOSAR. Thank you. I yield back.

Mr. GROTHMAN. Thank you. Ms. Randall? Oh, she is not here. Mr. Bell.

Mr. BELL. Thank you, Mr. Chair, Ranking Member, for our witnesses for being here today.

The terms “diversity,” “equity,” and “inclusion,” or DEI, have been thrown around today as if we are speaking on some looming threat to America, as if DEI has some hockey mask on, committing heinous crimes in our communities, and destroying our work force and gutting our economy, and to Mr. Chairman’s point, we did our DNA in our family. We got a little Irish in us, too, but it was not voluntary. And so, I am going to take this from a little bit of a different angle or perspective and speak on the history and impact or the lack of protections for diversity initiatives

So, why they came about in the first place, because it seems really convenient that you all are kind of missing that whole point of where we came from, and so let us be real where it came from: racism, right? And this country that we all love has a history of racism: racism toward the very individuals that make up our diversity, racism toward those striving for an equitable society and an inclusive America because inclusion, that part of the DEI, that just means everybody. That means White folks, Black folks, Brown folks, everybody. So, racism did not begin with one man on Pennsylvania Avenue, although he kind of leans into it a little bit, in my opinion, but instead has been embedded in our very creation as a Nation.

So, some of you may be naive to think that the trails of racism that have plagued our Nation ended when Black soldiers were able to give their lives in the Civil War or with the signing of the Emancipation Proclamation. But even in the 1860s, Black American veterans returned home not to honor and reward, but to terror and violence, denied pensions, denied land, lynched, terrorized. This is

the grim reality of Black history in America, and that is intertwined today as we see Black families face ongoing struggles. My grandfather's grandfather was a slave. Like, that is not that long ago.

And so, I want to talk about three quick things: housing, healthcare, and criminal justice. So, let us wrap our heads around this because you were bringing that up, Dr. Smith. In the 1930s, the Federal Government created the Homeowners Loan Corporation, and it was so folks could buy soon-to-be foreclosed mortgages, own mortgages, refinance them into new government mortgages so people could keep their homes. You know, who was not included in that? Dr. Harper, do you know?

Dr. HARPER. Yes. Black people.

Mr. BELL. Yes. In 1939, Black Americans fought and died in World War II, in every war in this country. Are you familiar with the Servicemen's Readjustment Act of 1944, Mr. Lennington?

Mr. LENNINGTON. No, sir.

Mr. BELL. That is the GI Bill. Mr. Harper, help me out here. Who did not get access to the GI Bill?

Dr. HARPER. Black people.

Mr. BELL. Yes. Okay. So, Mr. Lennington, you said that the law is colorblind. I do not think that you completed that thought. The law should be colorblind. Is that what you intended to say?

Mr. LENNINGTON. I think the GI Bill applies to all Americans, right.

Mr. BELL. That is not what I asked you. The law should be colorblind, right?

Mr. LENNINGTON. Absolutely.

Mr. BELL. Because the law has not been colorblind, and then I will ask you too just for clarification purposes, racism is illegal, right?

Mr. LENNINGTON. Racism is illegal.

Mr. BELL. I will take that as a yes. Now, I am a data person. A lie does not care who tells it, right, but facts and actual data, you cannot get around that one. So, let us talk about, you know, how we got here. So, GI Bill, veterans fought, they are denied that. They cannot get the low-cost mortgages, payments for tuition, living expenses, and you know how historically most Americans built their wealth? Housing. The Fair Housing Act, also known as Title VIII of the Civil Rights Act of 1968, was enacted to address and prevent discrimination in the sale, rental, and financing of housing. And you know the Black ownership rate compared to White folks? Do you think it is even, Mr. Lennington?

Mr. LENNINGTON. There are large disparities in many areas.

Mr. BELL. Huge disparities, 75 percent to 46 percent. Black residents are less likely to own homes. When they do successfully own a home, it is often devalued when being appraised compared to a similar home owned by a White counterpart. So, let us talk about healthcare quickly. You know about the Tuskegee study on syphilis? That Black folks were experimented on for 40 years?

Mr. LENNINGTON. Yes.

Mr. BELL. You are familiar with that?

Mr. LENNINGTON. Yes.

Mr. BELL. Criminal justice. In Missouri, Black men make up eight percent of Missouri's population but 45 percent of the jail population. So, when we talk about health disparities, when we talk about housing, when we talk about criminal justice, all of these things are the reason why diversity initiatives came about. And so, if we disregard those things and leave things as they were, guess who suffers? Black folks, Brown folks, minority folks suffer all the time. So, I think my colleague said we can keep doing the same things and expect different outcomes, but for Black folks and Brown folks and minority folks, that means we get screwed over, over, and over.

And I think you made a quote that I wrote down, which I thought was interesting, "Racism impacts the hearts and minds for years to come," right? And so, I do not think it is White males because Dr. Harper gave us some data that you cannot get around that White males are represented very well, and I am fine with that. Many of my good friends are White males. God bless them, too. But my god, what are we talking about here?

So, you know, I will close on this, and I see I am getting a hook, and I appreciate the Chairman for giving me a little bit of latitude. If we know that this impacts people for generations and we know that Black folks and Brown folks have been discriminated against for generations, shouldn't we be doing something about it? I yield back my time.

Mr. GROTHMAN. Mr. McGuire.

Mr. MCGUIRE. Thank you, Mr. Chairman. Thank you to our witnesses for being here today.

You know, when I was growing up, our country, we were told it was the melting pot. We live in a great country. Our country is the greatest country because we were founded on the belief of meritocracy, and I think everyone in the audience would agree with this statement. Isn't it great we live in a country where a man or a woman regardless of party, race, religion, or creed can work hard and achieve just about anything? And we could go on and on with many examples of people of all those different backgrounds succeeding in this country, where they would not have a possibility of succeeding in other countries.

What is so wonderful about our country is we are born with our God-given rights. They cannot be taken away. And because we are a republic and not a democracy, we are a republic with representatives, even the minority has a voice. If it was a strict democracy, only those in power would have a voice, but your rights that you are born with cannot be taken away whether your party is in power or not, but DEI is very harmful. It divides Americans even further and promotes racism and sexism. To me, DEI stands for "didn't earn it."

I am glad this hearing has been brought up. President Trump and House Republicans have done a lot of work rolling back President Biden's disastrous DEI policies. As a Navy SEAL, as a veteran, if somebody saved your life on the battlefield, you would not care about their party, their race, religion, or their creed. We are all Americans. We should be able to disagree without being disagreeable, but the law should be colorblind. And again, I heard my colleague talk about if somebody was to do surgery on you, you

would want meritocracy. You would want the best surgeon to save your life or your loved one's life.

I also heard a colleague talk about diversity, but he did not talk about the "E," the equity, or the "I," inclusion. Everybody here loves the idea of diversity, but I do not care what color your skin is. If you are the best doctor, that is the doctor that I would want for my family. But the problem with the complete statement of DEI is the equity part, equal outcome. You put in 28 years of your life to be a great musician or a surgeon, and someone just says, hey, I am a surgeon and I have the same outcome. It is not right. In fact, it is Marxist. It destroys innovation and motivation.

I am soon going to be introducing legislation, by the way, that will prevent public utility commissions from authorizing rate recovery for utility or business entity for return on equity if such entities' business model or operations is governed by framework based on environmental, social, and governance (ESG) or DEI or similar social or environmental agendas. DEI or ESG frameworks have incorporated into businesses' models of countless utility companies operating across America. These frameworks typically force utility companies to procure a portion of their power from renewable energy sources and dedicate a percentage of procurement from minority-owned companies. This drives up operation costs, which drives up the rates charged to their customers. Rate payers are forced to procure utility services through these companies, hence why they are textbook examples of waste, which unnecessarily hikes up costs. Since many of these companies operate across state lines or obtain power from other states, it is the duty of the Congress to act.

My first question for each of you, yes or no: do you believe DEI is rooted in Marxist ideology? Mr. Lennington, yes or no?

Mr. LENNINGTON. Yes.

Mr. MCGUIRE. Dr. Smith?

Dr. SMITH. Yes.

Mr. MCGUIRE. Dr. Glock?

Dr. GLOCK. A similar ideology of complete equity, yes.

Mr. MCGUIRE. And Dr. Harper?

Dr. HARPER. I do not know what you mean.

Mr. MCGUIRE. No worries. All right. Now, I have another question for each of you. If you had to have a heart surgery, again, would you rather have a doctor who studied the hardest in school and was the most qualified to perform the surgery or a doctor that was in that position because of their race or gender? Which one would you rather have? Mr. Lennington?

Mr. LENNINGTON. I would prefer a well-qualified physician.

Mr. MCGUIRE. Dr. Smith?

Dr. SMITH. At the risk of not keeping it real, I want the best physician.

Mr. MCGUIRE. Dr. Glock?

Dr. GLOCK. The best physician.

Mr. MCGUIRE. And Dr. Harper?

Dr. HARPER. Are only the best physicians White?

Mr. MCGUIRE. I do not care what their color is.

Dr. HARPER. That was not the question.

Mr. MCGUIRE. Okay. Yes or no, do you agree with Dr. Martin Luther King's statement that people should be judged by the content of their character, not the color of their skin? Mr. Lennington?

Mr. LENNINGTON. Absolutely.

Mr. MCGUIRE. Dr. Smith?

Dr. SMITH. Yes.

Mr. MCGUIRE. And Dr. Glock?

Dr. GLOCK. Absolutely.

Mr. MCGUIRE. And Dr. Harper?

Dr. HARPER. Martin Luther King would absolutely be repulsed, repulsed by the politicized attacks on diversity, equity, inclusion.

Mr. MCGUIRE. So, you are not going to say yes or no? Yes or no. You got to say yes or no.

Dr. HARPER. No, no. Listen, I am telling you right now——

Mr. MCGUIRE. Well, I got to move on to the next question.

Dr. HARPER. Are you advocating hiring or promotion based on character?

Mr. MCGUIRE. We are out of time here. We are out of time.

Dr. SMITH. He would also be repulsed by the lack of classical values DEI gets rid of.

Mr. MCGUIRE. "DEI" stands for didn't earn it, and the answer was yes or no.

Dr. HARPER. Are we hiring people based on skills and experiences, or are we hiring them based on character?

Mr. MCGUIRE. It should be quality and not race and sex.

Mr. GROTHMAN. It is clear he does not want to answer the question. Why don't you go on to the next one?

Mr. BELL. No, he was asking for clarification. I think that is fair.

Mr. GROTHMAN. If you want to get a one-word answer, that is fine. Otherwise, we will go to the next question.

[No response.]

Mr. GROTHMAN. Okay. We will go to the next question.

Mr. MCGUIRE. Thank you, Mr. Chairman.

Mr. GROTHMAN. Ms. Simon.

Ms. SIMON. Thank you, Mr. Chair. This is a very, very difficult conversation. I am a great granddaughter of someone who had a literal yoke on her neck, a literal yoke, and I will give the 4-and-a-half minutes of my time to my people from Malvern, Arkansas, from those fields. And I want to be clear that four out of the five of you last year posted on your social media the words of Dr. King, and there are so few folks who actually have studied, who are clear on the theology of freedom of King. Very few of you have read and studied and have sat in Ebenezer Baptist Church. So, I would ask you, you keep Dr. King's name out of your mouth.

If you, like me and the many scholars who will be watching, studied King, you know that he and the mothers and the fathers of the Civil Rights Movement and of the movement for emancipation not only would be struck by the conversations in this room, but would be shattered by the consequence of lies, of hatred, of abuse of this Administration in the name of folks who worked to make this country more free, children of Abraham, for real. I want to be clear for the young people that are listening today here in this audience, this conversation is not about an acronym. It is just

not. It is just not. This is a conversation, it is an attack. It is an attack on what you see right here.

Now, see who is on this side of the dais? This was never the plan. It was never the plan to have people of color in positions where they would be able to speak from this place. In fact, folks had to fight tooth or nail to gain access to the front door to this Capitol. I want to be very clear about that. Today's hearing says quietly and actually out loud who the Majority believe is allowed to belong in this country. They use Dr. King's name in deep vain, who has a place in the hierarchy that was never meant to be questioned.

The Majority is leading a coordinated effort, I want to be clear, to push us back to a segregated America based on race, based on ethnicity, based on national origin, based on sex, based on sexual orientation and gender identity, and disability. Inclusion as a disabled woman? They have been very, very clear: including folks who look different than the standardized White man in this country, folks who are disabled, folks who love differently, those folks should not be at the center of power. That is the plan. They are motivated by a fear, a fear of a multiracial and a multicultural democracy, a fear that freedom of coequal citizens living as their authentic selves with pride, and a fear they have, a fear of accountability. We must name this conversation today for what it truly is. It is a bigotry. It is a hypocrisy.

Republicans, like I said before, will quote Dr. King all day, will bring forth Lincoln and will talk about Frederick Douglass, in the same breath that they are gutting civil rights offices in our government, in the same breath where they seek to ban AP African American Studies that tells the true story of this country. It ain't just one story, it is a complete story, but folks on this dais do not want you to learn it. The hypocrisy from the Republicans is not only shameful, it is anti-American. President Trump and others have purged more than 275,000 Federal workers through mass terminations and unlawful firings while—check this out—preparing draft hiring guidance that would screen job applicants for political loyalty to the Administration rather than the Constitution.

The Trump Administration put 500,000 qualified Federal workers with disabilities' jobs at risk. Half of those are veterans. The Trump Administration has forced out transgender service members who have served their country with loyalty and love, while elevating dangerously unqualified news anchors to lead our Nation's Defense Department. The Trump Administration rewards loyalty over expertise, obedience over justice. These attacks are central to a broader agenda—let me just finish this one sentence—that criminalizes protests, that bans books, that erases history, and redefines its national identity in narrow and violent terms. A 1950s America is what the goal of this conversation is, and some of us say, hell no. I yield.

Mr. GROTHMAN. Mr. Gill.

Mr. GILL. Thank you, Mr. Chairman. Thank you for holding this hearing, and thank you to all of the witnesses for taking the time to be here. We certainly really appreciate it. Dr. Harper, I have got a couple of questions for you. Just starting out, do you believe that ageism is a form of bigotry?

Dr. HARPER. Yes.

Mr. GILL. You do. Yes, I thought so because you wrote an article saying that ageism in media discourse about Biden's reelection is an issue. Do you still believe that ageism was an issue in the past election cycle?

Dr. HARPER. I believe that ageism, in any form and in any context, is a problem.

Mr. GILL. Do you believe that Americans who are concerned about Joe Biden's age were bigoted?

Dr. HARPER. I did not say that in my article, nor do I claim that now.

Mr. GILL. You said that ageism is a form of bigotry.

Dr. HARPER. Ageism is a form of bigotry, but I did not say that in my article. You cannot misrepresent my idea.

Mr. GILL. Okay. Well, why don't you provide your explanation for that. Ageism is a form of bigotry. People who were concerned about Joe Biden's age were ageist. How do you square that?

Dr. HARPER. I am less concerned about Joe Biden's age. I am more concerned about young people and older Americans being systematically denied opportunities and access because of their age.

Mr. GILL. Do you think that Joe Biden's age had a relation to his cognitive decline?

Dr. HARPER. That is outside of my area of expertise.

Mr. GILL. Do you need to be an expert to determine whether an 82-year-old man is, who is clearly visibly declining mentally on camera, if that has anything to do with his age?

Dr. HARPER. I am not a cognitive scientist.

Mr. GILL. You are not. Okay. Of course you are not. Do you think those Americans were right to be concerned about Joe Biden's age?

Dr. HARPER. Again, you are missing the point. The point is about the ageism itself. It is not about Joe Biden.

Mr. GILL. Okay. We are going to move on. We are going to move on. Do you believe that America should be a colorblind society? For instance, should people be treated differently based on their race? It is just a yes or no question.

Dr. HARPER. It is not a yes or no question.

Mr. GILL. It is a yes or no question.

Dr. HARPER. As I said in the beginning of my testimony, America has not done right by indigenous peoples, by Black people, by Asian-American and Pacific-Islander people.

Mr. GILL. Should people be treated differently based on their race? Yes or no.

Dr. HARPER. People should receive the services and the support and the remedies that are owed to them.

Mr. GILL. So, your answer is that they should be treated differently based on their race.

Dr. HARPER. They should receive the remedies that are owed to them because of the systemic racism and justice.

Mr. GILL. Do you believe that race should be considered in employer hiring practices?

Dr. HARPER. I do not believe that White people are the only qualified people for jobs.

Mr. GILL. I did not say that. Nobody said that. I asked you if race should be considered an employer hiring practices, and you are not going to intimidate me by slandering me as a racist.

Dr. HARPER. I did not call you a racist. You are not going to intimidate me by insisting that I called you a racist.

Mr. GILL. I am asking you a straightforward question. It is a "yes" or "no" question. Should race be considered an employer hiring practices? Yes or no?

Dr. HARPER. I believe that diversity ought to be considered as companies and other organizations attempt to represent their customers, their country.

Mr. GILL. I will take that as a yes. I will take that as a yes. Which race do you think should be preferred?

Dr. HARPER. I do not think that a single race should be preferred.

Mr. GILL. Well, you just said that you believe that race should be considered in employer hiring practices.

Dr. HARPER. I do not know. There is going to be a transcript of this hearing. I did not say that in that way.

Mr. GILL. Okay. Why don't you explain what you believe?

Dr. HARPER. What I said and what I believe is that the demographic composition of workplaces, our Nation's military—

Mr. GILL. By demographic composition.

Mr. HARPER [continuing]. And so on, our Congress, ought to reflect the diversity of the United States of America.

Mr. GILL. The racial demographic composition. Racial demographic, is that what you are saying?

Dr. HARPER. Racial, gender.

Mr. GILL. Okay. So, race should be a factor in employer hiring practices. That is what you are saying, is it not?

Dr. HARPER. Organizations ought to attempt to match the diversity of—

Mr. GILL. You are hopping around the question. You do not want to answer that.

Dr. HARPER. No, I am answering quite straightforwardly, as a matter of fact.

Mr. GILL. Who gets to determine which races are preferred?

Dr. HARPER. I already told you I do not have a single racial group that ultimately—

Mr. GILL. You just told me that you believe that the racial demographic makeup should be taken into account in hiring practices.

Dr. HARPER. And it should be reflected in all levels of companies and other organizations.

Mr. GILL. Okay. Let us talk about college admissions. If two different children are applying for college, let us say one is White and one is Black, and there is one slot available. Should they be evaluated based on the same objective criteria, test scores, for instance?

Dr. HARPER. Are you familiar with holistic admission?

Mr. GILL. Should they be held to the same standards regarding test scores? It is a "yes" or "no" question.

Dr. HARPER. I am a proponent of holistic admissions.

Mr. GILL. It is just a "yes" or "no" question.

Dr. HARPER. Yes. No, I cannot answer that question for you as a proponent of holistic admissions.

Mr. GILL. Got it. I will take that as a no. Thank you, Mr. Chair.

Mr. GROTHMAN. Ms. Randall.

Ms. RANDALL. Thank you so much, Mr. Chair. You know, I stepped out of this Committee for a while to go my Natural Resources markup, and I think we began this Committee with Ranking Member Krishnamoorthi's question about where the words "healthcare," "financial services," and "oversight" were. And I have the same question now because what a wild ride it was to walk into a committee and have a discussion about ageism and President Biden.

You know, this Committee has had some really meaningful and interesting discussions about health equity and the financial instruments we use to ensure we are reaching people, and I have really enjoyed the discussion that we had about the marriage penalty and how we need to lower barriers for families from forming in the way that is right for them. There is no reason to have an unnecessary barrier if a family wants to get married when they have children, and they should not be kicked off of the support that is allowing them to thrive just because they get married because that costs the American people more in tax dollars in the long run if their child gets on public assistance because they have higher ASA scores. I am sure many of us have dug into the social determinants of health. And I also know that, you know, Chair Grothman, you are really dedicated to ensuring that we are supporting families forming and more children being born in this country. I know that is a priority of you as a Chair and certainly of our Vice President and many in this Administration.

So, I have a question for our panelists, and anyone who knows, please feel free to chime in. Does anyone know the maternal mortality rate for Black women as compared with White women in this country?

Mr. LENNINGTON. I just know it is much higher.

Ms. RANDALL. Much higher?

Mr. LENNINGTON. Yes.

Ms. RANDALL. Yes. Dr. Harper, you had your hand up?

Dr. HARPER. Yes, I was going to say that for Black women and for indigenous women, it is exponentially higher than for White women, as a matter of fact.

Ms. RANDALL. Yes. I think the last data I found had 50.3 deaths per 100,000 for Black, non-Hispanic women and 14.5 deaths per 100,000 for White women, non-Hispanic, non-indigenous women. That is pretty crazy, isn't it? And another question: does anyone know the rates of Black women obstetrics and gynecology professionals (OB/GYN)s as compared to White women OB/GYNs in this country? No?

Mr. LENNINGTON. I have done some work in health equity and understand that there are very few Black OB/GYN females.

Ms. RANDALL. Yes. So, it is about eight percent to eleven percent as compared with 68 percent. Now, it seems like there has not been a lot of study from members on this panel on this, certainly majority witnesses on this correlation, but it is there. Like, that data is there. We know that when individuals have providers that share their life experience, that understand the challenges that they face, that share cultural connectivity, we have higher health outcomes.

That data exists, and we have seen incredible work in states that have pushed to lower their maternal mortality rates by increasing representation of providers of color. You can roll your eyes all you want. I see some eye rolls on the panel, but it is true.

And if we allow one party in this country to wage a war on DEI by calling it reverse racism but let Black women die in this country, let Hispanic women die, let indigenous women die, we are not going to have the babies that we so clearly want to ensure that our country has. And, you know, I am not a mother, but I am a queer woman of color who has grown up in this country, who has watched my family grow up in this country, who has watched my dad, a brown-skinned man named Dave, be called “Jose” because that is what his White peers saw him as. And I think if we do not open our eyes to the truth about who is dying and who is living, then we are failing the American people. I yield back.

Mr. GROTHMAN. Okay. I will ask unanimous consent that 6 additional minutes be equally distributed to both sides, which, as a practical matter means 3 minutes for myself and 3 minutes for Mr. Krishnamoorthi, so in any event, then I ask unanimous consent that 6 additional minutes be equally distributed to both sides without objection.

Nobody is objecting. So ordered.

I will go first here. Dr. Smith, one of the things I find interesting about this discussion is the idea that your value as an employee would be determined by where your ancestors come from. In other words, the implication being that there is an Asian way to be an engineer, and a Hispanic way to be an engineer, and a Northern European way to be an engineer. Could you comment on that ideology that your value of employee or the way you think as an employee comes down to, I guess, where your great-great-grandparents are from?

Dr. SMITH. I can tell you about some egregious examples in academia, but first I want to talk about this concept of colorblindness and the fact that colorblindness or the idea that colorblindness is inherently racist that comes from the DEI proponents that I have had interest with. If you tell people that colorblindness is a bad thing, you are telling them what to think of me without my say. If you tell somebody to look at a Black person and say, well, they are Black, you need to look at them differently, you are telling them to look at me differently without my say. You cannot erase individuality, individual sovereignty from this. Yes, we are parts of groups, but we are also, and perhaps primarily, individuals.

To answer your question more directly, there are some egregious pedagogies out there that I think we need to talk about, like ethnomathematics, for example, the idea that Black kids learn math differently from White kids, and, therefore, we need Black math. That is stupid. I am going to be simple about it. It is really stupid. The idea that getting the right answer is somehow inherently White is stupid. The idea that having the teacher be the person with the most authority and knowledge in the room be a bad thing is stupid. Ethnomathematics, there is ethno-composition. You write differently if you are Black. All these things are there to divide us in certain ways, and I see through it, and for that, I have been attacked.

Mr. GROTHMAN. Thank you. Now I will give a question to any one of the three on the left. We have brought out today that this kind of affirmative action policy began in earnest, it was run informally before that, but in earnest in 1965, and there are outright businesses that have sprung up telling companies who to hire and who to promote and whatnot. I have talked to people in these businesses. As a practical matter, have these laws in 1965 resulted in discrimination since that time? In other words, are firms told to hire this person or that person? Particularly, we talk about race today, but it is very much with regard to women as well since 1965. Mr. GLOCK, you want to take a crack at it?

Dr. GLOCK. All right. Yes, there have been significant effects across the entire economy of the United States because of these laws changing how businesses compose their work force, changing how they contract or subcontract out to others, and of course, as I have been——

Mr. GROTHMAN. I am running out of time here. Does it result in discrimination based on sex in which men are discriminated against in 1965?

Dr. GLOCK. Absolutely.

Mr. GROTHMAN. Thank you. Okay. I will ask Mr. Lennington, too, because he is a lawyer and deals with this stuff.

Mr. LENNINGTON. Definitely the affirmative action, 11246, did result in discrimination. I would say the Civil Rights Act itself of 1964 is colorblind, though.

Mr. GROTHMAN. Okay. Thank you. Now, Mr. Krishnamoorthi.

Mr. KRISHNAMOORTHI. Sure. Let me give Dr. Harper a chance to answer that question, then I have a couple of others.

Dr. HARPER. Sure. The answer is, yes, White women have been the biggest beneficiaries.

Mr. KRISHNAMOORTHI. Well, let me just turn my attention to one issue, which it blows my mind, that in the name of DEI, we would get rid of the LGBTQ national suicide hotline, which receives 1.3 million calls and texts. And there are people who are specialized, and this was created during the Trump Administration. This is not some kind of liberal Democrat who created this particular hotline. But in the name of DEI, we are getting rid of a hotline, and as a consequence, people are going to D-I-E. They are going die. And LGBTQ youth are at elevated levels of risk for suicide, four times, according to the Trump Administration CDC.

Again, this is not the Biden Administration, this is the Trump Administration. My colleagues, to their credit, Republicans Lawler and Kim wrote a letter asking, pleading, saying, please do not end this suicide hotline in the name of expunging DEI. We are getting rid of this hotline. That is idiocy. That is not excellence. So, when we are going to talk about sacrificing excellence in the name of DEI, I respectfully disagree in the context of not only getting rid of this program, the national suicide hotline for LGBTQ youth, but there are countless others.

Now, let me ask a question of Dr. Harper. If we did not have slavery, if we did not have Jim Crow, if we did not have discrimination of any kind, I do not think there would be necessarily a need for some of the efforts that have existed since the time of Jim

Crow to address some of the issues that came about because of those prior, what I call, original sins of America.

Dr. HARPER. Yes, that is right.

Mr. KRISHNAMOORTHY. What is your opinion on this?

Dr. HARPER. Yes, that is right, but to be sure, they are not only historical, they are also contemporary. Women continue to receive unequal pay for equal work. LGBTQ people continue to be discriminated against because of who they love. People with disabilities continue to not receive the support and the accommodations that they need in the modern time. So, this is not just historical, it is also contemporary.

Mr. KRISHNAMOORTHY. Thank you. I have a few seconds. I would like to yield to Ms. Randall.

Ms. RANDALL. Thank you, Mr. Chair. I will just ask for unanimous consent to enter a couple of articles into the record. First, a *Brookings* article on who uses legacy admissions, I think, apropos to our earlier conversation about whether or not we are actually colorblind in admissions pre-affirmative action. And also, a *Forbes* article from 2015 that I think speaks to one of our panelist's points about whether or not there is a way to be a Black engineer or a White engineer: "Google Photos Tags Two African Americans as Gorillas." Thank you.

Mr. KRISHNAMOORTHY. Well, thank you, Mr. Chair, for convening this hearing. Thank you to all of our witnesses for taking precious time out of your busy schedules. Thank you to our Members for joining. But I just return to something very basic, which is this Committee has in its title, it is the Health Care and Financial Services Subcommittee of the Oversight Committee. The more that we talk about subject matter outside the confines of what this Subcommittee is really directed to, the less I believe that we are going to be able to come together in performing our oversight roles, and today's topic of DEI is a prime example of what we should not be doing on this Subcommittee.

I hope that we can return to a time where we can do bipartisan joint oversight with regard to issues squarely within the jurisdiction of this Subcommittee, for instance, going after illicit vapes, which continue to plague the landscape and addict millions of teenagers to tobacco and to nicotine; going after practices or companies or entities that might poison our baby food with toxic heavy metals; going after those people who might prey on our youth through Big Tech. The list goes on and on but doing oversight in a way that where we can come together as Republicans and Democrats and do the people's business because today, I do not think we are doing the people's business. I think today, unfortunately, we are going down a rabbit's hole in terms of a narrative that is not true and, second, that serves to divide, not unite, and now more than ever, we need to come together.

I will just close with this. Yesterday, we had a resolution on the Floor condemning political violence and condemning what happened in Minnesota with regard to the assassinations of elected officials and others. Republicans and Democrats came together on this particular resolution. My name happened to be in the shooter's notes, and I spoke on the Floor as well. One of the things I said is this debate, this discussion that we had yesterday, was actually

exemplary in terms of the civil dialog that we had, Republicans and Democrats coming together, and how if we could just replicate that on all of our committees and in our committee work, how much better off we would be as a country. And so, I just respectfully submit if we could potentially follow that lesson here on this Subcommittee, we will be doing wonders for our country. Thank you and I yield back.

Mr. GROTHMAN. Okay. Thank you. It is a long biennium. As I have told you, there are a variety of health-related issues and finance-related issues people get around to, but the Chairman of the Oversight Committee has given me broad discretion as to what we take up here. The reason I took up this topic is because I think it leads to division. I think intentionally it leads to division as we have been educating young people that we have a racist society and we should all view ourselves as an ethnic group, constantly fighting with each other. I think that would destroy our country. I think some of the other Members of this Committee have pointed out when they talk about Marxist. I think they talk about it in a little bit different way than I do.

I think it is trying to destroy our country, particularly at a time when we have so many immigrants who are people of color from all around the world to have a bureaucracy that is educating people that they should walk around with a chip on their shoulder. And I think on the face of it, the successes of people of color from around the world who come here, be it from Africa, be it from North Africa, be it from the Pacific, what have you, would indicate that everybody can make it in America. And I think people who talk about how horrible things are wind up only hurting the people who have to breathe this stuff in.

I also tried to point out that diversity is not determined by where your ancestors come from, Okay? Everybody lives in different backgrounds, has different parents, and insofar as there is an ethnic view of engineering or an ethnic view of medicine, well, that is kind of absurd on its face, right? I mean to say that, what do you as a Black man, how would you approach being a dermatologist or maybe how you would approach as being an OB/GYN is a little bit ridiculous. There is a right way or wrong way under the medical literature how to do things.

I did want to bring this up because I think if we are going to move forward in a Nation, we have to look at the last 60 years and the degree to which preferences have been given. I was glad Dr. Harper brought up that the preferences frequently benefit women. But in any event, the fact that the preferences are out there should destroy any public perception that I think the Democrat Party is trying definitely to promote. I know President Biden talked a lot about White men and White male supremacy and that sort of thing, which I think was incredibly divisive, but I wanted to talk about the law in the past because, ultimately, I want young people to know that is a lot of bunk, right? And we have actually had, what I will call, reverse discrimination, including a lot of reverse discrimination for women, as Dr. Harper pointed out, over the last 60 years.

In any event, I would like to thank the four of you for being here today. I hope we all do what we can to educate the public on the

effect or the laws that have been out there over the last 60 years so they do not come here from other countries and think that we have this horrible, racist country, which it is not. I think a lot of that evidence can be shown in the wild success that people who have come here from all over the world have in our country. I think we also should look at some of the absurdities of this law, which shows why we should get it behind us, the fact a person can come from a family of multi-millionaires, but if I am a person of color, I am considered disadvantaged, which is ridiculous. I can be one-quarter Mexican and be considered disadvantaged, which is ridiculous.

And I do, as one of the Democrats pointed out, I do think it is very good or a huge benefit in life if you come from a strong, stable family background. There are wonderful parents of all types, but I think people who want to help other Americans rise would do better on educating people or focusing on telling people the importance of trying to provide a good, strong family for every American. And I do not think enough time has been devoted to that, and, indeed, people like to hide that benefit that people get in life.

But in any event, I would like to thank Mr. Krishnamoorthi for being here. I think in the future, we will try to give you some nice medical issues to deal with, and I would like to thank the four of you. I know this is a potentially controversial issue. You have dipped your toes in it and I appreciate doing that, and I hope you use your careers to educate the public on kind of the danger of educating young people that expectations of society is based on where your great-grandparents came from rather than what you do.

So, thank you and, oh, I got to say, with that and without objection, all Members have five legislative days within which to submit materials and additional written questions for the witnesses, which will be forwarded to the witnesses.

If there is no further business, without objection, this Subcommittee stands adjourned. Thank you for being here.

[Whereupon, at 11:37 a.m., the Subcommittee was adjourned.]

