

WHITE PAPERS

PUBLISHED: AUGUST 28, 2025

Services

- Academic Medicine
- False Claims Act
- Government Contracts
- Higher Education
- Labor & Employment
- White Collar, Internal Investigations, & Compliance
- Workplace Diversity, Equity, & Inclusion

Industries

- Education
- Energy & Natural Resources
- Financial Services & Capital Markets
- Food Systems
- Healthcare
- Life Sciences
- Manufacturing
- Real Estate, Development, & Construction
- Technology

# Legal Perspectives on Executive Order 14173, DEI, and the False Claims Act

## A NEW PARADIGM IN FEDERAL ANTI-DISCRIMINATION LAW ENFORCEMENT

The Trump administration has demonstrated a commitment to enforcing federal anti-discrimination laws through novel and varied mechanisms not historically associated with enforcement of such laws, upending 60-plus years of federal anti-discrimination law enforcement. The administration has emphasized its intent to root out “illegal DEI” practices by using the more muscular remedies available under the False Claims Act and various other criminal statutes. This is a watershed change in both what is considered “discrimination” under existing federal law, as well as the methods and means the federal government will use to enforce existing federal anti-discrimination laws.

Prepared by members of Husch Blackwell’s Government Contracts; White Collar, Internal Investigations and Compliance; Labor & Employment; and Higher Education practice groups, this report is intended to guide both private and public entities that may be impacted by the administration’s new anti-discrimination focus, providing practical perspectives on how to (1) understand and recognize what employment, procurement, and educational policies and practices may now be considered “illegal;” (2) identify issues for self-review and/or assistance from outside counsel; and (3) be aware of and prepare for new and novel federal civil and criminal enforcement mechanisms.

Specifically, our report:

reviews guidance issued by the administration in the months since President Trump’s January 2025 inauguration, including relevant executive orders and memoranda or policy statements issued by the Department of Justice;

evaluates the type of conduct or practices that may now be deemed to violate federal anti-discrimination laws;

reviews several ways that the administration's policies appear to have triggered paradigm shifts related to federal anti-discrimination law and enforcement;

discusses key elements of the False Claims Act (FCA), claims and enforcement, and considers how the FCA may be used in the federal anti-discrimination law arena;

provides guidance for organizations looking to analyze their existing (or planned) DEI policies or tangentially related procurement, employment, or education regulatory compliance programs in light of the new federal guidance and enforcement priorities.

[Download Report](#)