



MANPOWER AND
RESERVE AFFAIRS

OFFICE OF THE ASSISTANT SECRETARY OF WAR
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WASHINGTON, D.C. 20301-1500

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MEMORANDUM FOR ALL CIVILIAN EMPLOYEES

SUBJECT: Reporting DEI-Related Discrimination

References: (a) Executive Order 14151, "Ending Radical and Wasteful Government DEI Programs and Preferencing," January 20, 2025
(b) Executive Order 14173, "Ending Illegal Discrimination and Restoring Merit-Based Opportunity," January 21, 2025

This memorandum describes clear channels to report suspected discrimination related to Diversity, Equity, and Inclusion (DEI) programs and preferencing. As directed by the President in references (a) and (b), DoW has eliminated all programs, practices, or policies labeled as DEI/DEIA that promote unlawful consideration of race, sex, or other protected characteristics in employment decisions.

1. Definition of DEI-Related Discrimination

DEI-related discrimination occurs when an employment action (e.g., hiring, promotion, training access, mentoring, assignments, and awards) is motivated in whole or in part by an employee's or applicant's race, color, sex, national origin, religion, or other protected characteristic. Title VII of the Civil Rights Act of 1964 applies equally to everyone—there is no "reverse" discrimination exception.

Common examples include:

- Requiring "diverse slates," demographic targets, quotas, or racial/sex balancing in hiring, promotion, or selection processes.
- Preferring or excluding candidates/employees for training, mentoring, leadership programs, internships, projects, or advancement based on protected characteristics.
- Restricting participation in Employee Resource Groups (ERGs), networking events, or professional development to specific racial, ethnic, or sex groups.
- Using diversity metrics or goals to influence performance ratings, bonuses, awards, or job assignments.
- DEI trainings or materials that stereotype or demean employees based on race, sex, or other protected traits (creating a hostile work environment).
- Awarding recognition, compensation, or opportunities based in part on contributions to "diversity goals" rather than merit.

- Any preference or disparate treatment justified by “diversity,” “equity,” or client preferences.

Opposing or reporting any of the above is protected activity, and retaliation against employees for doing so is prohibited.

2. Reporting Option: U.S. Office of Special Counsel (OSC)

OSC is the secure, independent channel for federal employees and applicants to make whistleblower disclosures under 5 U.S.C. § 1213 and to file complaints of prohibited personnel practices (PPPs) under 5 U.S.C. § 2302(b). Filing with OSC is protected activity. OSC can seek corrective action (e.g., restoration, back pay, damages) and disciplinary action against violators.

OSC handles:

- Discrimination (5 U.S.C. § 2302(b)(1)) — including DEI-related discrimination based on race, color, sex, national origin, and religion.
- Retaliation for whistleblowing (5 U.S.C. § 2302(b)(8)).
- Retaliation for protected activity (5 U.S.C. § 2302(b)(9)) — e.g., filing complaints, cooperating with investigations, or refusing to obey an unlawful order.
- Violations of constitutional equal protection, implicating the merit system principles (5 U.S.C. § 2302(b)(12)) — including the enforcement, continuation, or failure to eliminate unlawful DEI programs that discriminate, or grant preferences based on protected characteristics.
- Discrimination based on personal conduct or beliefs that do not adversely affect job performance (5 U.S.C. § 2302(b)(10)) — e.g., being penalized for refusing ideological DEI activities or expressing merit-based views.
- Whistleblower disclosures (5 U.S.C. § 1213): OSC provides an independent, secure channel for disclosures of violations of law (including unlawful DEI discrimination or preferences that violate civil-rights or merit-system laws), gross mismanagement, gross waste of funds, abuse of authority, or substantial and specific danger to public health or safety. Identity is protected at the choice of the whistleblower.

How to file PPP complaints with OSC (easy and confidential):

Visit the OSC Complaint Portal: <https://www.osc.gov>

- Use the online form (preferred) or OSC Form-14 (Prohibited Personnel Practices).
- You may file disclosures and PPP complaints together or separately.

Statute of Limitations at OSC:

For PPP complaints (including discrimination and retaliation), you generally have three (3) years from the date you knew or should have known of the alleged prohibited personnel practice to file. This look-back period means complaints filed now can address any prior actions that fall

within the three-year window based on your knowledge, including actions that took place in previous administrations.

There is no statute of limitations for whistleblower disclosures, but OSC's authority to bring corrective or disciplinary action for PPP violations such as whistleblower retaliation is generally limited to that three-year period.

3.Reporting Option: Equal Employment Opportunity Program

Individuals who believe they were subjected to DEI-related discrimination may file EEO complaints with their local EEO Office. Employees and applicants who believe they have been subjected to unlawful discrimination, harassment, or retaliation in violation of Equal Employment Opportunity (EEO) laws have the right to seek redress through the EEO complaint process.

Individuals who wish to initiate a complaint must contact their local EEO Office or an EEO Counselor within 45 calendar days of when the alleged discriminatory action occurred or when the employee learned of the alleged discriminatory action. The EEO process is designed to provide a fair and impartial review of allegations of discrimination based on protected characteristics, including, but not limited to race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability, genetic information, and reprisal for prior EEO activity.

The initial step in the process is EEO counseling, during which individuals may seek informal resolution. If the matter is not resolved, the individual may elect to file a formal complaint of discrimination. Individuals are encouraged to contact their local EEO Office promptly to ensure compliance with required timelines and to obtain guidance on the complaint process.

4. Strict Prohibition on Retaliation

Supervisors, managers, and agency officials are strictly prohibited from retaliating against you for:

- Making a good-faith whistleblower disclosure or PPP complaint to OSC;
- Reporting internally through the EEO Program; or
- Opposing or participating in proceedings related to unlawful DEI practices.

Retaliation is a prohibited personnel practice under 5 U.S.C. § 2302(b)(8) and (b)(9) and a violation of Title VII of the Civil Rights Act. Retaliation will result in prompt disciplinary action, up to, and including removal. You are protected even if the underlying concern is ultimately not substantiated, as long as your report is made in good faith. If you experience retaliation, or have experienced it in the past, you may use the same reporting systems detailed above, as applicable.

5. Additional Information and Resources

- OPM Memo - Merit Hiring Plan: <https://www.opm.gov/chcoc/latest-memos/merit-hiring-plan.pdf>
- OPM Memo - Further DEIA Guidance: <https://www.opm.gov/chcoc/latest-memos/further-guidance-deia.pdf>
- DOJ Memo - Implementation of Executive Orders 14151 and 14173: Eliminating Unlawful DEI Programs in Federal Operations: <https://www.justice.gov/ag/media/1409556/dl?inline>
- DOJ Memo - Ending Illegal DEI and DEIA Discrimination and Preferences: <https://www.justice.gov/ag/media/1388501/dl?inline>
- Eliminating Internal Discriminatory Practices: <https://www.justice.gov/ag/media/1388556/dl?inline>
- Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination: <https://www.justice.gov/ag/media/1409486/dl>
- EEOC guidance: <https://www.eeoc.gov/wysk/what-you-should-know-about-dei-related-discrimination-work>
- OSC Portal: <https://www.osc.gov>

All reports will be handled promptly, fairly, and confidentially to the maximum extent permitted by law. The Department values your commitment to merit, integrity, and equal opportunity for all. Please submit all questions to: osd.pentagon.ousd-p-r.mbx.cpp-saco@mail.mil. Thank you for your service and for helping maintain a lawful, merit-based federal workplace.



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