

# The History of Executive Order 11246

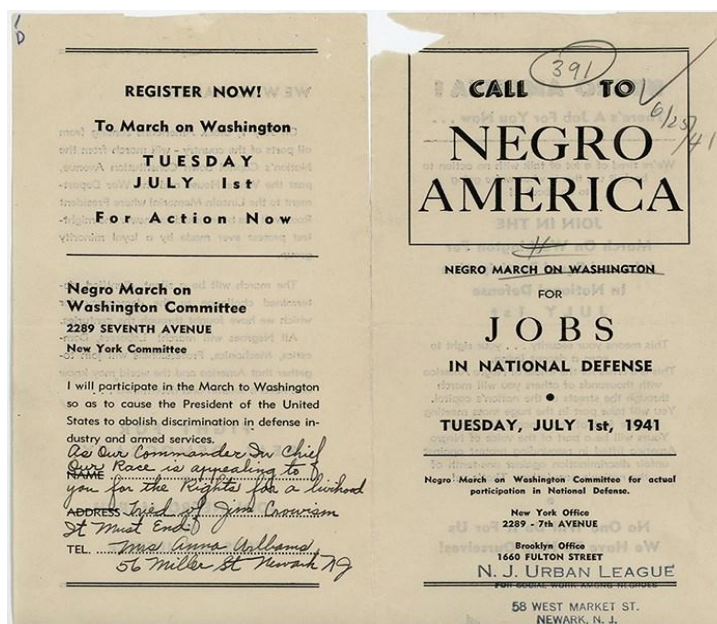
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For nearly 90 years, presidential executive orders have shaped the fight for equal employment opportunity in federal contracting. This timeline outlines the critical moments that built, expanded and ultimately eliminated Executive Order 11246.

## Black Leaders Push President Roosevelt to Ban Discrimination

In 1940, as the United States prepared for World War II, millions of [defense jobs opened](#) in northern and western cities, but Black workers were often excluded or faced violence when seeking those opportunities. First Lady Eleanor Roosevelt [urged](#) her husband to meet with Black leaders to discuss, among other things, "their general rights to participate in the whole structure of national defense."

After meetings with and [lobbying](#) from civil rights leaders failed to move President Franklin D. Roosevelt to desegregate the military and defense industry, civil and labor rights leader A. Phillip Randolph, president of the Brotherhood of Sleeping Car Porters, called for a [March on Washington](#) on July 1, 1941. Randolph [vowed](#) to bring 100,000 Black Americans to protest on the White House lawn unless Roosevelt issued an executive order addressing discrimination in the military and defense industry.



(Source: Franklin D. Roosevelt Presidential Library)

On **June 25, 1941**, just six days before the march was set to take place, President Roosevelt signed [Executive Order 8802](#), prohibiting discrimination in

the defense industry on the basis of race, color, creed, or national origin. This marked the first time a president took formal action barring private employers from employment discrimination in federal contracting. This executive order also created the Fair Employment Practices Committee (FEPC), an [independent body](#) that reported directly to the President, to investigate complaints.

## **President Roosevelt Strengthens Non-Discrimination Enforcement, Congress Defunds It**

While it made some [progress](#), the Fair Employment Practices Committee lacked the resources it needed to combat job discrimination in defense industries and struggled to enforce the executive order, especially in the South. In [response](#) to Southern resistance and to the alarm of civil rights leaders, Roosevelt reorganized the committee in 1942, undermining its status as an independent body. But in response to [demands](#) from civil rights leaders, on **May 27, 1943**, President Roosevelt issued [Executive Order 9346](#), which required that antidiscrimination provisions be included in all government contracts, not just those connected to defense production. The order also strengthened the FEPC by restoring its independent status within the Executive Office of the President, [establishing](#) regional offices in 16 cities across the country and extending its oversight to all federal agencies and contractors.

Southern Democrats in the Senate [blocked](#) legislation to make FEPC a permanent agency. Instead, Congress [defunded](#) FEPC, directing it to shut down its operations by 1946. In its five short years, FEPC [investigated](#) thousands of complaints, 80 percent of which were based on race.

## **Presidents Truman and Eisenhower Restore Nondiscrimination Enforcement**

Nearly ten years after FDR first prohibited discrimination, President Harry Truman [noted](#) that “compliance [had] not been secured by any system of uniform regulation, or inspection, common to all the contracting agencies of the Federal Government, and widely understood by contractors and their employees.” To address this, on **December 2, 1951**, President Harry Truman issued [Executive Order 10308](#) to place the responsibility of ensuring that all contractors and subcontractors complied with nondiscrimination requirements with the head of each contracting agency. To oversee this work, the order established the [Committee on Government Contract Compliance](#), a

group tasked with studying how agencies enforced nondiscrimination rules, advising on improvements and coordinating enforcement efforts across government agencies.

On **August 13, 1953**, President Dwight D. Eisenhower issued [Executive Order 10479](#), replacing Truman's Committee on Government Contract Compliance with the President's Committee on Government Contract, chaired by Vice President Richard Nixon.

## **President Kennedy Requires Affirmative Action and Expands Reach of Nondiscrimination Protections**

On **March 6, 1961**, President John F. Kennedy issued [Executive Order 10925](#) to prohibit discrimination, and, for the first time, require government contractors to take affirmative action to ensure that applicants and employees are treated fairly without regard to race, creed, color, or national origin. The order also created the President's Committee on Equal Employment Opportunity, chaired by Vice President Lyndon Johnson.

On **June 22, 1963**, President Kennedy followed up with [Executive Order 11114](#), which extended the nondiscrimination provisions required in federal procurement contracts to federally assisted construction projects.



*President Kennedy and Vice President Johnson meet with civil rights leaders, including Martin Luther King Jr., on June 22, 1963. (Source: U.S. National Archives and Records Administration)*

## President Johnson Issues Executive Order 11246 and Tasks the Labor Secretary with its Administration

By the early 1960s, the civil rights movement reached a fever pitch. After President Kennedy's assassination in 1963, President Lyndon B. Johnson pushed forward with Kennedy's call for [sweeping civil rights legislation](#). In 1964, Johnson signed the [Civil Rights Act of 1964](#), prohibiting discrimination on the basis of race, color, religion, sex, or national origin and creating the Equal Employment Opportunity Commission to enforce its protections.

Even after the enactment of the Civil Rights Act of 1964, President Johnson's administration recognized that more had to be done to address inequality. [Delivering](#) a commencement speech at Howard University in June 1965, Johnson pledged to prioritize creating opportunity for Black Americans, noting that prohibiting discrimination was not enough.

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**... IT IS NOT ENOUGH JUST TO OPEN THE GATES OF OPPORTUNITY. ALL OUR CITIZENS MUST HAVE THE ABILITY TO WALK THROUGH THOSE GATES.**

**THIS IS THE NEXT AND THE MORE PROFOUND STAGE OF THE BATTLE FOR CIVIL RIGHTS. WE SEEK NOT JUST FREEDOM BUT OPPORTUNITY.**

— **President Lyndon B. Johnson during his 1965 Howard University Commencement Speech**

President Johnson tasked Vice President Hubert H. Humphrey with [conducting](#) a "careful review of the activities of the various Federal agencies involved in the field of civil rights." In a memo to President Johnson on the results of this review, Vice President Humphrey [recommended](#) that "responsibility should now be vested directly in the Department of Labor."

On **September 24, 1965**, President Johnson issued [Executive Order 11246](#). The order prohibited federal contractors and subcontractors from discriminating on the basis of race, color, religion, or national origin and required them to take affirmative action to ensure equal opportunity.

Executive Order 11246 gave the Secretary of Labor the responsibility of enforcement. In 1965, the Department of Labor [established](#) the Office of Federal Contract Compliance. The agency received its first congressional [appropriation](#) in 1966.

## Women Leaders Pressure President Johnson to Add Sex Discrimination Protections to Executive Order 11246

Language prohibiting sex discrimination was notably absent from Executive Order 11246, as first issued. While Secretary of Labor W. Willard Wirtz [argued](#) it was not the “moment in history” to address this omission, administration official and former head of the Women’s Bureau Esther Peterson urged the inclusion of prohibitions against sex discrimination. Unsatisfied with the Equal Employment Opportunity Commission’s weak enforcement of Title VII’s prohibitions against sex discrimination, leaders at growing women’s organizations [urged](#) President Johnson to do more, including amending the order. On **October 13, 1967**, President Johnson signed Executive Order [11375](#), adding prohibitions against discrimination based on sex to order 11246.

## Presidents Ford and Carter Rename and Reorganize Enforcement

By 1975, the Labor Department was also charged with enforcing nondiscrimination protections for veteran and disabled federal contract workers under the Rehabilitation Act of 1973 and the Vietnam Era Veterans' Readjustment Assistance Act. In 1975, President Gerald Ford [changed](#) the Office of Federal Contract Compliance to the Office of Federal Contract Compliance Programs (OFCCP) to reflect its broader responsibilities.

On **October 5, 1978**, President Jimmy Carter further consolidated the enforcement of E.O. 11246 under the Department of Labor with Executive Order [12086](#).

## President Bush Adds Religious Exemptions

On **December 12, 2002**, President George W. Bush issued [Executive Order 13279](#) to exempt faith-based organization contracting with the federal government from order 11246’s prohibition on discrimination based on religion. These provisions would [later](#) be used by President Trump to justify allowing faith-based organization to discriminate for religious reasons based on other protected characteristics, including sex, sexual orientation and gender identity.



## President Obama Adds Pay Transparency Protections

In 2013, 50 years after the Equal Pay Act of 1963 was enacted, advocates [urged](#) President Barack Obama to take steps to combat the persistent gender wage gap and to advance pay equity. On **April 8, 2014**, joined by equal pay champion [Lilly Ledbetter](#), President Obama signed [Executive Order 13665](#), prohibiting federal contractors from retaliating against employees or applicants who discussed or disclosed compensation.



*On April 8, 2014, joined by pay equity champion Lilly Ledbetter (left), President Barack Obama signs an executive order banning federal contractors from discriminating against workers who ask about or discuss their pay. (Source: Obama White House)*

## President Obama Adds Protections Against Discrimination Based on Sexual Orientation and Gender Identity

In 2012, the Obama administration [expressed](#) its reluctance in signing an executive order to ban discrimination based on sexual orientation and gender identity, calling instead on Congress to pass legislation that would provide protections for a broader set of workers. But in 2013, the Senate passed such legislation and Republican leadership in the U.S. House of Representatives [refused](#) to take up a vote. Advocates renewed their calls for President Obama to act, and in March 2014, more than 200 Democratic Members of Congress across the House of Representatives and the Senate joined a [letter](#) urging President Obama to sign an executive order. On **July 21, 2014**, President Obama signed [Executive Order 13672](#) to amend order 11246 to bar discrimination based on sexual orientation and gender identity.

## Trump Revokes Executive Order 11246

On **January 21, 2025**, President Donald Trump issued Executive Order [14173](#) to revoke order [11246](#). The Office of Federal Contract Compliance Programs remains responsible for enforcing protections for disabled workers and veterans under separate federal legislation.