

**Sixty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2025**

SENATE CONCURRENT RESOLUTION NO. 4021
(Senator Gerhardt)

A concurrent resolution urging the United States Federal Government, Congress, and the Governor of North Dakota to end the disadvantaged business enterprise program.

WHEREAS, the President Donald J. Trump issued executive orders directing federal agencies to align with the administration's policy to terminate diversity, equity, and inclusion initiatives (DEI); and

WHEREAS, the orders directed that employment, procurement, and contracting practices of federal contractors and subcontractors may not consider race or gender and further required every federal contract or award to certify the recipient does not operate any programs promoting diversity, equity, and inclusion which violate any applicable federal anti-discrimination laws; and

WHEREAS, the Department of Government Efficiency (DOGE) has been tasked with identifying inefficiencies within the federal government; and

WHEREAS, the United States Department of Transportation and the North Dakota Department of Transportation administer the disadvantaged business enterprise program; and

WHEREAS, the disadvantaged business enterprise program (DBE) is a form of DEI; and

WHEREAS, the DBE program requirements are burdensome and often a deterrent for contractors to bid federally funded projects; the requirements increase contractors' overhead costs, reduce competitive bidding, and prevent general contractors from offering the lowest possible bid, thus wasting taxpayer funds; and

WHEREAS, the increased costs due to the DBE program are not needed, do not add value, and do not serve the taxpayer; and

WHEREAS, government construction contracts should be awarded based on the lowest responsible bid, not based on the color of someone's skin, race, sex, or any other presumption of social disadvantage; and

WHEREAS, the United States District Court for the Eastern District of Kentucky granted a limited preliminary injunction against the United States Department of Transportation in the case Mid-America Milling Co., LLC v. United States Department of Transportation and the court found the race and gender-based rebuttable presumptions used in the DBE program violate the equal protection clause of the 14th Amendment to the United States Constitution;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Sixty-ninth Legislative Assembly supports President Trump and his administration's efforts to eliminate DEI policies from the federal government including the DBE program; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly encourages the DOGE to take steps to eliminate the DBE program, and all other related DEI programs; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly encourages the North Dakota Congressional Delegation to work to remove DEI initiatives, policies, and requirements from funding to states; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly supports the Governor of North Dakota ending the North Dakota Department of Transportation DBE program as soon as allowed under federal law; and

BE IT FURTHER RESOLVED, that the Sixty-ninth Legislative Assembly supports the North Dakota Attorney General taking any available legal action to assist in striking down DBE program requirements and practices in the state; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to each member of the North Dakota Congressional Delegation, the President of the United States, the Governor of North Dakota, the Attorney General of North Dakota, and the Administrator of the Department of Government Efficiency.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House