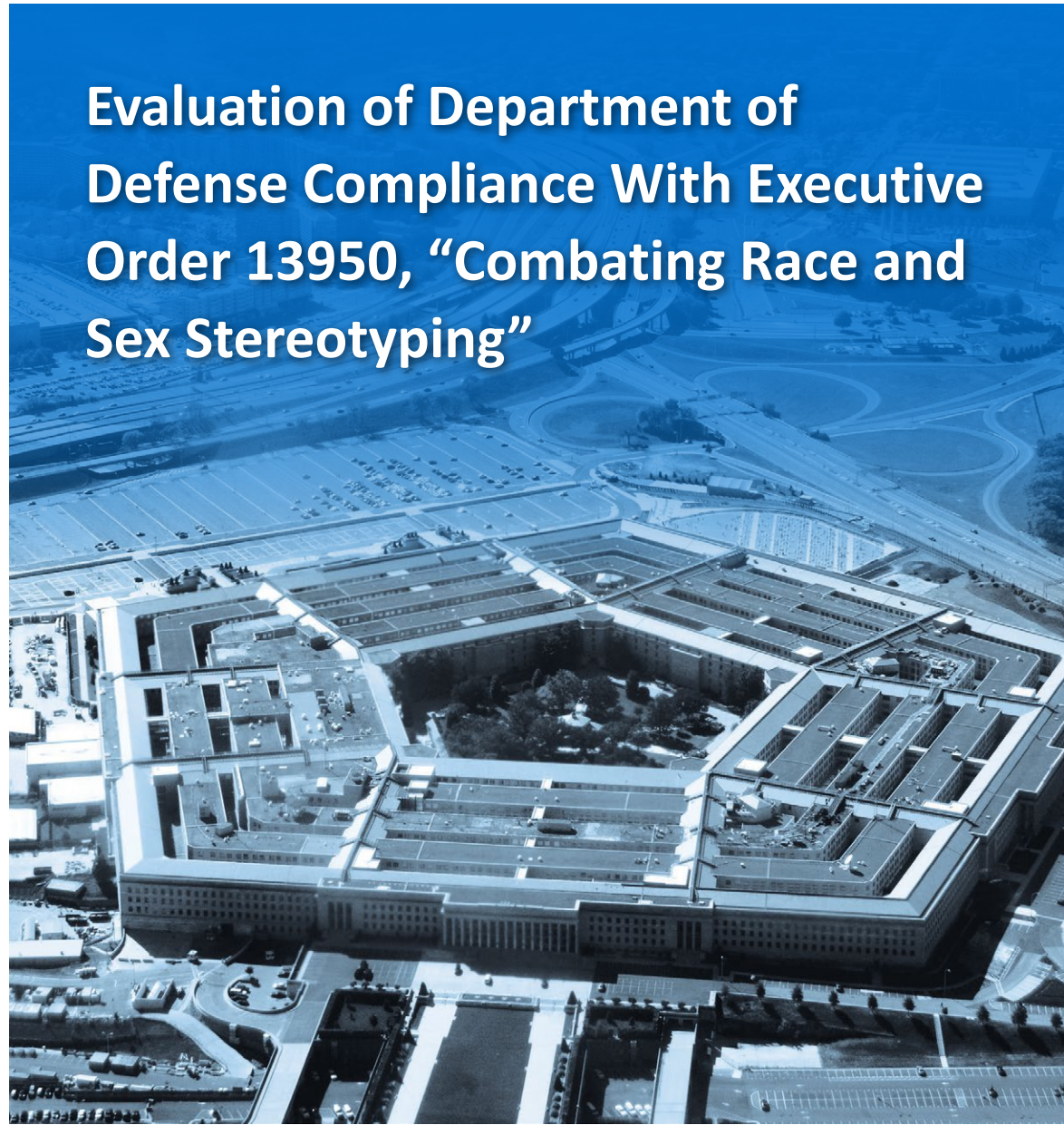




# INSPECTOR GENERAL

*U.S. Department of Defense*

DECEMBER 31, 2020



## Evaluation of Department of Defense Compliance With Executive Order 13950, "Combating Race and Sex Stereotyping"





**INSPECTOR GENERAL  
DEPARTMENT OF DEFENSE  
4800 MARK CENTER DRIVE  
ALEXANDRIA, VIRGINIA 22350-1500**

December 31, 2020

MEMORANDUM FOR DIRECTOR, OFFICE OF MANAGEMENT AND BUDGET

SUBJECT: Evaluation of Department of Defense Compliance With Executive Order 13950,  
"Combating Race and Sex Stereotyping" (Report No. DODIG-2021-044)

This special report provides the results of the Department of Defense (DoD) Office of Inspector General's evaluation of DoD compliance with Executive Order 13950, "Combating Race and Sex Stereotyping," September 22, 2020. We conducted this evaluation from October 2020 through December 2020 in accordance with the "Quality Standards for Inspections and Evaluations," published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency.

If you have any questions please contact [REDACTED]  
[REDACTED]

A handwritten signature in black ink, appearing to read "Randolph R. Stone", is positioned above the printed name.

Randolph R. Stone  
Assistance Inspector General for Evaluations  
Space, Intelligence, Engineering, and Oversight





# Special Report

## DoD Office of Inspector General

*Evaluation of Department of Defense Compliance With Executive Order 13950, "Combating Race and Sex Stereotyping"*

## Introduction

### Objective

The objective of this evaluation was to review and assess DoD compliance with the requirements of Executive Order (EO) 13950, "Combating Race and Sex Stereotyping." Specifically, we focused our evaluation on DoD compliance with the agency requirements in Sections 3 through 7 of EO 13950. Appendix A discusses the details of our scope and methodology.

### Background

On September 22, 2020, the President issued EO 13950, "Combating Race and Sex Stereotyping," stating that the fair and equal treatment of individuals is an inviolable principle that must be maintained in the Federal workplace. EO 13950 also states that it is the policy of the United States to not promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services and to not allow grant funds to be used for those purposes.<sup>1</sup> EO 13950 requires agencies' diversity and inclusion efforts to be consistent with principles of fair and equal treatment and defines types of divisive concepts. Specifically, Section 2(a) of EO 13950 defines divisive concepts to include, in part: (1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; and (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex.

EO 13950 consists of 10 sections. Sections 1, 2, 8, 9, and 10 address the general purpose, definitions, Title VII requirements, effective date, and general provisions of EO 13950. Sections 3 through 7 of EO 13950 address the specific requirements for Federal agencies, which are summarized as follows:

- **Section 3, Requirements for the United States Uniformed Services** – The Uniformed Services are prohibited from training members to believe any of the divisive concepts set forth in Section 2(a) of EO 13950. Members should not face any penalty or discrimination for their refusal to support divisive concepts.

<sup>1</sup> EO 13950 defines "race or sex scapegoating" as assigning fault, blame, or bias to a race or sex, or to member of a race or sex because of their race or sex. EO 13950 defines "race or sex stereotyping" as ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

- **Section 4, Requirements for Government Contractors** – Government contracts that are not exempt from the Equal Employment Opportunity requirements must include a contract provision specifying that contractor training material will not teach divisive concepts.
- **Section 5, Requirements for Federal Grants** – Federal agency heads must identify grant programs that may require the grant recipient to certify that it will not use Federal funds to promote the concepts that are defined as divisive in EO 13950.
- **Section 6, Requirements for Agencies** – The head of each Federal agency will use their authority under sections 301, 302, and 4103, title 5, United States Code to ensure that the Federal agency, agency employees, and hired contractors do not teach, advocate, act upon, or promote any of the divisive concepts listed in EO 13950. In addition, Federal agencies must designate a senior political appointee to be responsible for agency compliance with EO 13950.
- **Section 7, Office of Management and Budget (OMB) and Office of Personnel Management (OPM) Review of Agency Training** – OPM must review diversity and inclusion-related training material before the agencies can use the material. In addition, Federal agencies should pursue suspension or debarment of contractors that violate EO 13950. Finally, Federal agencies must report to OMB the amount of FY 2020 spending on diversity and inclusion-related training programs.

See Appendix B for a full listing of the EO 13950 requirements and the effective date or due date for each requirement.

On September 28, 2020, OMB issued memorandum 20-37, “Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All,” which outlines steps to ensure that all Federal workers are treated with individual respect and that the Government fosters a workplace of respect for all individuals. The memorandum also reiterates the EO 13950 requirement that Federal agencies report to OMB the amount of FY 2020 spending on diversity and inclusion-related training programs.

On October 2, 2020, OPM issued a memorandum, “Mandatory Review of Employee Training under E.O. 13950 September 22, 2020,” which provides guidance to all Federal agencies on the application of EO 13950. The guidance states that OPM must review and approve training materials before the training materials are used, even if those materials have been used in the past. The guidance includes a link to the “Diversity and Inclusion Training Collection Page,” which includes agency-specific instructions and encourages agencies to review and improve agency materials before submitting them to OPM.

On October 16, 2020, the Secretary of Defense issued a memorandum, “Implementation of Executive Order on Combating Race and Sex Stereotyping,” which provided several instructions to Military Departments and DoD agencies for implementing EO 13950.<sup>2</sup> The memorandum included the following instructions.

- DoD Chief Management Officer (CMO), Secretaries of the Military Departments, and the DoD Inspector General (IG) immediately suspend diversity and inclusion-related training for civilian personnel until the training is reviewed and approved by OPM.<sup>3</sup>
- The Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, DoD, submit a report to the OMB Director by December 21, 2020, containing the amount spent in FY 2020 on DoD training related to diversity and inclusion.

The Secretary of Defense memorandum also requested that the DoD IG review and assess agency compliance with the requirements of EO 13950 and submit its findings to OMB by December 31, 2020, and not less than annually thereafter.

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<sup>2</sup> When referring to DoD agencies, this includes the DoD field activities and all elements of DoD except the Military Departments and the DoD OIG.

<sup>3</sup> The Secretary of Defense memorandum directed the CMO to be responsible for EO 13950 compliance related to the DoD agencies (excluding the Military Departments and the DoD OIG)

# Results of Evaluation of DoD Compliance With Executive Order 13950

We determined that the DoD is in compliance with the requirements in Sections 3 and 5 of EO 13950.

We determined that the DoD did not fully comply with Section 4 of EO 13950, which requires that Federal agencies include a contract provision in all Government contracts issued on or after November 21, 2020.<sup>4</sup> Based on our non-statistical sample of 21 DoD contracts issued from November 23, 2020, through December 1, 2020, we found that 19 of 21 contracts we reviewed did not contain the required contract provision. In our exit conference with the Military Departments and the DoD agencies, we recommended that they:

- modify the 19 contracts to incorporate the contract provision required by EO 13950;
- review all other DoD contracts issued on or after November 21, 2020, and modify any contracts that should have included the provision but did not; and
- review related internal controls and make improvements to ensure that future contracts include the provision when it is required.

We determined that the DoD is making progress toward implementing the requirements of Sections 6 and 7. For Section 6, the Office of the CMO has prepared a draft memorandum instructing the Defense agencies to incorporate the EO 13950 requirements into their operations. However, as of December 29, 2020, the CMO has not yet issued the memorandum. For Section 7, the DoD suspended all diversity and inclusion-related training, and is gathering the training material in preparation of submitting it to OPM for review and approval in January 2021.

Finally, to maintain our independence in conducting this evaluation, we did not evaluate the DoD OIG's compliance with the requirements of EO 13950. The detailed results of our evaluation for Sections 3 through 7 of EO 13950 are discussed below.

## Section 3 Requirements and the DoD OIG Evaluation Results

Section 3 of EO 13950 states that the United States Uniformed Services, including the United States Armed Forces, must not teach, instruct, or train any member of the United States Uniformed Services, whether serving on active duty, serving on reserve duty, attending a military service academy, or attending courses conducted by a military department pursuant to a Reserve Officer Corps Training program, to believe any of the divisive concepts identified

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<sup>4</sup> EO 13950 required contracts to include the provision that was subsequently implemented for DoD contracts through DFARS clause 252.222-7999.



in EO 13950. Additionally, Section 3 states that United States Uniformed Services members, including Service members of the Armed Forces, must not be penalized or discriminated against for refusing to support, believe, endorse, embrace, confess, act upon, or otherwise assent to the divisive concepts identified in EO 13950.

### ***DoD OIG Evaluation Results of the Section 3 Requirements***

We determined that the Uniformed Services complied with the Section 3 requirements of EO 13950. In accordance with the Secretary of Defense October 16, 2020, memorandum, the Military Departments have suspended all training related to diversity and inclusion, pending review and approval by OPM. In addition, in response to our data request, the Military Departments stated to us, in writing, that no member has been penalized or discriminated against for refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to the divisive concepts listed in Section 2(a) of EO 13950.<sup>5</sup> Further, we searched all DoD Hotline complaints received from September 22, 2020, through December 23, 2020. Based on our search, we did not find that any member had complained of being:

- taught, instructed, or trained to believe in any of the divisive concepts covered in EO 13950; or
- penalized or discriminated against for refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to the divisive concepts listed in Section 2(a) of EO 13950.

Due to time constraints, we did not take any additional steps to independently verify the Military Departments' written response stating that no member was taught, instructed, or trained on the divisive concepts, or had been penalized or discriminated against for refusal to assent to the divisive concepts defined in EO 13950.

### **Section 4 Requirements and the DoD OIG Evaluation Results**

Section 4 of EO 13950 requires that all contracts entered into on or after November 21, 2020, contain the provision set forth in Section 4(a)(1) of EO 13950, which states in part that the contractor may not use workplace training to promote any form of race or sex stereotyping or scapegoating.

### ***DoD OIG Evaluation Results of the Section 4 Requirements***

We determined that the Military Departments and DoD agencies did not fully comply with the Section 4 requirements of EO 13950 because 19 of the 21 contracts we selected for review did not contain the required contract provision.

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<sup>5</sup> The Military Departments include the Army, the Navy, the Air Force, and the National Guard Bureau.

On November 20, 2020, the Office of the Principal Director for Defense Pricing and Contracting, within the Office of the Under Secretary of Defense for Acquisition and Sustainment, issued a Defense Federal Acquisition Regulation Supplement class deviation requiring that all Military Departments and DoD agencies include the required EO 13950 contract provision in contracts issued on or after November 20, 2020.<sup>6</sup> We selected a non-statistical sample of 21 DoD contracts from a universe of 114 issued from November 23, 2020, through December 1, 2020, to determine whether the contracts included the provision required by EO 13950. We determined that 19 of the 21 selected contracts did not contain the provision required by EO 13950. The remaining two contracts included the required contract provision.

Representatives from the Military Departments and DoD agencies stated in writing that the contract provision was inadvertently omitted from the 19 contracts, but stated that they will issue contract modifications to incorporate the contract provision. In our exit conference with the Military Departments and the DoD agencies on December 21, 2020, we recommended that they:

- modify the 19 contracts to incorporate the contract provision required by EO 13950;
- review all other DoD contracts issued on or after November 21, 2020, and modify any contracts that should have included the provision but did not; and
- review related internal controls and make improvements to ensure that future contracts include the provision when it is required.

## Section 5 Requirements and the DoD OIG Evaluation Results

Section 5 of EO 13950 requires heads of all agencies to:

1. review their respective grant programs and identify programs for which the agency may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote divisive concepts in Section 2(a) of EO 13950; and
2. provide a report of the identified grant programs to OMB by November 21, 2020.

### ***DoD OIG Evaluation Results of the Section 5 Requirements***

We determined that the DoD is in compliance with Section 5 requirements of EO 13950. We verified that on November 20, 2020, the Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, DoD, provided a report to the OMB Director identifying 79 DoD grant programs for which the agencies may require the grant recipient to certify that it will not use Federal funds to promote the divisive concepts outlined in

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<sup>6</sup> DFARS Class Deviation 2021-00001, Class Deviation-Combating Race and Sex Stereotyping, November 20, 2020.

EO 13950. Due to time constraints, we did not independently verify that the report provided to OMB was complete. We will consider the need to perform an independent verification of the report of grants submitted to OMB as part of our next evaluation of DoD compliance with EO 13950, which is required to be completed by December 31, 2021.

## **Section 6 Requirements and the DoD OIG Evaluation Results**

Section 6 of EO 13950 requires that agency heads:

1. issue an order to incorporate the requirements of EO 13950 into agency operations and to include a provision in all agency contracts that requires compliance with EO 13950 regarding diversity training;
2. assign at least one senior political appointee responsible for ensuring compliance with EO 13950; and
3. request that the agency inspector general review and assess, by December 31, 2020, and not less than annually thereafter, agency compliance with the requirements of EO 13950 in a report submitted to the OMB.

### ***DoD OIG Evaluation Results of the Section 6 Requirements***

We determined that the DoD is making progress toward implementing the Section 6 requirements of EO 13950. Specifically, we verified the following.

1. The Military Departments incorporated the requirements of EO 13950 into their operations. For example, the Department of the Navy issued a November 4, 2020, memorandum that directs the incorporation of EO 13950 into its operations, and the suspension of all diversity and inclusion-related training until approval from OPM is received.

In an October 16, 2020, memorandum, the Secretary of Defense directed that the Defense agencies suspend all related diversity and inclusion training pending approval from OPM. In addition, the Office of the CMO prepared a draft memorandum that directs the incorporation of the requirements of EO 13950 into agency operations and reiterates the Secretary of Defense direction that the Defense agencies suspend related diversity and inclusion training pending OPM approval. However, as of December 29, 2020, the CMO has not yet issued the memorandum.

2. In the October 16, 2020, memorandum, the Secretary of Defense designated the CMO, the Secretaries of the Military Departments, and the DoD IG as the political appointees responsible for ensuring compliance with EO 13950.
3. In the October 16, 2020, memorandum, the Secretary of Defense further requested that the DoD IG review and assess DoD compliance with EO 13950 by December 31, 2020, and not less than annually thereafter, and submit its findings to OMB.

## Section 7 Requirements and the DoD OIG Evaluation Results

Section 7 of EO 13950 includes the following three requirements.

1. All training programs for agency employees relating to diversity or inclusion must, before being used, be reviewed by the OPM for compliance with the requirements of Section 6 of EO 13950.
2. If a contractor provides training for agency employees relating to diversity or inclusion that promotes the divisive concepts in Section 2(a) of EO 13950, the agency that contracted for the training must evaluate whether to pursue debarment of that contractor consistent with applicable law and regulations, and in consultation with the Interagency Suspension and Debarment Committee.
3. Within 90 days of the date of EO 13950, each agency must provide a report to the OMB containing all spending in FY 2020 on DoD training programs related to diversity and inclusion, including training conducted for the DoD by contractors, including aggregate totals and awards to individual contractors.

### ***DoD OIG Evaluation Results of the Section 7 Requirements***

We determined that the DoD is making progress toward implementing the Section 7 requirements of EO 13950.

1. Representatives from all Military Departments and DoD agencies stated to us in writing that they suspended all training related to diversity and inclusion pending OPM review of the training material. The Office of the Under Secretary of Defense for Personnel and Readiness [OUSD(P&R)], on behalf of the DoD, plans to review all DoD related training material for any divisive concepts and then submit the training material to OPM for review and approval by January 15, 2021.
2. The DoD has not evaluated whether to pursue debarment of any contractors because it has not yet reviewed any training material related to diversity and inclusion to determine if the training material promotes divisive concepts. In a December 11, 2020, memorandum, OUSD(P&R) instructed the Military Departments and DoD agencies to submit all training material to the OUSD(P&R) by January 11, 2021. The OUSD(P&R), on behalf of the DoD, plans to review the training material for compliance with EO 13950 and submit the training material to OPM for review and approval by January 15, 2021.<sup>7</sup>
3. On December 22, 2020, the Office of the Under Secretary of Defense (Comptroller)/ Chief Financial Officer, DoD, reported to OMB spending of \$22.9 million on all diversity and inclusion-related training during FY 2020.

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<sup>7</sup> Neither EO 13950 nor the OPM guidance established a due date for submitting the related training to OPM for its review.

# Appendix A

## Scope and Methodology

We performed this evaluation from October 2020 through December 2020 in accordance with the “Quality Standards for Inspections and Evaluations,” published in January 2012 by the Council of the Inspectors General on Integrity and Efficiency (CIGIE). Those standards require that we adequately plan the evaluation to ensure that objectives are met and that we perform the evaluation to obtain relevant evidence to support the conclusions. As part of our evaluation, we:

- issued a data call to responsible Military Departments and DoD agencies to request information and documents related to the implementation of EO 13950, and
- summarized the responses to the data calls and determined compliance with EO 13950.

Due to time constraints, we relied primarily on the Military Department and DoD agency responses to the data calls in determining DoD compliance with EO 13950. The specific steps we performed are discussed below by EO section, which align with CIGIE’s “Guidance for Compliance Review on the Executive Order on Combating Race and Sex Stereotyping,” October 2020 (the CIGIE Guidance).

### ***EO 13950 Section 3 Requirements (Uniformed Services)***

We reviewed the responses to our data call requesting that the Military Departments provide a listing of members who were penalized or discriminated against for refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to the divisive concepts listed in Section 2(a) of EO 13950. The responses from the Military Departments stated in writing that no member has been penalized or discriminated against under the provisions of Section 2(a) of EO 13950. We also reviewed DoD Hotline complaints received from September 22, 2020, through December 23, 2020, and we did not find that any member had complained of being taught on the divisive concepts identified in EO 13950, or being penalized for refusing to agree with the divisive concepts. Due to time constraints, we did not perform any additional steps to independently verify the Military Departments’ response to the data request.

### ***EO 13950 Section 4 Requirements (Government Contractors)***

We obtained guidance issued by the Office of Defense Pricing and Contracting for implementing Section 4 of EO 13950. The guidance required that all DoD contracts issued on or after November 20, 2020, contain the contract provision required by EO 13950.

In addition, we selected a non-statistical sample of 21 of 114 DoD contracts issued from November 23, 2020, through December 1, 2020, to determine if DoD agencies and Military Departments incorporated the contract provision required by Section 4 of EO 13950. We obtained the universe of contracts from the Office of Defense Pricing and Contracting. We selected the sample of 21 contracts by choosing:

- contracts that were not exempt from Section 204 of EO 11246, September 24, 1965 (Federal Acquisition Regulation 52.222-26, Equal Employment Opportunity); and
- a cross-section of contracts issued by the Military Departments and DoD agencies.

### ***EO 13950 Section 5 Requirements (Federal Grants)***

In response to our data call, we received a copy of the grant program report issued by the Office of Under Secretary of Defense (Comptroller)/Chief Financial Officer to OMB identifying 79 grant programs for which the agency may, as a condition of receiving grant funding, require recipients to certify that they will not use Federal funds to promote the divisive concepts identified in EO 13950. The Office of Under Secretary of Defense (Comptroller)/Chief Financial Officer sent the report to the OMB on November 20, 2020, 1 day prior to the November 21, 2020, due date. Due to time constraints, we did not conduct a full review of all grants within the DoD to determine if the report provided to the OMB was accurate and complete.

### ***EO 13950 Section 6 Requirements (Agency Requirements)***

We obtained the Secretary of Defense memorandum issued on October 16, 2020, requesting that the DoD IG review and assess DoD compliance with EO 13950. The memorandum designated the CMO as the senior political appointee responsible for ensuring the DoD agencies' compliance with EO 13950. The memorandum also designated the Secretaries of the Military Departments as the designated senior political appointees responsible for their respective Department's compliance with EO 13950.

We held discussions with CMO representatives to gain an understanding of the actions taken by the agency to prevent training on, and promotion of, divisive concepts. We also obtained a copy of a draft memorandum from the Office of the CMO, which directs that Defense agencies suspend all diversity and inclusion training pending OPM approval. However, as of December 29, 2020, the CMO has not issued the memorandum. In addition, we obtained evidence that the Military Departments incorporated the requirements of EO 13950 into their operations. Specifically, we obtained copies of written communications from senior leadership in the Departments of the Army, Navy, Air Force, and the National Guard Bureau, requiring that their Departments incorporate the requirements of EO 13950 into their operations and suspend all diversity and inclusion-related training in accordance with EO 13950 until OPM approval is received.

## ***EO 13950 Section 7 Requirements (Review of Agency Training)***

We requested that the OUSD(P&R) and the Military Departments provide a list of training related to diversity and inclusion that was provided to OPM for its review. As of December 29, 2020, the OUSD(P&R) was still gathering and reviewing the training prior to submitting the training to OPM for review and approval.

In addition, we obtained the October 16, 2020, memorandum from the Secretary of Defense directing that all Military Departments and DoD agencies suspend any related training until approval of the training is received from OPM. In response to our data call, the Military Departments and the CMO stated to us, in writing, that all diversity and inclusion-related training within DoD was suspended pending OPM approval. According to a December 11, 2020, OUSD(P&R) memorandum, the Military Departments and DoD agencies must submit all training material to the OUSD(P&R) by January 11, 2021.

In response to our data call, the Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer, DoD, provided us with a copy of the FY 2020 diversity and inclusion-related training expenditure report that was sent to OMB on December 22, 2020.

## ***Reviews Conducted by the DoD Intelligence Community Inspectors General***

The Inspectors General for the following DoD intelligence agencies conducted separate reviews of their agencies for compliance with EO 13950 and reported the results of those reviews to their respective agency heads.

- Defense Intelligence Agency
- National Geospatial Intelligence Agency
- National Reconnaissance Office
- National Security Agency

We obtained the results of the DoD Intelligence Community Inspectors General reviews and incorporated them into our evaluation in determining DoD compliance with EO 13950. The DoD Intelligence Community Inspectors General did not report their results directly to OMB. Due to time constraints, we relied in part on the results of the DoD Intelligence Community Inspectors General reviews in determining DoD compliance with EO 13950.

## ***Exclusion of the DoD Office of the Inspector General***

Our evaluation covered all elements within the DoD (including the Military Departments and the DoD Agencies), except for the DoD OIG. We did not cover the DoD OIG, to maintain our independence in conducting the evaluation.

# Appendix B

## Executive Order 13950 Requirements and Effective Date or Due Date for Completion

This appendix lists all requirements from Sections 3 through 7 of EO 13950, and the effective date or due date for each requirement.

Executive Order Requirements	Effective Date or Due Date
<b>Section 3 Requirements for the United States Uniformed Services</b>	
The United States Uniformed Services may not teach, instruct, or train any member of the United States Uniformed Services to believe any of the divisive concepts identified in Section 2(a) of EO 13950.	September 22, 2020
Members of the United States Uniformed Services must not face any penalty or discrimination on account of their refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to these concepts.	September 22, 2020
<b>Section 4 Requirements for Government Contractors</b>	
<p>Government contracting agencies must include in every Government contract, except in contracts exempted by section 204 of Executive Order 11246, the following four provisions:</p> <ol style="list-style-type: none"> <li>1. The contractor may not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating.</li> <li>2. The contractor will send to each labor union or representative of workers with which they have a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under the EO notice in conspicuous places available to employees and applicants for employment.</li> <li>3. In the event of the contractor's noncompliance with the requirements of paragraphs (1), (2), and (4), or with any rules, regulations, or orders that may be promulgated in accordance with the EO, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in EO 11246, and such other sanctions may be imposed and remedies invoked as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to EO 11246, including subpart D of that order.</li> <li>4. The contractor will include the provisions of paragraphs (1) through (4) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor, so that such provisions will be binding upon each subcontractor or vendor.</li> </ol>	<p>After 60 days of the EO (November 21, 2020)</p>



*Executive Order 13950 Requirements and Effective Date or Due Date for Completion (cont'd)*

Executive Order Requirements	Effective Date or Due Date
<p>The Director of the Office of Federal Contract Compliance Programs will publish in the Federal Register a request for information seeking information from Federal contractors, Federal subcontractors, and employees of Federal contractors and subcontractors regarding the training, workshops, or similar programming provided to employees. The request for information should request copies of any training, workshop, or similar programming related to diversity and inclusion as well as information about the duration, frequency, and expense of such activities.</p>	<p>Within 30 days of the EO (October 22, 2020)</p>
<p><b>Section 5 Requirements for Federal Grants</b></p>	
<p>Agency heads must submit a report to the Director of the OMB that lists all of respective grant programs that may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the specified concepts identified in EO 13950.</p>	<p>Within 60 days of the EO (November 21, 2020)</p>
<p><b>Section 6 Requirements for Agencies</b></p>	
<p>Agency heads must ensure that the agency, agency employees while on duty status, and any contractors hired by the agency to provide training do not teach, advocate, act upon, or promote divisive concepts identified in EO 13950. Agencies may consult with the OPM in carrying out this provision.</p>	<p>September 22, 2020</p>
<p>Agency diversity and inclusion efforts must encourage agency employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by Federal law.</p>	<p>September 22, 2020</p>
<p>The Director of OPM will propose regulations providing that agency officials with supervisory authority over a supervisor or an employee with responsibility for promoting diversity and inclusion, if such supervisor or employee either authorizes or approves training that promotes the divisive concepts set forth in Section 2(a) of EO 13950, will take appropriate steps to pursue a performance-based adverse action proceeding against such supervisor or employee under chapter 43 or 75 of title 5, United States Code.</p>	<p>September 22, 2020</p>
<p>The agency head must issue an order incorporating the requirements of EO 13950 into agency operations, including by making compliance with Executive Order 13950 a provision in all agency contracts for diversity training.</p>	<p>September 22, 2020</p>
<p>The agency head will request that the agency inspector general thoroughly review and assess by the end of the calendar year, and not less than annually thereafter, agency compliance with the requirements of EO 13950 in the form of a report submitted to the OMB.</p>	<p>December 31, 2020</p>
<p>The agency head will assign at least one senior political appointee responsibility for ensuring compliance with the requirements of EO 13950.</p>	<p>September 22, 2020</p>

*Executive Order 13950 Requirements and Effective Date or Due Date for Completion (cont'd)*

Executive Order Requirements	Effective Date or Due Date
<b>Section 7 OPM and OMB Review of Agency Training</b>	
All training programs for agency employees relating to diversity or inclusion must, before being used, be reviewed by OPM for compliance with the requirements of section 6 of EO 13950.	September 22, 2020 (for not using the training programs)*
If a contractor provides a training for agency employees relating to diversity or inclusion that teaches, advocates, or promotes the divisive concepts set forth in Section 2(a) of EO 13950, and such action is in violation of the applicable contract, the agency that contracted for such training must evaluate whether to pursue debarment of that contractor, consistent with applicable law and regulations, and in consultation with the Interagency Suspension and Debarment Committee.	September 22, 2020
Each agency will report to the OMB all spending in Fiscal Year 2020 on Federal employee training programs relating to diversity or inclusion, whether conducted internally or by contractors. Such report must, in addition to providing aggregate totals, delineate awards to each individual contractor.	Within 90 days (December 21, 2020)

\* A due date was not specified for submitting training programs to OPM for its review.

Source: EO 13950.

# Acronyms and Abbreviations

- CMO** Chief Management Officer
- EO** Executive Order
- OMB** Office of Management and Budget
- OPM** Office of Personnel and Management
- OUSD(P&R)** Office of the Under Secretary of Defense for Personnel and Readiness



# **Whistleblower Protection**

## **U.S. DEPARTMENT OF DEFENSE**

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