



OFFICE OF
INSPECTOR GENERAL
U.S. DEPARTMENT OF THE INTERIOR

Compliance With Executive Order 13950, "*Combating Race and Sex Stereotyping*"

In recognition of Secretarial Order No. 3380, we are providing estimated costs associated with certain work products. Applying a formula involving prior salary and benefit expenses, we estimate the cost of preparing this report to be \$40,000.



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JAN 07 2021

Craig Crutchfield
Branch Chief, Office of Management and Budget
725 17th Street NW
Washington, DC 20503

Subject: Inspection Report – *Compliance With Executive Order 13950, “Combating Race and Sex Stereotyping”*
Report No. 2021-ER-009

Dear Mr. Crutchfield:

We have completed our review of the U.S. Department of the Interior’s (DOI’s) compliance with Executive Order 13950, *Combating Race and Sex Stereotyping*. Our findings are detailed below.

Requirements Included in Our Review

On September 22, 2020, the President issued [Executive Order 13950, Combating Race and Sex Stereotyping](#). The order’s stated purpose is to “promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating.”

The order outlines several requirements for Federal agencies to ensure that (1) the agencies and their contractors and grantees do not use Federal funds in a manner inconsistent with the order and (2) the agencies implement the order’s requirements throughout their operations. We reviewed the DOI’s compliance with the following four requirements:

1. Designate a senior official to manage agency implementation of the order
2. Add language to contracts to ensure contractors comply with the order’s requirements
3. Review grant programs to determine which grantees must certify the use of Federal funds in a manner consistent with the order, and provide a list of these grant programs to the Office of Management and Budget (OMB) by November 21, 2020
4. Report its spending on diversity training programs to the OMB by December 21, 2020

The attachment contains our inspection’s scope and methodology.

Results of Our Review

Agencies must incorporate the order's requirements into their operations in several stages. We found that the DOI met two of the four requirements we reviewed and made progress toward compliance in the others.

Designating a Senior Official To Manage Implementation

Executive Order 13950 requires agency heads to designate a senior political official to be responsible for the agency's implementation of the order. We confirmed that the DOI has designated the Acting Assistant Secretary for Policy, Management and Budget as the responsible official.

Including Required Clauses in Contracts¹

Section 4 of Executive Order 13950 requires Federal agencies to include four specific clauses in every contract executed on or after November 21, 2020. Each of these clauses affirms that the contractor will comply with the order. We reviewed 12 contracting actions and 4 purchase orders that DOI bureaus issued between November 22 and 28, 2020, and found that only 2 contained the clauses required by the order.

According to the Acting Assistant Secretary for Policy, Management and Budget, the OMB notified the DOI on November 20, 2020—the day before the requirement to add the clauses was to go into effect—that it expected Federal agencies to issue their own policies and guidance for implementing the requirement. The Acting Assistant Secretary issued a memorandum on November 23 instructing bureau procurement chiefs to include the required clauses in contracts, but the memorandum was not distributed throughout the DOI until after most of the actions we reviewed had been executed.

Reviewing Grant Programs

Under the order, agencies must review their grant programs and identify programs for which they may require grant recipients to certify that they will use the grant funds in a manner consistent with the order. Agencies were also required to provide a list of those programs to the OMB by November 21, 2020. Although the DOI submitted a partial list of its grant programs to the OMB, DOI officials told us that a complete list has not been submitted because the DOI was seeking clarification from the OMB on which program types needed to be reviewed.

Reporting Training Program Spending to the OMB

The order requires each agency head to submit a spending report for fiscal year 2020 on all "Federal employee training programs relating to diversity or inclusion." The report must include both aggregate training totals and specific contract costs incurred for training, and it was

¹ We note that, on December 22, 2020, the U.S. District Court for the Northern District of California issued a preliminary injunction prohibiting the OMB, among other Federal agencies, from implementing or enforcing provisions of Executive Order 13950 against any contractors, subcontractors, grantees, or subgrantees.

required to be issued to the OMB by December 21, 2020. We confirmed that the DOI submitted this information to the OMB as required.

DOI officials also notified us during our fieldwork that the DOI had submitted its diversity and inclusion training programs to the Office of Personnel Management (OPM) to review for consistency with the order's requirements. The officials informed us that the OPM has not yet approved the training programs and that the DOI will not conduct training on the submitted programs until the OPM approves them.

We would like to thank the DOI for its cooperation during our review. If you have questions about this report, please contact me at 202-208-5745.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Lee Greenblatt', written in a cursive style.

Mark Lee Greenblatt
Inspector General

Attachment

cc: David L. Bernhardt, Secretary of the Interior
Vicki Brown, Chief Learning Officer
Megan Olsen, Chief Procurement Officer
Cara Whitehead, Director, Office of Grants Management
Alexis Vann, Audit Liaison Officer

Attachment: Scope and Methodology

We limited the scope of this review to the Department of the Interior's (DOI's) implementation of the four Executive Order 13950 requirements discussed in our report. To accomplish our objective, we:

- Interviewed the Acting Assistant Secretary for Policy, Management and Budget; DOI contracting officers; and staff from the Offices of Financial Management, Grants Management, and Strategic Employee and Organization Development
- Reviewed the DOI memorandum titled *Federal Acquisition Regulation (FAR) Class Deviation Memorandum – Combating Race and Sex Stereotyping*
- Reviewed the 12 contracting actions issued by DOI bureaus between November 22 and 28, 2020, for inclusion of the new contracting clauses
- Judgmentally selected a sample of 4 purchase orders from the 37 issued by DOI bureaus between November 22 and 28, 2020, and reviewed them for inclusion of the new contracting clauses
- Confirmed that a partial list of grant programs was transmitted to the Office of Management and Budget (OMB)
- Confirmed that the spending report was transmitted to the OMB
- Confirmed that a list of training programs related to diversity and inclusion was submitted to the Office of Personnel Management for review

We conducted our inspection in accordance with the *Quality Standards for Inspection and Evaluation* as put forth by the Council of the Inspectors General on Integrity and Efficiency. We believe that the work performed provides a reasonable basis for our conclusions.

