



December 30, 2020

The Honorable Russell Vought
Director
The Office of Management and Budget
725 17th Street, NW
Washington, DC 20503

Dear Director Vought:

On September 22, 2020, the President signed Executive Order 13950, “Combating Race and Sex Stereotyping.” The order required Federal agencies to cease all workplace trainings that inculcate “divisive concepts” in diversity and inclusion trainings for agency employees, contractors, and grantees.¹ In addition, the order required agencies to identify diversity and inclusion trainings that may contain such content and to submit the training materials to the Office of Personnel Management (OPM) for review and approval prior to being used. Further, section 6(c)(ii) of the order required each agency to request its Inspector General to review and assess agency compliance with the order’s requirements and submit a report to OMB by the end of the calendar year and annually every year thereafter. On November 4, 2020, the Acting Administrator requested an OIG review of the agency’s compliance with the order.

This letter provides the results of our evaluation of USAID’s compliance with the order to date. Our objective was to describe key actions that USAID has taken in implementing the requirements of Executive Order 13950.

We conducted our work from November 5 to December 18, 2020, in accordance with the Quality Standards for Inspection and Evaluation as issued by the Council of the Inspectors General on Integrity and Efficiency. In conducting the evaluation, we reviewed documentation supporting USAID’s implementation of Executive Order 13950, including Agency Notices, working group meeting notes, and additional evidence describing the identified trainings that USAID submitted to OPM for review and approval.

¹ See Executive Order 13950, Section 2(a) for a description of the concepts.

USAID Has Taken Actions To Implement Key Parts of Executive Order 13950

Following the issuance of Executive Order 13950, USAID took a number of actions to implement key parts of the order. The Agency paused all diversity and inclusion trainings on September 30 and appointed the Chief of Staff of USAID’s Bureau for Global Health to support the implementation of the order. Further, USAID announced the formation of an executive committee and working group tasked with implementing provisions of the order. A key output of the working group was coordinating a review of Agency diversity and inclusion training among USAID operating units and reporting this information to OPM on November 12, 2020. OPM responded to the Agency’s submission on December 9, 2020. The following timeline provides an overview of key events related to Executive Order 13950 and USAID’s implementation of provisions of the order.

Key Events Related to USAID’s Implementation of Executive Order 13950, September - November 2020

September 4	<p><i>OMB M-20-34, Training in the Federal Government</i></p> <p>The OMB Director announces intentions to issue detailed guidance on a Presidential directive related to Federal agency trainings considered to be divisive. The memo directs all agencies to begin identifying all contracts or Government spending on training that may contain such content.</p>
September 22	<p><i>Executive Order 13950, Combating Race and Sex Stereotyping</i></p> <p>The order goes into effect, with requirements that apply to Federal employees, contractors, and grantees.</p>
September 28	<p><i>OMB M-20-37, Ending Employee Trainings That Use Divisive Propaganda To Undermine the Principle of Fair and Equal Treatment for All</i></p> <p>OMB releases a memo requiring agencies to:</p> <ul style="list-style-type: none"> • Identify all agency training programs related to diversity and inclusion held during fiscal year 2020, including those conducted by the agency and others. • Review the trainings to determine whether they teach, advocate, or promote certain concepts noted as divisive in Executive Order 13950. • Appoint a senior political appointee to review and approve in advance any expenditure on Federal employee diversity and inclusion training by certifying the curriculum meets the standard of fair and equal treatment of individuals. <p>The memo states that these requirements extend to training programs conducted by Federal contractors and grantees, and that all diversity and inclusion training must be reviewed by OPM.</p>
September 30	<p><i>USAID Agency Notice, New Executive Order on Combating Race and Sex Stereotyping</i></p> <p>The USAID Acting Administrator announces a hold on all upcoming diversity and inclusion training while the Agency reviewed its training and a new working group to implement provisions of the order.</p>

October 2	<p><i>OPM Memo, Mandatory Review of Employee Training Under E.O. 13950, September 22, 2020</i></p> <p>OPM provides guidance on implementing the order. Specifically, the memo states that the order applies to all diversity and inclusion training programs, including those developed prior to the order and new programs, and instructs agencies to submit information on diversity and inclusion training for approval.</p>
October 21	<p><i>USAID Agency Notice, Guidance from the Office of Personnel Management and Office of Management and Budget on Executive Order 13950</i></p> <p>USAID announces that the Chief of Staff for the Bureau for Global Health is in charge of executing USAID's efforts to comply with the order and will lead an executive committee and working group to implement the efforts.</p> <p>USAID operating units are directed to review guidance from OMB and OPM and validate or update their list of training coordinators, to help the Agency collect information on its diversity and inclusion training and respond to OMB's reporting deadline.</p>
November 12	<p><i>Submission of USAID Training to OPM for Review</i></p> <p>USAID submits information on the Agency's diversity and inclusion training to OPM.</p>
December 9	<p>OPM responded to the Agency's submission.</p>

Source: OIG review of Executive Order 13950 and implementing guidance.

Executive Order 13950 also requires agencies to incorporate the requirements into contracts and sub-contracts.² In November 2020, USAID reported to OIG that officials from the offices of General Counsel and Acquisition and Assistance were researching the Agency's authority to enforce aspects of the order on contractors.

Concluding Observations

In the 3 months since Executive Order 13950 was issued, USAID has taken actions to implement key parts of the order, and work is ongoing to fully comply with provisions of the order. Specifically, the Agency is researching its authority to enforce aspects of the order on contractors. We will continue to monitor the Agency's compliance with Executive Order 13950.

² See Executive Order 13950, Section 4(a) (pertaining to government contracts) and Section 5 (pertaining to federal grants).

If you have any questions concerning this letter, please contact the Director of our Audit Support and Evaluations Division, Alan MacMullin, at 202-712-5397.

Sincerely,

/s/

Thomas E. Yatsco
Assistant Inspector General for Audit

cc: John Barsa, USAID Acting Deputy Administrator