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Office of Federal Procurement Policy

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-XXXX; Docket No. 2026-0067; Sequence No. 1]

Information Collection; Addressing DEI Discrimination by Federal Contractors

AGENCY: Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB); Department of Defense (DOD); General Services Administration (GSA); and National Aeronautics and Space Administration (NASA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 and OMB regulations, OFPP, DoD, GSA, and NASA invite the public to comment on a new information collection concerning the implementation of Executive Order 14398, Addressing DEI Discrimination by Federal Contractors. OFPP, DoD, GSA, and NASA invite comments on: whether the proposed collection of information is necessary for the proper performance of the functions of Federal Government acquisitions, including whether the information will have practical utility; the accuracy of the estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including the use of

automated collection techniques or other forms of information technology.

DATES: OFPP, DoD, GSA, and NASA will consider all comments received by **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER.]**

ADDRESSES: OFPP, DoD, GSA, and NASA invite interested persons to submit comments on this collection through <https://www.regulations.gov> and follow the instructions on the site. This website provides the ability to type short comments directly into the comment field or attach a file for lengthier comments. If there are difficulties submitting comments, contact the GSA Regulatory Secretariat Division at 202-501-4755 or GSARegSec@gsa.gov.

Instructions: All items submitted must cite OMB Control No. 9000-XXXX, Addressing DEI Discrimination by Federal Contractors. Comments received generally will be posted without change to <https://www.regulations.gov>, including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: FARPolicy@gsa.gov or call 202-969-4075.

SUPPLEMENTARY INFORMATION:

A. OMB control number, Title, and any Associated Form(s): 9000-XXXX, Addressing DEI Discrimination by Federal Contractors.

B. Need and Uses

This justification supports clearance of a new information collection to comply with Executive Order (E.O.) 14398, Addressing DEI Discrimination by Federal Contractors, which prohibits contractors from engaging in any racially discriminatory diversity, equity, and inclusion (DEI) activities (91 FR 16147, March 31, 2026). Section 5 of E.O. 14398 directs the Federal Acquisition Regulatory Council (FAR Council) to issue a deviation from the Federal Acquisition Regulation (FAR) regarding agency implementation of the contract clause described in section 3 of the E.O. This clearance covers the information that contractors must submit in response to the requirements of section 3 of E.O. 14398 as implemented in the following FAR clause:

a. FAR 52.222-90, Addressing DEI Discrimination by Federal Contractors. This clause requires contractors to:

i. Par (b) (2) - Furnish all information and reports, including providing access to books, records, and accounts, as required by the contracting officer, for purposes of ascertaining compliance with the clause.

ii. Par (b) (4) - The contractor will report any subcontractor's known or reasonably knowable conduct that may violate this clause to the contracting officer and take any appropriate remedial actions directed by the contracting officer.

iii. Par (b) (5) - The contractor will inform the contracting officer if a subcontractor sues the contractor and the suit puts

at issue, in any way, the validity of the clause.

Federal agencies use the collected information to ensure compliance with E.O. 14398, including section 4 of the E.O. which establishes remedies for noncompliance with the E.O.

The FAR Council intends to issue rulemaking to provide the opportunity for the public to comment on the policy to implement E.O. 14398 in the FAR including the impact analysis in accordance with E.O. 12866, Regulatory Planning and Review.

C. Annual Burden

Respondents: 1,365.

Total Annual Responses: 6,825.

Total Burden Hours: 7,965.

Obtaining Copies: Requesters may obtain a copy of the information collection documents from the GSA Regulatory Secretariat Division, by calling 202-501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 9000-XXXX, Addressing DEI Discrimination by Federal Contractors.

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