

April 15, 2026

Memorandum to: Mark Paoletta
Performing the Duties of the Administrator
Office of Information and Regulatory Affairs

From: Kevin R. Rhodes
Administrator for Federal Procurement Policy

Pursuant to [5 CFR 1320.13](#), as Chair of the Federal Acquisition Regulatory Council (FAR Council) and on behalf of its members (i.e., the Office of Federal Procurement Policy (OFPP), Office of Management and Budget (OMB), the Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA)), I request emergency processing under the Paperwork Reduction Act of 1995 (PRA) of an information collection requirement (ICR) to collect information to support implementation of Executive Order (E.O.) 14398, Addressing DEI Discrimination by Federal Contractors (91 FR 16147, March 31, 2026). The FAR Council is implementing the requirements under a Federal Acquisition Regulation class deviation.

E.O. 14398 prohibits contractors from engaging in any racially discriminatory diversity, equity, and inclusion (DEI) activities. Section 5 of E.O. 14398 directs the FAR Council to issue a deviation regarding agency implementation of the contract clause provided in section 3 of the E.O.

Consistent with 5 CFR 1320.13, the FAR Council has determined the following conditions have been met:

a. The collection of information is needed prior to the expiration of time periods normally associated with a routine submission for review under the provisions of the PRA in accordance with the requirement in section 3 of the E.O., in which agencies must amend contracts to incorporate a clause within 30 days of the Order, and is essential to the mission of the agencies to ensure compliance with the E.O. (5 CFR 1320.13(a)(1)).

b. Delaying collection to comply with normal clearance procedures is likely to result in public harm (5 CFR 1320.13(a)(2)). E.O. 14398 explains the public harm in section 1:

Some entities continue to engage in DEI activities and often attempt to conceal their efforts to do so. DEI activities are not only unethical and often illegal, but also cause inefficiencies, waste, and abuse within entities that engage in such practices. Specifically, DEI activities impose artificial costs in hiring, promotion, and operations by precluding implementation of

merit-based principles; creating excessive workforce turnover by elevating immutable characteristics over job performance; and jeopardizing the sort of employee collaboration and problem-solving that is essential to fostering efficient and high-quality work. DEI activities also create unnecessary costs by reducing the pool of available labor by artificially limiting companies to hiring or promoting certain individuals, suppliers, or intermediaries based on their race or ethnicity.

In view of the foregoing, the FAR Council requests emergency OMB approval for this ICR no later than April 17, 2026, to be effective immediately for the maximum period of 6 months (5 CFR 1320.13(b)).

The FAR Council will take all practicable steps to consult with interested agencies and members of the public to minimize the burden of the collection of information, including responding to any comments received during the normal clearance process. Such steps will include preparing a Federal Register notice in order to submit a permanent information collection requirement. The FAR Council will continue to engage with the public during a future rulemaking in order to minimize the burden of these efforts.

Thank you for your assistance with this matter.