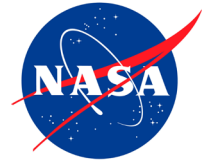


National Aeronautics and Space Administration

Headquarters

Washington, DC 20546-0001



Reply to attn. of: Office of Communications

November 25, 2020

Austin Evers
American Oversight
1030 15th Street NW
Suite B255
Washington, DC 20005

Re: NASA FOIA Tracking Number 21-HQ-F-00042
American Oversight Tracking Number MULTI-20-2608-2607
MULTI-20-2608-2610

Dear Mr. Evers:

This is our final response to your Freedom of Information Act (FOIA) requests to the National Aeronautics and Space Administration (NASA), dated October 20, 2020 and received in this office on October 21, 2020. Due to the overlap of these requests, we amalgamated them for processing under the above referenced tracking number. You seek:

All orders, directives, guidance, or memoranda (including informal direction distributed to your agency's officers, agents, members, contractors, or grantees) regarding the implementation of OMB guidance banning specific diversity and inclusion trainings (M-20-34 and M-20-37) and President Trump's executive order on "Combating Race and Sex Stereotyping" (EO-13950).

Examples of records that are responsive to this request include, but are not limited to:

- i. Guidance for identifying which programs or contracts qualify as "divisive" as specified in section 4 of the executive order;*
- ii. Records memorializing the termination of contracts as a consequence of this executive order or related guidance;*
- iii. Instructions to employees regarding reporting trainings or contracts which violate the executive order and related guidance, including specific email addresses for this purpose;*
- iv. Instructions regarding retaliatory measures for noncompliance;*
- v. Records sufficient to identify which senior political appointee or appointees will be tasked with reviewing and approving agency expenditures on employee diversity and inclusivity training.*

Records sufficient to identify which programs or contracts have been canceled as a result of OMB guidance banning specific diversity and inclusion trainings (M-20-34 and M-20-37) and President Trump's executive order on "Combating Race and Sex Stereotyping" (EO-13950).

Please provide all responsive records from September 4, 2020, through the date the search is conducted.

On November 17, 2020, we provided an interim response¹ and advised that our search of NASA's Office of the Chief Financial Officer was still pending. That search has now been completed. That search located no records responsive to your request.

Appeal

You have the right to appeal my action regarding your request. Your appeal must be received within 90 days of the date of this response. Please send your appeal to:

Administrator
NASA Headquarters
Executive Secretariat
ATTN: FOIA Appeals
MS 9R17
300 E Street S.W.
Washington, DC 2054

Both the envelope and letter of appeal should be clearly marked, "Appeal under the Freedom of Information Act." You must also include a copy of your initial request, the adverse determination, and any other correspondence with the FOIA office. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this initial determination should be reversed. Additional information on submitting an appeal is set forth in the NASA FOIA regulations at 14 C.F.R. § 1206.700.

Assistance and Dispute Resolution Services

If you have any questions, please feel free to contact me at Stephen.g.rowe@nasa.gov. For further assistance and to discuss any aspect of your request you may contact:

Stephanie Fox
Chief FOIA Public Liaison
Freedom of Information Act Office
NASA Headquarters

¹ Our interim response contained the results of our searches of NASA's Office of the Administrator, Office of Diversity and Equal Opportunity (ODEO), Office of the Chief Human Capital Officer (OCHCO), and Office of Procurement.

300 E Street, S.W., 5P32
Washington D.C. 20546
Phone: 202-358-1553
Email: Stephanie.K.Fox@nasa.gov

Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services it offers. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Important: Please note that contacting any agency official including the undersigned, NASA's Chief FOIA Public Liaison, and/or OGIS is not an alternative to filing an administrative appeal and does not stop the 90 day appeal clock.

Sincerely,

Stephen Rowe

Stephen Rowe
FOIA Public Liaison