



FINANCIAL ASSISTANCE LETTER

This Financial Assistance Letter is issued under the authority of the Senior Procurement Executives of DOE and NNSA. It is intended for use by procurement professions of DOE and NNSA, primarily Contracting and Grants Officers, and other officials of DOE and NNSA that are involved in the financial assistance process. Other parties are welcome to its information, but definitive interpretations of its effect on awards, and related procedures, if any, may only be made by DOE and NNSA Contracting and Grants Officers.

Subject: Implementation of Executive Order 13950 of September 22, 2020, Combating Race and Sex Stereotyping

References:

Executive Order 13950 of September 22, 2020, Combating Race and Sex Stereotyping

OMB Memorandum M-20-37 of September 28, 2020, Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All

When is this Financial Assistance Letter (FAL) effective?

This FAL is effective when issued.

When does this FAL expire?

This FAL remains in effect until superseded or cancelled.

Who is the point of contact?

Questions concerning this FAL should be directed to the Contract and Financial Assistance Policy Division at DOE_oapmpolicy@hq.doe.gov

For NNSA, contact NNSA at (505) 845-4337.

Who is the intended audience?

Department of Energy (DOE) and National Nuclear Security Administration (NNSA) Contracting and Grants Officers.

What is the purpose?

The purpose of this FAL is to provide information and guidance regarding the Department of Energy's (DOE or Department) implementation of Executive Order 13950 of September 22, 2020, Combating Race and Sex Stereotyping and OMB Memorandum M-20-37 of September 28, 2020, Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All.

What is the Background Information?

Executive Order 13950 of September 22, 2020, Combating Race and Sex Stereotyping (EO 13950), expresses that it "shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes."

As required by Section 5 of EO 13950, on November 20, 2020 DOE identified and submitted to OMB a list of financial assistance programs by Assistance Listing number for which it may, as a condition of receiving Federal grants and cooperative agreements, require the recipient to certify that it will not use Federal funds to promote the concepts listed in the EO.

OMB Memorandum M-20-37 of September 28, 2020, Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All (OMB M-20-37), further advises Agencies to "update their guidance, practices, and procedures to ensure that future notice of funding opportunities and the terms and conditions of Federal awards restrict the use of Federal funds, including funds to meet cost share requirements, from being used to promote the divisive concepts set forth in the E.O. (including by conducting research premised upon these concepts), to the extent consistent with the statute(s) governing the grant program and all other applicable laws" for those programs submitted to OMB on November 20, 2020.

What types of actions are affected by this FAL?

This FAL applies to all DOE and NNSA funding opportunity announcements and financial assistance actions.

What guidance is included in this FAL?

This FAL implements the requirements of EO 13950 and OMB M-20-37 and informs DOE Contracting and Grants Officers of a new DOE FOA provision and award term that is created to comply with EO 13950 and OMB M-20-37.

The required DOE FOA provision and award term IMPLEMENTATION OF EXECUTIVE ORDER 13950, COMBATING RACE AND SEX STEREOTYPING, restricts the use of Federal funds, including funds to meet cost share requirements, from being used to promote the concepts set forth in EO 13950. See New FOA Provision and New Award Term below.

New FOA Provision:

IMPLEMENTATION OF EXECUTIVE ORDER 13950, COMBATING RACE AND SEX STEREOTYPING

In submitting an application in response to this FOA, the applicant represents that it will not use Federal funds, including funds to meet cost share requirements, to promote the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.

New Award Term:

IMPLEMENTATION OF EXECUTIVE ORDER 13950, COMBATING RACE AND SEX STEREOTYPING

By entering into this agreement and accepting funds under this award, the recipient certifies as a condition of receiving such funds, that none of the funds obligated on the award, including funds to meet cost share requirements, shall be expended, directly or indirectly, to promote the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race.