

**CLASS DEVIATION FINDINGS AND DETERMINATION
DEPARTMENT OF ENERGY ACQUISITION REGULATION (DEAR)
970.5226-1**

Findings

1. On January 20, 2025, the President signed Executive Order (E.O.) 14151 entitled, “Ending Radical and Wasteful Government DEI Programs and Preferencing.” The order includes, in part, a requirement to terminate all Diversity, Equity and Inclusion (DEI) performance requirements for employees, contractors, or grantees.
2. The DEAR clause at 48 CFR 970.5226-1 requires M&O contractors to submit a “Diversity, Equity, Inclusion, and Accessibility” Plan to promote diversity to the Contracting Officer for approval within 90 days of contract award and to update such plans annually.
3. This deviation eliminates the requirement to include the “Diversity Plan” clause prescribed at 48 CFR 970.2671-2. Contracting Officers should:
 - (a) immediately notify affected Contractors that the Department will no longer enforce this clause and that they should not submit such plans or any updates to such plans; and
 - (b) modify affected solicitations and contracts to remove the clause as soon as practicable.

Determination

It is hereby determined that a class deviation to eliminate the requirement to utilize and enforce the clause at 48 CFR 970.5226-1 is appropriate pending formal amendment of the DEAR.

This class deviation is effective upon the date of signature and will remain in effect until cancelled or until the DEAR is amended.

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970.2671-2 CONTRACT CLAUSE.

~~THE CONTRACTING OFFICER SHALL INSERT THE CLAUSE AT 970.5226-1, DIVERSITY PLAN, IN ALL MANAGEMENT AND OPERATING CONTRACTS.~~

~~970.5226-1 DIVERSITY PLAN~~

~~AS PRESCRIBED IN 970.2671-2, INSERT THE FOLLOWING CLAUSE:~~

~~DIVERSITY PLAN (DEC 2024)~~

~~The Contractor shall submit a Diversity, Equity, Inclusion, and Accessibility (DEIA) Plan to the Contracting Officer for approval within 90 days after the effective date of this contract (or contract modification, if appropriate). The Contractor shall submit an update to its Plan annually or with its annual fee proposal. Guidance for preparation of a Diversity Plan is provided in the Appendix _____. The Plan shall include innovative strategies for increasing opportunities to fully use the talents and capabilities of a diverse work force. The Plan shall address, at a minimum, the Contractor's approach for promoting diversity through:~~

- ~~(1) the Contractor's work force;~~
- ~~(2) educational outreach;~~
- ~~(3) community involvement and outreach;~~
- ~~(4) subcontracting;~~
- ~~(5) economic development (including technology transfer); and~~
- ~~(6) the prevention of profiling, harassment, discrimination, and/or retaliation based on protected EEO categories.~~

~~(End of Clause)~~