



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 14173 - Ending Illegal Discrimination and Restoring Merit-Based Opportunity

References:

[Executive Order 14173 of January 21, 2025, Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#)

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This FAL remains in effect until superseded or cancelled.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 the Acquisition Policy and Oversight Division, Policy & Oversight Branch (NA-PAS-111), at (505) 845-5639.

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 Section 3(b)(iv) (A) and (B) of [Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity](#).

What is the Background Information?

Executive Order (EO) 14173 addresses the role of Diversity, Equity, and Inclusion (DEI) programs and the potential conflict with federal civil rights laws prohibiting discrimination based on race, color, religion, sex, or national origin. The EO orders all executive departments and agencies: to terminate all discriminatory and illegal preferences, mandates, policies, programs, activities, guidance, regulations, enforcement actions, consent orders, and requirements; to enforce existing, established civil-rights laws; to address unlawful private-sector DEI preferences, mandates, policies, programs, and activities; to include a requirement for recipients to certify that it does not operate any programs promoting DEI that violate any applicable Federal anti-discrimination laws and to agree that its compliance in all respects with all applicable Federal anti-discrimination laws is material to the government's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code.

What types of actions are affected by this FAL?

This FAL applies to all new DOE and NNSA financial assistance awards.

What guidance is included in this FAL?

This FAL implements the requirements of Section 3(b)(iv) (A) and (B) of EO 14173 and informs DOE Contracting and Grants Officers of the DOE Award term that is created to comply with the EO.

The required DOE Award term IMPLEMENTATION OF EXECUTIVE ORDER 14173, ENDING ILLEGAL DISCRIMINATION AND RESTORING MERIT_BASED OPPORTUNITY, requires recipients to comply with all applicable federal anti-discrimination laws Federal contractors and to certify that it does not operate programs promoting diversity, equity, and inclusion that violate any applicable federal anti-discrimination laws. See New Award Term below.

New Award Term:

**IMPLEMENTATION OF EXECUTIVE ORDER 14173, ENDING ILLEGAL
DISCRIMINATION AND RESTORING MERIT BASED OPPORTUNITY**

It is the policy of the United States to protect the civil rights of all Americans and to promote individual initiative, excellence, and hard work. All recipients must comply in all respects with all applicable federal anti-discrimination laws. Compliance with such Federal laws is material to DOE's payment decisions for purposes of section 3729(b)(4) of title 31, United States Code. By requesting a drawdown or reimbursement of funds under this award the recipient certifies that it does not operate programs promoting diversity, equity, and inclusion that violate any applicable federal anti-discrimination laws.