

National Aeronautics and Space Administration

Office of the Administrator
Washington, DC 20546-0001



March 9, 2021

TO: Officials-in-Charge of Headquarters Offices
Directors, NASA Centers

FROM: Acting Administrator

SUBJECT: Order from Acting Administrator on Implementation of Section 10 of the Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government, Issued on January 20, 2021

This is an Agency order implementing the requirements of Section 10 of [Executive Order 13985, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#), issued on January 20, 2021.

Effective as of the date of this order, all proposed and existing Agency actions related to or arising from the implementation of Executive Order (EO) 13950 are rescinded, including: (1) all Agency actions, pursuant to EO 13950, pertaining to training for employees or to any other diversity and inclusion efforts, and (2) all Agency actions to terminate or restrict contracts or grants pursuant to EO 13950.

This rescission also applies to Agency implementation of requirements in all guidance issued subsequent to EO 13950, including: (1) the Executive Office of the White House, Office of Management and Budget (OMB) Memorandum M-20-37, *Ending Employee Trainings that Use Divisive Propaganda to Undermine the Principle of Fair and Equal Treatment for All*, dated September 28, 2020, and (2) the U.S. Office of Personnel Management (OPM) Memorandum, *Mandatory Review of Employee Training under EO 13950, September 22, 2020*, dated October 2, 2020.

Background

On September 22, 2020, EO 13950 was issued and imposed requirements upon Federal agencies, including placing restrictions on the objectives and content of training for employees, and requiring review by OPM of all training programs for compliance with EO 13950 prior to use. EO 13950 also implemented requirements and restrictions on all agencies' diversity and inclusion efforts, as well as on agencies' contracts and grants. EO 13950 was followed by additional guidance memoranda, issued by OMB and OPM.

On January 20, 2021, President Biden issued EO 13985, *Executive Order on Advancing Racial Equity and Support for Underserved Communities through the Federal Government*. Section 10(a) of EO 13985 revokes EO 13950, *Executive Order on Combating Race and Sex Stereotyping* (September 22, 2020). Additionally, Section 10(b) of EO 13985 requires Agency heads to “review and identify proposed and existing Agency actions related to or arising from Executive Order 13950” and “within 60 days of the date of [EO 13985], consider suspending, revising, or rescinding any such actions, including all Agency actions to terminate or restrict contracts or grants pursuant to Executive Order 13950, as appropriate and consistent with applicable law.”

This order fulfills NASA’s compliance with Section 10(b) of EO 13985, specifically constituting the completion of NASA’s review and identification of proposed and existing Agency actions related to or arising from EO 13950, and announcing NASA’s decision to rescind all proposed and existing Agency actions related to or arising from the implementation of EO 13950.

Agency Actions Pertaining to Training for Employees or to any other Diversity and Inclusion Efforts

Effective immediately, all Agency implementation of EO 13950 (as well as implementation of requirements and guidance in any subsequent guidance memoranda) pertaining to training for employees are rescinded, including as follows: restrictions of EO 13950 to the objectives and content of training for Agency employees are canceled; submission of training to OPM for review is no longer required prior to delivery of the training to employees; the requirement to add a provision in all Agency contracts for diversity training services is canceled; and EO 13950 restrictions on Diversity and Inclusion efforts are also canceled.

Agency Actions Pertaining to Contracts

Effective immediately, all EO 13950 requirements (as well as requirements and guidance in any subsequent guidance memoranda) pertaining to Agency contracts are rescinded. NASA’s Office of Procurement will no longer take steps to ensure all Federal contracts, entered into subsequent to the issuance of the EO 13950, include standard provisions to which all contractors must agree including: restrictions on contractor use of workplace training; contractor issuance of notices to labor unions or representatives of workers with which the contractors have a collective bargaining agreement or other contract or understanding, advising the labor union or workers’ representatives of the contractors’ commitments under the EO 13950; the imposition of sanctions and remedies for noncompliance with EO 13950; and requirements that contractors flow EO 13950 requirements down to every subcontract or order to subcontractors. To ensure compliance, NASA immediately issued a [Procurement Class Deviation \(PCD\) 20-09B](#), *Rescission of Federal Acquisition Regulation (FAR) Class Deviation for Executive Order 13950 Combating Race and Sex Stereotyping*.

Agency Action Pertaining to Federal Grants

Effective immediately, all EO 13950 requirements (as well as requirements and guidance in any subsequent guidance memoranda) pertaining to Agency grants are rescinded. NASA's Office of Chief Financial Officer will no longer direct implementation of EO 13950 requirements, including the review of NASA's grant programs and identification of programs for which NASA may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the concepts set forth in EO 13950.

The following are points of contact for assistance or additional information:

General Implementation of EO 13985 Pertaining to Training or other Diversity or Inclusion Efforts

- Vincent Patterson, Acting Director, Diversity and Data/Analytics, Office of Diversity and Equal Opportunity
- Brady Pyle, Deputy Chief Human Capital Officer, Office of the Chief Human Capital Officer

Implementation of EO 13985 Pertaining to Contracts

- Julia Wise, Director, Procurement Management and Policy, Office of Procurement

Implementation of the EO 13985 Pertaining to Grants

- Antanese Crank, Chief, Grants Policy and Compliance, Office of the Chief Financial Officer

Stephen G. Jurczyk