



National Aeronautics and
Space Administration
Washington, DC 20546

Grant Information Circular

GIC 20-06

09/01/2020

PURPOSE: To Inform Grant and Technical Officers of a revision to the “Non-Discrimination” clause in NASA’s Award terms and conditions as outlined in Appendix D of the NASA Grant and Cooperative Agreement Manual.

BACKGROUND: On May 4, 2017, President Trump issued Executive Order (E.O) 13798 “Promoting Free Speech and Religious Liberty.” Among other things, this E.O. establishes a policy of promoting religious liberty and directed the Attorney General to provide guidance to federal agencies on the requirement of laws protecting religious liberty laws, including how those laws apply to the award of grants. Per the Attorney General Memorandum, *“Religious organizations are entitled to compete on equal footing for Federal financial assistance used to support government programs. Generally, such organizations are not required to alter their religious character to participate in a government program, nor to cease engaging in explicitly religious activities outside the program, nor effectively to relinquish their federal statutory protections for religious hiring decisions.”*

On January 16, 2020, the Office of Management and Budget (OMB) issued Memorandum M-20-09, which provides guidance to agencies on applying E.O. 13798 in administering federal grants. Additionally, this OMB memo directs agencies to ensure that states or other public recipients do not condition sub-awards in a manner that would disadvantage grant applicants based on their religious character.

SUMMARY: Per 2 Code of Federal Regulations (CFR) 200.300, Federal-awarding Agencies must manage and administer Federal awards in a manner that ensures funds are expended in accordance with U.S. statutory and public policy requirements; including those prohibiting discrimination. These requirements must be communicated to recipients by incorporating them directly or by reference in the terms and conditions of federal awards. NASA Policy Directive (NPD) 2081.1B “Nondiscrimination in Federally Assisted and conducted Programs of NASA” establishes policies to ensure that: (1) NASA grants are awarded and administered within the framework of applicable civil rights statutes, regulations, and policies; and (2) No individuals are excluded from participation, denied the benefits of, or discriminated against in any program that receives Federal assistance from NASA on the basis of race, color, religion, national origin, or age. These requirements are incorporated into the Non-Discrimination Clause of NASA’s Award terms and conditions, and apply to all recipients of NASA financial assistance awards. To ensure compliance with E.O. 13798 and OMB Memo M-20-09, NASA is hereby revising the Non-Discrimination Clause in the Award terms and conditions to include reference to E.O. 13798: “Promoting Free Speech and Religious Liberty.”

GUIDANCE: Grant Officers must ensure that all new grant awards, cooperative agreements, and amendments to existing awards include the following Term and Condition:



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(a) To the extent provided by law and any applicable agency regulations, this award and any program assisted thereby are subject to the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352), Title IX of the Education amendments of 1972 (Pub. L. 92-318, 20 U.S.C. 1681et seq.), section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794), the Age Discrimination Act of 1975 (Pub. L. 94-135), **Executive Order 13798**, the implementing regulations issued pursuant thereto by NASA, and the assurance of compliance which the recipient has filed with NASA.

(b) Except for commercially available supplies, materials, equipment, or general support services, the recipient shall obtain an assurance of compliance as required by NASA regulations from each organization that applies or serves as a subrecipient, subawardee, contractor or subcontractor under this award.

(c) Work on NASA awards is subject to the provisions of Title VI of the Civil Rights Act of 1964 (Pub. L. 88-352; 42 U.S.C. 2000d-1), Title IX of the Education Amendments of 1972

(20 U.S.C. 1680 et seq.), section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794), the Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.), **Executive Order 13798**, and the NASA implementing regulations (14 CFR parts 1250, 1251, 1252, and 1253).

EFFECTIVE DATE: September 14, 2020

REGULATION OR TERM AND CONDITION CHANGES: Revision to the “Non-Discrimination” term and condition will be incorporated in the Grants and Cooperative Agreement Manual and all financial assistance instruments awarded on or after September 14, 2020

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