



Homeland
Security

MEMORANDUM FOR: Heads of the Contracting Activities

FROM: Soraya Correa SORAYA CORREA
Chief Procurement Officer

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CORREA
Date: 2021.02.19 10:32:23 -05'00'

SUBJECT: Class Deviation (Number 21-01) Implementing Executive Order
13950, Combating Race and Sex Stereotyping (RESCINDED)

Purpose: HSAR Class Deviation 21-01 and the related HSAR clause 3052.222-72, *Combating Race and Sex Stereotyping* is hereby rescinded.

Effective Date: Immediately

Background: Executive Order (EO) 13950, *Combating Race and Sex Stereotyping* was issued on September 22, 2020. HSAR class deviation 21-01 was issued to implement Section 4 of the EO that requires agencies to include a clause in new solicitations and contracts prohibiting Federal contractors from using any workplace training that inculcates in its employees any form of race or sex stereotyping or scapegoating. On December 22, 2020, the United States District Court for the Northern District of California issued a preliminary injunction, enjoining portions of EO 13950 and directed that the government shall not enforce any provisions contained in government contracts or subcontracts added pursuant to Section 4(a) of the EO. On January 20, 2021, President Biden signed EO 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*. Among other things Section 10 of EO 13985 revokes EO 13950.

Requirement: As soon as practicable, but not later than March 22, 2021 contracting officers shall take action to amend solicitations and modify contracts to remove HSAR clause 3052.222-72, *Combating Race and Sex Stereotyping* (DEVIATION 21-01), and shall not enforce any provisions previously contained in government contracts or subcontracts related to EO 13950.

Additional Information: Policy Chiefs shall coordinate with appropriate personnel to ensure that HSAR clause 3052.222-72, *Combating Race and Sex Stereotyping* is removed from Contract Writing Systems.

Questions or comments about the Executive Orders or HSAR Class Deviation 21-01 may be directed to David.Duda@hq.dhs.gov or call (202) 447-5415.