

The US Department of State's Implementation of Executive Order 13798 "Promoting Free Speech and Religious Liberty" and Office of Management and Budget (OMB) Memorandum M-20-09, Guidance Regarding Federal Grants and Executive Order 13798

Effective Date: June 16, 2020

Background: On May 4, 2017, the President signed E.O. 13798 "Promoting Free Speech and Religious Liberty". The Executive Order established a policy of promoting religious liberty and directed the Attorney General to provide guidance to Federal agencies on the requirements of religious liberty laws, including how those laws apply to federal assistance award. On January 16, 2020, OMB issued M-20-09 which provided guidance to all executive departments and agencies on the application of EO 13798 to the administration of federal awards. M-20-09 requires agencies to publish a policy within 120 days (which was extended until June 16th) on the administration of federal assistance awards in compliance with EO 13798.

Policy: In accordance with OMB M-20-09 this federal assistance memorandum establishes policies regarding the administration of federal awards in compliance with EO 13798. This memorandum represents official communication to all State Department personnel managing federal assistance programs, as well as to applicants and recipient organizations.

The State Department is responsible for managing its financial assistance programs in accordance with U.S. statutory and public policy requirements, including those prohibiting discrimination. The US Department of State encourages religious organizations to compete for all federal assistance opportunities, according to standard eligibility requirements set forth in State Department's Notice of Funding Opportunities and forbids the consideration of religious affiliation, character, or activities when soliciting or evaluating proposals.

State Department recipients eligible to administer federal assistance programs include public and private universities, non-governmental organizations, for-profit companies, foreign public entities and individuals. The State Department does not factor the religious affiliation or activity of organizations or individuals during the review of proposals submitted under open competitions nor in the oversight of awards during program implementation.

Furthermore, the State Department's Standard Terms and Conditions (Section XXVIII: Award to Faith-Based and Community Organizations state in part that "the recipient may not discriminate against any beneficiary or prospective beneficiary under the award on the basis of religion or belief" and "if the recipient makes subawards under an agreement, faith-based organizations should be eligible to participate on the same basis as other organizations, and should not be discriminated against on the basis of their religious character or affiliation.

When applicants or recipients register in the System for Award Management (SAM.gov), they certify compliance with all relevant provisions of Federal laws, executive orders, regulations, and public policies governing federal assistance awards.