



UNITED STATES DEPARTMENT OF COMMERCE
Chief Financial Officer
Assistant Secretary for Administration
Washington, D.C. 20230

FINANCIAL ASSISTANCE MEMORANDUM 2020-01

April 27, 2020

ACTION

MEMORANDUM FOR: DEPARTMENT OF COMMERCE GRANTS COUNCIL

FROM:

Barry E. Berkowitz
Senior Procurement Executive
and Director for Acquisition Management

Barry Berkowitz

SUBJECT:

The Department of Commerce's (DOC's) policies on the administration of Federal grants in compliance with Executive Order (E.O.) 13798, *Promoting Free Speech and Religious Liberty*, 4 May 2017; the Attorney General's memorandum – *Federal Law Protections for Religious Liberty*, 6 October 2017; and OMB M-20-09 – *Guidance Regarding Federal Grants and Executive Order 13798*, 16 January 2020.

1. Purpose. In accordance with OMB M-20-09, this financial assistance memorandum (FAM) sets forth DOC's policies regarding the administration of federal grants in compliance with E.O. 13798, the Attorney General's memorandum, and OMB M-20-09. These policies are applicable to all federal financial assistance program and management offices within DOC.

2. Effective date. 16 June 2020.

3. Expiration date. Until superseded.

4. Background. On 4 May 2017, the President signed E.O. 13798. Among other things, the E.O. established a policy of promoting religious liberty and directed the Attorney General to provide guidance to federal agencies on the requirements of laws protecting religious liberty. On 6 October 2017, the Attorney General issued a memorandum advising agencies on the requirements of religious liberty laws, including how those laws apply to the award of grants. On 16 January 2020, OMB issued M-20-09 which was guidance to all executive departments and agencies on applying E.O. 13798 in administering federal grants. M-20-09 requires agencies to publish policies within 120 days detailing how they will administer federal grants in compliance with E.O. 13798, the Attorney General's memorandum, and M-20-09. The policies set forth in this FAM are in response to this request from OMB.

5. DOC's policies regarding the administration of Federal grants in compliance with E.O. 13798, the Attorney General's memorandum, and OMB M-20-09.

DOC strives to promote religious liberty in its federal assistance programs as reflected in the DOC Federal Grants and Cooperative Agreements Manual (Grants Manual) and the DOC Financial Assistance Standard Terms and Conditions (STCs). DOC's policies and practices

encourage religious organizations to compete on equal footing for all 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. The STCs also prohibit religious discrimination by the recipients and directly state the Title VII exemption for religious organizations. In addition, the Grants Manual prohibits religious discrimination by reference.

6. Publication. These policies will be posted on DOC's website at http://www.osec.doc.gov/oam/grants_management/policy/. Please disseminate this policy throughout your organizations. Questions about this policy may be directed to John Geisen at (202) 482-0602.