



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
WASHINGTON, D.C. 20224

January 12, 2021

To: Current and Prospective Contractors

SUBJECT: Implementation of preliminary injunction relating to Sections 4 and 5 of Executive Order 13950, Combating Race and Sex Stereotyping (85 FR 60683)

This notice, to all current and prospective contractors, provides information on the steps the IRS Office of the Chief Procurement Officer (OCPO) is taking to comply with a preliminary injunction enjoining implementation of Sections 4 and 5 of Executive Order (E.O.) 13950, Combating Race and Sex Stereotyping (85 FR 60683, September 28, 2020), issued by the United States District Court for the Northern District of California on December 22, 2020, as well as guidance provided by the Office of Management and Budget (OMB) Office of Federal Procurement Policy (OFPP).

In compliance with the preliminary injunction and pursuant to OMB/OFPP guidance, the IRS OCPO is taking all steps necessary to ensure the enjoined Section 4 of E.O. 13950 and its associated clause 252.222-7999, Combating Race and Sex Stereotyping (Acquisition Bulletin 21-01 – Class Deviation) (Effective DEC 22, 2020), are not implemented or enforced and are inoperable until further notice.

During the time the preliminary injunction remains in force, and until further notice, the IRS shall not cancel, terminate, or suspend in whole or in part, any contractor or subcontractors' contracts, nor declare any contractor or subcontractor ineligible for further government contracts, nor impose any other sanctions, on the basis of purported noncompliance with the E.O. or any agency action implementing Section 4 of the E.O.; and the IRS will not require contractors or subcontractors to provide notice of any commitments under the E.O. or any contract term inserted pursuant to the E.O. to their respective labor unions or employee representatives. Additionally, the preliminary injunction prohibits the Government from entering into any contract that contains the provisions described in Section 4(a) of the E.O.; therefore, until further notice, the IRS will take all necessary steps to ensure that any new contracts do not contain those provisions, including suspending deviations or other actions taken by the agency to implement E.O. 13950.

Should you have any questions, please contact your IRS Contracting Officer.