



National Aeronautics and Space Administration

**Mary W. Jackson NASA Headquarters**  
Washington, DC 20546-0001

December 9, 2021

MEMORANDUM FOR NASA CONTRACTOR COMMUNITY

**SUBJECT:** Update on NASA Implementation of Executive Order 14042 on Ensuring Adequate COVID Safety Protocols for Federal Contractors – Nationwide Injunction Issued by the District Court of the Southern District of Georgia

This memo supersedes my memorandum dated December 2, 2021, regarding the November 30, 2021, preliminary injunction issued by the United States District Court for the Eastern District of Kentucky.

On December 7, 2021, the United States District Court for the Southern District of Georgia Augusta Division ordered a nationwide injunction enjoining the Government from implementing Executive Order 14042 in all covered contracts. I am hereby providing notice that NASA will take no action to enforce NASA FAR deviation clause 52.223-99 Ensuring Adequate COVID-19 Safety Protocols for Federal Contractors, in contracts or contract-like instruments implementing requirements of Executive Order 14042, absent further written notice from the agency, where the place of performance identified in the contract is in a U.S. state or outlying area subject to a court order prohibiting the application of requirements pursuant to the Executive Order (hereinafter, “Excluded State or Outlying Area”). A current list of such Excluded States and Outlying Areas is maintained at <https://www.saferfederalworkforce.gov/contractors/>. Furthermore, NASA will no longer pursue including the NASA FAR deviation clause 52.223-99 via modification in existing contracts or contract-like instruments, absent further notice from the agency.

Federal agency COVID-19 workplace safety protocols for Federal buildings and federally controlled facilities still apply in all locations under the requirements of E.O. 13991, Protecting the Federal Workforce and Requiring Mask-Wearing, dated January 20, 2021. Thus, contractor employees working onsite in those buildings and facilities must still follow Federal agency workplace safety protocols when working onsite.

I appreciate your cooperation and continued commitment to safety and the NASA mission.

My office is providing ongoing guidance to the NASA acquisition workforce. Please direct any other questions concerning this letter to your cognizant NASA contracting officer.

Karla Smith Jackson  
Assistant Administrator for Procurement