



U.S. Department of Justice

Office of Justice Programs

Bureau of Justice Assistance

Washington, D.C. 20531

MEMORANDUM

TO: All DOJ-certified PREA Auditors

FROM: Tammie M. Gregg 
Principal Deputy Director
Bureau of Justice Assistance

SUBJECT: National PREA Standards Alignment with Executive Order 14168

DATE: December 2, 2025

On January 20, 2025, President Trump signed Executive Order 14168, “[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#).” (“E.O. 14168”). Section 2 of E.O. 14168 states that, “[i]t is the policy of the United States to recognize two sexes, male and female. These sexes are not changeable and are grounded in fundamental and incontrovertible reality. Under my direction, the Executive Branch will enforce all sex-protective laws to promote this reality...” Section 3 provides that “[e]ach agency and all Federal employees shall enforce laws governing sex-based rights, protections, opportunities, and accommodations to protect men and women as biologically distinct sexes.”

Portions of the PREA Standards are in conflict with the requirements in E.O. 14168, in particular, subsections that address the manner in which:

- 1) transgender, intersex, and gender nonconforming inmates are to be screened for risk of victimization and how that screening information is to be used (Standards 115.41, 115.42, 115.241, 115.242, 115.341, and 115.342),
- 2) transgender and intersex inmates are to be searched (Standards 115.15, 115.115, 115.215, and 115.315),

- 3) transgender, intersex, or gender nonconforming inmates are to be communicated with (Standards 115.31, 115.231, and 115.331), and
- 4) sexual abuse incident reviews should consider whether a sexual abuse incident was motivated by an inmate's gender identity or transgender or intersex identification or status (Standard 115.86, 115.186, 115.286, and 115.386).

The Department of Justice is currently updating the PREA Standards to align with the requirements of E.O. 14168. Until these updates are finalized, and further guidance is provided, effective immediately, applicable federal and non-federal correctional facilities shall not be held to subsections of the PREA Standards that may conflict with E.O. 14168.

Accordingly, **all PREA auditors are instructed to immediately pause from making compliance determinations for the following subsections of the PREA Standards, until further notice:**

- 115.15(e) and (f)
- 115.115(d) and (e)
- 115.186(d)(2)
- 115.215(e) and (f)
- 115.231(a)(9)
- 115.241(d)(7)
- 115.242(c) through (f)
- 115.286(d)(2)
- 115.31(a)(9)
- 115.315(e) and (f)
- 115.331(a)(9)
- 115.341(c)(2)
- 115.342(c) through (g)
- 115.386(d)(2)
- 115.41(d)(7)
- 115.42(c) through (g)
- 115.86(d)(2)

Please see the guidance below detailing the impact of this pause on future and in-progress audits:

PREA Online Audit System (OAS)

The PMO is working to implement changes to the OAS and the Audit Instrument to reflect the immediate pause on compliance determinations for the provisions and subsections of the PREA Standards identified above. The OAS will be unavailable from approximately 3:00pm to 5:00pm EST today, December 2, 2025, and the **PMO requests that auditors refrain from using the**

OAS until after 12:00 noon on Wednesday, December 3, 2025 to allow for all necessary adjustments. If this creates delays in any in-progress audits that go beyond the time requirements defined in the PREA Auditor Handbook, the PMO will waive these requirements.

Each impacted provision and subsection listed above will be removed from the OAS and replaced by a statement that it is no longer relevant to the auditor's compliance determination. The OAS will also be updated to include a "Not applicable" option for every impacted provision and subsection with a reminder to the auditor that they must select this option. Final reports that are automatically generated by the OAS will indicate that the auditor did not make compliance determinations for these provisions.

Please note there are standards in which some—but not all—provisions, or subsections within a provision, are subject to DOJ's directive. For example, auditors must pause making a compliance determination for Standard 115.41(d)(7) and select "Not applicable" for this provision in the OAS. However, auditors are required to continue to audit compliance with all other provisions in Standard 115.41, and subsections under Standard 115.41, which include:

- (a) through (c).
- (d)(1) through (d)(6) and (d)(8) through (d)(10).
- (e) through (i).

Pre-Audit Questionnaire (PAQ)

Auditors should advise confinement facility and agency representatives to disregard the impacted provisions, or measures, listed above and ask them to refrain from uploading documentation that is no longer relevant to audits.

In addition, the question under the Facility Information section of the PAQ that focuses on whether the audited facility houses transgender, intersex, and nonbinary inmates/residents/detainees is being removed. Please note the OAS previously included the facility's response to this question in all final audit reports that are automatically generated. With the removal of this question from the PAQ, responses to it will no longer appear in final reports moving forward.

Auditor Compliance Tool (ACT)

The ACT defines the documentation and evidence auditors must use to make a compliance determination for every provision in the PREA Standards. Effective immediately, auditors should disregard the requirements in the ACT related to auditing compliance with the impacted provisions and subsections listed above.

Corrective Action and Interim Reports

For all in-progress audits in which corrective action is occurring that focuses on one or more of the impacted provisions listed above, auditors must immediately pause this corrective action and select the “Not applicable” option in the OAS for the relevant provisions or subsections, as described above.

It is not possible in the OAS to revise existing interim reports that identify non-compliance with one or more of the impacted provisions or subsections listed above. However, interim reports are intended to be working documents that describe agreed-upon corrective action steps to comply with specific PREA Standards. As such, they are not made publicly available. Effective immediately, interim reports developed by auditors will no longer reference the impacted provisions or subsections listed above.

Questions

If you have any questions, please contact the OAS Technical Support Team at techsupport@preaaudit.org.