



Global Acquisitions

U.S. DEPARTMENT *of* STATE

Acquisition Alert 26-16

TO: All Contracting Activities

FROM: Sharon D. James
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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 25 in Support of Executive Order on Restoring Common Sense to Federal Procurement

- 1. Introduction:** The purpose of this Acquisition Alert is to issue a class deviation to FAR Part 25 and DOSAR part 625 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to that part.
- 2. Background:** On April 15, 2025, Executive Order (E.O.) 14275 on Restoring Common Sense to Federal Procurement was signed. Section 2 of the E.O. establishes the policy that the FAR "should only contain provisions required by statute or essential to sound procurement, and any FAR provisions that do not advance these objectives should be removed."

The FAR is being updated to:

- Remove language that is not required by statute;
- Remove duplicative or outdated language;
- Clarify or provide plain language;
- Revise language for the new FAR framework; and
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This class deviation is issued under the authority of E.O. 14275, OMB M-25-25, and 48 CFR 1.4.

Deviation Summary

FAR part 25, Foreign Acquisition, has been updated and reorganized to improve clarity, remove obsolete material, and logically group related content. It is reorganized and streamlined, combining related topics, and removing repeated information. The revised language includes the following:

- Section **25.103** adopts the **centralized waiver process** for individual nonavailability determinations.
 - o **Submission to MIAO:** The new **25.103(b)(2)(iii)** requires contracting officers to submit a proposed individual nonavailability waiver for review and posting to the public-facing website MadeinAmerica.gov.
 - o **Prohibition on Award:** The contracting officer may not make an award until: (1) the MIAO has completed its review of the proposed waiver; (2) the MIAO has waived the review requirement; or (3) a specific exception to the posting requirement applies.
 - o **Procedural Details:** Subparagraphs (b)(2)(iii)(A) through (D) require the use of a standardized digital form, specify that certain information will be made public, establish MIAO review times, and outline exceptions for urgent requirements. In cases of urgency, a report must be filed within 30 days of award.
- FAR 25.001, General, is retained and updated to remove reference to the American Recovery and Reinvestment Act (ARRA) of 2009 (Pub. L. 111-5), which is no longer active.
- FAR 25.003, Definitions, is retained with minor edits throughout.
- Most clauses and provisions are retained without changes. The following have been retained but revised for clarity and to update references:
 - o 52.225-1 (Clause), Buy American—Supplies
 - o 52.225-3 (Clause), Buy American—Free Trade Agreements—Israeli Trade Act
 - o 52.225-4 (Provision), Buy American—Free Trade Agreements—Israeli Trade Act Certificate
 - o 52.225-9 (Clause), Buy American—Construction Materials
 - o 52.225-11 (Clause), Buy American—Construction Materials Under Trade Agreement

Statutory requirements and presidential directives retained in the RFO FAR part 25 model deviation include, but are not limited to, the following:

- 19 U.S.C. §§ 2501 et seq, Trade Agreements Act
- 22 U.S.C. § 3305, The American Institute in Taiwan

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- 41 U.S.C. §§ 8301 et seq, Buy American
- E.O. 10582, Prescribing Uniform Procedures for Certain Determinations Under the Buy-American Act
- E.O. 13881, Maximizing Use of American-Made Goods, Products, and Materials
- E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers
- World Trade Organization Government Procurement Agreement (WTO GPA), as approved in the Uruguay Round Agreements Act (Pub. L. 103-465)
- Free Trade Agreements (FTA) and Other International Agreements as implemented by statute:
 - Caribbean Basin Economic Recovery Act (Pub. L. 98-67)
 - United States-Israel Free Trade Area Implementation Act (Pub. L. 99-47)
 - United States-Chile Free Trade Agreement Implementation Act (Pub. L. 108-77)
 - United States-Singapore Free Trade Agreement Implementation Act (Pub. L. 108-78)
 - United States-Australia Free Trade Agreement Implementation Act (Pub. L. 108-286)
 - Morocco Free Trade Agreement Implementation Act (Pub. L. 108-302)
 - Dominican Republic-Central America-United States Free Trade Agreement Implementation Act (Pub. L. 109-53)
 - United States-Bahrain Free Trade Agreement Implementation Act (Pub. L. 109-169)
 - United States-Oman Free Trade Agreement Implementation Act (Pub. L. 109-283)
 - United States-Peru Trade Promotion Agreement Implementation Act (Pub. L. 110-138)
 - United States-Korea Free Trade Agreement Implementation Act (Pub. L. 112-41)
 - United States-Columbia Trade Promotion Agreement Implementation Act (Pub. L. 112-42)
 - Panama Trade Promotion Agreement Implementation Act (Pub. L. 112-43, United States)
 - United States-Mexico-Canada Agreement (USMCA) Implementation Act (Pub. L. 116-113)

Non-statutory requirements removed from FAR part 25 include:

- Subpart **25.6, American Recovery and Reinvestment Act-Buy American Statute-Construction Materials**, is deleted as obsolete because the content was specific to construction projects funded by the ARRA.
- The following related provisions and clauses were removed because they are obsolete.
 - o 52.225-21 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials.
 - o 52.225-22 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials
 - o 52.225-23 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.
 - o 52.225-24 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.
- Subpart **25.7, Prohibited Sources**, is deleted, along with the following provisions and clauses, because this content has been moved to **FAR part 40**.
 - o 52.225-13 (Clause), Restrictions on Certain Foreign Purchases
 - o 52.225-20 (Provision), Prohibition on Conducting Restricted Business Operations in Sudan—Certification.
 - o 52.225-25 (Provision), Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications.

The following non-regulatory content was removed and moved to the FAR Companion:

- Applicability of Subparts table from former Section 25.002.
- Tax on Certain Foreign Procurements, Section 25.1003.
- Evaluation examples and tables from the former Section 25.504.

Corresponding DOSAR Deviation Summary

Changes were made to DOSAR part 625 to align with the deviation to FAR part 25 including numbering changes.

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- 3. Acquisition Impact:** The changes resulting from this class deviation affect all DoS procurements issued on or after the effective date of the AA.
- 4. Action Required:** The acquisition workforce must follow the RFO part 25 model deviation text instead of FAR part 25 as codified at 48 CFR Chapter 1. The FAR Council's RFO model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.
 - a. For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52. Do not include any of the removed provisions or clauses in future solicitations and contracts.
 - b. For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in the contract.
- 5. Effective Date:** The model deviated language was released on September 30, 2025; however, this deviation will be effective on February 27, 2026.
- 6. Expiration Date:** This Acquisition Alert expires upon incorporation into the FAR, DOSAR, and/or DOSAM.
- 7. Additional Information:** Questions regarding this Acquisition Alert may be directed to AcquisitionPolicy@state.gov.
- 8. Attachments:** [DOSAR Part 625 Deviation Line In Line Out](#)
- 9. Referenced Documents, Checklists, Guides and Templates:**
[FAR Part 25 Practitioner Album](#)