



Office of the Chief
Acquisition Officer

Date: January 26, 2026

From: Darnese M. Wilkerson, Chief Acquisition Officer *DMW*

To: Office of the Chief Acquisition Officer (OCAO)

Subject: CLASS DEVIATION (CD) in Support of Executive Order (EO) 14275, “Restoring Common Sense to Federal Procurement” - Deviation to FAR Part 25, Foreign Acquisition

1. Purpose

This Class Deviation (CD) implements the FAR Council’s model deviation text for FAR Part 25, Foreign Acquisition. This action aligns with Executive Order (EO) 14275, "Restoring Common Sense to Federal Procurement," and the Revolutionary FAR Overhaul (RFO) initiative.

The revised FAR Part 25 is updated and reorganized to improve clarity, remove obsolete material, and logically group related content for enhanced usability by acquisition professionals.

2. Background

EO 14275, signed on April 15, 2025, established a policy that the FAR should contain only provisions required by statute or those essential for sound procurement. To implement this EO, the Office of Federal Procurement Policy (OFPP) is leading the Revolutionary FAR Overhaul (RFO) initiative, supported by the Federal Acquisition Regulatory Council. The initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

Further guidance was provided by OMB Memorandum M-25-26, "Overhauling the Federal Acquisition Regulation," issued on May 2, 2025.

FAR Streamlining

As part of the RFO, the FAR will be streamlined to include only statutory requirements. Non-statutory content moved to new buying guides, collectively known as the Strategic Acquisition Guidance (SAG). The Council will first issue model deviation guidance by FAR part, followed by formal rulemaking through the notice and comment process. Agencies have 30 days to issue class deviations based on the model text once released.

A. Streamlining Agency Acquisition Supplements: Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and by aligning with the FAR Council’s deviation guidance. Supporting policies must also be updated to reflect these changes. This is an excellent opportunity for NARA to formally publish a streamlined NARA FAR Supplement, ensuring consistency with the new FAR.

B. FAR Buying Guides and Supplemental Companion Guides (CG): As the FAR and agency supplements are streamlined, helpful non-regulatory content will be moved to these new FAR Buying Guides. These guides will offer practical instructions and best practices for implementing effective contracting methods, including those related to competition. The RFO Part 25 model deviation text is a plain language version that will be adhered to by all NARA contracting personnel.

3. Summary of Changes. FAR part 25, Foreign Acquisition, has been updated and reorganized to improve clarity, remove obsolete material, and logically group related content for enhanced usability by acquisition professionals.

Key highlights include:

- Adopting the centralized waiver process for nonavailability determinations including submission to the Made In America Office (MIAO), posting the waiver to the public-facing website, MadeinAmerica.gov, and using a digital waiver portal managed by the MIAO.
- Moving evaluation examples for foreign offers from the FAR. They are expected to be moved to the FAR Companion.

Statutory requirements maintained 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 of 1979
- 22 U.S.C. § 3305, The American Institute in Taiwan
- 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
- Pub. L. 103-465, World Trade Organization Government Procurement Agreement (WTO GPA), as approved in the Uruguay Round Agreements Act
- Free Trade Agreements (FTA) and Other International Agreements
 - Pub. L. 98-67, Caribbean Basin Economic Recovery Act
 - Pub. L. 99-47, United States-Israel Free Trade Area Implementation Act of 1985
 - Pub. L. 108-77, United States-Chile Free Trade Agreement Implementation Act
 - Pub. L. 108-78, United States-Singapore Free Trade Agreement Implementation Act
 - Pub. L. 108-286, United States-Australia Free Trade Agreement Implementation Act
 - Pub. L. 108-302, Morocco Free Trade Agreement Implementation Act
 - Pub. L. 109-53, Dominican Republic-Central America-United States Free Trade Agreement Implementation Act
 - Pub. L. 109-169, United States-Bahrain Free Trade Agreement Implementation Act
 - Pub. L. 109-283, United States-Oman Free Trade Agreement Implementation Act
 - Pub. L. 110-138, United States-Peru Trade Promotion Agreement Implementation Act
 - Pub. L. 112-41, United States-Korea Free Trade Agreement Implementation Act
 - Pub. L. 112-42, United States-Columbia Trade Promotion Agreement Implementation Act
 - Pub. L. 112-43, United States-Panama Trade Promotion Agreement Implementation Act
 - Pub. L. 116-113, United States-Mexico-Canada Agreement (USMCA) Implementation Act

Change	Description
Retained	<ul style="list-style-type: none"> ● Section 25.001, “General”, is retained with minor updates to remove reference to the American Recovery and Reinvestment Act (ARRA) of 2009 (Pub. L. 111-5), which is no longer active. ● Section 25.003, “Definitions”, is retained with minor edits throughout. ● Subpart 25.8, “Other International Agreements and Coordination”, is retained because it is anchored in international treaties and agreements that are part of international law. ● Subpart 25.9, “Customs and Duties”, is retained in full because it implements statutory customs requirements and duty requirements. ● Subpart 25.10, “Additional Foreign Acquisition Regulations”, is mostly retained as statutorily required. <ul style="list-style-type: none"> ○ Section 25.1003, “Tax on Certain Foreign Procurements”, is deleted as this content is implemented in part 29. The FAR Companion is expected to include best practice information on tax on foreign procurements. ● The following provisions and clauses are retained (or remain reserved) with no changes: <ul style="list-style-type: none"> ○ 52.225-2 (Provision), Buy American Certificate ○ 52.225-5 (Clause), Trade Agreements ○ 52.225-6 (Provision), Trade Agreements Certificate ○ 52.225-7 (Provision), Waiver of Buy American Statute for Civil Aircraft and Related Articles ○ 52.225-8 (Clause), Duty-Free Entry ○ 52.225-10 (Provision), Notice of Buy American Requirement—Construction Materials ○ 52.225-12 (Provision), Notice of Buy American Requirement—Construction Materials Under Trade Agreements ○ 52.225-14 (Clause), Inconsistency between English Version and Translation of Contract ○ 52.225-15 & 52.225-16 remain reserved ○ 52.225-17 (Provision), Evaluation of Foreign Currency Offers ○ 52.225-18 (Provision), Place of Manufacture ○ 52.225-19 (Clause), Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States ○ 52.225-26 (Clause), Contractors Performing Private Security Functions Outside the United States.
Moved/Updated	<ul style="list-style-type: none"> ● Section 25.002, “Applicability of Subparts”, has been updated to align with the part 25 organizational structure and is expected to be moved to the FAR Companion. ● Subpart 25.1, “Buy American—Supplies”, is retained and updated. <ul style="list-style-type: none"> ○ Section 25.103 adopts the centralized waiver process for individual nonavailability determinations. <ul style="list-style-type: none"> ▪ 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, using a digital waiver portal managed by the MIAO.

	<ul style="list-style-type: none"> ▪ 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. ▪ 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. ● Subpart 25.2, “Buy American—Construction Materials”, is retained and revised to align with the changes in subpart 25.1 and to streamline its content. <ul style="list-style-type: none"> ○ Section 25.203, “Preaward Determinations” <ul style="list-style-type: none"> ▪ Section 25.203(a) has been streamlined. The instructions for offerors are more appropriately located within the solicitation provisions (e.g., 52.225-10 and 52.225-12). ○ Section 25.204, “Evaluating Offers of Foreign Construction Material”, has been revised for clarity and restructured. ● Subpart 25.4, “Trade Agreements”, is updated to remove the specific requirements for a post-award notices previously at 25.408(a)(5), as it is redundant of content in other FAR parts. ● Subpart 25.5, “Evaluating Foreign Offers—Supply Contracts” <ul style="list-style-type: none"> ○ The examples and tables formerly at section 25.504, “Evaluation Examples” are removed and expected to be included in the FAR Companion. ● Subpart 25.6, “Solicitation Provisions and Contract Clauses”, is a relocation of the former Subpart 25.11. The content and structure are largely identical. Subpart 25.11 is now reserved. ● Subpart 25.7, “Contracts Performed Outside the United States,” is a relocation of the former Subpart 25.3. The content and structure are largely identical. Subpart 25.3 is now reserved. ● The following provision and clauses have been updated to reflect plain language, update cross-references, or make corresponding updates within the part: <ul style="list-style-type: none"> ○ 52.225-1 (Clause), Buy American—Supplies ○ 52.225-3 (Clause), Buy American—Free Trade Agreements—Israeli Trade Act ○ 52.225-4 (Provision), Buy American—Free Trade Agreements—Israeli Trade Act Certificate ○ 52.225-9 (Clause), Buy American—Construction Materials ○ 52.225-11 (Clause), Buy American—Construction Materials Under Trade Agreement
Removed	<ul style="list-style-type: none"> ● 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 of 2009 which is no longer active. ● Subpart 25.7, “Prohibited Sources”, is deleted, along with the following provisions and clauses, because this content has been moved to RFO FAR part 40.

	<ul style="list-style-type: none"> ○ 52.225-13 (Clause), Restrictions on Certain Foreign Purchases ○ 52.225-20 (Provision), Prohibition on Conducting Restricted Business Operations in Sudan—Certification. ○ 52.225-25 (Provision), Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications. ● The following provisions and clauses were deleted as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active: <ul style="list-style-type: none"> ○ 52.225-21 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials. ○ 52.225-22 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials ○ 52.225-23 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements. ○ 52.225-24 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.
--	---

This table is not an exhaustive list.

4. Instructions

- The NARA acquisition workforce shall follow the RFO Part 25 deviated text instead of FAR Part 25 as codified at 48 CFR Chapter 1. The FAR Council’s RFO text is available at [FAR Overhaul - FAR Part 25 - Acquisition.gov](https://www.far.gov/overhaul/far-part-25-acquisition) and is incorporated by reference into this deviation.
- 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.
- 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.
- Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.

5. Applicability

The requirements in this Class Deviation (CD) apply to all solicitations and contract actions issued or awarded on or after **February 1, 2026**.

6. Authority

This class deviation is issued under the authority of Executive Order 14275 and OMB Memorandum M-25-26, 48 CFR Subpart 1.4.

7. Effective Date

This CD is effective as of the date signed and shall remain in effect until the provisions of the RFO are formally implemented in the FAR through a final rulemaking.

Darnese M. Wilkerson,
Chief Acquisition Officer

cc: NGC