



**Homeland
Security**

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Paul Courtney
Chief Procurement Officer

SUBJECT: FAR Class Deviation (Number 25-28) for FAR Part 46 in Support
of Executive Order on Restoring Common Sense to Federal
Procurement

1. **Purpose.** This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 46 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 46.
2. **Background.** [Executive Order \(E.O.\) 14275, Restoring Common Sense to Federal Procurement](#), signed April 15, 2025, mandates a comprehensive review and simplification of the FAR.

The FAR is being updated to:

- Eliminate non-statutory language
- Remove redundant or obsolete language
- Enhance clarity through plain language
- Align with the new FAR framework
- Preserve essential governmentwide acquisition standards

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative.

3. **Summary of Changes.** FAR Part 46, Quality Assurance, has been updated for clarity and usability.

Statutory requirements retained in the RFO FAR Part 46 model deviation include, but are not limited to, the following:

- 41 U.S.C. § 1711, Value Engineering
- 41 U.S.C. § 3307, Preference for Commercial Products and Commercial Services
- Pub. L. 103-355, Federal Acquisition Streamlining Act of 1994 (FASA)
- Pub. L. 112-81 Sec 818, Detection and Avoidance of Counterfeit Electronic Parts

Change	Description
Retained	• Subparts 46.1, 46.2, 46.3, 46.4, 46.5, 46.6, 46.7, 46.8 and the sections therein, remain mostly intact and are streamlined, with some shifting and reorganizing of sections and subsections throughout. • All “Definitions” at 46.101 are retained. • All existing clauses are retained (or remain reserved if previously reserved) with no changes to the text.
Removed	• Section 46.105, “Contractor Responsibilities” is deleted and marked reserved, as the content was redundant to contract clauses. • Section 46.704, “Authority for use of warranties” is deleted and marked reserved. This section stated that warranty use must be approved by agency procedures. This language does not need to be included in the FAR.

4. **Instructions.** The Department of Homeland Security (DHS) acquisition workforce shall follow the RFO Part 46 deviation text instead of FAR Part 46 as codified at 48 CFR Chapter 1. The Council’s RFO Part 46 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-46>, and is incorporated into this class deviation.
5. **Applicability.** This class deviation applies to all DHS procurements.
6. **Authority.** This class deviation is issued under the authority of E.O. 14275, [OMB M- 25-25](#), 48 CFR 1.4, and RFO FAR 1.304.
7. **Effective Date.** This class deviation is effective November 3, 2025, and remains in effect until rescinded or incorporated into the FAR.
8. **Points of Contact.** Questions regarding this class deviation may be directed to Acquisition Policy and Legislation Branch at Acquisition.Policy@hq.dhs.gov.