



Global Acquisitions

U.S. DEPARTMENT *of* STATE

Acquisition Alert 26-02-01

TO: All Contracting Activities

FROM: Sharon D. James
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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 3 in Support of Executive Order on Restoring Common Sense to Federal Procurement

1. Introduction: The purpose of this Acquisition Alert is to issue a FAR class deviation to part 3 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to that part. **The purpose of this amendment is to revise the effective date. Changes implemented as part of this amendment are outlined in red font.**

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- Remove duplicative or outdated language;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 3, Improper Business Practices and Personal Conflicts of Interest, has been retained with minimal deletions and minor updates made for plain language and streamlining.

Statutory requirements and presidential directives retained in the RFO FAR part 3 model deviation include the following:

- 10 U.S.C. § 4651, Expenditure of Appropriations: Limitation
- 10 U.S.C. § 4655 and 41 U.S.C. § 4704, Prohibition of Contractors Limiting Subcontractor Sales Directly to Federal Government
- 18 U.S.C. § 208, Acts Affecting a Personal Financial Interest
- 18 U.S.C. § 218, Voiding Transactions in Violation of Chapter
- 41 U.S.C. § 2101 et seq, Procurement Integrity Act
- 41 U.S.C. § 3509, Notification of Violations of Federal Criminal Law or Overpayments
- 41 U.S.C. § 4712, Enhancement of Contractor Protection from Reprisal for Disclosure of Certain Information
- 41 U.S.C. § 8701 et seq, Anti-Kickback Act of 1986
- E.O. 12731, Principles of Ethical Conduct for Government Officers and Employees
- E.O. 12928, Promoting Procurement with Historically Black Colleges and Universities, and Minority Institutions

Non-statutory requirements removed from FAR part 3 include, but are not limited to, the following:

- Subsection 3.103-3 “The need for further certifications” was removed as the content is not required in the FAR.
- Section 3.301 “General” was removed because it provided general background on anticompetitive practices but contained no enforceable rule or procedure.
- Section 3.406 “Records” was removed because it is redundant of existing record retention requirements.
- Section 3.907 “Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009 (ARRA)”, including all subsections, was removed as obsolete because it was specific to contracts funded by ARRA, a 2009 economic stimulus package.

- Removing this section includes deleting clause 52.203-15, Whistleblower Protections Under the American Recovery and Reinvestment Act of 2009.

Corresponding DOSAR Deviation Summary

There is Department of State Acquisition Regulation (DOSAR) coverage at DOSAR part 603. However, no changes are required for this part based on the FAR Overhaul changes.

- 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 3 model deviation text instead of FAR part 3 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.
- 5. Effective Date:** The model deviated language was released on September 11, 2025; however, this deviation **is effective January 30, 2026, or 30 days following the end of the current lapse in appropriations; whichever is later.**
- 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:** None.
- 9. Referenced Documents, Checklists, Guides and Templates:**
[FAR PART 3 Practitioner Album](#)