



U.S. Department of Justice

Justice Management Division

Washington, D.C. 20530

MEMORANDUM FOR BUREAU PROCUREMENT CHIEFS

FROM: William N. Taylor II
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SUBJECT: Class Deviation from the Federal Acquisition Regulation (FAR) Part 26 in support of Executive Order 14275 on Restoring Common Sense to Federal Procurement

1. **PURPOSE**

This memorandum approves a class deviation to Federal Acquisition Regulation (FAR) Part 26 for purposes of implementing the Federal Acquisition Regulatory Council's (the Council's) model deviation text to FAR Part 26 available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-26>.

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. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements.

3. **SUMMARY OF CHANGES**

FAR Part 26, concerning other socioeconomic programs, has been reorganized to align with the acquisition process. A high-level summary of the content updates, additions, and removals is as

follows:

The following items are updated or retained:

- Statutory and presidential directives:
 - 6 U.S.C. § 796, Registry of Disaster Response Contractors
 - 25 U.S.C. § 1544, Additional Compensation to Contractors of Federal Agency
 - 41 U.S.C. §§ 8101 et seq, Drug Free Workplace
 - 42 U.S.C. § 1792, Promoting Federal Food Donation
 - 42 U.S.C. § 5150, Use of Local Firms and Individuals
 - Pub. L. 100-707 (42 U.S.C. §§ 5121 et seq), Robert T. Stafford Disaster Relief and Emergency Assistance Act
 - Pub. L. 114-328 Section 816, Amendments to Special Emergency Procurement Authority
 - Pub. L. 114-328 Section 1641, Special Emergency Procurement Authority to Facilitate the Defense Against or Recovery from a Cyber Attack.
 - E.O. 12928, Promoting Procurement with Historically Black Colleges and Universities, and Minority Institutions
- All clauses and provisions are retained. The following clauses have been updated:
 - Clause 52.226-1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises.
 - Clause 52.226-6, Promoting Excess Food Donation to Nonprofit Organizations. This clause no longer flows down to subcontractors.

The following items have been removed:

- The Purpose, Applicability and Definitions sections at 26.601, 26.602, and 26.203 are removed.
- Former section 26.303, Data collection and reporting requirements is removed. Detailed data on contract awards is already captured and tracked through other methods (e.g., the Federal Procurement Data System (FPDS)).
- The procedures for challenges to representations under the Indian Incentive Program were removed from FAR part 26.103 and may be incorporated into non-regulatory guidance.
- Information pertaining to the Disaster Response Registry was removed from FAR part 26.205 and may be covered in nonregulatory guidance.
- Procedures related to the Food Donation Program were removed from FAR 26.403 and may be retained in non-regulatory guidance.

4. AUTHORITY

This class deviation is issued under the authority of [E.O. 14275](#), [OMB M-25-26](#), and RFO FAR 1.304.

5. DEVIATION

The DOJ acquisition workforce must follow the RFO Part 26 model deviation text instead of FAR Part 26 as codified at 48 CFR Chapter 1. The Council's RFO Part 26 model deviation text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-26>.

Where applicable, include the revised Part 26 provision and clause deviations, at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-52> in lieu of the standard versions. For open solicitations or awarded contracts, the Contracting Officer has discretion regarding the need to enforce or amend the clause.

6. EFFECTIVE DATE AND EXPIRATION

This class deviation is effective immediately and remains in effect until rescinded or incorporated into the FAR.

7. SCOPE AND APPLICABILITY

This class deviation applies to all DOJ procurements.

8. ADDITIONAL INFORMATION

If you have questions, please contact DOJAcquisitionPolicy@usdoj.gov.

9. ATTACHMENTS

None.