



Pension Benefit Guaranty Corporation  
445 12th St, SW, Washington, DC 20024

Class Deviation PBGC-2026-0014

## MEMORANDUM FOR PBGC ACQUISITION WORKFORCE

**Date:** February 3, 2026  
**From:** Damon Q. McClure, Senior Procurement Executive  
**Subject:** FAR Class Deviation for FAR Part 25 in Support of Executive Order on Restoring Common Sense to Federal Procurement

**1. Purpose:** This class deviation is issued in accordance with FAR 1.304 and pursuant to the Office of Federal Procurement Policy memorandum entitled, “Deviation Guidance to Support the Overhaul of the Federal Acquisition Regulation,” to provide contracting officers with revised FAR Part 25 language and implement the FAR Council’s model deviation to FAR Part 25.

**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- Remove duplicative or outdated language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 more plain language
- Revise the language for the new FAR framework
- Retain language necessary for governmentwide acquisition standards.

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

**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, [Made in America](#), 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 and presidential directives retained in the RFO FAR Part 25 model deviation include, but may not be 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
<b>Retained</b>	<ul style="list-style-type: none"> <li>• Section 25.001, “<b>General</b>”, 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.</li> <li>• Section 25.003, “<b>Definitions</b>”, is retained with minor edits throughout.</li> <li>• Subpart 25.8, “<b>Other International Agreements and Coordination</b>”, is retained because it is anchored in international treaties and agreements that are part of international law.</li> <li>• Subpart 25.9, “<b>Customs and Duties</b>”, is retained in full because it implements statutory customs requirements and duty requirements.</li> <li>• Subpart 25.10, “<b>Additional Foreign Acquisition Regulations</b>”, is mostly retained as statutorily required.           <ul style="list-style-type: none"> <li>○ Section 25.1003, “Tax on Certain Foreign Procurements”, is deleted as this content is implemented in Part 29. The <b>FAR Companion</b> is expected to include best practice information on tax on foreign procurements.</li> </ul> </li> <li>• The following <b>provisions and clauses</b> are retained (or remain reserved) with no changes:           <ul style="list-style-type: none"> <li>○ 52.225-2 (Provision), Buy American Certificate</li> <li>○ 52.225-5 (Clause), Trade Agreements</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ 52.225-6 (Provision), Trade Agreements Certificate</li> <li>○ 52.225-7 (Provision), Waiver of Buy American Statute for Civil Aircraft and Related Articles</li> <li>○ 52.225-8 (Clause), Duty-Free Entry</li> <li>○ 52.225-10 (Provision), Notice of Buy American Requirement—Construction Materials</li> <li>○ 52.225-12 (Provision), Notice of Buy American Requirement—Construction Materials Under Trade Agreements</li> <li>○ 52.225-14 (Clause), Inconsistency between English Version and Translation of Contract</li> <li>○ 52.225-15 &amp; 52.225-16 remain reserved</li> <li>○ 52.225-17 (Provision), Evaluation of Foreign Currency Offers</li> <li>○ 52.225-18 (Provision), Place of Manufacture</li> <li>○ 52.225-19 (Clause), Contractor Personnel in a Designated Operational Area or Supporting a Diplomatic or Consular Mission Outside the United States</li> <li>○ 52.225-26 (Clause), Contractors Performing Private Security Functions Outside the United States.</li> </ul>
<b>Moved/Updated</b>	<ul style="list-style-type: none"> <li>● Section 25.002, “<b>Applicability of Subparts</b>”, has been updated to align with the Part 25 organizational structure and is expected to be moved to the <b>FAR Companion</b>.</li> <li>● Subpart 25.1, “<b>Buy American—Supplies</b>”, is retained and updated. <ul style="list-style-type: none"> <li>○ Section 25.103 adopts the <b>centralized waiver process</b> for individual nonavailability determinations. <ul style="list-style-type: none"> <li>▪ <b>Submission to MIAO:</b> 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.</li> <li>▪ <b>Prohibition on Award:</b> 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.</li> <li>▪ <b>Procedural Details:</b> 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.</li> </ul> </li> </ul> </li> <li>● Subpart 25.2, “<b>Buy American—Construction Materials</b>”, is retained and revised to align with the changes in subpart 25.1 and to streamline its content. <ul style="list-style-type: none"> <li>○ Section 25.203, “<b>Preaward Determinations</b>” <ul style="list-style-type: none"> <li>▪ 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).</li> </ul> </li> <li>○ Section 25.204, “<b>Evaluating Offers of Foreign Construction Material</b>”, has been revised for clarity and restructured.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Subpart 25.4, “<b>Trade Agreements</b>”, is updated to remove the specific requirement for post-award notices previously at 25.408(a)(5), as it is redundant of content in other FAR Parts.</li> <li>• Subpart 25.5, “<b>Evaluating Foreign Offers—Supply Contracts</b>” <ul style="list-style-type: none"> <li>○ The examples and tables formerly at section 25.504, “<b>Evaluation Examples</b>” are removed and expected to be included in the <b>FAR Companion</b>.</li> </ul> </li> <li>• Subpart 25.6, “<b>Solicitation Provisions and Contract Clauses</b>”, is a relocation of the former Subpart 25.11. The content and structure are largely identical. Subpart 25.11 is now reserved.</li> <li>• Subpart 25.7, “<b>Contracts Performed Outside the United States</b>”, is a relocation of the former Subpart 25.3. The content and structure are largely identical. Subpart 25.3 is now reserved.</li> <li>• The following <b>provision and clauses</b> have been updated to reflect plain language, update cross-references, or make corresponding updates within the part: <ul style="list-style-type: none"> <li>○ 52.225-1 (Clause), Buy American—Supplies</li> <li>○ 52.225-3 (Clause), Buy American—Free Trade Agreements—Israeli Trade Act</li> <li>○ 52.225-4 (Provision), Buy American—Free Trade Agreements—Israeli Trade Act Certificate</li> <li>○ 52.225-9 (Clause), Buy American—Construction Materials</li> <li>○ 52.225-11 (Clause), Buy American—Construction Materials Under Trade Agreement</li> </ul> </li> </ul>
<p><b>Removed</b></p>	<ul style="list-style-type: none"> <li>• Subpart 25.6, “<b>American Recovery and Reinvestment Act-Buy American statute-Construction Materials</b>”, is deleted as obsolete because the content was specific to construction projects funded by the ARRA of 2009 which is no longer active.</li> <li>• Subpart 25.7, “<b>Prohibited Sources</b>”, is deleted, along with the following provisions and clauses, because this content has been moved to <b>RFO FAR Part 40</b>. <ul style="list-style-type: none"> <li>○ 52.225-13 (Clause), Restrictions on Certain Foreign Purchases</li> <li>○ 52.225-20 (Provision), Prohibition on Conducting Restricted Business Operations in Sudan—Certification.</li> <li>○ 52.225-25 (Provision), Prohibition on Contracting with Entities Engaging in Certain Activities or Transactions Relating to Iran—Representation and Certifications.</li> </ul> </li> <li>• The following provisions and clauses were <b>deleted</b> 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"> <li>○ 52.225-21 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute— Construction Materials.</li> <li>○ 52.225-22 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute— Construction Materials</li> <li>○ 52.225-23 (Clause), Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute— Construction Materials Under Trade Agreements.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>○ 52.225-24 (Provision), Notice of Required Use of American Iron, Steel, and Manufactured Goods—Buy American Statute—Construction Materials Under Trade Agreements.</li> </ul>
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This table is not an exhaustive list

**4. Instructions:**

- The PBGC acquisition workforce shall follow the RFO Part 25 model deviation text instead of FAR Part 25 as codified at 48 CFR Chapter 1. The Council’s RFO Part 25 model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul) and is incorporated into this class deviation.
- When using any provisions or clauses that have been revised, utilize the RFO model deviation language at [RFO FAR Part 52](#).
- Contracting activities must review templates and related standard operating procedures to align with this class deviation and remove unnecessary processes and steps.
- Acquisition teams should review the FAR Companion for a number of best practices and guidance specific to this part.

**5. Applicability:** This deviation applies to all Pension Benefit Guaranty Corporation solicitations and new contracts.

**6. Authority:** This class deviation is issued under the authority of Executive Order (E.O.) 14275, [OMB M-25-26](#), 48 CFR Subpart 1.4, and FAR RFO 1.304.

**7. Effective Date:** This class deviation remains in effect until the changes described herein are incorporated in the FAR, superseded, or otherwise rescinded.

**8. Point of Contact:** Questions or comments on this class deviation may be sent to Jeff Gangi at [gangi.jeffrey@pbgc.gov](mailto:gangi.jeffrey@pbgc.gov).