



U.S. Securities and Exchange Commission

March 13, 2025

Class Deviation from Federal Acquisition Regulation regarding Executive Orders 14173 and 14168 (2025-001)

1. **Purpose:** To issue a class deviation in accordance with CAAC Letter 2025-01 Supplement 1 to end illegal discrimination and restore merit-based opportunity and to defend women from gender ideology extremism and restore biological truth to the Federal Government.
2. **Effective Date:** Immediately
3. **Expiration Date:** Expires when incorporated into the FAR or is otherwise rescinded.

Background: Executive Order (E.O.) 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity, revoked E.O. 11246, Equal Employment Opportunity. Several FAR provisions promulgated to enforce E.O. 11246 are not consistent with the direction of the President (see FAR subpart 22.8 and associated provisions and clauses as prescribed at FAR 22.810). This Letter describes changes to contract and solicitation terms that will ensure compliance with E.O. 14173 and serves as consultation in accordance with FAR 1.404, authorizing agencies to issue a class deviation to implement the necessary changes.

FAR subparts 22.13, Equal Opportunity for Veterans, and 22.14, Employment of Workers with Disabilities, and their related provisions and clauses, are based in statute, are not covered by E.O. 11246, and thus are not affected by this Letter.

Contractors are still covered by existing United States laws on civil rights/nondiscrimination. These laws apply whether or not the company is a government contractor.

The Department of Labor sent a message stating: "On January 21, 2025, the White House and President Donald Trump issued an Executive Order: "Ending Illegal Discrimination and Restoring Merit-Based Opportunity", which revoked Executive Order 11246. For 90 days from the date of this order, Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025". You may read the full message [here](#).

The CAAC letter also addresses E.O. 14168, Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government, by removing the defined term "gender identity" at FAR 22.801 and the clauses at FAR part 52 that

include the term.

The CAAC Letter was issued by the Chair of the Civilian Agency Acquisition Council to serve as consultation in accordance with FAR 1.404, authorizing agencies to issue a class deviation to ensure compliance with Executive orders 14173 and 14168. If a FAR deviation is issued by their agencies consistent with this Letter, contracting officers shall use the following changes.

4. **Required Action:** Contracting Officers shall use the following changes:

When issuing new solicitations or contracts **do not include** any of the following provisions and clauses:

- 52.222-9, Apprentices and Trainees
- 52.222-21, Prohibition of Segregated Facilities
- 52.222-22, Previous Contracts and Compliance Reports
- 52.222-23, Notice of Requirement for Affirmative Action To Ensure Equal Employment Opportunity for Construction
- 52.222-24, Preaward On-Site Equal Opportunity Compliance Evaluation
- 52.222-25, Affirmative Action Compliance
- 52.222-26, Equal Opportunity
- 52.222-27, Affirmative Action Compliance Requirements for Construction
- 5.2.222-29, Notification of visa denial

Any open solicitations that contain any of the provisions or clauses listed above should be amended to remove the provisions and clauses.

When issuing new solicitations or contracts **include** the following provisions and clauses, if applicable:

- 52.204-8, Annual Representations and Certifications (JAN 2025) (DEVIATION FEB 2025)
- 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services (MAY 2024) (DEVIATION FEB 2025)
- 52.212-5, Contract Terms and Conditions Required To Implement Statutes or Executive Orders—Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)
- 52.213-4, Terms and Conditions—Simplified Acquisitions (Other Than Commercial Products and Commercial Services) (JAN 2025) (DEVIATION FEB 2025)
- 52.222-6 Construction Wage Rate Requirements (AUG 2018) (DEVIATION FEB 2025)
- 52.222-11 Subcontracts (Labor Standards) (MAY 2014) (DEVIATION FEB 2025)
- 52.222-12 Contract Termination—Debarment (MAY 2014) (DEVIATION FEB 2025)
- 52.244-6, Subcontracts for Commercial Products and Commercial Services (JAN 2025) (DEVIATION FEB 2025)

Any open solicitations should be amended to include these required provisions and clauses.

For existing contracts: Agencies should determine the best means to comply with E.O. 14173.

When issuing new solicitations, **include** the following notice:

“System updates may lag policy updates. The System for Award Management (SAM) may continue to require entities to complete representations based on provisions that are not included in agency solicitations. Examples include 52.222-25, Affirmative Action Compliance, and paragraph (d) of 52.212-3, Offeror Representations and Certifications—Commercial Products and Commercial Services. Contracting officers will not consider these representations when making award decisions or enforce requirements. Entities are not required to, nor are they able to, update their entity registration to remove these representations in SAM.”

5. **Authority:** This deviation is issued under the authority of Executive Order 14173, Ending Illegal Discrimination and Restoring Merit-Based Opportunity. The required consultation with the Chair of the Civilian Agency Acquisition Council (CAAC) is satisfied by the CAAC letter 2025-01 Supplement 1.
6. **Deviation:** See Attachment for the changes to the FAR text as revised by this deviation.
7. **Point of Contact:** If you have any questions please contact Debbie Anderson, Procurement Analyst at (202) 551-4295 or andersonde@sec.gov.

Attachment – FAR Deviation Text

VANCE CATHELL
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of Acquisitions