



Homeland
Security

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Sarah Green SARAH T GREEN
Deputy Chief Procurement Officer

SUBJECT: HSAR Class Deviation (Number 25-02) for HSAR Part 3001 in Support of Executive Order on Restoring Common Sense to Federal Procurement

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Date: 2025.07.30 15:07:49 -04'00'

- 1. Purpose.** This memorandum approves a class deviation to the Homeland Security Acquisition Regulation (HSAR) part 3001 for purposes of implementing Federal Acquisition Regulation Class Deviation (Number 25-04) for FAR Part 1 in support of Executive Order 14275 on Restoring Common Sense to Federal Procurement.
- 2. Background.** On April 15, 2025, the [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- Remove duplicative or outdated language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 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. This initiative will make the FAR more concise, understandable, and focused on core procurement requirements. Department of Homeland Security (DHS) FAR Class Deviation Number 25-04 for FAR Part 1 was issued on May 30, 2025.

- 3. Summary of Changes.** HSAR Part 3001, Federal Acquisition Regulations System, has been updated to align with DHS FAR Class Deviation Number 25-04.

Statutory requirements retained in the FAR Class Deviation 25-04 for Part 1 include, but are not limited to, the following:

- 31 U.S.C. 3702, Authority to Settle Claims
- 41 U.S.C. 13 et seq, Acquisition Councils
- 41 U.S.C. 17 et seq, Agency Responsibilities and Procedures

- 41 U.S.C. 1908, Inflation Adjustment of Acquisition Thresholds
- 41 U.S.C. 3102, Delegation and Assignment of Powers, Functions, and Responsibilities

Non-statutory requirements removed from FAR part 1 include, but are not limited to, the following:

- The list of OMB approved control numbers contained in subpart 1.1. These controls numbers are now listed on www.acquisition.gov
 - Subpart 1.2 - Administration
 - Subpart 1.5 - Agency and Public Participation procedures.
4. **Instructions.** The DHS acquisition workforce shall follow this HSAR Part 3001 deviation text instead of HSAR Part 3001 as codified at 48 CFR Chapter 1.
 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](#), and RFO 1.304.
 7. **Effective Date.** This class deviation is effective immediately and remains in effect until rescinded or incorporated into the HSAR.
 8. **Points of Contact.** Questions regarding this class deviation may be directed to Acquisition Policy and Legislation Branch at Acquisition.Policy@hq.dhs.gov.

Attachment: HSAR Class Deviation 25-02 for HSAR Part 3001 Federal Acquisition Regulation System (DEVIATION) (JUL 2025) – CLEAN VERSION

PART 3001 FEDERAL ACQUISITION REGULATIONS SYSTEM

Subpart 3001.000 Scope of part

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- 3001.101-70 DHS Framework.
- 3001.102 Guiding Principles for the System.
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- 3001.103 Authority.
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- 3001.403 Selecting, appointing, and terminating the appointment for contracting officers.
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Subpart 3001.5 Determinations and Findings

- 3001.504-70 Content.
- 3001.504-71 Other Determinations, Waivers, Exceptions, Approvals, Reviews, and Submittals.

Subpart 3001.6 [Removed]

Subpart 3001.7 [Removed]

Subpart 3001.70 [Removed]

3001.000 Scope of part.

This part describes the framework, guiding principles, and structure of the Homeland Security Acquisition Regulation (HSAR) and its relationship to the Federal Acquisition Regulation (FAR) System.

Subpart 3001.1 Framework

3001.101 Framework.

3001.101-70 DHS Framework.

(a) The Homeland Security Acquisition Regulations System consists of:

- (1) The Federal Acquisition Regulation (FAR), located at 48 CFR chapter 1, which applies to all executive agencies, including the Department of Homeland Security (DHS);
- (2) The Homeland Security Acquisition Regulation (HSAR), which implements and supplements the FAR and is located at 48 CFR chapter 30; and
- (3) DHS acquisition guidance, including the DHS Acquisition Manual (HSAM), which provides internal procedures and best practices.

(b) The HSAR and HSAM do not include internal guidance issued by DHS Components that supplement the HSAR or HSAM unless explicitly stated.

(c) The Transportation Security Administration (TSA) exception to this regulation is authorized by the Aviation and Transportation Security Act of 2001 (ATSA) (section 101(a) of Public Law 107-71, as implemented at section 114(o) of title 49) for contracts awarded by TSA pursuant to this ATSA authority. The Consolidated Appropriations Act of 2008, Public Law 110-161, Division E, Title V, section 568 eliminates ATSA section 114(o) effective June 23, 2008. Accordingly, TSA acquisitions initiated after June 22, 2008, are subject to 48 CFR Chapters 1 and 30.

(d) Contracts involving Non-Appropriated Fund Instrumentalities (NAFIs) must contain suitable dispute provisions and may provide for appellate dispute jurisdiction in the Civilian Board of Contract Appeals (CBCA). However, the contract must not attempt to confer court jurisdiction that does not otherwise exist.

(e) The FAR and HSAR may be followed, where feasible, for:

- (1) No-cost contracts;
- (2) Concession contracts; and
- (3) Contracts on behalf of NAFIs entered into by appropriated fund contracting officers.

3001.102 Guiding Principles for the System.

3001.102-70 DHS guiding principles for the system.

(a) The DHS Acquisition System will:

- (1) Meet DHS's mission requirements effectively and efficiently;
- (2) Promote responsible stewardship of taxpayer resources through innovation, time-conscious execution, and effective risk management;
- (3) Prioritize the use of commercial products and services;
- (4) Select contractors based on demonstrated ability to perform;
- (5) Promote full and open competition;
- (6) Conduct all acquisition activities with integrity, fairness, and transparency; and
- (7) Empower acquisition professionals to make sound, timely decisions at the lowest practical level, consistent with law and DHS policy.

(b) DHS acquisition team members are expected to:

- (1) Include personnel from program, technical, legal, and procurement offices, as well as customers and contractors;
- (2) Exercise initiative, sound business judgment, and innovation to meet DHS mission needs;
- (3) Use new or tailored strategies if not prohibited by law, Executive order, or regulation, and if they serve the public interest;
- (4) Collaborate across functions to manage risk and drive results; and
- (5) Recommend deviations that promote efficiency, innovation, or mission alignment (see 3001.303 and 3001.304).

(c) Risk management is fundamental to DHS acquisitions and must balance cost, performance, and schedule considerations with national security imperatives.

(d) The FAR and this supplement are to be interpreted permissively, if consistent with statutory and regulatory requirements, policy, and sound professional judgment.

3001.103 Authority.

The HSAR is issued by DHS's Chief Procurement Officer, who is the Senior Procurement Executive (SPE), see 41 U.S.C. 1702 and DHS Delegation Number 0702, under authority of 5

U.S.C. 301-302, the Office of Federal Procurement Policy Act, Pub. L. No. 93-400, 88 Stat. 796 (1974), including sections 22 and 25, 41 U.S.C. 1707, 1302 and 1303, and (FAR) 48 CFR part 1, subpart 1.3.

3001.104 Publication and code arrangement.

3001.104-70 DHS Publication and code arrangement.

(a) Changes to the HSAR are published in the Federal Register and are codified in 48 CFR chapter 30. The HSAR is also available at <http://www.dhs.gov>. DHS's internal acquisition guidance (e.g., the HSAM) is not codified in the CFR and is published separately at <https://www.dhs.gov/hsam> or through official DHS channels.

(b) The HSAR encompasses both Department-wide and Component-unique guidance, and conforms to the arrangement and numbering system prescribed by section 1.104(b) of FAR Class Deviation Number 25-04.

(1) Coverage within HSAR 48 CFR chapter 30 is identified by the prefix “30” followed by the complete FAR cite which may extend downward to the subparagraph level (e.g., (HSAR) 48 CFR 3001.101).

(2) Coverage in HSAR chapter 30 that supplements the FAR will use part, subpart, section, and subsection numbers ending in “70” through “89”. A series of numbers beginning with “70” is used for provisions and clauses (e.g., (HSAR) 48 CFR 3001.01-70).

(3) Coverage in HSAR 48 CFR chapter 30, other than that identified with a “70” or higher number, which implements the FAR uses the identical number sequence and caption of the FAR segment being implemented which may extend downward to the subparagraph level. Subparagraph numbers/letters may not be shown as sequential, but may be shown by the specific paragraph/subparagraph implemented from the FAR (e.g., (HSAR) 48 CFR 3003.301 contains subparagraphs (a) and (b) because only these subparagraphs, correlating to FAR, are being supplemented by (HSAR) 48 CFR chapter 30).

(c) Guidance that is unique to a Component contains the organization's acronym or abbreviation directly following the title.

(1) The following acronyms and abbreviations apply:

DHS Management (MGMT), including the Office of Procurement Operations (OPO);
Federal Emergency Management Agency (FEMA);
Federal Law Enforcement Training Center (FLETC);
Transportation Security Administration (TSA);
U.S. Coast Guard (USCG);
U.S. Customs and Border Protection (CBP);
U.S. Immigration and Customs Enforcement (ICE);

U.S. Secret Service (USSS); and
U.S. Citizenship and Immigration Services (USCIS).

3001.105 OMB approval under the Paperwork Reduction Act.

3001.105-70 DHS's OMB approvals under the Paperwork Reduction Act.

(a) The Office of Management and Budget (OMB) has assigned the following control numbers that must appear on the upper right-hand corner of the face page of each solicitation, contract, modification, and order:

OMB Control No. 1600-0002 (Contract related forms)
OMB Control No. 1600-0005 (Offeror submissions)
OMB Control No. 1600-0003 (Contractor submissions)
OMB Control No. 1600-0004 (Protests)

(b) OMB regulations and OMB's approval and assignment of control numbers are conditioned upon not requiring more than three copies (including the original) of any document of information. OMB has granted a waiver to permit the Department to require up to eight copies of proposal packages, including proprietary data, for solicitations, provided that contractors who submit only an original and two copies will not be placed at a disadvantage.

3001.106 Reserved.

Subpart 3001.2 Agency Acquisition Regulations

3001.201 Policy.

(a)(1) The HSAR is issued for Departmental guidance according to the policy cited in section 1.301 of FAR Class Deviation Number 25-04. The HSAR establishes uniform Department of Homeland Security policies and procedures for all acquisition activities within the Department of Homeland Security. Component supplemental acquisition regulations to be inserted in the HSAR as a HSAR supplement regulation must be reviewed and approved by the Chief Procurement Officer (CPO) before the CPO authorizes and submits the proposed content for publication in the Federal Register, and section 1.2 of FAR Class Deviation Number 25-04.

(2)(i) The CPO is authorized to issue internal agency guidance at any organizational level. Department-wide procedures are contained in the HSAM. The HCA may implement internal procedures or supplement the FAR, HSAR, or HSAM as provided in HSAM as provided in section 3001.2 of the HSAM in accordance with FAR Class Deviation 25-04. The HCA may issue procedures or delegate this authority to any organizational level deemed appropriate. Component procedures may be more restrictive or require higher approval levels than those permitted by the HSAM, unless otherwise specified.

(ii) Individuals granted authority in the HSAR may delegate that authority, unless the FAR or HSAR specifically state that the authority is not delegable.

(b) The Under Secretary of Management established procedures through Management Directive (MD) 0490.1, entitled Federal Register Notice and Rules, to ensure that agency acquisition regulations are published for comment in the Federal Register in conformance with FAR procedures at section 1.2 of FAR Class Deviation Number 25-04.

3001.201-70 Amendment of HSAR.

(a) Requests for changes to the regulation may be recommended by DHS personnel, other Government agencies, or the public. Change requests are to be submitted in the following format to the Department of Homeland Security, ATTN: Office of the Under Secretary of Management, Chief Procurement Officer, Washington, DC 20528.

(1) Problem: Succinctly state the problem(s) created by current HSAR requirements or processes and describe the factual or legal reasons for requesting a regulatory change.

(2) Recommendation: Identify the recommended change by using the current language and lining through the words to be deleted and inserting proposed language in brackets. If the change is extensive, deleted language may be displayed by forming a box with diagonal lines connecting the corners.

(3) Discussion: Explain why the change is necessary and how the change will solve the problem. Address any cost or administrative impact on Government activities, offerors, and contractors. Provide any other helpful information and documents such as statutes, legal decisions, regulations, reports, etc.

(4) Point of Contact: Provide a point of contact for answering questions regarding the recommendation, along with a telephone number, e-mail or other method of reaching the contact.

(b) The HSAR is maintained by the CPO through the HSAR/HSAM change process (i.e., input from various Components including representatives specifically designated to formulate Departmental acquisition policies and procedures).

(1) Homeland Security Acquisition Circular (HSAC). HSAC (see (HSAR) 48 Chapter 3001.301-72 (and as supplemented by any future HSAR deviation)) will be used to amend (HSAR) 48 Chapter 30.

(2) HSAR Notices will be issued (with a specified expiration date) when interim guidance is necessary under any of the following circumstances:

(i) To promulgate, as rapidly as possible, selected material in a general or narrative manner, in advance of a HSAC issuance;

- (ii) To disseminate other acquisition related information; or
- (iii) To issue guidance that is expected to be effective for a period of 1 year or less.
- (c) Any Component that seeks a Component-specific regulation or that intends to use a solicitation provision or a contract clause on a repetitive basis must prepare and coordinate a proposed rule with Component legal counsel and obtain HCA approval, which is non delegable. The HCA must forward the proposed rule and a Rulemaking notice to the CPO for concurrence prior to publication further action in accordance with DHS regulatory clearance procedures. If approved, the CPO, or designee, will sign the Component-specific regulation and it will be integrated into the HSAR.
- (d) The CPO is responsible for evaluating all proposed regulatory coverage in the HSAR to determine if the substance could apply to other agencies and to make recommendation for inclusion in the FAR.

3001.201-71 Effective date.

Unless otherwise stated:

- (a) HSAR changes apply to solicitations issued on or after the effective date of the change;
- (b) Contracting officers may, at their discretion, amend solicitations issued before the effective date to include HSAR changes, provided award of the resulting contract(s) will occur on or after the effective date; and
- (c) When required by law, contracting officers must modify existing contracts to include HSAR changes. Otherwise, and where feasible, contracting officers should consider using the Changes clause or other suitable authority, to modify existing contracts to include HSAR changes.

3001.201-72 HSAC or HSAR Notice numbering.

HSACs and HSAR Notices will be numbered consecutively on a fiscal year basis beginning with number “01” prefixed by the last two digits of the fiscal year (e.g., HSAR Notices 03-01 and 03-02 indicate the first two HSAR Notices issued in fiscal year 2003).

Subpart 3001.3 Deviations from the FAR and HSAR.

3001.301 Reserved.

3001.302 Policy.

DHS may authorize deviations as needed to meet mission objectives, consistent with law and regulation. This subpart prescribes policies and procedures for DHS deviations from the FAR and HSAR.

3001.303 Individual deviations.

Unless precluded by law, executive order, or other regulation, the HCA is authorized to approve individual deviations (except with respect to (FAR) 48 CFR 30.201-3, 30.201-4; the requirements of the Cost Accounting Standards board rules and regulations at 48 CFR Chapter 99 (FAR Appendix); and Part 50). Submit requests per (HSAR) 48 CFR 3001.7000, including complete documentation of the justification for the deviation (See section 3001.303 of the HSAM in accordance with FAR Class Deviation 25-04.)

3001.304 Class deviations.

(b)(70) Unless precluded by law, executive order, or other regulation, the CPO is authorized to review FAR class deviations except (FAR) 48 CFR 30.201-3, and 30.201-4 (the requirements of the Cost Accounting Standards); 48 CFR Chapter 99 (FAR Appendix); and Part 50). FAR class deviation requests shall be submitted to the CPO per 3001.5 of this deviation, including complete documentation of the justification for the deviation, and the estimated number and type of contract actions affected. The CPO will transmit a copy of each FAR deviation to the FAR Secretariat.

Subpart 3001.4 Career Development, Contracting Authority, and Responsibilities

3001.401 Contracting functions.

DHS Delegation Number 0200.1, Delegation to the Directorate of Management, delegates authority from the Secretary to the Under Secretary of Management to manage the acquisition function. DHS Delegation 0700, Delegation to the Chief Procurement Officer for Acquisition and Financial Assistance Management, delegates this authority from the Under Secretary of Management to the Chief Procurement Officer.

3001.403 Selecting, appointing, and terminating the appointment for contracting officers.

3001.403-1 General.

(b)(70) Under DHS Delegations, the Heads of the Contracting Activity (HCA), with authority to redelegate no lower than the Chief of the Contracting Office (COCO), are authorized to select and appoint contracting officers and terminate their appointment.

3001.404 Reserved.

3001.405 Ratification of unauthorized commitments.

(b)(70) DHS policy requires that acquisitions be made only by Government officials having authority to enter into such acquisitions. Acquisitions made by other than authorized personnel are contrary to Departmental policy and may be considered matters of serious misconduct on the

part of an employee making an unauthorized commitment, and may result in disciplinary action being taken against an employee who makes an unauthorized commitment.

Subpart 3001.5 Determinations and Findings

3001.504-70 Content.

The following format shall be used for all determinations and findings (D&Fs), unless otherwise specified in the FAR or the HSAR. The contracting officer is responsible for preparing D&Fs, and requirements and technical personnel are responsible for the accuracy and adequacy of the supporting factual information, which shall be furnished to the contracting officer.

Insert specific information indicated in brackets.

Determination and Findings

Subpart 3001.6 [Removed]

Subpart 3001.7 [Removed]

Subpart 3001.70 [Removed]