



Homeland
Security

MEMORANDUM FOR: Heads of Contracting Activities

FROM: Paul Courtney
Chief Procurement Officer

PAUL R
COURTNEY

SUBJECT: HSAR Class Deviation (Number 25-05) for HSAR Part 3035 in Support of Executive Order on Restoring Common Sense to Federal Procurement

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Date: 2025.08.05 12:26:45 -04'00'

- 1. Purpose.** This memorandum approves a class deviation to the Homeland Security Acquisition Regulation (HSAR) part 3035 for purposes of implementing Federal Acquisition Regulation Class Deviation (Number 25-14) for FAR Part 35 in support of Executive Order 14275 on Restoring Common Sense to Federal Procurement.
- 2. Background.** [Executive Order \(E.O.\) 14275 on 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. Department of Homeland Security (DHS) FAR Class Deviation Number 25-14 for FAR Part 35 was issued on August 5, 2025.

- 3. Summary of Changes. Statutory requirements retained** in the RFO FAR part 35 model deviation include, but are not limited to, the following:
 - 31 U.S.C. § 6303, Using Procurement Contracts
 - 10 U.S.C. § 4126, Use of Federally Funded Research and Development Centers
- 4. Instructions.** The DHS acquisition workforce shall follow this HSAR Part 3035 deviation text instead of HSAR Part 3035 as codified at 48 CFR Chapter 30.
- 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](#), 48 CFR 1.4, and RFO FAR 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 **Effective Date.** This class deviation is effective immediately and remains in effect until rescinded or incorporated into the HSAR.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 25-05 for HSAR Part 3035 Research and Development Contracting (DEVIATION) (AUG 2025) – CLEAN VERSION

PART 3035 RESEARCH AND DEVELOPMENT CONTRACTING

Subpart 3035.000 Scope of Part

3035.002	Policy
3035.003	Removed.
3035.008	Removed.
3035.017	Removed.

Subpart 3035.2 Evaluation and Award

3035.201	Evaluation for award.
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Subpart 3035.4 Federally Funded Research and Development Centers

3035.402	Policy.
3035.403	Sponsoring agreements.

Subpart 3035.70 Removed

Subpart 3035.000 Scope of Part

3035.002 Policy.

(b)(70) Cost sharing shall be determined on a case-by-case basis. Components may establish procedures for cost sharing. Advice of legal counsel shall be obtained prior to establishing cost sharing policies under section 35.002(b) of FAR Class Deviation 25-14.

3035.002-70

(a) *Recoupment*, as used in this part, means the recovery by the Government of Government-funded nonrecurring costs from contractors that sell, lease, or license the resulting products or technology to buyers other than the Federal Government.

(b) Recoupment shall be determined on a case-by-case basis. Recoupment not otherwise required by law should be structured to address factors such as recovering the Department's fair share of its investment in nonrecurring costs related to the items acquired. Advice of legal counsel shall be obtained prior to establishing recoupment mechanisms.

3035.003 [Removed]

3035.008 [Removed]

3035.017 [Removed]

Subpart 3035.2 Evaluation and Award.

3035.201 Evaluation for award.

(d)(70) See (HSAR) 48 CFR 3009.570 for limitations on the award of contracts to contractors acting as lead system integrators.

Subpart 3035.4 Federally Funded Research and Development Centers.

3035.402-70 Information Dissemination by Educational Institutions.

(a) The Department of Homeland Security (DHS) desires widespread dissemination of the results of funded non-sensitive research. The Contractor, therefore, may publish (subject to the provisions of the “Data Rights” and “Patent Rights” clauses of the contract) research results in professional journals, books, trade publications, or other appropriate media.

(b) Contract clause.

(1) The contracting officer shall insert the clause at HSAR 3052.235-70, Dissemination of Information—Educational Institutions, or as may be directed in subsequent deviations, in research contracts with educational institutions where research is not sensitive or classified.

(2) For contracts involving sensitive or classified research, the contracting officer shall develop a Special Contract Requirement that requires Government approval before dissemination of results.

3035.403 -70 Sponsoring agreements.

(e)(70) In accordance with Section 309(b) of the Homeland Security Act, 6 U.S.C. 189(b), DHS may be a joint sponsor under a multiple agency sponsorship arrangement with the Department of Energy (DOE) of one or more DOE national laboratories or sites. DOE shall be the primary sponsor under any multiple agency sponsorship arrangement with DOE laboratories or sites. Work performed by a DOE national laboratory or site under a joint sponsorship arrangement with DHS Components shall comply with policy on the use of Federally Funded Research and Development Centers (FFRDCs) in Subpart 35.4 of FAR Class Deviation 25-14.

3035.70 [Removed]