

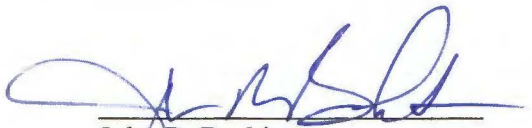
**CLASS DEVIATION
FINDINGS AND DETERMINATION
EXERCISE OF SPECIAL EMERGENCY PROCUREMENT AUTHORITIES**

Findings

1. On December 23, 2016, the President signed into law the National Defense Authorization Act (NDAA) for FY 2017 (Pub. L. 114-328). Section 816 of that Act expanded the permissible uses of special emergency procurement authorities to include facilitating international disaster assistance and supporting domestic emergency or natural disaster relief efforts as defined by the Robert T. Stafford Disaster Relief and Emergency Assistance Act. In addition, Section 1641 of that same Act made special emergency procurement authorities applicable to defense against or recovery from a cyber-attack. The NDAA was effective when enacted and was not contingent upon any implementing regulation.
2. The Civilian Agency Acquisition Council (CAAC) issued CAAC Letter 2017-03 on September 1, 2017, authorizing agencies to issue class deviations implementing Pub. L. 114-328 pending publication of the formal amendment to the Federal Acquisition Regulation (FAR) via FAR case 2017-009.
3. CAAC Letter 2017-03 serves as the CAAC Chair consult required of the agency official approving the class deviation in accordance with FAR 1.404(a)(1).

Determination

It is hereby determined that a class deviation is appropriate to implement sections 816 and 1641 of Pub L. 114-328. Upon the determination of the Senior Procurement Executive to increase acquisition thresholds or apply other FAR Part 18 acquisition flexibilities, contracting officers may apply the FAR as revised by this deviation as shown in the attachment. This class deviation is effective upon the date of signature and will remain in effect until cancelled or incorporated into the FAR.



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