

**CLASS DEVIATION
FINDINGS AND DETERMINATION
FEDERAL ACQUISITION REGULATION (FAR) REGARDING EXECUTIVE
ORDERS 14173 AND 14168**

Findings

1. The objective of this class deviation is to implement Executive Order (E.O.) 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity* and E.O. 14168, *Defending Women From Gender Ideology Extremism and Restoring Biological Truth to the Federal Government*.
2. On January 20, 2025, President Trump issued 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 Federal Acquisition Regulation (FAR) 22.801 and the clauses at FAR part 52 that include the term.
3. On January 21, 2025, President Trump issued E.O. 14173, *Ending Illegal Discrimination and Restoring Merit-Based Opportunity*, which revoked E.O. 11246, Equal Employment Opportunity.
4. On January 24, 2025, the Department of Labor issued Order 03-2025 announcing that it would cease enforcement activity under the rescinded E.O. 11246. In addition, the Office of Federal Contract Compliance Programs (OFCCP) published a Bulletin announcing that for 90 days from the date of the E.O., Federal contractors may continue to comply with the regulatory scheme in effect on January 20, 2025, while also announcing it would cease:
 - Promoting "diversity";
 - Holding Federal contractors and subcontractors responsible for taking "affirmative action"; and
 - Allowing or encouraging Federal contractors and subcontractors to engage in workforce balancing based on race, color, sex, sexual preference, religion, or national origin.
5. The Civilian Agency Acquisition Council (CAAC) Letter 2025-01 and CAAC Letter 2025-01 Supplement 1 (which superseded the original CAAC letter), issued by the CAAC on February 15, 2025, and February 18, 2025, respectively, serve as consultation, pursuant to FAR 1.404, authorizing agencies to issue a class deviation to ensure compliance with E.O.s 14173 and 14168.

Determination

It is hereby determined that, to ensure compliance with Executive Orders 14173 and 14168, a class deviation is appropriate using the procedures and deviation text included in CAAC Letter 2025-01, as modified by CAAC Letter 2025-01 Supplement 1, which are further modified by

the attached updated FAR Deviation Text document to not require deletion of FAR 52.222-9, Apprentices and Trainees (but for paragraph (c), which is to be deleted) and not require deletion of references to the clause entitled Apprentices and Trainees in: FAR 52.222-6, Construction Wage Rate Requirements; FAR 52.222-11, Subcontracts (Labor Standards); and 52.222-12, Contract Termination-Debarment. Once approved, the Department will share the deviation widely among its workforce to ensure full awareness of and compliance with the revisions to affected regulations. This class deviation is effective upon issuance, and will remain effective until cancelled or incorporated into the FAR.

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Attachments:

- CAAC Letter 2025-01
- CAAC Letter 2025-01 Supplement 1
- Updated FAR Deviation Text
- Supplemental Agency Guidance