



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Class Deviation

PCD 25-41

December 19, 2025

CLASS DEVIATION FROM FEDERAL ACQUISITION REGULATION (FAR) PART 22 AND NASA FAR SUPPLEMENT (NFS) PART 1822 TO IMPLEMENT THE REVOLUTIONARY FAR OVERHAUL (NASA Case 2025-N045)

PURPOSE: To provide a Class Deviation from the FAR to implement the FAR Council's model deviation text to FAR Part 22, Application of Labor Laws to Government Acquisitions, and deviation to NFS 1822.

BACKGROUND: On April 15, 2025, the Executive Order (E.O.) 14275, ["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." To implement E.O. 14275, the Office of Federal Procurement Policy (OFPP) is leading the **Revolutionary FAR Overhaul (RFO)** initiative. This effort is supported by the Federal Acquisition Regulatory Council (the Council) member agencies—General Services Administration, Department of War, NASA, along with other agencies. In line with the E.O., the initiative aims to eliminate unnecessary regulations and policies across all levels of the federal government.

The Office of Management and Budget (OMB) memorandum, M-25-26 issued on May 2, 2025, titled, Overhauling the Federal Acquisition Regulation, provided additional guidance to federal agencies regarding the FAR overhaul.

FAR Streamlining. As part of the RFO, the FAR will be streamlined to include only statutory requirements, while non-statutory content will move to new buying guides, collectively forming the Strategic Acquisition Guidance (SAG). The Council will first issue model deviation guidance by FAR part, followed by formal rulemaking through the notice-and-comment process. Agencies will have 30 days to issue class deviations based on the model text once it is released.

Streamlining Agency Acquisition Supplements. Agencies must streamline their FAR supplements by removing regulations not based on statute or executive orders and aligning with the FAR Council's deviation guidance. Supporting policies must also be updated to reflect these changes. This approach ensures the NASA FAR Supplement (NFS) remains consistent with the streamlined FAR.

FAR Buying Guides and NFS Companion Guide (CG) (coming soon). As the FAR and the NFS are streamlined, helpful non-regulatory content will be moved to new FAR Buying Guides and NFS CG designed to support smarter and faster acquisitions, greater competition, and better results.

RFO Part 22, Application of Labor Laws to Government Acquisitions, is one of the model deviations released by the FAR Council. RFO Part 22 establishes policy on when and how to apply various labor laws to contracts. Burdensome, duplicative, or outdated language and language not required by statute have been removed from FAR Part 22. This plain language version of FAR Part 22 shall be adhered to.

To align with the RFO FAR Part 22, NFS 1822 (entitled "Application of Labor Laws to Government Acquisitions") is revised to remove non-statutory and outdated language. This deviation implements the revised RFO Part 22 and NFS Part 1822.

GUIDANCE:

(1) Contracting officers shall follow the RFO Part 22 deviated text instead of FAR Part 22, as codified at 48 CFR Chapter 1822. The FAR Council's RFO text is available at <https://www.acquisition.gov/far-overhaul/far-part-deviation-guide/far-overhaul-part-22>.

(2) COs shall also follow the NFS Part 1822 deviated text enclosed within this deviation.

ACTION REQUIRED BY CONTRACTING OFFICERS: Effective immediately, ensure that new contract actions issued on or after the effective date complies with the policy in the PCD.

EFFECTIVE DATE: This PCD is effective as dated and shall remain in effect until implemented in the FAR and NFS or otherwise rescinded.

PROVISION AND CLAUSE CHANGES: Not applicable.

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Enclosure

Changes in the NFS Deviation text below are identified as follows:

- Deletions shown as ~~strike throughs~~; and
- Additions are shown as **[bold and within brackets]**.

PART 1822 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

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PART 1822 APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

~~1822.000-70 Scope of part.~~

~~(a) Contracting officers should consult with the Center's Contractor Industrial Relations Officer (IRO) or designee when taking any of the actions prescribed or authorized in FAR part 22 or NFS Part 1822.~~

~~(b) All communications with the Department of Labor (DOL) national office of a labor organization, on labor relation matters such as disputes shall be conducted through the Center's Contractor IRO who will coordinate any information and requirements with the Headquarters Contractor IRO prior to contacting the DOL or the labor organization.~~

~~(c) Proposed responses to actions (e.g. labor disputes, work stoppages, plant seizures, injunctive actions, labor relations adversely affecting NASA) that are expected to substantially impact the activities of NASA or other Government agencies shall be coordinated with the Center's IRO for approval by the Headquarters Contractor IRO.~~

~~(d) The NASA Industrial Labor Relations Guide provides agency-wide guidance to individuals involved in the acquisition of supplies or services (including construction) applicable to labor laws.~~

1822.001 Definitions.

"Agency labor advisor" is the Headquarters Contractor Industrial Relations Officer.

Subpart 1822.1—Basic Labor Policies

1822.101 Labor relations.

1822.101-1 General.

[(b)(i)] d) When a strike that may have an adverse effect on NASA programs is imminent or in progress at a prime contractor's or subcontractor's plant, contracting officers must, in coordination with the Center Contractor (IRO)—

[(1)](i) Advise in writing both the prime contractor and the head of the union local of the expected impact of the strike on NASA programs and of the actions NASA is planning to take to protect the Government's interest and prevent any further delay in the accomplishment of NASA's mission. If the strike is at a subcontractor's plant, only the prime contractor may contact the subcontractor since there is no contract between NASA and the subcontractor;

[(2)](ii) Explore the possibility of locating other sources for the supplies or services to have been provided by the strike-threatened plant; and

[(3)](iii) Consider taking the actions described in FAR 22.101-4. **[removing items from contractors' facilities affected by work stoppages. The contracting officer must**

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obtain approval from Headquarters Contractor Industrial Relations Officer before proceeding with any such removal.].

[(ii) NASA activities may not prevent the access of labor union representatives to contract sites for the conduct of union business if such activities are compatible with safety and security regulations and performance of the contract work involved in accordance with NPR 5200.1.]

1822.101-3 Reporting labor disputes.

~~Reports of potential or actual labor disputes affecting NASA acquisitions, operations, or services shall be coordinated through the Center's IRO for submission to the Headquarters Contractor IRO in accordance with NPR 5200.1.~~

1822.101-4 Removal of items from contractors' facilities affected by work stoppages.

~~(a)(3) The contracting officer shall obtain approval from Headquarters Contractor Industrial Relations Officer.~~

1822.101-70 Admission of labor representatives to contract sites.

NASA activities must not prevent the access of labor union representatives to contract sites for the conduct of union business if such activities are compatible with safety and security regulations and performance of the contract work involved in accordance with NPR 5200.1.

[1822.102 Presolicitation]

1822.[102-2]103-5 Contract clause.

(a) Insert the FAR clause 52.222-1, Notice to the Government of Labor Disputes, in all solicitations and contracts that exceed the simplified acquisition threshold.

1822.104 Postaward.

1822.104-2 Overtime approvals.

~~(a) The contracting officer (CO) is authorized to approve overtime premiums at Government expense. If two or more contracting offices have current contracts at a single facility and approval of overtime by one will affect the performance or cost of contracts of another, the contracting officer shall obtain the concurrence of other appropriate approving officials and seek agreement regarding the contracts under which premiums will be approved. In the absence of evidence to the contrary, a contracting officer may rely on the contractor's written statement that approval will not affect performance or payments under any ongoing contract of another contracting office.~~

1822.103-5 Contract clause.

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~~(a) Insert the FAR clause 52.222-1, Notice to the Government of Labor Disputes, in all solicitations and contracts that exceed the simplified acquisition threshold.~~

~~Subpart 1822.3—Contract Work Hours and Safety Standards Act~~

~~1822.302 Liquidated damages and overtime pay.~~

~~(c) The Headquarters Contractor Industrial Relations Officer (IRO) is the agency head designee.~~

~~(d) The disposition of funds withheld or collected for liquidated damages shall be in accordance with direction of the Headquarters Contractor IRO.~~

~~Subpart 1822.4—Labor Standards for Contracts Involving Construction~~

~~1822.404 Postaward~~

~~1822.404-2 Enforcement~~

~~(a) The contracting officer is responsible for conducting investigations of labor violations relative to contracts under their cognizance in coordination with the Center's Contractor IRO.~~

~~(d) The disposition of funds withheld or collected for liquidated damages shall be in accordance with direction of the Headquarters Contractor IRO.~~

~~Subpart 1822.4—Labor Standards for Contracts Involving Construction~~

~~All contacts with the Department of Labor required by FAR Subpart 22.4, except for wage determinations shall be coordinated with the Center's Contractor IRO. The Center's Contractor IRO will coordinate the information and requirements with the Headquarters Contractor IRO.~~

~~1822.404-2 General requirements.~~

~~(c)(5) Contracting officers should obtain clarifications and coordinate with the Center's IRO concerns about the proper application of wage rate schedules to the type or types of construction project involved prior to contacting the DOL Administrator, Wage and Hour Division.~~

~~1822.406-8 Investigations.~~

~~(a) The contracting officer is responsible for conducting investigations of labor violations relative to contracts under their cognizance in coordination with the Center's Contractor IRO. Detailed procedures on how to conduct investigations are found in the NASA Industrial Labor Relations Guide.~~

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~~(d) Reports of substantial violations or refusals to pay shall be sent to the Headquarters Contractor IRO.~~

~~1822.406-9 Withholding from or suspension of contract payments.~~

~~(e)(4) Headquarters Contractor IRO shall determine the disposition of contract payments withheld or contract payments suspended and any assessed liquidated damages.~~

~~1822.406-13 Semiannual enforcement reports.~~

~~Procurement officers shall submit semiannual enforcement data within 20 days after the end of the specified reporting periods to the Headquarters Office of Procurement, Procurement and Grant Policy Division. Negative statements are required.~~

~~Subpart 1822.5 – Reserved~~

~~[Subpart 1822.6 – Reserved]~~

~~Subpart 1822.6 – Contracts for Materials, Supplies, Articles, and Equipment Exceeding \$15,000~~

~~1822.604 Exemptions.~~

~~1822.604-2 Regulatory exemptions.~~

~~(b) Requests for exemptions shall be submitted in writing through the contracting officer, in coordination with the Center's Contractor Industrial Relations Officer (IRO) to the Headquarters Contractor IRO.~~

~~Subpart 1822.8 – Equal Employment Opportunity~~

~~1822.804 Affirmative action programs.~~

~~1822.804-2 Construction.~~

~~(b) The Headquarters Office of Procurement, Procurement and Grant Policy Division will furnish each procurement officer the listing.~~

~~1822.807 Exemptions.~~

~~Requests for exemption pursuant to FAR 22.807(a)(1), (a)(2), or (b)(5) shall be sent to the Headquarters Office of Procurement, Procurement Strategic Operations Division, who will coordinate through the Headquarters Contractor Industrial Relations Officer and the Agency head. If the exemption is granted, the Agency head shall notify the Office of Federal Contract Compliance Programs of such action within 30 days.~~

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Subpart 1822.10—Service Contract Labor Standards

1822.1001 Definitions.

"Agency labor advisor" is the Headquarters Contractor Industrial Relations Officer.

1822.1008 Procedures for obtaining wage determinations.

1822.1008-1 Obtaining wage determinations.

~~(e) Contracting officers shall obtain the assistance of their Contracting Officer's Representative and Center Contractor IRO to ensure use of the DOL Wage and Hour Division's Service Contract Act Directory of Occupations and ensure incorporation of all service employee classes (Directory and non-Directory) planned to be utilized for a particular acquisition. When completing an e98, the contracting officer shall include and note any classifications and minimum hourly wage rates conformed under any predecessor contract. When a previously conformed classification is not included in the Directory, the contracting officer shall include the job description on the e98. When the statement of work job title differs from the Directory job title, the contracting officer shall provide a cross reference on the e98.~~

1822.1008-2 Wage determinations. ~~Successorship with incumbent contractor collective bargaining agreement.~~

[(b) Wage determinations based on collective bargaining agreements.]

~~(b)[(2)]~~ The requirement for the successor contractor to pay the wages and fringe benefits is applicable until superseded by a new wage determination on the contract.

~~Subpart 1822.13—Equal Opportunity for Veterans~~

~~1822.1302-3 Waivers.~~

~~(e) Requests for waivers shall be submitted to the Associate Administrator for Diversity and Equal Opportunity Office.~~

~~1822.1304 Postaward.~~

~~1822.1304-8 Complaint procedures.~~

~~(e) Contracting officers shall submit all complaints to the Associate Administrator for Diversity and Equal Opportunity Office.~~

~~Subpart 1822.14—Employment of Workers with Disabilities~~

~~1822.1401-3 Waivers.~~

~~(e) Requests for waivers shall be submitted to the Associate Administrator for Diversity and Equal Opportunity Office.~~

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~~1822.1406 Complaint procedures.~~

~~Contracting officers shall submit all complaints to the Associate Administrator for Diversity and Equal Opportunity Office.~~

~~Subpart 1822.15—Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor~~

~~1822.1504-3 Procedures for acquiring end products on the List of Products Requiring Contractor Certification as to Forced or Indentured Child Labor.~~

~~(e) All investigations under FAR Subpart 22.15 shall be referred to NASA's Office of Inspector General.~~

~~Subpart 1822.17—Combating Trafficking in Persons~~

~~1822.1704 Postaward. Violations and Remedies.~~

~~(a) Contracting officers shall notify their Center Contractor Industrial Relations Officer upon taking any action for violations and remedies.~~

~~Subpart 1822.18—Employment Eligibility Verification~~

~~1822.1802 Policy.~~

~~(d) Contracting officers shall notify the Headquarters Office of Procurement, Procurement Operations Division, who will notify the Headquarters Contractor Industrial Relations Officer of any waivers granted for E-Verify~~

Clean NFS version with changes incorporated:

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Subpart 1822.1—Basic Labor Policies

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(2) Explore the possibility of locating other sources for the supplies or services to have been provided by the strike-threatened plant; and

(3) Consider removing items from contractors' facilities affected by work stoppages. The contracting officer [must] obtain approval from Headquarters Contractor Industrial Relations Officer before proceeding with any such removal.

(ii) NASA activities may not prevent the access of labor union representatives to contract sites for the conduct of union business if such activities are compatible with safety and security regulations and performance of the contract work involved in accordance with NPR 5200.1.

1822.101-70 Admission of labor representatives to contract sites.

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1822.102 Presolicitation

1822.102-2 Contract clause.

(a) Insert the FAR clause 52.222-1, Notice to the Government of Labor Disputes, in all solicitations and contracts that exceed the simplified acquisition threshold.

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Subpart 1822.10—Service Contract Labor Standards

1822.1008 Procedures for obtaining wage determinations.

1822.1008-2 Wage determinations.

(b) *Wage determinations based on collective bargaining agreements.*

(2) The requirement for the successor contractor to pay the wages and fringe benefits is applicable until superseded by a new wage determination on the contract.