



National Aeronautics and
Space Administration
Washington, DC 20546

Procurement Class Deviation

PCD 25-54

DECEMBER 19, 2025

CLASS DEVIATION FROM FEDERAL ACQUISITION REGULATION (FAR) PART 25 AND NASA FAR SUPPLEMENT (NFS) PARTS 1825 TO IMPLEMENT THE REVOLUTIONARY FAR OVERHAUL (NASA Case 2025-N058)

PURPOSE: To provide a Class Deviation from the FAR to implement the FAR Council's model deviation text to FAR Part 25, Foreign Acquisitions, and deviation to NFS 1825, Foreign Acquisitions.

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—which includes GSA, DOD, 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. These guides are intended to offer practical instructions and best practices for implementing effective contracting methods.

RFO Part 25 model deviation was released by the FAR Council. RFO Part 25 provides policies and procedures for acquisition of foreign supplies, services, and construction materials and contracts performed outside the United States; and implements 41 U.S.C chapter 83, Buy American; trade agreements; and other laws and regulations. Burdensome, duplicative, or outdated language and language not required by statute have been removed from FAR Part 25. This plain language version of FAR Part 25 shall be adhered to.

To align with the RFO FAR Part 25, the NFS 1825, is revised to remove non-statutory and outdated language. This deviation implements the revised RFO Part 25 and NFS Part 1825.

Additionally, the following PCDs are rescinded as part of this PCD:

- PCD 12-01A, Class Deviation Implementing NASA Restrictions on Funding Activity with the Peoples Republic of China (PRC), including the associated provision and clause, is hereby incorporated into the regulatory section of the NFS.
- PCD 20-02B, Class Deviation from the Federal Acquisition Regulation (FAR) and NASA FAR Supplement (NFS) to implement the United States-Mexico-Canada Agreement (USMCA), as enacted by Congress in the USMCA are included in RFO FAR Part 25.
- PCD 21-04B, Class Deviation from the FAR and NFS Regarding Requirements for Nonavailability Determinations Under the Buy American Statute, as the FAR changes were incorporated into RFO Part 25 and the NFS Part 1825 changes are non-regulatory internal procedural guidance which will be incorporated into the NFS Part 1825 Companion Guide.

GUIDANCE:

(1) Contracting officers shall follow the RFO Part 25 deviated text instead of FAR Part 25 as codified at 48 CFR Chapter 1, Subchapter D, Part 25, Foreign Acquisitions. The FAR Council's RFO text is available at [FAR Overhaul - Part 25 | Acquisition.GOV](#).

(2) COs shall also follow the NFS Part 1825 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: This deviation includes a revision to NFS clause at 1852.225-71, *Restriction on Funding Activity with China*, and the provision at 1852.225-72, *Restriction on Funding Activity with China – Representation*.

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Acting Assistant Administrator for Procurement

Enclosure

Changes in the NFS Deviation text below are identified as follows:
Deletions shown as ~~strike-throughs~~; and additions shown as **[bold in brackets]**.

PART 1825
FOREIGN ACQUISITION
(September 2015)

TABLE OF CONTENTS

1825.003	Definitions.
1825.003-70	NASA definitions.
SUBPART <u>1825.1</u>	BUY AMERICAN ACT--SUPPLIES
1825.103	Exceptions.
SUBPART <u>1825.4</u>	TRADE AGREEMENTS
1825.400	Scope of subpart.
[SUBPART <u>1825.6</u>	SOLICITATION PROVISIONS AND CONTRACT CLAUSES
1825.601	Acquisition of Supplies.
1825.03	Other clause.
1825.603-70	Export control.]
SUBPART <u>1825.9</u>	CUSTOMS AND DUTIES
1825.901	Policy.
1825.903	Exempted supplies.
[1825.904	Contract Clause.]
SUBPART <u>1825.10</u>	ADDITIONAL FOREIGN ACQUISITION REGULATIONS
1825.1001	Waiver of right to examination of records.
1825.1002	Use of foreign currency.
SUBPART <u>1825.11</u>	SOLICITATION PROVISIONS AND CONTRACT CLAUSES
1825.1101	Acquisition of Supplies.
1825.1103	Other provisions and clauses.
1825.1103-70	Export control.
SUBPART <u>1825.70</u>	FOREIGN CONTRACTS AND INTERNATIONAL
	AGREEMENT CLEARANCES[NASA RESTRICTIONS ON
	FUNDING ACTIVITY WITH THE PEOPLES REPUBLIC OF
	CHINA (PCR)]
1825.7000	Scope of subpart.
1825.7001	Definition.[Policy.]
1825.7002	Foreign Contracts.
1825.7003	International Agreements.
[1825.7001-70	NASA provision and clause.]

**PART 1825
FOREIGN ACQUISITION**

See [PCD 12.01A](#) for further guidance.

1825.003 Definitions.

1825.003-70 NASA definitions.

"*Canadian end product*" means for an **[article]** item with an estimated value of **[less than \$174,000]** \$25,000 or less, means[-]

(1) a[A]n unmanufactured end product mined or produced in Canada[;]

(2) or a[A]n end product manufactured in Canada, if[-]

(i) t[T]he cost of its**[the]** components mined, produced, or manufactured in Canada or the United States exceeds ~~50~~**[60]** percent of the cost of all its**[the]** components[, **except that the percentage will be 65 percent for items delivered in calendar years 2024 through 2028 and 75 percent for items delivered starting in calendar year 2029**]. -The cost of components includes transportation costs to the place of incorporation into the end product.

For an end product with an estimated value in excess of \$25**[174]**,000[or more], the definition **[for the World Trade Organization (WTO) Government Procurement Agreement (WTO GPA) country end product]** at FAR 25.003 applies.

Subpart 1825.1—Buy American Act—Supplies

See [PCD 21.04B](#) for further guidance related to FAR 25.103 and NFS 1825.103.

1825.103 Exceptions.

(a)(i)**[Public interest.**

(1)~~The Assistant Administrator for Procurement [NASA] has determined that it is inconsistent with the public interest to apply restrictions of the Buy American Act[statute] to [the acquisition of] Canadian end products with estimated values of \$25,000 or less[less than \$174,000] as defined in 1825.003-70. -Accordingly, contracting officers must evaluate all offers for such Canadian end products on a parity with offers for domestic end products, except that applicable duty (whether or not a duty[-]-free entry certificate may be issued) must be included in evaluating offers for Canadian end products.~~

(ii)(2) For procurements covered by the Trade Agreements Act, NASA] ~~The Assistant Administrator for Procurement has determined that for procurements subject to the Trade Agreements Act, it would be inconsistent with the public interest to apply the Buy American Act[statute] to U.S.-made end products that are substantially transformed in the United States.~~

(iii) ~~The procurement officer shall send proposed public interest determinations to the Senior Procurement Executive for approval.~~

Subpart 1825.4—Trade Agreements

1825.400 Scope of subpart.

(b) The Buy American ~~[statute]~~Aet applies to all acquisitions of Japanese end products or services ~~in excess of \$3,000~~**[that exceed the micro-purchase threshold]**.

[Subpart 1825.6—Solicitation Provisions and Contract Clause

1825.601 Acquisition of supplies.

(c)(1) NASA has determined that the restrictions of the Buy American Aet~~[statute]~~ are not applicable to U.S.-made end products.

1825.603 Other clause.

1825.603-70 Export control.

(a) *Background.* (1) NASA contractors and subcontractors are subject to U.S. export control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 799. The contractor is responsible for obtaining the appropriate licenses or other approvals from the Department of State or the Department of Commerce when it exports hardware, technical data, or software, or provides technical assistance to a foreign destination or "foreign person", as defined in 22 CFR 120.63, and there are no applicable or available exemptions/exceptions to the ITAR/ EAR, respectively. A person who is lawfully admitted for permanent residence in the United States is not a "foreign person". (See 22 CFR 120.63 and 15 CFR 772.1.)

(2) The exemption at 22 CFR 125.4(b)(3) of the ITAR provides that a contractor may export technical data without a license if the contract between the agency and the exporter provides for the export of the data. The clause at [1852.225-70](#), Alternate I, provides contractual authority for the exemption, but the exemption is available only after the contracting officer, or designated representative, provides written authorization or direction enabling its use. It is NASA policy that the exemption at 22 CFR 125.4(b)(3) may only be used when technical data (including software) is exchanged with a NASA foreign partner pursuant to the terms of an international agreement in furtherance of an international collaborative effort. The contracting officer must obtain the approval of the Center Export Administrator before granting the contractor the authority to use this exemption.

(b) *Contract clause.* Insert the clause at [1852.225-70](#), Export Licenses, in all solicitations and contracts, except in contracts with foreign entities. Insert the clause with its Alternate I when the NASA project office indicates that technical data (including software) is to be exchanged by the contractor with a NASA foreign partner pursuant to an international agreement.]

Subpart 1825.9—Customs and Duties

1825.901 Policy.

NASA has statutory authority to exempt certain articles from import duties, including articles that will be launched into space, spare parts for such articles, ground support equipment, and unique equipment used in connection with an international program or launch service agreement.- This authority is fully described in 14 CFR 1217.

[1825.904 Contract Clause.

The contracting officer must add paragraph (k) as set forth in 1852.225-8, Duty-Free Entry of Space Articles, in solicitations and contracts when the supplies that will be accorded duty-free entry are identifiable before award. Insert the supplies determined in accordance with FAR Subpart 25.9.]

~~1825.903 Exempted supplies.~~

~~—(a) Through delegation from the Assistant Administrator for Procurement, procurement officers are authorized to certify duty free entry for articles imported into the United States, if those articles are procured by NASA or by other U.S. Government agencies, or by U.S. Government contractors or subcontractors when title to the articles is or will be vested in the U.S. Government in accordance with the terms of the contract or subcontract. Procurement officers shall complete the certification set forth in 14 CFR 1217.104(a) or 1217.104(e). Upon arrival of foreign supplies at a port of entry, the consignee, generally the commercial carrier or its agent (import broker), will file [CBP Form 7501](#), Entry Summary. All duty free certificates must be coordinated with the center Chief Counsel. Procurement officers must maintain a record of each certification and make this record available for periodic review by NASA Headquarters and the U.S. Customs Service.~~

~~Subpart 1825.10—Additional Foreign Acquisition Regulations~~

~~1825.1001 Waiver of right to examination of records.~~

~~—(b) The Administrator is the approval authority for waivers. The contracting officer must submit the waiver request, consisting of the determination and findings prescribed in FAR 25.1001(b) and any relevant supporting information, to the Headquarters Office of Procurement, Procurement Strategic Operations Division.~~

~~1825.1002 Use of foreign currency.~~

~~The NASA Headquarters Comptroller is the designated official for making the determination of the feasibility of using excess or near excess currency.~~

~~Subpart 1825.11—Solicitation Provisions and Contract Clause~~

~~1825.1101 Acquisition of supplies.~~

~~—(c)(1) NASA has determined that the restrictions of the Buy American Act are not applicable to U.S. made end products.~~

~~—(e) The contracting officer must add paragraph (k) as set forth in [1852.225-8](#), Duty Free Entry of Space Articles, in solicitations and contracts when the supplies that will be accorded duty-free entry are identifiable before award. Insert the supplies determined in accordance with FAR Subpart 25.9 and 1825.903.~~

~~1825.1103 Other provisions and clauses.~~

~~1825.1103-70 Export control.~~

~~—(a) Background. (1) NASA contractors and subcontractors are subject to U.S. export control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 799. The contractor is responsible for obtaining the appropriate licenses or other approvals from the Department of State or the Department of Commerce when it exports hardware, technical data, or software, or provides technical assistance to a foreign destination or "foreign person", as defined in 22 CFR 120.16, and there are no applicable or available exemptions/exceptions to the ITAR/EAR, respectively. A person who is lawfully admitted for permanent residence in the United States is not a "foreign person". (See 22 CFR 120.16 and 15 CFR 734.2(b)(2)(ii).)~~

~~—(2) The exemption at 22 CFR 125.4(b)(3) of the ITAR provides that a contractor may export technical data without a license if the contract between the agency and the exporter provides for the export of the data. The clause at [1852.225-70](#), Alternate I, provides contractual authority for the exemption, but the exemption is available only after the contracting officer, or designated representative, provides written authorization or direction enabling its use. It is NASA policy that the exemption at 22 CFR 125.4(b)(3) may only be used when technical data (including software) is exchanged with a NASA foreign partner pursuant to the terms of an international agreement in furtherance of an international collaborative effort. The contracting officer must obtain the approval of the Center Export Administrator before granting the contractor the authority to use this exemption.~~

~~—(b) Contract clause. Insert the clause at [1852.225-70](#), Export Licenses, in all solicitations and contracts, except in contracts with foreign entities. Insert the clause with its Alternate I when the NASA project office indicates that technical data (including software) is to be exchanged by the contractor with a NASA foreign partner pursuant to an international agreement.~~

Subpart 1825.70—Foreign Contract and International Agreement Clearances[NASA Restrictions on Funding Activity with the Peoples Republic of China (PRC)]

[1825.7001 Policy.

(a) NASA is restricted by specified application of the Acts from using funding appropriated in the Acts to enter into a contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company. Funds containing the restriction are those FY 2011 funds appropriated on or after April 25, 2011, FY 12 funds, and all future appropriations. Accordingly, contracting officers must make no awards to China or Chinese-owned companies with funds appropriated by the Acts or any funds appropriated subsequent to the Acts. This policy applies to all contracts except those for commercial and non-developmental items. The restrictions of the Acts and this policy neither limit nor prohibit the purchase of commercial or non-developmental items.

(b) Contracting officers must ensure that contracts funded with the restricted appropriations include the provision and clause below that prohibit the contractor from spending such funds on restricted activities with China or a Chinese-owned company. The restrictions of the Acts do not restrict contractors from acquiring commercial and non-developmental items from China or Chinese-owned companies. Contracts which used funding that was appropriated after April 25, 2011, either as a new award or through a modification are subject to this restriction.

1825.7001-70 NASA provision and clause.

(a) Insert the clause at 1852.225-71, Restriction on Funding Activities with China, in all solicitations and awards except those for commercial and non-developmental items.

(b) Insert the provision at 1852.225-72, Restriction on Funding Activities with China – Representation, in all solicitations and awards except those for commercial and non-developmental items.]

~~1825.7000 Scope of subpart.~~

~~This subpart prescribes policy and procedures for pre-award clearance of foreign contracts, and for coordination of international agreements that contemplate award of contracts using appropriated funds.~~

~~1825.7001 Definition.~~

~~"Foreign contract acquisition" as used in this subpart, means the acquisition by negotiation of supplies or services, including construction work and research and development when the work is to be performed outside the United States by a foreign government or instrumentality thereof or by a foreign private contractor. The term does not include—~~

~~—(a) Negotiation of contracts with domestic concerns involving work to be performed outside the United States; or~~

~~—(b) Contracts with the Canadian Commercial Corporation.~~

~~1825.7002 Foreign Contracts.~~

~~—(a) Policy. Following the procedure in paragraph (b) of this section, the Acquisition Team must coordinate with Headquarters before initiating any foreign contract acquisition if the acquisition is valued above \$100,000 or involves export control issues.~~

~~—(b) Procedure.~~

~~—(1) The Headquarters or field installation technical office requiring a foreign contract acquisition meeting any of the criteria in paragraph (a) of this section must complete the Request to Award A Foreign Contract template, and provide it through the contracting officer to the Headquarters Office of Procurement, Procurement Strategic Operations Division and Headquarters Office of International and Interagency Relations.~~

~~1825.7003 International Agreements.~~

~~Headquarters Office of Procurement, Procurement Strategic Operations Division concurrence is required for all Memoranda of Understanding with foreign entities and for other types of international agreements which contemplate the procurement of goods or services using U.S. appropriated funds.~~

Headquarters Office of Procurement, Procurement Strategic Operations Division concurrence is not required for agreements that are done solely on a cooperative basis.

PART 1852 SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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Subpart 1852.2—Text of Provisions and Clauses

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1852.225-8 Duty-Free Entry of Space Articles. (FEB 2000).

As prescribed in 1825.4101(e)[904], add the following paragraph (k) to the basic clause at FAR 52.225-8:

- (k) The following supplies will be given duty-free entry:
[Insert the supplies that are to be accorded duty-free entry.]

(End of addition)

* * * * *

1852.225-70 Export Licenses.

As prescribed in 1825.4103-70(b)[603-70(b)], insert the following clause:

EXPORT LICENSES (FEB 2000)[(DEC 2025)(DEVIATION)]

(a) The €[c]ontractor shall comply with all U.S. export control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 799, in the performance of this contract. In the absence of available license exemptions/exceptions, the €[c]ontractor shall be responsible for obtaining the appropriate licenses or other approvals, if required, for exports of hardware, technical data, and software, or for the provision of technical assistance.

(b) The €[c]ontractor shall be responsible for obtaining export licenses, if required, before utilizing foreign persons in the performance of this contract, including instances where the work is to be performed on-site at *[insert name of NASA installation]*, where the foreign person will have access to export-controlled technical data or software.

(c) The €[c]ontractor shall be responsible for all regulatory record keeping requirements associated with the use of licenses and license exemptions/exceptions.

(d) The €[c]ontractor shall be responsible for ensuring that the provisions of this clause apply to its subcontractors.

(End of clause)

ALTERNATE I
(FEB 2000)

As prescribed in 1825.1103-70(b)[603-70(b)], add the following paragraph (e) as Alternate I to the clause:

(e) The Contractor may request, in writing, that the Contracting Officer authorize it to export ITAR-controlled technical data (including software) pursuant to the exemption at 22 CFR 125.4(b)(3). The Contracting Officer or designated representative may authorize or direct the use of the exemption where the data does not disclose details of the design, development, production, or manufacture of any defense article.

See [PCD 12-01A](#) for Clause Deviation 1852.225-71 and 1852.225-72.

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[1852.225-71 Restriction on Funding Activity with China.

As prescribed in 1825.7001-70(a), insert the following clause:

**RESTRICTION ON FUNDING ACTIVITY WITH CHINA
(DEC 2025)(DEVIATION)**

(a) Definition - “China” or “Chinese-owned company” means the People’s Republic of China, any company owned by the People’s Republic of China, or any company incorporated under the laws of the People’s Republic of China.

(b) Public Laws 112-10, Section 1340(a) and 112-55, Section 539, restrict NASA from contracting to participate, collaborate, coordinate bilaterally in any way with China or a Chinese-owned company using funds appropriated on or after April 25, 2011. Contracts for commercial and non-developmental items are exempted from the prohibition because they constitute purchase of goods or services that would not involve participation, collaboration, or coordination between the parties.

(c) This contract may use restricted funding that was appropriated on or after April 25, 2011. The contractor shall not contract with China or Chinese-owned companies for any effort related to this contract except for acquisition of commercial and non-developmental items. If the contractor anticipates making an award to China or Chinese-owned companies, the contractor must contact the contracting officer to determine if funding on this contract can be used for that purpose.

(d) Subcontracts. The contractor shall include the substance of this clause in all subcontracts made hereunder.

(End of clause)

1852.225-72 Restriction on Funding Activity with China - Representation.

As prescribed in 1825.7001-70(b), insert the following provision:

**RESTRICTION ON FUNDING ACTIVITY WITH CHINA - REPRESENTATION
(DEC 2025)(DEVIATION)**

(a) Definition - “China” or “Chinese-owned” means the People’s Republic of China, any company owned by the People’s Republic of China, or any company incorporated under the laws of the People’s Republic of China.

(b) Public Laws 112-10, Section 1340(a) and 112-55, Section 536, restrict NASA from contracting to participate, collaborate, or coordinate bilaterally in any way with China or a Chinese-owned company with funds appropriated on or after April 25, 2011. Contracts for commercial and non-developmental items are excepted from the prohibition as they constitute purchase of goods or services that would not involve participation, collaboration, or coordination between the parties.

(c) Representation. By submission of its offer, the offeror represents that the offeror is not China or a Chinese-owned company.

(End of provision)]

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CLEAN VERSION

PART 1825 FOREIGN ACQUISITION

TABLE OF CONTENTS

1825.003		Definitions.
1825.003-70		NASA definitions.
SUBPART	<u>1825.1</u>	BUY AMERICAN-SUPPLIES
1825.103		Exceptions.
SUBPART	<u>1825.4</u>	TRADE AGREEMENTS
1825.400		Scope of subpart.
SUBPART	<u>1825.6</u>	SOLICITATION PROVISIONS AND CONTRACT CLAUSES
1825.601		Acquisition of Supplies.
1825.03		Other clause.
1825.603-70		Export control.
SUBPART	<u>1825.9</u>	CUSTOMS AND DUTIES
1825.901		Policy.
1825.904		Contract Clause.
SUBPART	<u>1825.70</u>	NASA RESTRICTIONS ON FUNDING ACTIVITY WITH THE PEOPLES REPUBLIC OF CHINA (PCR)
1825.7001		Policy.
1825.7001-70		NASA provision and clause.

PART 1825
FOREIGN ACQUISITION

1825.003 Definitions.

1825.003-70 NASA definitions.

Canadian end product means an article with an estimated value of less than \$174,000, means-

- (1) An unmanufactured end product mined or produced in Canada;
- (2) An end product manufactured in Canada, if-
 - (i) The cost of the components mined, produced, or manufactured in Canada or the United States exceeds 60 percent of the cost of all the components, except that the percentage will be 65 percent for items delivered in calendar years 2024 through 2028 and 75 percent for items delivered starting in calendar year 2029. The cost of components includes transportation costs to the place of incorporation into the end product.

For an end product with an estimated value ~~in excess~~ of \$174,000 or more, the definition for the World Trade Organization (WTO) Government Procurement Agreement (WTO GPA) country end product at FAR 25.003 applies.

Subpart 1825.1—Buy American—Supplies

1825.103 Exceptions.

(a) *Public interest.*

(1) NASA has determined it inconsistent with the public interest to apply restrictions of the Buy American statute to the acquisition of Canadian end products with estimated values of less than \$174,000 as defined in 1825.003-70. Accordingly, contracting officers must evaluate all offers for such Canadian end products on a parity with offers for domestic end products, except that applicable duty (whether or not a duty-free entry certificate may be issued) must be included in evaluating offers for Canadian end products.

(2) For procurements covered by the Trade Agreements Act, NASA has determined it inconsistent with the public interest to apply the Buy American statute to U.S.-made end products that are substantially transformed in the United States.

Subpart 1825.4—Trade Agreements

1825.400 Scope of subpart.

(b) The Buy American statute applies to all acquisitions of Japanese end products or services that exceed the micro-purchase threshold.

Subpart 1825.6—Solicitation Provisions and Contract Clause

1825.601 Acquisition of supplies.

(c)(1) NASA has determined that the restrictions of the Buy American statute are not applicable to U.S.-made end products.

1825.603 Other clause.

1825.603-70 Export control.

(a) *Background.* (1) NASA contractors and subcontractors are subject to U.S. export control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 799. The contractor is responsible for obtaining the appropriate licenses or other approvals from the Department of State or the Department of Commerce when it exports hardware, technical data, or software, or provides technical assistance to a foreign destination or "foreign person", as defined in 22 CFR 120.63, and there are no applicable or available exemptions/exceptions to the ITAR/ EAR, respectively. A person who is lawfully admitted for permanent residence in the United States is not a "foreign person". (See 22 CFR 120.63 and 15 CFR 772.1.)

(2) The exemption at 22 CFR 125.4(b)(3) of the ITAR provides that a contractor may export technical data without a license if the contract between the agency and the exporter provides for the export of the data. The clause at [1852.225-70](#), Alternate I, provides contractual authority for the exemption, but the exemption is available only after the contracting officer, or designated representative, provides written authorization or direction enabling its use. It is NASA policy that the exemption at 22 CFR 125.4(b)(3) may only be used when technical data (including software) is exchanged with a NASA foreign partner pursuant to the terms of an international agreement in furtherance of an international collaborative effort. The contracting officer must obtain the approval of the Center Export Administrator before granting the contractor the authority to use this exemption.

(b) *Contract clause.* Insert the clause at [1852.225-70](#), Export Licenses, in all solicitations and contracts, except in contracts with foreign entities. Insert the clause with its Alternate I when the NASA project office indicates that technical data (including software) is to be exchanged by the contractor with a NASA foreign partner pursuant to an international agreement.

Subpart 1825.9—Customs and Duties

1825.901 Policy.

NASA has statutory authority to exempt certain articles from import duties, including articles that will be launched into space, spare parts for such articles, ground support equipment, and unique equipment used in connection with an international program or launch service agreement.- This authority is fully described in 14 CFR 1217.

1825.904 Contract Clause.

The contracting officer must add paragraph (k) as set forth in 1852.225-8, Duty-Free Entry of Space Articles, in solicitations and contracts when the supplies that will be accorded duty-free entry are identifiable before award. Insert the supplies determined in accordance with FAR Subpart 25.9.

Subpart 1825.70—NASA Restrictions on Funding Activity with the Peoples Republic of China (PRC)

1825.7001 Policy.

(a) NASA is restricted by specified application of the Acts from using funding appropriated in the Acts to enter into a contract of any kind to participate, collaborate, or coordinate bilaterally in any way with China or any Chinese-owned company. Funds containing the restriction are those FY 2011 funds appropriated on or after April 25, 2011, FY 12 funds, and all future appropriations. Accordingly, contracting officers must make no awards to China or Chinese-owned companies with funds appropriated by the Acts or any funds appropriated subsequent to the Acts. This policy applies to all contracts except those for commercial and non-developmental items. The restrictions of the Acts and this policy neither limit nor prohibit the purchase of commercial or non-developmental items.

(b) Contracting officers must ensure that contracts funded with the restricted appropriations include the provision and clause below that prohibit the contractor from spending such funds on restricted activities with China or a Chinese-owned company. The restrictions of the Acts do not restrict contractors from acquiring commercial and non-developmental items from China or Chinese-owned companies. Contracts which used funding that was appropriated after April 25, 2011, either as a new award or through a modification are subject to this restriction.

1825.7001-70 NASA provision and clause.

(a) Insert the clause at 1852.225-71, Restriction on Funding Activities with China, in all solicitations and awards except those for commercial and non-developmental items.

(b) Insert the provision at 1852.225-72, Restriction on Funding Activities with China – Representation, in all solicitations and awards except those for commercial and non-developmental items.

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PART 1852 SOLICITATION PROVISIONS AND CONTRACT CLAUSES

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Subpart 1852.2—Text of Provisions and Clauses

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1852.225-8 Duty-Free Entry of Space Articles. (FEB 2000).

As prescribed in 1825.904, add the following paragraph (k) to the basic clause at FAR 52.225-8:

(k) The following supplies will be given duty-free entry:
[Insert the supplies that are to be accorded duty-free entry.]

(End of addition)

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1852.225-70 Export Licenses.

As prescribed in 1825.603-70(b), insert the following clause:

EXPORT LICENSES
(DEC 2025)(DEVIATION)

(a) The contractor shall comply with all U.S. export control laws and regulations, including the International Traffic in Arms Regulations (ITAR), 22 CFR Parts 120 through 130, and the Export Administration Regulations (EAR), 15 CFR Parts 730 through 799, in the performance of this contract. In the absence of available license exemptions/exceptions, the contractor shall be responsible for obtaining the appropriate licenses or other approvals, if required, for exports of hardware, technical data, and software, or for the provision of technical assistance.

(b) The contractor shall be responsible for obtaining export licenses, if required, before utilizing foreign persons in the performance of this contract, including instances where the work is to be performed on-site at [*insert name of NASA installation*], where the foreign person will have access to export-controlled technical data or software.

(c) The contractor shall be responsible for all regulatory record keeping requirements associated with the use of licenses and license exemptions/exceptions.

(d) The contractor shall be responsible for ensuring that the provisions of this clause apply to its subcontractors.

(End of clause)

ALTERNATE I
(DEC 2025)(DEVIATION)

As prescribed in 1825.603-70(b), add the following paragraph (e) as Alternate I to the clause:

(e) The contractor may request, in writing, that the contracting officer authorize it to export ITAR-controlled technical data (including software) pursuant to the exemption at 22 CFR 125.4(b)(3). The contracting officer or designated representative may authorize or direct the use of the exemption where the data does not disclose details of the design, development, production, or manufacture of any defense article.

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1852.225-71 Restriction on Funding Activity with China.

As prescribed in 1825.7001-70(a), insert the following clause:

RESTRICTION ON FUNDING ACTIVITY WITH CHINA
(DEC 2025)(DEVIATION)

(a) Definition - “China” or “Chinese-owned company” means the People’s Republic of China, any company owned by the People’s Republic of China, or any company incorporated under the laws of the People’s Republic of China.

(b) Public Laws 112-10, Section 1340(a) and 112-55, Section 539, restrict NASA from contracting to participate, collaborate, coordinate bilaterally in any way with China or a Chinese-owned company using funds appropriated on or after April 25, 2011. Contracts for commercial and non-developmental items are exempted from the prohibition because they constitute purchase of goods or services that would not involve participation, collaboration, or coordination between the parties.

(c) This contract may use restricted funding that was appropriated on or after April 25, 2011. The contractor shall not contract with China or Chinese-owned companies for any effort related to this contract except for acquisition of commercial and non-developmental items. If the contractor anticipates making an award to China or Chinese-owned companies, the contractor must contact the contracting officer to determine if funding on this contract can be used for that purpose.

(d) Subcontracts. The contractor shall include the substance of this clause in all subcontracts made hereunder.

(End of clause)

1852.225-72 Restriction on Funding Activity with China - Representation.

As prescribed in 1825.7001-70(b), insert the following provision:

RESTRICTION ON FUNDING ACTIVITY WITH CHINA - REPRESENTATION (DEC 2025)(DEVIATION)

(a) Definition - “China” or “Chinese-owned” means the People’s Republic of China, any company owned by the People’s Republic of China, or any company incorporated under the laws of the People’s Republic of China.

(b) Public Laws 112-10, Section 1340(a) and 112-55, Section 536, restrict NASA from contracting to participate, collaborate, or coordinate bilaterally in any way with China or a Chinese-owned company with funds appropriated on or after April 25, 2011. Contracts for commercial and non-developmental items are excepted from the prohibition as they constitute purchase of goods or services that would not involve participation, collaboration, or coordination between the parties.

(c) Representation. By submission of its offer, the offeror represents that the offeror is not China or a Chinese-owned company.

(End of provision)

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