



Global Acquisitions

U.S. DEPARTMENT *of* STATE

Acquisition Alert 26-05-01

TO: All Contracting Activities

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SUBJECT: Federal Acquisition Regulation (FAR) Class Deviation for FAR Part 27 in Support of Executive Order on Restoring Common Sense to Federal Procurement

- 1. Introduction:** The purpose of this Acquisition Alert is to issue a FAR class deviation to part 27 for purposes of implementing the Federal Acquisition Regulatory Council's model deviation text to that part. **The purpose of this amendment is to revise the effective date. Changes implemented as part of this amendment are outlined in red font.**
- 2. Background:** On April 15, 2025, Executive Order (E.O.) 14275 on 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."

The FAR is being updated to:

- Remove language that is not required by statute;
- Remove duplicative or outdated language;
- Clarify or provide plain language;
- Revise language for the new FAR framework; and
- Retain language necessary for governmentwide acquisition standards.

This project is referred to as the Revolutionary FAR Overhaul (RFO) initiative. This class deviation is issued under the authority of E.O. 14275, OMB M-25-25, and 48 CFR 1.4.

Deviation Summary

FAR part 27, Patents, Data, and Copyrights, has been streamlined and revised with plain language updates throughout. Several sections have been retained but fundamentally altered – such as giving agencies leeway to negotiate terms related to data rights rather than requiring usage of a particular clause. See details as outlined below:

- **FAR 27.202, “Royalties”** has been revised to retain only subsection 27.202-5, “Solicitation Provisions and contract clause.”
- **FAR 27.405, “Other Data Rights Provisions”** has been revised to provide descriptive guidance related to data rights in special works (27.405-1) and existing works (27.405-2). This revised section instructs that contracts “must specifically address the Government’s rights” and gives the agency authority to specially negotiate terms. (in contrast to the current version of the FAR that prescribes the use of specific contract clauses).
- **FAR 27.407, “Rights to Technical Data in Successful Proposals”** has similarly been revised to provide a general statement that agencies have discretion related to rights, and removes the prescribed clause.
- Subpart 27.4, “Rights in Data and Copyrights” - this section is retained in the FAR to mandate that the government “as necessary, negotiate terms defining the Government’s license rights in technical data”, but the Companion Guide will include additional best practice information.
- The following clauses have been retained with no changes in text:
 - 52.227-1 (Clause), Authorization and Consent.
 - 52.227-2 (Clause), Notice and Assistance Regarding Patent and Copyright Infringement
 - 52.227-3 (Clause), Patent Indemnity
 - 52.227-4 (Clause), Patent Indemnity—Construction Contracts
 - 52.227-5 (Clause), Waiver of Indemnity
 - 52.227-6 (Provision), Royalty Information
 - 52.227-8, remains “Reserved”
 - 52.227-9 (Clause), Refund of Royalties
 - 52.227-10 (Clause), Filing of Patent Applications—Classified Subject Matter
 - 52.227-11 (Clause), Patent Rights—Ownership by the Contractor
 - 52.227-12, remains “Reserved”
 - 52.227-13 (Clause), Patent Rights—Ownership by the Government
 - 52.227-14 (Clause), Rights in Data—General

- 52.227-15 (Provision), Representation of Limited Rights Data and Restricted Computer Software
- 52.227-16 (Clause), Additional Data Requirements
- 52.227-17 (Clause), Rights in Data—Special Works
- 52.227-20 (Clause), Rights in Data—SBIR Program
- 52.227-21 (Clause), Technical Data Declaration, Revision, and Withholding of Payment—Major Systems
- 52.227-22 (Clause), Major System—Minimum Rights

Statutory requirements retained in the RFO FAR part 27 model deviation include:

- 10 U.S.C. § 3793, Copyrights, Patents, Designs
- 15 U.S.C. § 638, Research and Development
- 17 U.S.C. §§ 101, *et. seq.*, Copyrights
- 18 U.S.C. § 798, Disclosure of Classified Information
- 28 U.S.C. § 1498, Patent and Copyright Cases
- 35 U.S.C. §§ 1200 *et. seq.*, Patent Rights in Inventions Made with Federal Assistance
- 41 U.S.C. § 2302, Rights in Technical Data

Non-statutory requirements removed from FAR part 27 include:

- Section 27.102, “General Guidance”
- Section 27.202-1, “Reporting of Royalties”
- Section 27.204, “Patented Technology Under Trade Agreements”
- Section 27.302, “Policy”
- Section 27.304-1(a), “Status as small business concern or nonprofit organization,” as it is duplicative of FAR Part 19.
- Section 27.305, Administration of Patent Rights Clauses”
- 27.403, “Policy”
- Section 27.406, “Acquisition of Data”
- Section 27.408, “Cosponsored Research and Development Activities”
- Subpart 27.5, “Foreign License and Technical Assistance Agreements”
- The following clauses:
 - 52.227-7 (Provision), Patents—Notice of Government Licensee
 - 52.227-18 (Clause), Rights in Data—Existing Works
 - 52.227-19 (Clause), Commercial Computer Software License

- 52.227-23 (Clause), Rights to Proposal Data (Technical)

Corresponding DOSAR Deviation Summary

Based on the Council's model deviated language, a class deviation is hereby issued to the Department of State Acquisition Regulation (DOSAR) to make the following corresponding changes:

- Adjusting terminology and section titles to mirror FAR part 27 changes; and
- Other administrative updates.

3. Acquisition Impact: The changes resulting from this class deviation affect all DoS procurements issued on or after the effective date of the AA.

4. Action Required: The acquisition workforce must follow the RFO part 27 model deviation text instead of FAR part 27 as codified at 48 CFR Chapter 1. The FAR Council's RFO model deviation text is available at [Acquisition.gov/far-overhaul](https://www.acquisition.gov/far-overhaul), and is incorporated into this class deviation.

- a. For new solicitations or contracts, when using any provisions or clauses that have been revised, utilize the RFO model deviation language at RFO FAR part 52. Do not include any of the removed provisions or clauses in future solicitations and contracts.
- b. For open solicitations or awarded contracts, the contracting officer has discretion regarding the need to enforce or amend the provisions or clauses. Note that without some of the removed provisions or clauses, the contracting officer may be required to separately address certain aspects in the contract.

5. Effective Date: The model deviated language was released on September 11, 2025; however, this deviation is effective **January 30, 2026, or 30 days following the end of the current lapse in appropriations; whichever is later.**

6. Expiration Date: This Acquisition Alert expires upon incorporation into the FAR, DOSAR, and/or DOSAM.

7. Additional Information: Questions regarding this Acquisition Alert may be directed to AcquisitionPolicy@state.gov.

8. Attachments: [DOSAR Part 27 lineout](#)

9. Referenced Documents, Checklists, Guides and Templates:
[FAR Part 27 Practitioner Album](#)