



Rolling Back Clauses in Commercial Item Contracts Imposed Since the Federal Acquisition Streamlining Act of 1994

In 1994, Congress passed the Federal Acquisition Streamlining Act ("FASA"), requiring that federal agencies, to the maximum extent practicable, procure commercial products and services to meet their needs. Federal Acquisition Streamlining Act of 1994, Pub. L. No. 103-355, § 8104, 108 Stat. 3243 (1994) (codified as amended in 41 U.S.C. § 3307 and 10 U.S.C. § 3453). Intending to mirror commercial transactions "to the maximum extent practicable," and keep these procurements as streamlined as possible, FASA also requires that commercial item contracts¹ "include[] only those clauses-- (1) Required to implement provisions of law or executive orders applicable to the acquisition of commercial products or services; or (2) Determined to be consistent with customary commercial practice." 41 U.S.C. § 3307(e)(2)(B); *see also* FAR 12.301(a).

Despite these express statutory and regulatory requirements, the number of FAR clauses that can or are required to be included in commercial item contracts has drastically increased since FASA's enactment. In 1995, approximately one year after FASA was enacted, there were 28 such clauses. Of the 28 clauses listed in 1995, six were required in every commercial item contract and the remaining 22 were to be included if the contracting officer determined that those clauses were applicable to the particular contract in question. Currently, the FAR lists 99 clauses for commercial item contracts. Of those 99 clauses, 26 are required in every commercial item contract, and the contracting officer is required to include any clauses from the remaining 73 that are applicable to the particular contract in question. The FAR commercial item clauses as of 1995 and January 2025 are listed in Appendix A.²

Similarly, there has been a significant increase in FAR clauses that must be flowed down to subcontracts for commercial products or commercial services. In 1995, there were only four such flow down clauses. Today, there are 27. The flow down clauses required as of 1995 and January 2025 are listed in Appendix B.³

¹ Here, the term "commercial items" includes both commercial products and commercial services, as those terms are defined in the FAR.

² In the appendices below, the clauses added since the enactment of FASA are indicated with yellow highlighting. The clauses with asterisks have been amended since they were promulgated, and the clauses with strikethroughs have been removed or renamed and are no longer applicable.

³ The number of Defense Federal Acquisition Regulations ("DFARS") provisions that can be included in a commercial item contract has also increased. In 1996, the first year that the DFARS included Part 212 relating to the acquisition of commercial items, there were three such clauses. Now,

The 809 Panel previously identified the ever-increasing list of FAR and DFARS provisions applicable to commercial item contracts as an issue. Specifically, the Panel found that despite FASA's statutory, and corresponding regulatory, language requiring otherwise, the burden on commercial item contractors has continued to increase significantly over time, thereby defeating the FASA's intent.⁴ The Panel recommended that the framework for adding provisions that are applicable to commercial item contracts be further narrowed by only allowing clauses to be added if the new provision specifically refers to 41 U.S.C. § 1906, and that the FAR Council should not be left to interpret Congress' silence in making its own determination of whether a provision's inclusion is in the best interest of the Federal Government.⁵ The Panel further recommended that 109 clauses (54 FAR and 55 DFARS) included on the lists of clauses applicable to commercial item contracts be removed from those lists. *Id.* (attached). However, more than six years after the Panel issued its recommendations, only modest changes have been made, such as the promulgation of DFARS 252.244-7000, which has more strictly limited the clauses a prime contractor may flow down to a subcontractor. Setting that development aside, the civilian and defense federal acquisition regulations still permit, if not require, the inclusion of dozens of contract and subcontract clauses in violation of the spirit and express language of FASA.

there are 110. The DFARS commercial item clauses required in 1996 and as of January 2025 are listed in Appendix C.

⁴ In this regard, FASA allowed for the addition of later-enacted provisions as requirements for commercial item contracts if: (1) the FAR Council made "a written determination that it would not be in the best interest of the Federal Government to exempt contracts for the procurement of commercial items from the applicability of the provision"; (2) the new provision establishes "criminal or civil penalties"; or (3) the new provision specifically refers to 41 U.S.C. § 1906 and provides that, notwithstanding that section, the provision "shall be applicable to contractors for the procurement of commercial items." Federal Acquisition Streamlining Act § 8003.

⁵ Report of the Advisory Panel on Streamlining and Codifying Acquisition Regulations Volume 1, p. 39 (2018).

APPENDIX A

Commercial Item FAR Clauses - 1995

52.212-1*	Instructions to Offerors-Commercial Items	Prescribed by FAR 12.301(b)
52.212-3*	Offeror Representations and Certifications-Commercial Items	Prescribed by FAR 12.301(b)
52.212-4*	Contract Terms and Conditions-Commercial Items	Prescribed by FAR 12.301(b)
52.212-5*	Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Items	Prescribed by FAR 12.301(b)
52.222-3	Convict Labor (E.O. 11755)	Prescribed by FAR 52.212-5
52.233-3	Protest After Award (31 U.S.C. 3553 and 40 U.S.C. 759)	Prescribed by FAR 52.212-5
52.203-6	Restrictions on Subcontractor Sales to the Government (41 U.S.C. 253g and 10 U.S.C. 2402)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.203-10	Price or Fee Adjustment for Illegal or Improper Activity (41 U.S.C. 423)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-8	Utilization of Small Business Concerns and Small Disadvantaged Business Concerns (15 U.S.C. 637(d)(2) and (3))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-9	Small, Small Disadvantaged and Women-Owned Small Business Subcontracting Plan (15 U.S.C. 637(d)(4))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-14	Limitation on Subcontracting (15 U.S.C. 637(a)(14))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-26	Equal Opportunity (E.O. 11246)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-35	Affirmative Action for Special Disabled and Vietnam Era Veterans (38 U.S.C. 4212)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-36	Affirmative Action for Handicapped Workers (29 U.S.C. 793)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-37	Employment Reports on Special Disabled Veterans and Veterans of the Vietnam Era (38 U.S.C. 4214)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)

Commercial Item FAR Clauses - 1995 cont.		
52.225-3	Buy American Act--Supplies (41 U.S.C. 10)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-9	Buy American Act--Trade Agreements Act--Balance of Payments Program (41 U.S.C. 10, 19 U.S.C. 2501-2582)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-17	Buy American Act--Supplies Under European Community Sanctions for End Products (E.O. 12849)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-18	European Community Sanctions for End Products (E.O. 12849)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-19	European Community Sanctions for Services (E.O. 12849)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-21	Buy American Act--North American Free Trade Agreement Implementation Act--Balance of Payments Program (41 U.S.C. 10, Pub. L. 103-187)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (46 U.S.C. 1241)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
201-39.5202-3	Procurement Authority (FIRMR)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-41	Service Contract Act of 1965 (41 U.S.C. 351, et seq.)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-42	Statement of Equivalent Rates for Federal Hires (29 U.S.C. 206 and 41 U.S.C. 351, et seq.)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-43	Fair Labor Standards Act and Service Contract Act--Price Adjustment (Multiple Year and Option Contracts) (29 U.S.C. 206 and 41 U.S.C. 351, et seq.)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-44	Fair Labor Standards Act and Service Contract Act--Price Adjustment (29 U.S.C. 206 and 41 U.S.C. 351, et seq.)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-47	SCA Minimum Wages and Fringe Benefits Applicable to Successor Contract Pursuant to Predecessor Contractor Collective Bargaining Agreement (41 U.S.C. 351, et seq.)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)

Commercial Item FAR Clauses - 2025

52.212-1	Instructions to Offerors-Commercial Products and Commercial Services	Prescribed by FAR 12.301(b)
52.212-3	Offeror Representations and Certifications-Commercial Products and Commercial Services	Prescribed by FAR 12.301(b)
52.212-4	Contract Terms and Conditions-Commercial Products and Commercial Services	Prescribed by FAR 12.301(b)
52.212-5	Contract Terms and Conditions Required to Implement Statutes or Executive Orders-Commercial Products and Commercial Services	Prescribed by FAR 12.301(b)
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII, of the Consolidated and Further Continuing Appropriations Act, 2015 (Pub. L. 113-235)	Prescribed by FAR 52.212-5
52.204-23*	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Nov 2021) (Section 1634 of Pub. L. 115-91)	Prescribed by FAR 52.212-5
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232)	Prescribed by FAR 52.212-5
52.209-10	Prohibition on Contracting with Inverted Domestic Corporations (Nov 2015)	Prescribed by FAR 52.212-5
52.233-3	Protest After Award (Aug 1996) (31 U.S.C. 3553)	Prescribed by FAR 52.212-5
52.233-4	Applicable Law for Breach of Contract Claim (Oct 2004) (Public Laws 108-77 and 108-78)	Prescribed by FAR 52.212-5
52.203-6	Restriction on Subcontractor Sales to the Government (Jun 2020) (41 U.S.C. 4704 and 10 U.S.C. 2402)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.203-13	Contractor Code of Business Ethics and Conduct (Nov 2021) (41 U.S.C. 3509)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)

Commercial Item FAR Clauses - 2025 cont.

52.203-15	Whistleblower Protections under the American Recovery and Reinvestment Act of 2009 (Jun 2010) (Section 1553 of Pub. L. 111-5)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.204-10	Reporting Executive Compensation and First-Tier Subcontract Awards (Jun 2020) (Pub. L. 109-282 and 31 U.S.C. 6101)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.204-14	Service Contract Reporting Requirements (Oct 2016) (Pub. L. 111-117, section 743 of Div. C)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.204-15	Service Contract Reporting Requirements for Indefinite-Delivery Contracts (Oct 2016) (Pub. L. 111-117, section 743 of Div. C)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.209-6	Protecting the Government's Interest When Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment (Nov 2011) (31 U.S.C. 6101)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.209-9	Updates of Publicly Available Information Regarding Responsibility Matters (Oct 2018) (41 U.S.C. 2313)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-3*	Notice of HUBZone Set-Aside or Sole-Source Award (Sep 2021) (15 U.S.C. 657a)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-4*	Notice of Price Evaluation Preference for HUBZone Small Business Concerns (Sep 2021) (15 U.S.C. 657a)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-6	Notice of Total Small Business Set-Aside (Nov 2020) (15 U.S.C. 644)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-7	Notice of Partial Small Business Set-Aside (Nov 2020) (15 U.S.C. 644)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-8*	Utilization of Small Business Concerns (Oct 2018) (15 U.S.C. 637(d)(2) and (3))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-9*	Small Business Subcontracting Plan (Nov 2021) (15 U.S.C. 637(d)(4))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-13	Notice of Set-Aside of Orders (Mar 2020) (15 U.S.C. 644(r))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-14*	Limitations on Subcontracting (Sep 2021) (15 U.S.C. 637s)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)

Commercial Item FAR Clauses - 2025 cont.

52.219-16	Liquidated Damages--Subcontracting Plan (Sep 2021) (15 U.S.C. 637(d)(4)(F)(i))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-27*	Notice of Service-Disabled Veteran-Owned Small Business Set-Aside (Sep 2021) (15 U.S.C. 657f)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-28*	Post Award Small Business Program Representation (Sep 2021) (15 U.S.C. 632(a)(2))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-29*	Notice of Set-Aside for, or Sole-Source Award to, Economically Disadvantaged Women-Owned Small Business Concerns (Sep 2021) (15 U.S.C. 637(m))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-30*	Notice of Set-Aside for, or Sole-Source Award to, Women-Owned Small Business Concerns Eligible Under the Women-Owned Small Business Program (Sep 2021) (15 U.S.C. 637(m))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-32	Orders Issued Directly Under Small Business Reserves (Mar 2020) (15 U.S.C. 644(r))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.219-33	Nonmanufacturer Rule (Sep 2021) (15 U.S.C. 637(a)(17))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-3	Convict Labor (Jun 2003) (E.O. 11755)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-19*	Child Labor-Cooperation with Authorities and Remedies (Jan 2022) (E.O. 13126)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-21	Prohibition of Segregated Facilities (Apr 2015)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-26	Equal Opportunity (Sep 2016) (E.O. 11246)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-35	Equal Opportunity for Veterans (Jun 2020) (38 U.S.C. 4212)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-36	Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-37	Employment Reports on Veterans (Jun 2020) (38 U.S.C. 4212)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)

Commercial Item FAR Clauses - 2025 cont.

52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-50	Combatting Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O. 13627)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-54	Employment Eligibility Verification (Mar 2022) (E.O. 12989), except as prescribed in FAR 22.1803	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.223-9	Estimate of Percentage of Recovered Material Content for EPA-Designated Items (May 2008) (42 U.S.C. 6962(c)(3)(A)(ii))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.223-11*	Ozone-Depleting Substances and High Global warming Potential Hydrofluorocarbons (Jun 2016) (E.O. 13693)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.223-12*	Maintenance, Service, Repair, or Disposal of Refrigeration Equipment and Air Conditioners (Jun 2016) (E.O. 13693)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.223-20*	Aerosols (Jun 2016) (E.O. 13693)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.223-21*	Foams (Jun 2016) (E.O. 13693)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.224-3	Privacy Training (Jan 2016) (5 U.S.C. 552a)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-1*	Buy American--Supplies (Nov 2021) (41 U.S.C. chapter 83)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-3*	Buy American--Free Trade Agreements--Israeli Trade Act (Nov 2021) (41 U.S.C. chapter 83)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-5*	Trade Agreements (Oct 2019) (19 U.S.C. 2501, et seq., 19 U.S.C. 3301)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-13	Restrictions on Certain Foreign Purchases (Feb 2021)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.225-26	Contractors Performing Private Security Functions Outside the United States (Oct 2016) (section 862 of the NDAA FY 2008 and 10 U.S.C. 2302)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)

Commercial Item FAR Clauses - 2025 cont.

52.226-4	Notice of Disaster or Emergency Area Set-Aside (Nov 2007) (42 U.S.C. 5150)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.226-5	Restrictions on Subcontracting Outside Disaster or Emergency Area (Nov 2007) (42 U.S.C. 5150)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.229-12	Tax on Certain Foreign Procurements (Feb 2021)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.232-29	Terms for Financing of Purchases of Commercial Products and Commercial Services (Nov 2021) (41 U.S.C. 4505, 10 U.S.C. 2307(f))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.232-30	Installment Payments for Commercial Products and Commercial Services (Nov 2021) (41 U.S.C. 4505, 10 U.S.C. 2307(f))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.232-33	Payment by Electronic Funds Transfer-System for Award Management (Oct 2018) (31 U.S.C. 3332)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.232-34	Payment by Electronic Funds Transfer-Other than System for Award Management (Jul 2013) (31 U.S.C. 3332)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.232-36	Payment by Third Party (May 2014) (31 U.S.C. 3332)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.239-1	Privacy or Security Safeguards (Aug 1996) (5 U.S.C. 552a)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.242-5	Payments to Small Business Subcontractors (Jan 2017) (15 U.S.C. 637(d)(13))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov. 2021) (46 U.S.C. 55305 and 10 U.S.C. 2631)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.222-41	Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-42	Statement of Equivalent Rates for Federal Hires (May 2014) (29 U.S.C. 206 and 41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-43	Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (Multiple Year and Option Contracts) (Aug	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)

Commercial Item FAR Clauses - 2025 cont.

	2018) (29 U.S.C. 206 and 41 U.S.C. chapter 67)	
52.222-44	Fair Labor Standards Act and Service Contract Labor Standards-Price Adjustment (May 2014) (19 U.S.C. 206 and 41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment Requirements (May 2014) (41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-53	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-55	Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.222-62	Paid Sick Leave Under Executive Order 13706 (Jan 2022)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.226-6	Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) (42 U.S.C. 1792)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate for commercial services contracts)
52.204-7*	System for Award Management	Listed in FAR 12.301(d), as prescribed by 4.1105(a)
52.204-13	System for Award Management Maintenance	Listed in FAR 12.301(d), as prescribed by 4.1105(b)
52.204-16	Commercial and Government Entity Code Reporting	Listed in FAR 12.301(d), as prescribed by 4.1804(a)
52.204-18	Commercial and Government Entity Code Maintenance	Listed in FAR 12.301(d), as prescribed in 4.1804(c)
52.204-21	Basic Safeguarding of Covered Contractor Information Systems, in solicitations and contracts (except for acquisitions of COTS items)	Listed in FAR 12.301(d), as prescribed in 4.1903

Commercial Item FAR Clauses - 2025 cont.

52.204-24	Representation Regarding Certain Telecommunications and Video Surveillance Services or Equipment	Listed in FAR 12.301(d), as prescribed in 4.2105(a)
52.207-6*	Solicitation of Offers from Small Business Concerns and Small Business Teaming Arrangements or Joint Ventures (Multiple-Award Contracts)	Listed in FAR 12.301(d), as prescribed in 7.107-6
52.209-7	Information Regarding Responsibility Matters	Listed in FAR 12.301(d), as prescribed in 9.104-7(b)
52.209-12	Certification Regarding Tax Matters	Listed in FAR 12.301(d), as prescribed in 9.104-7(e)
52.222-56	Certification Regarding Trafficking in Persons Compliance Plan	Listed in FAR 12.301(d), as prescribed in 22.1705(b)
52.225-19	Contractor Personnel in a Designated Operations Area or Supporting a Diplomatic or Consular Mission outside the United States	Listed in FAR 12.301(d), as prescribed in 25.301-4
52.229-11	Tax on Certain Foreign Procurements-- Notice and Representation	Listed in FAR 12.301(d), as prescribed in 29.402-3(a)
52.229-13	Taxes--Foreign Contract in Afghanistan	Listed in FAR 12.301(d), as prescribed in 29.402-4(a)
52.229-14	Taxes--Foreign Contracts in Afghanistan (North Atlantic Treaty Organization Status or Forces Agreement)	Listed in FAR 12.301(d), as prescribed in 29.402-4(b)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors	Listed in FAR 12.301(d), as prescribed in 32.009-2
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) (31 U.S.C. 3903; 10 U.S.C. 3801)	Prescribed by FAR 52.212-5
52.203-17	Contractor Employee Whistleblower Rights (Nov 2023) (41 U.S.C. 4712)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.204-27	Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.204-28	Federal Acquisition Supply Chain Security Act Orders—Federal Supply Schedules, Governmentwide Acquisition Contracts, and	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)

Commercial Item FAR Clauses - 2025 cont.

	Multi-Agency Contracts (Dec 2023) (Pub. L. 115-390, title II)	
52.204-30	Federal Acquisition Supply Chain Security Act Orders—Prohibition (Dec 2023) (Pub. L. 115-390, title II)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.223-23	Sustainable Products and Services (May 2024) (E.O. 14057, 7 U.S.C. 8102, 42 U.S.C. 6962, 42 U.S.C. 8259b, and 42 U.S.C. 7671l)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.226-8	Encouraging Contractor Policies to Ban Text Messaging While Driving (May 2024) (E.O. 13513)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.240-1	Prohibition on Unmanned Aircraft Systems Manufactured or Assembled by American Security Drone Act-Covered Foreign Entities (Nov 2024) (Sections 1821-1826, Pub. L. 118-31, 41 U.S.C. 3901 note prec.)	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.247-69	Reporting Requirement for U.S.-Flag Air Carriers Regarding Training to Prevent Human Trafficking (Jan 2025) (49 U.S.C. 40118(g))	Prescribed by FAR 52.212-5 (CO to include clause as appropriate)
52.223-1	Biobased Product Certification (May 2024) (7 U.S.C. 8101(4) and 7 U.S.C. 8192(a)(2)(F))	Prescribed by FAR 23.109(c)(1) (CO to include clause as appropriate)



APPENDIX B

Commercial Item Flow Down FAR Clauses - 1995

52.222-26	Equal Opportunity (E.O. 11246)	Prescribed by FAR 52.212-5(e)
52.222-35	Affirmative Action for Special Disabled and Vietnam Era Veterans (38 U.S.C. 2012(a))	Prescribed in FAR 52.212-5(e)
52.222-36	Affirmative Action for Handicapped Workers (29 U.S.C. 793)	Prescribed in FAR 52.212-5(e)
52.247-64	Preference for Privately Owned U.S.-Flagged Commercial Vessels (46 U.S.C. 1241)	Prescribed in FAR 52.212-5(e)

Commercial Item Flow Down FAR Clauses - 2025

52.203-13	Contractor Code of Business Ethics and Conduct (Nov 2021) (41 U.S.C. 3509)	Prescribed by FAR 52.212-5(e)(1)
52.203-19	Prohibition on Requiring Certain Internal Confidentiality Agreements or Statements (Jan 2017) (section 743 of Division E, Title VII of Pub. L. 113-235)	Prescribed by FAR 52.212-5(e)(1)
52.204-23*	Prohibition on Contracting for Hardware, Software, and Services Developed or Provided by Kaspersky Lab and Other Covered Entities (Nov 2021) (Section 1634 of Pub. L. 115-91)	Prescribed by FAR 52.212-5(e)(1)
52.204-25	Prohibition on Contracting for Certain Telecommunications and Video Surveillance Services or Equipment (Nov 2021) (Section 889(a)(1)(A) of Pub. L. 115-232)	Prescribed by FAR 52.212-5(e)(1)
52.219-8*	Utilization of Small Business Concerns (Oct 2018) (15 U.S.C. 637(d)(2) and (3))	Prescribed by FAR 52.212-5(e)(1)
52.222-21	Prohibition of Segregated Facilities (Apr 2015)	Prescribed by FAR 52.212-5(e)(1)
52.222-26	Equal Opportunity (Sep 2015) (E.O. 11245)	Prescribed by FAR 52.212-5(e)(1)
52.222-35	Equal Opportunity for Veterans (Jun 2020) (38 U.S.C. 4212)	Prescribed by FAR 52.212-5(e)(1)
52.222-36	Equal Opportunity for Workers with Disabilities (Jun 2020) (29 U.S.C. 793)	Prescribed by FAR 52.212-5(e)(1)

Commercial Item Flow Down FAR Clauses - 2025 cont.

52.222-37	Employment Reports on Veterans (Jun 2020) (38 U.S.C. 4212)	Prescribed by FAR 52.212-5(e)(1)
52.222-40	Notification of Employee Rights Under the National Labor Relations Act (Dec 2010) (E.O. 13496)	Prescribed by FAR 52.212-5(e)(1)
52.222-41	Service Contract Labor Standards (Aug 2018) (41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5(e)(1)
52.222-50	Combatting Trafficking in Persons (Nov 2021) (22 U.S.C. chapter 78 and E.O. 13627)	Prescribed by FAR 52.212-5(e)(1)
52.222-51	Exemption from Application of the Service Contract Labor Standards to Contracts for Maintenance, Calibration, or Repair of Certain Equipment-Requirements (May 2014) (41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5(e)(1)
52.222-52	Exemption from Application of the Service Contract Labor Standards to Contracts for Certain Services-Requirements (May 2014) (41 U.S.C. chapter 67)	Prescribed by FAR 52.212-5(e)(1)
52.222-54	Employment Eligibility Verification (May 2022) (E.O. 12989)	Prescribed by FAR 52.212-5(e)(1)
52.222-55	Minimum Wages for Contractor Workers Under Executive Order 14026 (Jan 2022)	Prescribed by FAR 52.212-5(e)(1)
52.222-62	Paid Sick Leave Under Executive Order 13706 (Jan 2022)	Prescribed by FAR 52.212-5(e)(1)
52.224-3	Privacy Training (Jan 2017) (5 U.S.C. 552a)	Prescribed by FAR 52.212-5(e)(1)
52.225-26	Contractors Performing Private Security Functions Outside the United States (Oct 2016) (Section 862 of the NDAA FY 2008 and 10 U.S.C. 2302)	Prescribed by FAR 52.212-5(e)(1)
52.226-6	Promoting Excess Food Donation to Nonprofit Organizations (Jun 2020) (42 U.S.C. 1792)	Prescribed by FAR 52.212-5(e)(1)
52.247-64	Preference for Privately Owned U.S.-Flag Commercial Vessels (Nov 2021) (46 U.S.C. 55305 and 10 U.S.C. 2631)	Prescribed by FAR 52.212-5(e)(1)
52.203-17	Contractor Employee Whistleblower Rights (Nov 2023) (41 U.S.C. 4712)	Prescribed by FAR 52.212-5(e)(1)

Commercial Item Flow Down FAR Clauses - 2025 cont.

52.204-27	Prohibition on a ByteDance Covered Application (Jun 2023) (Section 102 of Division R of Pub. L. 117-328)	Prescribed by FAR 52.212-5(e)(1)
52.204-30	Federal Acquisition Supply Chain Security Act Orders—Prohibition. (Dec 2023) (Pub. L. 115–390, title II)	Prescribed by FAR 52.212-5(e)(1)
52.232-40	Providing Accelerated Payments to Small Business Subcontractors (Mar 2023) (31 U.S.C. 3903 and 10 U.S.C. 3801)	Prescribed by FAR 52.212-5(e)(1)
52.240-1	Prohibition on Unmanned Aircraft Systems Manufactured or Assembled by American Security Drone Act-Covered Foreign Entities (Nov 2024) (Sections 1821-1826, Pub. L. 118-31, 41 U.S.C. 3901 note prec.)	Prescribed by FAR 52.212-5(e)(1)

APPENDIX C

Commercial Item DFARS Clauses - 1996

DFARS 252.225-7000 or 252.225-7006 or 252.225-7035 (only one must be included)	Buy American Act provisions	Prescribed by 212.301(f)(i)
DFARS 252.212-7000	Offeror Representations and Certifications - Commercial Items	Prescribed by 212.301(f)(ii)
DFARS 252.212-7001	Contract Terms and Conditions Required to Implement Statutes Applicable to Defense Acquisitions of Commercial Items	Prescribed by 212.301(f)(iii)

Commercial Item DFARS Clauses - 2025

FAR 52.203-3	Gratuities	Listed in 212.301, as prescribed in FAR 3.202 to comply with 10 U.S.C. 2207
DFARS 252.203-7000	Requirements Relating to Compensation of Former DoD Officials	Listed in 212.301, as prescribed in 203.171-4(a) to comply with section 847 of Pub. L. 110-181
DFARS 252.203-7005	Representation Relating to Compensation of Former DoD Officials	Listed in 212.301, as prescribed in 203.171-4(b)
DFARS 252.204-7004*	Antiterrorism Awareness Training for Contractors	Listed in 212.301, as prescribed in 204.7203
DFARS 252.204-7008	Compliance with Safeguarding Covered Defense Information Controls	Listed in 212.301, as prescribed in 204.7304(a)
DFARS 252.204-7009*	Limitations on the Use or Disclosure of Third-Party Contractor Reported Cyber Incident Information	Listed in 212.301, as prescribed in 204.7304(b)

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.204-7012*	Safeguarding Covered Defense Information and Cyber Incident Reporting	Listed in 212.301, as prescribed in 204.7304(c)
DFARS 252.204-7014*	Limitations on the Use or Disclosure of Information by Litigation Support Contractors	Listed in 212.301, as prescribed in 204.7403(a) to comply with 10 U.S.C. 129d
DFARS 252.204-7015*	Notice of Authorized Disclosure of Information for Litigation Support	Listed in 212.301, as prescribed in 204.7403(b) to comply with 10 U.S.C. 129d
DFARS 252.204-7016	Covered Defense Telecommunications Equipment or Services - Representation	Listed in 212.301, as prescribed by 204.2105(a) to comply with section 1656 of the NDAA for Fiscal Year 2018 (Pub. L. 115-91)
DFARS 252.204-7017	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services - Representation	Listed in 212.301, as prescribed in 204.2105(c) to comply with section 1656 of the NDAA for Fiscal Year 2018 (Pub. L. 115-91)
DFARS 252.204-7018*	Prohibition on the Acquisition of Covered Defense Telecommunications Equipment or Services	Listed in 212.301, as prescribed in 204.2105(c) to comply with section 1656 of the NDAA for Fiscal Year 2018 (Pub. L. 115-91)
DFARS 252.204-7019*	Notice of NIST SP 800-171 DoD Assessment Requirements	Listed in 212.301, as prescribed in 204.7304(d)
DFARS 252.204-7020*	NIST SP 800-171 DoD Assessment Requirements	Listed in 212.301, as prescribed in 204.7304(e)
DFARS 252.204-7021*	Cybersecurity Maturity Model Certification Requirements	Listed in 212.301, as prescribed in 204.7503(a) and (b)
DFARS 252.204-7022	Expediting Contract Closeout	Listed in 212.301, as prescribed in 204.804-70
DFARS 252.204-7023	Reporting Requirements for Contracted Services	Listed in 212.301, as prescribed in 204.1705(a) to comply with 10 U.S. 2330a
DFARS 252.205-7000*	Provision of Information to Cooperative Agreement Holders	Listed in 212.301, as prescribed in 205.470 to comply with 10 U.S.C. 2416
DFARS 252.211-7003*	Item Unique Identification and Valuation	Listed in 212.301, as prescribed in 211.274-6(a)(1)

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.211-7008	Use of Government-Assigned Serial Numbers	Listed in 212.301, as prescribed in 211.274-6(c)
DFARS 252.215-7003	Requirements for Submission of Data Other Than Certified Cost or Pricing Data - Canadian Commercial Corporation	Listed in 212.301, as prescribed at 215.408(2)(i)
DFARS 252.215-7004	Requirement for Submission of Data other Than Certified Cost or Pricing Data - Modifications - Canadian Commercial Corporation	Listed in 212.301, as prescribed at 215.408(2)(ii)
DFARS 252.215-7008*	Only One Offer	Listed in 212.301, as prescribed at 215.408(3)
DFARS 252.215-7010*	Requirements for Certified Cost or Pricing Data Other Than Certified Cost or Pricing Data	Listed in 212.301, as prescribed at 215.408(5)(i) to comply with section 831 of NDAA for Fiscal Year 2013 (Pub. L. 112-239) and sections 851 and 853 of NDAA for Fiscal Year 2016 (Pub. L. 114-92)
DFARS 252.215-7016*	Notification to Offerors- Postaward Debriefings	Listed in 212.301, as prescribed in 215.570 to comply with section 818 of the NDAA for Fiscal Year 2018 (Pub. L. 115-91)
DFARS 252.216-7010*	Postaward Debriefings for Task Orders and Delivery Orders	Listed in 212.301, as prescribed in 216.506-70(b) to comply with section 818 of the NDAA for Fiscal Year 2018 (Pub. L. 115-91)
DFARS 252.219-7003	Small Business Subcontracting Plan (DoD Contracts)	Listed in 212.301, as prescribed in 219.708(b)(1)(A) to comply with 15 U.S.C. 637
DFARS 252.219-7004*	Small Business Subcontracting Plan (Test Program)	Listed in 212.301, as prescribed in 219.708(b)(1)(B) to comply with 15 U.S.C. 637
DFARS 252.219-7000*	Advancing Small Business Growth	Listed in 212.301, as prescribed in 219.309(1) to comply with 10 U.S.C. 2419
DFARS 252.219-7012	Competition for Religious-Related Services	Listed in 212.301, as prescribed in 219.270-3

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.223-7008*	Prohibition of Hexavalent Chromium	Listed in 212.301, as prescribed in 223.7306
DFARS 252.225-7000*	Buy American - Balance of Payments Program Certificate	Listed in 212.301, as prescribed in 225.1101(1) to comply with 41 U.S.C. chapter 83 and E.O. 10582
DFARS 252.225-7001*	Buy American and Balance of Payments Program	Listed in 212.301, as prescribed in 225.1101(2) to comply with 41 U.S.C. chapter 83 and E.O. 10582
DFARS 252.225-7006*	Acquisition of the American Flag	Listed in 212.301, as prescribed in 225.7002-3(c) to comply with section 8123 of the DoD Appropriations Act of 2014 (Pub. L. 113-76, division C, title VIII)
DFARS 252.225-7007	Prohibition on Acquisition of Certain Items from Communist Chinese Military Companies	Listed in 212.301, as prescribed in 225.1103(4) to comply with section 12211 of NDAA for Fiscal Year 2006 (Pub. L. 109-163)
DFARS 252.225-7008	Restriction on Acquisition of Specialty Metals	Listed in 212.301, as prescribed in 225.7003-5(a)(1) to comply with 10 U.S.C. 2533b
DFARS 252.225-7009*	Restriction on Acquisition of Certain Articles Containing Specialty Metals	Listed in 212.301, as prescribed in 225.7003-5(a)(2) to comply with 10 U.S.C. 2533b
DFARS 252.225-7010	Commercial Derivative Military Article - Specialty Metals Compliance Certificate	Listed in 212.301, as prescribed in 225.7003-5(b) to comply with 10 U.S.C. 2533b
DFARS 252.225-7012	Preference for Certain Domestic Commodities	Listed in 212.301, as prescribed in 225.7002-3(a) to comply with 10 U.S.C. 2533a
DFARS 252.225-7015	Restriction on Acquisition of Hand or Measuring Tools	Listed in 212.301, as prescribed in 225.7002-3(b) to comply with 10 U.S.C. 2533a
DFARS 252.225-7016*	Restriction on Acquisition of Ball and Roller Bearings	Listed in 212.301, as prescribed in 225.7009-5 to comply with section 8065 of Pub. L. 107-117
DFARS 252.225-7017*	Photovoltaic Devices	Listed in 212.301, as prescribed in 225.7017-4(a) to comply with section 846 of Pub. L. 111-383

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.225-7018*	Photovoltaic Devices - Certificate	Listed in 212.301, as prescribed in 225.7017-4(b) to comply with section 846 of Pub. L. 111-383
DFARS 252.225-7020	Trade Agreements Certificate	Listed in 212.301, as prescribed in 225.1101(5) to comply with 19 U.S.C. 2501-2518 and 19 U.S.C. 3301
DFARS 252.225-7021*	Trade Agreements	Listed in 212.301, as prescribed in 225.1101(6) to comply with 19 U.S.C. 2501-2518 and 19 U.S.C. 3301
DFARS 252.225-7023	Preference for Products or Services from Afghanistan	Listed in 212.301, as prescribed in 225.7703-4(a) to comply with section 886 of NDAA for Fiscal Year 2008
DFARS 252.225-7024	Requirement for Products or Services from Afghanistan	Listed in 212.301, as prescribed in 225.7703-4(b) to comply with section 886 of NDAA for Fiscal Year 2008
DFARS 252.225-7026	Acquisition Restricted to Products or Services from Afghanistan	Listed in 212.301, as prescribed in 225.7703-4(c) to comply with section 886 of NDAA for Fiscal Year 2008
DFARS 252.225-7027	Restriction on Contingent Fees for Foreign Military Sales	Listed in 212.301, as prescribed in 225.7307(a) to comply with 22 U.S.C. 2779
DFARS 252.225-7028	Exclusionary Policies and Practices of Foreign Governments	Listed in 212.301, as prescribed in 225.7307(b) to comply with 22 U.S.C. 2755
DFARS 252.225-7029	Acquisition of Uniform Components for Afghan Military or Afghan National Police	Listed in 212.301, as prescribed in 225.7703-4(d)
DFARS 252.225-7031	Secondary Arab Boycott of Israel	Listed in 212.301, as prescribed in 225.7605 to comply with 10 U.S.C. 2410i
DFARS 252.225-7035*	Buy American - Free Trade Agreements - Balance of Payments Program Certificate	Listed in 212.301, as prescribed in 225.1101(9) to comply with 41 U.S.C. chapter 83 and 19 U.S.C. 3301

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.225-7036*	Buy American - Free Trade Agreements - Balance of Payments Program	Listed in 212.301, as prescribed by 225.1101(10)(i) to comply with 41 U.S.C. chapter 83 and 19 U.S.C. 3301
DFARS 252.225-7039*	Defense Contractors Performing Private Security Functions Outside the United States	Listed in 212.301, as prescribed in 225.302-6 to comply with section 2 of Pub. L. 110-181
DFARS 252.225-7040*	Contractor Personnel Supporting U.S. Armed Forces Deployed Outside the United States	Listed in 212.301, as prescribed in 225.371-5(a)
DFARS 252.225-7043	Antiterrorism/Force Protection Policy for Defense Contractors Outside the United States	Listed in 212.301, as prescribed in 225.372-2
DFARS 252.225-7049	Prohibition on Acquisition of Certain Foreign Commercial Satellite Services - Representations	Listed in 212.301, as prescribed in 225.77205(a) to comply with 10 U.S.C. 2279
DFARS 252.225-7050*	Disclosure of Ownership or Control by the Government of a Country that is a State Sponsor of Terrorism	Listed in 212.301, as prescribed in 225.771-5 to comply with 10 U.S.C. 2327(b)
DFARS 252.225-7051*	Prohibition on Acquisition for Certain Foreign Commercial Satellite Services	Listed in 212.301, as prescribed in 225.772-5(b) to comply with 10 U.S.C. 2279
DFARS 252.225-7052*	Restriction on the Acquisition of Certain Magnets, Tantalum, and Tungsten	Listed in 212.301, as prescribed in 225.7018-5
DFARS 252.225-7053	Representation Regarding Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation	Listed in 212.301, as prescribed in 225.7019-4(a) to comply with section 2821 of the NDAA for Fiscal Year 2020 (Pub. L. 116-92)
DFARS 252.225-7054*	Prohibition on Use of Certain Energy Sourced from Inside the Russian Federation	Listed in 212.301, as prescribed in 225.7019-4(b) to comply with section 2821 of the NDAA for Fiscal Year 2020
DFARS 252.225-7055	Representation Regarding Business Operations with the Maduro Regime	Listed in 212.301, as prescribed in 225.7020-5(a) to comply with section 890 of the NDAA for Fiscal Year 2020 (Pub. L. 116-92)

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.225-7056*	Prohibition Regarding Business Operations with the Maduro Regime	Listed in 212.301, as prescribed in 225.7020-5(b) to comply with section 890 of the NDAA for Fiscal Year 2020 (Pub. L. 116-92)
DFARS 252.226-7001*	Utilization of Indian Organizations, Indian-Owned Economic Enterprises, and Native Hawaiian Small Business Concerns	Listed in 212.301, as prescribed in 226.104 to comply with section 8021 of Pub. L. 107-248
DFARS 252.226-7002	Representation for Demonstration Project for Contractors Employing Persons with Disabilities	Listed in 212.301, as prescribed in 226.7203
DFARS 252.227-7013*	Rights in Technical Data-Noncommercial Items	Listed in 212.301, as prescribed in 227.7103-6
DFARS 252.227-7015*	Technical Data-Commercial Items	Listed in 212.301, as prescribed in 227.7102-4(a)(1) to comply with 10 U.S.C. 2320
DFARS 252.227-7037*	Validation of Restrictive Markings on Technical Data	Listed in 212.301, as prescribed in 227.7102-4(c)
DFARS 252.232-7003	Electronic Submission of Payment Requests and Receiving Reports	Listed in 212.301, as prescribed in 232.7004 to comply with 10 U.S.C. 2227
DFARS 252.232-7006*	Wide Area WorkFlow Payment Instructions	Listed in 212.301, as prescribed in 232.7004(b)
DFARS 252.232-7009	Mandatory Payment by Governmentwide Commercial Purchase Card	Listed in 212.301, as prescribed in 232.1110
DFARS 252.232-7010	Levies on Contract Payments	Listed in 212.301, as prescribed in 232.7102
DFARS 252.232-7011	Payments in Support of Emergencies and Contingency Operations	Listed in 212.301, as prescribed in 232.908
DFARS 252.237-7010*	Prohibition on Interrogation of Detainees by Contractor Personnel	Listed in 212.301, as prescribed in 237.173-5 to comply with section 1038 of Pub. L. 111-84

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.237-7019*	Training for Contractor Personnel Interacting with Detainees	Listed in 212.301, as prescribed in 237.171-4 to comply with section 1092 of Pub. L. 108-375
DFARS 252.239-7009	Representation of Use of Cloud Computing	Listed in 212.301, as prescribed in 239.7604(a)
DFARS 252.239-7010*	Cloud Computing Services	Listed in 212.301, as prescribed in 239.7604(b)
DFARS 252.239-7017*	Notice of Supply Chain Risk	Listed in 212.301, as prescribed in 239.7306(a) to comply with 10 U.S.C. 2339a
DFARS 252.239-7018*	Supply Chain Risk	Listed in 212.301, as prescribed in 239.7306(b) to comply with 10 U.S.C. 2339a
DFARS 252.243-7002*	Requests for Equitable Adjustment	Listed in 212.301, as prescribed in 243.205-71 to comply with 10 U.S.C. 2410
DFARS 252.244-7000*	Subcontracts for Commercial Items	Listed in 212.301, as prescribed in 244.403
DFARS 252.246-7003*	Notification of Potential Safety Issues	Listed in 212.301, as prescribed in 246.370(a)
DFARS 252.246-7004	Safety Facilities, Infrastructure, and Equipment for Military Operations	Listed in 212.301, as prescribed in 246.270-4 to comply with section 807 of Pub. L. 111-84
DFARS 252.246-7008*	Sources of Electronic Parts	Listed in 212.301, as prescribed in 246.870-3(b) to comply with section 818(c)(3) of Pub. L. 112-81
DFARS 252.247-7003*	Pass-Through of Motor Carrier Fuel Surcharge Adjustment to the Cost Bearer	Listed in 212.301, as prescribed in 247.207 to comply with section 884 of Pub. L. 110-417
DFARS 252.247-7023*	Transportation of Supplies by Sea	Listed in 212.301, as prescribed in 247.574(b) to comply with the Cargo Preference Act of 1904
DFARS 252.247-7025*	Reflagging or Repair Work	Listed in 212.301, as prescribed in 247.574(c) to comply with 10 U.S.C. 2631(b)
DFARS 252.247-7026*	Evaluation Preference for Use of Domestic Shipyards - Applicable to Acquisition of Carriage by	Listed in 212.301, as prescribed in 247.574(d) to comply with section 1017 of Pub. L. 109-364

Commercial Item DFARS Clauses - 2025 cont.

	Vessel for DoD Cargo in the Coastwise or Noncontiguous Trade	
DFARS 252.247-7027	Riding Gang Member Requirements	Listed in 212.301, as prescribed in 247.574(e) to comply with section 3504 of NDAA for Fiscal Year 2009 (Pub. L. 110-417)
DFARS 252.247-7028	Application for U.S. Government Shipping Documentation/Instructions	Listed in 212.301, as prescribed in 247.207
DFARS 252.203-7002	Requirement to Inform Employees of Whistleblower Rights	Listed in 212.301, as prescribed in 203.970, to comply with 10 U.S.C. 4701
DFARS 252.209-7011	Representation for Restriction on the Use of Certain Institutions of Higher Education	Listed in 212.301, as prescribed in 209.170-4, to comply with Pub. L. 116-283
DFARS 252.223-7009	Prohibition of Procurement of Fluorinated Fire-Fighting Agent for Use on Military Installations	Listed in 212.301, as prescribed at 223.7404 to comply with Pub. L. 116-92
DFARS 252.225-7059	Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region— Representation	Listed in 212.301, as prescribed in 225.7022-5(a), to comply with Pub. L. 117- 263 and 10 U.S.C. 4661
DFARS 252.225-7060	Prohibition on Certain Procurements from the Xinjiang Uyghur Autonomous Region	Listed in 212.301, as prescribed in 225.7022-5(b), to comply with Pub. L. 117- 263 and 10 U.S.C. 4661
DFARS 252.225-7061	Restriction on the Acquisition of Personal Protective Equipment and Certain Other Items from Non-Allied Foreign Nations	Listed in 212.301, as prescribed in 225.7023-4, to comply with (10 U.S.C. 4875)
DFARS 252.225-7062	Restriction on Acquisition of Large Medium-Speed Diesel Engines	Listed in 212.301, as prescribed in 225.7004-7(b), to comply with 10 U.S.C. 4864
DFARS 252.225-7063	Restriction on Acquisition of Components of T–AO 205 and T-ARC Class Vessels	Listed in 212.301, as prescribed in 225.7004-7(c), to comply with 10 U.S.C. 4864

Commercial Item DFARS Clauses - 2025 cont.		
DFARS 252.225-7064	Restriction on Acquisition of Certain Satellite Components	Listed in 212.301, as prescribed in 225.7004-7(d), to comply with 10 U.S.C. 4864
DFARS 252.225-7065	Restriction on Acquisition of Fuel for Overseas Contingency Operations	Listed in 212.301, as prescribed in 225.7024-4, to comply with Pub. L. 117-81
DFARS 252.229-7014	Full Exemption from Two-Percent Excise Tax on Certain Foreign Procurements	Listed in 212.301, as prescribed in 229.402-70, to comply with 26 U.S.C. 5000C
DFARS 252.237-7025	Preaward Transparency Requirements for Firms Offering to Support Department of Defense Audits—Representation and Disclosure	Listed in 212.301, as prescribed in 237.270(e)(3), to comply with Pub. L. 115-232 and Pub. L. 116-92
DFARS 252.237-7026	Postaward Transparency Requirements for Firms that Support Department of Defense Audits	Listed in 212.301, as prescribed in 237.270(e)(4), to comply with Pub. L. 115-232 and Pub. L. 116-92
DFARS 252.237-7027	Transfer and Adoption of Military Animals	Listed in 212.301, as prescribed in 237.7804 to comply with 10 U.S.C. 2387
DFARS 252.245-7005	Management and Reporting of Government Property	Listed in 212.301, as prescribed in DFARS 245.107
DFARS 252.270-7000	Pilot Program to Incentivize Contracting with Employee-Owned Businesses—Representation	Listed in 212.301, as prescribed at 270.105(a) to comply with section 874 of the NDAA for Fiscal Year 2022 (Pub. L. 117-81) and section 872 of the NDAA for Fiscal Year 2024 (Pub. L. 118-31)
DFARS 252.270-7001	Pilot Program to Incentivize Contracting with Employee-Owned Businesses—Subcontracting Certification	Listed in 212.301, Listed in 212.301, as prescribed at 270.105(b) to comply with section 874 of the NDAA for Fiscal Year 2022 (Pub. L. 117-81) and section 872 of the NDAA for Fiscal Year 2024 (Pub. L. 118-31)
DFARS 252.270-7002	Pilot Program to Incentivize Contracting with Employee-Owned Businesses	Listed in 212.301, Listed in 212.301, as prescribed at 270.105(c) to comply with section 874 of the

Commercial Item DFARS Clauses - 2025 cont.

		NDAAs for Fiscal Year 2022 (Pub. L. 117-81) and section 872 of the NDAAs for Fiscal Year 2024 (Pub. L. 118-31)
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