



ACQUISITION  
AND SUSTAINMENT

OFFICE OF THE UNDER SECRETARY OF DEFENSE  
3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

In reply refer to  
DARS Tracking Number: 2023-O0006

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES SPECIAL OPERATIONS  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES TRANSPORTATION  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Limitations on the Procurement of DoD Non-Tactical Vehicles

Effective immediately, contracting officers shall not obligate any of the funds authorized to be appropriated by the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2023 (Pub. L. 117-263) or otherwise made available to DoD for the procurement of DoD non-tactical vehicles that are electric vehicles, advanced-biofuel-powered vehicles, or hydrogen-powered vehicles, or any components or spare parts associated with such vehicles, that do not comply with Federal Acquisition Regulation (FAR) subpart 22.15, Prohibition of Acquisition of Products Produced by Forced or Indentured Child Labor.

While FAR subpart 22.15 applies to the acquisition of supplies that exceed the micro-purchase threshold, this class deviation implements section 328(c) of the NDAA for FY 2023. Section 328(c) provides the prohibition described in the paragraph above.

As used in this deviation—

- “Advanced-biofuel-powered vehicle” includes a vehicle that uses a fuel described in section 9001(3)(A) of the Farm Security and Rural Investment Act of 2022 (7 U.S.C. 8101(3)(A)).
- “Electric vehicle” includes a plug-in hybrid electric vehicle that uses a combination of electric and gas-powered engine that can use either gasoline or electricity as a fuel source; and a plug-in electric vehicle that runs solely on electricity and does not contain an internal combustion engine or gas tank.
- “Hydrogen-powered vehicle” means a vehicle that uses hydrogen as the main source of motive power, either through a fuel cell or internal combustion.

Class Deviation 2023-O0006  
Limitations on the Procurement DoD Non-Tactical Vehicles

- “Non-tactical vehicle” means a vehicle other than a tactical vehicle.
- “Tactical vehicle” means a motor vehicle designed to military specification, or a commercial design motor vehicle modified to military specification, to provide direct transportation support of combat or tactical operations, or for the training of personnel for such operations.

This class deviation remains in effect until incorporated in the Defense Federal Acquisition Regulation Supplement or until otherwise rescinded. My point of contact is Ms. Jeanette Snyder, DPC/DARS, who may be reached at [jeanette.m.snyder4.civ@mail.mil](mailto:jeanette.m.snyder4.civ@mail.mil).

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