



DEFENSE LOGISTICS AGENCY  
HEADQUARTERS  
8725 JOHN J. KINGMAN ROAD, SUITE 2533  
FORT BELVOIR, VIRGINIA 22060-6221

IN REPLY J-336  
REFER TO PROCLTR 01-02

**FEB 13 2001**

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

SUBJECT: Delegation of Authority to Waive Berry Amendment for Non-Availability

This PROCLTR provides revised coverage at DLAD 25.7002, Restriction on food, clothing, fabrics, and specialty metals. Specifically, DLAD 25.7002-2, Exceptions, is changed to require either Agency Director or Senior Procurement Executive approval of non-availability determinations under section 9005 of Pub. L. 102-396 as amended (10 USC 2241, note 2, also known as the Berry Amendment). This change is a direct result of recent direction from the Principal Deputy Under Secretary of Defense. Further re-delegation of this authority is specifically prohibited.

This PROCLTR is effective immediately and expires upon incorporation into the DLAD. Please contact Mr. Frank Pane, J-336, at (703) 767-1461, or e-mail [francis\\_pane@hq.dla.mil](mailto:francis_pane@hq.dla.mil), if you have any questions.

Handwritten signature of William J. Kenny in cursive script.

WILLIAM J. KENNY  
Executive Director  
Logistics Policy and Acquisition Management

Attachment

## FOREIGN ACQUISITION

### SUBPART 25.70 - AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN PURCHASES

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#### *25.7002-2 Exceptions.*

*(a) The Agency Director and the DLA Senior Procurement Executive (SPE) are the approval author-ides for all non-availability determinations made pursuant to section 9005 of Pub. L. 102-396 as amended (10 USC 2241, note 2, also known as the Berry Amendment). This authority is non-delegable. AN determination packages for SPE approval shall be sent to the Executive Director, Logistics Policy and Acquisition Management (J-33) through the Contract Policy Division (J-336). Options not exercised at time of award require a separate non-availability determination. Electronic package submissions are authorized.*