



DEFENSE LOGISTICS AGENCY
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APR 26 2001

IN REPLY J-33
REFER TO PROCLTR 0 1-06

MEMORANDUM FOR PROCLTR DISTRIBUTION LIST

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

This PROCLTR revises coverage at Defense Logistics Acquisition Directive (DLAD) 25.7002, Restriction on food, clothing, fabrics, and specialty metals. Specifically, DLAD 25.7002-2(a), Exceptions, is changed to now require all domestic nonavailability determination requests to be approved by the Under Secretary of Defense (Acquisition Technology and Logistics) (USD(AT&L)). This action is a direct result of a memorandum from the USD(AT&L) dated April 24, 2001 and is consistent with the Defense Federal Acquisition Regulation Supplement 225.7002-2(a).

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, if you have any questions on this matter.

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

25.7002-2 Exceptions.

(a) All domestic non-availability determination approval requests made pursuant to section 9005 of Pub. L. 102-396 as amended (10 U.S.C. §2241, note 2, also known as the Berry Amendment) shall be forwarded from the Activity Commander to the Agency Director for submission to the Under Secretary of Defense (Acquisition Technology and Logistics). Options not exercised at time of award require a separate non-availability determination.