

## **PART 25 - FOREIGN ACQUISITION**

*(Revised January 7, 2019 through PROCLTR 18-10)*

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#### SUBPART 25.1 - BUY AMERICAN ACT - SUPPLIES

*(Revised September 19, 2016 through PROCLTR 16-09)*

25.103 Exceptions.

(b)(1)(iii)(C) Submit supporting documentation to the DLA Acquisition Operations Division.

(b)(2)(ii) Submit the determination and supporting documentation to the DLA Acquisition Operations Division.

#### SUBPART 25.8 - OTHER INTERNATIONAL AGREEMENTS AND COORDINATION

*(Revised August 9, 2018 through PROCLTR 18-10)*

25.802-71 End use certificates.

(S-90) Exports from the U.S. Requiring an End Use Certificate. The contracting officer shall use and process Department of State Form DSP-83, United States of America Nontransfer and End Use Certificate, and not the foreign country government end use certificate when exporting items from the United States. Only DLA Disposition shall use DLA Form 1822, End-Use Certificate (Statement Regarding Disposition and Use of Property) for selling or property disposal.

(S-91) Approval and execution of foreign government end use certifications. Submission of a foreign-government required end use certificate requires coordination with the MSC Office of Counsel. Provide the request for a Category I and II EUC, or the waiver for a Category III EUC, for DLA-managed items to the DLA Acquisition Operations Division, which will coordinate the request with the Office of General Counsel and the DLA Political Advisor (POLAD). Prior to anticipated award, allow at least 10 business days for processing of Category I EUC requests, 30 business days for Category II EUC requests, and 45 business days for Category III EUC waivers. For Military Service-managed items procured by Depot Level Repairable (DLR) and Supply Storage and Distribution (SS&D) sites, the Secretary of the Military Department is responsible for approval and execution of the EUC. Governing policy is in DoD Directive 2040.3, End Use Certificates, which can be found at <http://www.esd.whs.mil/Directives/issuances/dodd/>.

(S-92) By memorandum dated March 19, 2018, the DLA Director delegated to the DLA Acquisition Director the authority to sign individual Category I and II EUCs once the DLA Director has authorized the execution of the EUC; this authority may be delegated to the responsible Commander or Deputy Commander of the applicable Major Subordinate Command on a case-by-case basis.

#### SUBPART 25.9 – CUSTOMS AND DUTIES

(Revised September 19, 2016 through PROCLTR 16-09)

25.903 Exempted supplies.

(b)(ii) The contracting officer shall execute the certificate.

#### SUBPART 25.70 – AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION

(Revised September 19, 2016 through PROCLTR 16-09)

25.7002 Restrictions on food, clothing, fabrics, hand or measuring tools, and flags.

25.7002-2 Exceptions.

(b)(3) Determination shall be forwarded to the DLA Acquisition Operations Division ten (10) working days prior to anticipated contract award.

#### SUBPART 25.73 – ACQUISITIONS FOR FOREIGN MILITARY SALES

(Revised September 19, 2016 through PROCLTR 16-09)

25.7301 General.

(c)(iv) DEVIATION 2016-03 implements an exception granted to DLA by the Defense Security Cooperation Agency (DSCA) to allow FMS medical equipment and medical systems that the contracting officer has determined require manufacturer or distributor delivery and installation to be shipped as f.o.b. destination.