

DFARS Procedures, Guidance, and Information

PGI 225—Foreign Acquisition

(Revised July 11, 2006)

PGI 225.70—AUTHORIZATION ACTS, APPROPRIATIONS ACTS, AND OTHER STATUTORY RESTRICTIONS ON FOREIGN ACQUISITION

PGI 225.7002 Restrictions on food, clothing, fabrics, specialty metals, and hand or measuring tools.

PGI 225.7002-1 Restrictions.

(b) Under Secretary of Defense (Acquisition, Technology, and Logistics) memorandum of June 1, 2006, Subject: Berry Amendment Compliance for Specialty Metals, provides guidance on dealing with specialty metal parts that are noncompliant with the requirements of the Berry Amendment (10 U.S.C. 2533a). Also see the DCMA interim instruction addressing noncompliance with the Preference for Domestic Specialty Metals clause, DFARS 252.225-7014, at <http://guidebook.dcmamil/225/instructions.htm>.

PGI 225.7002-2 Exceptions.

(b) *Domestic nonavailability determination.*

(3) *Defense agencies.*

(A) A defense agency requesting a domestic nonavailability determination must submit the request, including the proposed determination, to—

Director, Defense Procurement and Acquisition Policy
ATTN: OUSD(AT&L)DPAP(PAIC)
3060 Defense Pentagon
Washington, DC 20301-3060.

(B) The Director, Defense Procurement and Acquisition Policy, will forward the request to the Under Secretary of Defense (Acquisition, Technology, and Logistics) as appropriate.

(C) If the domestic nonavailability determination is for the acquisition of titanium or a product containing titanium, the submission shall also include the associated congressional notification letters required by DFARS 225.7002-2(b)(4), for concurrent signature by the Under Secretary of Defense (Acquisition, Technology, and Logistics). The defense agency does not need to take any further action with regard to DFARS 225.7002-2(b)(4).

(4) *Army, Navy, and Air Force.*

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Send the copy of the congressional notification and the domestic nonavailability determination for the acquisition of titanium or a product containing titanium to—

Director, Defense Procurement and Acquisition Policy
ATTN: OUSD(AT&L)DPAP(PAIC)
3060 Defense Pentagon
Washington, DC 20301-3060.

(5) *Related policy memoranda.*

The DoD memoranda regarding domestic nonavailability determinations implemented in DFARS 225.7002-2(b) are as follows:

Deputy Secretary of Defense memorandum of May 1, 2001, Subject: The Berry Amendment, provides policy regarding domestic nonavailability determinations. This memorandum is implemented at DFARS 225.7002-2(b)(1) through (3).

Under Secretary of Defense (Acquisition, Technology, and Logistics) memorandum of October 22, 2004, Subject: Congressional Notification of Determinations Under 10 U.S.C. 2533a (The Berry Amendment) for Procurement of Foreign Titanium, provides policy regarding Congressional notification of domestic nonavailability determinations involving titanium or products containing titanium. This memorandum is implemented at DFARS 225.7002-2(b)(4).