



DEPARTMENT OF THE NAVY
NAVAL FACILITIES ENGINEERING COMMAND
WASHINGTON NAVY YARD
1322 PATTERSON AVENUE SE SUITE 1000
WASHINGTON, DC 20374-5065

IN REPLY REFER TO
ACQ 021
30 May 01

MEMORANDUM FOR NAVFAC ACQUISITION PERSONNEL

Subj: FOREIGN ACQUISITION RESTRICTIONS (01-13)

Encl: (1) OASN (RD&A) memo dtd May 7, 2001

1. Enclosure (1) is forwarded for your information and implementation, as appropriate.

A handwritten signature in black ink, appearing to read "Michael F. Howard".

MICHAEL F. HOWARD
Director, Acquisition Strategic Programs



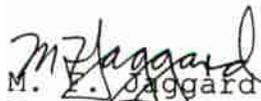
DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
RESEARCH, DEVELOPMENT AND ACQUISITION
1000 NAVY PENTAGON
WASHINGTON DC 20350-1000

MAY 7 2001

MEMORANDUM FOR DISTRIBUTION

Subj: FOREIGN ACQUISITION RESTRICTIONS

Recent events have reminded us of the importance of universal awareness of the many laws and regulations we must follow in defense acquisition and of the reasons for them. In particular, please re-emphasize to all your contracting and acquisition personnel the importance and significance of the Buy American Act (41 U.S.C. 10a et seq) and the Berry Amendment (10 U.S.C. 2241, note). Except as provided in the Act or in FAR/DFARS Subpart 25/225.1, contracting officers must apply the requirements of the Buy American Act to supply contracts exceeding the micro-purchase threshold, and to service contracts that involve the furnishing of supplies when the supply portion exceeds the micro-purchase threshold. Except as provided in the statute or in DFARS 225.7002, contracting officers must apply the requirements of the Berry Amendment to actions at or above the simplified acquisition threshold. These restrictions also apply to orders placed under a Federal Supply Schedule (FSS) contract. The General Services Administration (GSA) is not subject to the Berry Amendment, since it applies only to the Department of Defense. Therefore, GSA does not impose the requirements of the Berry Amendment in FSS contracts. Contracting officers must not place orders under an FSS contract if the procurement would fail to comply with either the Buy American Act or the Berry Amendment.


M. E. Jaggard

Executive Director (Acting)
Acquisition and Business
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