



OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

DEC 09 2005

ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

DPAP(DARS)

In reply refer to  
DAR Tracking Number: 2005-O0010

MEMORANDUM FOR DIRECTORS OF DEFENSE AGENCIES  
DEPUTY ASSISTANT SECRETARY OF THE ARMY,  
(POLICY AND PROCUREMENT), ASA(ALT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(ACQUISITION MANAGEMENT), ASN(RDA)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING), SAF/AQC  
EXECUTIVE DIRECTOR, ACQUISITION, TECHNOLOGY AND  
SUPPLY DIRECTORATE (DLA)

SUBJECT: Class Deviation-Exemption from Limitations on Procurement of Foreign  
Information Technology that is a Commercial Item, FY 2006

When using fiscal year 2006 funds to acquire information technology that is a  
commercial item, do not use any of the following Defense Federal Acquisition  
Regulation Supplement (DFARS) provisions and clauses as prescribed at DFARS  
225.1101(1), (2), (9), and (10) or the associated FAR clauses which they otherwise  
replace:

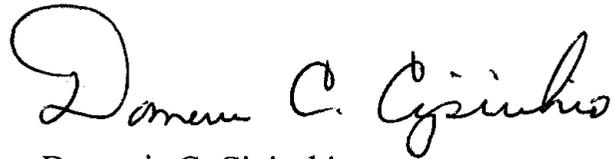
- 252.225-7000, Buy American Act—Balance of Payments Program Certificate
- 252.225-7001, Buy American Act and Balance of Payments Program
- 252.225-7035, Buy American Act—Free Trade Agreements—Balance of Payments Program Certificate
- 252.225-7036, Buy American Act—Free Trade Agreements—Balance of Payments Program

The Buy American Act does not apply to these acquisitions of foreign information  
technology because Section 717 of Pub. L. 109-115 provides exemption (Atch 1).



When applicable, continue to use the Trade Agreements provision and clause at 252.225-7020 and 252.225-7021, as prescribed at 225.1101(5) and (6).

This class deviation is effective upon signature, and remains in effect until incorporated in the DFARS or until otherwise rescinded.

A handwritten signature in black ink, reading "Domenic C. Cipicchio". The signature is written in a cursive style with a large initial 'D'.

Domenic C. Cipicchio  
Acting Director, Defense Procurement  
and Acquisition Policy

Attachment:  
As stated

cc:  
DSMC, Ft. Belvoir

Pub. L. 109-115, "Making appropriations for the Departments of Transportation, Treasury, and Housing and Urban Development, the Judiciary, District of Columbia, and independent agencies for the fiscal year ending September 30, 2006, and for other purposes," was enacted on November 30, 2005.

SEC. 717. In order to promote Government access to commercial information technology, the restriction on purchasing nondomestic articles, materials, and supplies set forth in the Buy American Act (41 U.S.C. 10a et seq.), shall not apply to the acquisition by the Federal Government of information technology (as defined in section 11101 of title 40, United States Code), that is a commercial item (as defined in section 4(12) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(12))).