



ACQUISITION,  
TECHNOLOGY  
AND LOGISTICS

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

JUN 25 2003

DPAP(DAR)

In reply refer to  
DAR Tracking Number: 2003 O0003

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  
DIRECTOR, DEFENSE CONTRACT MANAGEMENT AGENCY  
EXECUTIVE DIRECTOR, ACQUISITION, TECHNOLOGY AND  
SUPPLY DIRECTORATE (DLA)

SUBJECT: Class Deviation—Prohibited Sources

Effective as of the date of this memo, all military departments and defense contracting activities shall deviate from the requirements of Federal Acquisition Regulation (FAR) Subpart 25.7, 25.1103(a), and the clause at 52.225-13, Restrictions on Certain Foreign Purchases, when contracting for supplies or services with a value that exceeds the micro-purchase threshold. Instead, contracting officers shall use the attached FAR Subpart 25.7, 25.1103(a), and clause 52.225-13, Restriction on Certain Foreign Purchases (July 2000) (Deviation). When applicable, contracting officers shall also insert this modified clause in lieu of the standard FAR clause listed in 52.212-5, Contract Terms and Conditions Required to Implement Statute or Executive Order, or 52.213-4, Terms and Conditions—Simplified Acquisitions.

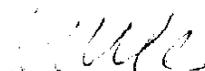
This deviation implements Executive Order 13192, Lifting and Modifying Measures With Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro); Executive Order 13268—Termination of Emergency With Respect to the Taliban and Amendment of Executive Order 13224 of September 23, 2001; and the General license issued on May 23, 2003, by the Department of the Treasury, entitled “Iraqi Sanctions Regulations.” Contracting Officers are to refer to the above Executive orders and the regulations of the Office of Foreign Assets Control (OFAC) at 31 CFR Chapter V. This deviation removes Serbia, the Taliban-controlled regions of Afghanistan, and Iraq from



the list of prohibited sources. The contracting officer must check the lists of entities and individuals subject to economic sanctions that are available on OFAC's website at <http://www.treas.gov/ofac> and may not acquire from such entities and individuals (FAR 25.701(b)).

The contracting officer is no longer authorized in unusual circumstances to acquire for use outside the United States supplies or services restricted by this section, unless specifically authorized by OFAC. However, OFAC has granted authority to Department of Defense personnel to make emergency acquisitions in direct support of U.S. or allied forces deployed in military contingency, humanitarian, or peacekeeping operations in a country or region subject to economic sanctions administered by OFAC (see DFARS 225.701-70).

This deviation remains in effect until implemented in the Federal Acquisition Regulation, or is otherwise rescinded. My point of contact is Ms. Amy G. Williams at 703-602-0328 or via e-mail: amy.williams@osd.mil. )



Deidre A. Lee  
Director, Defense Procurement  
and Acquisition Policy

Attachment:  
As stated

cc:  
DSMC, Ft. Belvoir