PGI 225—Foreign Acquisition

(Revised December 21, 2018)

PGI 225.7—PROHIBITED SOURCES

PGI 225.770  Prohibition on acquisition of United States Munitions List items from Communist Chinese military companies.

(1) The Department of State is the lead agency responsible for the regulations governing the export of defense articles, which are identified on the United States Munitions List. The Department of State has issued the International Traffic in Arms Regulations, which implement the Arms Export Control Act (22 U.S.C. 2751) and include the United States Munitions List.


PGI 225.770-1  Definitions.

In accordance with 22 CFR 121.8—

(1) A major component includes any assembled element that forms a portion of an end item without which the end item is inoperable. Examples of major components are airframes, tail sections, transmissions, tank treads, and hulls;

(2) A minor component includes any assembled element of a major component; and

(3) Examples of parts are rivets, wires, and bolts.

PGI 225.770-4  Identifying USML items.

(1) The 21 categories of items on the United States Munitions List (USML) can be found at http://www.pmddtc.state.gov/regulations_laws/documents/official_itar/ITAR_Part_121.pdf. Where applicable, the categories also contain a statement with regard to the coverage of components and parts of items included in a category. For example, a category may include all components and parts of covered items, or only those components and parts specifically designed or modified for military use.

(2) In addition to the list of covered items, the USML provides explanation of terms needed to determine whether a particular item is or is not covered by the USML.

(3) Within DoD, the experts on export control and the USML are in the Defense
Technology Security Administration (DTSA).


(ii) Additional information on DTSA and a correspondence link are available at http://www.dod.mil/policy/sections/policy_offices/dtsa/index.html.

PGI 225.770-5 Waiver of prohibition.

(c) Send the DPAP copy of the report to:

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

225.771 Prohibition on contracting or subcontracting with a firm that is owned or controlled by the government of a country that is a state sponsor of terrorism.

225.771-3 Notification.
Forward any information indicating that a firm, a subsidiary of a firm, or any other firm that owns or controls the firm, may be owned or controlled by the government of a country that is a state sponsor of terrorism, through agency channels, to: Deputy Director, Defense Procurement (Contract Policy and International Contracting, OUSD(AT&L) DPAP/CPIC), 3060 Defense Pentagon, Washington, DC 20301-3060.

PGI 225.772 Prohibition on acquisition of commercial satellite services from certain foreign entities.

PGI 225.772-3 Procedures.

(1) Forward any information required in accordance with 225.772-3 or requests for an exception to:

Director, Defense Pricing and Contracting
ATTN: OUSD(A&S) DPC/CP
3060 Defense Pentagon
Washington, DC 20301-3060.

(2) Consult with OUSD(A&S) DPC/CP, as required in accordance with 225.772-3(c)(2), by telephone at 703-697-0895 or 703-695-8569.
PGI 246.3—CONTRACT CLAUSES

PGI 246.370  Notification of potential safety issues.

(1) The objective of this requirement is to ensure that the Government receives timely notification of potential safety defects so that—

   (i) Systems and equipment likely affected by the situation can be identified; and
   
   (ii) An appropriate engineering investigation and follow-on actions can be taken to establish and mitigate risk.

(2) The notification is intended to be neither an admission of nor a release from liability.

(3) Upon notification of a potential safety nonconformance or deficiency—

   (i) The procuring contracting officer must—

      (A) Advise the affected program office(s) or integrated materiel manager(s); and
      
      (B) Request a point of contact from the affected program office(s) or materiel management organization to assess the impact of the situation, address technical concerns, and provide recommendations;

   (ii) The administrative contracting officer must—

      (A) Confirm that potentially affected program offices, integrated materiel managers, and other contract management offices that may be recipients of the suspect items are aware of the situation; and
      
      (B) Identify a point of contact to provide support and technical assistance to the investigative team; and

   (iii) For replenishment parts, the integrated materiel manager must—

      (A) Identify any potentially affected programs or equipment; and
      
      (B) Request engineering assistance from affected engineering support activities, as prescribed by—

      (1) DLAI 3200.1/PAM 715.13/NAVSUPINST 4120.30A/AFI 21-408/MCO 4000.18, Engineering Support Instruction for Items Supplied by Defense Logistics Agency;
PGI 246—Quality Assurance

(2) SECNAVINST 4140.2/AFI 20-106/DA PAM 95-9/DLAI 3200.4/DCMA INST CSI (AV), Management of Aviation Critical Safety Items;

(3) DA PAM 738-751, Functional Users Manual for the Army Maintenance Management System—Aviation (TAMMS-A);

(4) AMCOM REG 702-7, Flight Safety Parts/New Source Testing Program Management; or

(5) Internal agency procedures.