



OFFICE OF THE UNDER SECRETARY OF DEFENSE

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ACQUISITION,
TECHNOLOGY
AND LOGISTICS

JUN 20 2017

MEMORANDUM FOR COMMANDER, UNITED STATES SPECIAL OPERATIONS
COMMAND, (ATTN: ACQUISITION EXECUTIVE)
COMMANDER, UNITED STATES TRANSPORTATION
COMMAND, (ATTN: ACQUISITION EXECUTIVE)
ASSISTANT SECRETARY OF THE ARMY
(ACQUISITION, LOGISTICS AND TECHNOLOGY)
ASSISTANT SECRETARY OF THE NAVY
(RESEARCH, DEVELOPMENT AND ACQUISITION)
ASSISTANT SECRETARY OF THE AIR FORCE
(ACQUISITION)
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Improving Compliance with the Berry Amendment and Buy American Act

On April 18, 2017, the President signed Executive Order 13788, Buy American and Hire American, which requires agencies to "scrupulously monitor, enforce, and comply with Buy American Laws." Guidance regarding implementation of this executive order is forthcoming. At the same time, recent fraud convictions related to compliance with Buy American laws highlight the need for the defense acquisition workforce to be vigilant in its oversight and enforcement strategies. Over the past several years, the Department of Defense Inspector General (DoDIG) conducted four audits on DoD's compliance with the Berry Amendment and Buy American Act. The DoDIG identified numerous contracts where the Berry Amendment and Buy American Act clauses should have been, but were not included in contracts, where compliance with the law and regulations were neither applied nor properly justified, or where potential Anti-Deficiency Act violations may have occurred.

In light of the above, and to improve compliance with both the Berry Amendment and the Buy American Act, my staff has worked with Defense Acquisition University to update continuous learning modules CLC 125 - Berry Amendment and CLC 027 - Buy American Act. The revised CLC 125 is available now and CLC 027 will be available in July 2017. Members of your contracting workforce should complete these revised training modules as part of their on-going professional development and towards achievement of their continuous learning requirement.

My point of contact for this memorandum is Mr. Jeff Grover. He can be reached at jeffrey.c.grover.civ@mail.mil, (703) 697-9352 or DSN 227-9352.

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