



ACQUISITION  
AND SUSTAINMENT

OFFICE OF THE ASSISTANT SECRETARY OF WAR  
3000 DEFENSE PENTAGON  
WASHINGTON, DC 20301-3000

In reply refer to  
DARS Tracking Number: 2026-O0033

MEMORANDUM FOR COMMANDER, UNITED STATES CYBER  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES SPECIAL OPERATIONS  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
COMMANDER, UNITED STATES TRANSPORTATION  
COMMAND (ATTN: ACQUISITION EXECUTIVE)  
DEPUTY ASSISTANT SECRETARY OF THE ARMY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE NAVY  
(PROCUREMENT)  
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE  
(CONTRACTING)  
DEFENSE AGENCY AND DOD FIELD ACTIVITY DIRECTORS

SUBJECT: Class Deviation—Acquisition of Dinnerware and Stainless-Steel Flatware

Effective January 1, 2026, contracting officers must incorporate the attached contract clause, 252.225-7965, Acquisition of Dinnerware and Stainless-Steel Flatware, in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products, for the acquisition of dinnerware or stainless-steel flatware, unless an exception at DFARS 225.7002-2 applies. This class deviation implements section 842 of the National Defense Authorization Act for Fiscal Year 2025 (Pub. L. 118-159), which adds dinnerware and stainless-steel flatware to the list of covered items at 10 U.S.C. 4862 (commonly known as the “Berry Amendment”).

This class deviation remains in effect until January 1, 2029, unless otherwise rescinded. Inquiries regarding this class deviation can be addressed to [osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil](mailto:osd.pentagon.ousd-a-s.mbx.dpc-cp@mail.mil).

John M. Tenaglia  
Principal Director,  
Defense Pricing, Contracting, and  
Acquisition Policy

Attachment:  
As stated

Attachment A1  
Class Deviation 2026-00033  
Acquisition of Dinnerware and Stainless Steel Flatware

**252.225-7965 Acquisition of Dinnerware and Stainless-Steel Flatware.**  
(DEVIATION 2026-00033)

Insert the following clause in solicitations and contracts, including solicitations and contracts using FAR part 12 procedures for the acquisition of commercial products, that are for acquisition of dinnerware or stainless-steel flatware, unless an exception at DFARS 225.7002-2 applies.

ACQUISITION OF DINNERWARE AND STAINLESS-STEEL FLATWARE (DEVIATION  
2026-00033) (JAN 2026)

(a) *Definitions.* As used in this clause, “United States” means the 50 States, the District of Columbia, and outlying areas.

(b) *Requirement.* Any dinnerware or stainless-steel flatware delivered under this contract shall be produced in the United States, consistent with the requirements of 10 U.S.C. 4862 (commonly known as the “Berry Amendment”).

(c) *Subcontracts.* The Contractor shall include the substance of this clause, including this paragraph (c), in subcontracts, including subcontracts for commercial items, that are for the acquisition of dinnerware or stainless-steel flatware.

(End of clause)