

CLIENT ALERT

Further Progress On What Used To Be The Berry Amendment

July 5, 2007

For acquisitions of commercially available off-the-shelf (COTS) items, DOD has proposed to amend the DFARS to waive application of the statutory preference for domestic and qualified-country sourced specialty metals, formerly part of the Berry Amendment, but now codified at 10 U.S.C. 2533b (72 Fed. Reg. 35960 (July 2, 2007)) If adopted as a final rule, this waiver would be a major step toward making full compliance with the impractical statutory requirements a real possibility.

For more information, please contact the professional(s) listed below, or your regular Crowell & Moring contact.

Alan W. H. Gourley

Partner – Washington, D.C.

Phone: +1.202.624.2561

Email: agourley@crowell.com

David C. Hammond

Partner – Washington, D.C.

Phone: +1.202.624.2510

Email: dhammond@crowell.com

John E. McCarthy Jr.

Partner – Washington, D.C.

Phone: +1.202.624.2579

Email: jmccarthy@crowell.com