



PROJECT ON  
GOVERNMENT OVERSIGHT

Exposing Corruption. Exploring Solutions.

September 12, 2013

Ms. Lynne M. Halbrooks  
Acting Inspector General  
U.S. Department of Defense  
Office of Inspector General  
4800 Mark Center Drive  
Alexandria, VA 22350-1500

Dear Ms. Halbrooks:

On August 13, 2013, your office issued a memorandum announcing an audit of Department of Defense compliance with the Berry Amendment (Project No. D2013-D000CG-0208.000). The Project On Government Oversight supports such an audit, and would like to see it expanded to also include a review of DoD's compliance with the Buy American Act.

POGO recommends that the audit review FY 2008 through FY 2013 military procurements, including clothing purchases by the Army, Navy, Air Force, and Marine Corps, to determine (1) if there are violations of the Buy American Act or Berry Amendment; (2) whether the monetary thresholds are working in the best interest of the government; (3) whether orders are placed below the thresholds to avoid domestic preference laws; (4) what exemptions or waivers to the domestic preference laws have been granted and if they are properly justified; (5) whether cash allowances are being used to circumvent the procurement process and domestic preference laws; (6) whether those allowances are wasting taxpayer funds or preventing the government from buying in bulk; and (7) if reforms are needed to ensure that soldiers are not being provided foreign-made items illegally or that American jobs are not lost to overseas manufacturers.

Exactly one year earlier, in an August 13, 2012, letter to Representative Colleen Hanabusa (D-HI), the Air Force admitted that its acquisition of the sage green pair of boots provided to military personnel was in violation of the Buy American Act because the boots were to be used in the United States and not abroad. Although many purchases might not exceed the \$150,000 Berry Amendment threshold, the Buy American Act threshold is only \$3,000, and therefore it runs the greater risk of noncompliance.

Please consider expanding the scope of the present Berry Amendment audit to ensure that contracting laws are being followed.

Sincerely,

Scott H. Amey  
General Counsel