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OGC HAS REVIEWED.

25 April 1951

MEMORANDUM FOR THE FILES

SUBJECT: "Buy-American" Act

STATINTL

1. [redacted] of Procurement, inquired via telephone on 24 April 1951, concerning delegation of authority in connection with the "Buy-American" Act, 41 USCA 10. This law restricts the purchase of materials manufactured outside the United States.

STATINTL

2. I advised [redacted] that determinations involving the exercise of personal judgement and discretion could not be delegated, and must be made by the Director of Central Intelligence. This applies to determinations involving the first sentence of 41 USCA 10a.

STATINTL

3. I further advised [redacted] that determinations involving matters of fact could be delegated, and that such determinations could be made by the Chief of Procurement. This applies to determinations involving the second sentence of 41 USCA 10a.

4. In this particular case, it has become necessary for the Agency to procure a lens for a Japanese camera, and only Japanese lenses are adequate. Since this apparently is a determination of fact, I indicated it could be made by the Chief of Procurement.

5. The conclusions mentioned herein are based on the following decisions:

14 Comp. Gen. 381

14 Comp. Gen. 601

15 Comp. Gen. 763

[redacted]

STATINTL