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## **225.770-5 Waiver of prohibition.**

(a) The prohibition in [225.770-2](#) may be waived, on a case-by-case basis, if an official identified in paragraph (b) of this subsection determines that a waiver is necessary for national security purposes.

(b) The following officials are authorized, without power of delegation, to make the determination specified in paragraph (a) of this subsection:

- (1) The Under Secretary of Defense (Acquisition and Sustainment).
- (2) The Secretaries of the military departments.
- (3) The Component Acquisition Executive of the Defense Logistics Agency.

(c)(1) The official granting a waiver shall submit a report to the congressional defense committees, with a copy to the Principal Director, Defense Pricing, Contracting, and Acquisition Policy (see PGI [225.770-5](#) ), not less than 15 days before issuing the waiver.

(2) In the report, the official shall—

- (i) Identify the specific reasons for the waiver; and
- (ii) Include recommendations as to what actions may be taken to develop alternative sourcing capabilities in the future.

**Parent topic:** [225.770 Prohibition on acquisition of certain items from Communist Chinese military companies.](#)