

CRS Report for Congress

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Military Uniform Procurement: Questions and Answers

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Summary

Military uniforms are procured through the Defense Logistics Agency (DLA), an agency of the Department of Defense (DOD) which provides worldwide logistics support for the United States (U.S.) military services. DLA operates three supply centers to meet the clothing needs of military and civilian customers.¹ In FY2003, DLA managed an inventory of more than 4.6 million items and provided about \$24 billion in military and other supplies. Of the 4.6 million items in DLA's inventory, over one million items are managed through the Defense Supply Center Philadelphia (DSCP), with headquarters in Philadelphia, PA.² DSCP is responsible for nearly all of the food, clothing, and medical supplies used by the military, and about 90% of the construction materiel used by troops in the field, as well as repair parts for aircraft, combat vehicles, and other weapons system platforms.

DSCP's Clothing and Textile Directorate (C&T) supplies more than 8,000 different items ranging from uniforms and body armor to tents and canteens. Many C&T products, such as battle-dress uniforms (BDUs), are unique to the military and the Directorate teams with military service customers and private vendors to design and test them. C&T also identifies, tests, and approves commercial items for military use, such as sweatshirts,

¹ DLA's three supply centers are the Defense Supply Center Richmond, the lead center for aviation weapon systems and the primary source for approximately 930,000 repair parts and operating items; Defense Supply Center Columbus, which supplies weapon system and electronic spare parts; and the Defense Supply Center Philadelphia [<http://www.dla.mil>].

² DSCP operates a 24 hour a day, 7 day a week, Command and Control Center. DSCP employs approximately 2,500 employees worldwide. In addition to the Philadelphia location, DSCP-Europe maintains 13 offices in 6 countries, including Europe, Africa, and the Middle East, and DSCP-Pacific Region has 12 offices, including Alaska, Japan, Okinawa, Korea, Guam and Hawaii. DSCP also supports U.S. humanitarian and disaster relief efforts. During FY2002, DSCP filled approximately 1.8 million requisitions for supplies and equipment for Operation Iraqi Freedom (worth \$2.5 billion), and filled about 130,000 requisitions for supplies and equipment for Operation Enduring Freedom in Afghanistan (worth \$417 million.) During FY2003, DSCP had total sales worth more than \$10.4 billion.

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gloves, and blankets, and supplies special purpose clothing, wet weather clothing, chemical suits, and field packs.

Military uniforms are procured through competitive contracts. C&T maintains access to a variety of supplies and uniform-related products. Other more specialized products such as body armor, BDUs, and footwear are usually procured directly from contractors. C&T specialists may also procure textiles and materials directly from the textile industry, and then provide them to contractors. The materials may be used to manufacture additional uniforms and related products, often achieving higher quality and substantial savings over purchased, finished generic products.

Under What Controlling Legal Authority Are Military Uniforms Procured?

Military uniforms are procured in accordance with the provisions of the Berry Amendment and the Buy American Act (BAA).³ The Berry Amendment, which dates from the eve of World War II, was established for a narrowly defined purpose: to ensure that United States (U.S.) troops wore military uniforms wholly produced in the United States and to ensure that U.S. troops were fed food products wholly produced in the United States. There are exceptions to the Berry Amendment that waive the domestic source restrictions; one such exception allows DOD to purchase specialty metals and chemical warfare protective clothing from countries where the United States has entered into reciprocal procurement memoranda of understanding (MOUs).⁴

The Berry Amendment is now in statute as part of the United States Code, Title 10, Section 2533a. DOD has adopted a final rule to implement Sections 826 and 827 of the FY2004 National Defense Authorization Act. The final rule adds new exceptions to the acquisition of food, speciality metals, and hand or measuring tools when needed to support contingency operations or when the use of other than competitive procedures is based on unusual and compelling urgency.⁵

The DOD Federal Acquisition Regulation Supplement (DFARS) 225.7002 has been revised to include a more nuanced and detailed description of items, components, and materials covered under the provisions of the Berry Amendment.⁶

³ The Buy American Act (41 U.S.C. 10a through 10d, as amended) is the principal domestic preference statute governing most procurement by the federal government. It restricts foreign access to U.S. government procurement by giving preference to domestically produced, manufactured, or home-grown products. For further discussion of the Buy American Act, refer to CRS Report 97-765, *The Buy American Act: Requiring Government Procurement to Come from Domestic Sources*, by John Luckey.

⁴ For further discussion of the Berry Amendment, refer to CRS Report RL31236, *The Berry Amendment: Requiring Defense Procurement to Come from Domestic Sources*, by Valerie Bailey Grasso.

⁵ U.S. Department of Defense. DFARS; Berry Amendment Changes. DFARS Case 2003-D099. Published in the Federal Register, Volume 69, No. 180, September 17, 2004.

⁶ According to the DOD policy on Program Acquisition and International Contracting (PAIC),
(continued...)

How Do Vendors Sell Military Uniforms to the Government?

C&T has established a 24-hour, 7 day a week Customer Contact Center as the point for all customer inquiries, at 1-877-DLA-CALL, or 1-877-352-2255, or at the Customer website, [<http://ct.dscp.dla.mil/Index.html>]. Prospective bidders should obtain specifications prior to submitting an offer. According to the Defense Federal Acquisition Regulation Supplement (DFARS) Parts 204, 212, and 252, contractors must be registered in the Central Contractor Registration (CCR) prior to being awarded a contract, basic ordering agreement, or blanket purchase agreement, unless the award results from a solicitation issued on or before June 1, 1998.⁷

Both vendors and customers may also review current solicitations in FedBizOpps, the originating source for all federal government procurement opportunities above \$25,000. Customers may reach the FedBizOpps Help Desk at 1-877-472-3779, or access the website at [<http://www.fedbizopps.gov>]. Also, DLA has established a new automated system to provide contractors with the ability to conduct detailed searches for solicitations and contract awards, at [<http://progate.daps.dla.mil>].

Are There New Initiatives Affecting the Procurement of Military Uniforms?

The increased demand for military uniforms, body armor, and other military equipment brought on by the mobilization of troops has contributed to legislative initiatives and redesigned military uniforms.

H.R. 4200, the DOD FY2005 Authorization Act (P.L. 108-375) amends Section 806 of the DOD FY2003 Defense Authorization Act (10 U.S.C. 2302 note) by broadening the authority of the Secretary of Defense to develop rapid acquisition procedures to deploy needed equipment for combat emergencies, and to waive any provision, law, policy, directive, or regulation that would unnecessarily impede the acquisition process. The bill grants the Secretary of Defense up to \$100 million in acquisition authority, in any fiscal year, to use any available DOD funds. Any future acquisition initiated under this provision would transfer to the normal acquisition planning cycle within two years.

⁶ (...continued)

“Unless a specific exception in law applies, the products, components, or materials listed below must be grown, reprocessed, reused, or produced wholly in the United States if they are purchased with funds made available (not necessarily appropriated) to DOD. These rules apply to both prime contractors and subcontractors. The items listed are food, clothing, tents, tarpaulins, covers, natural fibers or yarns, natural fiber products, natural fabrics, synthetic fabrics, fabric blends, individual equipment (covered in Federal Supply Class 8465) made from or containing fibers, yarns, fabrics, or materials (including all fibers, yarns, fabrics, or materials therein), specialty metals (as defined in DFARS 252.225.7014), stainless steel flatware, hand tools, and measuring tools. Office of the Under Secretary of Defense for Acquisition Technology and Logistics, Defense Procurement and Acquisition Policy, revised January 13, 2005. [<http://www.acq.osd.mil/dpap/paic/berryamendment.htm>].

⁷ See [<http://farsite.hill.af.mil>].

The Army has sought to improve the process through which uniforms are acquired by launching the Rapid Fielding Initiative (RFI), which is designed to expedite the purchase of body armor, helmets, boots, and other clothing, equipment, and weapon systems. RFI was developed in 2002, as a result of the lessons learned in Operation Enduring Freedom in Afghanistan.⁸

The U.S. Air Force has announced plans to “wear test” a new utility uniform which could eventually replace the current BDU. The Air Force will begin testing in January 2005.⁹ The U.S. Army has unveiled a new active combat uniform (ACU) which would eventually replace the BDU the Army has used for 30 years. All active duty and reserve Army personnel will reportedly receive four sets of the new ACU. DSCP plans to procure approximately 4 million ACUs for Army personnel by December 2007.¹⁰

⁸ For further discussion on the RFI, see U.S. Army’s Public Affairs Office News Release, February 7, 2005, at [http://www4.army.mil/ocpa/read.php?story_id_key=6828]; Lisa Troshinsky, Army Gaining Ground in RFI, Aviation Recap. *Aerospace Daily and Defense Report*. Vol. 211, No., 56, September 20, 2004, p. 4. General Richard Cody, U.S. Army Vice Chief of Staff’s briefing before the *Defense Forum Foundation*, September 17, 2004; Sgt. Kim Dooley, Rapid Field Initiative Equips Post Troops for Operation Iraqi Freedom III; Initiative Gives Soldiers Comfort, Survival Items. *The Bayonet*. Tradoc News Service, September 17, 2004.

⁹ Sgt. David A. Jablonski, Test Uniforms hit the Streets, Air Force Print News, Feb. 6, 2004; Master Sgt. Scott Elliott, Utility Uniform Feedback Survey, PT Gear Coming, *Air Force Print News*, June 18, 2004.

¹⁰ Kathleen DesMarteau, Military Uniform Demand Soars, *Apparel*, Aug. 1, 2004, 6 p. See [<http://www.bobbin.com>].