



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). DLA is DOD's largest combat support agency, providing worldwide logistics support for the United States (U.S.) military services, civilian agencies, and foreign countries. With headquarters in Fort Belvoir, VA, DLA operates three supply centers, including DLA Troop Support [formerly Defense Supply Center Philadelphia (DSCP)] in Philadelphia, PA.

DLA Troop Support is responsible for procuring nearly all of the food, clothing, and medical supplies used by the military; about 90% of the construction materiel used by troops in the field; and repair parts for aircraft, combat vehicles, and other weapons system platforms. Within DLA Troop Support, the Clothing and Textile (C&T) Directorate supplies more than 8,000 different items ranging from uniforms to footwear and equipment. According to DLA Troop Support's website, sales of goods exceeded \$14.5 billion during 2009.

Legislative initiatives which may impact the procurement of military uniforms were enacted in P.L. 111-383 (H.R. 6523), the Ike Skelton National Defense Authorization Act for FY2011. Section 821 of P.L. 111-383 requires the Comptroller General to submit reports to the House and Senate Armed Services Committees, not later than March 15, 2011, that assess the supply chain for the procurement of fire-resistant and fire-retardant fibers and materials for the production of military uniforms. This legislation reflects congressional concern that vehicle and aircraft fires remain a significant force protection and safety threat, whether they occur during ongoing combat operations or training for future deployment.

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DLA Troop Support'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, gloves, and blankets, and also supplies special purpose clothing, wet weather clothing, chemical suits, and field packs.¹

How are Military Uniforms Procured?

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 Federal Acquisition Regulation (FAR), DLA's own internal regulations, the Berry Amendment and the Buy American Act (BAA).² The Berry Amendment (Title 10 U.S.C. 2533a), which dates from the eve of World War II, was established for a narrowly defined purpose: to ensure that U.S. troops wore military uniforms wholly produced in the United States and 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).³

The Deputy Secretary of Defense's memorandum of May 1, 2001, provides that the Under Secretary of Defense for Acquisition, Technology, and Logistics and the Secretaries of the military services have the authority to determine that certain items under the Berry Amendment are not available domestically in quantities or qualities that meet military requirements. Such decisions are called "domestic nonavailability determinations" or DNADS. This authority may

¹ <http://www.dscp.dla.mil/clothingandtextiles/>

² 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 Procurements to Come from Domestic Sources*, by John R. Luckey.

³ 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.

not be re-delegated. Use of DNADs requires an analysis of the alternatives and certification of the process.⁴

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. C&T can be reached at 1-877-DLA-CALL (1-877-352-2255), or at the customer website, <http://www.dlis.dla.mil/cust.asp>. Prospective bidders should obtain specifications prior to submitting an offer. According to DFARS Parts 204, 212, and 252, contractors must first register in the Central Contractor Registration (CCR) prior to contract awards, basic ordering agreements, or blanket purchase agreements, unless the award results from a solicitation issued on or before June 1, 1998.⁵

Vendors and customers may review current solicitations in FedBizOpps, the source for all federal government procurement opportunities. The simplified acquisition threshold for pre-award and post-award notices (FAR Part 5) remains at \$25,000. Customers may reach the FedBizOpps Help Desk at 1-877-472-3779, or access the website at <https://www.fbo.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 <https://www.dibbs.bsm.dla.mil/Register/>.

Are There New Initiatives Affecting the Procurement of Military Uniforms?

P.L. 111-383 contains a provision which may affect the procurement of military uniforms. Section 821 requires the Comptroller General to submit a report to the House and Senate Armed Services Committees, not later than March 15, 2011, that presents an analysis of alternatives for the procurement of fire-resistant and fire-retardant fibers and materials for the production of military products. Congress has determined that vehicle and aircraft fires remain a significant force protection and safety threat, whether they occur during ongoing combat operations or while training for future deployment. Given the high probability that these types of injuries will continue to occur, this provision seeks to determine if there are advanced fiber products that may provide greater protection against burn injuries.

The report shall include the following:

- (A) The current and anticipated sources of fire resistant rayon fiber for the production of military uniforms;
- (B) The extent to which fire resistant rayon fiber has unique properties that provide advantages for the production of military uniforms;

⁴ For a discussion of frequently-asked questions about the application of the Berry Amendment, see Defense Procurement and Acquisition Policy's website, at http://www.acq.osd.mil/dpap/cpic/ic/berry_amendment_fa.html

⁵ See <http://farsite.hill.af.mil>.

(C) The extent to which the efficient procurement of fire resistant rayon fiber for the production of military uniforms is impeded by existing statutory or regulatory requirements;

(D) The actions the Department of Defense has taken to identify alternatives to fire resistant rayon fiber for the production of military uniforms;

(E) The extent to which such alternatives provide an adequate substitute for fire resistant rayon fiber for the production of military uniforms;

(F) The impediments to the use of such alternatives, and the actions the Department has taken to overcome such impediments;

(G) The extent to which uncertainty regarding the future availability of fire resistant rayon fiber results in instability or inefficiency for elements of the United States textile industry that use fire resistant rayon fiber, and the extent to which that instability or inefficiency results in less efficient business practices, impedes investment and innovation, and thereby results or may result in higher costs, delayed delivery, or a lower quality of product delivered to the Government; and

(H) The extent to which any modifications to existing law or regulation may be necessary to ensure the efficient acquisition of fire resistant fiber or alternative fire resistant products for the production of military uniforms.⁶

The FY2010 National Defense Authorization Act (P.L. 111-84) contained a provision (Section 853) which required the Comptroller General to perform an assessment of the current military uniforms in use, and provide a report to Congress. The report can be viewed at <http://www.gao.gov/new.items/d10669r.pdf>.⁷

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⁶ Section 821 of P.L. 111-383, the Ike Skelton National Defense Authorization Act for FY2011.

⁷ Government Accountability Office. Warfighter Support: Observations on DOD Ground Combat Uniforms, GAO-10-669R, May 28, 2010.