

AMENDMENT TO H.R. 5136, AS REPORTED
OFFERED BY MR. MICHAUD OF MAINE

At the end of subtitle C of title VIII, add the following new section:

1 **SEC. 826. BERRY AMENDMENT REPORT REQUIREMENTS.**

2 (a) ONE-TIME REPORT REQUIREMENT.—Not later
3 than one year after the date of the enactment of this Act,
4 the Secretary of Defense shall submit to the congressional
5 committees described in subsection (d) a report that ad-
6 dresses the following:

7 (1) The use of exceptions under section 2533a
8 of title 10, United States Code (in this section re-
9 ferred to as the “Berry Amendment”), including
10 how often the exceptions have been used in the last
11 15 years, for what items, and for what quantity of
12 those items.

13 (2) The use of determinations of domestic non-
14 availability under the Berry Amendment, including
15 whether use of such determinations increased or de-
16 creased in the last 15 years and for what items such
17 determinations were issued.

18 (3) In any case in which there are recurring de-
19 terminations of domestic non-availability, an expla-

1 nation of what the long-term strategic plan is to
2 bring the Department of Defense into compliance
3 with the Berry Amendment.

4 (4) The use of the cash allowance authorized in
5 section 418 of title 37, United States Code, includ-
6 ing whether items are now expected to be purchased
7 with a cash allowance that were previously standard-
8 issued within the last 15 years, and, if so, what
9 those items are.

10 (5) Why the decision not to standard-issue ath-
11 letic footwear was made, and whether information
12 about available domestic supply was included in this
13 decision.

14 (b) ANNUAL REPORT REQUIREMENT.—Each year,
15 the Secretary of Defense shall submit to the congressional
16 committees described in subsection (d) a report containing
17 the following information:

18 (1) What Berry Amendment exceptions were
19 used, for what items, and for what quantity of those
20 items.

21 (2) What Berry Amendment determinations of
22 domestic non-availability were used, for what items,
23 and for what quantity of those items.

24 (3) In any case in which there are recurring de-
25 terminations of domestic non-availability, an expla-

1 nation of what the long-term strategic plan is to
2 bring the Department of Defense into compliance
3 with the Berry Amendment.

4 (4) What items were determined by any branch
5 of the Armed Forces to no longer be standard-issued
6 and instead to be purchased with the cash allowance
7 authorized in section 418 of title 37, United States
8 Code.

9 (c) COLLECTION OF DATA.—In carrying out the re-
10 port requirements under this section, the Secretary shall
11 collect data from each military department for compilation
12 and inclusion in the reports.

13 (d) CONGRESSIONAL COMMITTEES.—The congres-
14 sional committees described in this section are the Com-
15 mittees on Armed Services of the Senate and the House
16 of Representatives.

