



DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010

APR 25 2014

The Honorable Angus S. King, Jr.
United States Senate
Washington, DC 20510

Dear Senator King:

I am writing on Secretary Hagel's behalf to follow up on your letter of November 22, 2013, concerning 10 U.S.C. § 2533a, popularly known as the "Berry Amendment," and the Department of Defense's (DoD) policy with respect to athletic shoes. The intensive work the Department undertook in response to your inquiry and those of other members of congress took some time to complete. I apologize for the delay in responding to your letter, but wanted to be able to respond to you in a comprehensive manner and inform you of a policy change I have directed, on the Secretary's behalf, with respect to athletic shoes offered to recruits at basic training.

As you correctly point out, because the military services do not provide athletic shoes to members, but instead generally give their recruits a one-time allowance or voucher to purchase their own athletic shoes from one of the military exchanges, which operate via non-appropriated funds, these purchases fall outside of Berry Amendment restrictions. However, based on the information you provided and responses to a formal market research survey issued to footwear manufacturers, we now understand that, though no footwear manufacturer currently sells Berry Amendment-compliant athletic shoes in the commercial marketplace, several footwear companies do have the capability to manufacture Berry Amendment-compliant athletic shoes in the near future.

With the potential for Berry Amendment-compliant athletic shoes to enter the market, DoD has an interest in having our recruits purchase domestically manufactured athletic shoes to the maximum extent practicable in order to abide by the spirit of the Berry Amendment. After speaking to leaders of each of the military departments, I have come to believe that it remains in the interests of DoD's recruits to maintain our current allowance system, but in a modified form to account for the introduction of Berry Amendment-compliant options. Accordingly, I have directed the following:

- Each service will continue current policy with respect to providing a one-time cash allowance to their recruits for athletic shoes. Each service will also assess each recruit's foot type and corresponding athletic shoe type (e.g., "motion control," "cushioned," and "stability"), and, working with the appropriate military exchange leadership, will develop a matrix of shoe type options to be made available to male and female recruits.

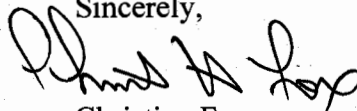
- As Berry Amendment-compliant shoes come on the market, we will assess them for cost and durability to ensure they are comparable to other models available to recruits. If one or more comparable Berry Amendment-compliant shoe models correspond to a shoe type category, only these shoes will be made available for purchase using the one-time cash allowance. If, for a given shoe type category, no Berry Amendment-compliant option exists in the commercial marketplace, other shoe models appropriate to recruits' requirements will continue to be made available.

Additionally, because we have not assessed the proper alignment of foot types and athletic shoes for several years, I have also directed the military departments to conduct a joint study of the health impacts of running for various foot types and the appropriate shoe characteristics to address recruits' needs. I expect this study to be provided to the Deputy Secretary of Defense by December 2014.

This approach is responsive to the goals and intent of the Berry Amendment as well as the health and well-being of our service members. It is also an efficient use of resources in a time of constrained budgets, as the Department's acquisition leaders estimate that mandating central procurement and inventory of athletic shoes would require a significant upfront acquisition cost to implement and sustain.

If helpful, I would be glad to have members of my staff brief members of your staff on this policy change. Thank you for your support as we strive to meet the needs of our people while supporting the needs of our nation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christine Fox', written in a cursive style.

Christine Fox
Acting