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

APR 25 2014

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHIEFS OF THE MILITARY SERVICES

SUBJECT: Policy with Respect to Athletic Shoes Offered to Recruits at Basic Training

10 U.S.C. § 2533a, popularly known as the "Berry Amendment," prohibits the Department of Defense (DoD) from using funds appropriated or otherwise available to it for the procurement of certain items if those items are not grown, reprocessed, reused, or produced in the United States. Articles of clothing, such as athletic shoes, would be covered by this prohibition if DoD procured the shoes directly using appropriated funds. However, because DoD does not provide athletic shoes to members of the military, but instead either gives recruits an allowance or voucher to purchase their own athletic shoes from one of the military exchanges, or requires them to purchase athletic shoes at their own expense, these purchases fall outside of Berry Amendment restrictions.

Though at present no footwear manufacturer sells Berry Amendment-compliant athletic shoes in the commercial marketplace, I have been made aware that 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.

To meet congressional intent and our responsibilities to the health and well-being of our service members, I therefore direct the following:

- Each service should continue current policy with respect to providing a one-time cash allowance to their recruits for athletic shoes. Each service should 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, should develop a matrix of shoe type options to be made available to male and female recruits.

- If one or more Berry Amendment-compliant shoe models corresponding to a shoe type category comes into the commercial marketplace at a cost and durability similar to that of shoes currently offered to recruits, following a wear test, services should ensure that recruits are able to purchase these shoes, and only these shoes, using their 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 should continue to be made available. Recruits should also maintain the option to bring to basic training appropriate footwear of their own selection, consistent with existing regulations.

OSD004508-14

Further, because we have not assessed the proper alignment of foot types and athletic shoes for several years, the Military Departments should conduct a joint study of the health impacts of running for various foot types and the appropriate shoe characteristics to address recruits' needs. This study should be provided to the Deputy Secretary of Defense, through the Joint Staff, by December 2014.

Thank you for your cooperation and assistance in addressing this new requirement as we strive to meet the needs of our people while supporting the needs of our nation.

Acting

cc:
Chairman of the Joint Chiefs of Staff
Vice Chairman of the Joint Chiefs of Staff
Under Secretary of Defense for Acquisition, Technology, and Logistics
Under Secretary of Defense (Comptroller)/Chief Financial Officer
Under Secretary of Defense for Personnel and Readiness
General Counsel of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant to the Secretary of Defense for Public Affairs