



23 March 2007

Defense Acquisition Regulations System  
Attn: Ms. Amy Williams  
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RE: DFARS Case 2006-D031 - Defense Federal Acquisition Regulation Supplement (DFARS); Berry Amendment Foreign Source Restriction Expansion

Dear Ms. Williams:

The American Apparel & Footwear Association (AAFA) is pleased to submit comments regarding the amendment to the Defense Federal Acquisition Regulation Supplement (DEFARS) to implement Section 833 (b) of the National Defense Authorization Act for Fiscal Year 2006.

AAFA is the national trade association representing over 400 companies in apparel, footwear and other sewn products companies, and their suppliers. A substantial number of AAFA's domestic manufacturing members supply specialized sewn products to the military. Due to the ever-decreasing opportunities for these domestic companies to sell to the commercial textile, footwear and apparel market in the United States, these manufacturers rely very heavily on military contract sales to sustain their businesses. Concern regarding past interpretations as to whether the Berry Amendment covered certain inputs to clothing, footwear and individual equipment supplied to the DOD, prompted the clarification to 10 U.S.C. 2533 (a) (the Berry Amendment), 225.7002-1 (a) (2) and 252.225.7012 that is addressed in the interim rule DOD has submitted.

Our members support efforts to clarify that clothing and footwear component inputs are covered by the Berry Amendment by implementing the following amendment to the sections listed previously "clothing and the materials and components thereof, other than sensors, electronics, or other items added to, and not normally associated with, clothing and the materials and components thereof. Clothing includes items such as outerwear, headwear, underwear, nightwear, footwear, hosiery, handwear, belts, badges, and insignia." We believe the items covered should be those clothing and footwear items or upper tier and lower tier input components specifically listed in the military specification for the item requested.

In previous comments submitted in December 2006, AAFA supported implementation of provisions to insert transparency into the waiver process through the amended 48 CFR Part 205 (Section 301). That provision would allow manufacturers the opportunity to respond if they are able to supply an item that has been deemed unavailable by the Secretary of Defense, before the contract gets fully underway. We requested a more immediate notice to industry than the 7 day statutory deadline, preferably before contract award, with the objective to open up the waiver process for contractors. AAFA's December 2006 comments also requested a permanent posting of current waivers on FedBizOps or the Defense Supply Center in Philadelphia (DSCP) Clothing and Textile website, as well as a constantly updated posting of the waiver justification synopsis until such time as the waiver has been rescinded. The reason we asked for this information to be publicly and readily available is that the information is currently not easily obtained and often requires a Freedom of Information Act request. Therefore, we again urge you to quickly and fully adopt the recommendations embodied in our December 2006 comments.

AAFA appreciates the opportunity to submit these comments on this important issue. If you have any questions about AAFA's position on any of the above comments, please feel free to contact me at 703.797.9039.

Sincerely,

Felicia Cheek  
Director of Government Relations  
American Apparel & Footwear Association