



REQUIRE THE FEDERAL GOVERNMENT TO BUY AMERICAN MORE OFTEN

The Berry Amendment Strengthens our Economy and National Security

Support the Berry Amendment

It is vital to America's national security that the U.S. military maintain the ability to source high-quality, innovative textile materials, apparel, and personal equipment from a vibrant U.S. textile industrial base. Key to this goal is defending and strengthening the Berry Amendment ([10 USC 2533a](#)), a law requiring the Department of Defense (DOD) to buy textile and clothing products made with virtually 100 percent U.S. content and labor.

The U.S. textile industry provides high-tech, functional components for the U.S. government, including more than \$1.8 billion worth of vital uniforms and equipment for our armed forces each year. DOD estimates that over 8,000 different textile items are purchased for use by the U.S. military, and this figure rises to more than 30,000-line items when individual sizes are considered. As domestic suppliers, U.S. textile mills provide a secure supply chain for the highest quality goods on a timetable that our armed forces demand.

Berry Amendment - Simplified Acquisition Threshold

The FY 2021 National Defense Authorization Act (NDAA) contained language that reduced the contracting threshold for Berry Amendment purchases from \$250,000 to \$150,000. In addition, the bill tied future Berry threshold increases to increases to the Consumer Price Index (CPI). We are grateful to all members of Congress who supported this important procurement change as we estimate that it will enable the Berry Amendment to capture an additional \$50 million worth of textile and apparel orders annually. Establishing the Berry contracting threshold at the more reasonable and appropriate level of \$150,000 decreases the likelihood that a significant amount of U.S. defense spending will flow to non-market economies like China at the expense of American jobs.

PFAS – Per-and-Polyfluoroalkyl Substances

Per-and-polyfluoroalkyl substances (PFAS) is an umbrella term for a class of organic chemicals that include over 5,000 different substances. PFAS are used in numerous manufacturing applications, including aerospace, automotive, energy, electronics, telecommunications, medical equipment, and textiles. In fabric applications, PFAS impart various performance enhancing characteristics such as strength, durability, heat-resistance, stability, oil and water repellency, and enhanced cleanability.

The FY 2021 NDAA contained a provision of concern to U.S. textile manufacturers in that it prohibits purchases by the DOD for various items containing certain types of PFAS, including carpeting and upholstered furniture (P.L. 116-283, Title III; Sec. 333). This procurement prohibition is scheduled to go into effect on April 1, 2023.

It is critical to note that the U.S. textile industry does not utilize the specific PFAS chemicals that have been linked to significant environmental hazards, namely Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS). PFOA/PFOS is older "long-chain" polymer technology and is no longer a factor in U.S. textile manufacturing. USIFI and NFI do not oppose prohibitions that are

specifically tied to the use of PFOA/PFOS applications. However, we would be concerned with restrictions on articles treated with less environmentally impactful “short-chain” PFAS chemicals. Instead, we urge the adoption of a science-based process to regulate PFAS on the characteristics of individual chemicals, not as a single class. Doing so will ensure that specific PFAS chemicals actually found to present adverse environmental consequences are individually targeted and removed from DOD procurement activity.

ACTION REQUESTS:

To create more jobs and strengthen America’s national security, USIFI and NFI request the following actions with respect to the FY 2022 NDAA:

- **Defend the Berry Amendment from any legislative or regulatory effort to dilute its requirements to purchase fully American-made textile products.**
- **Note there are close to 5,000 PFAS class chemicals that vary substantially and that many of these chemicals have no demonstrated harmful impact to the environment. Use a science-based process to regulate PFAS on an individual chemical basis, rather than as a class.**