U.S. INDUSTRIAL AND NARROW FABRICS INSTITUTE

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 maintains 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% 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 routinely 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 defense materials on a timetable that our armed forces demand. This domestic production chain precludes the need for the U.S. military and warfighter to be dependent on offshore suppliers in this sector, especially those in countries that often oppose U.S. geopolitical and strategic goals, such as China.

Homeland Procurement Reform Act

USINFI is appreciative of the decision last year to include the Homeland Procurement Reform (HOPR) Act as part of the final FY 2023 National Defense Authorization Act (NDAA) (P.L 117-263; Title LXXI; Section 7112). This bipartisan initiative creates a U.S. small business set-aside at the Department of Homeland Security (DHS) when procuring uniforms, footwear, and medical personal protective equipment (PPE).

Recent studies indicate that while American small businesses constitute fifty percent of the U.S. private sector workforce, they only receive approximately twenty-five percent of federal procurement contracts. The HOPR Act will help correct this inequity while bolstering U.S. supply chains for critical security-related materials. In doing so, this new statute will mitigate America's dangerous overdependence on unreliable offshore suppliers, which directly contributed to the massive shortages experienced by the U.S. in relation to PPE during the height of the COVID pandemic.

PFAS – Per-and-Polyfluoroalkyl Substances

Per-and-polyfluoroalkyl substances (PFAS) is an umbrella term for a class of organic chemicals that includes nearly 9,000 different substances. PFAS are used in numerous manufacturing applications, including textiles where they impart important performance-enhancing characteristics such as strength, durability, thermal stability, oil/water/contaminant repellency, and enhanced cleanability.

During consideration of the FY 2023 NDAA, there was debate as to whether to include a comprehensive procurement ban on goods treated with PFAS. The House version of the bill included language known as the "Slotkin" provision that would have instituted a procurement ban potentially covering all textiles

(including technical and narrow fabrics), apparel, and footwear treated with PFAS. We are appreciative that the Slotkin language was stripped from the adopted version of the FY 2023 NDAA (P.L. 117-263).

Other language, however, such as a provision banning the purchase of firefighter gear treated with PFAS, was adopted. Further, language was included in the final bill that instructs DOD to conduct a study, to be completed by June 1, 2023, on which uses of PFAS are critical to U.S. national security.

As Congress begins work on the FY 2024 NDAA, 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 "long-chain" polymers such as Perfluorooctanoic Acid (PFOA) and Perfluorooctane Sulfonate (PFOS). USINFI does not oppose prohibitions that are tied to the use of PFOA/PFOS applications but would oppose restrictions on articles treated with less environmentally impactful "short-chain" PFAS.

Secondly, there are currently no suitable substitutes for the remaining PFAS applications needed to achieve the exacting performance standards required to properly equip and protect the U.S. warfighter, such as the following examples:

- Textiles that maintain **waterproof barriers and moisture-wicking capabilities** after exposure to battlefield contaminants like insecticides, chemicals, diesel fuel, and hydraulic fluid. Applications for these textiles include non-coated tents; non-coated tarps; Extended Climate Warfighter Clothing Systems; 3 Season Sleep Systems; Navy working uniforms; Army desert camos; and the USMC All Purpose Environmental Clothing System.

- Textiles possessing **fire retardant (FR) properties such as thermal stability** that prevents membrane ruptures to provide burn protection and chemical penetration resistance to substances such as vehicle and aviation fuels. These textiles often undergo additional PFAS treatments to develop the waterproof properties needed to prevent exposure to battlefield contaminants. Applications for these textiles include FR Fuel Handlers' Coveralls and the Fire Resistant Environmental Ensemble Extreme Weather Outer Layer (FREE EWOL).

We urge Congress to use a science-based process to regulate PFAS on the characteristics of individual chemicals, not as a single class. Prohibiting use of all PFAS, as opposed to those specific chemicals that are problematic, would unnecessarily impair the U.S. textile industry's ability to supply materials that meet the high-level performance characteristics demanded by the modern U.S. military.

ACTION REQUESTS:

To create more jobs and strengthen America's national security, USINFI requests the following actions with respect to the FY 2024 NDAA:

- **Defend the Berry Amendment from any legislative or regulatory effort to dilute its requirements to purchase fully American-made textile products.**
- **Similar to the HOPR Act, embrace opportunities to expand U.S. procurement preferences for national security materials, whenever possible.**
- **Note there are close to 9,000 PFAS-class chemicals that vary substantially and the vast majority 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.**
- **Press the DOD to acknowledge the critical nature of PFAS usage in relation to industrial, technical, and narrow textiles.**