



## **U.S. TAX DOLLARS SHOULD BE USED TO BUY AMERICAN AS OFTEN AS POSSIBLE**

### ***Buy-American Requirements Strengthen 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 military equipment and apparel from a vibrant domestic 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 military textiles made with 100% U.S. content and labor.

The U.S. textile industry provides high-tech, functional components for the U.S. government, including annually more than \$1.8 billion worth of vital uniforms and equipment for our armed forces. DOD estimates that over 8,000 different textile items are routinely purchased by the U.S. military, and this figure rises to more than 30,000-line items when individual sizes are considered. 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 industry precludes the need for U.S. warfighters to be dependent on offshore suppliers in this sector, especially those that often oppose U.S. geopolitical goals like China.

#### **Domestic Nonavailability Determinations**

The FY 2025 National Defense Authorization Act (NDAA) (P.L. 118-159; Section 848) contains language regarding Domestic Nonavailability Determinations (DNADs) under the Berry Amendment. A DNAD allows DOD to waive the requirement to use specific U.S. textile components, such as a specific fiber, yarn, or fabric, if it determines that the input in question is unavailable domestically. The final version of the FY 25 NDAA requires the Under Secretary of Defense for Acquisition and Sustainment to disclose publicly all DNADs and establishes a process for their periodic reevaluation. The statute instructs DOD to compile and share a comprehensive DNAD list with Congress and the public 210 days after enactment, the projected deadline for which is late July. Traditionally, lack of transparency has plagued the DNAD system, making it difficult to know when DOD deems an input as unavailable. As such, we are grateful for this long overdue improvement to the implementation of the Berry Amendment.

#### **Service Branch War Reserve Inventories**

Each military department within DOD is responsible for maintaining "war reserves" of critical pre-positioned stocks. War reserve stocks are "go-to-war" items – including organizational clothing and individual equipment (OCIE) and personal protective equipment (PPE) such as flame-resistant uniforms, helmets, body armor, and footwear. These stockpiles are integral to rapid deployments and mission readiness when contingency operations occur. In 2023, the Defense Logistics Agency – Troop Support (DLA-TS) commissioned a wargame exercise to identify critical gaps within the domestic clothing and textile industrial base. The resulting report raised concerns that the services may not have sufficient items in their War Reserve Stocks. It also included several third-party recommendations to improve strategic stockpiling of materials on the basis that commonality and standardization of go-to-war OCIE and PPE will result in greatly enhanced readiness. Congress must press DOD for greater transparency on the pre-positioning of textile related stockpiles and work to ensure that gaps in this area are closed.

## **PFAS – Per-and-Polyfluoroalkyl Substances**

Per-and-polyfluoroalkyl substances (PFAS) is an umbrella term for a class of organic chemicals that includes over 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.

In recent years, there has been debate as to whether the NDAA should include a comprehensive Defense procurement ban on goods treated with PFAS. USINFI does not oppose prohibitions that are based on sound scientific evidence demonstrating that a substance may be harmful to human health or the environment. We do, however, oppose broad brush bans that extrapolate concerns with a small subset of PFAS to the entire family of these chemicals. Further, as pursuant to Section 347 of the FY 2023 NDAA, DOD was instructed to conduct a study of the uses of PFAS that are critical to U.S. national security. That report, which can be found [here](#), deemed textile fabrics as a military critical use sector.

Regarding the FY 2026 NDAA, we urge Congress to use a science-based process to regulate problematic PFAS since prohibiting use of all PFAS would impair the U.S. textile industry's ability to supply materials that meet the high-performance specifications demanded by the modern U.S. military.

## **Make PPE in America Act**

Enacted in 2022, the Make PPE in America Act was intended to create a stable domestic manufacturing chain capable of providing lifesaving medical PPE during a public health care emergency. This statute was an outgrowth of the COVID-19 crisis, which resulted in massive shortages of PPE due to America's almost total dependence on China to supply these essential products. The legislation requires key federal agencies, such as the Department of Health and Human Services (HHS), Department of Homeland Security (DHS), and the Department of Veterans Affairs to buy U.S. made PPE, under rules modeled on the Berry Amendment.

Unfortunately, these agencies have been extremely slow in transitioning federal contracts for PPE from foreign sources to fully American made products. Congress, in its oversight capacity, should press these federal agencies on the reasons for the slow transition and the need to move to full compliance with the Make PPE in America Act mandates. Doing so will help to expand and maintain a fully sustainable domestic PPE supply chain that can meet the needs of the U.S. public during any future health crisis.

## **ACTION REQUESTS:**

**To create more jobs and strengthen America's national security, USINFI requests your support for the following government procurement positions:**

- **Defend the Berry Amendment from any legislative or regulatory effort to dilute its requirements to purchase fully American-made textile products.**
- **Monitor progress of DOD's requirement to create and publish a comprehensive DNAD listing in accordance with the timeline outlined in the 2025 NDAA.**
- **Press DOD for greater transparency on the pre-positioning of textile related stockpiles and work to ensure that gaps in this area are closed.**
- **Use a science-based process to regulate PFAS as individual chemicals, rather than as a class.**
- **Press federal agencies to fully comply with the requirements of the Make PPE in America Act.**