



June 8, 2016

United States Senate  
Washington, DC 20515

Dear Senator:

The undersigned 15 trade associations and the labor union Service Employees International Union (SEIU) ask for your **vote in support of Senate Amendment #4550** offered by Senator Lindsey Graham of South Carolina to S. 2943, the FY 2017 National Defense Authorization Act.

Senate Amendment #4550 is a technical amendment to Section 861 of S. 2943 that strengthens our national security and helps the U.S. textile, apparel, and footwear industries and its 592,000 workers as well as the food, hand tool, and measuring tool sectors and their workers by stopping a weakening of the Berry Amendment.<sup>1</sup>

The Berry Amendment, a domestic preference law, expressly applies to procurement “contracts” and “subcontracts” of commercial items. Section 861 of S. 2943 would modify the definition of “subcontract” to create a new third form of procurement that we would describe as *non-subcontracts*.

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<sup>1</sup> The Berry Amendment (10 USC 2533a) is a domestic sourcing preference law. It states that if DoD funds are used, only U.S.-made items can be purchased with respect to certain product categories -- textiles, clothing, hand and measuring tools, and food.

Because the Berry Amendment's statutory coverage with respect to commercial items is enumerated to "contracts" and "subcontracts", the signatories to this letter are deeply concerned that it is unclear whether the statute would continue to cover procurement in the newly defined *non-subcontract*.

It is our understanding that Section 861 was not written with the intention of affecting application of the Berry Amendment. Nevertheless, if a Berry loophole is created unintentionally by Section 861, it then would reduce the number of textile, clothing, footwear, food, hand tool, and measuring tool contracts covered by the Berry Amendment — and therefore allow more contracts to be offshored. This possible outcome is unacceptable to the members of our organizations.

Senate Amendment #4550 would eliminate any ambiguity with respect to Section 861's impact by simply clarifying that the Berry Amendment would continue to apply to procurement of commercial items.

Help U.S. jobs and our country's national security by voting for **Senate Amendment #4550** so that the FY 2017 NDAA does not erode the important value that the Berry Amendment brings to the U.S. textile, apparel, footwear, food, hand tool, and measuring tool industries and our warfighters.

Thank you for your consideration of our views.

Sincerely,

American Apparel & Footwear Association (AAFA)  
American Composites Manufacturers Association (ACMA)  
American Fiber Manufacturers Association (AFMA)  
American Sheep Industry Association (ASI)  
Narrow Fabrics Institute (NFI)  
National Cotton Council of America (NCC)  
National Council of Textile Organizations (NCTO)  
Parachute Industry Association (PIA)  
Rubber and Plastic Footwear Manufacturers Association (RPFMA)  
SEAMS – The National Association for the Sewn Products Industry  
Service Employees International Union (SEIU)  
South Carolina Manufacturers Alliance (SCMA)  
Steel Manufacturers Association (SMA)  
Tooling, Manufacturing, & Technologies Association (TMTA)  
United States Industrial Fabrics Institute (USIFI)  
Warrior Protection & Readiness Coalition (WPRC)