

CHAMBER OF COMMERCE  
OF THE  
UNITED STATES OF AMERICA

NEIL L. BRADLEY  
EXECUTIVE VICE PRESIDENT &  
CHIEF POLICY OFFICER

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August 30, 2019

The Honorable Jim Inhofe  
Chairman  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

The Honorable Adam Smith  
Chairman  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

The Honorable Jack Reed  
Ranking Member  
Committee on Armed Services  
United States Senate  
Washington, DC 20510

The Honorable Mac Thornberry  
Ranking Member  
Committee on Armed Services  
U.S. House of Representatives  
Washington, DC 20515

Dear Chairman Inhofe, Ranking Member Reed, Chairman Smith, and Ranking Member Thornberry:

As the Senate and House of Representatives begin conference deliberations on S. 1790 and H.R. 2500, the “National Defense Authorization Act for Fiscal Year 2020,” the U.S. Chamber of Commerce urges you to reject partisan provisions that would reduce the ability of the Department of Defense to support U.S. national security interests while remaining competitive at home and abroad.

### **Security Clearance Reforms**

The Chamber urges conferees to include necessary reforms to the security clearance process in the final conference report to accompany the National Defense Authorization Act (NDAA). The Chamber remains committed to modernization of the security clearance process to ensure the continued highest quality of the defense industrial base workforce. In particular, we support inclusion of Senate Title CVI, which would facilitate and accelerate ongoing efforts to improve the integrity of the clearance process and enhance the national security objectives of agencies and contractors alike.

### **Protecting Intellectual Property**

The Chamber fully supports House section 812, which would repeal section 866 of the Fiscal Year 2019 NDAA. Section 866 enabled DoD to disclose proprietary technical data to outside competitors. This violates contractually agreed upon intellectual property licenses, placing the contractor at risk prior to litigation resolving the dispute. The expanded authority contained in section 866 amounts to taking privately held trade secrets without due process.

## **Defense Contractor Blacklisting**

The Chamber opposes inclusion of House Section 899E which would revive the “blacklisting” regulations issued under the Obama administration and invalidated by Congress under the Congressional Review Act and affect the ability of the Department of Defense to work with certain contractors. Similarly, the Chamber also opposes inclusion of House Section 899F to require a report from the Comptroller General on contractor violations under certain labor laws. Both of these provisions are unnecessary since Department of Defense contracting officers already have full access to contractor, and potential contractor, compliance histories and take this information into account when making contracting decisions. Contractors who violate employment laws should be held accountable, and that record is part of the assessment made by contracting officers as to whether they can be responsible contractors for the federal government.

## **Class-Action Litigation**

The Chamber urges conferees to exclude any anti-arbitration and pro-class action language from the final conference report that would ultimately lead to costly, time-consuming, and adversarial litigation for service members. We are committed to protecting access to fair, effective, and efficient means of resolving legal disputes, including through the use of pre-dispute arbitration agreements. We also oppose the expansion of class action litigation that would do little to help class members while serving to enrich the class action plaintiffs' bar.

## **Regulating PFAS Chemicals**

The Chamber urges you to oppose provisions that would circumvent existing, well-established regulatory processes by regulating PFAS as a single class, predetermine outcomes using inadequate scientific data, and potentially inhibit effective cleanup of those PFAS that are of the greatest concern. We also urge you to support provisions that provide regulatory agencies with the proper oversight and funding needed to evaluate and address specific priority PFAS, and an extended timeline for the phase-out of aqueous film-forming foam (“AFFF”).

## **Promoting Carbon Capture Utilization and Sequestration Technologies**

The Chamber strongly urges conferees to include Section 6001 of S. 1790 in the final conference report for the FY20 NDAA. This section mirrors S. 383, the Utilizing Significant Emissions with Innovative Technologies (USE IT) Act, which has enjoyed broad bipartisan support and is key to accelerating the deployment of carbon capture utilization and sequestration (CCUS) technologies, which are necessary to address climate change. Section 6001 would also ensure the development of a regulatory framework that would facilitate private sector investment in these technologies, and provide a unique and potentially historic opportunity for Congress to pass bipartisan legislation that would unleash the buildout of innovative, scalable climate solutions that preserve the affordability and diversity of our energy system.

The Chamber commends the extraordinary dedication of both Senate and House Armed Services Committees to ensure the U.S. military remains second to none, and appreciates your consideration of the aforementioned concerns in your ongoing conference deliberations.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil Bradley". The signature is fluid and cursive, with the first name "Neil" and the last name "Bradley" clearly distinguishable.

Neil Bradley

cc: Members of the House and Senate Committees on Armed Services