



November 15, 2022

To the Members of the United States Congress:

As you reconvene this week, we urge you to make this a productive “lame duck” session. Much of the work to be done falls into two buckets: items with deadlines that will be reached prior to January 3 and legislative items that have made significant, often bipartisan, progress already and where the new Congress would have to start over again if you fail to complete action prior to January 3. The Chamber stands ready to work with you to achieve legislative victories for American businesses, workers, and their families and communities.

**Items with Pending Deadlines:**

Prevent a Rail Strike: Despite recommendations from the independent Presidential Emergency Board and the direct intervention of President Biden, three of the 12 rail workers’ unions have rejected a new labor agreement while two other unions have yet to finalize voting on ratification, which creates the possibility of a national rail strike in early December. A rail strike would be catastrophic for our economy, costing \$2 billion dollars per day and imposing enormous challenges to businesses, local communities, and commuters. Congress has acted 18 times on prior occasions to prevent a rail strike and we urge the House and Senate to be prepared to act again should a minority of the 12 unions continue to hold out approval on a new contract.

Extend 737 Max Certification Deadline: In 2021, Congress created a December 27, 2022 deadline for certification of the 737 MAX aircraft. More work remains and we urge you to reject this artificial deadline and enable FAA to continue to work with its regulated entities to achieve critical safety-based outcomes by extending the certification deadline until September 2024 at the earliest.

Prevent Stealth Tax Increases: The ability of employers to fully deduct R&D expenses and to utilize the EBITDA standard to compute the limitation on interest deductibility expired this year. Failure to extend these provisions would increase the cost of doing business for American companies at a time when they are suffering persistent, record-high inflation. It would also reduce capital investment, slow job creation, and suppress wage growth.

Complete the National Defense Authorization Act (NDAA): The NDAA is a critical annual bill authorizing defense expenditures and updating key national security policies. This year, the NDAA includes among other things, provisions to enhance

the ability of public-private partnerships to strengthen America's national security industrial and innovation base.

Finalize Full-Year Appropriations: The constant reliance on short-term continuing resolutions to fund government programs creates uncertainty and prevents federal agencies from updating programs to reflect new realities or implementing new initiatives which Congress has approved. For example, failing to act on appropriations threatens the ability to implement key proposals enacted as part of the Infrastructure and Investment and Jobs Act and the CHIPS and Science Act.

### **Complete Bipartisan Legislative Priorities:**

Finalize Permitting Reform: There is strong bipartisan support in both the House and Senate to enact the permitting reform necessary to strengthen our transportation, water, energy, and broadband infrastructure. The differences between the competing proposals in the Senate are relatively minor and we believe can be successfully bridged in the coming weeks. Failure to enact permitting reform now will not only delay critical investments in infrastructure, but it will also force Congress to start the process for updating our permitting laws all over again in the new year.

Enact Additional Retirement Security Reforms: Congress is on the cusp of passing another bipartisan update to America's retirement security laws, SECURE 2.0, that would encourage more employers to offer opportunities for employees to save for retirement, make it easier and less costly for small businesses to help their employees save, and help ensure retirement savings last a lifetime.

Combat Organized Retail Theft: The bipartisan INFORM Act would make it more difficult for criminals to anonymously sell stolen goods via online platforms, cutting off a key source of revenue that is driving rising retail theft.

Prevent a Reduction in the Availability of Telehealth Services: The Telehealth Expansion Act would ensure continued access to telehealth services by providing a permanent exemption to certain rules regarding Health Savings Account Plans.

Protect Pregnant Workers and Employers: The bipartisan Pregnant Workers Fairness Act would grant employers necessary flexibility and would empower pregnant workers to remain working for as long and as safely as possible.

Expand Educational Opportunities and Close the Skills Gap: The bipartisan Jumpstart Our Businesses By Supporting Students (JOBS) Act would expand Pell grants to more students by allowing the funds to be used for short-term education and training programs. The bipartisan College Transparency Act would enable

students to make more informed choices about their education and career pathways. Both bills would help individuals acquire the skills necessary for in-demand jobs.

Congress will face many more challenges and deadlines in the upcoming year. Acting now on issues such as the potential termination of the Deferred Action for Childhood Arrivals (DACA) programs and the need to increase the statutory debt limit would provide much-needed certainty.

The Chamber stands ready to work with you on these important issues. Please do not lose the opportunity to produce results before this Congress concludes.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Neil L. Bradley  
Executive Vice President, Chief Policy Officer,  
and Head of Strategic Advocacy  
U.S. Chamber of Commerce