

**CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA**

NEIL L. BRADLEY
EXECUTIVE VICE PRESIDENT &
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TO THE MEMBERS OF THE UNITED STATES SENATE:

The U.S. Chamber of Commerce supports S. 4049, the “National Defense Authorization Act for Fiscal Year 2021,” which would authorize \$740.5 billion in spending for national defense commitments at home and abroad, strengthen and advance the National Defense Strategy, and provide spending within levels set by the 2019 Bipartisan Budget Agreement.

The Chamber supports several specific, important provisions of the bill, including:

- **Truth in Negotiating Act:** Section 842 would establish a standard \$2.0 million threshold for application of the requirements of the Truth in Negotiations Act. This provision would streamline the acquisition process, promote efficiencies, and improve acquisition timelines while eliminating administrative burdens.
- **Commercial Sector “Best Practices:”** Section 845 would improve the definition for business systems and further align the Department of Defense’s contracting actions within commercial sector “best practices.” This provision was recommended by the Section 809 Panel’s “Report of the Advisory Panel on Streamlining and Codifying Acquisition Regulations,” and would ensure consistency between the National Defense Authorization Act, the Defense Federal Acquisition Regulation Supplement, and Generally Accepted Auditing Standards.
- **Arctic:** Section 1045 would direct the Department of Defense to examine new training and equipping requirements in the Arctic. Moreover, the Chamber supports the U.S. Coast Guard’s icebreaker modernization program to protect and assert U.S. national and economic security interests.

In addition, the Chamber believes S. 4049 would be improved if it was amended in several key areas:

- **Delay of Section 889 Part B:** The Chamber strongly supports an amendment expected to be offered by Sen. Johnson that would extend the compliance deadline of section 889(a)(1)(B) to August 13, 2021 from August 13, 2020 regarding supply chain sourcing requirements. If part B date is not changed, many businesses with international and domestic operations would be forced to halt their work providing key products and services to agencies, including equipment that is needed to fight the

coronavirus pandemic. We look forward to working with Congress and the Administration to resolve issues related to part B going forward.

- **Anti-Money Laundering:** The Chamber supports including provisions based on S. 2563, ILLICIT Cash Act, into the bill. Such legislation would enable financial institutions to assist law enforcement with preventing criminal activity while minimizing compliance burdens. The Chamber values efforts by the sponsors of S. 2563 to address possible negative impacts that beneficial ownership disclosure could have on certain businesses. We look forward to continuing work in this area as the legislative process continues to most effectively reduce burdens.
- **Nuclear Energy Leadership:** The Chamber also supports including provisions based on S. 903, the Nuclear Energy Leadership Act, which would facilitate revitalization of U.S. nuclear leadership through support for technology demonstrations, R&D infrastructure, fuel security, and workforce development. These activities are essential to restoring a robust civil nuclear industry, and would benefit national security by advancing nonproliferation leadership, broader U.S. geopolitical objectives, and accelerating economic investment in clean energy.

The Chamber urges you to oppose efforts to weaken this important legislation, including amendments related to:

- **Arbitration and Class Action Litigation:** The Senate should reject any amendment, including SA 1776, that would limit the availability and usage of pre-dispute arbitration clauses or would prohibit or otherwise limit class action waivers. The Chamber believes that such limitations would ultimately lead to costly, time-consuming, and adversarial litigation for service members and veterans while only serving to enrich the class action plaintiffs' bar.
- **PFAS:** This bill should avoid attempts to circumvent existing, well-established regulatory processes and predetermine outcomes related to cleanup of PFAS contaminated site. The Chamber will continue to support the ongoing EPA process to evaluate sites, establish appropriate regulatory standards supported by sound science, and facilitate expeditious cleanups.

The Chamber is concerned that a provision of the bill related to printed circuit boards would limit the ability of the military services to acquire emerging commercial technologies that do not have similar restrictions in the commercial marketplace. Adding unique military supply chain requirements for acquisition of commercial products and commercially available off-the-shelf products would disincentivize commercial companies from offering their products and services to meet warfighter requirements. We look forward to working with Congress to address this issue as the legislative process continues.

The Chamber supports S. 4049, the “National Defense Authorization Act for Fiscal Year 2021.” We believe that passage of this legislation is a critical step to ensuring our national defense commitments.

Sincerely,

A handwritten signature in blue ink, appearing to read "Neil L. Bradley", with a stylized flourish at the end.

Neil L. Bradley