

July 8, 2021

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

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

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

The undersigned organizations thank you for your leadership and work to advance the fiscal year (FY) 2022 National Defense Authorization Act (NDAA). This legislation is critically important, and we applaud your dedication to enacting bipartisan legislation that provides for the United States' defense.

As your committees continue their work, we want to raise our opposition to the introduction of new legislation that would undermine the national security protections established in section 224 of the FY2020 NDAA and section 841 of the FY2021 NDAA that pertain to the Department of Defense's (DoD) acquisition of products containing printed circuit boards (PCBs). Accordingly, we urge your committees to reject any such new and potentially harmful legislation and instead focus on the implementation of the requirements in these provisions.

PCBs are essential components of most electronic devices, functioning as both the physical foundation and electronic connector for components in everything from simple computers to complex machines. Due to the essential nature of these products, it is universally recognized that an unmanaged PCB supply chain may present unacceptable security risks. At the same time, the Department of Defense depends on technology more than ever, and we urge the Committees to consider the potential impact that additional restrictions would have on the Department's ability to reliably and speedily acquire and use the most innovative items.

Your committees included section 224 in the FY2020 NDAA and section 841 in the FY2021 NDAA to address any potential national security concerns surrounding PCBs and better align their supply chain and operational security standards with other microelectronics. The language in section 841 prohibits DoD from acquiring mission-critical PCBs from China, Russia, North Korea, and Iran and requires DoD to complete a rulemaking to implement these new requirements in a balanced manner that this issue demands. That rulemaking is due to be completed in 2022.

We supported the inclusion of these sections, especially section 841, because they reflected a broad array of stakeholder input while balancing national security and cost competitive interests. While DoD is implementing these provisions, there remain several activities and studies to complete, including an analysis by a Federally Funded Research and Development Center (FFRDC). Congress should focus DoD on implementing these changes, including completing the FFRDC analysis, before enacting new legislation.

The enacted provisions to invest in and build U.S. manufacturing capabilities are a more effective and realistic way to develop domestic sources of supply for defense materials. Imposing new and costly verification regimes and certifications on defense suppliers to a program barely six months old will only delay the important national security protections of section 841 and undermine the preparedness of DoD and its essential partners in the manufacturing sector.

Furthermore, efforts to subject most or all electronic products—especially commercial and commercial-off-the-shelf (COTS) items (where supply chain risk is assessed to be low)—to compliance regimes that are dramatically out-of-step with recognized industry-wide practices can lead to delays in mission objectives, increased costs to DoD, and potentially compel suppliers to exit the DoD market altogether. Given their essential applications, your committees must oppose policies that unnecessarily undermine the Department's ability to procure and rapidly field the latest, most innovative technologies that provide for America's national security.

Thank you for your consideration of our concerns. We look forward to continuing to work with you on these issues and help you craft legislation that will protect the American people without causing undue burden on DoD's partners in the private sector.

Sincerely,

Aerospace Industries Association  
Center for Procurement Advocacy (CPA)  
Computer and Communications Industry Association (CCIA)  
Computing Technology Industry Association  
Information Technology Industry Council (ITI)  
Internet Association (IA)  
Professional Services Council (PSC)  
Semiconductor Industry Association (SIA)  
Software & Information Industry Association (SIIA)  
TechNet  
U.S. Chamber of Commerce

cc: Members of the Senate Committee on Armed Services  
Members of the House Committee on Armed Services