

June 3, 2026

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

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

Dear Chairman Rogers and Ranking Member Smith,

The undersigned associations, representing manufacturers and innovators across the defense industrial base (DIB) and broader American economy, write to respectfully express our strong opposition to the proposed amendment to the Fiscal Year (FY) 2027 National Defense Authorization Act (NDAA) that would strip intellectual property (IP) protections from government contractors and grant the Department of War government purpose rights (GPR) by default over any technical data, computer software, or computer software documentation delivered to the Department under a contract.

Manufacturers recognize and share the Department's underlying goal of improving military readiness. However, this provision would in fact undermine that very objective. The proposed default GPR policy would conflict with the existing statutory preference for specially negotiated licenses, create significant uncertainty and risk, discourage private-sector innovation, narrow the contractor base, and erode the industrial capacity upon which military readiness depends.

Intellectual property protection is inseparable from private investment. The confidence that IP rights will be respected is a foundational condition for attracting and retaining the private capital that fuels defense innovation. A policy that requires manufacturers to expose years of research and development investment as a default condition of government contracting will deter participation, diminish product capability, and jeopardize American jobs and economic growth.

There are better, more constructive ways to address the intent of the amendment. Manufacturers support the creation of a third-party mediation body and IP ombudsman, as provided under Title VII, Subtitle D, Section 842 of the Chairman's mark. This mechanism would bring both parties to the table promptly and in good faith, allowing readiness concerns to be addressed without requiring the forfeiture of IP rights.

We respectfully urge the Committee to oppose this amendment and instead continue the collaborative approach that has guided IP policy in recent years, including through continued implementation of Section 805 in the FY 2026 NDAA that directs the Department to identify any deficiencies in data rights and work with industry to address the specific gaps. Manufacturers remain deeply committed to the safety of our service members and the security of our nation, and we stand ready to work with Congress and the Department to advance policies that strengthen the DIB, encourage innovation, and preserve America's technological and military leadership.

Respectfully,

AdvaMed
Alaska Chamber
AR State Chamber/ AIA
Arizona Manufacturers Council
Associated Equipment Distributors
Associated Industries of Florida
Associated Industries of Missouri
Associated Industries of Vermont
Association of Equipment Manufacturers
California Manufacturers & Technology Association
Center for Procurement Advocacy
Commercial Food Equipment Service Association
Connecticut Business & Industry Association (CBIA)
Electronic Components Industry Association (ECIA)
Greater North Dakota Chamber
Illinois Manufacturers' Association
Indiana Manufacturers Association
Industrial Fasteners Institute
Industrial Truck Association
Institute of Makers of Explosives
International Safety Equipment Association
Iowa Association of Business and Industry
Kansas Chamber of Commerce
Maryland Chamber of Commerce
Mississippi Business Alliance
Montana Chamber of Commerce
Motorcycle Industry Council
National Association of Manufacturers
National Electrical Manufacturers Association
National Marine Manufacturers Association
National Shooting Sports Foundation, Inc.
New Jersey Business & Industry Association (NJBIA)
North American Association of Food Equipment Manufacturers (NAFEM)
Ohio Manufacturers' Association
Outdoor Power Equipment Institute, Inc.
Pennsylvania Manufacturers' Association
Plumbing Manufacturers International
Recreational Off-Highway Vehicle Association
Security Industry Association (SIA)
South Carolina Manufacturers & Commerce
Specialty Vehicle Institute of America
Tennessee Chamber of Commerce & Industry

Textile Care Allied Trades Association
The State Chamber of Oklahoma
Truck and Engine Manufacturers Association
Utah Manufacturers Association
West Virginia Manufacturers Association
Wisconsin Manufacturers & Commerce