



July 15, 2020

The Honorable Jim McGovern
Chairman, House Committee on Rules
H-312 The Capitol
Washington D.C. 20515

The Honorable Tom Cole
Ranking Member, House Committee on Rules
H-152 The Capitol
Washington D.C. 20515

Dear Chairman McGovern and Ranking Member Cole:

On behalf of National Taxpayers Union (NTU), the nation's oldest taxpayer advocacy organization, I write asking you to make in order several good-government amendments to H.R. 6395, the William M. (Mac) Thornberry National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2021. Most of these amendments are bipartisan, and all of them seek to make the authorization and appropriation of federal dollars more transparent for millions of taxpayers and the watchdogs who represent them. The amendments we hope you will make in order are:

- **Amendment #82, from Rep. Chip Roy (R-TX):** The ARTICLE ONE Act would reform the existing national emergency process, currently heavily weighted toward the executive branch, by giving Congress a role in both affirming and extending national emergencies. A cross-ideological coalition of organizations recently submitted a letter to Senate leaders urging the inclusion of the ARTICLE ONE Act in the Senate's version of the NDAA.¹
- **Amendment #84, from Reps. Ralph Norman (R-SC) and Kurt Schrader (D-OR):** This bipartisan effort would require the Secretary of Defense to report to Congress on how the Pentagon intends to shift Overseas Contingency Operations (OCO) funding from the OCO account to the base budget. The Department of Defense (DoD) has made plans to shift enduring costs from the OCO account to the base budget before, but shelved those plans after the passage of the Bipartisan Budget Act of 2015.²
- **Amendment #134, from Reps. Jackie Speier (D-CA), Paul Mitchell (R-MI), Katie Porter (D-CA), and Francis Rooney (R-FL):** This bipartisan amendment would ensure that reports that Congress requires DoD to complete are made available to the public, with proper exceptions in place for proprietary or sensitive information. This amendment would fill critical gaps by ensuring timely action from the Department of Defense on the publication of congressionally mandated reports.³

¹ Protect Democracy. (July 1, 2020). "Coalition Letter in Support of ARTICLE ONE Act on FY 2021 NDAA." Retrieved from: <https://protectdemocracy.org/update/coalition-letter-in-support-of-article-one-act-on-fy-2021-ndaa/>

² Government Accountability Office. (January 2017). "OVERSEAS CONTINGENCY OPERATIONS: OMB and DOD Should Revise the Criteria for Determining Eligible Costs and Identify the Costs Likely to Endure Long Term." GAO-17-68. Retrieved from: <https://www.gao.gov/assets/690/682158.pdf#page=18>

³ U.S. Representative Katie Porter. (June 19, 2020). "Reps. Porter, Speier, and Rooney Launch Bipartisan Effort to Ramp Up Accountability for the Pentagon." Retrieved from: <https://porter.house.gov/news/documentsingle.aspx?DocumentID=151>

- **Amendment #156, from Reps. Stephen Lynch (D-MA) and Jody Hice (R-GA):** This bipartisan effort would restore the Wartime Contracting Commission, which during just three years of existence uncovered between \$31 billion and \$60 billion of taxpayer dollars lost to waste, fraud, and abuse through wartime contracting in Iraq and Afghanistan.⁴
- **Amendment #237, from Reps. Jim Cooper (D-TN), Tim Walberg (R-MI), and James Comer (R-KY):** The Taxpayers Right-To-Know Act would require the Office of Management and Budget (OMB) to complete its work on a federal program inventory, a requirement originally included in the Government Performance and Results Act (GPRA) Modernization Act of 2010. A coalition of eight good-government groups recently wrote to the House Committee on Oversight and Reform, urging their support for this amendment's inclusion in the NDAA.⁵
- **Amendment #301, from Reps. Peter DeFazio (D-OR), Warren Davidson (R-OH), Steve Cohen (D-TN), and Jan Schakowsky (D-IL):** This bipartisan amendment would ensure that DoD improves its efforts to achieve unqualified audit opinions across the agency, by enacting small spending reductions to the department, agency, or other element of DoD if they fail to achieve an unqualified opinion on their full financial statements in a given calendar year. Auditors have identified over 3,100 problems or deficiencies at DoD across its first two financial audits, in 2018 and 2019.⁶
- **Amendment #324, from Reps. David Schweikert (R-AZ) and Kurt Schrader (D-OR):** This bipartisan effort would require DoD to break out any enduring costs included in future OCO account funding requests. The amendment would codify an important practice that DoD has included in its FYs 2020⁷ and 2021⁸ Budget Requests.
- **Amendment #327, from Rep. David Schweikert (R-AZ):** This amendment would ensure that OMB and DoD update decade-old criteria for OCO funding requests, implementing a 2017 Government Accountability Office (GAO) recommendation that has yet to be fulfilled.⁹
- **Amendment #429, from Rep. Gary Palmer (R-AL):** This amendment would overturn the provision of H.R. 6395 that removes the position of Chief Management Officer (CMO) at the Pentagon. The CMO plays an important role in identifying waste and inefficiency across the Fourth Estate. Not only does NTU believe that the position should remain in place, but also that it would be a significant mistake to eliminate the position over a period of just 30 days.

⁴ Lautz, Andrew. "Reforming the OCO Account: A Better Deal for Taxpayers, Watchdogs, and the Military." National Taxpayers Union, May 26, 2020. Retrieved from:

<https://www.ntu.org/publications/detail/reforming-the-oco-account-a-better-deal-for-taxpayers-watchdogs-and-the-military>

⁵ Lautz, Andrew. "Eight Good Government Groups Urge Inclusion of Taxpayers Right-To-Know Act in House NDAA." National Taxpayers Union, July 9, 2020. Retrieved from:

<https://www.ntu.org/publications/detail/eight-good-government-groups-urge-inclusion-of-taxpayers-right-to-know-act-in-house-ndaa>

⁶ Serbu, Jared. "DoD's second financial audit uncovers 1,300 new deficiencies." *Federal News Network*, November 18, 2019.

Retrieved from: <https://federalnewsnetwork.com/defense-main/2019/11/dods-second-financial-audit-uncovers-1300-new-deficiencies/>

⁷ Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer. (March 2019). "Defense Budget Overview."

Retrieved from:

https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2020/fy2020_Budget_Request_Overview_Book.pdf#page=67

⁸ Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer. (May 13, 2020). "Defense Budget Overview."

Retrieved from:

https://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2021/fy2021_Budget_Request_Overview_Book.pdf#page=67

⁹ Government Accountability Office. (January 2017). "OVERSEAS CONTINGENCY OPERATIONS: OMB and DOD Should Revise the Criteria for Determining Eligible Costs and Identify the Costs Likely to Endure Long Term." GAO-17-68. Retrieved from:

<https://www.gao.gov/assets/690/682158.pdf>

These amendments represent spending transparency measures that can earn the support of Democrats and Republicans alike, and merit inclusion in the FY 2021 NDAA. Thank you for your consideration, and should you have any questions I am at your service.

Sincerely,

Andrew Lautz
Policy and Government Affairs Manager

CC: The Honorable Alcee Hastings
The Honorable Norma Torres
The Honorable Ed Perlmutter
The Honorable Jamie Raskin
The Honorable Mary Gay Scanlon
The Honorable Joe Morelle
The Honorable Donna Shalala
The Honorable Doris Matsui
The Honorable Rob Woodall
The Honorable Michael Burgess
The Honorable Debbie Lesko