



November 15, 2021

[See our vote alert for the underlying NDAA legislation here.](#)

As lawmakers prepare to consider Senate Amendment 3867 to H.R. 4350, the Senate’s version of the fiscal year (FY) 2022 National Defense Authorization Act (NDAA), NTU is encouraging lawmakers to SUPPORT the following amendments¹:

Responsible Budgeting at DoD

- **S. Amdt. 4006 to S. Amdt. 3867, from Sen. Mike Lee (R-UT):** This amendment is built off of Sen. Lee’s Restraining Emergency War Spending Act, [legislation that NTU strongly supports](#). The amendment would place constraints on the ability of DoD to use (and Congress to appropriate) off-budget war funds that lack sufficient transparency or Congressional control. The Restraining Emergency War Spending Act is aimed at preventing future misuse and abuse of a fund like the Overseas Contingency Operations (OCO) account, which for years became a [slush fund](#) derided by budget experts across the ideological spectrum.
- **S. Amdt. 4223 to S. Amdt. 3867, from Sens. Mike Braun (R-IN), Marsha Blackburn (R-TN), Rick Scott (R-FL), and Joni Ernst (R-IA):** This provision provides a “sense of the Senate” that high levels of federal debt present a national security threat to the U.S. Though symbolic in nature, such a statement by Congress would be one small step to recognizing that lawmakers in both parties must immediately and substantially reduce [unsustainable debt and deficit levels](#).
- **S. Amdt. 4436 to S. Amdt. 3867, from Sens. Chuck Grassley (R-IA), Bernie Sanders (I-VT), and Mike Braun (R-IN):** This bipartisan amendment would set up a commission to examine how DoD is handling its financial management at present and in the years ahead. Given the agency cannot pass an audit [31 years after Congress first required all agencies to conduct audits](#), corrective action at DoD is far overdue. This commission could help identify strategies for DoD to improve its financial management and pass an audit sooner than the current projected date of 2028.

¹ NTU typically only includes NDAA amendments in our annual scorecard if they receive a standalone roll call vote. Amendments that are included in a manager’s package will typically *not* be included in our annual scorecard, since these packages may contain a mix of amendments NTU supports, opposes, and/or does not take a position on.

- **S. Amdt. 4534 to S. Amdt. 3867, from Sens. Bernie Sanders (I-VT) and Ed Markey (D-MA)**: This provision would cut the DoD budget by 14 percent in FY 2022, excluding military personnel and Defense Health Program accounts. While across-the-board cuts are often clunky and inefficient ways to reduce government spending, NTU supports such efforts when lawmakers refuse to contemplate more thoughtful and strategy-driven ways to cut spending. Should Congress wish to pursue realistic and strategy-driven cuts to the defense budget rather than across-the-board reductions that may undermine military planning, [NTU](#) and [others](#) have provided roadmaps for such efforts.
- **S. Amdt. 4536 to S. Amdt. 3867, from Sens. Bernie Sanders (I-VT) and Chuck Grassley (R-IA)**: This bipartisan amendment would cut the budgets of DoD components by one percent if those components fail to achieve an unqualified (clean) audit opinion. These cuts are the ‘stick’ to the above commission’s ‘carrot’ on DoD audit performance, but NTU believes the time for ‘sticks’ on DoD audit is [long overdue](#).

Good Governance

- **S. Amdt. 3899 to S. Amdt. 3867, from Sen. Elizabeth Warren (D-MA)**: This provision would provide several best-practice updates to federal whistleblower laws, boosting protections for contractors at a time when the federal government is sending more taxpayer dollars to contractors and grantees than ever before. These protections are overdue and sorely needed, as a cross-ideological coalition recently [wrote](#) to Senators.
- **S. Amdt. 3939 to S. Amdt. 3867, from Sens. Richard Durbin (D-IL) and Mike Lee (R-UT)**: This bipartisan amendment would close a loophole in current law that prohibits the Department of Justice (DOJ) inspector general (IG) from investigating DOJ attorneys who have been accused of misconduct. A cross-ideological group of civil society organizations, led by the Project On Government Oversight (POGO) and including NTU, [support](#) this legislation.
- **S. Amdt. 3957 to S. Amdt. 3867, from Sens. Tom Carper (D-DE), Jeff Merkley (D-OR), and Tammy Duckworth (D-IL)**: This provision, based on the [previously-introduced](#) Periodically Listing Updates to Management Act (PLUM Act), would require more transparency and more regular reporting from federal agencies about who is holding high-level, policymaking positions within the executive branch. This codifies into law certain aspects of the current “Plum Book,” which is [usually](#) just published once every four years. Taxpayers deserve a basic level of understanding about who in the sprawling executive branch is making decisions that impact their pocketbooks, and the PLUM Act would deliver.
- **S. Amdt. 4036 to S. Amdt. 3867, from Sens. Tammy Baldwin (D-WI) and Joni Ernst (R-IA)**: This bipartisan amendment would expand military whistleblower protections to members of reserve components. There is no reason why the [hundreds of thousands](#) of brave servicemembers in the reserves should not have access to the same rights and protections afforded whistleblowers in active-duty components of the military.
- **S. Amdt. 4102 to S. Amdt. 3867, from Sen. James Lankford (R-OK)**: This provision would require federal agencies to post 100-word summaries of their proposed regulations to Regulations.gov, a common-sense and good government measure that NTU has [long supported](#). Taxpayers deserve a plain-language summary of often complex and impactful federal regulation proposals.

- **S. Amdt. 4437 to S. Amdt. 3867, from Sen. Chuck Grassley (R-IA):** This amendment would create a floor on the awards a whistleblower can receive for protected disclosures that lead to monetary sanctions against entities that commit financial crimes. Under [current law](#), whistleblower awards are subject to a ceiling of not more than 30 percent of monetary sanctions imposed and collected by the federal government. This amendment would add a 10 percent floor for whistleblower awards, increasing the incentives for whistleblowers to take the bold and courageous step to disclose alleged wrongdoing. Importantly, this floor would not result in additional burdens for taxpayers; rather, all awards would come from monetary sanctions imposed on wrongdoers.
- **S. Amdt. 4462 to S. Amdt. 3867, from Sen. Gary Peters (D-MI) and Rob Portman (R-OH):** This bipartisan legislation, the IG Independence and Empowerment Act, would make several [improvements](#) to the current protections IGs are afforded under the law. The amendment would require presidents to report to Congress on their reasons for removing an IG, and require acting IGs “[to be selected from among senior-level employees within the watchdog community](#).” NTU has long supported increased protections for IGs, who recently have provided a [17:1 return on investment](#) for the \$3.1 billion invested in IGs across government.

Miscellaneous Pro-Taxpayer Measures

- **S. Amdt. 3999 to S. Amdt. 3867, from Sen. Mike Lee (R-UT):** This amendment would expand Health Savings Account (HSA) eligibility to individuals receiving care at Veterans Affairs (VA) facilities (for service-connected disabilities) or covered under the TRICARE program. NTU [supports](#) many initiatives to expand the population of individuals who can open and contribute to HSAs.
- **S. Amdt. 4001 to S. Amdt. 3867, from Sen. Mike Lee (R-UT):** This provision would require DoD to conduct an audit for the electromagnetic spectrum it owns, describe how the agency uses certain bands of spectrum, and share whether or not certain bands of spectrum the agency owns are going unused. This is a commonsense step to determining how much spectrum DoD owns, and whether or not some of those assets could be sold and put to better use by taxpayers or the private sector.
- **S. Amdt. 4004 to S. Amdt. 3867, from Sen. Mike Lee (R-UT):** This amendment would reform federal agency decision-making at DoD such that, if another federal agency gives approval for a project under the National Environmental Policy Act (NEPA) DoD does not also have to conduct a separate environmental impact study. This provision would cut down on red tape that causes some federal projects to go over-budget and past deadline.

NTU is encouraging lawmakers to OPPOSE the following amendments²:

Significant Spending Increases Without Offsets³

- **S. Amdt. 3879 to S. Amdt. 3867, from Sens. Rob Portman (R-OH), Sherrod Brown (D-OH), and Chris Coons (D-DE):** This provision,⁴ the Otto Warmbier Countering North Korea Censorship and Surveillance Act, includes at least \$50 million in new spending authorizations with no apparent offsets.
- **S. Amdt. 4059 to S. Amdt. 3867, from Sen. Ted Cruz (R-TX):** This amendment includes at least \$50 million in new spending authorizations on border surveillance, with no apparent offsets.
- **S. Amdt. 4113 to S. Amdt. 3867, from Sens. Joe Manchin (D-WV), Ben Ray Lujan (D-NM), and Shelley Moore Capito (R-WV):** This provision includes \$176 million in new spending authorizations for next generation radar and radio astronomy, with no apparent offsets.
- **S. Amdt. 4150 to S. Amdt. 3867, from Sen. Robert Menendez (D-NJ):** This amendment, the U.S.-Greece Defense and Interparliamentary Partnership Act, includes at least \$125 million in new spending authorizations with no apparent offsets.
- **S. Amdt. 4185 to S. Amdt. 3867, from Sens. Rob Portman (R-OH), Chris Coons (D-DE), and Richard Burr (R-NC):** This provision reauthorizes spending for the Tropical Forest and Coral Reef Conservation Act, at a total level of \$100 million from fiscal years 2022 through 2026, with no apparent spending offsets.
- **S. Amdt. 4252 to S. Amdt. 3867, from Sen. Alex Padilla (D-CA):** This amendment authorizes nearly \$550 million in new spending for per- and polyfluoroalkyl substances (PFAS) cleanup at DoD facilities, without any apparent offsets.
- **S. Amdt. 4277 to S. Amdt. 3867, from Sens. Robert Menendez (D-NJ), Susan Collins (R-ME), Sherrod Brown (D-OH), and Tim Kaine (D-VA):** This provision would create a Commission on the Coronavirus Pandemic, and would authorize funding the Commission at \$50 million with no apparent spending offsets.
- **S. Amdt. 4278 to S. Amdt. 3867, from Sens. Robert Menendez (D-NJ) and Marsha Blackburn (R-TN):** This amendment would create a National Manufacturing Extension Partnership Supply Chain Database, and would authorize \$135 million in funds for the database without any offsets.
- **S. Amdt. 4332 to S. Amdt. 3867, from Sens. Marco Rubio (R-FL), Maria Cantwell (D-WA), Marsha Blackburn (R-TN), Jacky Rosen (D-NV), Susan Collins (R-ME), Mike Crapo (R-ID), and Maggie Hassan (D-NH):** This provision would create a U.S.-Israel Artificial Intelligence Center, and would authorize funding for the center at \$50 million with no apparent spending offsets.
- **S. Amdt. 4349 to S. Amdt. 3867, from Sen. Marco Rubio (R-FL):** This amendment would authorize \$2.3 billion in new funding for counter-terrorism and counter-drug campaigns in Colombia, with no apparent spending offsets.

² See footnote 1.

³ NTU settled on a few criteria for amendments to be included in this portion of the vote alert. First, since dozens of proposed amendments provide for increases in authorizations of appropriations, NTU decided to focus only on amendments that authorize new spending of \$50 million or more (over any time period). Second, NTU did not include amendments that provide for authorizations of appropriations in “such sums as necessary” (or similar language), since at this time we cannot determine the budget impact of those proposals. Third, NTU’s team reviewed hundreds of amendments proposed for the NDAA; although we believe we have identified each amendment that would provide for significant new spending without corresponding budget offsets, it is possible that we missed an amendment that provides for significant new spending. If you have any questions, please do not hesitate to reach out to Andrew Lautz at alautz@ntu.org.

⁴ NTU does not take a position on the merits of proposed new spending in this or any of the following amendments; however, we believe that all new proposed spending in the NDAA should be offset with commensurate reductions to the NDAA topline or to other spending in the federal government.

- **S. Amdt. 4368 to S. Amdt. 3867, from Sens. Marco Rubio (R-FL), Dianne Feinstein (D-CA), and Roy Blunt (R-MO):** This provision would provide for \$1.6 billion in new funding for combating ransomware, without any apparent spending offsets.
- **S. Amdt. 4396 to S. Amdt. 3867, from Sens. James Risch (R-ID) and Robert Menendez (D-NJ):** This amendment, the International Pandemic Preparedness and COVID-19 Response Act, would authorize funding of \$5 billion without any apparent spending offsets.
- **S. Amdt. 4417 to S. Amdt. 3867, from Sens. James Risch (R-ID) and Robert Menendez (D-NJ):** This provision, the Ukraine Security Partnership Act of 2021, would authorize new funding of nearly \$1.8 billion without any apparent spending offsets.
- **S. Amdt. 4430 to S. Amdt. 3867, from Sen. James Inhofe (R-OK):** This amendment would authorize \$750 million in total new funding for an education program to support primary health services for underserved populations. The new proposed funding does not come with any apparent offsets.
- **S. Amdt. 4474 to S. Amdt. 3867, from Sens. Chris Coons (D-DE) and Lisa Murkowski (R-AK):** This provision would provide \$500 million in new funding for accelerating access to treatments for amyotrophic lateral sclerosis (ALS), with no apparent offsets.
- **S. Amdts. 4485 and 4498 to S. Amdt. 3867, from Sen. James Risch (R-ID):** Each of these amendments would authorize \$375 million in new funding for an Infrastructure Transaction and Assistance Network, without any apparent offsets for the new funding.
- **S. Amdt. 4490 to S. Amdt. 3867, from Sen. James Risch (R-ID):** This provision would provide \$1.5 billion in new funding for countering Chinese government influence, with no apparent offsets.
- **S. Amdt. 4494 to S. Amdt. 3867, from Sen. James Risch (R-ID):** This amendment would provide new funding for Indo-Pacific region foreign assistance and diplomatic engagement at \$3.25 billion, with no spending offsets.
- **S. Amdt. 4514 to S. Amdt. 3867, from Sens. Sheldon Whitehouse (D-RI) and Rob Portman (R-OH):** This provision would authorize \$250 million in new spending for non-opioid pain management research, with no offsets.

New or Additional “Buy American” Mandates That Harm Taxpayers

- **S. Amdt. 3905 to S. Amdt. 3867, from Sen. Rev. Raphael Warnock (D-GA):** This amendment would extend “Buy American” protections to photovoltaic (PV) devices. Buy American restrictions [raise costs for U.S. taxpayers](#), reduce [variety and supply](#) of goods procured by federal agencies, and [harm American businesses exporting](#) their products abroad. Lawmakers should be working to reduce “Buy American” restrictions in the law, not add to them.
- **S. Amdt. 3976 to S. Amdt. 3867, from Sens. Tammy Duckworth (D-IL), Kirsten Gillibrand (D-NY), and Tammy Baldwin (D-WI):** This provision would increase a number of “Buy American” requirements in the law for major defense acquisition programs. As noted above, lawmakers should be working to reduce “Buy American” restrictions in the law rather than adding to them.
- **S. Amdt. 3977 to S. Amdt. 3867, from Sen. Patty Murray (D-WA):** This amendment would expand “Buy American” restrictions to welded shipboard anchor and mooring chains -- another protectionist measure lawmakers should reject.
- **S. Amdt. 4035 to S. Amdt. 3867, from Sen. Tammy Baldwin (D-WI):** This provision, the [Made in America Shipbuilding Act of 2021](#), would impose and increase a number of harmful and costly “Buy American” mandates.

- **S. Amdt. 4291 to S. Amdt. 3867, from Sen. Rob Portman (R-OH):** This amendment, the “Securing America’s Future Act,” contains several titles spanning multiple legislative issues. The provisions NTU objects to are located in Title I - “Ensuring Domestic Manufacturing Capabilities.” This title includes a number of new and damaging “Buy American” restrictions, and lawmakers should reject the measure.

If you have any questions, please contact NTU Director of Federal Policy Andrew Lautz at alautz@ntu.org.
