

October 11, 2022

The Honorable Jack Reed
Chair, Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Charles Schumer
Senate Majority Leader
322 Hart Senate Office Building
Washington, D.C. 20510

The Honorable James Inhofe
228 Russell Senate Office Building
Ranking Member, Senate Committee on Armed
Services
Washington, D.C. 20510

The Honorable Mitch McConnell
Senate Minority Leader
S-230, The Capitol
Washington, D.C. 20510

Dear Chair Reed, Ranking Member Inhofe, Leader Schumer, and Leader McConnell:

The undersigned organizations, which span the ideological spectrum, write in support of the Streamline Pentagon Budgeting Act and the Cull Unfunded Requirement Budget (CURB) Act from Sens. Elizabeth Warren (D-MA), Mike Braun (R-IN), and Mike Lee (R-UT), and urge their inclusion as amendments to the Senate's version of the fiscal year (FY) 2023 National Defense Authorization Act (NDAA).

Many of us have previously expressed concerns to Congress and the executive branch about the use and abuse of unfunded priorities lists (UPLs) at the Department of Defense (DoD). Once an informal but common practice that featured service branch leaders writing to lawmakers on the funding additions they sought for defense authorizations and appropriations (beyond the president's budget request), UPLs – also known as “wish lists” – have now become an annual, Congressional requirement that undermines sound budgeting practices.

According to research from Taxpayers for Common Sense¹ and the National Taxpayers Union,² UPL requests for FY 2023 exceeded \$24 billion. While just a small portion of the annual military budget, these wish list requests alone eclipse the entire budget requests of the U.S. Department of Agriculture, the Department of Commerce, the Department of Labor, the Treasury Department, the Environmental Protection Agency, the National Aeronautics and Space Administration (NASA), and several other federal programs and agencies.³

UPLs are massive in scale and growing in scope. For the last several years, Congress has required additional agencies and programs of DoD to provide UPLs,⁴ encouraging leaders of those DoD components to circumvent civilian leadership at the Pentagon in order to make additional spending requests of lawmakers. This puts unnecessary upward pressure on the DoD budget, already the largest among federal agencies with discretionary budgets.

The practice also warps and distorts budget decision-making throughout DoD. Just one example was the Navy's decision last year to place a second Arleigh Burke (DDG-51) class destroyer on their UPL for FY 2022 instead of requesting it through the regular budget, even though *failing* to procure a second destroyer under the DDG-51 multi-year procurement program would have caused the Navy (and taxpayers) to incur “a \$33 million penalty to the DDG-51 shipbuilders.”⁵

¹ Taxpayers for Common Sense. “FY23 Unfunded Priorities Lists.” Retrieved from: <https://www.taxpayer.net/wp-content/uploads/2022/05/FY23-UPLs-5.6.22.pdf> (Accessed September 29, 2022.)

² Lautz, Andrew. “When You Wish Upon a (\$24.3 Billion) Star: DoD ‘Wish Lists’ for FY 2023.” National Taxpayers Union, May 4, 2022. Retrieved from: <https://www.ntu.org/publications/detail/when-you-wish-upon-a-235-billion-star-dod-wish-lists-for-fy-2023> (Accessed September 29, 2022.)

³ The White House. “Budget of the U.S. Government Fiscal Year 2023.” Table S–8, March 2022. Retrieved from: https://www.whitehouse.gov/wp-content/uploads/2022/03/budget_fy2023.pdf#page=143 (Accessed September 29, 2022.)

⁴ Trujillo, Maureen; and McGarry, Brendan W. “Defense Primer: Department of Defense Unfunded Priorities.” Congressional Research Service, November 9, 2021. Retrieved from: <https://crsreports.congress.gov/product/pdf/IF/IF11964> (Accessed September 29, 2022.)

⁵ O'Rourke, Ronald. “Navy DDG-51 and DDG-1000 Destroyer Programs: Background and Issues for Congress.” Congressional Research Service, Updated February 3, 2022. Retrieved from: <https://crsreports.congress.gov/product/pdf/RL/RL32109/253> (Accessed September 29, 2022.)

The Streamline Pentagon Budgeting Act and the CURB Act, which have been introduced as Senate amendments to the FY 2023 NDAA by Sens. Warren, Braun, and Lee, would reduce the budget distortions and unnecessary upward spending pressure caused by DoD wish lists:

- The Streamline Pentagon Budgeting Act would repeal statutory UPL requirements, reducing wasteful reporting burdens for branches and commands that do not have unfunded priorities in a given year and making it easier for civilian leadership at DoD to curb the wish list practice inside the Pentagon; and
- The CURB Act would require branches or commands that still make wish list requests to justify those requests with proposed offsets within their branch or command budget, while also making these lists publicly available for the first time.

Our organizations are proud to support the Streamline Pentagon Budgeting Act and the CURB Act. We thank Sens. Warren, Braun, and Lee for their leadership in introducing this responsible legislation, and we urge the inclusion of these amendments in the FY 2023 NDAA.

Sincerely,



National Taxpayers Union



Council for a Livable World



Friends Committee on National Legislation



Project On Government Oversight



Foreign Policy Team, Progressive Democrats of America



Public Citizen



Quincy Institute for Responsible Statecraft



R Street Institute



Taxpayers for Common Sense



Taxpayers Protection Alliance



Win Without War

CC: Members of the Senate Committee on Armed Services