

WIN WITHOUT WAR



July 26, 2018

Dear Representative,

We write to urge you to vote “no” on the conference report to H.R. 5515, the Fiscal Year 2019 National Defense Authorization Act. We strongly oppose the \$708.1 billion authorization for the Pentagon budget. This figure accounts for well over half of all annual national discretionary spending, including on programs and agencies that keep Americans healthy, safe, and educated. Indeed, since 2001, defense spending has far [outpaced](#) non-defense discretionary spending and that trend is slated to continue under President Trump.

In addition, **the Pentagon budget contains enormous amounts of waste and bloat.** [Almost half](#) of the Pentagon’s annual budget goes to defense corporations, the top five of whose CEOs [earned](#) a cumulative of \$96 million in compensation last year. By contrast, according to the Government Accountability Office in 2013, 23,000 servicemembers [received](#) food stamps and according to the Department of Defense Education Activity, in 2015, 45 percent of children at DOD-based schools were eligible for free or reduced lunches.

We are also concerned with a number of provisions in the conference report, and some that were not included, that run counter to smart national security policy. Some of these are listed below:

- **OCO:** The bill maintains Overseas Contingency Operations spending above what is estimated to be needed for so-called global war on terror operations. Congress and the Department of Defense have repeatedly used the Overseas Contingency Operations (OCO) account as a slush fund for pet projects as well as “enduring” requirements that should be funded in the base budget. The conference report authorized OCO at \$69 billion despite a recent DOD estimate that \$30 billion of OCO funds were used for base budget needs in a single year.
- **Wasteful spending:** The bill increases spending on unrequested weapons systems by hundreds-of-millions of dollars, including on 66 additional A1 Stryker vehicles, two additional Littoral Combat Ships, two additional MQ-9 reapers, and an additional *Ford*-class aircraft carrier.
- **“Counter-Iran” provision:** Sec. 1237 – “Strategy to counter destabilizing activities of Iran”: This section requires the State and Defense Departments to develop and implement a regional counter-Iran strategy that appears to take oversight of the actual strategy out of the hands of Congress. We are concerned that this provision will help create more policies like that of the U.S. policy toward Yemen, through which it is -- without Congressional authorization -- assisting Saudi Arabia and the United Arab Emirates in prosecuting what these nations see as a proxy war with Iran, which has led to the deaths of tens of thousands of Yemenis and created the world’s largest humanitarian crisis in Yemen.

- **Nuclear weapons:** The bill provides \$65 million for a low-yield nuclear warhead to be used on a submarine launched ballistic missile. As the HASC Democratic summary explains, the development of this weapon “break[s] with decades of tradition on how SSBNs have been used, increase[s] focus on low-yield nuclear weapons, lower[s] the threshold for using nuclear weapons, and increase[s] the risk of miscalculation.” In addition, Sec. 3111 eliminates a 15-year ban on the development and production of low-yield nuclear weapons absent Congressional authorization.
- **Space-based missile defense:** “Sec. 1675 – Development of persistent space-based sensor architecture.” This provision creates a requirement that the Pentagon begin development of space-based anti-missile interceptors regardless of the executive branch’s assessment of need for such a system. Space-based missile defense was a bad idea under President Reagan and continues to be today. This weapons system is expensive, ineffective, and even a limited deployment of interceptors is destabilizing. In addition, the Missile Defense Agency is one of the least [accountable](#) federal agencies in the federal government. Development of such a program is not only dangerous but also highly wasteful.
- **Justice and accountability for Rohingya in Burma:** The bill excluded a House-passed provision that would have authorized targeted sanctions against key Burmese military officials who bear responsibility for atrocities. Despite an overwhelming vote in support of Amdt. 43 in the House (382-30), conferees ultimately blocked its inclusion. The provision would have provided clear incentives for reforms to professionalize Burma’s military and reduce corruption, conflict, and abuses. It also would have bolstered Burma’s civilian leadership and helped encourage it, the U.S. administration, and concerned governments more broadly, to take additional steps to bring perpetrators of grave abuses to account.

We note that there are a number of important provisions whose inclusion in the conference report we cheer. These include:

- **Yemen:** The conference report has several [good provisions](#) on Yemen, including placing conditions on U.S. assistance to the Saudi Arabia-led coalition (Sec. 1290), requiring a review of the Pentagon’s involvement in torture of Yemenis (Sec. 1274), and report language that requires a comprehensive report on military objectives and humanitarian assistance to Yemen.
- **No Iran or North Korea AUMF:** The conference report contains language stating that there’s no existing authorization for war with Iran or North Korea (Sec. 1295) and the conference report states, “at the time of the signing of this report, the conferees are not aware of any information that would justify the use of military force against Iran under any other statutory authority.” In light of the President’s all-caps tweet and Sec. Pompeo’s speech in California on Sunday, Congressional input on this matter is incredibly important.
- **Reports on Civilian Casualties:** The conference report [strengthens oversight](#) of Pentagon reporting on civilian casualties (Secs. 936 and 1062).
- **Syria, Niger reports:** Report language requires the Pentagon to provide an assessment of the legal justifications of the 2017 and 2018 U.S. cruise missile strikes against the Syrian

regime. In addition, the conference report requires a report on the missions, operations, and activities of the Department in Niger (Sec. 1276).

- **OCO and audit oversight:** Spending transparency provisions include: a requirement that the Pentagon provide estimates of enduring costs funded with Overseas Contingency Operations (OCO) as part of its budget submissions to Congress (Sec. 1522); a GAO report on how OCO funds were ultimately used (Sec. 1523); and a report ranking all military departments and Defense Agencies in order of how advanced they are in achieving auditable financial statements as required by law (Sec. 1005.)

We regret that despite these strong provisions, we must still object to the underlying bill which we believe, on the whole, does not advance American national security and foreign policy.

Thank you for your consideration of our recommendation. Should you have any questions, please don't hesitate to contact Win Without War's advocacy director, Erica Fein, at erica@winwoutoutwar.org or (202) 232-3317 x 105.

Sincerely,

Stephen Miles
Director, Win Without War