

Open NDAA: Shine a Light on the Defense Budget

The Problem: The Senate Armed Services Committee Debates the Defense Budget Bill in Secret

The [National Defense Authorization Act \(NDAA\) for FY 2012 authorized \\$662 billion](#),¹ primarily for the Department of Defense. The NDAA has become one of the few bills passed annually by Congress and thus has become a magnet for a host of other proposals, some of which traditionally would be considered by other committees—and some have been very controversial. Because of the importance of the policies contained in the legislation and the enormous number of taxpayer dollars at stake, Congress should debate and vote on the NDAA in accordance with our country's highest principles of transparency and openness. Sadly, the Senate Armed Services Committee (SASC) drafts, debates, and votes on the bill in secret. It's time to bring the NDAA into the light of day.

The House and a SASC Subcommittee Show that Transparency is Possible

On the House side, [House Armed Services Committee \(HASC\) rules](#) require an open process. According to HASC procedure, the Committee Chairman publicly announces the date, place, and subject of the NDAA's markup at least three days prior to the markup, provides the text of the bill to the public in electronic form at least 24 hours prior, and gives the public full access to the markup. Before discussing any classified information, the Committee can easily vote to move into an executive session.

In stark contrast, SASC bars the public from the NDAA markup process entirely. Staffers and committee members rarely reveal drafts of the bill, shutting out experts and the public. SASC marks up this important bill in secret, making it public only after these 26 Senators have voted and reported it out of committee.

Last year, Senator Claire McCaskill (D-MO), Chair of SASC Subcommittee on Readiness and Management Support and longtime proponent of opening the NDAA, marked up the Subcommittee's portion of the bill in open session. Providing public access did not compromise the negotiation process and the American people benefited from a more open and transparent process.

The Solution: Contact Members of the Senate Armed Services Committee

The public has a fundamental right to know how Congress is conducting the people's business. SASC should open the NDAA markup by disclosing the full text of the draft bill and amendments at least 24 hours in advance and opening hearings and votes to the public.

¹ David Nakamura, "Obama Signs Defense Bill, Pledges to Maintain Legal Rights of U.S. Citizens," *New York Times* 31 Dec. 2011, <http://www.washingtonpost.com/politics/obama-signs-defense-bill-pledges-to-maintain-legal-rights-of-terror-suspects/2011/12/31/gIQTzkbkSP_story.html>.

You can help bring transparency to the SASC defense budget markup by visiting www.OpenNDAA.org. There, you can add your name to two letters: one urging Chairman Carl Levin (D-MI) and other committee members who voted in favor of closed meetings to vote the right way this time around, and another thanking the members who voted for openness. If you'd like to add your organization to the letters, please email sdershowitz@pogo.org.

Previous Votes on Closing NDAA Markup

SASC Members [voted 17 to 9](#) last year to keep meetings for the full committee markup of the NDAA closed to the public.

Senators who voted to keep the NDAA markup closed: Chairman Carl Levin (D-MI) and Senators Daniel Akaka (D-HI), Mark Begich (D-AK), Richard Blumenthal (D-CT), Saxby Chambliss (R-GA), Kirsten Gillibrand (D-NY), Lindsey Graham (R-SC), Kay Hagan (D-NC), James Inhofe (R-OK), Joseph Lieberman (I-CT), Joe Manchin (D-WV), Ben Nelson (D-NE), Jack Reed (D-RI), Jeff Sessions (R-AL), Mark Udall (D-CO), Jim Webb (D-VA), and Roger Wicker (R-MS).

Senators who voted against closing the NDAA markup: Ranking Member John McCain (R-AZ) and Senators Kelly Ayotte (R-NH), Scott Brown (R-MA), Susan Collins (R-Me), John Cornyn (R-TX), Claire McCaskill (D-MO), Rob Portman (R-OH), Jeanne Shaheen (D-NH), and David Vitter (R-LA).