



# EXPLAINER

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## Senate Consideration of the FY2022 National Defense Authorization Act

*Last updated November 30, 2021*

On November 18, 2021, the Senate began its consideration of the [FY2022 National Defense Authorization Act](#) (NDAA). The House passed its version of the NDAA ([H.R. 4350](#)) on September 23, 2021. Both the House and the Senate versions of the NDAA would increase defense spending to \$777.9 billion, a \$37 billion increase from FY2021 and \$25 billion more than the 1.7% increase to the defense budget that President Biden proposed. The FY2022 NDAA presents an opportunity for Congress to cut the Pentagon budget, end its role in lining the pockets of weapons contractors, and decrease funding for nuclear and conventional weapons that contribute to death and destruction around the world.

On November 29, 2021, the Senate returned from the Thanksgiving recess and scheduled a vote to invoke cloture to begin 30 hours of debate on the NDAA and ultimately lead to final passage. However, Republican senators voted against invoking cloture, meaning debate and the final vote could not proceed. Republicans wanted guarantees that Senate Democratic Leadership would provide floor debates and votes on some of their amendments.

Prior to the Thanksgiving recess, the Senate failed to reach an agreement to debate and vote on 19 amendments offered for floor consideration and adopt an additional 57 amendments included in the manager's package. It is currently unclear which amendments, if any, will receive floor time.

### Amendments Introduced for Senate Consideration

The following amendments have been introduced for Senate consideration, yet it is unclear whether they will get a vote in the manager's package, a separate en-bloc package, an individual floor vote, or not considered at all.<sup>1</sup> These amendments include meaningful investments in pandemic and climate change prevention, ending arms sales, reviewing sanctions, and reducing and re-evaluating the funding for nuclear programs. Congress has the opportunity to advance humanitarian, peace, and human rights objectives through the following amendments, yet the

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<sup>1</sup> All 997 amendments introduced for Senate consideration can be found [here](#).

uncertainty over their consideration and ultimate adoption exemplifies decades of misguided reliance on the U.S. military to address global problems that are not military in nature.

**Authorization for the Use of Military Force (AUMF):** Sen. Tim Kaine introduced an amendment ([S.Amdt.4133](#)) that would repeal the 1991 and 2002 AUMFs, which authorized the Gulf War and the War in Iraq, respectively. These AUMFs have been used by multiple presidents to justify military actions not authorized by Congress. The 2002 AUMF was cited by President Trump as giving him the legal authority to conduct a drone strike, which killed one of Iran's top commanders, Qassem Soleimani. This action brought the U.S. and Iran to the brink of war in early 2020.

On June 17, 2021, the U.S. House of Representatives voted on a bipartisan basis (219 Democrats and 49 Republicans) in favor of Rep. Barbara Lee's bill ([H.R. 256](#)) to repeal the 2002 AUMF. Leader Schumer [stated](#) that the Senate will vote on the measure before the end of the year and upon announcing Senate consideration of the NDAA, re-iterated that the Senate will consider the repeal in the annual legislation.

When asked about outdated AUMFs during his Senate confirmation hearing, [Secretary of State Antony Blinken](#) said that it is "long past time we revisit and review them. In many instances, they have been cited and used in countries and against groups that were not part of the original authorization." [President Biden](#) has expressed support for Rep. Barbara Lee's bill stating that "The United States has no ongoing military activities that rely solely on the 2002 AUMF as a domestic legal basis." To properly end America's forever wars and the death and devastation they lead to, Congress must take back its constitutionally mandated power to declare war and repeal blank checks that can be abused by presidents.

**Defense Topline:** As noted above, both the House and Senate versions of the NDAA include a defense topline that is \$25 billion more than President Biden's budget proposal and \$37 billion more than last fiscal year's NDAA. Sen. Bernie Sanders introduced an amendment ([S.Amdt.4654](#)) that would implement President Biden's topline and remove the \$25 billion increase to the defense budget.

**Arms Sales and the Saudi-Led Coalition's War in Yemen:** Sen. Bernie Sanders introduced an amendment ([S.Amdt.4535](#)) that would end U.S. arms sales to Saudi Arabia and the UAE as well as intelligence sharing. This would effectively end U.S. complicity in the Saudi-led war in Yemen, which has claimed over 200,000 lives, at least 3,000 of which were children, and led to the world's worst humanitarian crisis. During this war, Saudi Arabia imposed a blockade around Yemen, which prevented food, water, medicine, and fuel from entering the country. In February 2021, the UN stated that over [400,000](#) children under the age five could die by the end of 2021 if

the blockade was not lifted. 2021 is almost over and the blockade has not been lifted. Sen. Sanders' amendment is accompanied by [Rep. Ro Khanna's amendment](#) in the House, which passed during House consideration of the FY2022 NDAA.

**Sanctions:** Rep. Jesús G. “Chuy” García introduced an [amendment](#) during House consideration of the NDAA that would require the Government Accountability Office (GAO) to submit a report to Congress on the humanitarian impact of sanctions, specifically “with respect to human rights, medical services, food and malnutrition and access to water, sanitation, and hygiene services.” This amendment was adopted by the full House and included in the House-passed version of the FY2022 NDAA. Sen. Elizabeth Warren introduced a companion amendment ([S.Amdt.3898](#)) in the Senate. U.S. sanctions on Iran, North Korea, Venezuela, and many other countries have hurt mostly marginalized communities. In Iran, U.S. sanctions have made it difficult for Iran to import vital resources to fight the COVID-19 pandemic, such as PPE, masks, ventilators, sanitizer, and the [vaccine](#). By mandating the GAO to produce an impartial report on the humanitarian impact of sanctions, Rep. García’s and Sen. Warren’s amendment would be a first step in uncovering the true hardships sanctions impose.

**Global Vaccine Production:** Sens. Jeff Merkley and Elizabeth Warren introduced an amendment ([S.Amdt.4069](#)) that would redirect \$98 million in funding away from the B-83 nuclear bomb and towards global vaccine production. The B-83 bomb is costly and outdated and just [one bomb](#) is capable of causing death and destruction equivalent to half the bombs dropped in WWII, including both atomic bombs. The COVID-19 pandemic has shown that threats to people's livelihoods and safety are not military in nature and cannot be solved by funding more conventional and nuclear weapons. Vaccinating the world will keep people safe and healthy and avoid the proliferation of deadly new variants. Congress has the opportunity to direct funds to real human needs in the NDAA, by re-allocating funds away from nuclear weapons and towards robust vaccine production as well as administration of the vaccine.

**Global Climate Assistance:** Sen. Ed Markey introduced an amendment ([S.Amdt.4216](#)) that would cut the defense topline by 1% and direct roughly \$7.6 billion towards global climate assistance and help developing nations fight the climate crisis. In addition to pandemics, climate change is another global problem that is a real threat to people’s safety and security. Wildfires, hurricanes, sea level rises, and extreme temperatures cannot be controlled by building more conventional and nuclear weapons. Congress can take meaningful action to help countries tackle the climate crisis by funding global climate assistance.

**Nuclear Policy:** Sen. Ed Markey introduced the following amendments that would reduce funding for nuclear weapons and reduce the risk of a nuclear attack:

- **[S.Amdt.4171](#)**: This amendment would reduce funding for the new Intercontinental Ballistic Missile (ICBM), the Ground-Based Strategic Deterrent (GBSD) and the W87-1 Warhead Modification Program. The GBSD is designed to deliver nuclear weapons from land-based silos in the U.S. to targets across the world and is expected to cost [\\$264 billion](#) during the course of its life-cycle. Additionally, the W87-1, the warhead that is being designed for the GBSD, will cost at least \$12 billion to build. According to a 2017 [CBO report](#), it would cost \$37 billion less to maintain the current ICBM, the Minuteman III, than developing and deploying the new GBSD through 2036.
- **[S.Amdt.4172](#)**: This amendment would implement a no-first use policy, which means that the U.S. will not be the first country to use a nuclear weapon. Instead, it will maintain a second-strike posture and only employ a nuclear weapon if attacked with one first. On the campaign trail, then-[candidate Biden](#) embraced support for no-first-use.
- **[S.Amdt.4173](#)**: This amendment would reduce spending on nuclear weapons and prohibit the procurement and deployment of low-yield nuclear warheads. Development of the low-yield nuclear warhead is expected to cost [\\$6.5 billion](#) over ten years. Overall, The Congressional Budget office estimates the U.S. will spend [\\$1.7 trillion](#) over 30 years on new nuclear weapons programs.

## Conclusion

America's longest war, the war in Afghanistan, is now officially over, and the war in Iraq has been over for a decade. Despite the fact that the U.S. is no longer engaged in military operations authorized by Congress, both the House and Senate proposed a needless \$37 billion increase to the defense budget compared to last year. Meanwhile, there has not been meaningful investment in helping countries access the COVID-19 vaccine and address the devastating effects of climate change. Congress has the opportunity to invest in pandemic and climate assistance in the NDAA, by redirecting funds to these programs. Congress also has the opportunity to promote human rights by ending arms sales to Saudi Arabia and the UAE and reconsidering sanctions that harm the populations of many countries. Lastly, Congress can end America's forever wars by repealing the 2002 AUMF.