

November 23, 2020

The Honorable James Inhofe
205 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Jack Reed
728 Hart Senate Office Building
Washington, D.C. 20510

The Honorable Adam Smith
2264 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Mac Thornberry
2208 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairmen Inhofe and Smith and Ranking Members Reed and Thornberry:

As a diverse group of organizations working to safeguard and strengthen our democratic institutions, we urge you to retain three amendments that were included in the Fiscal Year (FY) 2021 National Defense Authorization Act (NDAA): Sen. Tim Kaine's amendment (Section 1044 of S. 4049), adopted by voice in committee; Rep. Veronica Escobar's amendment (Section 1052 of H.R. 6395), adopted on the House floor; and Rep. Mikie Sherrill's amendment (Section 513 of H.R. 6395), adopted in committee. We appreciate that your Committee works to ensure each year's NDAA is a bipartisan exercise, and we believe that these amendments merit inclusion in the FY 2021 NDAA.

All three amendments protect the rights of Americans by ensuring that there are appropriate checks in place in a domestic deployment of U.S. military or state National Guard forces.

Sen. Kaine's amendment, adopted by voice in the Senate Armed Services Committee, would ensure that no NDAA funds can be used to infringe the rights to peaceably assemble or petition, which are vital components of protest and enshrined in the First Amendment.

Rep. Escobar's amendment to the Insurrection Act, adopted by the House of Representatives in a floor vote, would place a time limit on any deployment of troops under the Insurrection Act absent congressional approval of the deployment; prohibit the use of troops for law enforcement purposes unless otherwise authorized by law; and provide additional administrative and judicial checks.

Rep. Sherrill's amendment to 32 U.S.C. § 502(f), adopted by the House Armed Services Committee, would require that the governor of a target state approve any deployment of another state's National Guard into the target state.

We urge you to protect the rights of Americans by retaining these amendments in any NDAA conference report.

Sincerely,

Advocacy for Principled Action in Government
Bend the Arc: Jewish Action
Brennan Center for Justice
Bridges Faith Initiative
Center for International Policy
Center for Media and Democracy
Center for Victims of Torture
Climate Defense Project
Common Cause
Defending Rights & Dissent

Delaware Riverkeeper Network
Demand Progress
Democracy 21
Friends Committee on National Legislation
Government Accountability Project
Government Information Watch
Greenpeace USA
Human Rights First
International Corporate Accountability Roundtable
League of Technical Voters
Mainers for Accountable Leadership
National Coalition Against Censorship
Open the Government
People For the American Way
Project On Government Oversight
Protect Democracy
Public Citizen
R Street Institute
Restore the Fourth
Revolving Door Project
Stand Up Republic
X-Lab
Sarah Chayes, former special assistant to the chairman of the Joint Chiefs of Staff
Joshua L. Dratel, Dratel & Lewis

CC: The Honorable Tim Kaine, Veronica Escobar, Mikie Sherrill