

June 27, 2017

The Honorable John McCain
Chairman
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Jack Reed
Ranking Member
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman McCain and Ranking Member Reed:

The undersigned organizations are writing to protest your decision to classify and therefore close every subcommittee markup of the National Defense Authorization Act (NDAA), in addition to continuing to hold the markup of the full bill in a closed session. It is extremely troubling to see this committee backslide when it comes to making the operations of the legislative branch open and transparent to the people, particularly given the substantial amount of discretionary funding under the Committee's jurisdiction.

Last year, your committee drafted and voted on this bill—authorizing \$611.2 billion in Pentagon spending—almost entirely in secret. We know that you are aware of the great frustration expressed by many of your Senate colleagues who did not have an opportunity to amend the bill on the floor last year. Given the size and scope of this important legislation, it is unacceptable for the vast majority of senators have to vote on a bill compiled almost entirely behind closed doors, with very little chance for public input or accountability.

This year SASC could consider amendments that impact to alter military pay and benefit policy, authorize base closures, provide funding for major weapon systems, impact whistleblower protections, and other provisions with significant and direct impacts on American national security. And yet, your Committee does not release the bill it will vote on in advance of markup and then closes the markup of the bill to the public.

It's time to bring the NDAA into the light of day.

All congressional proceedings should be conducted in accordance with our country's highest principles of transparency and openness. Certainly, there are special exceptions when a committee can and should move to closed session to consider classified information, but this step should be taken only as needed and as infrequently as possible. Notably, the House Armed Services Committee (HASC) has held an open markup for years and did not need to close any portion of last year's markup of the NDAA for national security reasons.

Four years ago SASC held hearings and votes on one portion of the NDAA in open session. The debate on the sexual assault epidemic in the military was an important, thoughtful deliberation of different reform proposals. It is a model for what your committee could and should do on other policies and spending provisions in the bill. Most recently, your committee recognized the need

for both open and closed hearings on “Information Surrounding the Marines United Website.”¹ This demonstrates that not only is this combination of open and closed hearings possible, but that it is beneficial to the public and the work of the committee.

Three SASC subcommittees held open markups of the NDAA last year, but this year, zero will be held in open session. As you know, an open markup does not prevent private deliberation on the bill between senators and staff--it simply gives the public greater opportunity to participate.

We urge you to reconsider this regression in transparency, and at the very least, to hold a public vote so that constituents may see which of their senators want to authorize more than \$600 billion in spending without any public scrutiny.

Sincerely,

The American Friends Service Committee

Amnesty International USA

Appeal for Justice

Campaign for Liberty

Demand Progress

Federation of American Scientists

Just Foreign Policy

Liberty Coalition

National Taxpayers Union

National Priorities Project

OpenTheGovernment

Peace Action

Project On Government Oversight

Sunlight Foundation

Taxpayers Protection Alliance

Win Without War

¹ Senate Armed Services Committee Hearings, OPEN/CLOSED: Information Surrounding the Marines United Website; March 14, 2017 <https://www.armed-services.senate.gov/hearings/17-03-14-information-surrounding-the-marines-united-website>