

March 20, 2014

Chairman Carl Levin and Ranking Member James Inhofe
Senate Armed Services Committee
United States Senate
228 Russell Senate Office Building
Washington, DC 20510

Dear Chairman Levin and Ranking Member Inhofe:

We urge you to open up the process for considering the National Defense Authorization Act (NDAA) this year.

Last year, your committee drafted and voted on this bill—authorizing more than \$625 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 to have to vote on a bill compiled almost entirely behind closed doors, with very little chance for public input.

The NDAA is the single largest authorization bill that Congress passes, making the stakes for taxpayers very high. And yet, your Committee does not disclose the bill it will vote on in advance 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) did not close last year's markup of the NDAA for national security reasons, at all.

How can the same bill considered publicly in the House require secrecy in the Senate?

We ask you to make your committee's consideration of this critical bill at least as transparent as the HASC does, by:

- Giving the public access to *all* subcommittee and the full committee markups of the NDAA, including live and archived webcasting on the SASC website.
- Posting online the: 1) text of the *actual bill* the subcommittees and full committee will amend during markup at least 24 hours prior; 2) amendments considered during markup no later than 24 hours after markup (though preferably when they are filed); and 3) the NDAA as amended and approved by the subcommittees and full committee within 48 hours of the markup.

We appreciate that last year 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.

In addition, three SASC subcommittees held open markups of the NDAA last year (though the bills they voted upon were not made public in advance). As you know, an open markup will not prevent private deliberation on the bill between senators and staff—as well as with outside interests—it simply gives the public greater opportunity to participate.

Chairman Levin, since you plan to make this your last year in the Senate—we hope you will choose to leave a legacy of openness. We would be pleased to discuss this with you or your staff. Please contact Angela Canterbury, Director of Public Policy at the Project On Government Oversight, at 202-347-1122 or acanterbury@pogo.org.

Sincerely,

American Library Association
American Values Network
Americans for Tax Reform
Article 19
Audit The Pentagon Project
Bill of Rights Defense Committee
Brave New Films Action Fund
Campaign for a Nuclear Weapons Free World
Center for Effective Government
Center for Financial Privacy and Human Rights
Center for International Policy
Center for Media and Democracy
Citizens for Responsibility and Ethics in Washington (CREW)
Coalition on Human Needs
Coalition to Reduce Spending
Cost of Government Center
Council for a Livable World
Defending Dissent Foundation
DownsizeDC.org, Inc.
Electronic Privacy Information Center
Essential Information
Friends Committee on National Legislation
Government Accountability Project (GAP)
Human Rights First

Human Rights Watch
iSolon.org
Just Foreign Policy
Liberty Coalition
National Coalition Against Censorship
National Commission on Intelligence and Foreign Wars
National Priorities Project
National Security Network
National Taxpayers Union
Open Society Policy Center
OpenTheGovernment.org
Peace Action West
Project On Government Oversight (POGO)
Public Citizen
R Street Institute
Society of Professional Journalists
Sunlight Foundation
Taxpayers for Common Sense
Taxpayers Protection Alliance
The Constitution Project
USAction
Washington Coalition for Open Government
Washington Office on Latin America
Win Without War
Women's Action for New Directions (WAND)

cc: All Members of the Senate