



September 17, 2019

Sen. James Inhofe  
Chairman  
Senate Armed Services Committee  
Russell Senate Building, Room 228  
Washington, DC 20510

Sen. Jack Reed  
Ranking Member  
Senate Armed Services Committee  
Russell Senate Building, Room 228  
Washington, DC 20510

Rep. Adam Smith  
Chairman  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

Rep. Mac Thornberry  
Ranking Member  
House Armed Services Committee  
2216 Rayburn House Office Building  
Washington, DC 20515

**Re: The National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2020**

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

On 12 July 2019, the House of Representatives voted to pass the National Defense Authorization Act (NDAA) for FY 2020 (H.R.2500). The House version of the NDAA includes provisions and amendments that are critical to the protection of universal human rights. On behalf of Amnesty International USA (“AIUSA”) and our over two million members and supporters in the United States, I write today to urge you to defend and preserve these amendments during the upcoming conference.

Though the NDAA’s primary purpose is to authorize key defense policies for the coming year, it is also a critical vehicle for Congress to reemphasize the U.S.’s commitment to defending human rights domestically and abroad. Below are several provisions and amendments that we urge you to support so as to ensure the U.S. government respects, protects and fulfills human rights in South and Central Asia, the Middle East, and within the U.S.’s own borders.

**Security Assistance in Myanmar**

- **“The BURMA Act” (H.Amdt.30) introduced by Rep. Eliot Engel.**  
Amnesty International has continued to document ongoing violations of international law, including [war crimes](#), undertaken by the Tatmadaw (Myanmar army) in the Rakhine State of Myanmar. The language in H.Amdt.30 imposes a series of measures that will hold the Myanmar military accountable for their abuses by barring American military assistance to Myanmar, creating additional reporting requirements, and supporting investigations of war criminals, as well as enacting other penalties for those involved in perpetuating human rights abuses and violations of international humanitarian law.

### **Conflict Resolution in Afghanistan**

- **“Meaningful Inclusion of Afghan Women in Peace Negotiations” (H.Amdt.230) introduced by Rep. William Keating.**

Under Taliban rule, women’s rights were violated with impunity. Since 2001, however, women in Afghanistan have made tremendous strides toward securing the rights and freedoms guaranteed to them by Afghan and international law. Sixty-three women serve in parliament and thousands more work as teachers, university professors, judges, journalists, doctors and across all other professional sectors. Yet as U.S. and Afghan government officials negotiate an end to the conflict with the Taliban, women have not been meaningfully included in the discussions. As a result, these hard-won advances risk being rolled back. H.Amdt.230 would address this oversight by ensuring that the U.S. Departments of State and Defense create avenues for Afghan women to participate in ongoing and future negotiations.

### **U.S. Security Assistance and Involvement in the Middle East**

- **“Revision of the Arms Export Control Act to Prevent Congressional Bypass” (H.Amdt.28) introduced by Rep. Engel & “Prohibition of Emergency Arms Sales to Saudi Arabia and the UAE” (H.Amdt.24) introduced by Rep. Ted Lieu.**

On 24 May 2019, Secretary of State Mike Pompeo informed Congress that President Trump would invoke an emergency in order to sell \$8 billion in arms to Saudi Arabia and the United Arab Emirates (UAE) without congressional approval. Additionally, included in the sales was an agreement to use U.S. technology to build weapons in Saudi Arabia and in the UAE. Amnesty International has [found](#) that arms manufactured in the U.S. and sold to Saudi Arabia have been used to commit violations of international law, including war crimes like deadly attacks against civilians, in Yemen. By supplying arms to the Saudi and UAE-led coalition, the U.S. government is actively endangering the lives of thousands of Yemeni civilians. H.Amdt.28 by Rep. Engel places restrictions on President Trump’s ability to make such decisions without congressional oversight. It also limits the executive branch’s ability to use emergency determinations to approve overseas co-production of defense items. Similarly, H.Amdt.24 introduced by Rep. Lieu would strictly prohibit arms sales to these countries without congressional approval.

- **“Limiting Hostilities in the Civil War in Yemen” (H.Amdt.256) introduced by Rep. Lieu.**

The civil war in Yemen has been described by experts as the world’s worst humanitarian catastrophe. A military coalition of countries, led by Saudi Arabia and the UAE and backed by the U.S., has [contributed](#) to the unlawful killing of countless of Yemeni civilians as well as the destruction of homes, schools and hospitals. Despite consistent reports of Saudi Arabia using U.S.-made weapons to bomb civilians, the U.S. government has continued to provide services like [mid-air refueling](#) to Saudi forces. In response, H.Amdt.256 would prevent ongoing U.S. involvement in the deaths of Yemeni civilians by prohibiting such refueling efforts to non-U.S. aircraft that engage in the hostilities.

### **Ending Gun Violence**

- **“Additions to the National Instant Criminal Background Check System (NICS)” (H.Amdt.12) introduced by Rep. Gerry Connolly.**

Gun violence in the United States is a human rights crisis. Tens of thousands of Americans [die](#) each year from firearm-related violence, yet the U.S. has failed to implement comprehensive gun safety laws and regulations. For instance, the U.S. does not sufficiently restrict access to firearms for those most at risk of abusing them, such as individuals convicted of domestic violence. In response, this amendment codifies a Department of Defense (DoD) policy to mandate that servicemembers who are prohibited from purchasing firearms be reported to the National Instant Criminal Background Check System (NICS). It also requires the DoD to explore creating a database of military protective orders issued in response to domestic violence as well as the feasibility of reporting these orders to NICS.

### **U.S. Military Accountability**

- **“Modification of Annual Report on Civilian Casualties” (Sec. 1063) & “Assessment of Procedures Relating to Civilian Casualties” (Sec. 1087) & “Protecting Civilians in Conflict Zones” (H.Amdt.29) introduced by Rep. Engel.**

The United States has dramatically increased its use of lethal force in recent years, leading to a corresponding increase in civilian casualties arising from the “War on Terror.” Although previous congressional action mandates U.S. Department of Defense reporting on the number of civilian casualties, this reporting does not satisfactorily explain the discrepancy between the Pentagon’s surprisingly low civilian casualty figures and the significantly higher numbers uncovered by NGOs and the UN. These NDAA provisions would mandate an independent review of the process of investigating and reporting civilian casualties and would require more transparency in how allegations are investigated, confirmed or dismissed.

### **Guantanamo Bay**

- **“Prohibition on the Use of Funds to Transfer or Detain Additional Individuals” (Sec. 1033) & “Acknowledgement of Inadequacy of Medical Care” (Sec. 1034).**

Since 2002, the Guantanamo Bay Detention Center has housed Muslim men seized abroad in connection with armed conflicts following the September 11 attacks without charge or trial. Many were tortured, never received adequate medical treatment, and are now ailing. The provisions would prohibit adding new detainees to this population, which is detained indefinitely with no recourse and in violation of international law. It would also encourage the Department of Defense to examine the adequacy of medical care provided to the detained men and consider what steps are needed to improve their care.

We urge you to carefully consider these amendments and provisions in the upcoming conference. We look forward to your reply and would welcome the opportunity to provide any additional information you may need. If you have any further inquiries, do not hesitate to contact Daniel Balson by phone at (202) 509-8132 or email at [DBalson@aiusa.org](mailto:DBalson@aiusa.org).

Sincerely,



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