May 7, 2024

The Honorable Joseph R. Biden  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, DC 20500

Re: Request that the NSM-20 report to Congress be made public

Dear President Biden,

We write regarding the National Security Memorandum on Safeguards and Accountability with Respect to Transferred Defense Articles and Defense Services, or NSM-20. The undersigned press freedom, civil liberties, and human rights organizations urge your administration to make public the report due to Congress on May 8, 2024 under NSM-20.

NSM-20 requires recipients of defense articles to provide the United States with credible and reliable written assurances regarding their compliance with international humanitarian law and, as applicable, other international law. It also requires the Secretaries of State and Defense to provide a report to Congress on the assurances and their assessment, based on credible reports or allegations, of whether any U.S. defense services or articles have been used in a manner inconsistent with international law.

This report is due to Congress on May 8, 2024. However, it is not clear if your administration intends to also make this report available to the public. We strongly urge you to make the report available to the public and the press to the greatest extent possible.

Among other things, the report will include the U.S. assessments regarding the use of U.S. weapons by recipient countries in areas of armed conflict since January 2023, including the use of such weapons by Israel, Ukraine, and other countries. The public and the press have an especially strong interest in understanding how the U.S. has assessed the assurances provided under NSM-20 by all countries that receive U.S. defense articles, and particularly those in areas of armed conflict.
Access to the May 8 report will allow the press to more fully and accurately report on how elected leaders are making decisions about military aid to foreign countries. Journalists often report on U.S. military aid to foreign partners, including on congressional debates over foreign aid legislation. Access to the May 8 report by the press and the public will help Americans make informed judgments about our leaders’ decisions on foreign military aid.

In addition, access to the May 8 report will allow the public to assess the thoroughness and accuracy of the U.S.’s assessment of foreign country’s assurances, particularly in cases where there have been allegations that recipients have used U.S. assistance in a manner that violates international and U.S. law. Journalists and the public must have access to the May 8 report if they are to understand how the U.S. government responds to these allegations and determine whether it is adhering to the process and standards set forth in NSM-20.

Finally, the process established in NSM-20 suggests that the report to Congress is intended to be public. Section 2(b) of NSM-20 states that the written report to Congress “shall be unclassified” but may be “supplemented, to the extent necessary, with classified reporting as appropriate for the protection of classified national security information.” This language suggests that the majority of the report can and should be made available to the public.

Your administration has pledged to "bring transparency and truth back to the government." We urge you to adhere to this commitment by releasing the May 8, 2024 report to Congress under NSM-20 to the press and the public.

Thank you for your attention to this matter.

Respectfully,

Amnesty International USA
Defending Rights & Dissent
Freedom of the Press Foundation
National Press Photographers Association
Radio Television Digital News Association
Reporters Without Borders

CC: Jake Sullivan, Assistant to the President for National Security Affairs