

February 11, 2020

**VOTE “YES” ON THE NADLER AMENDMENT IN THE NATURE OF A SUBSTITUTE TO H.R. 2214**

Dear Representative,

On behalf of the American Civil Liberties Union (ACLU), and our more than 8 million members, supporters, and activists, we write to express our strong support for the NO BAN Act, H.R. 2214. As H.R. 2214 is scheduled for markup tomorrow, we strongly urge Members to vote “YES” on Chairman Nadler’s Amendment in the Nature of a Substitute to H.R. 2214, and to oppose any harmful amendments. The ACLU also urges Members to amend H.R. 2214 to rescind Presidential Proclamation 9883 and require further reporting. The ACLU will score this vote.



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Susan Herman  
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**Vote “YES” on the Nadler Amendment in the Nature of a Substitute**

The ACLU supports the Nadler Amendment in the Nature of a Substitute to the NO BAN Act. Though this amendment makes some changes to the original bill, it continues to achieve the ultimate goals of the NO BAN Act, which are to rescind the Muslim ban, refugee Muslim ban, and asylum ban, and make critical changes to the Immigration and Nationality Act (INA) by putting in place a more stringent standard for presidents invoking any similar suspension or restriction.

Under current law, the executive branch claims the authority to bar the entry of large groups of people without effective accountability and without regard for the policies codified in other parts of the INA. The NO BAN Act would strengthen limitations on this authority by raising the standard for invoking it. Rather than the current broad and undefined standard, the proposed bill with this amendment in the nature of a substitute would require the executive branch to meet a more stringent standard—based on “specific and credible facts” that any suspension of or restriction from entry must be connected to “specific acts” that have actually occurred. Furthermore, the bill requires that any such suspension or restriction meet a compelling government interest and that the government use the least restrictive means in doing so.

The NO BAN Act would also establish a system of checks and

balances whereby Congress would be routinely notified and briefed on the status, implementation and constitutional and legislative authority of the executive branch's actions. Finally, the proposed legislation would expand the non-discrimination provision of the INA to prohibit discrimination based on religion. While language connecting these two critical changes to the INA has been removed, the bill now includes a rule of construction indicating that the President, Secretary of State, and Secretary of Homeland Security cannot use this authority to act in a manner that is inconsistent with other policy decisions in immigration law.

**The ACLU also urges Members to amend the NO BAN Act so that it rescinds Trump's expanded Muslim ban, targeting Africans in particular (Presidential Proclamation 9883), and requires reporting on the impact of such proclamation during its duration.**

This bill is a significant step forward for Muslim communities and other communities that could be targeted discriminatorily or without good reason. By creating substantive standards and accountability, it greatly reduces the possibility of future bias-based bans.

The ACLU strongly urges you to support the Nadler Amendment and an amendment rescinding Presidential Proclamation 9883—without any harmful amendments. Please do not hesitate to contact Manar Waheed ([mwaheed@aclu.org](mailto:mwaheed@aclu.org)) if you have any questions. Thank you for your attention to this matter.

Sincerely,



Ronald Newman  
National Political Director



Manar Waheed  
Senior Legislative and Advocacy Counsel