

October 23, 2020

The Honorable James Risch
Chairman
Senate Committee on Foreign Relations

The Honorable Bob Menendez
Ranking Member
Senate Committee on Foreign Relations

The Honorable Eliot Engel
Chairman
House Committee on Foreign Affairs

The Honorable Michael McCaul
Ranking Member
House Committee on Foreign Affairs

Dear Chairmen Risch and Engel and Ranking Members Menendez and McCaul:

The undersigned represent a coalition of organizations interested in preserving the constitutional separation of powers and, specifically in this case, the Article I, Section 8 war powers provision. We believe that Congress has not done enough to prevent the executive branch's ongoing expansion of the post-9/11 conflicts, expansion that goes far beyond the limited authorization granted by the 2001 and 2002 Authorizations for Use of Military Force (AUMFs). We believe it is time to sunset the 2001 and 2002 AUMFs and that any replacement should provide more limited authorities that are subject to regular reauthorization.

American troops, an increasing number of whom have literally no memories of the September 11th attacks, are deployed throughout Central Asia and the Middle East based on the two AUMFs passed by the 107th Congress in 2001 and 2002.¹ These laws have been interpreted by three presidents to justify sending the military to at least 18 countries.² In that time, more than 7,000 American troops have been killed, with another 53,244 wounded. More than 100,000 coalition forces and contractor employees have also been killed.³

U.S. casualty numbers have tapered off dramatically in recent years, but overseas deployments continue to put lives at risk. And there is little to stop whoever happens to occupy the White House next from beginning a new campaign tomorrow.

Congress must start exercising its constitutionally mandated war powers. Accomplishing this requires this critical first step: Both houses of Congress must work together to sunset the current AUMFs. Any new AUMFs should include safeguards to prevent abuse of that authority beyond Congress's intent, including a specific sunset provision. Congress must assert its authority in order to have time to scrutinize and debate reauthorization.

Future authorizations should also specify the mission objectives and the kind of forces to be used, and clearly define the specific threat and geographic region for hostilities. A clear lesson of

¹ Tara Copp, "Recruiting a generation with no memory of Sept. 11," *Military Times*, September 11, 2017. <https://www.militarytimes.com/news/2017/09/11/recruiting-a-generation-with-no-memory-of-september-11th/>

² Congressional Research Service, *Presidential References to the 2001 Authorization for Use of Military Force in Publicly Available Executive Actions and Reports to Congress*, February 16, 2018. <https://fas.org/sgp/crs/natsec/pres-aumf.pdf>

³ Brown University, *Costs of War*, "Human Costs." <https://watson.brown.edu/costsofwar/costs/human/military/killed>

the past 19 years is that presidential administrations will exploit ambiguity in the law for their own policy aims.

Restoring Congress to its rightful place in the most basic matters of national security is of paramount importance to our Republic. The framers of the Constitution vested the power to declare war in Congress for a reason. Nine congresses have come and gone since the passage of the current AUMFs; the vast majority of current members have never given their assent to the Forever Wars. It is time for members of Congress to fulfill this most basic responsibility, one of the most important things the American people have entrusted to them.

Respectfully,

Concerned Veterans of America

Defense Priorities

FreedomWorks

Niskanen Center

Project On Government Oversight

R Street Institute