

September 3, 2019

The Honorable Nancy Pelosi, Speaker of the House
The Honorable Kevin McCarthy, House Minority Leader
The Honorable Mitch McConnell, Senate Majority Leader
The Honorable Charles E. Schumer, Senate Minority Leader
The Honorable James M. Inhofe, Chairman, Senate Armed Services Committee
The Honorable Jack F. Reed, Ranking Member, Senate Armed Services Committee
The Honorable Adam Smith, Chairman, House Armed Services Committee
The Honorable Mac Thornberry, Ranking Member, House Armed Services Committee
The Honorable James E. Risch, Chairman, Senate Foreign Relations Committee
The Honorable Bob Menendez, Ranking Member, Senate Foreign Relations Committee
The Honorable Eliot L. Engel, Chairman, House Foreign Affairs Committee
The Honorable Michael T. McCaul, Ranking Member, House Foreign Affairs Committee

Dear Madam Speaker, Majority and Minority Leaders, Chairmen and Ranking Members:

As conference negotiations proceed on the FY 2020 National Defense Authorization Act (NDAA), we write to urge that three priority policy changes included in the House-passed bill be retained in the final conference agreement. Although there are other provisions in both houses' proposals that we support, we believe that these three areas merit special consideration because of their policy significance and their demonstrated bipartisan, bicameral support.

1. Requiring Congressional Authorization to Initiate War with Iran. The House adopted, by a vote of 251-170, a provision that would prohibit funds for military action against Iran without explicit authorization from Congress. Bipartisan majorities in both chambers have signaled their opposition to the engagement of U.S. Armed Forces in or against Iran,¹ except in the event of a national emergency created by an attack upon the United States or following the debate and vote required under the Constitution. Congress must honor the will of the American people and act to prevent yet another unauthorized (and costly) war of choice.
2. Ending U.S. Complicity in the Saudi-led War in Yemen. The House adopted by a vote of 236-182 an amendment to prohibit for one year the sale to Saudi Arabia and the United Arab Emirates (UAE) of air-to ground munitions that could be used in the conflict in Yemen. It also approved, by a vote of 240-185, a provision that would prohibit U.S. support to and participation in the Saudi-led coalition's military operations against the Houthis. Both the House and the Senate previously voted to end U.S. participation in this exceptionally brutal war, which has triggered the world's worst humanitarian crisis, before President Trump vetoed the joint resolution and used an emergency procedure to sell yet more bombs to Saudi Arabia and the UAE.² In light of the president's refusal to accept the will of the majority of Congress on this matter, inclusion of these provisions in the NDAA is the best way for Congress to remove the U.S. stamp of approval from this war.

¹ https://www.senate.gov/legislative/LIS/roll_call_lists/roll_call_vote_cfm.cfm?congress=116&session=1&vote=00189;
<https://www.coons.senate.gov/news/press-releases/senator-coons-statement-on-todays-vote->

² <https://www.cnn.com/2019/04/16/politics/trump-vetoes-yemen-war-powers-resolution/index.html>;
<https://www.justsecurity.org/64413/an-emergency-arms-deal-will-congress-acquiesce-in-another-blow-to-its-authority/>

3. Repealing the 2002 Authorization to Use Military Force (AUMF) Against Iraq. The House adopted by a vote of 242-180 a simple provision that would repeal the October 2002 authorization to use military force to defend the national security of the United States against, and enforce United Nations Security Council resolutions on, Saddam Hussein's Iraqi regime (P.L. 107-243). Saddam Hussein has been dead for over a decade, the war against Iraq is over, fully 80% of the current House and Senate membership were not even in the Congress in October 2002, and the administration concedes there are no ongoing military operations that independently rely on the legal authority provided by P.L. 107-243.³ Leaving the 2002 law in place only creates the potential for abuse and continues to erode Congress' constitutional authority to decide whether the United States goes to war.

A final NDAA that does not, at a minimum, include these policy changes would be a deeply disappointing abrogation of Congress's constitutional responsibility to represent its constituents' interests and to set U.S. foreign policy on a more ethical and constructive course.

Sincerely,

Diane Randall
Executive Secretary
Friends Committee on National Legislation

Nate Anderson
Executive Director
Concerned Veterans for America

Jon Soltz
Iraq War Veteran
Chair, Vote Vets

Kevin R. Kosar
Vice-President of Policy
R Street Institute

David Segal
Executive Director
Demand Progress

George D. O'Neill, Jr.
Founder and Chairman
Committee for Responsible Foreign Policy

³ <https://www.justsecurity.org/64885/now-is-the-time-to-repeal-the-2002-aumf/>; <https://thehill.com/blogs/congress-blog/politics/451117-congress-needs-to-repeal-the-2002-iraq-authorization-for-use-of>