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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

FRANK G. LOWENSTEIN, STAFF DIRECTOR
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June 23, 2011

Dear Colleague:

On June 28, the Foreign Relations Committee will mark up S.J. Res. 20, which would authorize the continued use of U.S. military force in Libya. I have made known my belief that Congressional authorization is required if these operations are to continue.

It is important that members give careful consideration to the terms and scope of any authorization to use military force in Libya. These are critical to ensuring that Congress does not authorize more extensive military operations than the country is prepared to support and sustain and that Congress will be able to exercise meaningful oversight of the war effort as it proceeds.

In this regard, I am concerned that S.J. Res. 20 would provide expansive authorities permitting the continuation and significant escalation of U.S. military involvement in Libya's civil war. Though the resolution's title indicates that it authorizes the "limited" use of U.S. armed forces in Libya, in fact, the resolution contains few, if any, meaningful limits. In particular:

- The resolution would authorize the President to re-escalate U.S. military involvement in Libya to, and potentially beyond, the lead role it played at the beginning of the operation, when the United States carried out intensive air strikes on a daily basis. The resolution would only limit the President to actions "in support of United States national security policy interests" and "to enforce United Nations Security Council Resolution 1973."
- The resolution contains no legally binding prohibition on the introduction of ground troops to Libya. It addresses this issue only through non-binding language indicating that Congress "does not support" deployment of ground troops.
- The resolution does not counteract the President's assertion that current U.S. operations do not amount to "hostilities" and therefore do not require Congressional authorization under the War Powers Resolution. Allowing this assertion to stand unchallenged would increase the risk that Presidents will conduct similar military interventions in the future without seeking or receiving Congressional authorization.

- The resolution also lacks meaningful provisions for Congressional oversight of the operations, their costs, and their potential impact on other U.S. national security objectives.

Because the terms of S.J. Res. 20 would authorize such expansive and prolonged military operations in Libya, members may wish to consider modifications that would narrow the resolution's scope and strengthen Congress's ability to oversee the operations. Such changes could include:

- A legally binding prohibition on the deployment of ground forces to Libya;
- A narrowing of authorized role of U.S. military forces, restricted to intelligence sharing, refueling, search and rescue assistance, and planning support for NATO operations;
- Specification that the War Powers Resolution applies to current U.S. military operations in Libya, and that continuation of those operations requires Congressional authorization;
- Required periodic reporting on the costs the United States is incurring to carry out the operations, and on their impact on the capacity of the United States and its NATO allies to carry out other operations, including against the Taliban and Al Qaeda in Afghanistan and elsewhere; and
- Expression of the Sense of the Congress that post-war reconstruction costs should be borne primarily by the Libyan people and Arab League nations who requested the military intervention.

I am enclosing the text of amendments addressing these points, which I plan to offer at next Tuesday's Foreign Relations Committee business meeting. I would urge your support for them.

Sincerely,



Richard G. Lugar
Ranking Member