

By a somewhat narrow margin, the House and the Senate agreed that we should go forth. In fact, we did, and we had one of the most lopsided victories in the history of American warfare; in fact, in the history of world warfare. It just strikes me that here, some 7 years later, it is not any less important an issue that should be debated between the Members of Congress, members of all parties, all philosophies, and both Houses.

I am very concerned today, as I was a few months ago, when it looked very much like we were going to commit lots of American men and women in uniform to the potential of losing their lives in battle against the new Iraqi threat, but under the leadership of the same despot, Saddam Hussein.

We might well have brought about the death of tens of thousands of Iraqi citizens, and we might well have earned for ourselves the enmity of the entire Arab world. All of that would have been possible, and maybe it was for a good cause. Maybe it was necessary, but then again, maybe it was not.

The fact is, it would have been done without so much as a "by your leave" in Congress. This is a momentous issue. We debated it well 7 years ago. We should debate it equally well today.

Mr. MURTHA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the fallacy I see in the argument that both gentlemen are making is that we have forced Saddam Hussein to back down. Our inspectors are doing their work, and at a critical stage in the inspection process where half of it is over, we are saying to Saddam Hussein, okay, Congress is going to have to vote on this issue. We voted in 1991.

Members know, I led the fight on the Democratic side for going to war, and I believe very strongly a President should come to Congress to get authorization. I believe he still has authorization to go to war. I do not think, in this particular situation, there is any need for the Congress to act again on something that is clearly in our national security interest.

There are deployments Presidents have made I have disagreed with, that I do not believe were in our national security interest. I believe this is in our national security interest. More than half the energy resources in the world are in this area. It is absolutely essential we have stability. We need to react timely in order to prevent a war.

What happened the last time is when the United States had to react, he had to react immediately. He sent in the 82nd Airborne right before the marines. He sent in the marines. He sent in the air wing. They could have run over us, but because of the force of the United States, because the President of the United States acted, we were able to stop him from going into Saudi Arabia.

I am absolutely convinced, though, if he thought Congress was going to wait, and he was convinced Congress was

going to vote against going to war. It is very easy now to say Congress passed a resolution to go to war, but let me tell the Members, in those days President Bush withstood tremendous pressure. He did a phenomenal job in getting that authorization passed. It was bipartisan, but it was obviously a very difficult debate.

So I think the timing is terrible. I know the President will veto this bill. There is another reason for him to veto this particular bill, if this provision is in this piece of legislation. So I would hope that the Members would think very clearly, they would listen to this debate, and then when it goes to conference, that we will be able to get this amendment removed so we can go on with our business, if this gets to conference.

Mr. SKAGGS. Mr. Chairman, I yield 1 and a half minutes to the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL. Mr. Chairman, I give high commendation to my colleague, the gentleman from Colorado, for bringing this to the floor.

Two arguments have been made against what the gentleman has achieved. I wish to respond to them. First, to the gentleman from Pennsylvania (Mr. MURTHA) that the authorization to go to war passed in 1991 would still apply today, it does not. Today we are discussing the use of force in response to the failure of Saddam Hussein to allow inspection of his mass destruction weapons facilities, which occurred after we drove him out of Kuwait. Logically, this could not have been anticipated at the time of the 1991 vote. I was here. I voted yes then, as well. But we had no consideration then of force to terminate weapons' programs.

It would be as dangerous to say that the 1991 authorization applies today, as it was to say that the Gulf of Tonkin resolution gave approval for everything that followed in Vietnam. We must be careful in what we approve. We were careful in 1991, so that the men and women in our armed forces whose lives are at stake might know what their representatives have approved. And that was not an unbridled authorization for action seven years later.

The argument of the gentleman from Indiana, that because of this provision, the President will not be able to respond to Saddam Hussein's use of anthrax, is absolutely false. The ability of the President to respond to such an attack would be constitutionally possible, and also financially possible under this provision, simply by using money in the general Defense Department budgets.

The only effect of the restriction of the provision by the gentleman from Colorado (Mr. SKAGGS) is that funds used in this supplemental may not be used for the purpose of enforcing the U.N. inspections regime, without getting the approval of Congress. There is no restriction on responding to an attack upon the United States' interests

or people, including the hypothetical case of Saddam Hussein's use of anthrax.

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I conclude by saying I have done my very best to attempt to bring back to Congress the authority the Constitution gives and requires of us. Let us not let it slip through our hands once more. Let us instead stand up for our obligation under the Constitution.

Mr. MURTHA. Mr. Chairman, I reserve the balance of my time.

Mr. SKAGGS. Mr. Chairman, I yield 30 seconds to the gentleman from Maryland (Mr. BARTLETT).

(Mr. BARTLETT of Maryland asked and was given permission to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Chairman, I want to thank the gentleman from Colorado (Mr. SKAGGS) for his amendment which puts into law our joint resolution, of which he is one of 108 cosponsors, to require just this.

Mr. Chairman, I wanted to mention in just the few moments I have, not only does Article I, Section 8 of the Constitution apply, but also Article II, Section 2, where it says the President shall be Commander in Chief of the Army and the Navy of the United States and the militia of the several States, when called into the actual service of the United States. It is the Congress that does that. After they have been called into service, the President is then the Commander in Chief.

This is a good amendment. It needs to stay in the bill.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. PAUL).

Mr. PAUL. Mr. Chairman, I thank the gentleman from Colorado (Mr. SKAGGS) for yielding me this time, and I appreciate very much his work in this effort.

Mr. Chairman, this is a very important part of this legislation. This is not BESTEA, but it is "best part." By far Section 302 of this bill is the best part of this entire bill. The only thing I would like to add is that the money being spent in Bosnia and Iraq, \$1.8 billion, should not be spent there either, because I am frightened that we will put our men in harm's way and then a situation will occur, and it will be virtually impossible for the Congress to turn down acceleration and amplification of the conflict over there.

Mr. Chairman, it has been stated that only five times we have declared war in our history. True. But who is going to stand here and say that men that died in Vietnam and in Korea were not in a war? They were illegal. They were unconstitutional. This is a very sound effort to bring back once again the constitutional responsibility of all of us to declare war, and only Congress can do that.

Mr. SKAGGS. Mr. Chairman, I yield 1½ minutes to the gentleman from California (Mr. CUNNINGHAM), a member of the committee.