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House of Representatives

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Mr. BARRETT of Nebraska).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
February 24, 1998.

I hereby designate the Honorable BILL BARRETT to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Sherman Williams, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate agrees to the amendment of the House to the bill (S. 927) ''An Act to reauthorize the Sea Grant Program.''

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to 5 minutes.

The Chair recognizes the gentleman from Colorado (Mr. SKAGGS) for 5 minutes.

WHETHER CONGRESSIONAL AUTHORIZATION OF FORCE IN THE PERSIAN GULF IN 1991 CONTINUES TO AUTHORIZE FORCE IN 1998

Mr. SKAGGS. Mr. Speaker, I think we were all heartened by the developments over the weekend when the Secretary General of the United Nations was able to put together an agreement with Iraq concerning the current crisis there. It is certainly a promising development, and we all hope and pray that it will be the solution to the crisis.

But given Saddam Hussein's history of broken promises, we all will remain skeptical and will wait to be shown that this time it is for real. It is understandable, therefore, that the President has stated that the United States forces currently deployed in the region will stay there for the foreseeable future, and again, given the history of broken promises, it is entirely possible that we may face again soon the question of the use of military force against Iraq.

So, it is important, even though we have this moment to catch our breath, to remind ourselves of Congress' responsibility in this matter. In my opinion, and I think an opinion widely shared, the initiation of military action that is contemplated in Iraq clearly implicates Congress' responsibilities under the war-making clause of section 8, article 1, of the Constitution.

The President's position, as I understand it, has been that he already has sufficient authority in this matter derived, in a way, from the Persian Gulf War resolution that this Congress passed back in 1991. The administration claims that it is appropriate to see that Persian Gulf War resolution as looking forward to the authorization of force not only to implement then existing Security Council resolutions, which at the time of course dealt with getting Iraq out of Kuwait, but also to contemplate future Security Council resolutions, including the one that after the war set up the United Nations commission and the inspection regime that is now at issue in going after Iraq's weapons of mass destruction.

That Security Council resolution, number 687, of course was adopted after the Persian Gulf War, and unlike the ones that preceded the war, did not expressly contemplate or state that member states of the U.N. could use force, or ''all necessary means,'' to use the proper phraseology, to carry out its purposes.

I do not believe those of us who were here in 1991 for the debate before the Persian Gulf War would say that the text of the resolution passed before the Persian Gulf War, and certainly not the debate that preceded passage of the resolution, support the idea that we were then granting authority for some future military action to force compliance with a weapons of mass destruction inspection regime that did not then exist.

Over the weekend we have heard former Secretary of State Baker remind us all that the issue at the time that we went to war in 1991, the mandate at that time, was to get Iraq out of Kuwait.

I have today released a report, a memorandum, done at my request by the Congressional Research Service on this issue. A copy has been sent to all Members' offices. I believe the analysis of these legal, but very important, considerations done by CRS reinforces the argument that this 105th Congress cannot rely on what the 102nd Congress did, and that we need to face up to our current constitutional responsibilities.

The Constitution requires authority from Congress before this country initiates a major military attack for good reasons, both as a check against any precipitous action by a President, but also to be sure that the American people, acting through their representatives in Congress, have been consulted and do consent.

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