

flood and rebuild as soon as the flood is over.

I commend State and local officials and the North Dakota National Guard for the tremendous work that they have done, working tirelessly to prepare for this flood and quickly responding to those who need help, and most importantly, to the tens of thousands of volunteers who embody North Dakota's spirit and show that in times of hardship that they will pull together and get the job done.

Again, I thank all the volunteers, and our hearts go out to those who are fighting the flood.

#### DON'T END MEDICARE

(Mr. TONKO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TONKO. Mr. Speaker, my constituents are wondering when the House majority will hear their cries: Don't end Medicare. In fact, a recent CNN poll showed opposition to the Road to Ruin budget that ends Medicare, with the highest amongst those being senior citizens at 74 percent opposed to the plan.

In addition, the voters in the 26th Congressional District of New York recently made their voices heard when they elected Representative KATHY HOCHUL to be the newest Member of Congress. Their top concern was that the Republican budget threatens to end Medicare. They know that under the plan, anyone under the age of 55 will be forced to save an extra \$182,000 just to pay for their future health care costs in retirements. That number rises to a startling \$400,000 for those in their thirties. These statistics are even more astounding when you consider the billions of dollars in tax breaks Republicans have given away to our country's wealthiest individuals as well as Big Oil companies.

Enough is enough. If Republicans are serious about protecting our Nation's seniors, they would work with us to strengthen Medicare, not end it.

□ 0910

#### THE PLAN TO END MEDICARE

(Mr. PALLONE asked and was given permission to address the House for 1 minute.)

Mr. PALLONE. Mr. Speaker, Republicans are doubling down on their plan to end Medicare, voting this week for a second time on their Road to Ruin budget that ends Medicare. Republicans instead should listen to the will of the people, who overwhelmingly oppose their Medicare plans, and instead work in a bipartisan way to address deficits and strengthen Medicare.

The Republican budget more than doubles costs for future generations and puts insurance companies back in charge. According to the CBO, in 2022 the average senior will see their costs

increase by more than \$6,000, and the Republican budget also cuts benefits for today's seniors. It reopens the prescription drug doughnut hole, increasing costs for the estimated 4 million seniors who fall into the coverage gap by as much as \$44 billion over the next decade, including \$2.2 billion in 2012 alone. It also increases costs for preventive care and eliminates the annual wellness benefit.

The Republican budget has the wrong priorities and makes the wrong choices for seniors and middle class families.

#### PROVIDING FOR CONSIDERATION OF H. RES. 292, REGARDING DEPLOYMENT OF UNITED STATES ARMED FORCES IN LIBYA, AND PROVIDING FOR CONSIDERATION OF H. CON. RES. 51, LIBYA WAR POWERS RESOLUTION

Mr. SCOTT of South Carolina. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

#### H. RES. 294

*Resolved*, That upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the resolution (H. Res. 292) declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes. The resolution shall be considered as read. The previous question shall be considered as ordered on the resolution to its adoption without intervening motion or demand for division of the question except one hour of debate, with 40 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs, 20 minutes equally divided and controlled by the chair and ranking minority member of the Committee on Armed Services.

SEC. 2. Upon the adoption of this resolution it shall be in order without intervention of any point of order to consider in the House the concurrent resolution (H. Con. Res. 51) directing the President, pursuant to section 5(c) of the War Powers Resolution, to remove the United States Armed Forces from Libya, if called up by the chair of the Committee on Foreign Affairs or her designee. The concurrent resolution shall be considered as read. The concurrent resolution shall be debatable for one hour, with 30 minutes controlled by Representative Ros-Lehtinen of Florida or her designee and 30 minutes controlled by Representative Kucinich of Ohio or his designee. The previous question shall be considered as ordered on the concurrent resolution to its adoption without intervening motion.

The SPEAKER pro tempore (Mr. WOMACK). The gentleman from South Carolina is recognized for 1 hour.

Mr. SCOTT of South Carolina. For the purpose of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MCGOVERN), pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

#### GENERAL LEAVE

Mr. SCOTT of South Carolina. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SCOTT of South Carolina. House Resolution 294 provides for a closed rule for consideration of two measures, House Concurrent Resolution 51 and House Resolution 292.

This rule allows for the consideration of House Concurrent Resolution 51, consistent with the War Powers Act, and provides for an alternative measure introduced by the Speaker of the House. I support the Speaker's resolution and the ability to have up-or-down votes on both resolutions.

This approach is consistent with the Speaker's and our conference's goal of a more open and transparent process, allowing the House to work its will on both resolutions. Members can vote for one of the resolutions, both of the resolutions, or neither of them.

The underlying legislation addresses the administration's actions in Libya. Mr. Speaker, on March 19, 2011, President Obama ordered U.S. military intervention in Libya as a part of a multinational coalition. Well over 60 days later—let me say that one more time—over 60 days later the President has still not asked for, nor has he received, authorization from Congress to commit troops to such action.

Mr. Speaker, article I of our Constitution states that Congress, and only Congress, has the power to declare war. This point was made best in 2007 by then-Senator Barack Obama, who said: "The President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Just in case we missed that, the current President got it right in 2007 when he was a Senator. I want to quote him one more time. He said that "the President does not have power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

While the United States must play offense in the war on terror, and we should not have to wait for threats to materialize before acting. It is not clear, it is simply not clear that Libya posed a threat to our Nation that justified the use of troops, the United States' troops.

It is undeniable that Qadhafi is one of the most notorious terrorists of our time, and the world will be a better place when he is gone. But at the same time, there is no shortage of dictators who should be removed from power. Syria's Assad is butchering his own people as we speak. Iran, under Ahmadinejad, sponsors terrorism around the world, he persecutes religious minorities, and is working to develop a nuclear bomb.

Moreover, the President has not outlined the purpose or the scope of our action in Libya. Is the objective the removal of Qadhafi from power? If so, who will replace Qadhafi? And what assurances do the American people have that the alternative will be any better than Qadhafi?

House Resolution 292 accomplishes four objectives. First, it establishes that the President of the United States, President Obama, has not asked for congressional authorization for a military involvement in Libya, and that Congress has not granted such authority. Second, the resolution reasserts that Congress has the option to withhold funding for any unauthorized use of the United States Armed Forces, including such activities in Libya. Third, the resolution requires the President to provide within 14 days information to Congress which should have been provided from the start. Fourth, the resolution reaffirms the vote that Congress took just last week that says that there should be no U.S. troops on the ground in Libya unless they are there to rescue American troops.

It is unfortunate, it is very unfortunate that our President has made this resolution necessary. Yet at the same time, we are mindful that the congressional action must consider our responsibilities to our allies, including those that are currently in harm's way. America keeps its promises. We keep our commitments. And we stand by our soldiers and our allies. I encourage my colleagues to vote "yes" on the rule.

I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, I thank my colleague from South Carolina for yielding me the customary 30 minutes, and I yield myself such time as I may consume.

Mr. Speaker, last week the House spoke quite clearly on the question of Libya during the debate on the fiscal year 2012 National Defense Authorization Act. By a vote of 415-5 on a bipartisan amendment offered by Congressman CONYERS, the House voted against U.S. deploying ground troops in Libya. So the House has clearly stated its position on U.S. military operations in Libya.

But that vote did not touch upon two serious matters, each very much connected to the other. First is the fact that the President did not seek a congressional authorization for a U.S. military operation in Libya in coordination with our NATO allies; nor did the leadership of this House insist on one or pursue one.

Second, under the War Powers Resolution, the President has not sought the authorization of Congress during the required time period to maintain U.S. Armed Forces in military operations in Libya. Simply put, under the War Powers Resolution, the President must obtain congressional authorization for military action that lasts longer than 60 days. If Congress does not authorize military action, the

President must withdraw troops within 30 days.

The 60-day authorization deadline expired on May 20, and the 30-day withdrawal deadline expires on June 19. Therefore, the Congress now has the responsibility to call for the end of U.S. military operations in the absence of a clearly defined authorization for U.S. military operations in Libya.

□ 0920

Last night, Mr. Speaker, the Rules Committee considered two resolutions: one offered by Representatives KUCINICH, BURTON and CAPUANO, which clearly addresses the violation of the War Powers Resolution and would require the withdrawal of U.S. forces from military operations in Libya. If passed by the House and the Senate, it would have the force of law. The other, offered by the Speaker of the House, is a simple H. Res, a nonbinding resolution, a document which is simply advisory in nature and relevant only as a statement of the House, which reprimands the President for failing to seek proper authorization for our military operations in Libya, asks for reports to provide the House with necessary information regarding national security interests and costs of the Libya operation, and then does nothing. Nothing, Mr. Speaker. It again shirks the responsibility of this House and this Congress as a whole to either take up and pass an authorization for U.S. military operations in Libya, or pass a resolution requiring a withdrawal of U.S. forces and an end to U.S. military operations in Libya.

Mr. Speaker, it's easy to complain, it's easy to lay blame, but it takes leadership to own up to our own responsibilities and take appropriate action, and it takes leadership to handle this process in a responsible way. Frankly, Mr. Speaker, this process does not do that. The Republican leadership rushed their resolution through the Rules Committee without any hearings and without any markup, violating their 3-day pledge to allow people to read the bill. So much for the new, open House of Representatives.

This would be sad, Mr. Speaker, if it weren't so important. War is a serious issue. Whether we are sending unmanned drones, armed jets or American soldiers into harm's way, war must be debated and considered by the Congress in a responsible manner. The Republican leadership, however, is not treating this issue the way it deserves to be treated. This debate deserves better, quite frankly. The American people deserve better.

I urge my colleagues to defeat this rule.

I reserve the balance of my time.

Mr. SCOTT of South Carolina. Just one clarification: The concurrent resolution, H. Con. Res. 51, does not become law.

Mr. Speaker, I yield 3 minutes to the gentleman from South Carolina (Mr. WILSON).

Mr. WILSON of South Carolina. I am honored to be here with the newly elected freshman member of the First District of South Carolina, TIM SCOTT. I appreciate his leadership on the Rules Committee. The people of South Carolina are very proud of his service. The people of the First District of South Carolina are noted for their strong support of the military. They elect Members to Congress like TIM SCOTT who work for a strong military, a strong national defense in the tradition of Ronald Reagan, of peace through strength.

In the First District, the Congressman has the Citadel, the military college of South Carolina; the Charleston Air Force Base, the Naval Weapons Station, SPAWARS. In fact, I actually grew up there adjacent to a U.S. Coast Guard base, so we know the value of a strong military.

Personally, in fact, Congressman SCOTT's brother was the Command Sergeant Major at Landstuhl, one of the largest military hospitals in the world in Germany. Through his Army experience and family connection, we know that TIM SCOTT is for a strong military and understands as I do how important it is that military force should only be used when it is in America's vital interests.

I have the perspective of being the son of a World War II veteran, a Flying Tiger. I served 31 years in the Army National Guard. I have four sons currently serving in the military. I want our military to be used properly. When the President is right, as he was to follow the advice of General David Petraeus to add troops, the surge in Afghanistan, the resulting success that we see in Afghanistan today, we're happy to support him. But this resolution is very important, because we have not seen from the President of the United States, there has been a failure of leadership in regard to explaining why military forces are being used in Libya.

I'm very pleased with the resolution. The key point that the American people need to know is declaring that the President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya. To put troops on the ground, I believe, is highly irresponsible. A case has not been made of why this is in America's vital interests. We know there is great conflict as to who the rebels are. What are these rebels? Are these al Qaeda elements that are attacking the Qadhafi forces? The Qadhafi forces themselves? What would happen if we got involved with troops on the ground? These issues need to be resolved on behalf of the American military, on behalf of the American people, and we urge through this resolution that the answers be provided to the American people, to the American military, to our allies, why are we there? What is America's vital interest?

And so I urge support of the rule and commend the freshman Congressman from South Carolina for his leadership.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Again, just so we're all clear here, under the War Powers Act, if a concurrent resolution is passed demanding that the troops are removed from a particular country, then they will be removed, if you believe that the War Powers Act carries any weight, and I believe that the War Powers Act is relevant here. That's what the resolution by the gentleman from Ohio (Mr. KUCINICH) does.

What the resolution my friends in the Republican leadership have drafted does is nothing. Your resolution doesn't even have to go to the Senate. It won't go to the Senate. It directs the President to do a whole bunch of things that, quite frankly, he can ignore, because this bill doesn't mean anything. What this is—and let's be clear about what this is—is this is a way for some of my friends on the other side of the aisle to kind of cover their back sides, to be able to say to their constituents, We did something tough on Libya. Let me read to you how tough the language is in the bill that the Speaker of the House has drawn up. A lot of tough language. It sounds good. Except when you look a little bit more closely, you realize that this is an H. Res, which doesn't mean a thing.

So if you're into symbolism, if you're into therapy, you know, vote for the Boehner resolution. If you are interested in action, if you are interested in actually living up to our responsibilities as lawmakers in the United States Congress, then I would suggest that you look at the resolution that the gentleman from Ohio has drafted.

You can talk all you want about how the Republican alternative here is somehow meaningful, but it really isn't. Again, I shouldn't be surprised. No one should be surprised here, because most of what they have done since they assumed control of the Congress has been meaningless, has been symbolic. Whether it's dealing with health care or jobs, which they don't want to talk about, you name it, a lot of it has been mostly symbolic. I think on the issue of war, we should take it more seriously and be more honest with the American people as to what we're doing.

At this point I would like to yield 2 minutes to the gentleman New York (Mr. NADLER).

Mr. NADLER. I thank the gentleman.

Mr. Speaker, what we are confronted with today is not primarily a question of foreign policy or even of war policy. We are presented with a question of constitutional law and of the prerogatives of the United States Congress. Shall the President, like the King of England, be a dictator in foreign policy? Shall the President have the unfettered right to take this country to war without so much as a "by your leave" from Congress as the King of

England could do without authorization from Parliament?

The authors of our Constitution answered that question in the negative. They said, "No, we don't trust kings, we don't trust executives to make a decision to go to war. We want that to be the prerogative of the people as represented by the Congress."

□ 0930

A whole series of Presidents since World War II have forgotten that, starting with Harry Truman in the Korean War and Lyndon Johnson in the Vietnam War right up to the present.

Now, there are reasons for this, and I will go into that when I speak on the Kucinich resolution a little later. I would simply observe now I am going to vote for the Boehner resolution, but I am also going to vote for the Kucinich resolution.

The Boehner resolution is fine as far as it goes, but it doesn't deal with the basic problem. The Boehner resolution says the President has failed to provide Congress with a compelling rationale based upon U.S. security interests for current United States military activities, that is true. Frankly, I do not understand why we are in Libya.

The Boehner resolution then says the President shall transmit to the House of Representatives all kinds of information, basically saying why we are there, and that's good. You should have done that before we went there, but it's good that we demand this information now. But then the Boehner resolution stops.

All it demands of the President is that he gives us his reasons. And his reasons, maybe we will agree with him, maybe we won't. Maybe they are sufficient, and maybe they are not.

Then it says, "Findings.

"(a) The President has not sought, and Congress has not provided, authorization for the introduction or continued involvement of the United States Armed Forces in Libya."

That's true.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman 1 additional minute.

Mr. NADLER. I thank the gentleman.

"(b) Congress has the constitutional prerogative to withhold funding for any unauthorized use of the U.S. Armed Forces, including for unauthorized activities regarding Libya."

That's also true, but so what. It doesn't direct anything. It doesn't say that what the President did was outside his powers. It doesn't direct that the activity stop. It doesn't do anything. I think we should do something, because if in this situation we do not reclaim congressional powers, I can think of no set of circumstances under which the President cannot go to war without going to Congress first, no set of circumstances. And that turns the Constitution and the intentions of our Framers and the intentions of our whole constitutional law system on its head.

Therefore, I urge a vote of "yes" on the Boehner resolution and a vote of "yes" on the Kucinich resolution, which, unlike the Boehner resolution, actually does something about the situation we find ourselves in.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. DENHAM).

Mr. DENHAM. You know, this could not be any more serious. It's important for us to debate what our servicemembers are doing in foreign conflicts.

The War Powers Act, it is important to make sure that the President understands from Congress exactly what we are willing to do with our American troops and where we are willing to fight.

But I do agree he has to give us his reasons. In Desert Storm, we knew why we were there. We knew what our role was, we knew what our goals were, we knew what our exit strategy was.

These are the very reasons that we are looking for before we appropriate funds, before we put our troops at risk, before any boots go to the ground, before this conflict escalates any further, before a new government comes into play, we expect these answers to be given to us. We expect the President to do his job, to show leadership, to address Congress and explain why he is committing American servicemembers.

So this is very serious. It is very serious and it's long overdue. The President should have come here first. He certainly should have come here within 60 days. It is long overdue, it is very serious, and the time to demand answers is now.

Mr. MCGOVERN. Mr. Speaker, I yield myself 15 seconds.

I hear a lot of talk on the other side about the Boehner resolution requires the President to do this, it directs him to do that, he must do this, he shall do this. But the way you have presented this in this H. Res. form, the President doesn't have to do anything. So let's not fool ourselves, and let's not fool the American people that somehow this is meaningful.

I yield 3 minutes to the gentleman from Texas (Ms. JACKSON LEE).

(Ms. JACKSON LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON LEE of Texas. This could be no more a somber debate than what we are doing here today, and I thank the manager, Mr. MCGOVERN, and the gentleman from South Carolina for recognizing, through the leadership of our House, that the American people must be engaged in the constitutional duties that have been set out for the three branches of government.

Under the Constitution, the war powers are divided between Congress and the President, and among other relevant grants, Congress has the power to declare war and raise and support armed forces while the President is the Commander in Chief.

The congressional duties fall under article 1, section 8, and the Commander

in Chief can relate his or her duties to article 2, section 2.

It is generally agreed that the Commander in Chief role gives the President power to utilize the armed services to repel attacks against the United States. But there has long been a challenge or controversy over whether he or she is constitutionally authorized to send forces into hostile situations abroad without a declaration of war or congressional authorization.

And so here we are today indicating that it is important for the Commander in Chief, no matter how much respect there is, to be able to respond to the call of the Congress. There are now two resolutions that swirl around the violence and horrific acts in Libya. Compounding the problem is a continued violence, an assault on the people of Libya.

So for a moment let me focus on General Qadhafi to ask him the question, is he reasoned, and does he recognize that the slaughter of his people must stop? The President of South Africa engaged in peace talks with General Qadhafi, and many of us thought that the white flag would be raised and that there would be an opportunity for resolution. We see that not coming.

So my message to General Qadhafi is to stop this senseless and violent war, to allow your people to accumulate the privileges of human dignity, that is to be able to live in peace and hopefully to secure democratic rights for themselves. But at the same time we in the United States cannot stand by and watch as violence proceeds. We must have procedure. We must have process.

I believe the Boehner amendment gives at least some tracking as to what you are asking the President for, but I still quarrel with the debate and the question as to whether or not that is enough.

I am supporting this rule so that we can move forward to begin to debate this question of the War Powers Resolution, and it is important that the branches of government understand you cannot roll over the Constitution. The Constitution does not allow us to ignore the Supreme Court's decisions on war. It does not allow us, in essence, to ignore the responsibilities of Congress.

So I rise today to support this debate and to support the premise that Congress must exercise its authority to declare war.

Mr. SCOTT of South Carolina. I yield 2 minutes to the chairman of the committee, the gentleman from California (Mr. DREIER).

(Mr. DREIER asked and was given permission to revise and extend his remarks.)

Mr. DREIER. I thank my friend for yielding and congratulate him on his management of this extraordinarily important rule.

Mr. Speaker, I want to begin by saying that I listened to my friend from Worcester. I was upstairs, and I want to express my appreciation to him for

his very sincere institutional commitment, his commitment to our recognizing the preeminence of the first branch of government, and the fact that we, Mr. KUCINICH, and Mr. BOEHNER, all of us, Democrat and Republican alike, recognize that the President of the United States, under article 2 and article 1, has the responsibility, the responsibility, Mr. Speaker, to, in fact, engage the United States Congress.

Now, I think that a little clarification may need to be made at this juncture because, as I listen to the debate there seems to be quite a bit of confusion. People often talk about the "War Powers Act."

Mr. Speaker, there is no such thing as the "War Powers Act." There was a War Powers Resolution that passed that does not have the power and the strength of an enacted law.

□ 0940

Similarly, Mr. KUCINICH's resolution, which we will be considering and this rule makes in order, is a measure that will not have the force of law. Yes, it is true that it is an H. Con. Res, meaning that it will be considered in the Senate as well, assuming it passes this House, but it does not have the force of law. And no one, Mr. Speaker, should try to make that claim.

Similarly, the H. Res. that Mr. BOEHNER has offered I personally believe is more responsible because the notion of our calling for withdrawal within 2 weeks is something that virtually everyone has said cannot be done. That's why I believe that Mr. BOEHNER's resolution is a more responsible one than the one offered by my good friend from Ohio. But it, too, does not have the force of law.

So, as we proceed with this debate, I think it's very important for us to recognize that the terms that are being used need to be used correctly.

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

Just, again, we want to make sure everybody has got the right terminology correct and we are clarifying the RECORD. The H. Res. that Mr. BOEHNER has introduced, that my friends on the Republican side are touting as something substantial, gives the appearance of doing something, when in reality it does nothing.

Mr. DREIER. Will the gentleman yield?

Mr. MCGOVERN. I yield to the gentleman from California.

Mr. DREIER. I thank my friend for yielding.

Let me just say that the characterization that my friend just made of Mr. BOEHNER's resolution would also have to apply to the resolution offered by our friend from Ohio. We're talking about resolutions here. We're not talking about measures that have the power of law. This is not an act. These are resolutions, which are statements being made by this institution.

Mr. MCGOVERN. Reclaiming my time, I'm sorry that the gentleman has

such a low opinion of the War Powers Resolution, but I think it carries more weight than he does.

But I would again say to my colleagues that what Mr. BOEHNER has proposed here has all this tough language in it requiring the President to do this, directing the President to do that, when, in fact, if we pass this, the President is under the obligation to do nothing.

At this point I would like to yield 3 minutes to the gentleman from New Jersey (Mr. ANDREWS).

(Mr. ANDREWS asked and was given permission to revise and extend his remarks.)

Mr. ANDREWS. Mr. Speaker, because the Constitution vests the authority to declare war in the Congress, I oppose the administration's decision to dispatch American troops into hostilities in Libya without coming here first. I think that was an error. But because I take those constitutional obligations very seriously and because each of us should take them very seriously, I oppose this rule and the underlying resolution from Speaker BOEHNER.

I find it ironic that, at a time when the institution is trying to assert its rightful constitutional place, the Speaker has proposed a resolution which is wholly ineffective and purely symbolic. This resolution pursues a gravely important objective in a rather frivolous and ineffective way.

If we believe that the conduct of a military operation is inappropriate for the country, there are tools available to us under the Constitution. Each one of those tools, whether it involves ceasing appropriations or involves other types of remedies, requires the consent of both the House and the Senate. To be effective, we must be bicameral. And to be bicameral, we have to put a resolution on the floor, the passage of which would lead to consideration by the Senate. The Boehner resolution, by its own terms, does not do that.

So the question the Members ought to be asking themselves here, whether they are for or against the incursion in Libya, whether they think it should cease or continue, is: What is the effect of passing the Boehner resolution?

As a practical and legal matter, the effect is nothing—nothing. All of the items the President would be directed to do, any of the steps the President would be prohibited from taking are meaningless if the Boehner resolution passes because the Boehner resolution does not contemplate being considered by the Senate.

So I would offer this to Members, that if they are looking for a resolution that, in fact, has effect and meaning, Mr. KUCINICH's resolution has real effect and meaning because it is a due exercise of the constitutional authority of the Congress.

The Speaker's resolution, which I take certainly in good faith, has none of that effectiveness and none of that practical consequence. So I would urge

a “no” vote on the rule precisely because of the principle of congressional authority.

If you believe that we should exercise our constitutional authority, then let’s really exercise it. Let’s put something before the body that has real and practical meaning.

I would urge a “no” vote.

Mr. SCOTT of South Carolina. Mr. Speaker, our friends on the left continue to call House resolutions frivolous and meaningless. My good friend Mr. MCGOVERN himself just last term had House Resolution 278, Global Security Priorities Resolution.

The fact of the matter is the House needs to position itself so the American people understand what this House is trying to convey to the President of the United States. The fact of the matter is this President continues to do things that, as a Senator, he said were inconsistent with the Constitution. So we are making sure that this House and the people who voted in this House are represented in the public forum.

I yield 3 minutes to the gentleman from South Carolina.

(Mr. DUNCAN of South Carolina asked and was given permission to revise and extend his remarks.)

Mr. DUNCAN of South Carolina. Mr. Speaker, I rise today to talk about our Constitution and the specific role that it grants this Congress.

My constituents back in the Third Congressional District of South Carolina know that I carry a United States Constitution with me every day, and the first time I spoke on this floor, it was to read a portion of this great document. Specifically, I read the article that we’re talking about today, Article I, section 8, clause 11, the enumerated power of Congress and of Congress, alone, to declare war.

Our Founders did not give that right to the executive branch. They invested that responsibility with us. Now, previous Congresses have delegated some of that responsibility with the War Powers Resolution. That’s what’s being used by this President. But I think the time has come for us to have the debate about the wisdom of that and the constitutional obligation our Founders defined for Congress.

Over the past few years, our country has seen a renewed appreciation for the Constitution, a recognition of the wisdom and divine guidance our Founding Fathers had when they crafted this sacred document. The Constitution lists our rights, these rights which were given us directly by God, but also contains the mechanisms to protect our rights from being trampled upon by man.

Among the most important of these protections is the separation of powers. Seeing firsthand the tyranny that can arise from a corrupt centralized power, our Founding Fathers sought to divide the power of government into three independent branches that serve as checks on one another.

Mr. Speaker, we in the Congress need to know: What is the national interest at stake in Libya? The President cites humanitarian needs, regional stability, and supporting the international community as his justification. I do not believe that these reasons suffice as national security interests. We did not go into Libya with a clear, attainable objective. The risks and costs do not appear to be fully analyzed.

As the President said, we would only be in Libya for days, not months. We’ve been there days. As a matter of fact, we’ve been there 73 days. Seventy-three days after we’ve gotten involved, we still don’t have that answer. We don’t know who we’re supporting. We don’t know whether we have a viable end game, and we don’t have a congressional declaration of war or an authorization of force.

And yet this President chooses to continue to risk American lives, American servicemen and -women, and he continues to spend American treasure at the whims of the United Nations. This President should not be able to simply have wars of choice. He said this action in Libya would be limited.

Our troops have, once again, as always, performed admirably and done the job the President gave them to do. But we now have to do ours.

Mr. Speaker, the Constitution is very clear. Only Congress has the power to declare war. If this Congress allows our President to make wars of choice without the rule of law to guide him, we will be just as guilty in not upholding our constitutional obligations.

□ 0950

Mr. MCGOVERN. Mr. Speaker, I yield myself such time as I may consume.

My colleague, Mr. SCOTT, talked about the fact that I have supported House resolutions in the past and that, therefore, we should have more respect for the document that Mr. BOEHNER has put together. I have no problem with House resolutions. They state the views and the beliefs of Members of the House of Representatives.

But what I have a problem with is anybody coming to the floor and holding up the Boehner resolution and saying that it does something that it does not. What the Boehner resolution simply does is it just expresses the view of Congress. Even though it has pretty strong words in it, it doesn’t require the President to do anything. He doesn’t have to do anything if this thing passes.

The other thing I want to say, the distinguished chairman of the Rules Committee came on the floor here and just kind of pooh-poohed the War Powers Resolution as if it were just some other mere resolution. Quite frankly, I am stunned by his characterization. It is astonishing to me that he would come on the floor and say such a thing.

The fact of the matter is the War Powers Resolution is a joint resolution of Congress, passed by the House and the Senate. It was vetoed, and then it

was overridden. It has the power of law. It is not just a mere resolution. So let’s not put this on the same level as what the Speaker of the House has brought to this floor. It is two different things.

What Mr. KUCINICH does is he responds to the obligations that Congress has under the War Powers Resolution. This is serious stuff. This is important stuff. If we are going to get our terminology straight, we ought to get it straight.

With that, I yield 2 minutes to the gentleman from Connecticut (Mr. COURTNEY), a member of the Armed Services Committee.

Mr. COURTNEY. Mr. Speaker, I rise in opposition to the rushed, hyper-partisan process that we are watching today on a very serious issue of war resolution. It is absolutely a given that Congress has a role to play in terms of the President’s action that it should be scrutinized and that we should have the opportunity to weigh in on it. Our Armed Services Committee has been meeting on a regular basis, holding administration officials’ feet to the fire on those very questions. We had a hearing yesterday.

The fact of the matter is, though, just because Congress has the right to weigh in doesn’t mean that we should pass a resolution for resolution sake. The batting average of Congress in terms of rushed resolutions, frankly, folks, is not very good. The Gulf of Tonkin Resolution was rushed through the Congress, and we know now today that historians have uncovered the fact that misinformation was presented to the Congress. The Iraq War Resolution in 2002 was rushed through this Congress with bad information.

And we are now seeing today language which was drafted literally overnight being presented to the Members of this body and being asked to weigh in in a deliberative fashion. This is a polemic we are voting on. This is not a carefully balanced, bipartisan process which the people of this country and the people who wear the uniform of this country deserve.

If you read the statement of policy, it is devoid of any of the lead-up to the President’s decision which included a resolution by the Arab League on March 12 to impose a no-fly zone; the U.N. Security Council on March 17 to impose a no-fly zone; and on March 1, the United States Senate voted unanimously, not 51 percent, not 81 percent, not 91 percent, 100 percent in support of a no-fly zone, a Republican and Democratic bipartisan resolution calling on the President to do exactly what he is doing today.

Now, again, there is no question, 70 days is a long time.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MCGOVERN. I yield the gentleman an additional 30 seconds.

Mr. COURTNEY. It is longer than certainly it was originally presented to

this Congress; but the fact of the matter is this resolution, which was drafted in a partisan fashion, is so disappointing to the people who care so profoundly about whether or not the decisions on war and peace are actually going to be deliberated, debated, and voted on in a serious fashion. We are left with this truncated process that is, again, almost an insult to the people of this country.

Mr. SCOTT of South Carolina. Mr. Speaker, when you look at what we are doing here today, the gentleman to the left got it wrong. The bottom line is that Members of the House of Representatives have a choice. They can do one of two or three things. They can vote for House Resolution 292, or they can vote for Concurrent Resolution 51. They can do both, or they can do neither.

The fact of the matter is, to trivialize or to belittle the process we are undertaking on behalf of the American people ought to give us cause to pause and ask ourselves: Who is playing the games?

We want the President of the United States to abide by the Constitution. You've heard Democrats and Republicans agree this morning on one clear fact: he didn't; and that's why we are here.

Mr. Speaker, I yield 5 minutes to the gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. I thank my colleague from South Carolina for yielding me this time.

Mr. Speaker, I want to say from the very beginning that Mr. MCGOVERN and I don't often agree on issues, but we do agree that this is a very serious issue that we are dealing with today. And yesterday in the Rules Committee, all of us dealt with this in a very serious way.

Mr. Speaker, we live in the greatest country in the world. A major part of what makes us so great is that we are a Nation of laws and not of men, and our rule of law is based on God's laws and our Constitution. Indeed, each one of us in Congress takes an oath to uphold the Constitution when we take our office. The President and Vice President, as well as members of the Cabinet, do the same thing.

We are here today to debate a rule and two resolutions related to the inattention of the President to the Constitution; and I dare say that none of us takes any joy in this, but we feel compelled by our dedication to our founding document to do this because we love our country. By doing all that we can to safeguard the constitutional powers granted to Congress, we are doing our part to keep the United States great and strong.

Mr. Speaker, I want to be very clear about what is not at issue today. This debate is not about our troops. We owe a huge debt of gratitude to our men and women in the military and their families. The troops do what they are sworn to do, what the law requires

them to do: obey the orders of the Commander in Chief. The troops are doing their duty. By refusing to get congressional authorization for military action in Libya, it appears that their Commander in Chief is not.

The Constitution was designed to be a check on the power of our government, hence the term "enumerated powers." Each of the three branches has very limited powers with Congress having its own unique role and powers, one of which, an important one of which, is the power to declare war.

My focus this morning will be on the abrogation of the constitutional and statutory responsibility by the President in regard to his actions on Libya. In other words, the authorization to use military force is given to the President by this body and none other. And it is in accordance with our Constitution that we are here asserting our sworn constitutional duty and telling the President he does not have the support nor the authority that he claims to have in order to continue military operations in Libya.

I have often urged people to read Orwell's book "1984" because the language used by President Obama in particular on the Libya issue to muddy the waters is so reminiscent of the language used in that book about a country where the government controls everything, including the minds of the people, partly by the use of language that is completely distorted.

Mr. Speaker, I have read the letter that President Obama sent to Congress. He should have come in person to make his case, but even then I doubt we would agree to continue operations in Libya. The letter that the President sent does not even begin to comply with the requirements of the War Powers Resolution. Let me read parts of it and enter the entire letter into the RECORD, Mr. Speaker.

Here is how the letter begins: "On March 21, I reported to the Congress of the United States, pursuant to a request from the Arab League and authorization by the United Nations Security Council, had acted 2 days earlier to prevent a humanitarian catastrophe by deploying U.S. forces to protect the people of Libya from the Qadhafi regime. As you know, over these last 2 months, the U.S. role in this operation to enforce U.N. Security Council Resolution 1973 has become more limited, yet remains important."

Here is where I want to get into this convoluted language.

□ 1000

Thus, pursuant to our ongoing consultations, I wish to express my support for the bipartisan resolution drafted by Senators KERRY, MCCAIN, LEVIN, FEINSTEIN, GRAHAM, and LIEBERMAN, which would confirm that the Congress supports the U.S. mission in Libya and that both branches are united in their commitment to supporting the aspirations of the Libyan people for political reform and self-government.

Mr. Speaker, this is doublespeak of the worst kind—a resolution drafted, never introduced or passed, which would confirm that Congress supports the U.S. mission. The President is dreaming when he talks about this language.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. SCOTT of South Carolina. I yield the gentlewoman an additional 30 seconds.

Ms. FOXX. Mr. Speaker, let me reiterate: This debate is not about our troops; it's about our Constitution. Our men and women in uniform are doing their duty by following orders. They make me and the rest of us very proud. We are a blessed Nation to have such men and women in the military.

This is about our oath to protect and defend the Constitution, about the checks and balances our Founding Fathers had in mind when they broke away from an imperial monarchy. I urge my colleagues to support the rule.

#### LETTER FROM PRESIDENT OBAMA

On March 21, I reported to the Congress that the United States, pursuant to a request from the Arab League and authorization by the United Nations Security Council, had acted 2 days earlier to prevent a humanitarian catastrophe by deploying U.S. forces to protect the people of Libya from the Qadhafi regime. As you know, over these last 2 months, the U.S. role in this operation to enforce U.N. Security Council Resolution 1973 has become more limited, yet remains important. Thus, pursuant to our ongoing consultations, I wish to express my support for the bipartisan resolution drafted by Senators Kerry, McCain, Levin, Feinstein, Graham, and Lieberman, which would confirm that the Congress supports the U.S. mission in Libya and that both branches are united in their commitment to supporting the aspirations of the Libyan people for political reform and self-government.

The initial phase of U.S. military involvement in Libya was conducted under the command of the United States Africa Command. By April 4, however, the United States had transferred responsibility for the military operations in Libya to the North Atlantic Treaty Organization (NATO) and the U.S. involvement has assumed a supporting role in the coalition's efforts. Since April 4, U.S. participation has consisted of: (1) non-kinetic support to the NATO-led operation, including intelligence, logistical support, and search and rescue assistance; (2) aircraft that have assisted in the suppression and destruction of air defenses in support of the no-fly zone; and (3) since April 23, precision strikes by unmanned aerial vehicles against a limited set of clearly defined targets in support of the NATO-led coalition's efforts.

While we are no longer in the lead, U.S. support for the NATO-based coalition remains crucial to assuring the success of international efforts to protect civilians from the actions of the Qadhafi regime. I am grateful for the support you and other Members in Congress have demonstrated for this mission and for our brave service members, as well as your strong condemnation of the Qadhafi regime. Congressional action in support of the mission would underline the U.S. commitment to this remarkable international effort. Such a Resolution is also important in the context of our constitutional framework, as it would demonstrate a unity of purpose among the political branches on this important national security matter. It

has always been my view that it is better to take military action, even in limited actions such as this, with Congressional engagement, consultation, and support.

Mr. MCGOVERN. I yield myself such time as I may consume.

Mr. Speaker, I want to thank the gentlelady from North Carolina for her remarks, much of which I agree with—and I don't always agree with her. I especially appreciate her emphasis on the importance of the War Powers Resolution and how it applies here.

I again want to emphasize the importance of the War Powers Resolution because I was really surprised by the way the distinguished chairman of the Rules Committee kind of diminished what the War Powers Resolution is all about. I want to read to you and read to my colleagues a section from a briefing paper that the Congressional Research Service put together. Let me just read this part here:

“Section 1 establishes the title ‘The War Powers Resolution.’ The law is frequently referred to as the ‘War Powers Act,’ the title of the measure passed by the Senate. Although the latter is not technically correct, it does serve to emphasize that the War Powers Resolution embodied in a joint resolution, which complies with constitutional requirements for lawmaking, is a law.”

What I find puzzling is that we're all talking about the importance of the War Powers Resolution, and my friends on the other side of the aisle are saying, Well, that's why you need to support the Boehner H. Res, which, again, does nothing. I mean we could do a press release, and it would have the same impact that the resolution Mr. BOEHNER has introduced would have on the President of the United States and, unfortunately, on the President of the United States to do certain things.

Again, I want to emphasize that there is a War Powers Resolution. It is law. It is important that we understand that and understand we have a role in that. What Mr. KUCINICH is trying to do is to assert the proper congressional role with regard to War Powers Resolution. What my friends on the other side of the aisle are trying to do is, I guess, either provide cover for Members so they don't have to vote for Mr. KUCINICH's resolution or to make a statement, but it doesn't really do anything.

With that, I reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 90 seconds to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT. Mr. Speaker, I applaud Speaker BOEHNER for raising this important issue today before the House.

I cannot agree more with the Speaker that the President has failed to explain to the Nation the purpose and goals of our military operation in Libya. The Speaker's resolution rightly demands answers from the President with regard to U.S. security interests

and military objectives in our engagement in Libya. I would go even further than that to suggest that the President has been in violation of the law and has set out specific responses from Congress.

But let's be clear: Congress must engage in a full, open and honest debate about sending our brave men and women into harm's way, into combat. We owe that to them, and we owe that to the American people. The Founders intended such a debate when they granted Congress the power to declare war.

The President's complete failure to consult with Congress and receive specific authority as required by the War Powers Act and by the Constitution leads to only one conclusion: that President Obama is in violation of the Constitution and the authority under the War Powers Act as well.

The United States Congress cannot now sit idly by any longer as the President refuses to abide by his constitutional and his legal requirements. So, in conclusion, I believe that Congress must hold this President accountable, and the Speaker's resolution is a first step in that direction.

Mr. MCGOVERN. I continue to reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Florida (Mr. NUGENT).

Mr. NUGENT. I would like to thank my friend and Rules Committee member, Mr. SCOTT, for the opportunity to speak in support of this rule.

Mr. Speaker, we are already fighting a war on two fronts—Iraq and Afghanistan. Our troops and resources are already spread very thin.

On March 19, the President announced that U.S. military forces had joined with our NATO allies to commence operations in Libya. The President did this not only without congressional authorization but without even consulting Congress on the matter. For the first 10 days of this operation, it was under U.S. command before shifting control of all ongoing operations to NATO on March 30. To this day, the President still hasn't come to Congress to ask for formal approval. When the President first committed our military to operations in Libya, he said we were talking about days, not months. Today, we are talking about months, not days.

Mr. Speaker, President Obama has put us in a trick bag with our NATO allies. He knew he was committing our military forces and assets to a mission that would be unpopular, unjustifiable and unconstitutional. So, in an attempt to avoid Congress and Article I of the U.S. Constitution, President Obama transferred operations over to NATO. Although we may not be in control of the mission, there is no doubt that NATO could not move forward without U.S. assets. As my colleague from Ohio (Mr. KUCINICH) will point out, 93 percent of the cruise missiles, 66 percent of the personnel, 50 percent of

the ships, and 50 percent of the planes are estimated to have cost this Nation over \$700 million to date.

I will support our troops wherever the President sends them. However, I cannot support President Obama's decision to commit our military forces to operations without the constitutionally required congressional authorization.

Mr. MCGOVERN. I continue to reserve the balance of my time.

Mr. SCOTT of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia (Mr. GINGREY).

Mr. GINGREY of Georgia. I thank the gentleman for yielding.

Mr. Speaker, I can say this to my colleagues on both sides of the aisle: While I've been sitting here this morning, I haven't heard anything from either side that I disagree with. I am going to support Speaker BOEHNER's resolution, and I am going to probably oppose Representative KUCINICH's resolution for this reason the Speaker convinced me of, and I listened very carefully to him: With regard to within 2 weeks pulling everything that we have in Libya out and coming home, it would set a dangerous precedent in regard to our NATO allies.

Make no mistake about it, this President got us into this mess. It was his ignoring of the War Powers Resolution. I don't know who was advising him in regard to that, whether or not it was the Attorney General, but it was an absolute mistake. Now that he has committed us—the United States of America and our troops—to NATO through this U.N. resolution, I feel it would be a mistake to immediately, within 14 days, pull the rug out from under that operation.

I am not completely satisfied with the Boehner resolution, but I think it does lay down a marker. It makes a statement. The Speaker was very clear in speaking to us that this is not the end of this, that this is the beginning. We have the ability to amend, if we need to, the War Powers Resolution. We need to make it very clear. I don't know who the President notified in regard to this operation. What did he do—send a tweet to the chairmen of the Senate and House Armed Services Committees and the respective Select Committees on Intelligence? That's not good enough for me, a Member, one of 435 in this body. It should never happen again, and that's what this is all about today.

Mr. MCGOVERN. Mr. Speaker, I yield 2 minutes to the gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Let me say that this is not a partisan issue. I hear a lot of partisan rhetoric, but it is not a partisan issue. This is an issue about where we deploy troops, who has the authority to do it and whether or not what the President has done is constitutional.

I will probably support both resolutions, but one of the concerns I have about the Speaker's resolution is that

it says the President shall not deploy, establish or maintain the presence of units and members of the United States Armed Forces on the ground in Libya.

Most of our wars that we fight now are fought from the air or from battle-ships. We've had about 250 missiles fired in Libya, and about 226 of them are American. We've spent almost three-quarters of \$1 billion already, and it probably will go over \$1 billion. "Boots on the ground" says that we're not going to put troops into Libya, but we've got ships offshore; we've got planes in the air; we've got airmen who are at risk every single day; and we're committing military forces in Libya even though we don't have boots on the ground.

□ 1010

This goes further than boots on the ground. The President does not have the constitutional authority to do what he did.

Now, I think that the Boehner resolution is a good step in the right direction, except for one thing: it limits it to no boots on the ground. We shouldn't have any troops over there.

This was not approved by Congress, by the people. It was approved by the Arab League. It was approved by the United Nations. It was approved by the French and English, but not the American people. And it's costing billions of dollars, or will cost billions of dollars. This is something that should not have happened, and it should never happen again.

Now, if we limit this to boots on the ground, what if the President decides in a week, while we're out on recess, to go into Syria. And they say, well, it says no boots on the ground. He could still attack Syria, Assad there in Syria, with airplanes and missiles.

We must stop this President from making unilateral decisions that the American people do not support and the Congress of the United States does not support.

Mr. SCOTT of South Carolina. I reserve the balance of my time.

Mr. MCGOVERN. Mr. Speaker, how much time do I have remaining?

The SPEAKER pro tempore. The gentleman from Massachusetts has 5 minutes remaining.

Mr. MCGOVERN. I yield myself the balance of my time.

Mr. Speaker, this is a very serious issue, and I want to commend many of my colleagues who have come to the floor today who have spoken very thoughtfully about this issue.

But on this issue, quite frankly, we should have come together in a bipartisan way and crafted a bipartisan resolution and come to this floor as one and spoken as one. That did not happen because politics got in the way.

Anytime over the last several weeks, the Armed Services Committee or the Foreign Affairs Committee could have reported out a resolution on Libya. They didn't. Mr. KUCINICH came to the

House with his resolution. It went through a process that would have compelled a vote. And all of a sudden, the Republican leadership got nervous, and they came up with the Boehner resolution in an attempt to undercut the Kucinich resolution.

If you question whether or not politics had anything to do with it, I would advise you to read the Politico piece that ran: "Boehner told the House Republican Conference during a closed-door meeting on Thursday that he doesn't 'want to turn the floor over to DENNIS KUCINICH,' the liberal Ohio Democrat who has been a driving force against the administration's military action in Libya."

Okay, I get it. But you know what? We could have come together, and the chairman and ranking member of the Armed Services Committee, the chairman and ranking member of the Foreign Affairs Committee could have come together, and we could have crafted a bipartisan resolution and done something truly meaningful here. Because, quite frankly, it doesn't matter what political party a President may be. It needs to be made clear that Congress plays a role in war-making. And, unfortunately, in this case I think there's a bipartisan consensus that Congress was just ignored. And that cannot stand.

My problem, again, with the Boehner resolution is that it doesn't do anything. If anybody thinks that passing this resolution is going to compel the White House to do anything differently or provide us with anything that they haven't already provided us with, they're gravely mistaken. It doesn't force the President's administration to do anything. It's a strong statement. I think it's written in a very partisan way, unfortunately; but my friends on the other side of the aisle can do what they want.

But it reminds, I think, all of us who care deeply about these issues that there has to be a better way to do this. And on issues like this, we should come together in a bipartisan way and try to craft resolutions or joint resolutions that mean something and that both sides can feel comfortable supporting.

I also, again, want to thank my colleagues on both sides of the aisle for reminding us again of the importance of the War Powers Resolution. It is not just some mere resolution. It is law. It is law. And the reason why we are here today is because we believe that the War Powers Resolution needs to be upheld and that Congress needs to assert its proper role on this issue.

So having said all of that, I will urge my colleagues to vote "no" on the rule because I think this process is not appropriate. I would urge my colleagues to vote "no" on the Boehner resolution. And I will vote for the Kucinich resolution. I urge my colleagues to vote their conscience on that.

But if you really want to send a message, let's not send a press release. Let's do something that resonates,

that, once again, asserts Congress's proper role in this debate.

We're involved in too many wars. We're going broke. We're losing too many brave men and women in these conflicts. And in the case of Libya, I, like many of my colleagues on both sides of the aisle, wonder what the point is and what our mission is. It's not clear. That's one of the reasons why Congress should be involved. That's one of the reasons why there should be debate. We need to take this out of the realm of partisanship and kind of return it back to where it belongs. This should be a bipartisan issue here, and I regret that my colleagues on the other side of the aisle chose not to do that.

So I urge a "no" vote on the rule, a "no" vote on the Boehner resolution. I will vote for the Kucinich resolution. I urge my colleagues to vote their conscience on that.

I yield back the balance of my time. Mr. SCOTT of South Carolina. Mr. Speaker, this rule lets the House work its will, without any question. You have a choice. Take the opportunity. Vote your conscience.

This is a place where we are confident and not nervous, but we want to close in a bipartisan way because there's no doubt that we want Americans to come together. And I can think of no more appropriate way to close than to quote then-Senator Barack Obama once again:

"The President does not have the power under the Constitution to unilaterally authorize a military attack in a situation that does not involve stopping an actual or imminent threat to the Nation."

Mr. DREIER. Mr. Speaker, some have argued that under the War Powers Resolution, a concurrent resolution has the force of law. That just is not correct.

Under the Constitution, a law requires the signature of the President. That is true for a declaration of war, for an appropriation, establishment of weights and measures, or any other exercise of legislative power under Article I of the Constitution. Without the Signature of the President, or an override of his veto, it is not a law and just does not bind the Executive.

The Supreme Court highlighted this particular point in its landmark case *INS v. Chadha* which overturned the concept of the legislative veto. The War Powers Resolution predates the Chadha decision, and most constitutional scholars believe that decision creates a constitutional infirmity for resolutions passed pursuant to its terms as they would constitute a legislative veto.

So while both the Speaker's resolution and Mr. KUCINICH's resolution express the policy of the legislative branch, neither has the force of law.

Mr. SCOTT of South Carolina. I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered. The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.



Mr. MCGOVERN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 257, nays 156, not voting 19, as follows:

[Roll No. 410]

YEAS—257

Adams Gerlach Nugent  
Aderholt Gibbs Nunes  
Akin Gibson Nunnelee  
Alexander Gingrey (GA) Olson  
Altmire Gohmert Palazzo  
Amash Goodlatte Paul  
Austria Gosar Paulsen  
Bachmann Gowdy Pearce  
Bachus Granger Pence  
Barletta Graves (GA) Petri  
Bartlett Graves (MO) Pitts  
Barton (TX) Green, Gene Platts  
Benishek Griffin (AR) Poe (TX)  
Berg Griffith (VA) Pompeo  
Biggert Grimm Posey  
Billray Guinta Quayle  
Bilirakis Hall Rahall  
Bishop (NY) Hanna Reed  
Bishop (UT) Harper Rehberg  
Black Harris Reichert  
Blackburn Hartzler Renacci  
Bonner Hastings (WA) Ribble  
Bono Mack Hayworth  
Boren Heck Richardson  
Boustany Hensarling Rigell  
Brady (TX) Herger Rivera  
Braley (IA) Herrera Beutler Roby  
Brooks Holt Roe (TN)  
Broun (GA) Huelskamp Rogers (AL)  
Buchanan Huizenga (MI) Rogers (KY)  
Bucshon Hultgren Rogers (MI)  
Buerkle Hunter Rohrabacher  
Burgess Hurt Rokita  
Burton (IN) Issa Rooney  
Calvert Jenkins Ros-Lehtinen  
Camp Johnson (IL) Roskam  
Campbell Johnson (OH) Ross (AR)  
Canseco Johnson, Sam Ross (FL)  
Cantor Jones Royce  
Capito Jordan Runyan  
Carter Kelly Ryan (WI)  
Cassidy King (IA) Scalise  
Chabot King (NY) Schilling  
Chaffetz Kingston Schmidt  
Chandler Kinzinger (IL) Schock  
Clarke (NY) Kline Schrader  
Clay Kucinich Engel  
Cleaver Labrador Schweikert  
Coble Lamborn Scott (SC)  
Coffman (CO) Lance Scott (VA)  
Cole Landry Scott, Austin  
Conaway Lankford Scott, David  
Connolly (VA) Latham Sensenbrenner  
Cravaack LaTourette Sessions  
Crawford Latta Shimkus  
Crenshaw Lewis (CA) Shuster  
Culberson LoBiondo Simpson  
Davis (IL) Long Smith (NE)  
Davis (KY) Lucas Smith (NJ)  
Denham Luetkemeyer Smith (TX)  
Dent Lummis Southerland  
DesJarlais Lungren, Daniel Stearns  
Diaz-Balart E. Stivers  
Dold Lynch Stutzman  
Dreier Mack Sullivan  
Duffy Manzullo Terry  
Duncan (SC) Marchant Thompson (PA)  
Duncan (TN) Marino Thornberry  
Ellison Matheson Tiberi  
Ellmers McCarthy (CA) Tipton  
Emerson McCaul Turner  
Farenthold McClintock Upton  
Fincher McHenry Walberg  
Fitzpatrick McKeon Walden  
Flake McKinley Walsh (IL)  
Fleischmann McMorriss Webster  
Fleming Rodgers West  
Flores Meehan Westmoreland  
Forbes Mica Whitfield  
Fortenberry Michaud Wilson (SC)  
Foxx Miller (FL) Wittman  
Frank (MA) Miller (MI) Wolf  
Franks (AZ) Miller, Gary Womack  
Gallegly Mulvaney Woodall  
Garamendi Murphy (PA) Yoder  
Gardner Neugebauer Young (FL)  
Garrett Noem Young (IN)

NAYS—156

Ackerman Green, Al Pascrell  
Andrews Grijalva Pastor (AZ)  
Baca Gutierrez Payne  
Baldwin Hanabusa Pelosi  
Barrow Hastings (FL) Perlmutter  
Bass (CA) Heinrich Peters  
Becerra Higgins Peterson  
Berkley Himes Pingree (ME)  
Berman Hinojosa Polis  
Blumenauer Hirono Price (NC)  
Boswell Hochul Quigley  
Brady (PA) Holden Rangel  
Brown (FL) Hoyer Reyes  
Butterfield Inslee Richmond  
Capps Israel Rothman (NJ)  
Capuano Jackson (IL) Roybal-Allard  
Cardoza Jackson Lee Ruppersberger  
Carnahan (TX) Ryan (OH)  
Carney Johnson (GA) Sanchez, Linda  
Carson (IN) Johnson, E. B. T.  
Castor (FL) Keating Sanchez, Loretta  
Chu Kildee Sarbanes  
Cicilline Kind Schakowsky  
Clarke (MI) Kissell Schiff  
Clyburn Langevin Serrano  
Cohen Larsen (WA) Sewell  
Conyers Larson (CT) Sherman  
Cooper Lee (CA) Sires  
Costa Levin Slaughter  
Costello Lewis (GA) Smith (WA)  
Courtney Lipinski Speier  
Critz Loeb sack Stark  
Crowley Lowey Sutton  
Cuellar Lujan Thompson (CA)  
Cummings Maloney Thompson (MS)  
Davis (CA) Markey Tierney  
DeFazio Matsui Tonko  
DeGette McCarthy (NY) Towns  
DeLauro McCollum Tsongas  
Deutch McDermott Van Hollen  
Dicks McGovern Velázquez  
Dingell McIntyre Walz (MN)  
Doggett McNeerney Wasserman  
Donnelly (IN) Meeks Schultz  
Doyle Miller (NC) Waters  
Edwards Moore Watt  
Engel Moran Waxman  
Eshoo Murphy (CT) Weiner  
Farr Nadler Welch  
Fattah Napolitano Wilson (FL)  
Filner Oliver Woolsey  
Fudge Owens Wu  
Gonzalez Pallone Yarmuth

NOT VOTING—19

Bass (NH) Kaptur Rush  
Bishop (GA) Lofgren, Zoe Schwartz  
Frelinghuysen McCotter Shuler  
Giffords Miller, George Visclosky  
Guthrie Myrick Young (AK)  
Hinchey Neal  
Honda Price (GA)

□ 1043

Mr. CARSON of Indiana, Mrs. CAPPs, Messrs. NADLER, RANGEL, DOGGETT, and BECERRA changed their vote from “yea” to “nay.”

Messrs. ALTMIRE and FRANK of Massachusetts changed their vote from “nay” to “yea.”

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. HINCHEY. Mr. Speaker, on rollcall No. 410, had I been present, I would have voted “yea.”

#### REGARDING DEPLOYMENT OF UNITED STATES ARMED FORCES IN LIBYA

Ms. ROS-LEHTINEN. Mr. Speaker, pursuant to House Resolution 294, I call up the resolution (H. Res. 292) declaring that the President shall not deploy, establish, or maintain the pres-

ence of units and members of the United States Armed Forces on the ground in Libya, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 294, the resolution is considered read.

The text of the resolution is as follows:

H. RES. 292

*Resolved,*

#### SECTION 1. STATEMENTS OF POLICY.

The House of Representatives makes the following statements of policy:

(1) The United States Armed Forces shall be used exclusively to defend and advance the national security interests of the United States.

(2) The President has failed to provide Congress with a compelling rationale based upon United States national security interests for current United States military activities regarding Libya.

(3) The President shall not deploy, establish, or maintain the presence of units and members of the United States Armed Forces on the ground in Libya unless the purpose of the presence is to rescue a member of the Armed Forces from imminent danger.

#### SEC. 2. TRANSMITTAL OF EXECUTIVE BRANCH INFORMATION RELATING TO OPERATION ODYSSEY DAWN AND OPERATION UNIFIED PROTECTOR.

The House of Representatives directs the Secretary of State, the Secretary of Defense, and the Attorney General, respectively, to transmit to the House of Representatives, not later than 14 days after the date of the adoption of this resolution, copies of any official document, record, memo, correspondence, or other communication in the possession of each officer that was created on or after February 15, 2011, and refers or relates to—

(1) consultation or communication with Congress regarding the employment or deployment of the United States Armed Forces for Operation Odyssey Dawn or NATO Operation Unified Protector; or

(2) the War Powers Resolution and Operation Odyssey Dawn or Operation Unified Protector.

#### SEC. 3. REPORT TO HOUSE OF REPRESENTATIVES.

(a) CONTENTS.—Not later than 14 days after the date of the adoption of this resolution, the President shall transmit to the House of Representatives a report describing in detail United States security interests and objectives, and the activities of United States Armed Forces, in Libya since March 19, 2011, including a description of the following:

(1) The President's justification for not seeking authorization by Congress for the use of military force in Libya.

(2) United States political and military objectives regarding Libya, including the relationship between the intended objectives and the operational means being employed to achieve them.

(3) Changes in United States political and military objectives following the assumption of command by the North Atlantic Treaty Organization (NATO).

(4) Differences between United States political and military objectives regarding Libya and those of other NATO member states engaged in military activities.

(5) The specific commitments by the United States to ongoing NATO activities regarding Libya.