Mr. Speaker, I oppose this rule for four reasons.

First of all, it limits the debate to 30 minutes on each side on

something as momentous as this. Contrast that with the Persian Gulf

debate. We debated all day, late into the night, all of the next day

before we finally came to a vote.

Secondly, it makes in order four measures. One, offered by the

gentleman from Pennsylvania (Mr. Goodling) is a flawed product. It

needs to be amended and changed considerably. It has already been

amended since it was reported. It will be unamendable when it comes to

the floor.

What is missing among these four is something truly bipartisan. When

we had the Persian Gulf debate we had a bipartisan resolution, Michels-

Solarz-McCurdy. I joined and voted for it. But we do not have an option

like this, or even the opportunity for crafting one here.

Finally, it crowns these four choices, four bad choices, three bad

choices, with an exceptional, unprecedented declaration overriding

statutory law and saying if there are any more measures like this to

come up this year, they will not be entitled to the expedited procedure

that the War Powers Act, a black letter law, provides them.

This is no way to deal with something as important as war. This rule

should be voted down.

Mr. Speaker, in five conflicts since the Constitution was

ratified we have declared war, first including the War of 1812, last

including World War II. In the period since then we have had

bombardments and blockades and occupations and conflicts of all kinds,

civil wars, and war has become sort of a subjective concept.

There are so many variations on it, that if you read the UN charter

you will not find the word ``war'' anywhere included. The charter

refers to hostilities, to armed attacks, to breaches or threats to the

peace, to acts of aggression.

The War Powers Resolution was written with that reality in mind,

written in the aftermath of Vietnam and Korea, two wars that were never

declared wars, and its authors recognized that there were some lesser

included alternatives under the rubric of war.

The War Powers Act gives us, the Congress, an explicit alternative to

declaring war, total outright war. Within 60 days of a deployment, when

we are notified by the President, we can enact a specific authorization

of such use of the Armed Forces. That was laid out for us when we

passed the War Powers Resolution.

The Campbell resolutions I disagree with and believe frame the choice

falsely. They imply that we can only declare total war or withdraw

totally.

S. Con. Res. 21 takes a different course, and I think a legitimate

one. It concurs in the air and missile campaign that is now being

waged, and, by not going any further, reserving judgment on the

introduction of ground forces if the air forces do not accomplish their

objectives.

Fowler-Goodling, on the other hand, is deficient in several major

effects. It

does not approve a sanction or concur in an ongoing campaign. It dodges

the issue. Then in the most emphatic, flattest possible way, it lays

down a prohibition against ground war, barring any expenditure whatever

on ground elements in Yugoslavia.

Now, ground elements include personnel and materiel, it includes

weapons and equipment. Secretary Cohen has just written us a letter

saying this could be interpreted as retrenchment. This could actually

undercut the intended effect of the ground war. But worse still, in

trying to keep us out of the quagmire of a ground war, and I understand

their concerns, Goodling-Fowler runs the risk of putting us into a

legal quagmire. If we pass it, we better call up the reserve JAG

officers, because the lawyers are going to be busy making tactical

interpretations of its effects.

It would prohibit any expenditure on ground elements. That would

prevent prepositioning of equipment in the theater, weapons in the

theater as a contingency, either to be used by a ground force in a

ground war, or by an implementation force if there is a settlement. It

would bar special forces operations in Yugoslavia. It would bar on-the-

ground military intelligence operations anywhere in Yugoslavia. It

would bar forward observers. This is not the way to go.

We have a good alternative in S. Con. Res. 21. It is limited in its

effect, and it is the proper application in these circumstances.

Mr. Speaker, our problem is not with the idea of

authorization. The President legally should seek our authorization

before committing ground troops, and politically he would be well

advised to get it.

Our problem is with the text of this resolution, because it creates a

potential legal quagmire for troops that we have deployed. It uses the

word ``ground elements,'' not exactly a word of art, but instead of

using ``ground troops'' or ``ground forces,'' it says ``ground

elements,'' so as to include not just personnel but materiel, not just

troops but equipment and weapons, as well.

So the first casualty of this sweeping ban, this language in this

resolution, is going to be foredeployed and prepositioned equipment.

Why do we want to preposition? Because if we need M-1 tanks, if we need

Bradleys in this theater, we will have to begin today prepositioning

those tanks and Bradleys and the other heavy equipment, because we will

not have time when the need arises.

That does not mean we may need them for a ground force that will be

conducting a ground war. We may need them for a multinational

implementation force.

If we have learned anything from Beirut to Mogadishu, it is that when

we send in one of these peacekeeping forces, they had better be tough.

They had better be imposing. They had better have the equipment, so

that nobody dares take them on.

If we read this resolution, it says, don't you dare spend a dime on

anything like that for deployment of prepositioning that might be

introduced into this theater. Keep on reading and we can come up with

all sorts of scenarios that this would potentially prohibit or bar.

Let us assume, for example, that our intelligence told us that Serb

troops were massing just outside Macedonia or just outside Albania.

This would prohibit us from taking a preemptive first strike.

Let us assume that we did know in advance if they crossed the border

of one of these countries and we counterattacked, drove them out of the

country, and wanted to pursue them. We would have to stop at the

border.

Let us assume, and I hope we have, some on-the-ground military

intelligence in Montenegro, in Kosovo. This would bar that, it would

prohibit that. Let us assume we have some special forces operations

covertly operating at night in one of those countries. This would bar

that. It would deny us the kind of information we need to be

intelligent.

Mr. Speaker, the authors of the resolution have tried to solve this

problem by rewording Subsection B and making an exception for air crews

that are shot down. But that limited exception shows us just how strict

the language is.

When we go through this we understand, and it is complex for us to

understand, and we can certainly conceive of many circumstances this

would prohibit. This is going to create a legal quagmire for our troops

in this theater. We should not do that to them.

We have the President's assurance he will come and seek our authority

before he goes on a ground war, if he does. We should not impose these

additional complications.