

Statement on HR 2278, a bill to limit the use of funds appropriated to the Department of Defense for United States Armed Forces in support of North Atlantic Treaty Organization Operation Unified Protector with respect to Libya, unless otherwise specifically authorized by law.

Mr. Speaker I rise to oppose this legislation, which masquerades as a limitation of funds for the president's war on Libya but is in fact an authorization for that very war. According to HR 2278, the US military cannot be involved in NATO's actions in Libya, with four important exceptions. If this passes, for the first time the president would be authorized to use US Armed Forces to engage in search and rescue; intelligence, surveillance, and reconnaissance; aerial refueling; and operational planning against Libya. Currently, absent an authorization or declaration of war, these activities are illegal. So instead of ending the war against Libya, this bill would legalize nearly everything the president is currently doing there.

That the war in Libya can be ended by expanding it and providing the president a legal excuse to continue makes no sense. If this bill fails, the entirety of what the president is doing in Libya would remain illegal.

Additionally, it should not really be necessary to prohibit the use of funds for US military attacks on Libya because those funds are already prohibited by the Constitution. Absent Congressional action to allow US force against Libya any such force is illegal, meaning the expenditure of funds for such activities is prohibited. I will, however, support any straight and clean prohibition of funds such as the anticipated amendments to the upcoming Defense Appropriations bill.

I urge my colleagues to reject this stealth attempt to authorize the Libya war and sincerely hope that the House will soon get serious about our Constitutional obligations and authority.