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LIBYA: DEFINING U.S. NATIONAL SECURITY INTERESTS

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BEFORE THE

COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

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LIBYA: DEFINING U.S. NATIONAL SECURITY INTERESTS

THURSDAY, MARCH 31, 2011

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC.

The committee met, pursuant to notice, at 10 o'clock a.m., in room 2172 Rayburn House Office Building, Hon. Ileana Ros-Lehtinen (chairman of the committee) presiding.

Chairman ROS-LEHTINEN. The committee will come to order.

After recognizing myself and the ranking member, my good friend Mr. Berman of California, for 7 minutes each for our opening statements, I will recognize each member for 1 minute for opening statements. We will then hear from our witness. Thank you. And I would ask that you summarize your prepared statement to 5 minutes before we move to the question and answer period under the 5 minute rule.

Without objection, Mr. Steinberg's prepared statement will be made a part of the record. And members may have 5 legislative days to insert statements and questions for the record, subject to the limitations in the rules.

The Chair now recognizes herself for 7 minutes.

Mr. Deputy Secretary Steinberg, I would like to recognize the Iranian Americans from my District and around the nation who are in the audience this morning and have family members in Camp Ashraf in Iraq. They are extremely concerned about the safety and the welfare the residents in Camp Ashraf and the actions of the Iraqi Government against them. I urge the State Department to ensure that the Iraqi Government will comply with its obligations under the Status of Forces Agreement and international human rights standards.

Thank you, sir.

The President's address to the nation on Monday on the situation in Libya was a welcome development but left many questions unanswered. The President justified intervention by asserting "There will be times when our safety is not directly threatened but our interests and values are." The President has also said that he authorized military action to "enforce U.N. Security Council Resolution 1973" and the "writ of the international community."

Whether we agree or disagree with the decision to intervene in Libya, concerns have now raised across both sides of the aisle about implied future obligations under the Responsibility to Protect, a vague concept first articulated in a U.N. General Assembly

resolution more than 1 year ago, which the U.N. has endorsed but failed to define.

Reports that the Senior Director of Multilateral Affairs on the National Security Council Staff, Samantha Power, reportedly helped lead the charge to intervene in Libya based upon this principle—over the objection of military planners—only compounds those concerns. Some Americans therefore question whether we have assumed obligations to forcibly respond to crises everywhere, including Ivory Coast, Sudan, or Syria.

Another area of concern is the scope, duration and objectives of the NATO-led operation and the political mission that have not been sufficiently defined. Nor have the anticipated short, medium and long-term commitments of the United States.

The President has called for Ghadafi to step down in favor of a government that is more representative of the Libyan people. However, administration officials have also said that Ghadafi himself is not a target and that the United States is not pursuing regime change.

But then, Reuters reported yesterday afternoon that the President had signed a "secret order authorizing covert U.S. Government support for rebel forces seeking to oust the Libyan leader" and that the President had said the objective was to apply "'steady pressure, not only militarily but also through these other means' to force Ghadafi out."

So, Mr. Deputy Secretary, which is it? What is our objective?

Further, what are the contingency plans if Ghadafi is able to cling to power? Would a political agreement that left Ghadafi in power be an acceptable outcome? What are the implications for Libya, for the region, and the United States if the civil war reaches a stalemate? When referring to Libyan opposition, is the President referring to armed rebels, to members of the Transitional Council, or to both? And what do we know about the armed forces? What do we know about the members of the Transitional Council? What assurances do we have that they will not pose a threat to the United States if they succeed in toppling Ghadafi? And how will opposition forces, both political and military, be vetted?

Just yesterday, Secretary Clinton stated that Resolution 1973 amended or overrode previous U.N. Security Council resolutions imposing an arms embargo on Libya. The Secretary said the resolution: "Amended or overrode the absolute prohibition on arms to anyone in Libya, so that there cold be a legitimate transfer of arms if a country should choose to do that."

So, Mr. Secretary, I ask how is the U.S. defining "legitimate?" Does the administration contend that U.N. Security Council Resolution 1973 overrides U.S. prohibitions? And does that mean that U.N. resolutions create U.S. laws?

There are reports that some opposition figures have links to al-Qaeda and extremist groups that have fought against our forces in Iraq. My constituents are asking: Just who are we helping and are we sure that they are true allies who will not turn and work against us?

These are valid concerns, particularly given the administration's less than stellar record on promoting democracy and governance in Libya, which would have included funding organizations run by the

Ghadafi family had this committee not intervened by not signing off on the funding.

The record on transfers of military-related items involving Libya is also disconcerting. For example, for over 1 year, I requested a detailed national interest justification for two proposed weapons transfers to Libya. The Department failed to give us that written justification. Ultimately, the proposed transfers were withdrawn but only after Ghadafi began the slaughter of civilians.

Remarkably, however, the committee received a letter from Secretary Clinton earlier this week regarding the overall Congressional consultation process for defense sales and seeking to limit the time for Congressional review. It is ironic that ill-advised weapons transfers to the Ghadafi regime were only stopped as a result of this committee's due diligence, yet the State Department now complains about our efforts to carry out careful due diligence on all weapons transfers.

I hope that the administration will commit to working with Congress effectively and transparently to address vital national security and foreign policy concerns relating to arms sales.

The committee will continue to press for answers on the U.S. strategy in Libya going forward and our short, medium and long-terms commitments.

And now I am pleased to yield to my good friend, the esteemed ranking member, Mr. Berman, for his opening remarks.

[The prepared statement of Chairman Ros-Lehtinen follows:]

Opening Remarks
The Honorable Ileana Ros-Lehtinen, Chairman
Committee on Foreign Affairs
Hearing on: "Libya: Defining U.S. National Security Interests"
March 31, 2011

The President's address to the nation on Monday on the situation in Libya was a welcome development, but left many questions unanswered. The President justified intervention by asserting "There will be times … when our safety is not directly threatened, but our interests and values are." The President has also said that he authorized military action to "enforce UN Security Council Resolution 1973" and the "the writ of the international community."

Whether we agree or disagree with the decision to intervene in Libya, concerns have now been raised across both sides of the aisle about implied future obligations under the "Responsibility to Protect," a vague concept first articulated in a UN General Assembly Resolution more than a year ago, which the UN has endorsed but failed to define.

Compounding those concerns are reports that Senior Director of Multilateral Affairs on the National Security Council Staff, Samantha Power, reportedly helped lead the charge to intervene in Libya based upon this principle and over the objection of military planners

Some Americans therefore question whether we have assumed obligations to forcefully respond to crises elsewhere, including Ivory Coast, Sudan, or Syria. Another area of concern is that the scope, duration, and objectives of the NATO-led operation and the political mission have not been sufficiently defined. Nor have the anticipated short, medium, and long-term commitments of the United States.

The President has called for Qaddafi to step down in favor of a government that is more representative of the Libyan people. However, Administration officials have also said that Qaddafi himself is not a target and that the United States is not pursuing regime change.

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Libya, for the region, and for the United States if this civil war reaches a stalemate? When referring to the Libyan opposition, is the President referring to armed rebels, to members of the Transitional Council, or to both? And what do we know about the armed forces? What do we know about the members of the Council? What assurances do we have that they will not pose a threat to the United States if they succeed in toppling Qaddafi? How will opposition forces, both political and military, be vetted?

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Remarkably, however, the Committee received a letter from Secretary Clinton earlier this week regarding the overall Congressional consultation process for defense sales and seeking to limit the time for Congressional review. It is ironic that ill-advised weapons transfers to the Qaddafi regime were only stopped as a result of this Committee's due diligence, yet the State Department now complains about our efforts to carry out careful due diligence on all weapons transfers.

I hope the Administration will commit to working with Congress effectively and transparently to address vital national security and foreign policy concerns relating to arms sales.

The Committee will continue to press for answers on the U.S. strategy in Libya going forward and our short, medium and long-term commitments.

With that, I turn to the esteemed Ranking Member, Mr. Berman, for his opening remarks.

Mr. BERMAN. Well, thank you very much, Madam Chairman, for calling for this very timely hearing. And before I begin the opening remarks, let me just say on a personal note that on behalf of the committee, thank you very much, Deputy Secretary Steinberg, for your exemplary service to the country. We are going to miss you. I enjoyed on so many different issues working with you.

My own personal feeling is that former Deputy Secretary Lew is not as prickly as Felix and that you are not, perhaps, as combative and argumentative, as Oscar. You are also not as sloppy. And you have to read the Secretary's release before you know what I am talking about here.

But anyway, I do wish you the best of luck at Syracuse University, and we will miss you.

President Obama's decision to take military action in response to the humanitarian crises in Libya may provoke questions that are not fully answerable at this time, but I believe it was the right policy because the alternative, acquiescence in the face of mass murder, was untenable. And I believe it was done in the right way, namely with the cooperation of the international community.

President Obama's policy has unquestionably saved many lives, probably tens of thousands of them. And it has weakened a brutal dictator and an egregious sponsor of terrorism. It will also, I hope, cause other dictatorial regimes to think twice before they use unbridled violence against peaceful protestors.

We have been prudent in focusing on civilian protection and doing so in a way that spreads the burden among our allies, including some Arab countries. The President has clearly stated that the United States' military goals are limited, in line with the relevant U.N. Security Council resolutions. Together with our allies, America's military mission has been: First, to implement a no fly zone to stop the regime's attacks from the air, and; secondly, to take other measures which are necessary to protect the Libyan people.

America's involvement in Libya directly supports the United States' national interest.

First, the United States plays a unique role as an anchor of global security and advocate for human freedom. In Libya we embraced this important role head on by preventing a madman from slaughtering his own people.

Secondly, Libya's neighbors, Tunisia and Egypt, have just gone through revolutions which are changing the nature of the region, hopefully, for the better. If Libya were to spin out of control and instability were to pour over its borders, the entire region would suffer. This outcome would certainly not be in the national interest of the United States or our allies.

But we have to acknowledge another fact. This operation will not be a success unless it ends with the demise of the Ghadafi regime. The reason is clear: The mandate for this operation is that it protect Libyan civilians, yet we all know there can be no enduring protection for the Libyan people as long as Ghadafi remains in power. But we also must acknowledge something else: That we do not know exactly how Ghadafi will be brought down.

The President has placed limits on the operation, with which I agree. We do not want American boots on the ground. We do not want the operation to be too costly, and we do not want it to divert

resources from Afghanistan and Iraq. At the end of the day, however, we have put our leadership prestige on the line. Whether voluntarily, by the hand of his own people, or as a result of coalition action, it is essential that Ghadafi go.

Mr. Secretary, I hope you will be able to enlighten us about how our current strategy of sanctions and international isolation combined with military pressure will hasten the removal of Ghadafi from power, as much as can be discussed in this unclassified setting. I think we all understand, however, that there is no easy recipe. We are all aware of the reports yesterday and this morning about CIA operatives allegedly in Libya with the rebels. Again, this is an unclassified setting and I would not expect you to comment on those reports, but can you tell us if the administration has now made a decision to provide direct military support to the rebels?

We would also like to know what the implications are of the hand over of the operation to NATO. Will the transition be seamless? Will the operation look essentially the same as it has over the past 2 weeks? Will other NATO member states pickup the operations that we are ceasing to perform? Will NATO be able to maintain the tempo of the operation once the U.S. assumes a supporting role?

Further, I would like to hear some of your thinking on the post-Ghadafi era. It may seem premature, but we must be prepared if the regime rapidly crumbles under the weight of coalition strategy.

In thinking about a post-Ghadafi era, we would be interested in your thoughts about the National Transitional Council; its composition, its viability, its goals and its level of support among the Libyan people. Are there any other contenders for power in a post-Ghadafi Libya? If we think the Council is the likely heir to power, what is our hesitation in recognizing it as the French and the Qataris have done? And would not our recognition help to increase the Ghadafi regime's sense of isolation and deepen the international community's sense that his departure is inevitable? Does the Council include elements that should cause us concern? And how are we going to make certain that a successor regime does not resort to the same thuggish tactics that have been Ghadafi's hallmark?

We have had a long and difficult history with Ghadafi, he has the blood of many Americans on his hands. For a brief period we were willing, tentatively, to open a new chapter with him after he agreed to give up his weapons of mass destruction and related materials 7 years ago. But when we saw him firing on his people, we had no choice but to act for as we know all too well from our own bitter experience about his cynical disregard for human life and his almost casual willingness to commit murder and inflict torture just to stay in power.

Mr. Secretary, before closing I would like to raise specific humanitarian issues of differing levels of urgency.

First, Ghadafi's forces have created a humanitarian disaster in Misratah. Why have we not, at the least, established a humanitarian sea corridor to Misratah in order to relieve the terrible suffering?

Second, I understand there are some 1,700 Libyan students in the United States who cannot get access to their monthly stipends

because of our appropriate decision to freeze Libyan funds. Is that accurate? And if so, what are we doing to rectify this situation?

And finally, on a different note, I would like to say how important it is that we keep our eye on the Iranian nuclear ball at all times. I was pleased to see that the administration imposed sanctions earlier this week against Belarus Russian energy company called Belorusneft. I would be less than candid if I did not express some disappointment, however, that we have once again imposed sanctions on a company that does not do any business in the United States, so the sanction has no more than symbolic impact. That was also the case when we opposed sanctions a few months ago on the Swiss-based, but Iranian owned, energy company NICO. When we do that, I am afraid we are sending Iran a signal more of weakness than of strength and we are having no impact on their economy. Such impact is the very point of sanctions.

With that, Madam Chairman, I will yield back my 9 seconds. Well, actually, it has gone the other way.

Chairman ROS-LEHTINEN. Thank you, Mr. Berman. I thank you for talking about the Iran sanctions, and I totally agree with that.

So pleased to yield to my friend from New Jersey, the chairman for the Subcommittee on Africa, Global Health, and Human Rights, Mr. Smith.

Mr. SMITH. Thank you, Madam Chair. And thanks for calling this very important hearing.

I am once again grateful to the U.S. military personnel and our coalition forces for their courage, professionalism, and tenacity they have exhibited in executing their orders to implement U.N. Security Council Resolutions 1970 and 1973. While our forces have heroically taken on yet another combat mission in the Near East and performed extremely well, I am nevertheless deeply concerned about our use of force in Libya, and more particularly about the path this administration took to bring us to this point. And I know the Under Secretary will answer our questions, and so very ably as he has done an extraordinary job as Under Secretary, but I would like to know when we first initiated military action did the administration who, exactly who, the leaders of the rebel forces were? What are their aspirations for a post-Ghadafi Libya? Are they surging or have they given commitments that they will seek a democracy, the rule of law, and respect for human rights? I think that is all very important, especially when we risk the lives of our men and women in uniform to give them air support.

I have a number of other questions, but I am out of time.

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Ackerman, the ranking member on the Subcommittee on the Middle East and South Asia.

Mr. ACKERMAN. I thank the chair.

Mr. Secretary, I thank you very much for your service. We are really going to miss you. You have done an excellent job and always very cooperative with the members of our committee.

I would like to use my 1 minute just to be introspective on what has been happening across the Capitol from both political parties. Because I have been a bit troubled on the reactor to the President's announcements that have occurred from Congress in both Houses.

Regardless of party, I do not think that the predisposition to liking the President or disliking the President is a substitute for questioning and evaluating foreign policy. We should be doing that on a nonpartisan basis.

I was particularly troubled by so many people who just rubber stamped what the President was doing without thinking about it, and I was at least equally troubled by those who were critical of the President for doing what they suggested to do in the first place, and then were critical of him for doing it after he did it.

We have to be a lot more careful because we are at a juncture in world history right now where the big things are happening and we really have to analyze and appreciate what we should be doing about that.

Chairman ROS-LEHTINEN. Thank you.

Mr. ACKERMAN. I particularly want to thank the chair for having this hearing so early. I remember during the war in Iraq, it was 1 year before we had a hearing on Iraq. So this is has been very important.

Chairman ROS-LEHTINEN. Thank you, Mr. Ackerman. Thank you.

Mr. Burton, the chairman of the Subcommittee on Europe and Eurasia, is recognized.

Mr. BURTON. Thank you, Madam Chairwoman.

I just had some questions that I hope we will be able to cover today.

First of all, Congress was not involved at all in this decision making process, but the United Nations was and the Arab League was. And it seems to me we should have been involved very much at the very beginning of this.

The Defense Secretary said that this was not a national security interest, but it was of interest. Why is that?

There are people that are supposedly terrorists. I mean, Brad Sherman yesterday at the closed hearing gave names of people that have fought us in Afghanistan and Iraq, and why are we supporting people who may be terrorists, who are terrorists and maybe giving us a hard time down the road?

You know, I just do not know how we pick these things.

The Ivory Coast right now there is a real carnage there. Are we going to go to the Ivory Coast and have a no fly zone and start bombing people over there? Why did we pick Libya and not the Ivory Coast because there is more carnage there right now?

Chairman ROS-LEHTINEN. Thank you, Mr. Burton.

Mr. Payne, the ranking member on the Subcommittee on Africa, Global Health, and Human Rights is recognized.

Mr. PAYNE. Thank you very much. And thank you, Madam Chair, for allowing us to have 1 minute and Mr. Steinberg, Secretary, for your commitment.

Let me just say that, you know I guess anything that the President does is well, I heard someone say, "If you walk on water, they say you could not swim." So, the fact that 1 year ago when the Lockerbie bomber was released, everybody said "How terrible it is. All of a sudden Libya is the worst place in the world." It is amazing now that I heard people wondering why we are in Libya, all of a sudden in 1 year there has been a total change in our position

against Libya. It is sort of strange. I do not know whether it is who called for action rather than the action taken.

I would also certainly like to know that our responsibility to protect is certainly something that is very important. I think that we would like to find out about NATO's roles.

And, I would also like to know about the treatment of the so-called minorities that are in Libya right now who have been accused of being supported with the mercenaries.

Thank you very much.

Chairman ROS-LEHTINEN. Thank you, Mr. Payne.

Mr. Rohrabacher, the chairman of the Subcommittee on Oversight and Investigations.

Mr. ROHRABACHER. Thank you very much, Madam Chairman.

I give high marks to this administration, to the Secretary of State and to the President on how this crises in Libya has been handled. Yes, we are up against radical Islam and we will hear about that as this hearing goes on. But if the United States was not engaged in helping those fight for freedom, those people who want to overthrow tyrants and corruption in the Islamic world, we would leave the field to the radical Islamists. We need to be engaged. We do not need to send U.S. troops on the ground. If the President introduces troops on the ground, you have lost me. But this is consistent: Helping those people fight for their own freedom is consistent with what we did during the Reagan years. It is called the Reagan Doctrine. We did not send people all over the world and put them into action, we helped those people all over the world who were willing to fight for their own freedom. And in this case I understand, or I have been in direct contact with the leaders of Libya of the revolutionary movement, that they will repay the United States for every cent that we spend in helping them free themselves from the Ghadafi leadership.

Chairman ROS-LEHTINEN. Thank you.

Mr. ROHRABACHER. So I am looking forward to the hearing. And I think they have handled the situation we have in the right way.

Chairman ROS-LEHTINEN. Thank you very much.

Mr. Meeks, the ranking member on the Subcommittee on Europe and Eurasia.

Mr. Sherman. I apologize. You were there first. I apologize. I missed your card.

Mr. SHERMAN. I hope to learn today whether the administration will comply with Section 5 of the War Powers Act or whether in the guise in promoting of democracy in Libya, they are going to undermine democracy and the rule of law in the United States.

The administration says that this has cost us $600 million so far. They arrived at this number using marginal costs. Any CPA would tell you that you should focus on field cost which would reveal that this is costing what the American people think it is costing, that is to say millions of dollars a week. The $30 billion we seized from Libya and Ghadafi assets should be used immediately to defer these costs.

Ghadafi has American blood on his hands, but so do some of the rebel commanders. They fought us in Afghanistan and Iraq and we should demand that the rebels extradite these criminals, or at least use their best efforts and it would start by stopping cooperation

with and seeking to incarcerate Abdel Hakim al-Hasidi who brags about the efforts he made against our troops in Iraq and Afghanistan.

I yield back.

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Royce, the chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. ROYCE. Thank you.

Four weeks ago the Secretary of State was here, and I suggested at that time that we should jam Ghadafi's communication system. There is no cost to doing it. And in fact we had a lot of officer defections at that time.

I look for meaning in this. We recognize we got a $14 trillion debt, and we spent $0.5 billion in a few days on this operation. I think the estimates are that it is going to be for a 6-month no fly zone; a very expensive proposition.

We have got $33 billion right now in frozen Libya assets. We need to put those to use.

The President boasts about a coalition. It is time for that coalition to open its checkbook. If we are going to proceed, it needs to offset dollar-per-dollar because at the end of the day there are costs to our security, too. We focus, you know away from our strategic threats. It has taken us far too long, for example, to exit Iraq. Now we have this added commitment.

Chairman ROS-LEHTINEN. Thank you.

Mr. ROYCE. The only way for it to go down is to pay for it out of those Libyan assets.

Chairman ROS-LEHTINEN. Thank you, Mr. Royce.

Now we are ready to hear from Mr. Meeks. This is going to be a good 1 minute because you had a lot of time to prepare. Sorry about that.

The ranking member on the Subcommittee on Europe and Eurasia.

Mr. MEEKS. Thank you, Madam Chair.

Whenever the President of the United States commits our nation to any level of military engagement, it is a serious and sobering moment and there are bound to be questions and concerns that must be addressed. I have my full sheet of questions and concerns about our actions with regard to Libya, but I want to be sure to take this opportunity at the outset of this hearing to get on the record my appreciation for a key fundamental component of this particular engagement. That is the fact that we are operating in a multi-level partnership with NATO and coalition forces, sharing the responsibilities that come with the establishment of a no fly zone and necessary measures to protect civilians as authorized by U.N. Security Council 1973 on March 17th.

From my perspective, the necessity, purpose, objective and methods of Operation Odyssey Dawn were made clear by the administration. That said, I expect the administration will continue to work closely with Congress on this engagement as we move forward.

I recognize that this is a developing situation which the reports today of rebels in tactical retreat. We know that days coalition convened in London to discuss next steps politically and otherwise. So,

today I look forward to getting more of the details and answers that will help inform my perspective and decision making as a Member of Congress.

Chairman ROS-LEHTINEN. Thank you, sir.

Chairman Chabot, who chairs the Subcommittee on the Middle East and South Asia, is recognized.

Mr. CHABOT. Thank you, Madam Chair.

There has been a lot of concern, a lot of questions asked by members on both sides of the aisle. My principal concern is the fact that the administration had plenty of time to get the authorization, the okay of the U.N., of NATO, of the Arab League yet they could not find time in that period of time between President Obama indicating that Ghadafi had to go and actually taking military action to actually consult the elected representatives of the American people. That should have been a priority under these circumstances, and there was time.

President Bush got the authorization of Congress before going into Iraq, Afghanistan, his father did in Kuwait. That was, I think, a key mistake on this administration's part.

There has also been far too much confusion, for example, on saying Ghadafi has to go, no he does not necessarily have to go. I think that should be very clear.

And we also have to have much better insight on just who these rebels are.

Thank you.

Chairman ROS-LEHTINEN. Thank you so much.

My list indicates that Mr. Connolly is next to be recognized for 1 minute.

Mr. CONNOLLY. Thank you, Madam Chairman.

And, Mr. Secretary, job well done and you will be missed.

You know, I think it is very important to remember that in this exercise of limited intervention by the United States we are operating under a legal framework. What makes this different than other places, Yemen, Bahrain and so forth, is that we had for the first time in my memory an Arab League resolution calling for a no fly zone in a fellow Arab country. We had a U.N. security resolution, in fact we had two of them, 1970 and 1973, calling explicitly for all necessary means to stop the bloodshed in Libya. The United States is part of that lawful international community and responded. Responded in a limited way with the coalition.

I look forward to this hearing and I look forward in particular, Mr. Secretary, to your outlining not only this legal framework for the President's response, but also how the administration views the necessary consultation with Congress as this event unfolds.

And I was pleased to hear Mr. Rohrabacher's support for the administration.

Than you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you, Mr. Connolly.

Dr. Paul of Texas.

Mr. PAUL. I thank the, Madam Chairwoman.

Once again the American people are being suckered into one more war; illegal, unconstitutional and undeclared. We have been doing this since World War II and they have not been good for this country, and they have not been good for the world.

This is said to be a war that is to prevent something. It is a preventative war. They say there is going to be a slaughter, but there has so far not been a slaughter. In checking the records the best I can, I have seen no pictures of any slaughter. But already it is reported now that our bombs have killed more than 40 civilians. So how can you save a country by killing civilians?

This is a bad war. We got into it incorrectly. It will not help us. And unfortunately, I do not see that this administration or any administration is going to move back from this until we become totally bankrupt. It is very necessary for us to assess this properly.

And the way we go to war is very important. Just not get token permission, we should never go to war without a full declaration and it should be strongly bipartisan.

Chairman ROS-LEHTINEN. Thank you, Dr. Paul.

Mr. Higgins of New York.

Mr. HIGGINS. Thank you, Mr. Secretary. I look forward to your testimony today.

Over the last several days we have heard a lot of debate about our involvement in Libya. Everybody seems to be looking for false clarity. And the fact of the matter is war is very ambiguous and I would rather have cautious ambiguity than false clarity.

Having said that, we are involved in other conflicts in the region. I think that Libya's situation is very different from that, Egypt per se, where I think that movement is very organic where this is very different. We do not know what we are going to get in the end.

And I am reminded of the United States' efforts to assist the Mujahideen to break the Soviet invasion of Afghanistan. And at least components of the Mujahideen morphed into the Taliban. This is a very, very complicated situation. We have to treat it as such. We have to understand the complexities of the region and complexities of the country and apply those to realistic policies from which we can proceed.

So, I look forward to your testimony.

Chairman ROS-LEHTINEN. Thank you so much.

The vice chair of the Subcommittee on the Middle East and South Asia is recognized, Mr. Pence of Indiana.

Mr. PENCE. Thank you, Madam Chairman, for calling this hearing. And thank the Deputy Secretary for his years of service to the country.

We are at war in Libya. I know there is careful parsing of words to describe our military action; no fly plus and the rest. But we are at war in Libya.

And while I am troubled by how we went to war in Libya, I will never jeopardize support for our troops, but I do not believe the President of the United States has the authority to take America to war without Congressional approval where our safety and vital national interests are not directly threatened.

I also do not believe in limited war. I believe if America chooses to go to war, then by God you go to war to win.

Now the President said this week that it would be a mistake to broaden our mission. He said "We went down that road in Iraq," and we are certainly going down a very different road than we went in Iraq. In Iraq we had a clear objective. We had Congressional bipartisan approval in both Houses, then international sup-

port, then through trial and sacrifice of blood and treasure we prevailed. Here in Libya no clear objective, no Congressional approval, uncertain and wavering international support, aerial bombardment; we are on a different road.

So, Mr. Deputy Secretary, I would like to ask you in the course of conversation today tell me why Congress should not immediately bring an authorization to the floor of the House of Representatives that would define our mission or end this mission and bring the clarity that the Constitution and the American people expect.

Chairman ROS-LEHTINEN. Thank you.

Ms. Schwartz of Pennsylvania is recognized.

Ms. SCHWARTZ. First, I would like to also add my words of acknowledgement to the members of the armed forces who once again have stepped into harm's way at this time as part of a international coalition to prevent Ghadafi regime from massacring Libyan citizens seeking democratic and human rights.

President Obama has emphasized the military mission in response to potential humanitarian crises be both limited and have the support of a broad international coalition, including the endorsement of the U.N. and the Arab League and the African Union. The President has upheld this pledge by successfully handing off command and control the NATO lead coalition. The fact that the call to action by the broad international coalition is there has been absolutely critical. There is a clear regional and international agreement on the use of military force to protect civilian, and the coalition leadership helps ensure that we do not assume sole responsibilities for operations or costs.

In addition to the military involvement, the United States has applied strong diplomatic and economic pressure on Ghadafi; that is a good thing. I hope to hear more about that, including freezing more than $30 billion of Libyan assets.

Ghadafi is more and more isolated and his military capabilities has been seriously degraded. However, the outcome of our intervention is uncertain and I share the concern of so many Americans about the weeks ahead; the concern about the possible escalation of our intervention as well as the costs of continued or increased involvement.

So I look forward to the information provided at this hearing to answer the many questions that we have posed on behalf of the American people.

Thank you.

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Wilson of South Carolina is recognized.

Oh, I am sorry, I forgot. Mr. Wilson has the minister for the day.

So, we will go to Judge Poe; that is just the way it is.

Mr. POE. Madam Chair, no question about it: Maummar Ghadafi is a world outlaw. So because he is a bad guy, it appears that the President has used military force in Libya. I am concerned about the legal authority for such military action in Libya. Has the Constitution and the War Powers Act been followed? Maybe not.

Secretary of Defense Gates has stated that Libya is not in the vital interests of the United States. Then why are we dropping bombs in this country?

The President has indicated that Ghadafi is treating the rebels in an inhumane way, therefore this Obama Doctrine of war in the name of humanity is troubling. Since our U.S. national security is not at stake, what constitutional authority do we have to be at war in Libya? The Constitution may be inconvenient, but it is meat to be. War is a serious matter and Presidents and Congresses should be inconvenienced on these roads to war.

I yield back.

Chairman ROS-LEHTINEN. Thank you so much.

Ms. Bass of California is recognized.

Mr. Cicilline of Rhode Island.

Mr. CICILLINE. Thank you, Madam Chairman. And thank you for convening this timely hearing.

Welcome, Mr. Secretary.

I look forward to your testimony today. I think we all recognize that Libya presents a complicated set of events in a rapidly changing set of circumstances and many of us are concerned, but I think we were gratified to hear the President's address to the nation. And I think our ranking member has correctly identified there are some issues where there will not be absolute clarity or certainty, I am anxious to hear from you so that we can make the best decisions based on the best and most accurate information.

And again, I welcome you and look forward to your testimony.

Chairman ROS-LEHTINEN. Thank you.

Mr. Johnson of Ohio.

Mr. JOHNSON. Thank you, Madam Chairman.

And Mr. Deputy Secretary, thank you for being here today.

With the onset of U.S. military action in Libya, I am troubled by the circumstances surrounding our nation's involvement there. Having served in the United States Air Force for 26 years myself, my military experience has taught me that any mission must have clear objectives to be successful and an unambiguous end state in mind from the onset.

And I appreciate the President providing the American people with the background leading to his decision, however our engagement in this conflict should not have begun without a clear definition of the mission we hoped to accomplish with our military forces. I find it extremely troubling that the President did not first discuss American involvement with the Congress, but rather consulted with the United Nations and the Arab League for approval. I submit that that is not who he gets his approval from.

As we continue with the President's stated mission of protecting the people of Libya, I hope to hear some clarification today on what our objectives are, what our long-term national security interests are and what the risks were that prompted our involvement there.

Chairman ROS-LEHTINEN. Thank you, sir.

Mr. Cardoza of California.

Mr. CARDOZA. Thank you, Madam Chair. And thank you for your continued stewardship of this committee.

I will associated myself with the remarks of Mr. Berman, Mr. Ackerman and Mr. Rohrabacher. I will not repeat them now, but I think they are very instructive.

I think this is no time to engage in politics or pontification. This is a serious and critical time for our country and the world. I am

very concerned, Mr. Secretary, about how may have leaked the President's findings and whether or not that puts the men and women that we may or may not have on the ground in the intelligence community in that country at jeopardy. I think that we need to move forward cautiously, and this is a time for this committee to do its job, ask the tough questions but also to understand the difficult challenge that the President and your Department are engaged in.

Chairman ROS-LEHTINEN. Thank you, Mr. Cardoza.

Ms. Buerkle of New York, the vice chair of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Ms. BUERKLE. Thank you, Madam Chair, and thank you for hosting this timely hearing this morning.

Thank you to Deputy Secretary Steinberg for being here.

If I could respectfully recommend, you buy a heavy winter coat and boats because Syracuse University is in my District, so long hard winters up there.

I, too, with my colleagues share the concerns that we have heard here, and I will forward to hearing the answers to these questions about why the U.N., why the NATO, why the Arab League was consulted before the Congress and before the American people. So, I look forward to this morning's hearing.

Thank you.

Chairman ROS-LEHTINEN. Thank you.

Mr. Sires of New Jersey.

I apologize to my colleague, my fellow Floridian, Ted Deutch. You know, the ones you love the most—uh-oh. Mr. Deutch is recognized, then we will go to our side, and then we will go to Mr. Sires.

Mr. DEUTCH. Thank you, Madam Chair.

I will ask you to finish that statement later.

Chairman ROS-LEHTINEN. Yes. I stopped before I got myself in deeper trouble there.

Mr. DEUTCH. Thank you, Madam Chair, Ranking Member for holding this timely hearing.

Secretary Steinberg, thank you for being here. Thank you for your service, and good luck to you in those brutal Syracuse winters.

I would also like to commend the State Department and Secretary Clinton for her leadership at the U.N. in securing passage of Security Council Resolution 1973.

The actions of our Government over the past weeks in Libya have made it clear that the U.S. stands firmly in support of those seeking democracy and freedom.

Monday, I was pleased to hear the President define our goals for the operation and strongly reiterate to the American people that there will be no U.S. troops on the ground. The decision to intervene in conjunction with the international community was one that was necessary to prevent a massacre of innocent civilians and stabilize a region on the brink.

I look forward to hearing from your today, Mr. Secretary speak to your thoughts on what pressure will be necessary to assist the opposition in its quest to remove Ghadafi from power and short of that—short of that when we will know that this engagement can and should end.

And I yield back my time.

Chairman ROS-LEHTINEN. Thank you. Thank you. I am sorry, Ted.

Ms. Ellmers of North Carolina.

Ms. ELLMERS. Thank you, Madam Chairman.

And thank you, Mr. Deputy Secretary, for being with us today. Of course, this is just such an important hearing.

And, you know I join with my colleagues and all the concerns, and I am very much looking forward to your input so that we can understand these issues better.

My main concern is for our servicemen and women right now and their safety, especially at a time when we are stretched so thin in our military actions. I hope that I will be able to go back to my constituents and explain that this is a finite action and that we have a secure strong military strategy.

And with that, I yield back the rest of my time.

Chairman ROS-LEHTINEN. Thank you.

Mr. Sires. Do not be mad.

Mr. SIRES. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. You are so small, it is easy to jump over you.

Mr. SIRES. Mr. Secretary, our congratulations and good luck on your next endeavor.

And I just want to compliment the President for acting so quickly and commend him on working with the international community and the NATO community, especially on protecting the lives of civilians in Libya. But I am concerned now after we have thrown the first stone what is our next step. I read this morning where Ghadafi is taking back some of the cities, and I was just wondering if you can comment on that.

And I wonder if you could comment on the foreign affairs ambassador that defected or is in France, I think it is. Can you just comment on that? And if we have any information from him that will help us make a decision going down the line.

Thank you very much.

Chairman ROS-LEHTINEN. Thank you, Mr. Sires.

Mr. Marino of Pennsylvania.

Mr. MARINO. Thank you, Madam Chair. Nothing.

Chairman ROS-LEHTINEN. Thank you.

My other Florida colleague, Frederica Wilson of Florida, is recognized.

Ms. WILSON OF FLORIDA. Thank you, Madam Chairman.

It is very interesting to me to have listened to so many people urge the President to establish a no fly zone, to do something. There is a genocide in the making. We must do something. And then when he did something, the same people who urged him to do something are criticizing him.

I think that when he consulted with the leaders of Congress, which I am sure I heard that he did, I do not think this is unprecedented. I think this has happened before. And I think that he is the Commander in Chief, and at some point in his administration in every Commander in Chief's administration, they must make decisions that benefit the greater good of the country—of the world without having the opportunity to get permission, as we call it. So

on March 17th when Ambassador Rice explained the U.S. vote in favor of Resolution 1973 stating that the Security Council——

Chairman ROS-LEHTINEN. Thank you.

Ms. WILSON OF FLORIDA [continuing]. By stating that the Security Council had responded to the Libyan's people cry for help, the Council's purpose is clear to protect innocent citizens.

Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you, Ms. Wilson.

Pleased to yield to Mr. Fortenberry, the vice chair of the Subcommittee on Africa, Global Health, and Human Rights.

Mr. FORTENBERRY. Thank you, Madam Chair, for holding this hearing.

You know, the United States is constantly called upon to fix every measure of conflict throughout the world, and this is due to the generosity of the American taxpayer, the philosophical ideals that govern us. It is very difficult for us to stand by and watch humanity be slaughtered before our eyes. A third fact is that we are a unique and exceptional super power.

So, in order to understand where we are now, we ought to look back just a few short weeks when the United States was being pressured to unilaterally implement a no fly zone by the international community and within this body as well. And once the British and French, particularly, stopped pontificating, were willing to put up their own assets, that then empowered the United States to be a part of an international coalition that is achieving some success now.

With that, I know there are questions remaining about notification to Congress and the scope and duration of this, but questions also remain as to the robustness of the Arab League commitment. It was very important to get that affirmation up front, but we need to know what type of assets they are going to put up.

Ultimately, Libya must be controlled, the outcome, by Libyans, North Africa must be controlled by North Africans. Where is the African Union? Where is the Arab League in terms of commitment to resources?

Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Thank you so much.

And lastly, Mr. Murphy of Connecticut.

Mr. MURPHY. Thank you very much, Madam Chair.

I take faith in the President's promise that we are not going to engage in a third large scale intervention, but I do think that there are some important lessons that we can learn from the mistakes made in the communication between the administration and Congress with respect to Iraq and Afghanistan. We need to talk about cost, and we need to be honest about it. And I appreciate the administration putting numbers on the table so soon, but we need to make sure that those are worst case numbers as well as best case numbers.

And though I want clear objectives, I also want to be honest about the fact that terminology and explanations often are much more nuanced then are presented to Congress. And I appreciate both in the President's speech and in briefings that have been given to Congress I think there has been some honesty about the complexity of our objectives and the complexity of measuring out-

comes. I think that if that kind of honest talk continues, it makes it a lot easier for us to judge whether this is an engagement worth continuing investment.

I yield back.

Chairman ROS-LEHTINEN. Thank you very much, sir.

And now we are fortunate to have before us the U.S. Deputy Secretary of State, Mr. James Steinberg, who has just been named, as we had heard, dean of the Maxwell School of International Affairs, and university professor for social science, international affairs and law at Syracuse University. Best wishes, Mr. Steinberg, on your future endeavor.

He has had a long and distinguished career. He served as dean of the Lyndon B. Johnson School of Public Affairs at the University of Texas and as vice president and director of Foreign Policy Studies at the Brookings Institute.

He also served as Deputy National Security Advisor to President Clinton and held a number of positions at the State Department including Chief of Staff, Director of Policy Planning and Deputy Assistant Secretary for Analysis in the Bureau of Intelligence and Research.

He has written numerous books and articles, and holds a BA Harvard and a JD from Yale.

And I would like to thank you for your help in securing the freedom of three journalists who had a direct link to my area in South Florida. Thank you for taking my call, and so many calls about their predicament. Thank you for your help in making sure they got home safety.

Mr. Steinberg, you are recognized.

STATEMENT OF THE HONORABLE JAMES B. STEINBERG, DEPUTY SECRETARY, U.S. DEPARTMENT OF STATE

Mr. STEINBERG. Well thank you, Madam Chairman. And thank all of you for the kind personal words. And I am working on the winter wardrobe, and looking forward to those wonderful winters in Syracuse, but also the beautiful springs, summers and falls.

I am grateful for the opportunity to meet with the committee to update you on developments in Libya and to answer the important questions that you all have raised this morning and in other discussions. I will not cover them all in my opening statement, but I look forward to them in the rest of our discussions.

And I want to begin by echoing a sentiment that so many of you have echoed, which is our gratitude toward the men and women who are serving the country so bravely and so skillfully, as they always do.

In a speech on Monday night, President Obama laid out our goals and strategy for Libya and the wider Middle East. On Tuesday, Secretary Clinton met with our allies and partners in London, as well as representatives of the Libyan Transitional National Council, and yesterday she and Secretary Gates briefed members of both the House and the Senate. And I am going to take this opportunity today to underline their comments and to continue the valuable exchange between the administration and Congress that has been ongoing since shortly after Colonel Ghadafi's regime began to resort to violence against its own people.

Let me begin by reviewing why we are a part of this broad international effort. As the President said, and I quote, "The United States has played a unique role as an anchor of global security and as an advocate for human freedom. When our interests and values are at stake, we have a responsibility to act."

This crises began when the Libyan people took to the streets in peaceful protest to demand their universal human rights and Colonel Ghadafi's security forces responded with extreme violence. The U.N. Security Council acted by unanimously approving Resolution 1970 on February 26th which demanded an end to the violence and referred the situation to the International Criminal Court while imposing a travel ban and asses freeze on the family of Ghadafi and Libyan Government officials. Rather than respond to the international community's demand for an end to the violence, Ghadafi's forces continued their violence.

With this imminent threat bearing down on them, the people of Libya appealed to the world for help. The Gulf Cooperation Council and the Arab League called for the establishment of a no fly zone. Acting with our partners in NATO, the Arab World and the African members of the Security Council, we passed Resolution 1973 on March 17th which demanded an immediate cease-fire including an end to the current attacks against civilians, which it said might constitute "crimes against humanity," imposed a ban on all flights in the country's airspace, and authorized the use of all necessary measures to protect civilians and tightened sanctions on Ghadafi's regime. As his troops pushed toward Benghazi, a city of nearly 700,000 people, Ghadafi again defied the international community declaring, "We will have no mercy and no pity." Based on his decades-long history of brutality, we had little choice but to take him at his word. Stopping a potential humanitarian disaster of massive proportions became a question of hours, not days. And so we acted decisively to prevent a potential massacre.

All of this has been accomplished consistent with President Obama's pledge to the American people that our military role would be limited, that we would not put ground troops into Libya, that we would focus on our unique capabilities on the front end of the operation and then transfer responsibility to our allies and partners. The President defined the military mission succinctly at the outset, and in his words, "The international community made clear that all attacks against civilians had to stop: Ghadafi had to stop his forces from advancing on Benghazi; pull them back from Ajdabiya, Misrata, and Zawizya; and establish water, electricity and gas supplies to all areas. Finally, humanitarian assistance had to be allowed to reach the people of Libya."

As we meet this morning, the North Atlantic Council with coalition partners fully at the table, has taken on full responsibility for the United Nations-mandated action against Libya, that includes enforcing a no fly zone, policing an arms embargo in the Mediterranean, and carrying out targeted air strikes, as part of a U.N. mandate "to take all necessary action" to protect civilians.

As NATO assumes command and control of military operations, we are confident the coalition will keep the pressure on Ghadafi's remaining forces until he fully complies with Resolution 1973. And we will support our allies and partners in this effort.

We became involved in this effort because, as the President said on Monday night, we have an important strategic interest in achieving this objective. A massacre could drive tens of thousands of additional refugees across Libya's borders, putting enormous strains on the peaceful, yet fragile, democratic transitions in Egypt and Tunisia. It would undercut democratic aspirations across the region and embolden repressive leaders to believe that violence is the best strategy to cling to power. It would undermine the credibility of the Security Council and our ability to work with others to uphold peace and security. That is why the President concluded that the failure to act in Libya would carry too great a price.

Many have asked, and many of you this morning have asked, why Libya and not in other cases; why where we have seen forced use against civilians? Again, as the President said on Monday, in this particular country, Libya, at this particular moment we were faced with the prospect of violence on a prolific scale. We had a unique ability to stop that violence, an international mandate for action, a broad coalition prepared to join us, the support of Arab countries and a plea for help from the Libyan people themselves. We had the ability to stop Ghadafi's forces in their tracks without putting American troops on the ground.

If I may, Madam Chairman, just briefly want to address three non-military elements of our strategy.

First, on the humanitarian front, we are working with NATO, the EU and the U.N. and other international organizations to get aid to people who need it. The United States Government has provided $47 million to meet humanitarian needs.

The second track is to continue ratcheting up pressure and further isolate Colonel Ghadafi and his associates. The Contract Group on Monday sent a strong international message that we must move forward with a representative democratic transition and that Ghadafi has lost legitimacy to lead, and must go.

But President Obama has been equally firm that our military operation has a narrowly-defined mission that does not include regime change. If we tried to overthrow Ghadafi by force, the coalition could splinter. It might require deploying U.S. troops on the ground and could significantly increase the chances of civilian casualties. As the President said, we have been down this road before and we know the potential for unexpected costs and unforeseen dangers.

The approach we are pursuing in Libya has succeeded before, as we saw in the Balkans. Our military intervention in Kosovo was also carefully focused on civilian protection and not regime change.

Chairman ROS-LEHTINEN. Thank you, Mr. Secretary. I think we'll get to your other points in the questions.

Mr. STEINBERG. Could I just finish this last point, Madam Chairman?

Chairman ROS-LEHTINEN. Yes.

Mr. STEINBERG. Because I know that members are interested. Because I want to remind us that though the military operation in Kosovo ended with the end of the humanitarian crises and the withdrawal of forces, we kept the pressure on and 1 year from the time that the military operation ended, Milosevic deposed and on his way to The Hague.

[The prepared statement of Mr. Steinberg follows:]

DEPUTY SECRETARY OF STATE JAMES STEINBERG
REMARKS ON LIBYA TO
HOUSE COMMITTEE ON FOREIGN AFFAIRS
WASHINGTON, DC
MARCH 31, 2010

Good afternoon. I want to thank Chairman Ros-Lehtinen and Ranking Member Berman for inviting me today. I am grateful for this opportunity to update you and answer your questions.

In his speech on Monday night, President Obama laid out our goals and our strategy in Libya and the wider Middle East. On Tuesday, Secretary Clinton met with our allies and partners in London, as well as with representatives of the Libyan Transitional National Council, and yesterday she and Secretary Gates briefed members of the both the House and Senate. I am pleased to be here to underline their comments and to continue the valuable and important exchange between the Administration and the Congress that has been ongoing since shortly after Colonel Qadhafi's regime began to resort to violence against its own people.

Let me begin by reviewing why we are a part of this broad international effort. As the President said, "the United States has played a unique role as an anchor of global security and advocate for human freedom. When our interests and values are at stake, we have a responsibility to act."

This crisis began when the Libyan people took to the streets in peaceful protest to demand their universal human rights. Colonel Qadhafi's security forces responded with extreme violence. Military jets and helicopter gunships attacked people who had no means to defend themselves against assaults from the air. There were reports of government agents raiding homes and even hospitals to round up or kill wounded protestors, of indiscriminate killings, arbitrary arrests, and torture as Qadhafi's forces began a full-scale assault on cities that were standing up against his dictatorial rule.

The UN Security Council responded by unanimously approving Resolution 1970 on February 26, which demands an end to the violence and refers the situation to the International Criminal Court while imposing a travel ban and assets freeze on the family of Muammar Al-Qadhafi, and certain

Government officials. Rather than respond to the international community's demand for an end to the violence, Qadhafi's forces continued their brutal assault.

With this imminent threat bearing down on them, the people of Libya appealed to the world for help. The GCC and the Arab League called for the establishment of a No-Fly Zone. Acting with partners in NATO, the Arab World and the African members of the Security Council, we passed Resolution 1973 on March 17. It demanded an immediate ceasefire in Libya, including an end to the current attacks against civilians, which it said might constitute "crimes against humanity," imposed a ban on all flights in the country's airspace, authorized the use of all necessary measures to protect civilians, and tightened sanctions on the Qadhafi regime and entities it owns or controls, including the National Oil Corporation and its subsidiaries. As his troops pushed toward Benghazi, a city of nearly 700,000 people, Qadhafi again defied the international community, declaring, "We will have no mercy and no pity." Based on his decades-long history of brutality, we had little choice but to take him at his word. Stopping a potential humanitarian disaster of massive proportions became a question of hours, not days.

And so we acted decisively to prevent a potential massacre. We established a no-fly zone, stopped Qadhafi's army from their advance on Benghazi, expanded the coalition, responded to the humanitarian crisis in Libya and in its neighboring countries, and now have transferred command of the military effort to NATO.

All this has been accomplished consistent with President Obama's pledge to the American people that our military role would be limited, that we would not put ground troops into Libya, that we would focus our unique capabilities on the front end of the operation and then transfer responsibility to our allies and partners. The President defined the military mission succinctly at the outset, "The international community made clear that all attacks against civilians had to stop; Qadhafi had to stop his forces from advancing on Benghazi; pull them back from Ajdabiya, Misrata, and Zawiya; and establish water, electricity, and gas supplies to all areas. Finally, humanitarian assistance had to be allowed to reach the people of Libya."

As we meet, the North Atlantic Council with coalition partners fully at the

table, has taken on full responsibility for all United Nations-mandated action against Libya, that includes enforcing a no-fly zone, policing an arms embargo in the Mediterranean, and carrying out targeted airstrikes, as part of the UN mandate to 'take all necessary action' to protect civilians.

As NATO assumes command and control of military operations, we are confident this coalition will keep the pressure on Qadhafi's remaining forces until he fully complies with the terms of Resolution 1973. The United States will continue supporting our allies and partners in this effort.

We became involved in this effort because America has an important strategic interest in achieving this objective. A massacre could drive tens of thousands of additional refugees across Libya's borders, putting enormous strains on the peaceful -- yet fragile -- transitions in Egypt and Tunisia. It would undercut democratic aspirations across the region and embolden repressive leaders to believe that violence is the best strategy to cling to power. It would undermine the credibility of the United Nations Security Council and its ability to uphold global peace and security. That is why this administration concluded that failure to act in Libya would have carried too great a price for America and why we will remain vigilant and focused on the mission at hand.

I would like to focus on three non-military tracks that are crucial to the President's strategy: delivering desperately needed humanitarian assistance; pressuring and isolating the Qadhafi regime through robust sanctions and other measures; and supporting the Libyan people as they work to achieve their legitimate democratic aspirations.

First, on the humanitarian front, we are working with NATO, the EU, the UN, and other international organizations and regional partners – especially Egypt, Tunisia, Turkey and the Gulf states – to ensure aid gets to the people who need it, including victims of Qadhafi's violence and the many refugees who have fled from their homes and jobs. The U.S. Government is providing $47 million to meet humanitarian needs and support the work of NGOs on the ground. We're supporting relief centers on the borders, repatriating third country nations back to their homes, and providing food, non-food and medical items to those in need. The coalition military campaign is making it possible for more help to get through to people in Libya itself. For example, a convoy organized by the World Food Program was able to reach Benghazi this weekend with 18 tons of supplies, including

food and blankets.

The second track is to continue ratcheting up pressure and further isolating Colonel Qadhafi and his associates. The Contact Group sent a strong, international message that we must move forward with a representative, democratic transition and that Qadhafi has lost the legitimacy to lead, and must go.

But President Obama has been equally firm that our military operation has a narrowly-defined mission that does not include regime change. If we tried to overthrow Qadhafi by force, our coalition could splinter. It might require deploying U.S. troops on the ground and could significantly increase the chances of civilian casualties. As the President said, we have been down this road before and we know the potential for unexpected costs and unforeseen dangers.

The approach we are pursuing has succeeded before, in the Balkans. Our military intervention in Kosovo was also carefully focused on civilian protection and not regime change. The military operation ended with Milosevic withdrawing his forces from Kosovo. But an effort to support democracy and human rights in Serbia did not end there. We kept up the political and economic pressure and one year after the military operation ended, the people of Serbia ousted Milosevic and then turned him over to The Hague.

So we are moving ahead aggressively with non-military measures aimed at isolating Qadhafi and those who continue to enable him, such as escalating financial pressure through the vigorous enforcement of an international sanctions regime authorized under Security Council Resolutions 1970 and 1973. At the same time, we are continuing to implement our own domestic sanctions and are working with our international counterparts on sanctions implementation, monitoring, and enforcement. In London, we saw growing international consensus and political and diplomatic pressure toward this end.

And that brings me to the third track: supporting the legitimate aspirations of the Libyan people. As in Egypt and Tunisia, we hope to see a democratic transition in Libya through a broadly inclusive process that reflects the will and protects the rights of the Libyan people. This won't be easy. Four decades of Qadhafi's rule have left Libya fractured and without strong

institutions or civil society – crucial building blocks of successful democracy. The Qadhafi regime has exploited assets that rightfully belong the Libyan people, diminishing their opportunities for economic opportunity and growth. In London, Secretary Clinton met with a senior representative of the Transitional National Council to discuss how we can support this process. The Secretary also stressed that the United States will join the international community in our commitment to the sovereignty, territorial integrity, and national unity of Libya. For its part, the Council has publicly stated its commitment to democratic ideals and its rejection of terrorism and extremist organizations, including Al-Qaeda.

Now we are moving forward on all three of these tracks with a growing coalition of allies and partners. In London, the international community agreed to establish a Contact Group that will coordinate activity and provide broad political guidance on the full range of efforts under Resolutions 1970 and 1973. We are pleased that Qatar will host the first meeting.

So there is considerable progress to report. But we are under no illusions about the dangers and challenges that remain. Qadhafi is unlikely to give up power quickly or easily. The regime still has substantial military capacity and continues offensive operations in Misrata and elsewhere.

This is a critical moment – for Libya, the international community and the United States. We are eager to continue our close consultations with you about the way forward and hope to have your support. I look forward to your questions.

Chairman ROS-LEHTINEN. Thank you, sir.

Last night the regime's former Intelligence Chief and Foreign Minister defected, as some members had pointed out. Will the U.S. Government question him or any other former regime member about the attack over Lockerbie, Scotland that killed hundreds of Americans? Americans, including my constituent John Binning Cummock, are demanding answers and this man has them. Have any of these former officials been deposed by the Department of Justice? What is the plan going forward to get information from them about that attack?

And if I could remind the Secretary to please respond to the letter delivered to her by the families of Pan Am 103, including my constituent Victoria Cummock.

Mr. STEINBERG. Well thank you, Madam Chairman. I think, as you know, Secretary Clinton has taken a very strong personal interest in Pan Am 103 victims. It has been very close to her personally and she has a peak commitment there.

And, as I think you know, the Department of Justice has a considerable interest in a number of these issues. Because there are ongoing investigations, I am not in a position to comment on them, but the Department of Justice is very actively involved in reviewing that and seeing whether there are actions that it needs to take.

We obviously take this decision by the Libyan Foreign Minister very seriously. It is an indication that some of the efforts that we are making to try to put pressure on the regime, can be successful. And I think while we should not overstate the significance of this, we should not also understate the fact that someone with such a long association with the regime has seen that there is no future there.

The British are beginning to question him. This is, obviously, a development of less than 24 hours so I can't say in more detail. But we take the point that you have raised and it is something that we take as an obligation very seriously.

Chairman ROS-LEHTINEN. Thank you very much.

Mr. Berman is recognized.

Mr. BERMAN. Well thank you very much, Madam Chairman.

Just because so many members raised this whole issue of constitutional authority, War Powers authority, I want to take just a little bit of my time to at least throw out my perspective on all this.

This is not the first time this issue is in front of us. And I am sure Congressman Rohrabacher, who was working for the Reagan administration at the time, remembers Lebanon, remembers Grenada, remembers Panama and I could cite 20 other instances where U.S. forces entered conflict without any vote of Congress. And in the early '70s Congress intended to come to grips with that by passing and by overriding a President's veto, the War Powers Act. There is a tension here because no President has ever accepted the constitutionality of the War Powers Act, but what Congress did when they passed that was to recognize there will be situations, and this was a classic case of one, where action had to be taken before Congress could authorize that action. And do not think there was plenty of time given the position that the administration had, and I think rightfully so, that they were not going to unilaterally impose a no fly zone. This was going to be either a coalition effort

or it was not going to be, and it was going to be sanctioned by the Security Council or it was not going to be.

So, so far the President has complied not in his words "pursuant to the War Powers Act," but consistent to the War Powers Act with what he is supposed to do with Congress. The test will really come 60 days from the date this started, the conflict started when if there was no authorization for the use of force, in this particular conflict. And what the President does then, I do not know because once again, no President has accepted the constraints imposed by the War Powers Act and there has never been an ability to litigate it because no court will give standing to this battle between two different, the congressional branch of Government and the executive.

So, let us put this is a historical context when we start leveling charges about what the administration did and the role of Congress. By passing the War Powers Act we accepted the premise there were going to be situations where this would happen. And under the provisions of Section 5 of that Act, the time will come and on any given day the Speaker of the House, the leaders of the Senate could schedule for a vote, an authorization or a denial of authorization for this if they chose to do so.

So, let us look inward before we level too many charges outward.

Now, in my last minute let me ask you: (1) Given the position of the present world leaders that Ghadafi must go, should we not recognize the Transitional National Council, as the French have done, to help create the facts on the ground that Ghadafi is no longer Libya's leader? Would that not be consistent with our statements and encourage other nations to do so as well further isolating Ghadafi and sending a message to his supporters or those sitting on the fence that they should abandon him?

And finally, if you have a chance in that minute you will have left, the Misrata issue that I raised in my opening statement?

Mr. STEINBERG. Well, thank you, Mr. Berman. And I am sure I will have an opportunity to discuss the issues you raised in terms of the authorities in the courses of conversation so I will go directly to your questions.

First, with respect to what the Transitional National Council. I think we have deepened our engagement with them, we have had a great deal of contact with them. We are in the process of sending a special representative to meet with them in Eastern Libya. We obviously want to be supportive of the efforts of those who are trying to achieve democracy there. At the same time, we need to understand better about who they are and what their aspirations are.

We very much welcome the statements they have made in the last couple of days, both in making their commitments to democracy and the very strong condemnation they have made and disassociations with al-Qaeda that they made yesterday, which is a very positive sign. But before we move forward to formal recognition, I think it is important for us to have a better understanding of their goals, objectives, their representativeness and the like.

In Misrata we have had some success in achieving some humanitarian access, and it is an important objective. There have been ships that have gotten in by sea, but it is something that we continue to pursue.

Chairman ROS-LEHTINEN. Thank you very much.

And acting with the consent of the ranking member, I would like to engage in a colloquy version of the authorization query. Mr. Deputy Secretary, the committee would like to make a request of you on a different issue. As part of the budget authorization process the Department has frequently provided the committee with draft legislative language for the changes in statutory authority that it is seeking, as well as supporting explanations and information. I would like to ask my good friend, the ranking member, if he would he join me on the record today in asking the Department to convey any such request to us as soon as possible so that we can give them adequate consideration as part of the State Department authorization process?

Mr. BERMAN. And the answer is I am happy to join you in that request. I think that is the committee's responsibility and this information is critical to being able to perform our function.

Chairman ROS-LEHTINEN. Thank you, Mr. Berman.

And, Mr. Steinberg, can you commit to us that the Department will at least let the committee know within the next week whether or not any request for new or changes in existing statutory authorities will be forthcoming, even if they have not yet been finalized?

Mr. STEINBERG. Well, thank you, Madam Chairman.

With that understanding, because I am not sure that we will have all the detail present, but we certainly can give you a basic sense of what we will be looking for.

Chairman ROS-LEHTINEN. That would be so helpful. Thank you, Mr. Steinberg.

Thank you, Mr. Berman.

With that, I turn to the chairman of the Subcommittee on Africa, Global Health, and Human Rights, Mr. Smith of New Jersey.

Mr. SMITH. Thank you very much, Madam Chair.

Thank you very much Deputy Secretary Steinberg for your testimony.

I agree no ground troops, but frankly, why tell Ghadafi?

Secondly, when we first initiated military action, did we know who the rebels were and their plans for a post-Ghadafi Libya, especially as it relates to human rights, rule of law, and democracy?

Third, are the rebel fights defined civilians as in the relevant U.N. Security Council resolutions authorization of force?

And how is bad weather affecting the ability to deploy our air power?

And finally, given the fact that Ghadafi has engaged in international terrorism, obviously we all know how horrific the consequences of that has been, what is his current ability to strike at our interests outside of Libya? Does not his ability to use asymmetric means to hit back at us increase the longer he remains in power?

Mr. STEINBERG. Thank you, Mr. Smith, for those very good questions.

First, on the no ground troops issue. I certainly understand your point, and having grappled with this issue in the context of the questions a decade ago, I appreciate the point behind that.

I believe this is a slightly different set of circumstances, in part because of the very strong conviction of our partners in the Arab

League and the neighbors about the risks associated with having U.S. forces on the ground there. And I think it is very important that as a part of our overall strategy that we have tried to make sure that this is a humanitarian intervention, that this is one that has broad support, and this is not somehow an set of outsiders.

So, understanding that normally we do not like to preclude these things, I think that there is a compelling case in this one instance, and I do think it has broad support among the American people. So, I think we could make the case while it may not generally be the right way to go, that in this case it was justified.

Mr. SMITH. If the Secretary would yield on that? So that nothing would preclude an Arab force or some other hybrid force, AU whatever it might be, from going in?

Mr. STEINBERG. There is language in the Security Council resolution that talks about occupation forces, and one could have a discussion about what that constitutes. But I think that at least our decision is based on our own national policy decision.

In terms of knowing who they are, I think it is important to understand that we did not intervene explicitly on the side of the Transitional National Council. We intervened to prevent this humanitarian catastrophe. But at the same time as part of a broader strategy, we do want to see an inclusive democratic transition take place. And we are hopeful that the Transitional National Council can be the core of something that leads to that barter group. I think the Council itself would recognize that it does not fully represent all the people of Libya and that if we are going to move forward, it needs to be more inclusive.

We have been very concerned about the issue of human rights and those assurances that you have been seeking, Congressman, and you have a long commitment to that. That is one of the reasons why we engage very closely with them and are very encouraged by the statements they issued both Monday in London and then yesterday, both with respect to their commitment on democratic transformation inclusiveness and respect for human rights and their strong condemnation of terrorism in general, and their distancing themselves from any association with al-Qaeda. These are obviously important commitments. We have to make sure that they are being honored in the fact as well as the words. But I think as several of you have said, the more we engage with them, I think the more influence we are likely to have. And that is one of the reasons why I think it is important that we engage.

And while, as I mentioned to Congressman Berman, we are not at the stage where we think recognition is desirable, we have deepened our engagement with them including sending a representative on the ground.

On bad weather and the military operations. I have long since learned that I would prefer to defer to my military colleagues on that, except to say that operations do continue. I did check-in just before we came, and the operations even as we move forward with the transition, that these efforts are underway.

Mr. SMITH. On the issue of the terrorism and his ability to strike?

Mr. STEINBERG. Yes. Obviously, it is something that we are concerned about. We know the past record and one cannot dispute

this. Obviously, that is one of the reasons why we think it is important for this transition to take place and why we believe at the end of the day that Ghadafi should go.

Mr. SMITH. Just finally, I remember reading the book Sun Tzu's "The Art of War." He made a very powerful statement, many of them, one of them, "Let your plans be dark and as impenetrable as night and when you move, fall like a thunderbolt."

And when the President said all options are on the table, obviously the Intelligence Committees and key Members of Congress need to know. And I think there is no support for ground troops, I certainly do not support it, but again telling Ghadafi, I think may unwittingly, and I mean that, unwittingly convey to him that he has other options and he is not as at risk as he might otherwise be. So, you know just going forward I would hope the key Members of Congress, especially the Intelligence Committee and the leadership be apprised, but for a short period of time some ambiguity might be helpful to ensure his demise.

Chairman ROS-LEHTINEN. Thank you, Mr. Smith.

Mr. Ackerman, the ranking member of the Subcommittee on the Middle East and South Asia is recognized.

Mr. ACKERMAN. Thank you, Madam Chair.

I find it interesting that we are in favor of killing Ghadafi, but we do not want to be there when we kill him.

I continue to be troubled as I listen to some of our colleagues both in this room and outside of the room. And I welcome some of our friends to the newly found and newly discovered by them question of the War Powers Act. It is an interesting piece of work. But I wonder where those questions were, and to be clear I supported my President when we went to war in Iraq. But where were those questions from some of our friends who newly discovered the Constitution about that war? Where were the statements about the clarity of the mission when we engaged in that? Where are the demands for the end game?

We are 8 years into that war, over 8 days, and nobody then and for 8 years demanded to know what the end game was. And it is interesting 8 days, 8 days into the action in Libya they are making the demands about where the end game.

More people died in Iraq in the past couple of weeks then in Libya and yet the questions are asked under this President's action then they were during any previous President that I can remember.

The War Powers Act is vague. It does not answer all the questions. War does not answer all the questions when you start it. You do not know the answer to any of the questions until it is over, and sometimes you do not know when it is over.

Nobody has tested the War Powers Act, the constitutionality of it is being argued but not in the courts, and deliberately so. And sometimes we have to understand that laws are sometimes written with deliberate ambiguity so that we have some flexibility to act in situations that we cannot fully understand when things begin.

Maybe we need a different definition of war; I do not know. Is it war when you are fighting on behalf of the people of a country and against its leader when you are not against the country, when you do not want to defeat a country, when you do not want to de-

feat its people but you want to help them liberate themselves from a corrupt, brutal and dictatorial leadership? Is that a war?

Was France at war with England when so many there decided that their government's policy and its citizens would be supportive of the American revolutionaries instead of the oppressive king? I think not.

But if you think further about it, you know if a bomb dropped by a foreign government falls on your house, is it a war or just an intervention?

And maybe we do not want to define war, and maybe we are not in one. But we have to give these things some thought as we think about the policy.

And why Libya? A lot of my friends thoughtfully ask the question why of all the countries involved in the region, are we going to get involved in every single one of them?

If you are approached on the street by somebody asking you for a few cents and has their hand out, and tells you their story and they are in need and you are trying to figure out whether or not to reach in your pocket and help or not because there are so many beggars out there to help. But if suddenly all of the street people say to you, "Help that one," maybe you have to take a look at that. And this is the first time that I can think of when not just one Arab nation, but the entire Arab League, which seems to be in a little bit of difficulty on every individual basis, says to you "Help that one," maybe there is cause for the exceptionalism that the President has indicated here.

So, I want to thank him, and you, and the administration for taking the actions that they are taking. I mean, this is dictator in that country who has threatened no pity and only brutality to those who oppose him, we have heard that before. Had only Roosevelt at the outset and during World War II stepped up to the plate with the moral clarity and intervened when another dictator was annihilating people by the thousands and millions, maybe 1 million or millions of innocent people would not have been slaughtered.

Chairman ROS-LEHTINEN. Thank you, Mr. Ackerman.

Mr. ACKERMAN. Thank you, Madam Chair.

Chairman ROS-LEHTINEN. Mr. Burton, chairman of the Subcommittee on Europe and Eurasia.

Mr. BURTON. First of all, in answer to my good friend Mr. Ackerman, Congress approved going into Iraq before we went into Iraq.

Now let me read what the War Powers Act says. The War Powers resolution states:

> "That the President's powers, as Commander in Chief, to introduce U.S. forces into hostilities or imminent hostilities can only be exercised pursuant to:
>
> (1) A declaration of war;
>
> (2) Specific statutory authorization, or;
>
> (3) A national emergency created by an attack on the United States or its forces."

It requires the President in every possible instance to consult with Congress before introducing American armed forces into hostilities or imminent hostilities unless there has been a declaration of war or other specific Congressional authorization. None of that

happened and yet we are spending hundreds of millions of dollars, and probably billions of dollars involved in this conflict. And my concern is, and I hope you will answer this, Mr. Secretary, why are we not in the Ivory Coast? Thousands of people are being killed everyday by a leader who was thrown out of office and will not leave because there was a democracy move and he is still there, and he is killing people every single day. Now why is that not as important as what is going on in Libya?

And I would like to know, and this has been brought up a couple of times, how many of these citizen soldiers fighting against Ghadafi, how many are people who are tied in with terrorist organizations that killed Americans in Iraq and Afghanistan, and do we know who they are? Do we have any idea?

The Secretary of State when asked this question a couple of days ago said, "Well, we do not know all the players. We are looking into it."

It is a heck of a situation when we go into conflict and we do not know who we are supporting. I mean, this could be the Muslim brotherhood, it could be al-Qaeda, it could be Taliban, it could be a combination of all three, and we really do not know. And we have not decided whether or not we are going to give arms to these people. Will we be arming people who do not have our interests at stake? The whole northern Africa and in the Middle East, the Persian Gulf, the Suez Canal, the Straits of Hormuth, the Gulf; all of that is in an uproar right now. How far do we go and where do we go next, and why is not the Congress consulted in advance? The War Powers Act, in my opinion, is very, very clear on this.

And then we talk about the Arab League. You know, Saudi Arabia gets so much money from us it is not even funny, and many of the other Arab countries are well healed. Why can they not pay for this and if they are not paying for this, why not? And if they are paying for it, how much are they kicking in or is the American taxpayer on the hook for all of it, along with maybe some of our NATO allies?

And one of the things that concerns me since we are going to try to be antiseptic about this and make sure we do not kill any civilians, we are just after the bad guys, well if Ghadafi has got control of cities and he is moving into cities when the crowds are overhead and we cannot impose the no fly zone, we have Ghadafi soldiers in among the civilians. How are you going to get them out? You are not going to get them out by dropping bombs on them without killing civilians. There is no question civilians will be killed. So what do we do? Do we support boots on the ground? Is France and Britain and other of our NATO allies going in there? And ultimately, will we go in there?

All of these are questions that should have been looked into before we went into this conflict. And, you know there are a lot of we can go to war if we really want to. But we got a war in Afghanistan, we just finished in Iraq; that is still problematic in a lot of people's minds. And we do not have the money to do all these things.

We have a $14 trillion national debt. We are sinking in red ink. We are $1.4 trillion in the debt this year. We cannot reach an agreement with the Senate right now on cutting spending of $61

billion and I see that there is going to be a compromise of $33 billion and we got a $1.4 trillion deficit this year. This country is in big trouble and we do not need to buy more trouble by getting into a conflict that is not necessary and in our national interest.

I do not see Libya as in our national interest. Obviously, we want to protect civilians and people who are being killed, innocent civilians. But how do you pick and choose? And why are we not in places like the Ivory Coast or Syria, or elsewhere? These are questions that need to be answered and should have been answered before we went into this, and Congress should have been consulted, the War Powers Act in my opinion is very clear on this.

Chairman ROS-LEHTINEN. Thank you. Thank you very much, Mr. Burton.

Mr. Payne, the ranking member on the Subcommittee on Africa, Global Health, and Human Rights.

Mr. PAYNE. Thank you very much.

As I indicated before, I commend the President for waiting until there could be a consensus with the Europeans and for the Arab League for the first time to ask the west to intervene I think is something that we keep losing the importance of that.

Just about Ghadafi in general. You know, I think that his intimidation of many African leaders over the years have kept them quiet. As a matter of fact, though, if you want to put his hand on a dastardly group. Was Charles Taylor who went into Sierra Leone and got together with the group the RUF who were chopping off hands of women and children to get the blood diamonds. And so Charles Taylor is a direct result of Ghadafi, so I am not so sure that African leaders really have that much of a real appreciation for Ghadafi.

They talk about the fact that we do not know who the persons are. I met with former Ambassador of Libya Aujali and he gave me the names of the 27 people who were in the provisional government at that time who are leading the discussions for Libya. So the governing group is not a total mystery. Many people who have been imprisoned by Ghadafi in the past are a part of the group.

All of a sudden al-Qaeda comes up. I am not so sure that al-Qaeda is in Libya, but you throw that up and that sends a red flag to say that we need to be careful.

I think we do need to be careful, but there will have to be somebody on the ground to combat Ghadafi's troops. And it is going to have to be Libyans. I think if they are trained and are equipped, and they have the will to fight because they are fighting for their freedom that they have been suppressed for decades and decades. And so I think that the liberation persons will really have an opportunity because I also believe that there will be deflections from the military of Libya.

I have a question, though, about the behavior of some of the liberation people as relates to sub-Saharan Africans. As you know, there are black Africans that work in Libya. It has been alleged that there were some mercenaries that were forcibly brought into Libya by Ghadafi. I question how many there are because Ghadafi's forces are strong enough without a sort of ragtag group of mercenaries from sub-Saharan Africa. However, the liberation people have taken out on black Africans who are workers in Libya

and have threatened them and have brutalized some of them. Some of them are afraid to go to the hospital because they think that they might get killed in the hospital. So I wonder whether our Government is looking into the liberation people, so called good guys, who are taking out black workers in Libya and also actually blacks who live in Libya who are Libyans because of the rumor about the mercenaries that are there. Do you have any light on that? And if we could have any message to the rebel groups, that we should say that we do not think that this is right?

Mr. STEINBERG. Thank you, Congressman Payne.

We are aware of, of course, that along the lines you have discussed. I do not think we can confirm it, but because in general we would not want to see that happen, we have made clear to the Transitional National Council that we would concerned about that and that they need to do a very good job of demonstrating that they are not like Ghadafi and that they do provide human rights and decent treatment to all people involved.

More broadly, we have been concerned about the possibility that Ghadafi would seek to use mercenaries. Again, there is conflicting reports about how many or how important it is. But we have been working with a number of countries in the region, particularly from Africa, to try to dissuade them and discourage providing mercenaries.

If I could, just because of your longstanding interest in that, but I would like to say a word about Côte d'Ivoire too in answer to Congressman Burton because we are very deeply involved in that. As many of you know, the U.N. Security Council just passed a new resolution on Côte d'Ivoire. We have been a leader in recognizing President Ouattara and working with ECOWAS, the West African countries, and AU to see that transition move forward.

Unlike Libya, however, we have not seen a call by the African regional organizations or sub-regional organizations for military engagement. So we have different tools for different circumstances, but that does not mean that we are not engaged and we are not supportive of that democratic transition.

Chairman ROS-LEHTINEN. Thank you so much.

Mr. Rohrabacher, the chairman of the Subcommittee on Oversight Investigations is recognized.

Mr. ROHRABACHER. Thank you very much, Madam Chairman.

And I apologize. I have been having to run back and forth between two hearings that are significant. And if I cover a question that has already been asked, I apologize.

Let me get to the cost. I have made several contacts with the Transitional National Council and those revolutionaries who are trying to free themselves from the Ghadafi tyranny. And, in fact Omar Turbi who is right here, just returned from Libya and was meeting there with the Transition. Thank you, Omar. And he assures me as well as some of the other contacts that I have had, that the Council has agreed that they will pay all of the cost of American operations in support of their efforts to free themselves from the Ghadafi dictatorship. What is your understanding about that?

Mr. STEINBERG. Congressman, I have not heard anything specifically to that point, but we have had positive discussions about

them about their support for what we are doing and trying to make this a success for all of us.

In general, we have taken the position that the assets that have been frozen are for the benefit of the Libyan people, and so we are there to be a democratic transition and that will be a decision that they make.

Mr. ROHRABACHER. All right. Let me ask you specifically: The administration does support, does it not, or maybe you can tell me they are not at this point supporting the principle that if we are helping the people of Libya free themselves from Ghadafi dictatorship, that they will repay us?

Mr. STEINBERG. I think, Congressman, we would welcome a representative government from Libya taking that position.

Mr. ROHRABACHER. All right. And the American people will also welcome that. And let us note that one of the things that tears at the heart of the American people is that when we get involved in things like this, quite often we feel that the country that we are helping or the people that we are helping are not grateful to us. And whether it is Omar or others who I have been talking to, it is very clear that those people are struggling against Ghadafi today in Libya are grateful that the United States is playing a positive role toward their effort to free themselves.

As I mentioned in my 1-minute opening statement, this is not unlike the Reagan Doctrine. We are not sending troops overseas to do the fighting for other people who are trying to win their freedom. We ended the Cold War during the Reagan years, and I might add, did not have bipartisan support in many of these cases, where we were supporting those elements that were fighting for their own freedom against communist tyranny. Well radical Islam now threatens the peace of the world and the freedom of people throughout the world. And I might add, by being involved with people who are fighting for their freedom, we are at least lessening the impact of radical Islam, if not offsetting it in important situations like this. Maybe you could expand on that?

Mr. STEINBERG. Well thank you, Congressman.

First of all, thank you very much for your support. It is obviously very much appreciated.

And second, I think as you said, I think there is a strong sentiment that there are a real resonance among the Libyan people. It is only anecdotal, but I think all of us were very touched by the way in which our two downed pilots were treated when they were supported and helped by the people who they were trying to help. And I think that is a real reflection of the recognition of what we are trying to do here.

I think that as we go forward this is an important set of principles. And we have made clear, first, that we do expect and work to the Council and new representative government to reject extremism, to reject terrorism. And the statement that the Council made yesterday was a very welcome and very explicit and very clear statement.

Mr. ROHRABACHER. And if we were not engaged, for my fellow colleagues who seem to be trying to suggest that American should not be engaged or at least are engaged in nitpicking themselves in terms of finding things wrong with what the administration has

done; if we were not engaged, there would be no motive for those people on the ground to confront radical Islam on sight? Right now they know if al-Qaeda or any of these other operatives who hate the west as much as they hate Ghadafi, there would be no reason to confront their influence if it was not for the United States there helping. So, I would hope that we understand that this is in our interest, as it always is in the interest of the American people to stand with those people who are struggling for freedom and a democratic government. However, it is not in our interest to send our troops all over the world.

I am sure this has been covered before, but maybe you could reassure me that we have no plans to send American combat troops. And let me note, Ronald Reagan built up our military forces, but rarely did he dispatch them into any type of combat zones around the world. Instead, we supported those people who were fighting for their own freedom. Is this going to be the case with this administration?

Mr. STEINBERG. Again, certainly we reiterate the presence of we have no plans or intention to put ground troops in Libya.

Mr. ROHRABACHER. And if you do, we just note you will lose the support of many of us who are now supporting your efforts if your plans include sending combat troops an putting them on the ground in Libya.

Thank you very much.

Chairman ROS-LEHTINEN. Thank you, Mr. Royce.

And I would like to tell the members of our committee that the Japanese Ambassador to the U.S. is in the side room if any of you would like to go and discuss the situation with the radiation leaks, and the terrible humanitarian crisis that his country is undergoing. And more than anything, he would like to thank the Members of Congress for the help that the U.S. has given to his beleaguered country.

Mr. Sherman, the ranking member on the Subcommittee on Terrorism, Nonproliferation, and Trade, is recognized.

Mr. SHERMAN. I want to pick-up on Mr. Robrabacher's comments. Libyan assets should be used to pay the full cost, not the floating marginal cost of our operations.

And I know, Mr. Steinberg, you say that this money needs to be held for the benefit of the Libyan people. First, I would think our actions are helping the Libyan people. And I see you nodding in agreement.

And second, Libya at normal times produces more oil per capita than any country you can find on the map without a magnifying glass. More oil per capita than Saudi Arabia.

Now I know if we were to seize those Libyan assets to the extent already expended for the benefit of the Libyan people, that in foreign policy circles would be considered petty and presumptuous. But in America, it is simply outrageous that we are going to hold this money and use American taxpayer dollars to carry out this operation. I would like you to respond to that for the record because I have got another series of questions.

The rebels includes some very good people, the people who seem to be willing to embrace whatever help they can get not only from us but from al-Qaeda or terrorists as well. Have we demanded that

the Libyan rebels apprehend, extradite or at least cease all cooperation with any of the terrorists in their midst?

Mr. STEINBERG. Well, Congressman, as I mentioned earlier, we were very appreciative of the clear statement that the Transitional National Council made yesterday.

Mr. SHERMAN. That is a clear statement. Have they apprehended a single person? I mean, vague statements against terrorism are a dime a dozen, especially in English. Have they ceased cooperation with Abdel-Hakim al Hasidi?

Mr. STEINBERG. Congressman, again, looking a what we know we do not see signs of significant cooperation between the Transitional National Council and——

Mr. SHERMAN. Okay. What you are saying is there is some cooperation?

Mr. STEINBERG. No, I am not. I am not. No.

Mr. SHERMAN. Okay. What about al-Hasidi, is he incarcerated or is he commanding rebel forces right now?

Mr. STEINBERG. I do not——

Mr. SHERMAN. Or you do not care enough?

Mr. STEINBERG. Congressman, again, I think if we want to get into the details, I think we could have a further conversation in a closed session on this. But what we can say publicly——

Mr. SHERMAN. I brought this up in the classified briefing yesterday and I got no answer. And I am sure if we do another classified briefing, you will give me no answer.

Mr. STEINBERG. But I think we share your concern. I think that it is important that we have stressed this time and time again——

Mr. SHERMAN. How do I explain to American servicemen from my District that those with blood on their hands, American blood on their hands, are fighting in Libya and we are risking their lives to defend those with American blood on their hands? How do I explain that to soldiers from my District?

Mr. STEINBERG. Congressman, as I said earlier, we are engaged with areas in defense of Libyan people. It is not on behalf of——

Mr. SHERMAN. Okay. One of the Libyan people that we are defending is Abdel-Hakim al Hasidi. Our bombs, we are risking the lives of our airmen to defend that man.

Mr. STEINBERG. I cannot agree with that.

Mr. SHERMAN. How do I explain that to servicemen and women?

Mr. STEINBERG. I cannot agreed with that characterization. We are defending the civilians in——

Mr. SHERMAN. Is he not one of the civilians we are defending? I mean, he is the rebel commander in the Darnah area.

Let me shift to another issue. I want to pick-up on Mr. Berman's comments because I do not think your answer is all that specific.

The World Powers Act is the law of the land. Section 5 says that the administration cannot continue military action without a resolution for Congress for more than 60 days. And then if we do not pass such a revolution, there is a 30 day disengagement period. Will this administration follow that law? Yes or no, sir.

Mr. STEINBERG. Congressman, in my future life I will be spending a lot of time dealing with hypotheticals. But I do not know what the situation will be——

Mr. SHERMAN. Is it the position of the administration that that law is constitutional and binding on the administration or not? That is not hypothetical, that is what is the position of the administration on a law that was passed long ago.

Mr. STEINBERG. The position of the administration is that we have consulted with Congress. That we have notified Congress——

Mr. SHERMAN. I am asking about Section 5 of the law, sir.

Mr. STEINBERG. The position of the administration is that the action that we took in this case, which is an action——

Mr. SHERMAN. Will you comply with Section 5 or will you simply evade my question?

Mr. STEINBERG. Congressman, it is not a question that can be answered in the abstract. The application of any provision applies——

Mr. SHERMAN. There is nothing abstract here. You cannot guarantee that this mission is going to be over within 60 days.

Mr. STEINBERG. Again, Congressman, I think it is a question that cannot be answered in the abstract.

Mr. SHERMAN. What is clear is that to bring democracy——

Mr. STEINBERG. Our President has certain constitutional powers, which he has exercised——

Chairman ROS-LEHTINEN. Thank you, Mr. Steinberg. And thank you as well, Mr. Sherman.

The chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade, Mr. Royce of California is recognized at this time.

Mr. ROYCE. Thank you, Madam Chair.

I want to get back to something that I mentioned in my opening statement, and that other members have mentioned here, and that is the cost. One of the reasons I want to get back to it, Mr. Secretary, is because you did not mention it in your opening statement, and that caught my attention.

In London this week, Secretary Clinton mentioned that there was discussion about financial assistance to the transitional government, to the Transitional Council I think is the terminology you used. What is envisioned in that sense?

Mr. STEINBERG. Congressman, at this point the assistance we have given has been humanitarian assistance. We have given about $47 million in humanitarian assistance.

On the military side, I know Secretary Gates is testifying this morning, and I would defer to him on what the military costs are.

Mr. ROYCE. I have seen those figures.

Mr. STEINBERG. In terms of going forward, this is a conversation that we are having with the Transitional National Council in terms of what might be appropriate assistance. We made no commitments. We need to understand better what they are and, obviously, this is something that we will continue to consult with you as the opportunity emerges.

Mr. ROYCE. Well, I appreciate that. But what steps is the administration prepared to take to facilitate access to seize the $33 billion in assets that Ghadafi has here, that Libya has here in the United States?

Mr. STEINBERG. Congressman, under the Security Council resolution the assets that we have frozen are frozen for the benefit of the Libyan people.

Mr. ROYCE. Well this is my concern. I mean you have two ways to do that. You could facilitate access to proceeds from new oil sales, or you could access these assets. But let me ask you another question along that line.

We have other coalition partners here; the Arab League. What commitment have they made? And I ask that because we are looking at a budget deficit $1.6 trillion for this year. We are borrowing 42 percent of everything that we spend here in Washington. This is why I was pushing early on for an alternative approach: Jamming his communication system, which we did not do at the time so that Ghadafi could not for weeks communicate with the troops when they were defecting rather than an expensive proposition—we have seen this before.

I remember pushing jamming in broadcasting in Yugoslavia before the election. Milosevic came that close to being defeated by Panic. Had we done what was in the legislation, had it gone through, we could have effected the outcome. We could have jammed the broadcasting of Taliban radio in Afghanistan all of those years. We also could have done our own broadcasting with Radio Free Afghanistan. That legislation passed only after Massoud was killed.

So what I am pointing out is a lack of understanding here in terms of cost effective ways to do diplomacy or to change governments, and there is a tendency to forget about how we are going to collect the check after we have left. I think we have proven that if we do not get that set up front, it is not going to happen. Could assets be used to repay the U.S. Treasury for war costs? I guess that is the question.

Mr. STEINBERG. I think I will answer two parts of the question first, because you did raise the jamming issue and I did not want to seem like we were avoiding that.

Mr. ROYCE. Yes.

Mr. STEINBERG. What I can say in this session is that we are doing some of it.

Mr. ROYCE. You are doing it now for weeks later.

By the way, the former government started the broadcasting into Yugoslavia the day of the bombing. We started the broadcasting under my legislation in Afghanistan only after Moussoud's death and the day before the bombing. If we wait too late, there is a time which taken at the brink leads to a decisive move, especially when you are talking about jamming your opposition when his generals are defecting.

The Defense Secretary said the military operations have been planned, I read this in the paper, on the fly. I hope this cost question is not being dealt with the same way. Because, again, that is how you get stuck with the check. And I have not gotten a definitive answer here that commits the administration to the idea that we are not going to get stuck with the check.

Mr. STEINBERG. Okay. I do want to address that part of your question. too.

First of all, I very much take your point about the fact that while some countries are contributing by providing planes or other kinds of support, there is an opportunity for other countries that are not doing that to provide financial support. We are very conscious of

that, and very much engaged with other countries to make sure that they find a way to support it.

Mr. ROYCE. I think I am going to come back with the legislation on this.

Chairman ROS-LEHTINEN. Thank you, Mr. Royce.

Mr. ROYCE. Because I do not have a definitive answer yet. And I think I will talk to Mr. Sherman on that front.

Thank you.

Chairman ROS-LEHTINEN. Thank you. Good point.

Mr. Meeks, the ranking member on the Subcommittee on Europe and Eurasia, is recognized.

Mr. MEEKS. I hope Mr. Royce got the money back from Iraq with costs. I heard back then that Iraq was going to pay for everything that we did when we entered that war. So, I hope he got the money back there first, and all the money that it has cost the American people for all of these years that we have been in Iraq. Amazing.

Let me say that, first of all, as I started out in my opening statement the oceans do not protect us. You talk about American interests and we want to be safe, let us be safe if we do not have any allies. How can we be safe if we do not have anyone else working with us.

When we were not attacked and none of our other allies were not attacked, we asked them to come with us to Afghanistan and Iraq. They cooperated with us. There are a number of our allies now who said we had a problem. We are supposed to be a team, we are a NATO unit, we need your help now. You have unique assets, unique capabilities so we need your help. We want you to be a part of this. We did not just go running into some place. And this is not just the United States saying it is my way or the highway. Because the last time we did that when somebody did not agree with us that we wanted to come in, we got Freedom Fries in the Capitol. But here's a President who is being deliberate, making sure that we have our allies with us so that as we fight al-Qaeda and we fight terrorism we have people because we know we need their intelligence, their help, they are moving because it is a threat to all of us. It is a common threat. So, we are working together.

And Libya happens to be the country that our allies says we need to work together on, just as we asked them. So it seems to me to make sense that it helps the American people and we all share in the costs here and what our particular roles are. So how dare are we say it is just United States go on your own again, forget our allies, forget what they need, forget working with them, forget considering anything that they said; that is unilateralism. That would make the American people unsafe. That is exactly what the terrorists want; they want to be able to isolate us and to say that we are just doing whatever we want irrespective of everyone else.

I am glad that this President has not done that and is working collectively with everyone else.

Let me just give you the opportunity, because I think that you were trying to in your opening statement and you ran out of time, and it was actually the first question that I had on my mind, to talk about Kosovo and what took place there and now. I know there is no exact situations. And what the difference is.

And I was just wondering what lessons could we have learned or did we learn from Kosovo that we could apply now so that we can make sure that we get rid of the guy and move on about having some kind of a ground work for political options in Libya and having something politically done? Can you tell us about that?

Mr. STEINBERG. Well, thank you, Congressman. And as you correctly guessed, that is what I was going to go on to say if i had a bit more time. And I know how pressed we are for time.

But first of all, as you say, no situations are identical, but there are some important similarities between the situation in Kosovo because we did intervene there, it was done as a part of a coalition, it was done with NATO, it demonstrated our commitment to work with our allies in a situation. It was also a case in which we defined the military mission in the narrow terms, which was to stop the ethnic cleansing, stop the humanitarian crises that was caused by Milosevic's attacks on the citizens of Kosovo. But we stopped the military operation when the humanitarian goal was achieved and the forces were withdrawn. But that did not mean we said we are just going to leave Milosevic in place and we do not care what happens. We understood the risk of his continued presence there, and so we continued the sanctions, we continued other forms of pressure. And working with the democratic forces in Serbia we led 1 year later, it did not happen overnight but 1 year later he was ousted from power. So I think this idea that we can a different set of objectives for the military dimension and a broader dimension is one that has been validated. It does not guarantee we will succeed here, but it is a powerful lesson that the strategy can work, and that is what we are trying to pursue here.

As you also said, I had hoped to say a word about our attempt to build a long-term democracy in Libya because I know there are concerns about the Transitional National Council, and it is important that as this evolves that this evolves beyond the individuals who are now taking on that role to be inclusive, to be broad-based, to be tolerate, to be committed to the kinds of principles of human rights, rejection of extremism and violence that we all believe in. And that is part of the reasons that we do engage with the Council is to make clear that we do look forward to that kind of success, but it has to be a broad-based one and one consistent with our principles.

I think what we have seen through the Middle East when we do engage and we support those processes we have a chance of succeeding and we are planning for it now. It is something we do understand that we cannot just wait until the moment arises. But that is part of the purpose of our engagement with both folks on the Council and others who are interested in the future of Libya.

Chairman ROS-LEHTINEN. Thank you, Mr. Steinberg.

Thank you, Mr. Meeks.

Mr. Pence, Subcommittee on the Middle East and South Asia vice chair.

Mr. PENCE. Thank you, Chairman.

And I want to thank the Deputy Secretary of State for your service to the country over the last several years and in prior administrations. And I do wish you well in your next employ.

I actually want to get give you an opportunity to answer a couple of questions. I think you heard in my opening statement, I think it is important that we say we are at war in Libya. And while I am troubled about various aspects of how we began this conflict, I will never jeopardize support for our troops. And I always attempt to maintain the level of deference and respect that is due and owing to the Commander in Chief, and to the executive in matters of war. But I want to say, and it is not my question, I do not believe the President has the unilateral authority to take America to war with Congressional approval where our safety or vital national interests are not directly implicated.

And so my first question, if you want to scribble it, is I will give you three and you can pick whichever ones, my first question is: How was the safety of the people of the United States of America or our vital national interests implicated in a way that justified the President bypassing the ordinary deliberation, consideration and authorization of the Congress in one form or another?

Secondly, in my opening statement I also said I think history teaches that the wisest course of action is not limited war and that America has succeeded throughout our history when we have chosen to send our most precious heroes and a treasure into combat if we had made the decision that when you go to war, you go to war to win?

And my next question is what is the objective here? I hear that there is a political objective that we hope Maummar Ghadafi goes, but that that is not the military objective. So my second question is how do we define victory?

And thirdly, you know the President has said that we should not repeat the mistakes of Iraq. We have gone down that road before. He does not want the mission to involve regime change. And as I said before, I stipulate that this is a very different road than Iraq. In Iraq we had a clear objective; defeating the enemy and removing a dictator. We had a clear congressional bipartisan approval. We had careful military preparation. Then we went and got international support. And through trial and sacrifice of blood and treasure we prevailed.

Here we have no clear objective. No Congressional approval. Military preparation, as was just suggested, has been done "on the fly." We have mixed international support. And we are involved in an aerial bombardment campaign plus on the ground.

And so my question is: Why should not the Congress take up and debate, and amend, and consider and vote on a resolution authorizing the use of force in this case and specifically lay out what the objectives and the mission, and the goal of the American people is in Libya?

Mr. STEINBERG. Congressman, let me start with the last, which is that we obviously welcome the support of the Congress here. But as you know, Presidents of both parties have viewed their authority as Commander in Chief to use military force when it is limited in scope and duration. We have used it in Libya before where there was a limited scope and duration operation.

So, we have consulted closely with Congress. We would look forward to working with Congress on this. And again, we would welcome their support.

In terms of the interest, in my opening statement I quote the President because I think it is a very clear statement of how he sees the strategic interests. And I could repeat it, but I want to spend the time here——

Mr. PENCE. If I could interrupt because I respect your background and experience on this. When President Reagan made the decision to launch missiles into Maummar Ghadafi's compound, did that go on for more than a day? What is the history of that?

Mr. STEINBERG. Again, and that is my point, is that Presidents have viewed when the involvement is limited in scope and duration, that they have the constitutional authority to do it. And one of the things that is remarkable——

Mr. PENCE. But that instance was a day. It was one launch, it was on attack. And we have been at this in Libya now with over 100 Cruise missiles and air support and ground bombardment and now we are talking about equipment and maybe more for several weeks.

Mr. STEINBERG. Right. And I think what is distinctive about this, and there have been a number of instances, I just mentioned Libya because it is not the first time we have engaged in Libya. But that we have already significantly moved forward to reduce the scope and duration of our activity. To move it to NATO control is a reflection of that. And I think the President is very conscious of the fact that this is the way he has defined the mission.

And so, as you said, it is important that we define the mission. As I was discussing earlier with Congressman Meeks, we have examples in the past where we have used limited force for a humanitarian mission and at the same time pursued the broader political objective as we did in Kosovo, and succeeded in our mission——

Chairman ROS-LEHTINEN. Thank you, Mr. Steinberg.

Thank you, Mr. Pence.

Mr. PENCE. Thank you.

Mr. Connolly of Virginia.

Mr. CONNOLLY. Thank you, Madam Chairman.

Mr. Secretary, again, thank you for being here.

I am one who, based on the international framework that was created from calls of both the Arab League and the U.N. Security Council for a limited scope no fly zone, was cautiously supportive of the President's actions in that respect. But I must say it is not often I, myself, am on common ground with Mr. Burton, but I do think this question is relevant and I want to give you the opportunity, you are about to go into academia, tell me what if anything with respect to the War Powers Act do you believe is triggered in this particular intervention?

Mr. STEINBERG. Well, Congressman, as I said before, I mean this President and all Presidents read the War Powers resolution consistent with their constitutional authorities under Article II. And although I am aware of my training will be on the war faculty as well as my own faculty when I get to Syracuse, I am not here to represent the legal opinion of the administration.

But I would say that we consulted the Congress, we provided the notification that is consistent with the War Powers Act within 48 hours after the beginning of hostilities. So we are following the

practice that administrations in the past have followed in terms of how we engage with Congress on these kinds of activities.

Mr. CONNOLLY. Do you believe that pursuant to the War Powers Act some act of authorization is required from this Congress?

Mr. STEINBERG. I think, Congressman, that when the President engages in the use of military forces where the action is limited in scope and duration, that he has authority under the Constitution to do that. Having said that, we are mindful of the War Powers resolution and we have acted consistent with it.

Mr. CONNOLLY. In previous no fly zones, particularly in Iraq in the north and then subsequently in the south, what provisions of the War Powers Act did Presidents at that time follow? Did they also follow the reporting rule?

Mr. STEINBERG. It is my understanding. I am not here as a Justice witness. But that the position of previous administrations of both parties is that they have had the practice of acting consistently with the War Powers Act while reserving the authorities that they saw of the President.

Mr. CONNOLLY. And would you refresh my memory? The authority in the Constitution you cite for the President to go into Libya, or anywhere else for that matter, is what again?

Mr. STEINBERG. His authority as Commander in Chief.

Mr. CONNOLLY. As Commander in Chief? So from your point of view the Commander in Chief de novo is free under the Constitution to deploy U.S. troops as he sees fit?

Mr. STEINBERG. Again, Congressman, I am here acting not as the lawyer, but the client. But my understanding of the position of the Justice Department, the Office of Legal Counsel is that when the use of military activity, military force, is limited in scope and duration the President has certain powers under the Constitution. But they are defined, and the test is when the action is limited in scope and duration.

Mr. CONNOLLY. I understand.

I guess, respectfully, I am a pretty constructionist with respect to War Powers. The Constitution could not be clearer that the War Powers contained in the Constitution are exclusively and entirely with the Congress of the United States.

Mr. STEINBERG. You are a good lawyer, Congressman, and you know that it is that the authority to declare war is with Congress, and that is obviously the matter that we are discussing——

Mr. CONNOLLY. Well but just as the executive branch claims inherent powers under the provision you cite, I mean if we have under the Constitution, clear as a bell, the power to declare war, it could not be clearer that there are inherent powers that flow from that as well, including the decision in advance whether or not to deploy U.S. military personnel.

I do not agree with your interpretation of the Commander in Chief powers. He gets to be Commander in Chief after we decide whether or not troops are to be deployed. But that is a fight——

Mr. STEINBERG. It is a longstanding conversation.

Mr. CONNOLLY. Yes.

Mr. STEINBERG. And executive branch is——

Mr. CONNOLLY. Yes. Yes. And the last President to recognize that was Franklin Delano Roosevelt. Not a bad President, however.

Final point: I want to give you the opportunity, what if anything are we going to do with the frozen assets that turned out to be much bigger than we thought of Libya and can we, should we use any of them to finance this endeavor?

Mr. STEINBERG. This is something I know a number have asked, and I think at this point what I would say is that: (1) The assets were frozen for the benefit of the Libyan people. I think it is a conversation that we will have with both the existing Transitional National Council. Other countries have had frozen assets. And what we hope is a democratic government in Libya to find a good resolution that reflects the fact that there are many ways in which that could be done for the benefit of the Libyan people.

We are having an ongoing conversation. No decisions have been made.

Mr. CONNOLLY. Thank you, Madam Chairman.

Chairman ROS-LEHTINEN. Thank you. Thank you, Mr. Connolly.

Ms. Buerkle, the vice chair of the Subcommittee on Terrorism, Nonproliferation, and Trade is recognized.

Ms. BUERKLE. Thank you, Madam Chairman.

And thank you, again, for being here this morning, Mr. Steinberg.

I want to start out my questions first with Pan Am 103 an what our chairwoman mentioned at the beginning of this hearing, and that is our concern. I am sure you are well aware of 38 students from Syracuse University were on that flight.

Mr. STEINBERG. Yes.

Ms. BUERKLE. And about a month ago we had the opportunity to interview Secretary of State Hillary Clinton and I asked her that question: What will this administration do to be sure that we are collecting evidence and that we will prosecute the parties responsible which we have good reason to believe is Mr. Ghadafi? And I would encourage you, strongly encourage you and this administration to pursue that. There are so many families who are still waiting for closure. They have not had this one final piece put into place. An so, on their behalf we implore this administration.

We now have a good opportunity with the defection of the Foreign Minister yesterday to take this opportunity to ask questions and to find out so we can prosecute Mr. Ghadafi for this heinous, heinous crime.

Mr. STEINBERG. Congresswoman, I know how strongly Secretary Clinton feels about this, too. And working with the Justice Department and others it is something that we definitely intend to pursue.

Ms. BUERKLE. Thank you.

Beyond that now I want to talk a little bit, we have heard so much about ground troops. And right now you have mentioned that we are not going to pursue that. But you did mention in the U.N. Resolution occupation forces, and you sort of touched on that but you did not really elaborate on that. Can you take that phrase out of the U.N. Resolution and expand for us what that means and whether or not, because we witnessed this administration unilaterally applying authority for the missiles, now whether or not any further steps would be required by this administration to commit grounds and if not? So, I would like to hear your thoughts on that.

Mr. STEINBERG. Obviously, you know for us the issue of precisely what would constitute occupation for us does not really arise because the President has made a policy decision that he does not intend to send ground troops. So, I think if there were an intention or somehow if things would change, which I have absolutely no reason to expect I think the President has been clear about it, obviously that is something that we would welcome a conversation with Congress about. But I find it very difficult to imagine, given the strong position the President has taken on it, that that issue is likely to arise.

Ms. BUERKLE. What does the U.N. Resolution call for with regards to this occupation forces?

Mr. STEINBERG. It does not authorize an occupation force. It does not call for any. So what it says is all necessary means to help the civilians, but it does not authorize an occupation force. So it is just a limit on what is otherwise a very broad grant of authority to the international community to use military force.

Ms. BUERKLE. I think the concern of this Congress is that the policies have been so vague in our mission, in our goals and what are we doing there, and what is the end game that we were concerned that now committing ground troops there may be something, again, it is not brought to the Congress and it is not brought to the American people. And I think that that is the concern here; that this whole operation escalates, we are in this position without Congress' consent and without consent of the American people. As my colleague Mr. Pence mentioned, it was a unilateral authority that got us into this. So now how do we prevent any further commitment of troops from our country?

Mr. STEINBERG. Well, thank you, Congresswoman.

But I would say first, and I have not mentioned this before, not only have we had conversation with Congress, but there have been significant expressions of support including by the other body on this issue.

The other thing I would say is the President I think could not have been clearer about ground troops. And more importantly, what you see already a reduction in our military activities there. As we move forward with this transition, the United States is stepping back from the front line. We are focusing on providing support by things like intelligence and those kinds of things.

So, I think the President has lived up to his commitment to the American people and to the Congress that this is a limited effort, that we are reducing our scope and far from moving in the direction that I know you are concerned about. We are moving, actually, in the other direction which is to reduce the U.S. military role there.

Ms. BUERKLE. Can you assure this Congress that the President would not commit ground troops without consenting and having a conversation with the Congress?

Mr. STEINBERG. At this point, Congresswoman, I could only say that the President has made clear to all of us in the administration that he has no intention of doing that.

Ms. BUERKLE. Thank you very much.

Thanks for being here this morning.

Mr. STEINBERG. Thank you.

Chairman ROS-LEHTINEN. Thank you to both.

Ms. Bass of California is recognized.

Ms. BASS. Thank you very much, Madam Chair.

First of all, Mr. Secretary, I wanted to congratulate you on your new role.

Mr. STEINBERG. Thank you.

Ms. BASS. And I wanted to start my comments by commending the Obama administration for making the tough decision at this critical moment which I believe ultimately prevented a potential massacre in Libya.

I wanted to ask you a couple of questions, two questions. First, beginning with NATO, as it is often said that given the significant role that we play in NATO, what real difference did it make that we have now pulled away and turned over the command to NATO? So I wanted to know if you would specifically distinguish the role of the United States versus the role of the other nations that are in NATO?

And then my second question. You were asked earlier about building a democratic government in post-Ghadafi Libya, and I believe you ran out of time and I wanted to know if you would expand on that?

Mr. STEINBERG. Sure. First, in some ways from our perspective the transition to NATO command gives us the best of both worlds, which is that we are able now to step back, to leave the principal responsibility for enforcing the no fly zone and the protection of civilians to other forces, both NATO and the associated forces that are working under NATO command and control. And we will focus on support activities like intelligence and reconnaissance, and the like. So, we are definitely playing a less front line role in terms of the operation of military activities.

At the same time, we get the benefit of the well established, well oiled machine that can conduct effective military activities. And even for the limited role we can be assured that our forces are under American command because ultimately all the forces are under Admiral Stavridis who is American Admiral.

So, we have an opportunity for us to play less of an operational role, but still have the benefits of a well established and disciplined NATO command and control.

In terms of the transition this is enormously important to us. Because while we are working with the Transitional National Council and we appreciate the efforts that they have made to step up to try to provide some leadership and some coherence here, that ultimately this has to be broadened. And as we move forward and have an opportunity to have a real democratic transition there, we need to make sure it is broad-based, we need to make sure that the different voices are represented, we need to make sure that it is consistent with the basic principles that we apply everywhere and the same things we are looking for in Egypt and Tunisia and throughout the Middle East. And that is a critical part of our engagement. And we have been encouraged by the dialogue that we have had with the membership of the Transitional National Council, their willingness to articulate a set of principles which I think we could all feel very comfortable about.

I know members want to see the delivery as well as the words, and that is fair. We need to make sure that this is not just paper declarations by them, but that they carry it out. And that is something that we will work on. And so we are beginning to work with the Council, with forces and voices outside of Libya with neighboring governments, with NGOs to begin the process so that we are ready to go when that day comes that the process can move forward.

Chairman ROS-LEHTINEN. Thank you very much, Ms. Bass.

Mr. Duncan of South Carolina.

Mr. DUNCAN. Thank you, Madam Chairman.

Let me just remind the panelist and the American people that we are still at war against terror. Military strategist Sun Tzu once advised if you know your enemy and know yourself, you need not fear the result of a 100 battles. So I ask the question: Do we know our enemies and do we understand their covert strategies?

In this operation in Libya, do we know who makes up the rebel opposition? Are they receiving support from al-Qaeda or the Muslim Brotherhood? How do we know that the Libyan rebel opposition groups are not worse for America's national security interests than Ghadafi?

The Yemeni American cleric who is the top propagandist for al-Qaeda stated in the newest edition of "Inspire," which is a recruit tool for al-Qaeda. Anwar al-Awlaki said this: "The Mujahideen around the world are going through a moment of elation, and wonder whether the West is aware of the upsurge of Mujahideen activity in Egypt, Tunisia, Libya, Yemen, Arabia, Algeria and Morocco?" This is according to The New York Times, March 30th.

Global Muslim Brotherhood leader Ouseef Qaradawi, I cannot pronounce that exactly right, he gave a sermon reported by the Gulf media in which he called Arab leaders to recognize the Rebel National Libya Council to confront tyranny in the regime in Tripoli.

So I ask you, sir, do we honestly know who makes up the rebel opposition?

Mr. STEINBERG. Thank you, Congressman.

You know, I think we can hear these claims by Awlaki and Qaradawi and others, but the truth is what we have seen throughout the region is that these movements, whether it is in Egypt and Tunisia, are not being driven by al-Qaeda or others. These are democratic forces. And they may want to try to claim it because they are behind the curve on this. And I think they are trying to catch up because they do not have the support. And what we have heard from our engagement with the Transitional National Council is they are not looking to al-Qaeda. They have rejected al-Qaeda. They issued a very strong statement the other day.

So I would take these statements as a sign of groups that desperately want to be seen in the vanguard of these things because they are afraid it is moving in a direction that is against them. And that, in fact, our values, our principles are on the ascendancy.

When you read the words that the Transitional National Council issued, those are words that would resonate for Americans and for people who believe in freedom and democracy.

So, I do not take their statements as somehow reflecting the fact that they own these movements. And as Congressman Rohrabacher earlier suggested, it is precisely because we are engaged and supporting these movements that they have a future, they look to us in the West as being their partners and being on their side. So we have to be attentive, we have to be alert.

We know that al-Qaeda has had a presence in Libya in the past. We want to make sure it does not reestablish it there. But what we have seen so far is that this is not a significant factor. That this is not something that the people we are engaging seem to want. And we need to stay vigilant, but we need to also not let the rhetoric of others who want to try to hijack this dissuade us from——

Mr. DUNCAN. All right. In the essence of time, I saw in the news today that CIA has gone into Libya to try to determine who the rebels are. And so I will commend the administration and the CIA for finally trying to determine that.

On a separate line of questioning, the President said in his speech Monday night that in Libya we are faced with a prospect of violence on a horrific scale, and we had a unique ability to stop that violence. Did we? That is a rhetorical question.

And you mentioned humanitarian intervention a couple of times as I have been sitting here. So, to be clear, if humanitarian intervention is the President's justification for action, tell me why we have not invaded Uganda? And if this is the Obama doctrine that the United States will intervene for humanitarian reasons, then tell me why we have not invaded Sudan, Chad, Congo, Bahrain, the Ivory Coast, Syria, Iran, and other areas where we have seen humanitarian needs where civilian populations have been attacked by their governments, decimated in many local instances? And so is that what the Obama administration, this administration, is trying to set as American foreign policy that we are going to send Americans into harm's way and expend American resources? When we are $14 trillion in debt, are we going to send to every corner of the world where there is humanitarian needs? And that is a rhetorical question as well.

So, I am concerned that we are setting a precedent here that we may not be able to live up to.

I am also concerned that this administration talked to the U.N., NATO, and the Arab League prior to talking to this Congress.

I applaud him for coming yesterday, the administration coming yesterday to bring us up to speed. But, Madam Chairman, I wish he would have informed us ahead of time.

Thank you.

Chairman ROS-LEHTINEN. Thank you so much, Mr. Duncan.

Mr. Cicilline of Rhode Island is recognized.

Mr. CICILLINE. Thank you, Madam Chairman.

Thank you, Mr. Secretary.

I want to begin by thanking and really acknowledging the administration for its thoughtful deliberation and decision making in a very, very difficult set of circumstances. And I particularly want to commend the diplomatic leadership of Secretary Clinton and you, and others for building this strong international coalition with NATO and the Arab League and others.

And I think most Americans are sort of genuinely conflicted. On the one hand we accept the representations of our President that he prevented a humanitarian crisis, or we did as a country in partnership. And also that we have a strategic interest in preventing instability in this region of the world, particularly as emerging democracies in Tunisia and Egypt are being born and so that there are consequences.

And so I think we would normally not be necessarily having the conversation about the cost of it, except that we are in very difficult and challenging financial times. And I hope that part of the conversation with this emerging political leadership in a post-Ghadafi Libya will embrace the notion of accepting some financial responsibility for this work, both as a way to compensate American taxpayers, but also as a real indication of the actions of a responsible government. And I know you have heard that from the committee loudly and clearly.

So, what I am really interested to hear from you is what is your sense of what is the post-Ghadafi political leadership in Libya like? Are they likely to embrace that view of the world of sort of some responsibility? Because I really think this money belongs to the Libyan people, but it would be a great sign of a new government that they accepted the responsibility for some of the costs that we are bearing. But is there religious elements to this emerging leadership of the Transitional National Council, is it likely to form the basis of a new political leadership in a post-Ghadafi Libya? And, you know I know we are deepening our engagement with them, but if you could share with us as much as you know about what that political leadership looks like and whether the principles that they articulated on March 22nd: The support for a constitutional and democratic civil state, and respect for human rights, and guaranteed equal rights, and opportunities for all its citizens, whether they are likely to have the capacity to give meaning to those principles?

Mr. STEINBERG. Well, Congressman, I think it is our challenge to help shape that and help try to bring that about. I think we cannot know for certain. And, obviously, Libya is a country that has suffered tremendous destruction of its social infrastructure, the political infrastructure over 40 years. So it will be a struggle for them to build the kind of community and the kind of democracy that is more than just an election, but has civil society and it has protection of human rights. But that is why we need to be. That is why we need to be part of this, and that is why we need to help shape it and support those voices who issued these statements that are consistent with our values.

I think our presence, our engagement, our support increases the chances that we will have that kind of outcome, just as it has been the case in all these other transitions that are taking place. That is why we are committed to doing it.

If I could make a little commercial here. I think it is important as you consider your budget deliberations to make sure that we have the resources to support democratic moves, to support NGO, to support the rule of law, to support anti-terrorism; all of those forces that will allow us to be an effective force going forward.

Mr. CICILLINE. And is there a historical precedent for our having persuaded someone that we helped in this way to bear some of the costs? And is that part of conversations at least that are currently underway with the Transitional National Council? I assume that that has come up?

Mr. STEINBERG. You know, I think that it is obviously early days, yes. And you have heard from others members that they have heard that from the Transitional National Council.

I think that what we are now focused on is what needs to be done to help them support it, and obviously if the outcome of this is that they see that as something that they would choose to do. But part of the reason we have been trying to be careful about this is because we do not want to be seen as telling them what is best for them. But on the other hand, encouraging them to do the right thing and move in the right direction. And we want to work with them and others to achieve the result. But I certainly understand the sentiments that have been expressed.

Mr. CICILLINE. Thank you, Mr. Secretary.

I yield back, Madam Chair.

Chairman ROS-LEHTINEN. Thank you, Mr. Cicilline.

And batting clean-up, Ms. Schmidt of Ohio.

Ms. SCHMIDT. Thank you. And it is the opening day of the Reds today, and I am wearing my red scarf. Cincinnati Reds, by the way, sir.

Mr. Deputy Secretary, I, like most Americans, am concerned about this endeavor, and concerned for a couple of reasons.

The first is if we do not take Ghadafi out, my fear is that he will become emboldened in the region, and not only just emboldened in the region, but what he will do to the rebels. He said he will go after them and massacre them. And I truly believe that he will. So here is the problem I have—the strategy: We are only going to do an air strike, but an air strike clearly is not enough. And Ghadafi is smart enough to allow us to go in and strike and then let the rebels come in and think that they are going to take over a village or their area, and then he comes in and he gets them. Because the problems with the rebels are twofold. They do not have any training and they do not have real weapons to combat Ghadafi's weapons.

Now my concern is if there is an effort to get them training and an effort to get them weapons, do we have the security that these rebels will be better than Ghadafi or will they be worse? Again, the devil that you know sometimes is better than the devil that you do not know. So these are legitimate concerns that I have, and I do believe that Americans have. So that is my first question.

Mr. STEINBERG. Thank you, Congresswoman. And I think those are very good and serious questions.

I would say first on the issue of getting Ghadafi out, I think we share your view. I do not think we think that it would be a stable or a successful outcome for Ghadafi to stay. But as I said talking earlier about the situation in Kosovo, we demonstrated in the past that you could have a military operation that is designed to blunt the humanitarian capacity as we saw in Kosovo, and an ongoing and political and economic strategy that can ultimately lead to the leader going.

And what happened in Kosovo was very much a pattern that we hope will happen here, and we think we have the same kinds of tools and opportunity to do that.

With respect to support for the opposition, I think you have raised the right questions, which is why on the one hand we believe very clearly that under the second Security Council resolution that there is an option that is available to provide support for the opposition. But if we were to do that or if others were to do it, we want to make sure that it would serve our broader interests in creating a democratic state of Libya. Those are the questions that we are discussing with ourselves, with others, and that is something that we have not yet made a decision about.

Ms. SCHMIDT. Thank you. A couple of follow-up questions.

While you might want to compare this to Kosovo, actually they are very different parts of the world. And while one strategy might work in one area of the world, it may not work based on a variety of issues, including the trade, the culture, the environment, the neighborhood in the other. And so I would not be so comfortable to compare this to the similar situation over 15 years ago in Kosovo.

But having said that, the second concern that I have, that I think a lot of Americans have, is that we chose Libya clearly, as some other folks have suggested on this panel. Why Libya? Why do we go after Ghadafi for the cruelty and inhumanity that he has shown to the folks in this country when you have folks in Dhofar that have been suffering for almost a decade now, and maybe even over a decade, and we have done little to nothing for those folks?

So, I am kind of surprised that we would put all of our eggs in this basket when there are other troubled spots around the world that might need the same human compassion.

Mr. STEINBERG. Congresswoman, the President addressed that in his speech and I had an opportunity earlier today to talk about that as well.

I think we made very clear that Libya is a very specific case, and it is not simply the humanitarian dimension, although it is an important one. But as the President said, the instability in Libya threatened the democratic transitions that were taking place in Egypt and Tunisia, and I do not think anybody would dispute that we have a tremendous interest in making sure that we have a stable and a democratic Egypt.

Second, we have a situation where we had the appeal of the regional organization, the Arab League, which is a very strong situation which is not the case with respect to some of these other humanitarian situation that we are dealing with. And there was an opportunity for the United States to play a limited role here to support the efforts of others.

So, each case has to be taken on its own terms.

We have a deep engagement on Dhofar we are involved. In the Sudan we have helped broker the Comprehensive Peace Agreement which is now moving forward. And we are involved in trying to support that in Dhofar.

And Côte d'Ivoire the same. We passed a new Security Council resolution yesterday that tightened the measures there which we

hope will lead to the validation of President Quattara and the end of the humanitarian situation there.

So each situation has to be dealt with in terms of our national interests and the tools that are available.

Ms. SCHMIDT. And my final comment is if we are going after the bear in the woods and you strike the bear, you had better take the bear out because the bear will take you out.

If we want stability in this region, Ghadafi then is going to have to go, because if Ghadafi remains, the region is not going to be more stable; in my opinion, it is going to be less stable.

Thank you very much.

Chairman ROS-LEHTINEN. Thank you very much, Ms. Schmidt.

Thank you, Mr. Steinberg for excellent testimony. We look forward to continuing this conversation on such an important issue.

And with that, the committee is adjourned.

Thank you.

[Whereupon, at 12:28 p.m., the committee was adjourned.]

APPENDIX

Material Submitted for the Hearing Record

FULL COMMITTEE HEARING NOTICE
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES
WASHINGTON, D.C. 20515-0128

Ileana Ros-Lehtinen (R-FL), Chairman

March 24, 2011

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs, to be held in **Room 2172 of the Rayburn House Office Building (and available live, via the WEBCAST link on the Committee website at http://www.hcfa.house.gov):**

DATE:	Thursday, March 31, 2011
TIME:	10:00 a.m.
SUBJECT:	Libya: Defining U.S. National Security Interests
WITNESSES:	The Honorable James B. Steinberg Deputy Secretary U.S. Department of State

By Direction of the Chairman

The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.

COMMITTEE ON FOREIGN AFFAIRS

MINUTES OF FULL COMMITTEE HEARING

Day *Thursday* **Date** *March 31, 2011* **Room** *2172 Rayburn*

Starting Time *10:07 a.m.* **Ending Time** *12:29 a.m.*

Recesses [ ] (____to ____) (____to ____) (____to ____) (____to ____) (____to ____) (____to ____)

Presiding Member(s)

Chairman Ros-Lehtinen

Check all of the following that apply:

Open Session [✓]
Executive (closed) Session [ ]
Televised [✓]
Electronically Recorded (taped) [✓]
Stenographic Record [✓]

TITLE OF HEARING:

Libya: Defining U.S. National Security Interest

COMMITTEE MEMBERS PRESENT:

Attendance Attached

NON-COMMITTEE MEMBERS PRESENT:

HEARING WITNESSES: Same as meeting notice attached? Yes [✓] **No** [ ]
(If "no", please list below and include title, agency, department, or organization.)

STATEMENTS FOR THE RECORD: *(List any statements submitted for the record.)*

Rep. Paul's Statement for the Record
Rep. Carnahan's Statement and Question for the Record

TIME SCHEDULED TO RECONVENE _____
or
TIME ADJOURNED *12:29 a.m.*

Jean Carroll, Director of Committee Operations

Hearing/Briefing Title: **Libya: Defining U.S. National Security Interest**

Date: **March 31, 2011**

Present	Member
X	Ileana Ros-Lehtinen, FL
X	Christopher Smith, NJ
X	Dan Burton, IN
	Elton Gallegly, CA
X	Dana Rohrabacher, CA
X	Donald Manzullo, IL
X	Edward R. Royce, CA
X	Steve Chabot, OH
X	Ron Paul, TX
X	Mike Pence, IN
X	Joe Wilson, SC
X	Connie Mack, FL
X	Jeff Fortenberry, NE
	Michael McCaul, TX
X	Ted Poe, TX
X	Gus M. Bilirakis, FL
X	Jean Schmidt, OH
X	Bill Johnson, OH
X	David Rivera, FL
	Mike Kelly, PA
X	Tim Griffin, AK
X	Tom Marino, PA
X	Jeff Duncan, SC
X	Ann Marie Buerkle, NY
X	Renee Ellmers, NC

Present	Member
X	Howard L. Berman, CA
X	Gary L. Ackerman, NY
	Eni F.H. Faleomavaega, AS
X	Donald M. Payne, NJ
X	Brad Sherman, CA
	Eliot Engel, NY
X	Gregory Meeks, NY
	Russ Carnahan, MO
X	Albio Sires, NJ
X	Gerry Connolly, VA
X	Ted Deutch, FL
X	Dennis Cardoza, CA
	Ben Chandler, KY
X	Brian Higgins, NY
X	Allyson Schwartz, PA
X	Chris Murphy, CT
X	Frederica Wilson, FL
X	Karen Bass, CA
	William Keating, MA
X	David Cicilline, RI

Questions/Statement for the Record of the Honorable Ron Paul
Committee on Foreign Affairs, U.S. House of Representatives
Hearing: "Libya: Defining U.S. National Security Interests"
31 March 2011

Madame Chairman:

The American people have once again been suckered into an unconstitutional, undeclared, illegal, and unwise war. This is not a war in response to an attack on the United States. This is not a war against a regime that has threatened the United States. This is a preventative war. The president never claimed that any large-scale slaughter of civilians was taking place in Libya. Rather, the president has spent close to a billion dollars -- so far -- bombing a country because its government might at some point harm its civilians.

The president consulted NATO, the United Nations, and the Arab League for permission and authorization to use US military force against Libya. He ignored the one body that has the legal authority to grant that permission, the US Congress.

While we have not seen credible proof – nor has it been claimed – that the Gaddafi regime has engaged in any large-scale slaughter of Libyan civilians, we see increasing reports of civilians who have been killed in airstrikes by the forces that are supposed to protect them! It seems we may be causing the very problem our intervention was supposed to prevent.

After days of the administration's public speculation about whether or not to arm the Libyan rebels, we hear from the media that the president already instructed the CIA to arm and assist the rebels several weeks ago. So we have gone from the phony pretext of stopping a massacre of civilians to engaging the US military and covert operatives directly to fight on one side of a civil war.

Who are the rebels we are fighting for in Libya? We don't fully know. Press reports suggest that there are some 1,000 jihadists fighting on their behalf. Are we arming al Qaeda in Libya? It certainly appears possible.

This is not really a new war. It is in fact a continuation of the neoconservatives' 22 year war to remake the Middle East. Unfortunately the president has ignored the US constitution and decided instead to continue this misguided policy. This is a deeply flawed foreign policy that will only lead to escalation, blowback, and unintended consequences. Ultimately it is leading us to financial catastrophe. We must abandon the fantasy that we can police the world before it's too late. Congress must stand up and say "no" to this illegal war.

OPENING STATEMENT OF
THE HONORABLE RUSS CARNAHAN (MO-03)
COMMITTEE ON FOREIGN AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

Hearing on
Libya: Defining U.S. National Security Interests
March 31, 2011, 10:00 AM
2172 Rayburn House Office Building

Chairman Ros-Lehtinen and Ranking Member Berman, thank you for holding this hearing regarding the situation in Libya. I appreciate the very timely attention that is being given to this topic, as Congress must play an integral role in all decisions to authorize the use of military force. I would also like to recognize our witness, Deputy Secretary Steinberg, who, I understand, has accepted the position of Dean of the Maxwell School at Syracuse University. Please accept my sincere gratitude for your service to this country, and I wish you the best at Syracuse.

The world has been struck by the sweeping calls for democratic change across the Arab world and broader Middle East and North Africa region, from Tunisia to Iran. Unlike the relatively peaceful uprisings and transitions of power in Egypt and Tunisia, Muammar Qaddafi's regime in Libya has responded to opposition with brutal suppression, waging a military campaign against his own people, destroying cities, mosques, and vital infrastructure and targeting journalists and other innocent civilians with violence, sexual abuse, and killing.

While action on behalf of the international community to prevent catastrophic humanitarian disaster was necessary, the Administration's decision to exert U.S. military force as part of a coalition effort to impose a no-fly zone leaves many remaining questions. But first, I must acknowledge the very significant diplomatic successes of our government in navigating Operation Odyssey Dawn thus far—securing Arab League endorsement, working with our international partners to obtain a UN Security Council mandate, and achieving approval by all NATO members to hand the mission over to NATO control. Despite these important and necessary accomplishments, I have many unanswered concerns. Given the incompatibility of the Administration's policy to see Qaddafi's ouster with its military objective of humanitarian protection, what is the end game for the U.S. military's involvement in this mission? As part of a NATO-led operation, what really will be the U.S.'s share of the financial and human burdens moving forward? I hope ultimately to gain assurance that the U.S. will not end up in a third prolonged engagement in the Middle East region.

In closing, I'd like to thank Deputy Secretary Steinberg for his testimony and presence before the committee. I hope your answers and opinions will further our understanding of the challenges on the ground in Libya, the reality of the costs of U.S. intervention, and the implications this has on our overall foreign policy in the region.

Questions for the Record Submitted to
Deputy Secretary Steinberg by
Representative Russ Carnahan (1)
House Committee on Foreign Affairs
March 31, 2011

Question:

As evidenced by the reports of sexual abuse perpetrated by Qaddafi's forces and particularly the saddening story of Iman al-Obeidi who now faces criminal charges for speaking publically of being brutally raped and beaten by Qaddafi's troops, we are witnessing yet further examples of how women and girls are vastly more vulnerable in the face of crisis. The protection and safety from gender-based violence and discrimination must be a key priority. Moreover, I believe it is fundamental for the prospect of democratic movements in the Middle East and North Africa for women to have a meaningful voice in their governments to ensure that new political systems, constitutions, and laws incorporate work towards the advancement of women's right and not to their further detriment. In Egypt, I was disheartened by the lack of women's representation on the Constitutional Committee, and I'd like you to elaborate on the Administration's policy on women's participation as events continue to unfold in the region.

Answer:

The entire Department, including the Secretary, is actively engaged in ensuring that the voices of women across the Arab world are heard as their societies undergo political transitions toward openness and greater prosperity. The first Arab Human Development Report in 2002 found that Arab women's political and economic participation was the lowest in the world, and successive reports have shown little progress. Therefore, we hope that leaders in the Middle East may now finally reject the myth that governments can hold on to power without responding to their people's aspirations or respecting their rights – including the

equal importance of women's aspirations and rights. Secretary Clinton has said that "the oppression and marginalization of women and denial of their rights and the instability of nations go hand in hand. Countries that exclude and oppress women do so at their own peril. The development of a country simply is not possible if half the population is excluded."

Regarding the transitions underway in Egypt and Tunisia specifically, Secretary Clinton has also noted that we have "seen troubling signs regarding the rights and opportunities of women. So far women have been excluded from key transitional decision-making processes. When women marched alongside men through Tahrir Square in the early days of the revolution, they were part of making the change that Egypt was seeking. When they recently walked again through the square to celebrate International Women's Day in their new democracy, they were met by harassment and abuse. You cannot have a claim to a democracy if half the population is left out."

We also know that Arab countries, like all societies, cannot reach their economic potential while ignoring the development of half their citizenry. Women are the largest-growing economic force worldwide. As the President highlighted in his Cairo speech, no country can afford to exclude and suppress this vital driver of economic development.

We consistently press the importance of these issues with our Middle Eastern interlocutors, including at the highest levels of government, in order to ensure that democratic change includes equal space for women at the bargaining table.

As U.S. Government works to empower local civil society, through activities like assisting in the development of new political parties, and providing training in civic activism, technology, and new media, we are focused on including women as an integral component of political development.

Questions for the Record Submitted to
Deputy Secretary Steinberg by
Representative Russ Carnahan (2)
House Committee on Foreign Affairs
March 31, 2011

Question:

With respect to Libya specifically, could you provide a brief update on women's rights in that country broadly?

Answer:

In the last twenty years, we have seen some improvement on the social and legal status of women in Libya, yet women's rights nevertheless reveal a mixed picture. By law, women and men are equal in Libya. Historically, there have been laws which counter discrimination and expand women's legal access to education and employment, including equal pay in the public sector. At times, these state policies have challenged the popular conservatism of Libyan society, which has often resisted progressive policies on women. In response, the regime repeatedly retreated on women's issues in order to bolster the government's Islamic credentials.

Due to these factors, women's equality under the law has remained inconsistent. For example, women still face unequal treatment in aspects of family law and travel; some separate courts exist for women, ostensibly to provide private and safe space for female defendants and plaintiffs. Female genital mutilation is not prohibited, and rape victims who fail to meet high evidentiary standards can

face adultery charges. Additionally, the law allows for arbitrary punishment for dishonoring family, and women or girls suspected of violating moral codes could be forcibly inspected and indefinitely detained in prison or "rehabilitation centers" without being convicted or after having served a sentence and without the right to challenge their detention before a court.

Societal discrimination against women is also pervasive, adversely affecting their overall economic and political participation. Since Libyans took to the streets on February 17, we have seen women actively participating, which may mark a turning point and shift in social attitudes towards the intrinsic value of women's social, political, and economic engagement. This a promising indication of potential opportunities for women to further engage in the country's future.

Questions for the Record Submitted to
Deputy Secretary Steinberg by
Representative Russ Carnahan (3)
House Committee on Foreign Affairs
March 31, 2011

Question:

Should the Qaddafi regime fall, what is the Administration planning to do to support women's empowerment, both through diplomatic pressure at the top, as well as support for grassroots civil society groups?

Answer:

As in the case with other recent transitions, we will work at all levels to ensure that women have equal space at the political bargaining table. This is absolutely essential for maximizing the potential of democratic states.

Regarding Libya specifically, we have relatively little experience working on this issue, precisely because Qaddafi forbids any kind of authentic social development that is not controlled by him. However, in recent years the Middle East Partnership Initiative has conducted important outreach to Libyan civil society. We have included young Libyan women in our leadership programs and have built strong relationships with civil society groups and civic leaders working in the areas of educational reform, commercial law development, trade capacity-building, banking and financial improvements, and civilian science and technology cooperation, particularly in the health sector (pandemic flu preparedness). This cooperation has planted important seeds for more robust future cooperation.

Looking ahead, we will use all the diplomatic tools of engagement that we are able to use in Libya in order to ensure that women are mainstreamed in both the political and economic spheres throughout that country's eventual transition to peace and security. At this point, it is not possible to speculate about what specific assistance programs would be implemented, or what exact policies would be urged.

Questions for the Record Submitted to
Deputy Secretary Steinberg by
Representative Russ Carnahan (4)
House Committee on Foreign Affairs
March 31, 2011

Question:

As I mentioned in my opening statement, I commend the Administration's work on securing international cooperation with the UN, the Arab League, and our other allies and partners throughout the world. Mr. Steinberg, I would like you to address how our efforts of international engagement have, and our improved relationships around the world factored into securing broad support.

Answer:

At the beginning of this Administration, we recognized that our international interests are best served through American leadership that is both respected and trusted. We have worked with multilateral organizations and allies to achieve common goals because we believe that coalition-building ultimately strengthens our global leadership and advances our interests. As President Obama said on March 28, "…American leadership is not simply a matter of going it alone and bearing all of the burden ourselves. Real leadership creates the conditions and coalitions for others to step up as well; to work with allies and partners so that they bear their share of the burden and pay their share of the costs; and to see that the principles of justice and human dignity are upheld by all."

As part of this same engagement strategy, the Administration has also worked to enhance our international public diplomacy, especially in the Middle

East. President Obama, like President Bush before him, recognizes that regional stability is best realized through a process of political reform that brings legitimacy to governments across the region. We have made great efforts to move away from the perception that American policies in the region, particularly those that promote democracy, are implemented unilaterally and without the consultation and cooperation of the very people who were most impacted. President Obama's Cairo speech was an initial step toward rebuilding a relationship of trust with societies of that region, and Secretary Clinton's many public engagements, such as her forums with Arab civil society groups and subsequent speech at the Forum for the Future in Doha last January, show the Administration's continued commitment to demonstrate that our international leadership, guided by universal principles, can be trusted and respected.

In the month following Qadhafi's first brutal attacks on Libyan civilians, we mobilized a broad coalition, worked with partners to secure an international mandate through the United Nations Security Council to protect civilians, stopped Qadhafi's advance on Benghazi and established a no-fly zone with our international partners. Taken together, we believe that our efforts to strengthen relationships with international partners and grow the public trust in American policies has been instrumental in securing broad international support for these efforts in Libya.

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