

ASSESSING THE SITUATION IN LIBYA

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

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ASSESSING THE SITUATION IN LIBYA

THURSDAY, MARCH 31, 2011

U.S. SENATE,
COMMITTEE ON FOREIGN RELATIONS,
Washington, DC.

The committee met, pursuant to notice, at 2:06 p.m., in room SD-419, Dirksen Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Menendez, Cardin, Casey, Shaheen, Durbin, Udall, Lugar, Corker, Risch, Rubio, Isakson, and Lee.

OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

The CHAIRMAN. The hearing will come to order. Thanks very much for coming this afternoon. As everybody knows, we are here today to discuss the situation in Libya, and we're very pleased to have with us the Deputy Secretary of State, Jim Steinberg. All of us became aware this week that Secretary Steinberg is going to be departing his current post and leaving government, I hope temporarily, to return to academia as the dean of the Maxwell School at Syracuse University. I'm not sure they want to hear me say "temporarily," but that's certainly the way we feel.

Obviously, we wish you well in that endeavor, and we thank you for your tremendous service to the country and to the State Department.

I want to just remind my colleagues on the committee, lest any of us accidentally cross over into forbidden territory, that yesterday's briefing was classified and, since we're in an open session here today, we all need to be careful not to base any questions or draw any comments into yesterday's briefing.

Over the last 9 days, as we all know, the United States has joined a robust international coalition and in my judgment and the judgment of many has averted a humanitarian catastrophe in Libya and sent a strong message to the region, even as we all know things are not yet fully resolved.

Some people, have expressed reservations about this, which is the way it works here, and it's a good and healthy thing, and we welcome a debate. I certainly do. What I hope we can do here this afternoon is contribute to that debate with facts and obviously address important questions: Where do we go from here? What's the path forward? Who are the Libyan opposition? What diplomatic, economic tools are available to us to pressure Qadhafi to accomplish the stated goal, not just of the United States, but of the inter-

national community? And if and when he is in a state of departure, what comes next?

All of these are important questions and we're very eager to hear, Secretary, your views on this, how we transition from missiles and bombs and overflights to stability and to peace in Libya.

My views, I think, are relatively well known on this. I've certainly made them public, and I've laid out what I see as the justification for this military intervention. I'm not going to go through all the details of that now. But I'd like to just emphasize as some ask questions, I believe we do have strategic interests at stake in this intervention and in Libya. I am convinced, and particularly from a recent visit of 2 days in Cairo and time in Israel and discussions in both London and Paris with French and British allies, as well as with others, I am convinced that we have strategic interests at stake.

What we do as part of this international coalition will and does reverberate throughout North Africa and the Middle East, a region where extremists have thrived and attacks against Western interests have been incubated. By supporting the Libyan opposition—I have met with them personally, incidentally, and met with them when I was in Cairo, and I have asked members of the opposition to come here and have talked with the White House about that, and I hope they will in short order, so that colleagues will have a chance to meet with them and size them up for themselves, at least their representatives.

But I think that we at least give them a fighting chance to oust a dictator with a long, strong history of terrorism and the blood of Americans on his hands. At the same time, we keep alive and even encourage the hopes of reformers in the Arab world and we counter the violent extremism of al-Qaeda and like-minded groups.

I think we also encourage a new generation of Arabs to pursue dignity and democracy and perhaps create the opportunity for a new relationship with the people of a greater, new Middle East.

These are worthy goals and if we can accomplish them they will significantly alter the options that we face with respect to our foreign policy and our military policy. I also think that if Qadhafi had been successful in just moving willy-nilly into Benghazi and doing what he promised to do, which is show no mercy and other things, then I think the suppression of the aspirations of the Libyan people would have had reverberations beyond, way beyond, Libya itself. I think it would have been a setback for the dreams unfolding across that region, and the legitimate demands of peaceful protesters I think we all know should never be met with bullets. We need to send that message loudly and clearly to adversaries and allies alike.

In any country of decency, unprovoked violence against peaceful protesters is unacceptable, whether it's in Syria or Bahrain or Yemen or anywhere else. I think that treatment of one's own citizens in that way betrays basic notions of human rights, and is contrary to the values that we hold so near and dear.

Now, we're all concerned about the violence against protesters in Syria. I thought that President Bashar al-Assad could have used his speech yesterday to set out a more precise course of action with respect to reforms. I gather today there's been some further articu-

lation of some measures. But I think with large protests scheduled for tomorrow, it is essential that his officials, that the officials in Syria, refrain from using violence against their own people.

Some have asked, why Libya and not other humanitarian situations? The truth is it's a perfectly appropriate question. We're going to weigh our ideals, our interests, and our capabilities in each case. The President said this the other day. I think a number of us have said it over the course of time. None of these countries or situations are the same, and in each one of them we need to weigh our ideals, our interests, our capabilities, and the possibilities, and then decide where and how to become involved.

In the case of Libya, where the opposition and the Arab League called for our help, I think the scales tipped heavily in favor of the intervention that we have engaged in.

So I understand that some of our colleagues have concern. I have no doubt that my good friend and the ranking member of the committee will articulate some of those shortly. And some have concerns about the question of consultation with Congress. That is an important constitutional question and I have always as a Member of Congress advocated the maximum amount of engagement with the Congress and that clearly we're stronger where we can act with the support of the American people as expressed through the Congress.

But I do believe that here there was, given a number of things, not the least of which was that Congress was out of session—but I think that a lot of consultation took place. Certainly Senator Lugar and I were part of several phone calls with the President from afar, and that consultation has continued even through yesterday and the briefing that all Senators received.

Both Presidents, Democratic and Republican alike, have authorized limited military action in the last 30 years. I've been here for 27 of them and I have seen that in Grenada, in Bosnia, in Kosovo, in Panama, Haiti, any number of situations.

That is not to say that each one has to meet the test of the capacity of the Congress to respond and of the nature of the event. But Somalia likewise, I guess, is one.

So the debate is healthy and we are already in fact beginning the work of drafting an appropriate resolution. Whether we will need it or not I don't know. But we are beginning the work of drafting that so that we are ready in the event that we need to proceed forward and put this question to the Congress.

Senator Lugar.

**OPENING STATEMENT OF HON. RICHARD G. LUGAR,
U.S. SENATOR FROM INDIANA**

Senator LUGAR. Well, I thank the chairman very much for holding this important hearing and join him in welcoming Deputy Secretary Steinberg.

Over Libya, we have once again witnessed the skill and courage of the men and women of our Armed Forces. The warfighting prowess of the American military is extraordinary in its capability and execution.

But success in war depends on much more than the abilities of our fighting men and women and the quality of their weapons and

equipment. Any member who has been here to witness the last 10 years should understand that wars are accompanied by mistakes and unintended consequences. War is an inherently precarious enterprise that is conducive to accidents and failures of leadership.

In the last decade alone, we have witnessed mission creep, intelligence failures, debilitating conflicts between civil and military leaders, withdrawal of coalition partners, tribal feuding, corruption by allied governments, unintended civilian casualties, and many other circumstances that have complicated our wars in Iraq and Afghanistan and raised their cost in lives and treasure.

The last 10 years also have illuminated clearly that initiating wars and killing the enemy is far easier than achieving political stability and reconstructing a country when the fighting is over.

This is why going to war should be based on the United States vital interests. It is also why Congress has an essential role to play in scrutinizing executive branch rationalizations of wars and their ongoing management. This holds true no matter who is President or what war is being fought.

Congressional oversight is far from perfect. But it is the best tool we have for ensuring executive branch accountability in wartime and subjecting administration plans and assumptions to rigorous review.

I offer these thoughts at the beginning of this hearing, because I believe Congress has its work cut out for it with regard to Libya. On March 7, 12 days before the United States began hostilities, I called on the President to seek a declaration of war from the Congress if he decided to initiate hostilities. He declined to do that. As a result, the United States entered the civil war in Libya with little official scrutiny or debate. I continue to advocate for a debate and vote on President Obama's decision to go to war in Libya. I do not believe the President has made a convincing case for American military involvement in that country. Declarations of war are not anachronistic exercises. They force the President to submit his case for war to Congress and the American public. They allow for a robust debate to examine that case, and they help gauge if there is sufficiently broad political support to commit American blood and treasure and to sustain that commitment. Furthermore, they define the role and strategy of the United States.

Neither U.N. Security Council resolutions nor administration briefings are a substitute for a declaration of war or other deliberate authorization of major military operations.

Actions leading up to the wars in Iraq and Afghanistan at least acknowledged that congressional authorization was vital to initiating and conducting war. Despite deep flaws in the process of authorizing those wars, there was a recognition that both required a deliberate affirmative vote by Congress. There also was broad agreement that both conflicts required extensive debate and ongoing hearings in congressional committees.

President Obama's intervention in Libya represents a serious setback to the constitutional limits on the President's war powers. Historians will point out that this is not the first time that a President has gone to war on his own authority. But the Libya case is the one most likely to be cited the next time President Obama or a future President chooses to take the country to war without

congressional approval. That future war may have far graver consequences for American national security than the war in Libya.

With or without a debate in the Congress, the United States is involved in a military intervention in a third Middle Eastern country. This is a jarring prospect, given the enormous United States budget deficit, the strains on our military from long deployments in Iraq and Afghanistan, and the certainty that this won't be the last contingency in the Middle East to impact our interests. In fact, even as the coalition drops bombs in Libya, the Syrian regime has been shooting citizens in an attempt to repress peaceful protests.

Our commitments in Libya and those of our allies leave less military, diplomatic, and economic capacity for responding to other contingencies. We need to know, for example, whether the Libyan intervention will make it even harder to sustain allied commitments to operations in Afghanistan.

The President clearly was motivated by humanitarian concerns about what could happen if Qadhafi's forces were left unchecked. But as many have observed, there is no end to the global humanitarian emergencies to which U.S. military and economic power might be devoted. The question now is, When is that humanitarian mission accomplished, and has humanitarianism evolved into supporting one side in a lengthy civil war?

In his March 28 speech, the President expressed hopefulness that our intervention in Libya would have a positive effect on democratic movements and regime behavior elsewhere in the Middle East. Perhaps it will, but the President is guessing. Nowhere in the world have we had more experience with unintended consequences than in the Middle East.

A war rationale based on hopes about how U.S. military intervention will be perceived in the Middle East is deficient on its face. It is also uncertain whether pro-Western governments can result from popular upheaval, especially in Libya where we know little about the opposition. We also don't know what this will mean for our efforts to stop terrorism and defeat al-Qaeda, particularly since Middle Eastern governments that are helping us with this problem are among those who are repressing their people.

President Obama has not provided estimates for the cost of our military intervention. Nor has he discussed whether the United States would incur the enormous potential costs of reconstruction and rehabilitation of Libya in the aftermath of war. By some estimates, American military operations in Libya may already have expended close to a billion dollars. The President has not set these costs in the context of a national debt exceeding \$14 trillion, or indicated whether he is seeking contributions from the Arab League to offset costs of the war, as I have suggested.

We find ourselves in a situation where Congress is debating cuts in domestic programs to make essential progress on the deficit, even as President Obama has initiated an expensive, open-ended military commitment in a country that his Defense Secretary says is not a vital interest.

The President must establish with much greater clarity what would constitute success. He has not stated whether the United States would accept a stalemate in the civil war. If we do not accept a long-term stalemate, what is our strategy for ending

Qadhafi's rule? Without a defined end game, Congress and the American people must assume U.S. participation in the coalition may continue indefinitely, with all the costs and risks of escalation that come with such a commitment.

These questions require the type of scrutiny that Foreign Relations Committee hearings have provided for the wars in Iraq and Afghanistan. I know the chairman intends a new series of hearings in the coming weeks on Afghanistan, and I support such an inquiry based on principles that I have just cited. I believe that the Foreign Relations Committee should also take on the burden of detailed oversight of United States involvement in Libya, and I thank the chairman again for initiating that process today.

The CHAIRMAN. Thank you, Senator Lugar. Indeed, I think we'll probably be having another hearing next week with outside witnesses. So we would expect to continue the process.

Mr. Secretary, again thanks for being here. We're happy to have you. If you want to place your entire statement in the record, it will be placed in as if read in full, and we look forward to your comments.

STATEMENT OF HON. JAMES B. STEINBERG, DEPUTY SECRETARY OF STATE, DEPARTMENT OF STATE, WASHINGTON, DC

Mr. STEINBERG. Thank you very much, Mr. Chairman, Senator Lugar, and members of the committee. If I could just briefly begin, a little over 2 years ago you did me the great honor of supporting my nomination to serve in this position, and it has been a great privilege to serve the country and the President and the Secretary and to work with this committee in particular, which we see as our home committee. I appreciate the courtesy and the engagement that we've had over these 3 years and I look forward to working with you in my future capacity as well. So thank you all very much for that.

I also want to thank you for holding this hearing and the opportunity to update you on developments in Libya, and to answer the important questions that both you and Senator Lugar and your colleagues have and will raise. I want to also express my personal appreciation and all of us for the tremendous dedication and commitment of the men and women of the armed services who are serving, as they always do, with dedication and courage and tremendous skill and proficiency and do great credit to our Nation.

In his speech on Monday night, President Obama laid out our goals and our strategy for Libya and the wider Middle East. I'm grateful for the opportunity today to continue the ongoing exchange between the administration and Congress that has been going on as these events unfolded over the last several weeks.

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

As this committee knows, the crisis began when the Libyan people took to the streets in peaceful protest to demand their universal human rights and Colonel Qadhafi's security forces responded with extreme violence. The U.N. Security Council reacted unanimously

by approving Resolution 1970 on February 26, which demanded an end to the violence and referred the situation to the International Criminal Court, while imposing a travel ban and assets-freeze on Qadhafi's family and 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 Gulf Cooperation Council and the Arab League called for the establishment of a no-fly zone. This body voted itself to support the idea of a no-fly zone on March 1.

Then, acting with partners in NATO, the Arab world, and African members of the Security Council, on March 17 we succeeded in passing U.N. Security Council Resolution 1973, which demanded an immediate cease-fire 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 air space, and authorized the use of all necessary measures to protect civilians, as well as tightening sanctions on the Qadhafi regime.

As Qadhafi's troops pushed toward Benghazi, a city of nearly 700,000 people, Qadhafi again defined 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 proportion became a question of hours and not days.

On March 18, the day after the Security Council resolution, the President, Secretary Gates, and Secretary Clinton discussed and consulted with you, Mr. Chairman, Mr. Lugar, and others, the leadership of the Congress, to explain our perspective on these issues, and then 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 the American 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.

As we meet, the North Atlantic Council, the NAC, with coalition partners fully at the table, has taken on full responsibility for all of the United Nations' mandated action against Libya, including enforcing the no-fly zone, policing an arms embargo in the Mediterranean, and carrying out targeted air strikes as part of the 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 pressure on Qadhafi's remaining forces until he fully complies with the terms of Resolution 1973.

We became involved in this effort because America has, as the President said on Monday night and you, Mr. Chairman, have just reinforced, 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.

Now, many have asked—Senator Lugar, you have asked—why Libya and not in other cases where we have seen force used against civilians? The President explained on Monday night, “In this particular country, Libya, at this particular moment, we were faced with the prospect of violence on a horrific 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 also had the ability to stop Qadhafi’s forces in their tracks without putting American troops on the ground.”

I’d also like to say a word about three nonmilitary tracks that are crucial to the President’s strategy. First on the humanitarian front, we are working with NATO, the EU, the U.N., and others, especially Egypt, Tunisia, Turkey, and the Gulf States, to ensure that aid gets to the people who need it, including the victims of Qadhafi’s violence and the refugees.

The U.S. Government is providing \$47 million to meet humanitarian needs and support the work of NGOs on the ground. The second track is to continue ratcheting up pressure and further isolating Colonel Qadhafi and his associates. The contact group that met in London on Monday sent a strong international message that we must move forward with a representative democratic transition, that Qadhafi has lost the legitimacy to lead and must go.

But President Obama has been equally clear that our military operation has a narrowly defined mission that does not include regime change. If we try 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 has said, we’ve 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 and Kosovo. Our military intervention in Kosovo was also carefully focused on civilian protection and not regime change. That military operation ended with Milosevic withdrawing his forces from Kosovo. But our effort to support democracy and human rights in Serbia did not end there. We kept up the political and economic pressure, and 1 year after the military operation ended the people of Serbia ousted Milosevic and then turned him over to The Hague.

So we’re moving ahead aggressively with nonmilitary measures aimed at isolating Qadhafi and those who continue to enable him, such as escalating financial pressure through vigorous enforcement of international sanctions authorized under the two Security Council resolutions.

In London we saw growing international consensus and political and diplomatic pressure to this end. We’ve seen the impact of the strategy just in the last 24 hours with the defection of Libyan Foreign Minister, Musa Kusa, and the defection of the former Libyan U.N. Ambassador, Ambassador Teki.

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. Now, we know this won't be easy, but we appreciate the strong commitment that the council has made in its statements, especially in the last several days, committing to democratic ideals and its explicit rejection of terrorism and extremist organizations, including al-Qaeda.

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're pleased that Qatar will host the first meeting of this contact group.

So there is progress to report. But we are under no illusions about the dangers and challenges that remain. We know that Qadhafi is unlikely to give up power easily and that the regime still has substantial military capacity. This is a critical moment for Libya, for the international community, and the United States. We're eager to continue our close consultations with you about the way forward and hope to have your support, and I look forward to our dialogue this afternoon.

[The prepared statement of Mr. Steinberg follows:]

PREPARED STATEMENT OF DEPUTY SECRETARY OF STATE JAMES STEINBERG

Good afternoon. I want to thank Chairman Kerry and Ranking Member Lugar 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 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 U.N. 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 cease-fire 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 Corp. 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 Zawiyah; 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 U.N. 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 nonmilitary 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 U.N., 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 nationals back to their homes, and providing food, nonfood 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 Programme 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 1 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 nonmilitary 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 to 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.

The CHAIRMAN. Thank you very much, Secretary.

What could you share with the committee about the breadth of the knowledge of the opposition at this point in time and your sense of their defined platform/direction?

Mr. STEINBERG. Mr. Chairman, we've had increasingly intensive conversations with the Transitional National Council and other opposition forces both in and outside of Libya over the past several weeks. The Secretary has met several times with one of the leaders of the Transitional National Council. We've had an opportunity to have others, including yourself, who have had these dialogues. And we've begun to have dialogues with them in Libya as well.

We're in the process of sending our own special representative into Libya to deepen those conversations. I think we are growing to know them better. There's obviously a diverse group of people there. But what we have seen through this dialogue is a strong recognition on their part that there's an expectation that to continue to have the support of the international community they need to demonstrate their openness to a broad democratic process, to inclusiveness, to representation, a recognition that the international community and especially the United States will be watching to make sure that the values that we are seeking to support are really carried out by those forces.

We recognize that part of the reason that we have taken this step-by-step approach to engagement and the decision thus far not

to fully recognize them as the Government of Libya is a part of making sure that we have a full appreciation and understanding of just what their path is.

But I do put significance in the statements they've issued. We obviously want to make sure that their actions reflect that as well.

The CHAIRMAN. What would you say concomitantly about the military component and the military leadership at this point?

Mr. STEINBERG. I think it's fair to say, Mr. Chairman, although I would obviously, not being a professional in the matter, would want to defer to some extent to our military colleagues, that this is a group with limited military capability. Some of them come from the Libyan military itself, but many of them are just courageous individuals who are trying to defend something, the values that they hold for themselves and their families.

I think one of the challenges going ahead is to understand just how they can become an effective force. I think it's also important to state, because I know there's been a lot of focus on the council itself, that this intervention is not on behalf of the council. This is an intervention on behalf of the Libyan people, to stop the massacre and to create the conditions for a true democratic transition.

We see the council as an important expression of that, but this is not the United States taking the sides of one group or another, but rather supporting this broader goal of the democratic aspirations of the people of Libya.

The CHAIRMAN. Well, when you talk about sort of the broad aspirations of the Libyan people, is it your conviction at this point and do you have evidence that in effect both groups represent the broad aspirations of the Libyan people? Both groups, the opposition political and the military components.

Mr. STEINBERG. Mr. Chairman, I think it's obviously difficult in a situation where there's been the kind of repression that Qadhafi has undertaken and the fact that many people within the country are under military siege and don't have an opportunity to fully participate. But what has impressed us is the recognition by the members of the council that they do need to reach out, that they should not be kind of a self-appointed group that's deciding the future for others, but recognize that as they move forward they want to include larger voices and broader cross-sections of the Libyan population.

So I think that that's what's significant here, is they're doing what they can under the circumstances that they are, but the fact that they have recognized the need to broaden their base, to try to be more inclusive, to try to find ways to reach out to those in the west, for example, who aren't as able to participate as those in the east, I think is a positive sign that they understand their responsibilities and what it would mean to move forward with a really inclusive transition.

The CHAIRMAN. You mentioned the notion of an envoy. What would that expectation be and when might that occur?

Mr. STEINBERG. Mr. Chairman, as you can imagine, for operational security reasons I don't want to comment on the specifics. But that we do anticipate in the very near future that a representative from the United States to work with the council would be able to be in Libya.

The CHAIRMAN. Now, the President sent a letter to the majority leader and to the Speaker of the House on March 21 notifying them, as appropriately, of the introduction of armed forces into Libya on the 19th. Sixty days past March 21 is May 20. In light of NATO's assumption of the operations in Libya and the changed role of the United States, my question is whether the administration will expect that by May 20 Armed Forces of the United States of America will be engaged in, specifically using the words of the War Powers Act, or resolution, "hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances."

Mr. STEINBERG. Mr. Chairman, as Secretary Gates has said, I think it's impossible to forecast anything of this sort with certainty. I can only say that, as you know and the committee knows, we have already begun the transition. NATO has taken over control and the role of U.S. military forces has already begun that transition; that the President has said and Secretary Gates has said that we envision our role being focused on support of the others which will be conducting the enforcement of the no-fly zone and the targeted civilian strikes, that we are mostly focusing on support and intelligence.

So obviously we'll have to have a continued conversation with this committee, not just at the 60-day point, but all throughout, as to see how that evolves.

The CHAIRMAN. Well, we anticipate obviously staying in close touch with you on this. I asked that question because it's relevant, needless to say, to our thinking as well as the essential formulation of any kind of resolution. And needless to say, I think the next days will tell more about that than anything else, most likely.

Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Secretary Steinberg, there's a published article in the New York Times this afternoon, with the headline: "NATO Warns Rebels Against Attacking Libyan Civilians." It points out that as NATO has taken over control of air strikes in Libya, the coalition has told the rebels that the fog of war would not shield them from possible bombardment by NATO.

The point NATO is making is that, although the President may have rationalized our involvement in Libya on the basis of humanitarian concerns pertaining to civilians in Benghazi, many Libyan civilians, even in Benghazi, have been moving out, and, depending upon which side they are on, taking up arms, as they attempt to involve themselves in at least some military action in other cities of Libya.

In short, NATO is saying this has got to be a fair fight. If those armed by the rebels attack civilians, then they're subject to NATO bombardment. Now, that's sort of a new twist, but it is not totally unexpected.

It simply makes my point again that we are in a situation in which we in the United States have to be very clear, even in the context of our role as a NATO coalition partner, precisely why we are conducting operations in Libya and furthermore what outcome we would see as success. Now, the President has indicated Qadhafi

must go. Secretary Clinton has discussed other countries that might offer him exile.

But here we have a situation in which there's a civil war going on. People are arming each other. And we know that on the eastern side of the country, a fair number of persons are now armed, and while these are supposedly Libyan civilians, they are, in fact, rebels, some of whom were fighting against us recently, either in Iraq or Afghanistan. These are people who do not wish the United States well.

Now, at the end of the day it may be the will of the President and the Congress that Libya is of sufficient importance that we devise a military strategy to obtain the ends that we want and achieve victory; and subsequently, try to organize the country, find who the opposition people are in a disparate number of cities, and bring them into some sort of government and attempt at least to fashion, if not nation-building, a more stable situation there.

If so, this would be a road we have been traveling in two other instances recently. But in the initial planning, I don't see this sort of strategy being developed thus far. That being said, our goals in Libya remain unclear, which is why continued dialogue with the administration, both in the context of this hearing and otherwise, is very important.

We all have a stake in this. It's not my purpose to try to make life difficult for you or the President. However, I do believe that this committee must raise substantive and sometimes difficult questions, even with regard to the nature of our alliance with NATO and the passing over of authority.

Now, at what point do you believe it's possible that the administration will come forward with a comprehensive plan of what we believe should occur in Libya, one that clearly answers questions with regard to our own forces, our allies, our goals, a definition of success, potential budgets to pay both for the war itself and any efforts following its conclusion, and finally, also attempts to gain the support of the American people behind this endeavor?

Without such a plan, I fear this will not be the last unusual headline to appear in the New York Times or elsewhere which details that hostilities have taken very unusual turns and that the United States has not made clear a definition of success in Libya. This seems to me to require really intensive thought at this particular point.

Do you have some general agreement with that proposition?

Mr. STEINBERG. Thank you, Senator Lugar. Obviously, we very much appreciate your focus on this. You've been a great leader and an advocate for a strong role for the United States in the world, but a careful role in the world, and we take that very seriously.

I can't comment on this New York Times headline, to be honest. I don't recognize that as ringing particularly in terms of anything that I've heard before and, with all respect for the Times, I don't think I necessarily know what they think they're getting at with that. So let me answer your question more broadly.

I think that what is very clear in our engagement with the opposition forces is, first, we do expect them to avoid any humanitarian disasters on their part, that they have an absolute obligation to

protect civilians, that they should not in any sense endanger civilians. That is something we would hold anybody to.

Senator LUGAR. What happens if they don't agree with that? This is the point of the story now. NATO is saying we could bomb them.

Mr. STEINBERG. But again, Mr. Chairman, I think that one of the—what I was going to go on to say was that one of the reasons we are engaging with the opposition is because I believe the fact that we are involved along with our NATO partners actually allows us to shape this. And I think one of the deeper interests that we have here—and both of you have alluded to this—is how this turns out, because there is a conflict going on there. And we want this outcome to be one that is looking positively toward the United States, positively toward the values that we support, creating more rather than less stability in the region.

And by being engaged, by being supportive of the legitimate aspirations of the Libyan people and working to defend them against these humanitarian catastrophes, I think the chances, I believe the President and the Secretary believe, the chances that we will get the kind of outcome that you want to see is much greater than if we leave them to their own, because if they do this with the rest of the world turning the back on them who will come to their support?

We've seen others who we don't wish well saying, well, they want to try to take this over and see this as an avatar of their goals, whether it's forces of extremists or other countries. So I think there is an opportunity here for us to shape this, to engage with the constructive elements that are there that want to be associated, that want to embrace the values that were in the Transnational National Council's statement.

So I think we can't guarantee anything going forward, but I think the best chances of having an outcome, of preventing extremism from taking hold in Libya as this moves forward, is precisely by having engagement.

I think, going on to your broader question, part of the reason we've done this as an international coalition is that we don't have the full burden and responsibility for this. We've already turned over and our costs and role on the military side has already begun to decline. Similarly in terms of the support for the opposition. It's critically important that this is not just a made-in-Washington effort, that this is something that we're doing with our allies, with the contact group.

The contact group discussions yesterday—Monday—were not just about the military operations. It was how all these countries can come together to support that. I think that again leads to a much greater chance of an outcome.

So in terms of the objectives, you've raised all the right questions. I think—we hope we've begun to answer those in terms of what we're trying to achieve, what the specific role of the military forces is, what the other tools are. And obviously we look forward to a more extensive conversation with you and your colleagues.

Senator LUGAR. Well, we thank you again for your distinguished service.

Mr. STEINBERG. Thank you, sir.

The CHAIRMAN. Senator Lugar, we hope you'll feel better. You're making us all feel sick.

Senator MENENDEZ.

Senator MENENDEZ. Thank you, Mr. Chairman.

Thank you, Mr. Secretary. I admire your stay at the State Department. I'm actually going to miss you when you go. Syracuse is going to end up being a lot better off as a result.

Mr. STEINBERG. Thank you, sir.

Senator MENENDEZ. I sponsored the resolution supporting a no-fly zone with Senator Kirk. I get it. I understand and fully agree with the need to stop a massacre. I acknowledge that we could have seen a tremendous outflow of refugees into Egypt trying to avoid the impending massacre, and all of the challenges that would have presented in the transition there.

What I don't get, however, is how we reconcile that with your statement that we are not seeking regime change, when the contact group has 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.

So if Qadhafi has lost his legitimacy and must go, but our effort is not regime change, are you suggesting that, in fact, we can reconcile those and would accept Qadhafi's continued rule as having met our aspirations in this respect?

Mr. STEINBERG. No, sir. As I tried to make clear in my opening statement, what I said was that the military operation, that is the strikes themselves, are not—the test of their success will not be regime change; but as was the case in Kosovo and Serbia, that we have other tools available to us as we carry forward.

So after 78 days of bombing in Kosovo, we ended the military operation because we had achieved the humanitarian objective, but—

Senator MENENDEZ. Our ultimate goal, not through the military exercise, but our ultimate goal is to see Qadhafi leave?

Mr. STEINBERG. Correct, absolutely.

Senator MENENDEZ. Now I understand it, when you phrase it that way.

Now, in respect to the Transitional National Council, many voices have been raised in concern with there allegedly being al-Qaeda and other elements within it. I read in your statement that the council has publicly stated its commitment to democratic ideals, and its rejection of terrorism and extremist organizations, including al-Qaeda.

What is our depth of certainty as to that view?

Mr. STEINBERG. Senator, I think it's growing as we deepen our involvement there. A number of members of the administration have spoken to that. I think that the general judgment is that we—first of all, this movement was not impelled by al-Qaeda in the first place; and that we don't see at the moment a significant presence there.

It's something we obviously have to be alert to. It's something that we have to understand better. And we also have made very clear that our continued ability to engage with and be supportive depends on seeing in deed as well as in word the kinds of commitments that they've made there.

But I think, as I said to Senator Lugar, I think the more we're involved the better chance there is that those who might try to hijack it, whether it's Iran or al-Qaeda, will be kept on the sidelines because the forces that want to be associated with democracy and freedom and the kinds of values that we share will be seen as having the support of the United States, of NATO, and others.

So I think that the goal here is we have an opportunity for movement which was not impelled by these forces to make sure, or at least to substantially increase, the chances that it doesn't go in that direction.

Senator MENENDEZ. I would hope that we learn our lessons from history. We don't want to end up arming another Taliban. So at the end of the day I assume that we are using every intelligence tool we have to ascertain the nature of this council's membership.

Mr. STEINBERG. I would just say—I won't comment specifically on intelligence matters, but that's obviously a priority for us.

Senator MENENDEZ. Now, on a related matter, as you may know, I have been pursuing with other colleagues from the committee the issue of Libya and Qadhafi's engagement with the bombing of Pan Am 103. The former Libyan Justice Minister Mustafa Abdel-Jalil has indicated that he has evidence that shows that Qadhafi personally ordered the attack on Pan Am 103 that killed 270 people, including 34 New Jerseyans.

Qadhafi is also suspected of being behind the 1985 attacks by gunmen at the airports in Rome and Geneva that killed 19 innocent travelers, and wounded approximately 140, including an 11-year-old American child.

My question is what steps is the Department taking to ensure that we take this moment—I know that there's a bigger issue here, but we can do multiple things at once, I would hope, as the greatest country on the face of the Earth—to collect the evidence about the Pan Am bombing and other terrorist acts perpetuated and financed by Qadhafi that the former justice minister or other former Libyan officials may have? What are we doing specifically?

My second question relates to the recent defection of the Foreign Minister, Musa Kusa. He may very well likely have had a hand in the planning of the Pan Am bombing. I am concerned that a man who at a minimum may be responsible for countless deaths and human rights abuses in Libya saw the writing on the wall and found it to be in his best interests to switch sides at a propitious time for himself and try to insert himself in a powerful role within the Transitional National Council.

Do we intend to investigate his role in the Pan Am 103 bombing and, if so, are we ready in both of these cases to, one, amass the evidence, and, two, use that evidence?

Mr. STEINBERG. Senator, we are working with the Justice Department on the questions about how we can get additional information about accountability on this and take advantage of all the new information that is emerging out of this. Because it's, as you will understand, related to grand jury and other investigations, it's difficult for me to be more specific than that. But it is—

Senator MENENDEZ. I don't want you to give me specifics and I know all about grand juries. The question is are we making it a priority to ensure that we take advantage of this opportunity to get

information and evidence that could be brought to court, whether in the International Criminal Court or even in the courts of the United States?

Mr. STEINBERG. Senator, I think, as you know, this is something that Secretary Clinton takes very personally, and she has been very focused on this issue and we've made clear with our colleagues and others in our own engagement that we expect and we are focused on that.

On the issue of Musa Kusa, one of the things I think that's important to recognize and was emphasized by the British Foreign Secretary in his statement today is that no offers of immunity have been given to Musa Kusa and that they do intend to make him available to authorities for information. So the answer is yes, we are pursuing this. Yes, we think it's important. We have a very strong commitment to the Pan Am 103 families and others to make sure that all the information comes out and that it falls to its logical conclusion.

We also have the very strong mandate of the Security Council, which has established a frame of reference for all this to the International Court of Justice, as well as our own criminal proceedings.

Senator MENENDEZ. Well, my time has expired. I just want to say that I hope that when this chapter has passed I won't have someone here from the State Department or the Justice Department telling me how we lost the opportunity to document whatever evidence could be deduced from these individuals as to the involvement of Qadhafi and others in the killing of U.S. citizens.

The CHAIRMAN. Senator Corker.

Senator CORKER. Thank you, Mr. Chairman. Thanks for having this hearing.

Mr. Steinberg, thank you for your service. I very much appreciate it.

I know there's been reference made about the congressional schedule and all that. I do hope that everyone in the administration knows that if we're going to begin a war all of us are glad to catch a flight back to Washington and talk about it. I hope the congressional schedule won't be used again as a discussion point.

At the same time, I do appreciate the fact that the administration tried to build a coalition. I know a lot of people have criticized that. I think that was a good move. I know it's one of the most narrow coalitions that we've built in recent times. But we did build it and I know that we are turning over activities.

I think here's the question that a lot of us have. You know, we look at what happened in Afghanistan. We basically had a very narrow mission. In the beginning it was in some ways about one person. And let's face it. We can talk about narrowed mission in Afghanistan all we wish, but by the time it's all said and done we will have engaged in one of the most mammoth state, nation-building efforts in modern history. I mean, that's what we're doing there right now, is we have a huge, mammoth state and nation-building effort under way today.

So we look at—we look at Libya. We began talking about a no-fly zone. Within 48 hours, a no-drive zone. Now we're reading news reports of CIA being on the ground. I think a lot of us have this question. I mean, the old adage that's become a cliché: If you break

it, you own it. We're talking about not taking Qadhafi out militarily, but I think the administration's hoping at this point to get lucky and he leaves or maybe slightly less lucky and he's assassinated through covert operations or some other type of activities, but he's gone.

The question is, What kind of discussions have we had relating to nation-building there? I mean, there are no democratic institutions. Where do we go once he leaves? What have we talked about with our allies as far as our commitments on the ground, and can it become much like what we've seen in Afghanistan?

Mr. STEINBERG. Well, thank you, Senator. I think we certainly see this as more than a question of just getting lucky in terms of his leaving. Part of the reason I come back to the analogy of Milosevic and Serbia is because I do think we have some experience about some of the tools that can be used and, although I don't want to overstate the significance of the two defections that we saw today, the fact that the Foreign Minister and the former U.N. Ambassador at this stage of events have now decided to break from the regime is at least some sign that there is internally concerns about what's going on there.

We intend to continue that pressure, to make clear that there are consequences and that people will be held to it. And we believe that this is a strategy that can lead to success.

In terms of the nation-building dimension, I think one of the things that the President is very conscious about is the limited commitment that we have made and the fact that within 2 weeks of beginning this military operation we have already begun to scale down our engagement I think is a strong reflection of his strong conviction about the kind of role the United States should play.

One of the reasons why this meeting in London was so important was not simply on the military side to facilitate the transition to NATO, but also on the civilian and political side, to engage the broader international community, to have a contact group which is not chaired by the United States but by Europeans and Arabs, who are going to take the principal responsibility for carrying that forward.

I think we do have a role to play. As I said, we've done \$47 million in humanitarian assistance. There may be other kinds of democracy assistance that it would make sense for us to continue to play. But I do think this is one in which we recognize that the United States can play a supportive role, that it's useful for us to be part of this overall effort, but we are not taking the kind of responsibility that we have in other circumstances.

Senator CORKER. So we've had zero discussions about our involvement in building democratic institutions post-Qadhafi, whenever that occurs?

Mr. STEINBERG. Again, the conversations began in London in terms of the role of this contact group, the role that the EU will play, the role that the U.N. will play. The reason for creating this contact group is to create a body that isn't dependent on the United States to plan this, but rather for other partners to take a key role in shaping this so that there's an understanding that as they help shape this that they have a responsibility for the financial resources behind it.

Senator CORKER. So we started this no-fly zone to make it a fair fight, and my understanding is we're pulling out our A-10s and our AC-130s now, which basically—again, we started no-fly zone, then it became a no-drive zone, and it appears that we feel like we've now made it a fair fight. If Qadhafi goes into Misurata and starts killing folks—now he's got folks in the back of pickup trucks with machine guns, just like the opposition does—and we are able to watch this on television, what is the—I guess I'm confused as to what our goals are, if we see that happening on the ground, which likely—I mean, it certainly is a possibility now—what is going to be our response?

Mr. STEINBERG. A couple of points, Senator. First, as you know, from the perspective of the administration we had concerns about only a no-fly zone. So from our perspective we never had a no-fly zone that then converted to something else. We worked very hard in the Security Council resolution to broaden that, because our concern was if we only had a no-fly zone that we would encounter precisely the situation that you describe, that we would be taking his planes out of the action but he would be able to mass armor and commit the kind of atrocities that we're afraid of.

So I think we were very pleased that we were able to fashion the Security Council resolution in a way that did have that broad authority so we didn't have some of the dangers that you first—you identified.

Second, we don't define the mission as a fair fight. We define the mission as preventing these massive humanitarian attacks on civilians by Qadhafi, and that is what the focus is. And that is something that continues to be within the mandate of NATO and that is within both the mission that NATO has adopted and the role that the NATO forces that include both allies and others, to actually implement. And the NATO commanders will have a set of rules of engagement and a concept of operations as events unfold, if they see those kinds of events unfolding, within the mandate that they—

Senator CORKER. So we have 700,000 folks in Misurata and now everybody's kind of fighting the same way, out of the back of pickups and Toyotas. So again, I don't see how you do that from the air if he goes into Misurata and starts killing folks, which it seems to be that's where he's headed right now. How do we prevent that with our NATO forces when we do it strictly from the air?

Mr. STEINBERG. I think the mission that we agreed to, that NATO agreed to, and that was authorized by the Security Council resolution is to prevent the kind of massive attacks that we were concerned about in Benghazi. We have—as I say, that's the military mission. But there's the broader mission. We recognize that ultimately the security and safety and the stability of Libya does depend on Qadhafi and his team going, and that's why we have a broader set of tools.

But, as Secretary Gates has said several times over the last few days, we have more than just the hammer in the tool chest. The hammer is one piece of it. It can stop the most egregious attacks, like the air campaign by Qadhafi, like massed armor. It doesn't stop all of it, but there are other tools that we have available and

we believe that the combined application of all of those tools can be successful in the mission.

Senator CORKER. Mr. Chairman, I thank you. I do want to say I thought that the briefing we had yesterday—I thought both Secretaries handled themselves very professionally, and I thought that was an outstanding hearing. And I appreciate the way the administration has tried to build a coalition.

I'm one Senator who has witnessed Afghanistan up close and personal several times and have seen huge mission creep and evolving reasons for our involvement, and I guess I'm just expressing concern about—I don't think anybody has really thought through the end game yet. I'm not saying that maybe we even can at this point, but it is of great concern watching the mission creep that we've had in the past.

But I thank you.

The CHAIRMAN. Thank you, Senator Corker.

Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman.

Secretary Steinberg, thank you for your service. I have really enjoyed working with you and I know that it will continue, and thank you for your public service and wish you well.

Mr. STEINBERG. Thank you.

Senator CARDIN. I think Senator Corker expresses the view of many of us, as does Senator Menendez. We're all very pleased by the way the administration engaged the international community. I think we all want to take action against the type of brutality that Colonel Qadhafi represents and save innocent lives. And the administration was able to work with the international community and we think that's the only way this could have worked. So I applaud you on that.

I also am pleased to see that other nations are stepping forward to take the major leadership role. I think that's extremely important and I agree with what you've done.

I do think that Senator Corker expresses a view of many of us in the Senate and that is whether the mission is clear enough that it won't change the role in which the international community participates in Libya. As you were saying, talking about the rebels, we're getting to learn more about them. A lot of us are concerned as to what happens when Colonel Qadhafi leaves. Do we have a responsible group of people that are prepared to step forward to lead Libya, and what do they look like and who are they, what are their backgrounds, and will it be some retreads of people who were part of the atrocities in Libya? That's some of the issues that I hope we will have more confidence as the coalition moves forward.

Can you share with us some of the requests that you're getting from the representatives of the opposition? There's been reports that they want military supplies, that they want training, they want different things. Can you tell us what some of their requests have been?

Mr. STEINBERG. Senator, I think it's fair to say they've requested almost anything you could imagine that one might want under these circumstances. And we obviously take their requests very seriously. What we're trying to do is evaluate them, not just ourselves, but with our partners, in terms of what makes sense under

the current set of circumstances, what they can use effectively, how that will affect the overall set of circumstances, how we can avoid unintended consequences, particularly if it should come to the issue of military equipment, and making sure that that doesn't go to purposes that we would not be comfortable with.

I think we recognize in these circumstances that, on the one hand, the situation is time-urgent. At the same time, we do want to do this deliberately and not do this in ways that would lead to unintended consequences. That's part of the reason why we have this intensified engagement with the opposition.

As I said earlier, I think we believe very strongly that we have a much better chance of shaping how this group evolves and how the future evolves for Libya if we're part of it and that they see that a decent amount of support from countries in NATO and other countries in the region can lead them to feel that they will have support to pursue a moderate course and not allow this to be hijacked by extremist groups.

But we are certainly engaged with them on the humanitarian side, on the possibility of nonlethal assistance, and there is a discussion as to whether other assistance may make sense.

Senator CARDIN. Well, and I certainly understand those types of requests. But as I think you understand, as you're explaining, that how the international community responds to those requests, particularly with the United States participation, could very well affect the perceived mission here. So I would encourage you to consult closely with us as these issues unfold.

I want to go to a second subject. We all understand that one of the major reasons why international action was needed was to prevent the massive migration of people from Libya to other countries that could have caused major problems for other countries. However, there has been reports by the International Organization for Migration that there already has been a significant amount of migration from Libya to avoid the conflict and avoid the violence.

Do you have any information or could you provide us any information as to the magnitude of individuals who have been displaced as a result of the conflict in Libya?

Mr. STEINBERG. I do have that, Senator. If you wouldn't mind, I'd prefer to provide it more precisely for the record. But I can check my notes here if you'd like me to.

Senator CARDIN. If you provide it for the record, that would be fine.

[EDITOR'S NOTE.—At the time this hearing went to press the requested information had not been provided.]

Senator CARDIN. I would also like to know whether there has been any discussions in the international coalition as to whether there will be assistance provided to other countries in regards to migrations from Libya or whether there's other efforts being made in order to bring in some of the international organizations that deal with refugee issues.

Mr. STEINBERG. As you mentioned, Senator, and you know well from your own work, the IOM and others, the U.N. Commission on Refugees and others, are deeply involved in this, and we've been actively engaged with them. So in addition to our own direct assistance, IOM, HCR and others, have been supportive. They have addi-

tional appeals coming out for their work there. So I think there will be a need for support both directly to the international organizations and to the affected countries, and that's an area that we've been very focused on.

Senator CARDIN. Let me just underscore this. In Iraq those issues were not dealt with for the longest period of time and still have not been satisfactorily dealt with, causing significant burdens in Jordan and Syria and other countries. These issues need to be gotten on immediately rather than sitting there for months or years causing significant problems in stability in the region.

So I would just urge that you make that the very high priority, to engage the international community. We do have organizations that are prepared to help, but they need the leadership, particularly of the coalition now that's been put together.

Mr. STEINBERG. Absolutely. I think your reference to the Iraq situation is a very cogent one, because we obviously have a long-term problem there that we've been struggling to get and to make sure that we do have the resettlement, both internally within Iraq and externally.

Just to give you what I have for right now, approximately 390,000 refugees have left Libya. That includes both Libyans and third country nationals who have left since the conflict began.

Senator CARDIN. So there is a significant impact now.

Mr. STEINBERG. Yes; no question about it.

Senator CARDIN. I think we all need to understand that. We talk about preventing massive migration, which we have as a result of the efforts. But there is still a significant issue today as a result of the problems.

Mr. STEINBERG. Absolutely.

Senator CARDIN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cardin.

Senator Risch.

Senator RISCH. Thank you, Senator Kerry.

Mr. Steinberg, first of all I want to say that I don't want what I'm going to say here to be taken as combative. I really really want to support the administration on this. When we're talking about these matters, we're all Americans and it's important that we pull the wagon together.

But I have some—I've listened to the President. I've listened to Secretary Clinton, Secretary Gates, and yourself talk about the goals that I just have real trouble reconciling. The goals from a political standpoint is regime change, but not a military standpoint. And then the goal of humanitarian protection of citizens is the military objective, but not the political objective.

I just have real trouble. I don't know who came up with this, but for instance, if you leave Qadhafi in power and you don't use your military might as you've already pulled the trigger and done, how in the world can you say that you're going to stop atrocities or protect the civilian population? If he stays in power and this thing collapses, there's going to be a humanitarian catastrophe there that is going to be incredibly large, it would seem to me.

I just don't understand how you can justify these. I've listened carefully and it's articulated that they're different, that these are different goals. But I just can't reconcile it.

Mr. STEINBERG. Senator, I think what we've tried to say is that there are many tools that are available to achieve policy objectives and that we're trying to adapt the right tools for the right job. The reason I've mentioned on several occasions the situation in Kosovo is because I think we demonstrated there that it was possible to have a limited military intervention to stop an imminent and massive humanitarian crisis, which we did through the air campaign in Kosovo, which caused the end of the ethnic cleansing and the withdrawal of Milosevic forces. But the longer campaign to restore democracy and to get rid of Milosevic took longer, but did not depend on military tools, and we were successful.

Similarly here, we believe that it is possible to combine the different tools with a focus on a limited application of force to stop the kind of aggression against civilians that Qadhafi was taking with the broader efforts that include economic sanctions, political pressure, and other tools that we have that will lead to the removal of Qadhafi from power. There's not a guarantee that it will work here, but it has worked in the past.

So I think that's how we've tried to explain the two together. It's not unprecedented and it has been something which has been proved to be successful in other circumstances.

Senator RISCH. Do you really believe that if we withdraw our military might, which apparently we're going to today or tomorrow, whenever it's going to be, and Qadhafi stays in power and the rebels collapse, that there isn't going to be a humanitarian slaughter there that's going to be of an epic nature?

Mr. STEINBERG. Senator, the coalition isn't withdrawing its military power. The United States is moving to a different role, but the NATO mission and mandate stands, and that—

Senator RISCH. They tell me the NATO forces don't have what we have. They don't have the A-10s, which are absolutely critical in this situation, from what I understand. Am I right on that?

Mr. STEINBERG. Senator, I used to serve as a staff member on the Armed Services Committee, so I could pretend to go back to my old expertise. But I'd rather defer to my military colleagues in terms of what's needed. But I do think we believe that NATO has the capacity to carry out this mission, and that was the important consideration. I think SACEUR, Admiral Stavridis, was quite insistent on making sure before he took that on that he felt that he had the tools available to conduct the mission.

Senator RISCH. I hope you're right.

Let's move to another subject, and that is another issue that I have real difficulty with here is who we're helping. People have made reference to it here, but, with all due respect, I just don't feel we've gotten a decent answer on that. I've heard the administration say, well, we're getting to know them better. Well, that's not good enough for me.

If we're going to start killing people on behalf of someone, I want to not get to know them better. I want to know who they are before the trigger is pulled. That's the difficulty I'm having here.

Now, everybody can agree that Qadhafi is a really, really, really, bad guy, and as a result of that I think the temptation is to say, well, the people that are trying to get rid of him must be OK, or

at least OK. I'm not there. I'd like a better understanding of who it is that we're helping here.

I hear about the council. I hear about different—I hear the talk of al-Qaeda being involved. But I haven't heard names. Who is this? What is the group? I want to look at the track record of these people before I decide whether it's a good thing to put American lives at risk or, for that matter, American treasure at risk. Help me out.

Mr. STEINBERG. Senator, the way we see it is we're not intervening on behalf of the Transnational National Council. We're intervening to stop a humanitarian massacre against the Libyan people. We are working with these individuals who are beginning to try to see if they can organize opposition forces, to see if we can move them in a direction so that they are supportive of the kinds of long-term future that we want for Libya.

There are some who criticize——

Senator RISCH. Who are they? Who are they?

Mr. STEINBERG. If I could just, a little bit more.

Senator RISCH. Please.

Mr. STEINBERG. Some have criticized us for not formally recognizing the council. Precisely the reason we haven't is because before we want to move to that step we want to make sure that they are representative, that they are consistently supportive of the values and principles that we believe in. So that's why what we are doing is intervening, not on behalf of them, but for the Libyan people, and looking to see whether this council can become a representative group that can be a good partner for the United States in the Libyan people.

It's a diverse group of people, there's no question about it. We have a fair amount of detail. Some of it you'll understand we'd probably want to share with you in a closed session. But the fact is what we have seen is a group which understands the need to reach out to others, which has been very explicit in its public pronouncements in support of democratic principles and values of tolerance and moderation, have been explicit in rejecting the idea of any support from al-Qaeda or terrorist organizations.

Those are positive steps. We need to encourage those things. We need to continue to make sure that what they do in practice is consistent with those deeds. I think that's the best way to engage with them.

Senator RISCH. Is there a putative leader? Is there somebody that stands up and says "follow me" and people do? Is there a name associated with this?

Mr. STEINBERG. Again, Senator, I don't think this is not a government. This is a group of people who are coming together to try to oppose Qadhafi, just as the democratic forces in Egypt came together. It wasn't a single leader. There were a number of people.

This over time we believe can lead to a process that would lead to a representative government there. But again, the council is an element of the various individuals and forces in Libya trying to come together to form a different future for the people. We haven't blessed them. We haven't said these are the people who are the only people we'll deal with or they are the right people to deal with.

Ultimately they will need to get the validation of their own people to confer legitimacy on them.

Senator RISCH. My time is up and I understand that. I guess you haven't helped me out as to who these people are. I've heard the general description that you've given, but I don't know any more than when I sat down here as to who it is that we have expended our treasure for to protect. Can you help me any more?

Mr. STEINBERG. Senator, as I said, the people we've expended our treasure to help are the young men and women, the children, the mothers, of Benghazi and elsewhere who are under attack. That is the basis of our intervention. It's not an intervention on behalf of this group.

This group may form over time the kernel of a new representative democracy there. We obviously want to understand who they are and what they're doing. As I said, we could go through individuals. Some of it we'd want to do with you in closed session. We can talk about individuals, but I don't think that really is what the purpose of our intervention is. This is not two combatants where we're taking the side of one side or the other. We are intervening on behalf of the Libyan people, who are under attack by their own government.

Senator RISCH. Put me in the column as agreeing that I also want to find out who they are.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Udall.

Senator UDALL. Thank you, Mr. Chairman.

I appreciate Senator Risch's questions because I'm going to also talk along that line in terms of who the rebels are and what support they have and that kind of thing. But let me just at the outset say that I support the President and the international community moving the way it has moved to protect the civilian population.

But I am very worried about this whole idea of mission creep and how we move to the next phase. I mean, is the next phase arming the rebels? Is the next phase doing additional things that take a side in the conflict? So I'll have a question there.

But first of all, just to the arming the rebels. What is the United States doing to determine the level of al-Qaeda influence among the rebel groups and what do we know with respect to that?

Mr. STEINBERG. Senator, we've made that a priority in our engagement with them. We obviously used our own information and sources to try to make our own judgments about that. As Admiral Stavridis and others have said, we don't see significant al-Qaeda presence. There obviously was some elements of al-Qaeda in the past and we have to be attentive to make sure that they don't come back.

We have made it very clear to the individuals that we've been dealing with there that we expect them to be categorical in rejecting support from or engagement with or advocacy on behalf of terrorism, violence, or any of the extremist views that al-Qaeda takes. I put significance on the fact that the Transnational National Council yesterday came out with a categorical statement rejecting any affiliation or involvement with al-Qaeda or extremist organizations.

Now, we obviously have to make sure that's carried out in deed as well as word. But they get the message from us about the importance of that and, as I've said before, I think the more we engage and are seen to support their legitimate aspirations and to work with the progressive and tolerant democratic forces, the better chance that what emerges in the post-Qadhafi era will embody those things.

So we're very attentive to that concern. I think that we see a real possibility of it moving in the direction that we want, and we've certainly made clear to those individuals that we're interacting with in Libya that we will have zero tolerance for the presence of al-Qaeda there.

Senator UDALL. Before we took the international step to create a no-fly zone, was there a significant al-Qaeda presence in Libya?

Mr. STEINBERG. No, sir.

Senator UDALL. No; OK.

Who is the leader or leaders of the rebel groups, and do they assert any effective amount of control over their fighters?

Mr. STEINBERG. I think it's a very diverse group. They have people from different walks of life. There are professionals, there are academics, there are people who have been involved in politics, there are people who had some involvement in the previous regime. There are former military officials.

It's a very diverse group. There are some young people. There are some more senior people. This is a group that has, as we've heard from our discussions today, come together to try to bring as much of a broad-based coordination of the opposition to Qadhafi. But it's a work in progress and it's not a kind of structured organization, it's not a government. I think that they are themselves struggling to have both a sense of political coherence and also military effectiveness.

One of the reasons that we do engage with them is to try to understand better what their strategy is and hopefully to make it possible for them to evolve in a way so that they can be both more effective and also have a more coherent political strategy going forward.

We've been encouraged by what we heard, particularly with the Secretary's interactions with Mr. Jabril, both in Paris 2 weeks ago and in London this past week, that they are beginning to understand the need to organize themselves, to develop a coherent platform going forward. What we've seen in the statements that they issued both on Monday and Tuesday is some evidence that they're beginning to be responsive in that respect. Again, it's a work in progress.

Senator UDALL. I'd like to get you to focus on the U.N. Resolution 1973 and the issue of shipping weapons to rebels. There have been reports that Egypt is shipping weapons to the Libyan rebels. Is this true and is the United States supporting the Egyptians' movement of weapons in any way, including with the use of taxpayer funds?

Mr. STEINBERG. First, certainly not with taxpayer funds. Second, there are a variety of reports out there, but to the best of my knowledge we don't have any confirmed reports of others providing lethal military assistance.

With respect to Resolution 1973, I think our position is very clear, which is that the provisions that authorize the use of all necessary means to civilians makes it possible—that is, it's permissible under the resolution—to do it. But our administration has made no decision to do that.

Senator UDALL. Now, you're making the argument it's permissible. The equally strong argument could be made that it's not authorized in the resolution and so you cannot do so, can it not? I mean, it's absolutely silent. I don't see—can you point me to any language—

Mr. STEINBERG. Yes; paragraph 4, which says—

Senator UDALL. Do you have it in front of you, that you could point me to the language where it says that any of the coalition forces can specifically give arms to the rebels?

Mr. STEINBERG. What it says is “Notwithstanding any provisions of previous resolutions, that members are authorized to use all necessary means to achieve the objective.” “All necessary means”—

Senator UDALL. There's no specific authorization to give support—

Mr. STEINBERG. But “all necessary means” means all necessary means. So it is our clear reading that “all necessary means” means that it is not precluded. The transfer of arms is allowed in international law except where it's prohibited, and this clearly makes clear that it's not prohibited.

Senator UDALL. I see I'm getting close to the end of my time here, so let me just ask one final question here. How many of these rebels are professionals in other fields? You've given some description. How many have died in the fighting? And how many are there actually there fighting in Libya?

Mr. STEINBERG. At that level of precision, Senator, I'd have to ask our colleagues in the intelligence community to give you the briefing on that. I can't give you specific numbers.

Senator UDALL. And you don't have any idea on the numbers in terms of professionals in the field that are—

Mr. STEINBERG. I think the numbers are small, but to be more—to give you an actual number, I'd have to defer to those who are doing the bean-counting for us in the intelligence community.

Senator UDALL. Thank you very much, and thank you for your service. I appreciate it.

Mr. STEINBERG. Thank you.

The CHAIRMAN. Thank you, Senator Udall.

Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman.

Thank you, Secretary. I want to focus the questioning today not on tactics, because this is not a military hearing. I want to just kind of go through some of the goals. I think there will be a debate about tactics and it probably is ongoing.

So let me begin by kind of stating the obvious, based on your testimony. But our primary objective in this endeavor was to prevent an imminent massacre, particularly in Benghazi, correct?

Mr. STEINBERG. Correct.

Senator RUBIO. Had we not acted, would there have been a massacre there?

Mr. STEINBERG. I think, obviously, nothing is certain in life. But Qadhafi had said that was his intention, was to show no pity to his people.

Senator RUBIO. And going forward, I think our goal remains to prevent genocide or massacres to occur in Libya, correct?

Mr. STEINBERG. Correct.

Senator RUBIO. If Qadhafi survives and holds on, what are the chances that we should take him at his own word that he'll actually have no mercy and no pity, I think was the quote, based on his history?

Mr. STEINBERG. Again, Senator, that's why we have made clear that our political objective here is to make sure that Qadhafi goes.

Senator RUBIO. So would you agree with the statement that as long as Qadhafi is in control genocide and massacres is not just a possibility, it's a real probability, at least against his enemies?

Mr. STEINBERG. I would certainly say it's a very substantial risk; yes.

Senator RUBIO. And that's how you reach the conclusion that the ultimate goal—we can debate tactics, but the ultimate goal is for Qadhafi to be gone from Libya?

Mr. STEINBERG. Yes.

Senator RUBIO. OK. Now, talk about Qadhafi for a moment. Some of us, it's important to have this refresher history on him. He has a long history of sponsoring terrorism, right, in a pretty brazen way?

Mr. STEINBERG. No question about it.

Senator RUBIO. In fact, he is—there's reports he's been implicated in things like assassination attempts against and plots against other heads of state?

Mr. STEINBERG. Again, without commenting on some of the specifics, he has certainly been implicated in—

Senator RUBIO. In a lot of things?

Mr. STEINBERG. In a lot of activities.

Senator RUBIO. Was he also—has it also been reported that he had a weapons program, a nuclear weapons program, that he was in the verge of acquiring at some stage, less than a decade ago?

Mr. STEINBERG. There's again no question that he had an active nuclear weapons program. I think one of the great successes of the past decade was the ending of that program. But he was certainly pursuing a nuclear weapons program.

Senator RUBIO. Then as far as this operation is concerned, we, the United States forces in conjunction with an international coalition, has attacked this guy that we've just described, correct? And so he survives, we should expect—if he survives this international action against him, we should expect him to feel emboldened by the fact that he was able to survive it.

Mr. STEINBERG. Well, we haven't—I mean, the mission has not been to attack him. The mission has been to—

Senator RUBIO. His forces.

Mr. STEINBERG [continuing]. To attack those forces which were threatening—

Senator RUBIO. But I'm sure he's taking it personally.

Mr. STEINBERG. I don't suspect he thought it was a friendly act.

Senator RUBIO. And if he survives, not only will he be emboldened, but is it fair to say he's probably going to be a little bit upset? Angry maybe?

Mr. STEINBERG. I think it's hard to know whether he'd be emboldened or not. I think on the one hand he knows that we have taken action against him. But I think whether he's emboldened or not, that's part of the reason—we think the threat is sufficient that we believe it would be important that he go.

Senator RUBIO. The bottom line is that at the end of all this engagement, if he survives we are going to have on our hands a potentially emboldened, definitely angry dictator with a history of sponsoring terrorism and pursuing nuclear weapons on our hands, correct?

Mr. STEINBERG. Well, I wouldn't—on the nuclear weapons thing, I would not—I couldn't make that judgment as to whether he would feel that he was free to do that again. But I do think that we have said that we think that we cannot envision a long-term stable solution for Libya that involves—

Senator RUBIO. I guess that's where I'm trying to arrive at with the question. If he's able to survive and hold onto power, what we're going to have—what the world's going to have on their hands here is a pretty angry, I believe emboldened, guy with a pretty bad track record; and therefore that's why it's important that he not hold on and survive.

Mr. STEINBERG. We share that view, Senator.

Senator RUBIO. My last question has to do with this debate about congressional authority and my recollection that the Senate—and you may want to comment or maybe you know this or don't, and I should. I believe the Senate passed a resolution regarding a no-fly zone on March 1. The Department obviously was aware of that and took that into consideration.

Mr. STEINBERG. Yes.

Senator RUBIO. When the decision was made to join this international coalition, how far were we from this massacre, potential massacre, likely massacre in Benghazi? Hours, I would imagine, not—

Mr. STEINBERG. Hours. I think the judgment we had was hours, not days.

Senator RUBIO. So suffice it to say that some folks probably came to the conclusion that, given the—we're not exactly—I've only been here a few months, but they don't exactly set speed records here in Congress for dealing with things. I would imagine that went into the consideration when the decision was made to act.

Mr. STEINBERG. I think, Senator, as you know, the President brought in the leadership of both bodies. He spoke with the chairman and the ranking member here and others of the key committees, because he recognized that time was of the essence and he was going to need to act quickly, but he did want to reach out to the membership.

Senator RUBIO. The bottom line is that if you had pursued some sort of congressional authorization for the specific move that you made, you wouldn't have had time to act to prevent—or to be a part of this prevention of what happened, what could have happened in Benghazi.

Mr. STEINBERG. I certainly think that the exigency of time was an important factor, correct.

Senator RUBIO. My last question. I think I'm asking it just to echo what Secretary Clinton's already said. I know the position is that you didn't require congressional authorization, but that you would welcome congressional authorization.

Mr. STEINBERG. Yes.

Senator RUBIO. Is that still—I would imagine that's still—

Mr. STEINBERG. Yes, sir, absolutely.

Senator RUBIO. Thank you.

Mr. STEINBERG. Thank you.

The CHAIRMAN. Thanks, Senator Rubio.

I might just mention to you, Senator, that I think that you used words like "survive" and "in control," and I think there's a lot of distance here in between the way this can play out, where there are a lot of options available that don't have him necessarily in control at all and maybe even, like Milosevic, it takes a little bit of time, but eventually he's going to move. I think we need to sort of be thoughtful about what those parameters are.

Senator Durbin.

Senator DURBIN. Thank you very much, Mr. Chairman.

Mr. Steinberg, thank you. I'm sorry that I was tied up in another meeting before I could get here.

Can you clarify? I know it's been raised by the chairman and others. I want to understand exactly what the administration's position is under the War Powers Act at this moment?

Mr. STEINBERG. Our position, Senator, is that the President under these circumstances notified Congress consistent with the War Powers Act and notification was given within 48 hours of the beginning of hostilities. So the President under the circumstances initiated a limited military action, but that he did notify Congress consistent with the provisions of the act.

Senator DURBIN. Under what aspect of the War Powers Act do you believe it was a military action that was permissible?

Mr. STEINBERG. Senator, as I say, he acted consistent with the War Powers Act, but the President also has constitutional authority as Commander in Chief to engage in action, particularly where it's limited in duration, scope, and when the circumstances are exigent.

Senator DURBIN. In the circumstances, of course, to protect the United States or the people of the United States. Is there another aspect of this that you would add to the list?

Mr. STEINBERG. I think in the case where the President decides it is in the interest of the United States in his capacity as Commander in Chief, that he has the authority where the action he contemplates is limited in scope and duration to take those measures he feels is necessary.

Senator DURBIN. And at this point do you believe that the burden has shifted to Congress to move forward if they wish to either consider a resolution of approval or disapproval?

Mr. STEINBERG. I'm not sure I'd put it in terms of shifting burdens, but obviously we would welcome action by Congress to support the actions of the President.

Senator DURBIN. Well, many of us have been engaged in this debate many times.

Mr. STEINBERG. Yes, sir.

Senator DURBIN. And I can't think of a more awesome responsibility that a Member of Congress faces than to consider the authorization of this type of military action, knowing that, even under the best of circumstances, that Americans are risking their lives, if not losing them in the process. So we take it very seriously.

But statements have been made by the administration that suggest that this may be of short duration and that even before Congress could consider, debate, and vote on a matter, that this might be over. What is your estimate?

Mr. STEINBERG. Senator, I think it would be imprudent to try to predict exactly how long this will take. I do think it's very clear that the President is committed to transfer the primary responsibility for this military action to our allies, both within NATO and elsewhere. We've already begun that transition. NATO has taken control; and that we do see ourselves in a support capacity.

I think that that's evidence of his strong intention as to how he sees our role going forward. I think, as you know well and as you say, it's been a long discussion, that Presidents of both parties under exigent circumstances where the intervention and the activity was limited have used that authority. But we very much want to stay in consult with you. As you know, the President reached out to the leadership on March 18 before we felt the need to act, to make sure that there was consultation with Congress, and we look forward to continuing that.

Senator DURBIN. And who's going to pay for it?

Mr. STEINBERG. Again, I think that this is a conversation that we are actively engaged with. Secretary Gates testified this morning about the military dimensions. On the civilian side, up until now we've provided about \$47 million in humanitarian assistance. One of the focuses of our efforts and Secretary Clinton's efforts in London was to strengthen the international coalition supporting not just the military operations, but the civilian operations as well.

Senator DURBIN. That seems to bear some parallel with the situation in Kuwait under President George Herbert Walker Bush.

Mr. STEINBERG. Again, Senator, we would welcome as broad a support for not just the military actions, but support on the financial side as well.

Senator DURBIN. Can you comment on some of the reports in the press, specifically the Los Angeles Times, about the tactics of the rebels, particularly in rounding up and imprisoning certain individuals?

Mr. STEINBERG. Senator, I've read newspaper reports. I personally am unaware of reports to that degree. But what we have said and we've made very clear is that, to the opposition forces, to the Transnational Council, that we hold them to a very high standard in terms of their own commitments to basic human rights and to terrorism of civilians.

The fact that we have intervened on behalf of civilians to prevent atrocities puts a special responsibility on those who are opposing the regime to meet the highest standards.

Senator DURBIN. Have we stopped the export of oil from Libya to other nations?

Mr. STEINBERG. Stopped the export? I'm not sure I can answer that question, other than to say that if there is any ongoing export the funds would be going to blocked accounts.

Senator DURBIN. But you don't know if the oil is still moving?

Mr. STEINBERG. I would guess that it is. I don't know if my colleagues have an answer to that. I'd have to get that for the record. But what I do know is that the regime is not in a position to benefit from the sale of oil.

[The answer supplied for the record to the requested information follows:]

We are not aware of any shipments of hydrocarbons from the territory controlled by the regime since the beginning of Operation Odyssey Dawn. There has been one shipment of crude oil from TNC controlled Tubruq.

Senator DURBIN. Of the funds that we have secured in the United States, over \$30 billion, from the Qadhafi government and regime—is that correct?

Mr. STEINBERG. We have blocked over \$30 billion. Some of it is not resident in the United States, but because of the way the banking system operates we are able to block those funds even though they are not physically located here.

Senator DURBIN. So is it fair to say we have control of those funds—

Mr. STEINBERG. Not fully.

Senator DURBIN [continuing]. Or we've blocked their transfer?

Mr. STEINBERG. We've blocked their transfer, but we do not have full control. Over some of them we do, but not all of them.

Senator DURBIN. So if you look back at previous conflicts in similar circumstances, what ends up happening to funds like that?

Mr. STEINBERG. It's different in different circumstances. But typically they are either part of an adjudication over claims or there are other forms of settlement on the blocked funds.

Senator DURBIN. Have any statements been made by our government as to where those funds might go in the future?

Mr. STEINBERG. What we have said is that, pursuant to the Security Council resolution, those funds are held in trust for a future democratic government of Libya.

Senator DURBIN. I see.

I think that's all I have. Thank you very much, Mr. Chairman.

The CHAIRMAN. If Senator Isakson would permit me, is there any reason that Colonel Qadhafi can't pay for this himself through those funds?

Mr. STEINBERG. Pay for?

The CHAIRMAN. Pay for the costs of this military effort.

Mr. STEINBERG. I'm trying to think whether—I'm not sure that we would at this point sort of recognize his control over those. Part of the reason for blocking them—

The CHAIRMAN. Right. We've taken control of them. Wouldn't we have a legal basis on which to lay a claim for the payment for damages for the cost of his actions?

Mr. STEINBERG. Senator, I think that we're exploring a variety of options in terms of what might be available, and I'd be reluctant at this point to, before we've had a chance to explore all the

options—one of the things that we want to make sure is that we do this in a way that's coordinated with allies, because a lot of other people have substantially blocked funds and we'd want to make sure that whatever we did would not trigger actions by others that we were not fully comfortable with.

So I think it's important to have a consultation with others, but we recognize there's a lot of interests in this and I think it's a dialogue that we would welcome to continue with you and your colleagues as to how to handle this.

The CHAIRMAN. Well, I think we'd like to very squarely put it on the table that we ought to be looking at that hard. I would think our NATO friends and others would be equally interested in it.

Mr. STEINBERG. Again, Senator, I think it's squarely on the table and it's a conversation that we're prepared to engage in a discussion with you and your colleagues about.

The CHAIRMAN. Thank you.

Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman.

Following up on that comment, I would presume our ability to block those funds is through an international banking agreement; is that correct?

Mr. STEINBERG. And through international banking structures and processes.

Senator ISAKSON. I think Senator Kerry and Senator Durbin raised an excellent point, and I think one of the things we ought to be doing is looking at what that authority is and creating the opportunity for those funds to be used to reimburse the liberation of an oppressed people, if the funds are in fact those of Mr. Qadhafi or whoever might succeed him.

A RICO statute, I guess, for bad guys, is what we need. That would be a good thing.

But is there any precedent for that money being used to reimburse a country for its effort in liberating a nation?

Mr. STEINBERG. I'm not an expert in this, Senator. The only one that I'm aware of is that in the case of Iraq some of those funds were made available, and that's the only one that I'm aware of.

Senator ISAKSON. And then, following up on Senator Durbin's question, it is true the Kuwaitis paid for a substantial amount of the cost of the liberation of Kuwait; is that not true? They did so voluntarily.

Mr. STEINBERG. In many other cases, we have had support of others who have helped defray the costs of the operations, yes.

Senator ISAKSON. I'm sorry I was late, and this may have been asked, and I apologize, but I was told earlier today that we have withdrawn our 130s and our A-10s from the conflict. Is that correct?

Mr. STEINBERG. Senator, I'm always very cautious about commenting on specific military operations. I do know we have begun the process of transitioning to a support role, and we certainly do not contemplate going forward that we will be conducting enforcement of the no-fly zone or the targeted strikes on the ground.

But whether that process—where we are in that process and precisely what assets are involved there I'd rather defer to the Secretary and the chairman.

Senator ISAKSON. Well, I think it is true that yesterday or in the last 36 to 48 hours, we have been significantly curtailed from our ability to operate because of sandstorms and weather. Is that not true?

Mr. STEINBERG. I checked this morning before I came over and I was told that the coalition, in any event—I don't know whether that's the United States or just the coalition—has been conducting strikes on the ground.

Senator ISAKSON. Well, my concern is this: we are where we are. What we do now and in the future in the Libyan conflict is going to send a lot of signals to that part of the world. If, in fact, our actions protract the ultimate resolution of the problem by our disengagement or taking our more significant assets out of play, we run the risk of having a protracted stay by Qadhafi in a position he ultimately must go from, because we weren't ever willing to fully commit or to say that regime change was the ultimate goal. I think, in fact, if you read the Arab Union piece, the U.N. piece, and the speeches that leaders have made, everybody realizes Qadhafi's got to go; everybody has expressed this verbally. But then we say we're not for regime change, and if we're dissolving some of our emphasis in that country we're running the risk of protracting what's a terrible human situation in Libya.

I'm not asking you to ratify my opinion, but I'm just telling you that's what I see. I think Secretary Clinton has done an admirable job over the last month and the State Department should be commended on what it's done to get the U.N. resolution and get the players together and get the commitment. But now that we're all of a sudden there and we're at a point where it's going to go one way or another—and it could be bad—we ought to do everything we can to see to it that that does not happen.

Mr. STEINBERG. Senator, the one thing I would say, again without getting outside my lane, is that in the process of transferring the command to NATO, NATO developed the concept of operations, the military plans, based on the judgment of SACEUR, Admiral Stavridis and others, that they had the capacity to carry out the mission.

So it was certainly a factor in their own thinking about what kind of assets they needed, taking into account what countries were prepared to make available.

Senator ISAKSON. Well, I'm going to make a statement that you don't have to respond to, and Chairman Kerry or Senator Lugar can correct me, because my memory gets bad sometimes. But in the 1970s when the Shah of Iran was ousted and he was our "friend" and we brought him to the United States for medical care, we didn't really engage with those that were trying to throw him out, and because of that, a vacuum was created, and the ayatollahs came into power, and we are to this day still dealing with that.

We have the potential of uprisings in other Middle Eastern countries where people are seeking what appears to be democracy or their form of democracy and freedom. What we do or don't do in Libya's going to send a signal to the rest of that part of the world as to how much support there will be for democratization, freedom, and liberation from despots.

So, I remember the hostages in the American Embassy in Tehran. I remember the embarrassment we went through as a country, and I remember the difficulties of that day. And I would hope—my opinion is—our actions now should be actions that would send the signal: we're not going to withdraw or back away from support for people that are seeking freedom, liberty, and justice.

You don't have to comment on that. That's just—

Mr. STEINBERG. I'll actually, if I could, Senator, I would say, since part of my early service in government was working on exactly that problem in the Carter administration and the problem of Iran, I think, without commenting specifically on what transpired during the revolution there, I think your broader point is one that we share, which is that there is an opportunity here—and I know there has been a lot of discussion this afternoon about who the Transnational Council is and who these people are. But we feel very strongly that by engaging and working and trying to support the progressive, the freedom and democracy-supporting elements of Libyan society, that we have a chance to shape that, which will not only have a positive impact on Libya, but beyond, and will have an impact on the transitions in Tunisia and Egypt.

So I do think that we do see the reason for being involved here, not just on the military side, but on the political side, and engagement with the opposition forces is a chance to be on the right side of history here and to help shape it in a direction that's in the interest of both the people of Libya and the United States.

Senator ISAKSON. Well, on a closing note, let me just congratulate you on your service to the country and the State Department and wish you the very best in your new adventure.

Mr. STEINBERG. Thank you very much, Senator.

The CHAIRMAN. Thank you, Senator Isakson.

Senator SHAHEEN.

Senator SHAHEEN. Thank you, Mr. Chairman.

Let me also apologize for missing most of the hearing this afternoon. I was actually downstairs listening to Secretary Gates and Admiral Mullen.

Mr. STEINBERG. I'll be interested if you could tell me what they had to say.

Senator SHAHEEN. Well, I was going to actually start with one question, because one of the things that I asked is whether we have military commitments from any other Arab countries besides the UAE and Qatar to participate in the mission? And Secretary Gates indicated that we don't at this time.

As I was watching the lead up to passing the resolution in the U.N. and the actual decision by the allies to put in place the no-fly zone, I think one of the really important steps along that way was having the Arab League pass their resolution asking for a no-fly zone.

So I guess my question is, having heard Secretary Gates' answer, are there diplomatic discussions under way with any other Arab countries about participation in this effort and do we expect to see additional support from them as this goes forward?

Mr. STEINBERG. Senator, I think we are having conversations with a number of countries and we're certainly urging the broadest possible Arab participation in this. There are a variety of ways that

they can participate. Obviously, one important way is actually in military operations and in air operations. But some countries have already provided overflight and other kinds of support. What we made clear is that we expect that all the countries in the Arab League, having taken that stand, provide some form of support, whether it's financial or in kind or military, and those conversations very much continue.

Senator SHAHEEN. Have we gotten commitments from any countries other than Qatar and the UAE?

Mr. STEINBERG. Senator, as you understand, for the reasons that Secretary Gates probably didn't say specifically in his testimony, we're obviously in conversation and it's probably in terms of getting a positive outcome that we do this in confidence now. But we could perhaps say more in closed session.

Senator SHAHEEN. Are we also talking to the African Union and what role have they played?

Mr. STEINBERG. I think the positive side of the African Union is that they have made very clear the necessity of support for a democratic transition. The various statements of the African Union, including at their special summit last Friday, they gave a very strong statement, which was not as explicit as the contact group in saying Qadhafi must go, but the clear message was that a democratic, inclusive transition had to take place. That I think was a very important message.

There's no question that it's a complicated picture in the African Union. Many countries have received financial support from Qadhafi. There are mixed views there. We've had some very powerful statements, most impressively from Paul Kagame of Rwanda, whom many of you have read his op-ed here, which is very poignant given his own country's history, but also from President Khama in Botswana and others who understand the importance of responding here.

Other African countries have a more complicated relationship. I think that we're not likely to see them having a military role, but we do want to see them make clear that they are not going to be tolerant of continued repression by Qadhafi, and we continue to work very closely with the AU on that.

Senator SHAHEEN. I happened to be in London last week with some other Senators and we had the opportunity to meet with Foreign Secretary Hague, and one of the things that he was quite hopeful about was the meeting that happened in London this week. I wonder if you could talk about whether you feel like that meeting was successful, what the goals of that meeting were, and what we hope will happen now as the result of that meeting?

Mr. STEINBERG. I think there were two broad important outcomes of the meeting, because there were two separate groups that met. They were overlapping groups, obviously, but one was the group of the troop-contributing or force—I shouldn't say "troop," but force-contributing nations, which helped pave the way for this transition that's now taken place to NATO control, but also to make sure that others who, although not formally part of the North Atlantic Council, could be associated with this and feel some ownership. I think that was an important step in terms of strengthening the military dimension of the coalition.

But equally important was the establishment of this contact group. It was chaired in London by the U.K. and Qatar. They will now be—or the meeting was there. The formal contact group was established. The next meeting will be held in Qatar, chaired by Qatar, and we envision rotating co-chairs. It was a very broad-based group of countries, some of which are part of the military effort, but others who go beyond that, who are providing humanitarian assistance, political assistance, elsewhere.

There was a very strong statement by Secretary Hague on behalf of the contact group in terms of the political objectives that you've all been discussing today, including a clear message that although the military is focused on ending the humanitarian catastrophe, that we have a broader political objective here, which is democratic transition.

I think that the fact that there were important participants from the Arab League there as well is a strong signal that this is not just an effort by the United States or NATO. There were others, like Jordan for example, which participated in the contact group. So it is sending a powerful signal of an engagement by others and a strong commitment to keep this broader effort together beyond the military strikes themselves.

Senator SHAHEEN. Do we have any intelligence—I mean that in the loose sense of the term—tell us whether the other countries in the Middle East who are witnessing demonstrations right now are paying attention to what's happening with the allied coalition with respect to Libya? Is it having any kind of effect in Syria, for example, in Yemen, in others, in Egypt? I mean, the places where they've also experienced an uprising.

Mr. STEINBERG. I think it's always perilous to assert a direct linkage. You can only sort of watch what's happening. But I think if you look at countries where we have seen problems with the reaction against peaceful demonstrations, that I do think there is some sense that people recognize that there are costs and risks associated with this.

I think in our engagement with our friends in Bahrain and elsewhere I think it's helpful for them to see that we do respond when there is unjustified violence against civilians. I hope the message is clear to President Assad. I think tomorrow will be a very important day in light of the speech that he gave and the failure to address many of the legitimate aspirations of the Syrian people.

Senator SHAHEEN. Thank you. My time is up.

Mr. STEINBERG. Thank you.

The CHAIRMAN. Thank you very much, Senator Shaheen.

Thank you very much, Mr. Secretary. I'd just say in closing, unless Senator Lugar has additional questions, that in my meetings with Mahmoud Jabra I had a sense of clarity and seriousness of purpose and certainly even a gravitas about what their responsibilities are and the direction they're moving in.

So I think the more we can give them—I think that's the wrong word. The more they can give themselves shape and form in the next days and the more we can perhaps open up an opportunity for people to feel who they really are, I think that would help people's understanding of where we're going here.

Mr. STEINBERG. I think, Senator, if I could just say in closing, that we have encouraged representatives to come here, as you've said. I think it's important that there be more engagement. I think we haven't mentioned it, but I think it's also Ambassador Aujawi, who is here, Ambassador Shagam in New York. There are a number of important voices that we're hearing, and we encourage them to engage both with the American public and with you, and we obviously encourage you to engage with them.

I understand the sense of frustration of not fully knowing them, but it is a work in progress, and we can shape this by our own positive engagement.

The CHAIRMAN. I couldn't agree with you more.

Thank you very much. I think it was very helpful today. We appreciate it, and we stand adjourned.

[Whereupon, at 3:57 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF DEPUTY SECRETARY JAMES STEINBERG TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

Question. During your testimony, you indicated that the administration interprets U.N. Security Council Resolution 1973 to create authority for states to provide arms to the Libyan opposition, notwithstanding the prohibition on the supply, sale, or transfer of arms to Libya provided for in U.N. Security Council Resolution 1970.

- Please explain the basis for this interpretation.

Answer. Paragraph 9 of UNSCR 1970 imposed an arms embargo against Libya. Paragraph 4 of UNSCR 1973, however, authorizes Member States to "take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in" Libya. The phrase, "all necessary measures" is very broad language, including but not limited to the authorization of the use of force. By explicitly providing a "notwithstanding" provision in relation to the arms embargo, paragraph 4 confirms that the arms embargo is subordinate to the authorization to use all necessary measures to protect civilians.

- Under the administration's interpretation, are states also free to provide arms to the Qaddafi regime for the purpose of allowing it to protect civilians in populated areas it controls from potential attacks by the Libyan opposition?

Answer. This is a regime with a brutal track record of attacks against its own civilian population. It is not credible to suggest that the provision of arms to the Qaddafi regime would serve the purpose of protecting civilians or civilian-populated areas under threat of attack in Libya.

- What considerations will the administration weigh in deciding whether to provide arms to the Libyan opposition?

Answer. The United States is not providing lethal equipment to the Libyan opposition or the Libyan Transitional National Council. We are assessing and reviewing options for the types of assistance we could provide to the Libyan people, and are consulting directly with the opposition and our international partners about these matters. As part of any decision to provide nonlethal or other assistance to the opposition, we would consider whether it will meet a specific need of the Libyan people, be used for its intended purpose and to what extent there is the risk of diversion to, and misuse by, unintended recipients. Through our envoy in Benghazi, we continue to engage the Libyan Transitional National Council (TNC) to assess their needs and better understand their composition, organization, and goals.

- What assurance does the administration have that any arms provided to the Libyan opposition will be used exclusively for the purpose of protecting civilians from attack or threat of attack, and not for other purposes, including the conduct of offensive military operations or the sale or transfer of the arms to third parties?

Answer. The United States has not provided lethal equipment to the Libyan opposition or the TNC. We have emphasized to the TNC the need to use any assistance provided to it in a manner that respects the human rights of all people and to prevent diversions of any equipment we provide from opposition forces to other actors. In addition, we would consider the risk posed by misuse of any equipment provided when determining what assistance to provide.

Question. The administration voted in favor of U.N. Security Council Resolution 1970, which refers the situation in Libya since February 15, 2011, to the Prosecutor of the International Criminal Court for the investigation and possible prosecution of crimes within the ICC's jurisdiction.

- In the event that the ICC referral proves an obstacle to persuading Qaddafi to relinquish power, what options would the administration have for seeking termination or suspension of the referral?
- Would the administration be prepared to support a negotiated settlement of the situation in Libya under which Qaddafi would leave power and be guaranteed safe passage to a country that is not obligated to cooperate with the ICC?

Answer. The President has made clear that any political solution in Libya must include the departure of Qadhafi from power to ensure that the Libyan people have the freedom to determine their own political future. Turkey and the African Union, among others, have put forward proposals to resolve the crisis and we continue to discuss these and other potential solutions with our allies and partners, including U.N. Envoy al-Khatib. The United Nations Security Council referred the situation in Libya since February 15 to the Prosecutor of the International Criminal Court (ICC), who is currently reviewing the matter, and at this point the administration has made no determination that it would be necessary to support termination or suspension of the ICC proceedings as part of an effort to ensure that Qaddafi relinquishes power.

Question. Administration officials have repeatedly cited the "limited duration" of U.S. military operations in Libya in arguing that congressional authorization was not needed prior to the initiation of hostilities the operations. What is the administration's envisioned end date for U.S. military operations in Libya?

Answer. "Duration" is only one element of the analysis of whether prior congressional authorization was required for initiation of the Libya operations. Specifically, the Department of Justice's Office of Legal Counsel concluded that, given the limited nature, scope, and duration of the anticipated military operations, as well as the national interests at stake, those operations did not constitute a "war" in the constitutional sense requiring prior congressional authorization, and it fell within the President's lawful authority to deploy U.S. forces.

The United States has already shifted to a supporting role in what is now a NATO operation. The precise end point for this limited mission will depend in good measure on how facts continue to develop, making it premature to state a definitive date at this time.

Question. How long does the administration believe military operations in Libya may proceed before congressional authorization will be required in order for them to continue?

Answer. The answer to this question is dependent on how the operation develops over time and thus cannot be answered in the abstract; the duration of our activities is not determinative. The nature and scope of the operation also affects the analysis. Regardless of whether congressional authorization is required, this administration welcomes a dialogue on our policy in Libya and will continue to consult with Members of Congress in order to obtain their views regarding the mission.

Question. Administration officials have indicated that any oil sales by the Qadhafi regime would result in funds landing in blocked accounts.

- Please provide information on oil shipments from Libya since the beginning of Operation Odyssey Dawn, including their origin and the quantities involved

Answer. We are not aware of any shipments of hydrocarbons from the territory controlled by the regime since the beginning of Operation Odyssey Dawn. There has been one shipment of crude oil from TNC controlled Tubruq with an approximate volume of 1 million barrels. Qatar arranged for the final disposition of this shipment in early April.

Question. If the opposition forces were to export oil, are mechanisms available for them to receive funds via nonblocked accounts? Is there any international supervision in place to ensure those funds are not misappropriated?

Answer. We support the resumption of oil and gas sales by the Transitional National Council. We are currently seeking views from Members of Congress, international partners, and allies on appropriate mechanisms for pursuing this consistent with applicable legal constraints, and taking into account the need to ensure the funds are used as intended.

Question. There has been discussion of using blocked Libyan assets to reimburse the U.S. Treasury for the costs incurred by the U.S. Government in Libya.

- Does the administration believe it has the legal authority to use blocked assets for such purposes?
- Does the administration have a view as to the advisability of using these funds for such purposes?

Answer. The administration has been considering various approaches for vesting, including possible uses of any assets. Consistent with United Nations Security Council Resolution 1973, we believe that, if assets were to be vested, they should be used for the benefit of the Libyan people. We would welcome an opportunity to consult with Members of Congress about what uses that might encompass.

RESPONSES OF DEPUTY SECRETARY JAMES STEINBERG TO QUESTIONS
SUBMITTED BY SENATOR MIKE LEE

I want to begin by expressing my support and appreciation for the men and women of the United States armed services who, on a daily basis, are willing to fight for the security of our Nation.

Any time that we ask our military to be prepared to make the ultimate sacrifice—as is inherently the case when military action occurs—we must show that it is for a very good reason. When the security of the United States, our people, or our allies is threatened, I will give my complete support to military missions to ensure our safety and their success.

Over the last few weeks, I have failed to see a link between what occurred in Libya and any direct threat to the security of the United States. In addition, I have serious concerns about the methodology—and lack of constitutional or legal authority—the administration employed in regards to our military actions in Libya.

I understand that Senator Lugar has called for further hearings in this committee on Libya. I strongly support such hearings.

Question. On March 19, President Obama ordered U.S. military forces to strike Libyan military targets to enforce a no-fly zone and other provisions of U.N. Security Council Resolution 1973. Under what constitutional authority did President Obama act?

- a. Does the administration believe it is acting legally under the War Powers Resolution? If so, please explain.

Answer. To the extent your question concerns the President's constitutional authority to deploy U.S. Armed Forces to Libya, I refer you to the April 1, 2011, opinion issued by the Department of Justice's Office of Legal Counsel (OLC). As concerns the War Powers Resolution (WPR), while the administration has stated that U.S. military operations in Libya are consistent with the WPR, the President also made clear in his letter to Congress dated May 20, 2011, that it has always been his view that "it is better to take military action, even in limited actions such as this, with congressional engagement, consultation, and support." S. Res. 194, the bipartisan resolution on United States military operations in Libya introduced by Senators McCain, Kerry, Lieberman, Levin, Feinstein, Graham, and Chambliss, fully captures the importance of congressional consultations by asking for an additional report to Congress about U.S. policy objectives in Libya and regular consultations on progress toward meeting them. Moreover, this resolution would present the wider world with a formal, unified position of the U.S. Government, help us continue to enlist the support of other countries in maintaining and expanding the coalition, and strengthen our ability to shape the course of events in Libya. As Members of Congress consider the resolution, the administration will continue to consult closely with them on any ongoing military operations.

- b. Is the administration using, or does it plan to use, the Authorization for use of Military Force Against Terrorists (enacted September 18, 2001) as justification for military action in Libya?

Answer. The legal framework for our military actions in Libya is discussed in the OLC opinion of April 1 and in the President's letter of May 20, both as discussed above, and I refer you to those documents for an explanation of our justification.

Question. Despite the subsequent debate and disagreement over the United States military role in Afghanistan and Iraq, President Bush sought and received resolutions from Congress to proceed in both instances. Please outline the steps the administration took to consult Congress before intervening militarily in Libya.

Answer. The Department of State defers to the Department of Defense for the answer to this question.

Question. Given that pro Qaddafi forces are currently beating the rebels (who appear to be disorganized and poorly equipped), is the United States going to provide arms to the Libyan rebels?

- If so, what, if any, training will be involved before handing over such arms?
- If not, will the President consult with Congress before arming rebel forces?

Answer. The United States is assessing and reviewing options for the types of assistance we could provide to the Libyan people, and have consulted directly with the opposition and our international partners about these matters.

We have seen the media reports indicating that others may be providing arms to the opposition. Resolutions 1970 and 1973, read together, neither specify nor preclude this, but we have not yet made a decision to provide arms to the opposition.

Question. Reports indicate that the Libyan rebels include some level of al-Qaeda presence. What efforts is the administration taking to ascertain the level of al-Qaeda influence within the Libyan rebels organization, and how will that affect our decision to support them?

Answer. There is certainly the potential that extremist groups could try to take advantage of the situation, and we are being very careful with whom we deal. On the other hand, the dangers of Qadhafi returning to terrorism and destabilizing the region also exist. Our challenge is to help the Libyan people navigate this transition in a way that preserves our strategic interest in preventing the spread of extremism. Continued dialogue with the members of the opposition is a key step toward this goal.

Members of our Embassy in Tripoli, now back in Washington, know a number of the Transitional National Council (TNC) members well—including Chairman Mustafa Abdel Jalil and Co-Coordinator for Foreign Affairs Mahmoud Jibril—having interacted with them when they were members of the Libyan Government. Ambassador Cretz and others at the State Department consult regularly with TNC representatives. In addition, our envoy to the Council arrived in Benghazi on April 5 and has had several productive meetings with high-level members of the Council, including Chairman Abdel Jalil.

In these engagements, TNC members have stressed that the opposition represents a secular, national, and popular movement. They have also emphasized the transitional nature of the Council, which would focus on a democratic transition for Libya in any post-Qadhafi future. During the last week of March, the TNC issued a statement laying out its vision for an inclusive, democratic Libya, as well as a statement unequivocally rejecting terrorism and extremist influences.

Question. In the context of other Middle Eastern countries such as Iran, Yemen, and Syria, is Libya the greatest threat to the security of the United States in that region? Is Libya a greater threat to the security of United States than North Korea?

Answer. Faced with peaceful demonstrations calling for political reforms, the Qadhafi regime answered with brutal, deadly force. Qadhafi promised “no mercy” to any who opposed him and threatened to hunt people down from “house to house.” The regime employed snipers, tanks, and rockets against civilians and civilian populated areas and, prior to the intervention of the United States and its partners, was marching on the city of Benghazi to continue the violence. Left unchecked, we have every reason to believe that Qadhafi would have committed atrocities against Libyan civilians there, leading to a humanitarian crisis and thousands of civilian deaths. His actions could have destabilized the entire region, endangering many of our allies and partners and especially threatening the fragile transitions to democracy occurring in Tunisia and Egypt.

As part of a broad international coalition, and under the mandate of a United Nations Security Council resolution, the United States had a window of opportunity to take immediate action to neutralize this imminent threat. We initially employed our unique capabilities to establish a no-fly zone and protect civilians, and have since transitioned leadership of the operation and responsibility for combat sorties to NATO. Our engagement in Libya has not diminished any other ongoing strategic security efforts across the world, including working to prevent Iran from obtaining nuclear weapons, to verifiably denuclearize North Korea in a peaceful manner, to

neutralize al-Qaeda, and to terminate Syria's support for regional extremists, among others.

Question. What is the end state (or the ultimate military goal) of U.S. military action in Libya? What is the extent of our military involvement in Libya now that the no-fly zone has been established? Is it possible to complete our military mission in Libya with Qaddafi still in power?

Answer. The goal of the United States military operations in Libya is to enforce, in coordination with NATO and our other international partners, the mandate of UNSCR 1973 to protect civilians and civilian populated areas. During the initial stages of military action in Libya, the United States employed its unique capabilities to help establish a no-fly zone, stop the advance of regime forces and prevent a massacre in Benghazi. Since then, we have transitioned leadership of the operation and responsibility for combat sorties to NATO.

We firmly believe that a free Libya is in the best interest of the Libyan people and do not see that as an outcome with Qadhafi in power. While regime change is not one of our military objectives, we believe that Qadhafi must give up power. We continue to pursue a number of nonmilitary measures, including sanctions, that we believe will maintain pressure on him to do so, and will seek to hold him accountable for his actions.

