

ASSESSING THE SITUATION IN LIBYA

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS

UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

—————
MAY 12, 2011
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Printed for the use of the Committee on Foreign Relations



Available via the World Wide Web: <http://www.gpo.gov/fdsys/>

U.S. GOVERNMENT PRINTING OFFICE

76-698 PDF

WASHINGTON : 2012

For sale by the Superintendent of Documents, U.S. Government Printing Office
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ASSESSING THE SITUATION IN LIBYA

THURSDAY, MAY 12, 2011

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

The committee met, pursuant to notice, at 9:20 a.m., in room SD-419, Dirksen Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Menendez, Cardin, Casey, Lugar, Corker, Rubio, and Lee.

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

The CHAIRMAN. The hearing will come to order.

Thank you for coming this morning.

We are under the gun on both sides of the aisle here. Senator Lugar has to go down to the White House for a meeting of the Republicans with the President, and I have to go down there for a separate meeting. So we are going to be a little bit compressed.

If the hearing continues beyond the bewitching hour for both of us, then Senator Shaheen will chair, but it may well be that we can get where we need to go if we kind of move along here and compress everything.

This is the fourth hearing that we have had on the question of Libya since the popular uprising began in February. We are delighted to welcome Secretary Steinberg back. He appeared last year on March 31 when we kind of, we thought, had congratulated him for becoming the Dean of the Maxwell School at Syracuse University and sent him off into the sunset. But we need to proceed forward here with Secretary Burns' nomination, which we are going to try and do as fast as we can. We now have the papers and the minute we can, we will get that hearing done, and I am sure we will do it expeditiously.

The situation in Libya, while it appears sort of significantly stalemated, I think is different from the way it appears, to be honest with you. Yesterday we had the privilege of meeting with Mahmoud Jibril. I had previously met with him in Cairo and invited him to come here and meet with colleagues, and he had a good meeting yesterday with a lot of colleagues in the Senate. And I think everybody came away impressed by the seriousness of purpose, the articulate presentation of an agenda, and the commitment to democracy and to values and principles that I think our country could willingly and happily support.

In the last hours, some progress has occurred on the ground, which is encouraging: the taking of the airport outside of Misrata and the liberating of Misrata and the airport, some actions in Tripoli itself. And I think Minister Jibril was, in fact, quite encouraging about his sense of what the possibilities are in the days ahead. We never know. Obviously there is tension in the stalemate near Brega, Jibaya, and central Libya.

But I am convinced that because of the actions taken by NATO and by the GCC, by the Arab League, and the opposition themselves, I believe that the Libyan people have been given a fighting chance for a better future, and I think catastrophe was averted in Benghazi. Unlike Iraq or Afghanistan, we have been able to achieve what has been achieved with broad international support, in fact, with other NATO members really carrying the brunt of the load. I think there can be no denying that had the international community not taken action against Qadhafi, I think the situation in Libya would be far worse today. But also I think the message across the Arab world, across North Africa and into the Middle East, would have been significantly damaging to the aspirations of the Arab Spring and to other interests that we have.

I think the progress that the Transitional National Council has made has actually been quite remarkable. In a short 3 months, they have organized themselves. They have articulated a roadmap forward. Given the vision of a post-Qadhafi Libya that is democratic and inclusive, they have begun to develop institutions that can provide basic services for their people. They are thinking about how to deal with humanitarian aid and dislocation and challenges. And while some institutions are obviously going to have to be rebuilt from scratch over a period of time, I think we are in a position to provide technical and financial assistance, and I applaud the initiative announced last week by Secretary Clinton and her efforts with the Contact Group in Rome where they decided it was important to provide the Council Vice Authority with access to financial sources.

We are working here in the Senate to construct and then pass the enabling legislation that will make it possible for Qadhafi's money to support the efforts of the Libyan people, which is what it should do in the first place.

So, Secretary Steinberg, we are delighted to have you here today and thanks for taking the time to come in.

Senator Lugar.

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

Senator LUGAR. Thank you, Mr. Chairman, for holding this important hearing, and I join you in welcoming back Deputy Secretary Steinberg.

The committee sought a witness from the Defense Department to join Secretary Steinberg at this hearing. The administration chose not to provide such a witness. This is an inexplicable decision given administration pledges to fully consult with Congress and the central role the United States military has played in the Libyan operation. I am hopeful that Defense Department witnesses will be provided at subsequent hearings on Libya when requested.

Since our last Libya hearing more than a month ago, fighting between opposition forces and troops loyal to Muammar Qadhafi has continued unabated. The United States is participating in the coalition of nations under NATO leadership that is opposing the Qadhafi regime with military force. Among other steps, the Obama administration has initiated the process of providing at least \$25 million in nonlethal assistance to the Libyan opposition and it has dedicated Predator drones to Libyan airspace.

One can envision fortunate scenarios under which the fighting might come to an end, but a quick resolution of the war is not likely. Accordingly, under the War Powers Act, Congress could render a judgment on whether to continue U.S. participation in the war. At this stage, congressional leaders have not committed to a debate, and it is uncertain whether majorities could be assembled for any particular resolution.

The President should have come to Congress seeking authority to wage war in Libya, and I believe that Congress and the American people would still benefit from a debate on this matter.

Irrespective of any debate, however, the Congress and the American people should have answers to some very basic questions that the President has not addressed sufficiently.

First, can other NATO nations fulfill the primary combat mission in Libya over an indefinite period, and how will the administration respond if allies request greater military involvement by the United States?

Second, what scenarios or emergencies would cause the United States to reescalate its military involvement in Libya, and would the administration seek a congressional authorization if it expands its military role?

Third, what are the administration's plans for aiding the Libyan opposition economically and militarily, and do we have confidence in the people to whom we are providing assistance?

Fourth, what are civilian and military operations related to Libya costing the United States, and how much is the administration prepared to spend over time?

Fifth, in the aftermath of the current civil war, what responsibility will the United States assume for reconstructing the country? There are many other questions that require an answer, but this set illustrates the degree to which the United States goals, resources, and strategies related to Libya remain open-ended and undefined.

In addition, Libya operations have not been adequately placed in a broader strategic context. Given all that is at stake in Pakistan, Afghanistan, Iran, Saudi Arabia, Egypt, Syria, Yemen, and elsewhere in the Islamic world, a rational strategic assessment would never devote sizable military, diplomatic, economic, and alliance resources to a civil war in Libya. When measured against other regional problems, Libya appears as a military conflict in which we have let events determine our involvement, instead of our vital interests. It is an expensive diversion that leaves the United States and our European allies with fewer assets to respond to other contingencies in the region.

I look forward to our discussion of the situation in Libya and related administration policies and actions.

And I thank you, Mr. Chairman.

The CHAIRMAN. Thanks a lot, Senator Lugar. Appreciate it.

Secretary Steinberg, you know the routine here. If you want to summarize, your full testimony will be placed in the record, and we look forward to hearing you.

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

Mr. STEINBERG. Thank you, Mr. Chairman. Thank you, Senator Lugar. It is a pleasure, as always, to be back.

And I will summarize my remarks and just hit on a few of the key points that I would like to raise with the committee.

Since my last appearance before you, we have, I think, made real progress in assembling a remarkable international coalition of European and Arab partners.

On the military side, following the adoption of U.N. Security Council Resolution 1973, we have undertaken a clear but limited mission to protect the Libyan people. The United States offered our unique military capabilities early on and then turned over full command and control responsibility to a NATO-led coalition. Of the over 6,000 sorties flown in Libya, three-quarters have been flown by non-U.S. coalition partners. All 20 ships enforcing the arms embargo are European or Canadian, and the overwhelming majority of strike sorties are now being flown by our European allies.

But the international community's efforts are not simply military. We continue to work with our partners to pursue three tracks on the political and economic front: pressuring and isolating Qadhafi, supporting the Libyan people in determining their own future, and delivering humanitarian aid.

On the first, we are working to escalate the pressure, deepen Qadhafi's isolation, and convince those around him that Libya's future lies elsewhere. The international community is increasingly united around a shared insistence that Qadhafi must go. Indeed, in last week's Contact Group meeting, the conclusions pointedly noted that in the words of the Contact Group, "Qadhafi, his family and his regime have lost all legitimacy. They must go so that the Libyan people can determine their own future." This coalition that have called on Qadhafi to go includes countries like Turkey that in the past have had close ties to the regime. Nations are joining us in expelling Qadhafi's diplomats and refusing visits from Qadhafi's envoys unless they are defecting or coming to discuss his departure.

The clear message to Qadhafi and those around him is that there is no going back to the way things were. Through the U.N. Security Council, they now face a no-fly zone, an arms embargo, asset freezes, and travel bans. Libya's National Oil Corporation and central bank are blacklisted. The United States and other countries are also taking further unilateral steps to tighten the squeeze on regime officials and regime-affiliated banks, businesses, and satellite networks. This week the ICC's prosecutor announced that he intends to apply for arrest warrants for three senior officials in Qadhafi's regime who, in his words, "bear the greatest criminal responsibility for crimes against humanity."

These measures are having an effect. We have deprived the regime of funds and assets that could be used to support attacks against the Libyan people. Libya used to export 1.3 million barrels of oil per day, and that has now stopped, and the regime is having difficulty accessing refined petroleum. There are some indications that the regime can no longer afford to pay its supporters to attend rallies and demonstrations.

Second, we are supporting legitimate democratic aspirations of the Libyan people. The last time I testified before you, you all raised many questions about the makeup and intentions of the Libyan opposition. Our envoy in Benghazi, Chris Stevens, has now been on the ground for several weeks and meets regularly with a wide range of Libyan opposition members. Secretary Clinton herself has met three times with Libyan opposition leaders and urged others to do the same. And as you noted, Senator Kerry, Mahmoud Jibril, who is a senior member of the TNC, has been in Washington consulting with Congress and will be meeting with us as well.

We have continued to stress the importance of the TNC distancing itself from extremists who could seek to hijack the popular movement, and we have been pleased by the clear view of the TNC leadership that you yourselves heard rejecting extremism and calling for tolerant democracy. We welcome the TNC's roadmap to convene a national assembly and draft a constitution for post-Qadhafi Libya, and we have been encouraged by efforts on the TNC to strength their organization on the civilian and military side.

As we have gotten to know the Libyan opposition, we have stepped up our support. As we notified Congress, we are providing up to \$25 million for the provision of nonlethal items to the TNC, including medical supplies, boots, tents, rations, and personal protective gear.

The Treasury Department has published new rules to remove sanctions on oil sales that will benefit the TNC, and the Libya Contact Group has created a new mechanism to provide transparent financial assistance to the opposition, to which Kuwait has already donated \$180 million.

And as Secretary Clinton said in Rome, and as you mentioned, Mr. Chairman, we also look forward to working with you to begin a targeted unfreezing of Libyan Government assets to meet pressing humanitarian needs.

Third, we are providing more than \$53 million in humanitarian assistance and continue to look for additional ways to support humanitarian operations. The international community as a whole has already contributed, committed \$245 million.

Mr. Chairman, I understand the desire for quick and decisive results, and of course, we in the administration share that goal. However, I think it is important to recall how much has been accomplished in less than 2 months in preventing a humanitarian catastrophe, in rallying a remarkable political and military coalition, in mobilizing pressure on the Qadhafi regime, and working with emerging democratic forces in Libya.

History teaches us that patience and persistence can pay off. We have already seen the international pressure change the calculation of some of Qadhafi's advisers. It is impossible to predict which single step will tip the balance. We recognize that the way forward

is not easy, and so we are using as many tools and levers as we can to bring about our ultimate objective: the end of Qadhafi's rule and a new beginning for a peaceful, democratic Libya.

In all this, we recognize and appreciate the critical role that Congress plays. Even before the President directed U.S. forces to participate in coalition operations, he and his senior advisers reached out to leading Members of the Congress, including this committee, and those consultations have continued both informally and in appearances before Congress, including my own.

By April 5, the United States had successfully set the stage and transferred to our allies and partners the lead for enforcing the no-fly zone and protecting civilians on the ground pursuant to the U.N. Security Council resolution. As this operation has moved forward, our role has evolved to primarily a supporting one, especially as our allied partners have taken the lead.

As we come closer to the second month of operations, we are actively reviewing our role going forward. Throughout, the President has been mindful of the provisions of the War Powers resolution and has acted in a manner consistent with it. He will continue to do so, and we look forward to continuing to consult with Congress on our role in the coming days and we welcome your support.

May I just add one final point in closing? Senator Lugar, you raise many important questions, but I especially want to touch on the last, which is our strategic stakes in this effort.

In addition to the very compelling humanitarian crisis that we faced, as I mentioned the last time we appeared, this operation—Senator Kerry has said as well—has implications not just for Libya, for the broader region. Qadhafi's efforts to repress and attack his own people could have enormous consequences for the transitions in Tunisia and Egypt which are incredibly important to the United States and to our long-term interests. And they send a signal to the rest of the world that we are able to work especially when called upon by the Arab countries in the region to take steps to try to protect the populations there and to make sure these kinds of efforts will not succeed.

So I think as important as the stakes directly in Libya are, even more broadly, they do have profound consequences for the United States, which fully justifies the role that we have taken in this case.

Thank you all, and I look forward to your questions.
[The prepared statement of Mr. Steinberg follows:]

PREPARED STATEMENT OF DEPUTY SECRETARY OF STATE JAMES B. STEINBERG

I thank the Chairman and Senator Lugar for inviting me today. I appreciate this chance to update the committee on our efforts and answer your questions.

During my last appearance, I reviewed for the committee the developments that led up to the international community's engagement in Libya. Colonel Qadhafi met the peaceful protests of his own people with violence. When the U.N. Security Council, the Arab League, and the United States all demanded that atrocities must end, Qadhafi responded with a promise to show "no mercy and no pity."

We quickly reached two important conclusions. First, we would not stand by as Qadhafi brutalized his own people. Second, Qadhafi had lost the legitimacy to lead, and he had to go to allow the Libyan people to reclaim their own future.

And so we assembled an international coalition of European and Arab allies with a clear, limited mission to enforce U.N. Security Council Resolutions 1970 and 1973 and protect the Libyan people. We offered our unique military capabilities early on and then turned over full command and control responsibility to a NATO-led coali-

tion. Three-quarters of the over 6,000 sorties flown in Libya have now been by non-U.S. coalition partners, a share that has increased. All 20 ships enforcing the arms embargo are European or Canadian. And the overwhelming majority of strike sorties are now being flown by our European allies. We are proud of our continuing contribution and grateful as our allies increasingly carry the burden.

As the coalition continues to carry out its best efforts to protect Libya's civilian population, we continue to pursue three tracks on the political and economic front: pressuring and isolating Qadhafi; supporting the Libyan people in determining their own future; and delivering humanitarian aid.

First, we are working to escalate the pressure, deepen Qadhafi's isolation and convince those around him that Libya's future lies elsewhere.

The international community is increasingly united around a shared insistence that Qadhafi must go. Last week's Contact Group—with the participation of 22 nations and representatives from the U.N., Arab League, NATO, EU, OIC and GCC—issued its most forceful statement yet, including that “Qadhafi, his family and his regime have lost all legitimacy. They must go so that the Libyan people can determine their own future.” Turkey, once an important partner to Qadhafi's Libya, has now joined the chorus of nations demanding that he leave immediately. The British, Italians, and French are expelling Qadhafi's diplomats, as we did in March. And we are urging other nations to refuse their visits unless Qadhafi's envoys are either defecting or coming to discuss his departure.

We are taking a wide range of steps to send a clear, forceful message to Qadhafi and those around him that there is no going back to the way things were. They now face a no-fly zone, an arms embargo, asset freezes, and travel bans. Libya's National Oil Corporation and central bank are blacklisted. The United States and other countries are also taking further unilateral steps to tighten the squeeze on regime officials and regime-affiliated banks, businesses, and satellite networks. This week, the Prosecutor of the International Criminal Court announced that he intends to apply for arrest warrants for three senior officials in Qadhafi's regime “who bear the greatest criminal responsibility for crimes against humanity.”

These measures are having an effect. We have deprived the regime of funds and assets that could be used to support attacks against the Libyan people. Libya used to export 1.3 million barrels of oil per day. That has stopped, and the regime is having difficulty accessing refined petroleum. There are some indications that the regime can no longer afford to pay supporters to attend rallies and demonstrations. The longer international sanctions stay in place, the more the pressure will mount.

Second, we are supporting the legitimate aspirations of the Libyan people, who deserve a successful transition to democracy just as much as their neighbors in Egypt and Tunisia.

Last time I testified, there were a great many questions about the makeup and intentions of the Libyan opposition. Our envoy, Chris Stevens, has been in Benghazi for several weeks now and has held meetings with a wide range of Libyan opposition members, including but not limited to the Transitional National Council (TNC). Secretary Clinton has met three times with Libyan opposition leaders and urged others to do the same. Several of you met with TNC leader Mahmoud Jibiri, including Chairman Kerry, yesterday. I will host him and his delegation at the State Department on Friday and he will meet National Security Adviser Tom Donilon at the White House Friday afternoon as well. Though it will be important to ensure that words are matched by actions, we have been encouraged by the TNC's public statements on democracy, treatment of prisoners, human rights and terrorism. We have continued to stress the importance of the TNC distancing itself from extremists who could seek to hijack the popular movement, and we have been pleased by the clear view of the TNC leadership rejecting extremism and calling for tolerant democracy.

As we have gotten to know the Libyan opposition, we have stepped up our political, financial, and nonlethal military support. As we notified Congress, we are providing up to \$25 million for the provision of nonlethal items to the TNC. The carefully chosen list includes medical supplies, boots, tents, rations, and personal protective gear. The first shipment, 10,000 MREs, arrived on Tuesday.

The TNC has also requested urgent financial assistance. The Treasury Department has published new rules to remove sanctions on oil sales that will benefit the TNC. In Rome, the Libya Contact Group created a Temporary Financial Mechanism to provide transparent financial assistance to the opposition. Kuwait has already committed to contribute \$180 million.

As Secretary Clinton said in Rome, we hope to work quickly with Congress to begin unfreezing Libyan Government assets to meet pressing humanitarian needs. On Wednesday, we continued our consultations with Congress and shared our proposal. The bill authorizes the President to vest Libyan Government property within

the jurisdiction of the United States and use it for costs related to humanitarian relief to and for the benefit of the Libyan people. We see this legislation as addressing unique circumstances in Libya for limited, humanitarian purposes. This money belongs to the Libyan people, and it should serve the Libyan people.

Third, protecting civilians remains at the core of our mission. We are engaged in robust humanitarian efforts to help those in need inside Libya and those who have fled the violence. Our government is providing more than \$53 million in humanitarian assistance, which helps to evacuate and repatriate third-country nationals, care for refugees on Libya's borders and deliver food and medicine. The international community has already contributed, committed, or pledged \$245 million. We continue to look for additional ways to support humanitarian operations in response to the Libyan crisis.

Unfortunately, the Qadhafi regime has tried to block the delivery of desperately needed humanitarian assistance. The brave people of Misrata have withstood a month-long siege as well as repeated incursions, assaults, and atrocities. Qadhafi has blocked water, gas, and electricity. And this week, his regime laid antiship mines in Misrata's harbor in a failed attempt to block humanitarian aid and medical evacuations. What has happened in Misrata is an outrage. Despite Qadhafi's best efforts, we have now established a safe route for assistance to reach Misrata and its people.

We salute the determination and resilience of the Libyan people in and around Misrata. We are inspired by the way they have stepped forward to protect and care for their neighbors who managed to escape from areas under attack. We are also proud that NGOs we fund have provided much-needed medical personnel and supplies to these cities, despite Qadhafi's attacks.

Qadhafi knows what he needs to do. The violence must end and the threats must stop. His troops must withdraw from the cities they have entered. Humanitarian goods must be allowed to move freely and vital services must be restored. Qadhafi must go to allow the people of Libya to chart their own future.

Our approach is one that has succeeded before. In Kosovo, we built an international coalition around a narrow civilian protection mission. Even after Milosevic withdrew his forces and the bombing stopped, the political and economic pressure continued. Within 2 years, Milosevic was thrown out of office and turned over to The Hague.

I understand the desire for quick results, and of course I share it. But history teaches us that patience and persistence can pay off. We have already seen international pressure change the calculations of some of Qadhafi's closest advisers, who have defected. It is impossible to predict which step will tip the balance.

The way forward is not easy. It will take sustained effort. And it will take continued close consultation with Congress.

We know what needs to happen. And so we are using as many tools and levers as we can to bring about our ultimate objective: the end of Qadhafi's rule and a new beginning for a peaceful, democratic Libya.

The CHAIRMAN. Well, thanks very much, Mr. Secretary. I appreciate the testimony.

Let me ask you, can you speak to sort of how effective you think the sanctions and the international diplomatic pressure right now is and whether there are signs of fissures or additional defections potentially within the Qadhafi circle?

Mr. STEINBERG. Well, Senator, I think it is always difficult in these circumstances to know, especially given the closed nature of the Qadhafi regime, but we do see real signs that in terms of the ability to conduct business as usual, particularly the lifeblood of the regime, the oil sales and financial transactions, that we have been very successful in mobilizing the international community. We see no signs of oil exports from the Libyan regime itself, although we are working with the TNC to see whether they can do this. Their access to the financial system has been badly damaged, and so we do see signs that this is creating real pressure there. It all goes hand in hand with trying to bring together the political, the economic, and the military together to make the regime recognize

that there are direct consequences and that we have sustainable power here.

The CHAIRMAN. What impact do you think the International Criminal Court arrest warrants might have, if any, in calculations?

Mr. STEINBERG. I think as we said from the beginning that it is essential that both Colonel Qadhafi and all those around him understand that there are consequences for what they are doing and that they will be held accountable, and that the individuals who are making the decisions and supporting Qadhafi need to know that as they continue to undertake operations which violate humanitarian law, that they will have consequences for this. I think it dramatically increases the pressure on the individuals in the regime.

And I think the important experience that we had in the context of Kosovo is, as I mentioned in my last testimony, I think is a real indication, not just for those who are indicted, but for others around them, that this can make them understand that they face clearer choices and that the longer they hang on, the greater risk to themselves.

The CHAIRMAN. I think it is important, as we go down this road, to remember that after we intervened in the Balkans and bombed quite significantly Serbia, Milosevic was there for another year, a whole year, and ultimately left not because we drove them out but because the people did at the ballot box fundamentally. There is not going to be a ballot box here.

But from what I understand from a number of sources in conversations I had recently abroad, the pressures are building on Qadhafi. The calculations are beginning to shift among some of his folks who are aware that the opposition is getting more organized, the opposition is getting more support, the opposition is gaining on the ground. And so I think we are sort of back closer—not yet at the same point, but closer to where we were in the initial week or so when this swept the whole country.

The indications I have are that is broadly within the population, even people within the areas of Qadhafi control, they do not want him to stay and that there is a very broad-based Libyan people opposition to his presence.

Can you speak to sort of what insights you and the Secretary and the others get in your conversations with our allies and how you may be viewing the end game here, the longer run?

Mr. STEINBERG. Well, I think again we have to be careful in speculating, obviously. We see some signs that there may be some interest of people around Qadhafi to find a way out, but these are the kinds of things that until it actually happens, you do not want to bank on them. That is why we have to keep the pressure on.

I think the most significant feature is the quite strong consensus in the international community to not look for half-measures, not to look for ways to let him stay or try to begin to cut back on our basic demands for what needs to happen. This most recent, the third Contact Group meeting was a real affirmation of the fact that there is a complete consensus in the international community that there is no future here that involves Qadhafi in power or as part of the solution. And I think that that is similar to what happened in the Balkans, a recognition that this may not happen today or

tomorrow but there is simply no long-term future for Qadhafi. And I think more than anything else that that is what helped shaped the environment and makes it clear to others who may want to be part of a future that they have to find an alternative. And I think that is what we are driving home.

As I mentioned, I think that the efforts by countries like Turkey, which in the past had been more equivocal about this, closing their mission in Tripoli, making stronger statements about this, continues their drum beat that has to be having an impact among the regime about the fact that there is no kind of halfway option that they might be able to hold on here and kind of negotiate their way out of it.

The CHAIRMAN. The final question for me. We are nearing the 60-day mark with respect to the operation's start. Can you just speak to the type of operations we are engaged in and how the administration views the authority for U.S. military participation in Operation Unified Protector at this point?

Mr. STEINBERG. Well, in terms of the specifics, as you will understand, Mr. Chairman, I would prefer my colleagues on the military side to speak to that.

But I think we can say that as we have said from the beginning, that the very substantial majority of the operations are being conducted by the coalition partners, that we have reduced our role to primarily a supporting role, and in cases where we have some unique assets that we made available. Mindful of the passage of time, including the end of the 2-month period, we are in the process of reviewing our role, and we will and the President will be making decisions going forward in terms of what he sees is appropriate for us to do, as I say, with his commitment to act consistently with the War Powers resolution.

The CHAIRMAN. Thank you very much, Mr. Secretary.

I am going to be leaving momentarily for the meeting I have to go to, but Senator Lugar will continue and I think Senator Shaheen will be here at some point.

Senator Lugar.

Senator LUGAR [presiding]. Thank you very much, Mr. Chairman.

As I mentioned, Secretary Steinberg, in my opening statement, the President did not seek authorization from Congress to use military force in Libya prior to the beginning of our military's involvement there. And while there have been constitutional debates in our country about the authority of the President and the War Powers Act ever since the act was passed, there has not been much discussion regarding the War Powers Act and the authority the President may have specifically with regard to using our military assets to intervene in the Libyan civil war.

But leaving that aside, there has also not been really a search for precisely what the President of the United States ought to be seeking authority for in this particular situation. Now, in fairness, the President, in response to questions that I raised directly to him on two occasions, said that the United States would not be placing boots on the ground. He has indicated that this is clearly a humanitarian operation in which we will work with our NATO allies. We will be behind them. We will push them forward both through our

actions and through our rhetoric, the latter of which has consisted of very clear statements that Qadhafi must go and that there is clearly an end game here, although one does not know the time-frame in which this may occur.

I am disturbed not only by our ongoing involvement in Libya itself, but also that it will very likely set a precedent that could be drawn upon by President Obama or a future President in the case of a situation in which there is a perceived need to use military force in other countries. Now, in the case of the Balkans a while back, we did attempt to help our European allies because they said the nature of the force required there was too much for them to execute on their own. But during that time, we were not in a situation analogous to the Arab Spring in which several authoritarian regimes were simultaneously combating internal dissent in an especially brutal fashion. And so it seems to me that this is clearly a time in which the proper authority ought to be sought by the President. There ought to be a proper debate in the Congress.

And before you even get to that, we are now in a situation in which we are taking authority to reach into Libyan resources. The rationale is that these are resources that were commandeered by Colonel Qadhafi in one form or another, and therefore they should be taken from him and used in a humanitarian way for the Libyan people. This seems to me, once again, to be a very big reach. Now, granted, Senator Kerry has indicated that he has been working with the administration on enabling legislation for this. So we may, therefore, have a congressional debate on that authority.

But even then, granted the dislike we have for Qadhafi or various other people, reaching in and taking those resources and then distributing them in an uncertain way, unless the United States is going to take special precautions to closely monitor the disbursement of this assistance—a task we are finding to be very difficult to do in Pakistan, for example, with much greater cooperation—seems to me to be a stretch.

And I raise this and I am grateful for this hearing because we are moving rapidly in a situation in which we have not declared war. The War Powers Act has not been observed. We have no particular authority for any of this aside from the President's assertion that we needed to save lives.

We have already launched missiles into Libya at considerable expense. The meter is still running on our expenditures of our defense budget without much accounting for how much can be attributed to Libya or how far we plan to go in this operation, not to mention any responsibility we plan to take for rehabilitation efforts after hostilities cease.

What is your own judgment as to what the administration is likely to do with regard to war powers or with regard to reaching into the coffers of Qadhafi? What sort of authorities do you believe are there or are required under these circumstances?

Mr. STEINBERG. Well, thank you, Senator.

On the issue of getting access to the Libyan assets, we do want congressional authorization. We do believe that under these circumstances we are not seeking to do this under any existing authorities, but rather, we think because this is a unique case and that these assets were frozen pursuant to a U.N. Security Council

resolution, which complemented our own domestic law that allowed us to freeze these assets, we thought it was important to work with you to craft this to precisely address the questions that you raise in terms of the purpose, which we think should be limited to the humanitarian purpose, in terms of oversight and making sure that those things do serve that purpose. And in our discussions with you and the chairman and others, we want to make sure that we craft that legislation in a way that does address the issues that you have raised.

We think this is a narrow set of authorities that we would like to be able to have to deal with the circumstance. But we do think under these circumstances that given the humanitarian needs of the Libyan people, that it is appropriate that these things that are largely derived from their own resources should be able to be put in a controlled way to their benefit. But again, we look forward to working with the Congress to establish that authority and the terms under which it would be used.

With respect to the war powers, as I said, the President has been committed from the beginning to act consistent with the War Powers resolution. We have provided a notification to Congress, consistent with the War Powers resolution, at the outset of the operations. And as we continue to move forward, the President is committed to do that as well. And as I said, we will be looking at our own role and our activities as we move through the next period of time, and again, we will do this in consultation with you as we look to what we think we can and cannot do. We will be engaged in close consultation with Congress on this issue.

Senator LUGAR. Well, this is a debate we may have. I just raise the question of authorities not just with regard to Libya, but generally as to our ability to, in a civil war, begin to allocate resources of one party or another in a situation where we have not declared war and really have not declared our intentions. I think this is a very serious set of questions that lie before us.

Finally, I would just comment that certain allies are already indicating that there are limits to the extent of their involvement in NATO operations in Libya. Their Parliaments already are blowing the whistle on how many months they can participate. Perhaps your response will be, well, after all, there are a lot of NATO nations, and therefore some will remain willing to commit their military forces.

But what is the limit in terms of contributions from our NATO allies, given that they have been constricting their defense budgets for a long time, much to our regret? And finally, where are we left as they depart the scene, even though we keep shoving them forward and indicating that we are not the leader?

Mr. STEINBERG. Well, Senator, I do think that what has been remarkable is the persistence and the commitment of the NATO allies and the others who are participating. We have not seen any flagging of commitment. I think that we are mindful that we need to sustain this to make sure that humanitarian objectives are achieved, but I think that we do not want to set any kind of artificial deadline on this to sort of somehow allow the regime to wait us out. But I think there is clear determination. There will be important meetings coming up in NATO in early June, I believe is

the next ministerials. And so that is an opportunity to look at the resources and the way forward.

Senator LUGAR. Thank you very much.

Senator Cardin.

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

Secretary Steinberg, it is always nice to have you before our committee. Thank you very much for your service.

Obviously, the situation in Libya is fluid. It changes. And one of the areas that has me greatly concerned deals with the issues concerning migrants. In fact, the principal reason for international intervention in Libya is to provide safety for the people in the country. The numbers that I have is that the number of migrants exiting Libya as of the beginning of this month was in excess of 700,000, and over one-third were foreign nationals.

I bring that up because reports from those fleeing Libya entering Italy—there have been reports that there have been hundreds lost at sea by boats that have capsized leaving Tripoli.

My question to you, I think, is twofold as it relates to the migrants. If this conflict becomes protracted, the number of migrants will increase and will cause increasing problems in the surrounding countries. We know that they have migrated to Tunisia, Egypt, Niger, Algeria, Chad, and Sudan. Is there a strategy within the international coalition to first deal with the safety of those fleeing Libya, and second, having a game plan, depending in part by the length of this conflict insofar as time, as to what we are going to do with the migrants? We do not want to create another circumstance similar to what happened in Iraq where we have had permanent issues that are going to be difficult to deal with because of the number of displaced individuals and migrants. So do we have a game plan as it relates to the migrant population?

Mr. STEINBERG. Thank you, Senator. Obviously, this is an important issue and clearly was one of the main reasons for our initial engagement, both to deal with the humanitarian situation in Libya, but also the prospect of it destabilizing the neighboring countries.

I had a chance to review some of these issues with the experts in the Department yesterday on this, and I am going to give you some ballpark numbers from my memory, but if you will allow me for the record, I can make sure I get it exactly accurate.

Senator CARDIN. Sure.

Mr. STEINBERG. I think first that actually the response of the United States and the international community to the problem of migrants, both displaced Libyans and third-country nationals who were driven out of the country, has really been remarkable. If you look at the situation both in Tunisia and Egypt today compared to where it was several weeks ago, the numbers are down. There are relatively small numbers in camps. Through the generosity of people, especially in Tunisia, a number of people are living with families in Tunisia supporting that effort. And so we do not have the hundreds of thousands in desperate circumstances that we saw in the early days. There has been especially, I think, a very effective international effort to help move the third-country nationals back to their homes.

So that is one aspect of the problem. It is not completely over. People do continue to leave the country, but we have, I think, in terms of both a game plan and a strategy to try to reduce the pressure on the borders and on Tunisia and Egypt, that we have had some real successes. We are not being complacent about it, but I do think there has been some success there.

The second is clearly to the extent that we are successful in protecting Benghazi and its surrounding area, that we are able to create a more stable situation in Misrata and elsewhere, that also reduces the pressure on people to leave and the impending fear of disaster that would force increased numbers. So the humanitarian intervention here has a very significant prospect for dealing with that forward.

But ultimately, as you mentioned as in the case of Iraq, the long-term success depends on a political change in Libya that will create an environment for those who have been fearful of being able to stay and have left to come back. And that is among the reasons why we are so committed to this political change and why we do not believe that some kind of compromise or half-measures with Qadhafi will be a solution to this problem, either in terms of a sustainable democracy in Libya or bringing an end to this humanitarian and migration problem.

So it is something we have attached great importance to, we have devoted significant resources to, and I do think we have a game, but at heart, that game plan is a part of the broader strategy for bringing about political change in Libya.

Senator CARDIN. I think you are absolutely right. I guess my main point on this is that, look, we all want to see a regime change and stability in the country as quickly as possible. But it seems to me that the international community needs to have a game plan as it relates to the migrants. Yes, if this matter is resolved quickly within a matter of weeks, it is one set of circumstances as it relates to displaced individuals, but if this becomes a conflict that goes on for a longer period of time, there needs to be a different strategy as it relates to the migrant population.

I am pleased to see that foreign nationals have been able to get back to their host countries and that there are accommodations for those who have left out of fear who hope one day to return to Libya.

I would ask that you investigate the released reports about those fleeing Tripoli by small boats and their safety as to whether there is a need for international attention toward their safety. There have been reports that there have been those lost at sea. If you could look into that, I would appreciate it.

Mr. STEINBERG. Absolutely.

Senator CARDIN. And one last point, if I might, and that deals with the war crimes issues. There have been some reports that the International Criminal Court is active in this area looking at war crimes committed by officials in Libya. Can you either update us as to what is happening as it relates to potential war crimes and what the United States is doing in order to pursue those types of accountabilities for those responsible for mass murders and other actions within Libya?

Mr. STEINBERG. Yes, Senator. This past week the ICC prosecutor announced that he does intend to apply for arrest warrants for three senior officials in Qadhafi's regime. So this process is going forward and we are supporting these efforts in terms of collecting information as in others. And we do think this is an important part of both the pressure and the accountability that can have an impact not just on Qadhafi himself but those around him in terms of forcing the choices that we would like to see made sooner rather than later.

Senator CARDIN. Of course, we believe that Colonel Qadhafi should be a target of this investigation. But I would very much urge the United States to be actively engaged in pursuing these issues. I think it is important to the international community.

Mr. STEINBERG. We share that too, Senator.

Senator CARDIN. Thank you, Mr. Chairman.

Senator LUGAR. Thank you, Senator Cardin.

Senator Corker.

Senator CORKER. Thank you, Mr. Chairman.

Thank you for your service. I respect the work you do and appreciate your coming up here.

I will tell you, you know, you use the word "consultation," but there really is not any consultation. It is a nice word to use. I know we have written a letter asking about the assets that we have engaged militarily and have gotten a stiff arm now for several weeks. I know that today we asked for somebody from the military to be here and you declined. And I think someone asked you earlier what assets we did have engaged, and you said you defer to the military.

So I would like to ask why, in the name of consultation, the administration has been so remiss in letting us know actually what we are doing as it relates to our military assets and engagements in Libya.

Mr. STEINBERG. Senator, there are obviously a number of forums in which there are opportunities to explore these issues, and I think we need to explore how we can best get the information to you that you need.

Senator CORKER. Well, you know, I have written a letter several weeks ago and again I have gotten a stiff arm from the administration. Name the forum and I will be there. I am not busy after 1 o'clock today, and I will be around on Monday. So could you arrange to set that up and let us know exactly what is happening?

Mr. STEINBERG. I commit to get back to you on what we can do.

Senator CORKER. I do not understand. I really do not. People are concerned about mission creep. And I do not understand. I mean, it is not as if there is some huge rift happening here. I do hope you will get back, and I hope the Secretary and the Secretary of Defense will get back very quickly and just let us know.

I mean, this use of the word "consultation" is bogus, and people like myself who have cooperated with you in many ways candidly are getting a little impatient with the fact that basically you are waiting until this conflict is mostly over possibly to even let us know what is happening. I do not consider that consultation, nor do I consider that something that creates good will, nor do I consider that something that is going to cause us to be able to work

well together in the future. So I do hope you will get back very, very quickly. You know how to reach me.

Let me ask you this. What have we told the rebels, if you will?

And by the way, one of their leaders was in yesterday, and for what it is worth, publicly I will state, a pretty impressive guy. I was impressed with what he said and the things that he talked about were happening on the ground.

As a matter of fact, he mentioned that the fact that we have not come in in a more forceful way has allowed them over time to be in a state of unification, meaning in the beginning they were not, that because they have had to do this themselves, they have become far more unified than they would have been otherwise. I wonder if you might speak to that for a moment.

Mr. STEINBERG. Well, thank you, Senator. I think we are all pleased that Mr. Jibril had a chance to meet with you all and has a chance to really engage because understanding—and it was very clear from the last time I was up here—the importance that you all attach understandably to understanding what this movement is and who these people are.

And I do think it is a challenge. This is putting together under very difficult circumstances an effective set of operating procedures and institutions to meet both the civilian and the military requirements that they are facing is a challenge. It is a very disparate group of people, but they are motivated, I think, by a common set of objectives.

And we have seen over time the strengthening of their cooperation in their institutions. We have learned just in the last day or so that they expect to announce a new Defense Minister to help organize their military activities. We have seen on the civilian side a strengthening of the financial structures and the way in which they are coordinating their efforts.

There is a much more substantial international presence now in Benghazi that is interacting with them, sharing expertise, and trying to help them strengthen that capacity. And so while they started from a difficult set of challenges and a low base, I do think in the course of what has been less than 2 months' time, that there has been a really tremendous set of achievements. We need to help them do that. We can provide advice and counsel.

But what is important, as you said, is that this is homegrown. This is indigenous. It is not being opposed by the outside. These are people there. And I also think it is important that the leadership in eastern Libya is reaching out to other tribes and other actors from other parts of Libya too. They have made this commitment to an inclusive process so that it is not just the self-appointed group. And I do think given all the difficulties they face, we should be impressed and appreciative of what they have done, and I know they value the advice that they are getting from you and others.

Senator CORKER. So that leads me to the next question. What is it that we are telling them—what are you telling them—that we are going to do in regards to support, should they be successful? I think their time horizon for when they think Qadhafi is out of there is maybe shorter than it really is. Who knows whether they are right or not? But what is it that you are telling them we as a country are going to do to support their efforts post-Qadhafi?

Mr. STEINBERG. Well, I think if there is one especially hopeful point in the future here it is that this is a country with great natural resources and potentially great access not only to the existing resources that have been blocked by us and so many others, but also an ongoing set of resources. So one would hope, going forward, that significant aspects of what will be a financial challenge can be generated by the Libyan people themselves.

I think the place where we can be most helpful generally is providing advice and guidance and counsel in terms of how to build the democratic structures. We have a lot of experience with that in other contexts. We have also worked with others.

There have been some remarkable conferences in recent weeks with leaders from Central and Eastern Europe sharing their experiences in the post-Communist period to the leadership of the TNC. I know the Polish Foreign Minister, for example, has been working on that and people from civil society in Central and Eastern Europe. I think that is the place where the outside world is going to have the greatest to offer, working with our NGO's, as well as our Government and other partners, to help build the structures for a civil society.

Senator CORKER. So you see it as one of advice. You do not see us engaged in the kind of nation-building, state-building that is occurring in Afghanistan in any way. You do not see us doing any of that. They will have their own resources. We will provide advice and they will take it and run. That is what you see happening.

Mr. STEINBERG. I do not want to say, Senator, that there are targeted places in which reasonably modest amounts of assistance would support that technical advice. But I do believe that our approach here is that there is a capacity within Libya to take this on and we want to support that.

Senator CORKER. Let me just close. I know my time is up. We have a hearing on Afghanistan next week. Secretary Clinton has declined to come. There are no administration witnesses. Again, I think most of the folks on this panel realize that partisanship stops at our shoreline. We have all worked together to do a lot of good things together. I will say to you right now you all are not exhibiting the kind of relationship that we have had in the past, and to me you are seeding the germination, if you will, of some really bad will by the way you are handling this conflict and your lack of transparency that this administration has been built upon. I hope that will change very quickly.

Mr. STEINBERG. Senator, I know the Secretary is deeply committed to this, as you know. She takes especially seriously her relations with the Congress, given her own background. And she, I think, works very hard both in formal and informal settings to be in touch with you to have both individual conversations and with the committee as a whole. But I will take back your concerns.

Senator CORKER. She has been off the air for a while.

Mr. STEINBERG. She has been, as you know, traveling also and working very hard on these issues. But I know she takes this seriously, and I will take back your concerns.

Senator LUGAR. Thank you, Senator Corker.

Senator Menendez.

Senator MENENDEZ. Thank you.

Mr. Secretary, yesterday I met with Mr. Jibril and he indicated that once a new government is formed, it would be willing to cooperate with the United States on a new investigation into the Pan Am 103 bombing. Given the additional information that would be available from a compliant Libyan partner, is the administration open to a new investigation into the Pan Am bombing and would it commence legal action on U.S. soil against all persons responsible for planning, authorizing, or carrying out that attack?

Mr. STEINBERG. Well, Senator, I think like you we have been very struck by this attitude that the TNC leadership has had and a recognition that going forward, that part of a long-term relationship with the United States and the international community would be increased transparency about the past and really living up to those international principles.

On the specific question, obviously, this is an issue for the Justice Department in terms of how they would proceed there, but I would be happy to forward your concerns.

Senator MENENDEZ. But you all interface with the Justice Department in the context of what our future relationship is going to be with a future Libyan Government and recommendations.

Mr. STEINBERG. Right. We certainly welcome the offer that he made. We think it would be important in terms of long-term relations between the United States and a democratic government in Libya that they be supportive and cooperative. The only thing I cannot specifically speak to is whether we would open a new criminal investigation.

Senator MENENDEZ. Has the State Department raised this question with Mr. Jibril and the TNC?

Mr. STEINBERG. In general terms, yes. And I will be meeting with him myself and will have an opportunity to discuss this as well.

Senator MENENDEZ. Well, I hope you would get him to verify to you what he said to me.

Mr. STEINBERG. I would look forward to that.

Senator MENENDEZ. Second, to your knowledge, have members of the TNC and Mr. Moussa Koussa been interviewed by the Department of Justice, the FBI, or the State Department about their knowledge, planning, and authorization of the Pan Am 103 bombing?

Mr. STEINBERG. Senator, as I told you the last time we talked about this, we have made clear to the British authorities that we believe it is important for us to have appropriate access there. Because this is an ongoing criminal investigation, in terms of the specifics, I have to defer to the Justice Department in terms of what is taking place.

Senator MENENDEZ. Has the State Department raised, outside of the Justice Department, questions of that nature with Mr. Moussa Koussa? Have you had access to Mr. Moussa Koussa yet?

Mr. STEINBERG. I do not know that the State Department has had access. I would have to check, but I do not believe so.

Senator MENENDEZ. Would you get back to me and let me know?

Mr. STEINBERG. Yes, I can get back to you, but I do not believe the State Department—

Senator MENENDEZ. Would the State Department condition a recognition of a future Libyan Government on a commitment to a

new investigation, cooperation on Pan Am 103 and access to Mr. al-Megrahi?

Mr. STEINBERG. Again, Senator, it is something I think we should raise with the TNC in terms of what they are prepared to do and make clear the importance that we attach to that.

Senator MENENDEZ. I hear you but I do not understand what the State Department is going to recommend to the President of the United States, along with the NSC, as to the position we should take with the TNC and under what conditions. It seems to me that it is perfectly reasonable to expect that Americans whose families were killed at the orders of Mr. Qadhafi should be able to derive from a new Libyan Government a commitment to democracy, human rights, and the rule of law, as a condition precedent extract that as a commitment.

Mr. STEINBERG. I guess what I would say, Senator, is that I think we share the importance that you attach to it.

I think what has been important and what you heard is the first best case is for them to offer to do this without our making it a condition rather than looking like somehow this is being imposed on them, for them to willingly assume that. So I would encourage them and we would hope that they would do that. And I think that is what we would hope is that what Mr. Jibril told you would be what they did. And rather than because we imposed the commitment, it is because they understood, in terms of their own democratic development—

Senator MENENDEZ. I appreciate their, at least on this point, willingness to suggest they would be helpful and cooperative. With Mr. Qadhafi, we created conditions precedent. Right? He had to renounce terrorism. He had to get rid of his weapons. Those were conditions. I see no reason why the United States Government cannot insist, in the process of pursuing a relationship with the TNC, that they be committed to what, in essence, is the fulfillment of the rule of law and justice.

So this Senator and my colleagues, Senator Lautenberg, Senator Schumer, Senator Gillibrand, who have all shown interest on this, will be very concerned about what the State Department does in that regard.

Thank you.

Mr. STEINBERG. Thank you, Senator.

Senator LUGAR. Thank you, Senator Menendez.

Thank you especially, Secretary Steinberg, for accommodating all of the schedules of Senators who have the meetings at the White House that we all seem to have very shortly.

Mr. STEINBERG. Well, I am glad to see that Senators are being called down to the White House in the spirit of consultation that we think is so important.

Senator LUGAR. Excellent. We will do our best.

Thank you very much, sir.

Mr. STEINBERG. Thank you, sir.

[Whereupon, at 10:15 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF DEPUTY SECRETARY OF STATE JAMES B. STEINBERG TO QUESTIONS
SUBMITTED BY SENATOR JOHN F. KERRY

Question. What is the financial viability of the Transitional National Council? What financial support are other nations providing to the Council?

Answer. One of the primary functions of the Transitional National Council (TNC) is to serve as an administrative body on behalf of the Libyan people, providing essential services, such as security, health care, water, and electricity, to those citizens located in areas outside of regime control. In pursuing these efforts, the TNC faces significant financial challenges, including an estimated \$2 billion budget shortfall over the next 6 months, and has requested the assistance of the international community to meet these needs until a political transition can take place and the Libyan people again have access to the considerable regime assets currently blocked under sanctions. In response, the Libya Contact Group has been developing a Temporary Financing Mechanism (TFM) to facilitate contributions to the TNC and ensure that they are made in a transparent and accountable way. Kuwait has already pledged \$180 million to the TFM and others have also expressed interest in making donations. The Contact Group is also working to create a Libya Information Exchange Mechanism (LIEM) to coordinate the provision of in-kind assistance to the TNC. Italy has agreed to administer the LIEM.

In addition to working with the Contact Group to facilitate assistance to the TNC, the United States is also providing up to \$25 million in nonlethal military assistance directly to the TNC. The President is also discussing proposed legislation with Congress that would authorize vesting of approximately \$200 million in blocked regime assets to be used for humanitarian and civilian purposes in Libya. We are reaching out to our international partners to encourage them to take similar steps to aid the TNC.

Question. The TNC has put forward a rather commendable roadmap for a democratic transition after Qadhafi is gone. But Qadhafi has for decades destroyed his country's democratic institutions, so the task ahead will be a daunting one. What will be the biggest challenges in the post-Qadhafi reconstruction of Libya? What specific resources will the United States and the international community have at their disposal to support Libya's democratic transition? What planning is the administration doing for the post-conflict transition period in Libya?

Answer. As we continue to deepen our engagement with the Libyan opposition, we are encouraged by their commitment to democratic principles and their roadmap for a political transition following the departure of Qadhafi from power. It will ultimately be up to the Libyan people to choose their own leaders and government structures, and to address the reconciliation of a Libya marred by 40 years of dictatorship and the regime's use of brutal force against civilians. Any transition will have to look at creating institutions that respect the integrity and sovereignty of a united Libya and that reflect the Libyan people's genuine aspirations for freedom and democracy. We believe that the U.N. should have the lead role in coordinating international support for a political transition in Libya. We are working very closely with our international partners and U.N. planning teams to explore the goals and priorities in a post-Qadhafi Libya, and understand the most effective ways in which the international community can contribute. As the TNC has pointed out, Libya is an oil-rich country and will be well positioned to bear many of the costs of a post-Qadhafi transition.

Question. What role have Libya's neighbors played in the conflict? How has Egypt's Supreme Council of the Armed Forces responded to the continuing unrest? What is your view of TNC criticism of Algeria's role to date? What is your view of concerns expressed by Algeria and Chad about regional security? How would you characterize levels of support for NATO operations across the broader Middle East as the conflict wears on?

Answer. We expect that Arab support for the Libya Contact Group and the NATO-led operation will persist, as evidenced by Arab governments' cooperation on the effort in both fora. Morocco, Qatar, and the United Arab Emirates participate in the NATO-led operation and planning meetings, while the Arab League has followed its initial support for international intervention with efforts to terminate the satellite broadcast of Libyan state television stations. The Libya Contact Group and the United States appreciate the Arab League's position on this issue, and we believe that this solidarity is a strong indicator that the coalition's actions continue to be widely supported.

Tunisia has been very helpful in managing the flow of migrants and conflict victims fleeing the violence in Libya. The Tunisian military has facilitated border crossings and evacuations for a multitude of the third-country nationals leaving Libya en route home, as well as roughly 80,000 Libyan refugees. For those not staying in UNHCR-administered camps, the Tunisian Government has permitted Libyan refugees to avail themselves of the Tunisian health care system and permitted their children to attend public schools. Unfortunately, cross-border shelling into Tunisia is causing increasing concern.

The Egyptian Government has worked with us as a strong partner throughout the Libyan crisis, and we will continue to work with the Egyptian Government to ensure that shelter arrangements can meet the full range of refugee needs on the Egypt-Libya border. We continue to work with Egypt to ensure that equipment—such as generators—arrive in a timely way to provide vital, lifesaving humanitarian assistance.

We are working closely with the Government of Algeria to ensure that United Nations Security Council Resolution 1973, which Algeria has committed to supporting through the Arab League, is fully implemented. Algeria shares our desire to see an end to the bloodshed and violence in Libya and has long been a strong bilateral partner and a regional leader in counterterrorism efforts.

The United States understands the fears expressed by many countries in the region, including Algeria and Chad, that the unrest in Libya could result in flows of weapons and fighters who could potentially destabilize neighboring states and harm regional security. But it is the our belief, and the belief of our coalition partners, that long-term stability in the region will be achievable only after Qadhafi leaves power and Libyans embark on a transition to a democratic system of governance that respects the fundamental rights and freedoms of its citizens. A stable and democratic Libya will promote regional security.

Question. Tens of thousands of refugees have fled across the Libyan border into Egypt or Tunisia while still others remain trapped inside the country. As fighting in Libya has raged on, there have been increasing concerns about the well-being of Libyans and other nationals who have fled to neighboring countries. Please provide details on U.S. support for these displaced persons.

Answer. Since the beginning of the conflict in late February, more than 840,000 people have departed Libya, crossing its borders to neighboring countries or fleeing by sea to Italy. A large number of these departures are Libyans conducting business or seeking medical care in neighboring countries, and most have already returned or plan to return to Libya. Of greater concern are:

1. Libyans and third-country nationals (TCNs) displaced and/or stranded inside Libya. The U.N. estimates roughly 460,000 Libyans are internally displaced. IOM estimates there could be thousands of TCNs still stranded in places such as Tripoli, Misratah, and the Western Mountain area.

2. Libyan refugees who have fled to Tunisia (around 70,000) and Egypt (around 20,000).

3. TCNs who also fled, primarily to Tunisia and Egypt (around 275,000). Most TCNs have now been repatriated to their countries of origin but some 6,000 persons of concern to UNHCR remain in Tunisia and Egypt and cannot be returned home due to ongoing conflict and fear of reprisals upon return.

Because of ongoing support from the U.S. Government to organizations such as the United Nation High Commissioner for Refugees (UNHCR), the International Organization for Migration (IOM), and the International Committee of the Red Cross (ICRC), these organizations were well placed to respond when the crisis erupted and were able to immediately dispatch emergency staff to the region. As the crisis has evolved, the USG has provided \$53.5 million in earmarked humanitarian assistance for Libya and those fleeing Libya. Key contributions include:

- \$19.5 million to IOM from the Department of State's Bureau of Population, Refugees, and Migration (State/PRM);
- \$7 million to UNHCR from State/PRM;
- \$7 million to ICRC from State/PRM;
- \$10 million to World Food Programme from USAID's Office of Food for Peace;
- \$10 million to nongovernmental organizations and international organizations from USAID's Office of Foreign Disaster Assistance.

Our support to these organizations has facilitated the evacuation and repatriation of more than 138,000 TCNs, provided life-saving assistance at the border for those fleeing the conflict, and has expanded the humanitarian presence inside Libya to provide food, water, medical care and other life-saving services. Organizations such as ICRC and IOM have also been at the forefront of efforts to rescue migrants and wounded Libyans from the besieged city of Misratah.

In addition to financial support to these organizations, we are working closely with UNHCR and other countries to find durable solutions for TCNs who cannot return home. We anticipate considering for U.S. resettlement several hundred TCNs (from places such as Somalia and Eritrea) who qualify for refugee status.

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

Questions #s 1-6.

- 1. What is the current nature and extent of our military role in Libya? In particular,
 - a. What personnel and assets are involved?
 - b. How many airstrikes have U.S. forces conducted?
 - c. What targets have U.S. forces struck?
 - d. What damage has resulted from U.S. strikes?
 - e. What has been the cost associated with U.S. operations in Libya to date?
- 2. Has the United States diverted military resources, including surveillance assets or drones from the conflict in Afghanistan, or counterterror operations in Yemen, Pakistan, and elsewhere, to support the operations in Libya? What assessment have our military commanders made as to the impact of any such diversions?
- 3. What military role does the administration intend the United States to play in Libya in the period after 60 days from the commencement of U.S. military operations in Libya? In particular, does the administration intend that U.S. forces or assets will carry out strikes or other uses of force in Libya in this period?
- 4. Can our NATO allies fulfill the primary combat mission in Libya over an indefinite period, and how will the administration respond if allies request greater military involvement by the United States?
- 5. What impact will the prolonged devotion of military resources to Libya by NATO allies have on NATO's ability to contribute to operations in Afghanistan?
- 6. What scenarios or emergencies would cause the United States to reescalate its military involvement in Libya, and would the administration seek a congressional authorization if it expands its military role?

Answer. The Department of State defers to the Department of Defense for answer to questions 1–6 and 10.

Question #7. What are the administration's plans for aiding the Libyan opposition economically and militarily?

Answer. 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. The President has directed up to \$25 million in transfers of nonlethal items from U.S. Government stocks to key partners in Libya such as the Transitional National Council (TNC), and the transportation of these items. The list of potential "nonlethal commodities" that have been, or will be, provided was developed based on consultations with the TNC and our own assessment of what is useful and available, and includes medical supplies, boots, tents, personal protective gear, and prepackaged rations. The first shipment, including Meals Ready to Eat (MREs) arrived in Benghazi on May 10. The Departments of State and Defense will continue to work closely with our partner nations and the Libyan TNC to coordinate on the types of nonlethal assistance to be provided, in an effort to make the assistance as effective as possible and minimize duplication of effort.

In terms of financial assistance, we have been supporting the Libya Contact Group's efforts to establish a Temporary Finance Mechanism (TFM) and a Libyan Information Exchange Mechanism (LIEM) that would facilitate much-needed financial contributions and other in-kind assistance to the TNC. We are strongly encouraging our international partners to assist the TNC directly or through one or both of these mechanisms.

The administration is also discussing legislation with Congress that would permit the use of a portion of frozen regime assets for broadly humanitarian purposes in Libya. Under proposed legislation, humanitarian assistance would include basic life-saving and life-support help, including commodities and subsidies needed to maintain basic living conditions among the population—for example, access to water, sanitation, food, shelter, and health care. This list is necessarily nonexhaustive, as circumstances could arise that would make other types of assistance—e.g., utilities

(electricity, fuel), necessary to maintain basic living conditions among the population. This would not include offsetting the cost of our military action in Libya.

Question #8. Secretary of Defense Gates reportedly said on May 12: “I think most of us are pretty cautious when it comes to who—who the opposition is. The truth is, my impression is that it’s extraordinarily diverse. We deal with a handful of people in Benghazi, but we forget about those who led the uprisings in cities all over Libya when this whole thing started. And who are they? And are they genuinely anti-Gadhafi? Are they tribal representatives? Are they—kind of who are they? And we have no idea who those people are, but they were the ones that led the major uprisings in Tripoli and a variety of the other cities.”

- Beyond the opposition groups’ shared desire to remove Gaddafi from power, what goals or principles unite the opposition? How confident is the administration that the opposition will remain unified once Gaddafi has been removed from power?

Answer. We are learning more about the values, principles, and capabilities of the Libyan opposition as we deepen our engagement with them. Special Envoy Chris Stevens continues to meet with as broad a spectrum as possible of Libyans involved in the opposition writ large, including members of the TNC. As an administrative body, the TNC is taking steps to organize the opposition around a shared set of values and a genuine desire for a peaceful transition to democracy. For example, it has publicly rejected terrorism and extremist influences, committed to abide by the Geneva Conventions on the treatment of prisoners of war, and declared its respect for the human rights of all Libyans. The TNC has also announced a roadmap that sets out its vision to bring democracy to Libya, including convening an interim national assembly and drafting a constitution after Qadhafi has left power. In so doing, the TNC has made clear its dedication to creating an inclusive political process that respects the territorial integrity and sovereignty of Libya, and unites Libyans from all areas of the country.

Question #9. What is the potential for recrimination and bloodletting in the aftermath of this conflict? I note press reports of revenge killings in areas under TNC control. What has the TNC told the administration about these killings, and what steps are they taking to ensure that this scenario does not play out on a national scale when Colonel Qadhafi is removed from power?

Answer. We have seen some media reports regarding revenge killings, but do not have any additional information on the incidents, or who may have perpetrated them. The TNC has been very outspoken in its dedication to the principles of human rights and justice for all Libyans. The TNC has agreed, and publicly emphasized its commitment, to treat any captured regime combatants in accordance with the Geneva Conventions and, in one instance, returned eight regime fighters to Tripoli via the Red Crescent. In addition, the TNC has declared its willingness to forgive officials who defect from Qadhafi and work with members of the current regime in the future, provided that they were not involved in committing crimes against Libyans. The TNC has consistently emphasized its goal is to pave the way for a peaceful political transition that reflects the democratic aspirations of all Libyans.

Question #10. What are civilian and military operations related to Libya currently costing the United States, and how much is the administration prepared to spend over time?

Answer. The Department of State defers to the Department of Defense for answer to questions 1–6 and 10.

Question #11. In the aftermath of the current civil war in Libya, what responsibility will the United States assume for reconstructing the country?

Answer. Along with its partners, the United States has made significant contributions in Libya, addressing urgent humanitarian needs, providing assistance to the TNC and committing resources to support the civilian protection mission authorized by UNSCR 1973, including the no-fly zone. We continue to support the lead role of the United Nations in coordinating international efforts related to any political transition process in Libya. We will continue to review and assess ways in which we can help support the genuine democratic aspirations of the Libyan people, but will not do so alone. Our partners in the international community, including other countries, NGOs and, most importantly, the Libyan people themselves, will play a large role in these efforts.

Question #12. The administration claims that Libyan oil resources will preclude the need for significant financial assistance in a post-conflict period. I note that the committee was provided similar assurances prior to the conflict in Iraq. What as-

assessments have the administration done on the state of the oil infrastructure? What is the likelihood that oil production and exports could resume in the context of continuing violence or insecurity in Libya in the post-Qadhafi period? Is Libya's oil infrastructure being degraded during the conflict?

Answer. We are not aware of any assessments on the state of the oil infrastructure that have been performed since the beginning of Operation Odyssey Dawn. There has been one shipment of crude oil from the Transitional National Council (TNC) controlled Tubruq, however this shipment was from stocks of previously produced oil. We have seen reports that some of Libya's oil infrastructure has been damaged by the fighting, and the long-term effects of shutting in Libya's production as productive oil fields lie dormant would also need to be considered when resuming production. We are working to encourage the TNC to proceed with additional oil sales that would comply with current U.S. and U.N. sanctions, and we are in contact with oil companies regarding their business consideration in resuming business with Libya via the TNC.

Question #13. Section 203(a)(1)(C) of the International Emergency Economic Powers Act provides that "when the United States is engaged in armed hostilities or has been attacked by a foreign country or foreign nationals" the President may "confiscate any property, subject to the jurisdiction of the United States, of any foreign person, foreign organization, or foreign country that he determines has planned, authorized, aided, or engaged in such hostilities or attacks against the United States; and all right, title, and interest in any property so confiscated shall vest, when, as, and upon the terms directed by the President, in such agency or person as the President may designate from time to time . . ."

- Does the administration believe this authority is presently available to allow the President to vest blocked Libyan assets? If not, why not?

Answer. Unlike the general authorities in the International Emergency Economic Powers Act, the draft legislation is crafted to target this specific, unusual need and permits the use of vested assets only for humanitarian relief tied explicitly to the purposes of UNSC Resolutions 1970 and 1973. It is explicit as to the use of the funds: providing humanitarian relief to and for the benefit of the Libyan people.

Further, in vesting the frozen assets, it is important that the Congress and the Executive stand together to demonstrate our commitment and send the clear message that these assets may not be used for other purposes, such as for costs of U.S. military operations or to pay claims against Libya. By comparison, IEEPA authorizes vested assets to be used broadly for the "benefit of the United States," and relying on it could be seen as allowing for the use of vested assets beyond humanitarian relief purposes and therefore contrary to the objectives set out in UNSCRs 1970 and 1973 (which expressed the intention to ensure that frozen assets be made available to and for the benefit of the Libyan people). Therefore, vesting under IEEPA's less restricted authorities may very well attract criticism from other states as well as from the Libyan opposition, which has sought our assistance.

The more limited legislative approach is preferred, not only because it would confirm Congress' partnership in this endeavor with the administration, but also because it would present to the public on the face of the legislation a more precisely focused rationale for such vesting that will better withstand any possible calls to expand the uses of the assets.

Question #14. What precedents is the administration aware of for the vesting of blocked assets of foreign states other than in wartime or to satisfy claims of U.S. nationals?

Answer. In 1954, the United States confiscated Czech steel mill equipment pursuant to the International Claims Act to pay U.S. claims against Czechoslovakia. In 2000, the United States vested certain blocked Cuban assets pursuant to the Victims of Trafficking and Violence Protection Act to pay judgments against Cuba. In 2003, the United States vested blocked Iraqi assets pursuant to the International Emergency Economic Powers Act to aid in the reconstruction effort, including by financing emergency repairs to critical infrastructure and paying Iraqi Government workers' salaries.

Question #15. Why has the Administration sought authority to vest blocked Libyan assets, but not blocked assets of other countries against which the United States maintains sanctions programs? What unique considerations exist with regard to Libya that do not apply in other countries whose assets we have blocked, such as Iran, Syria, Burma, and Sudan?

Answer. The United States is currently providing support to allies and partners engaged in protecting the people of Libya from violence perpetrated by the Qaddafi

regime. The humanitarian situation on the ground is of grave concern and we believe that it is essential that humanitarian assistance be provided as soon as possible. The Libyan opposition, through a legitimate and credible Interim Council, has asked that blocked assets be made available for the benefit of people in Libya. As the President said on March 28, the blocked money "belongs to the Libyan people." Additionally, the United Nations Security Council (UNSC) Resolutions 1970 and 1973, which obligate Member States to freeze the assets of certain Libyan entities and individuals, authorize measures to be undertaken by Member States to protect civilians and civilian populated areas in Libya and affirm the intention to ensure that assets frozen pursuant to paragraph 17 of Resolution 1970 shall, at a later stage, as soon as possible be made available to and for the benefit of the Libyan people. We believe these are unique circumstances that do not have parallels in other sanctions situations such as those pertaining to Iran, Syria, Burma, or Sudan.

Question #16. Were the President given the authority to vest some or all of the Libyan assets blocked by the United States, what portion of such assets does the administration envision vesting?

Answer. The vesting authority we have proposed is limited to property of the Government of Libya and its related entities, including the Central Bank of Libya. Blocked assets include a broader range of properties in which Libya's interest may be more contingent or indirect.

Question #17. Were the President given the authority to vest blocked assets for the purpose of benefiting the Libyan people, who would be responsible for making decisions about how such resources would be spent? What role would the Libyan Transitional National Council have in making any such decisions?

Answer. The President would have the authority to decide precisely how the assets would be used, consistent with the legislation. The President might choose to delegate this authority. Some of the vested funds may be transferred to the Temporary Financing Mechanism (TFM) for humanitarian relief, when the TFM becomes fully operational. Under the Terms of Reference for the TFM approved by the Contact Group on May 5, the TFM's board would include members of the TNC and some donor countries, and would be designed to meet both the needs of the civilian population under the control of the TNC and to provide accountability for funds provided. We anticipate that any funds we use will be made available for purposes consistent with the TNC's goals.

Question #18. Were the President given the authority to vest assets for the purpose of assisting the Libyan people, what mechanisms would be in place to ensure that funds were spent for the intended purposes and not wasted or diverted? Does the Administration plan to make vested assets available to the Libyan Transitional National Council, either directly or via the Temporary Financing Mechanism, as agreed by the Contact Group?

Answer. The United States, working through international and nongovernmental partners, where appropriate, will use these funds to provide humanitarian aid to those in need. We will only disburse assets through partners that meet our legal and policy standards, including strong and transparent oversight of the disbursements. Some of the funds may be transferred to the Temporary Financial Mechanism (TFM) for humanitarian relief, when the TFM is fully operational. Under the Terms of Reference for the TFM approved by the Contract Group on May 5, the TFM's board would include members of the TNC and some donor countries and would be designed to meet both the needs of the civilian population under the control of the TNC and to provide accountability for the funds.

Question #19. What assessment has the administration made of the resources required to meet the assistance needs of the Libyan opposition, and what other resources are available to the opposition for these purposes?

Answer. Our envoy in Benghazi is in regular contact with members of the TNC and other groups as we deepen our engagement with the Libyan opposition. Based on these consultations, and discussions with members of the international community, we are developing a sense of the opposition's needs and priorities. The President has directed up to \$25 million in nonlethal military assistance to the TNC and we are reviewing other types of assistance that we might provide. During its May 5 meeting in Rome, the Libya Contact Group endorsed the creation of a Temporary Finance Mechanism (TFM) to facilitate financial contributions to the TNC, as well as the establishment of a Libya Information Exchange Mechanism (LIEM) to coordinate other types of assistance. Kuwait has already pledged \$180 million to the TFM and we are strongly encouraging other countries to make similar contributions to the TNC through either or both of these mechanisms.

Question #20. What financial resources have Arab League countries committed to assist the Libyan opposition?

Answer. The Arab League was one of the first international bodies to denounce the violence in Libya and was vital in supporting the passage of UNSCR 1973. Since then, Arab League members have significantly assisted the opposition, through financial contributions, humanitarian assistance and the commitment of resources to NATO-led operations to implement a no-fly zone and protect civilians. For example, Kuwait has pledged \$180 million to support the TNC through the Temporary Financial Mechanism and Egypt and Tunisia have worked with NGOs to provide humanitarian relief to those fleeing the violence Libya. At the same time, Qatar, the U.A.E. and Jordan have all contributed significant military assets to Operation Unified Protector. We expect that the Arab League will continue to be a key partner in Libya.

Question #21. What outstanding claims is the administration aware of by U.S. nationals against the Government of Libya, and what is the value of such claims? What impact would vesting blocked Libyan assets for the purpose of assisting the Libyan opposition have on the interests of U.S. claimants?

Answer. In 2008, the United States signed the U.S.-Libya Claims Settlement Agreement ("Agreement"), which provided for the "full and final settlement" of claims held by U.S. victims of terrorism against Libya in exchange for a lump sum payment of \$1.5 billion. These included the Pan Am 103 and La Belle Disco bombing settlement claims, as well as claims of other American victims of terrorist incidents that occurred prior to June 30, 2006, for which Libya was responsible. In advance of the settlement, Congress passed the Libyan Claims Resolution Act (28 U.S.C. 1605A note), which provided that Libya would enjoy full immunity from litigation related to these claims in exchange for the lump sum payment. Pursuant to the Agreement, the President also issued Executive Order 13047, which provided for the termination of related litigation and espoused and settled those claims held by U.S. nationals. The State Department has used the \$1.5 billion settlement amount to fully pay out the Pan Am 103 and LaBelle settlements, provide comparable compensation for the wrongful death claims of other U.S. victims of Libya-related terrorism, and finance a distribution program for other claims managed by the Justice Department's Foreign Claims Settlement Commission ("FCSC"). We are not aware of other claims of U.S. nationals against Libya falling outside the 2008 Agreement.

This legislation would allow Government of Libya assets to be used to provide humanitarian assistance to Libyan civilians who are still suffering from Colonel Qadhafi's brutal military campaign. It would not affect the Agreement or the FCSC's ongoing work.

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

Question. Section 5(b) of The War Powers Act states: "Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States."

As of May 17, 2011, United States military will have been involved in combat operations in Libya for 60 days. By that date, President Obama is required by statute to withdraw our forces from Libya OR ask Congress to give him a resolution authorizing the use of force.

- Does President Obama plan to ask Congress for such a resolution?
- If not, please explain the administration's authority to continue U.S. military participation in Libya.

Answer. President Obama wrote to Congress on May 20, 2011, expressing his strong support for action in both Houses on S. Res. 194, the bipartisan resolution on United States military operations in Libya introduced by Senators McCain, Kerry, Lieberman, Levin, Feinstein, Graham, and Chambliss. While the administration has stated that U.S. military operations in Libya are consistent with the War Powers Resolution, the President also made clear in his letter 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." The resolution introduced 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, the resolution would present the wider world with a formal, unified position of the United States 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.

Question. On March 29, NATO Supreme Allied Commander, Admiral James Stavridis said that he did not have “detail sufficient to say that there’s a significant al-Qaeda presence or any other terrorist presence in and among the Libyan opposition.”

- Since that time, what additional information have you seen to support the assertion that there is not a significant al-Qaeda or terrorist presence in the Libyan Interim Transitional National Council (TNC)?

Answer. Our envoy to Benghazi continues to meet with a broad spectrum of Libyans involved in the opposition writ large, including members of the Transitional National Council (TNC). Based on the TNC’s statements, actions, and our engagement with them, we believe that the TNC is a legitimate and credible interlocutor for the Libyan people that is reaching out to the international community and expressing values and principles we share. For example, it has publicly rejected terrorism and extremist influences, committed to abide by the Geneva Conventions on the treatment of prisoners of war, and declared their respect for the human rights of all Libyans. Significantly, the TNC has also expressed its dedication to a peaceful transition to an inclusive, democratic government. In that regard, it has announced a roadmap that includes timelines for convening a national assembly and drafting a constitution after Qadhafi has left power.

We understand that there is the potential that extremist groups could try to take advantage of the situation in Libya and we will continue to monitor this issue closely. On the other hand, the dangers of Qadhafi returning to terrorism and violent extremism 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 and supports democratic values and human rights. Continued dialogue with the TNC is key to achieving this goal.

Question. From March 19 through early April, pro-Qadhafi forces seemed to take a hit and opposition forces advanced westward. However, the opposition was unable to hold its gains and stalemate conditions have returned to at least the region near Ajdabiya.

- Can Libyan TNC forces prevail against pro-Qadhafi forces without an augmented participation of NATO?
- Could NATO continue this mission without the participation of the United States?

Answer. Opposition forces have been making slow but significant progress in the west and near Misrata, and that progress will likely continue as various forms of pressure on the regime intensify. NATO will continue to execute its mission as per UNSCR 1973 and 1970.

Without U.S. participation, it is unlikely that NATO could sustain the current operational tempo.