

[H.A.S.C. No. 112-31]

**OPERATION ODYSSEY DAWN AND
U.S. MILITARY OPERATIONS IN LIBYA**

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

HEARING HELD
MARCH 31, 2011



U.S. GOVERNMENT PRINTING OFFICE

65-802

WASHINGTON : 2011

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ONE HUNDRED TWELFTH CONGRESS

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**OPERATION ODYSSEY DAWN AND U.S. MILITARY
OPERATIONS IN LIBYA**

HOUSE OF REPRESENTATIVES,
COMMITTEE ON ARMED SERVICES,
Washington, DC, Thursday, March 31, 2011.

The committee met, pursuant to call, at 9 a.m., in room 2118, Rayburn House Office Building, Hon. Howard P. "Buck" McKeon (chairman of the committee) presiding.

**OPENING STATEMENT OF HON. HOWARD P. "BUCK" MCKEON,
A REPRESENTATIVE FROM CALIFORNIA, CHAIRMAN, COM-
MITTEE ON ARMED SERVICES**

The CHAIRMAN. The committee will come to order. We will give them one more chance, but if there is any disruption, you will be removed. Please, please respect that.

Good morning. The House Armed Services Committee meets today to receive testimony on the President's decision to commit Armed Forces in an international effort to shield Libya's civilian population from the fury of a repressive tyrant.

I commend our fighting forces for manning the wall between freedom and tyranny, and I honor their bravery, but I have concerns about our objectives in Libya, our contribution to meeting those goals, and the length of America's commitment to what could be a prolonged conflict. Secretary Gates himself when asked if the U.S. had vital interest in Libya said, no, but we have interest in the region. The United States has interest in all regions of the globe, but I am curious what the criteria are for military intervention.

History has demonstrated that an entrenched enemy like the Libyan regime can be resilient to air power. If Qadhafi does not face an imminent military defeat or refuses to abdicate, it seems that NATO could be expected to support a decade-long no-fly zone enforcement like the one over Iraq in the 1990s. With Iraq and Afghanistan already occupying a considerable share of American resources, I sincerely hope that this is not the start of a third elongated conflict, especially in a region where we have other, more discernible strategic interests.

With America's fighting men and women in harm's way, it is not my intention to second-guess or undermine the administration's authority, but I would like an explanation of the nature of this threat and how American interests will be advanced through the use of military power.

Fortunately, we have two witnesses who I hope will bring clarity to these ambiguities. Defense Secretary Robert Gates and Chairman of the Joint Chiefs of Staff Admiral Michael Mullen, thank

you for taking the time to attend this open session today. Mr. Secretary, I understand how busy you have been. I know you have traveled a lot. I know that you have got tremendous burdens on you, and also you, Mr. Chairman. I appreciate you taking the time to be with us here today, and that is very important.

On a final note I would like to remind members of the public who are with us today that I will tolerate no disruption to this proceeding. This is a serious matter. Members of this committee and the American public deserve to hear what our witnesses have to say. I will ask the Capitol Police to remove anyone who creates a disturbance.

Thank you.

[The prepared statement of Mr. McKeon can be found in the Appendix on page 51.]

The CHAIRMAN. Ranking Member Smith.

STATEMENT OF HON. ADAM SMITH, A REPRESENTATIVE FROM WASHINGTON, RANKING MEMBER, COMMITTEE ON ARMED SERVICES

Mr. SMITH. Thank you, Mr. Chairman.

Secretary Gates, Admiral Mullen, thank you for being here today. I think the most important thing in this hearing is to answer the questions of where we go from here, what the situation on the ground in Libya is, and what you see the level of U.S. involvement from this point forward. It is obviously a very uncertain situation, and there will be no guarantees, no set timetables, but as Members in Congress, the more information we get on your best estimate of what our commitment is going to be, for how long, and what is going to be involved, and what our goals are, the better off we are going to be able to explain it to our constituents.

I also think it is important in the hearing today to flesh out a little bit the criteria for our intervention. Many have asked the question, why Libya but not some of the other places that have civil wars or disruptions going on? I think I have some of the answers for that, but I think it is very important to explain to the American people that this is not an open-ended commitment from the United States that we will dive in and get involved in any civil war any time. I do believe that there were a unique set of circumstances in Libya that warranted this action, but I think it is incredibly important that we explain what that unique set of circumstances was to let the American people know that this is not something we are going to be doing in a great number of places.

I think here we had a clear situation where our unique assets and ability could, at least in the short term, stop a humanitarian disaster. Colonel Qadhafi was rolling back the rebellion and killing many civilians, and there was every reason to believe that he would continue to do that, and they were unable to defend themselves.

We had a unique situation also in that the international community came together in support of action against Colonel Qadhafi. The United Nations [UN], the Arab League, NATO [Northern Atlantic Treaty Organization]; we had a broad base of support. I think that is important not just because it gives us that support, gives us cover, if you will, for our actions, but it is important be-

cause it also made it more likely that we could succeed in those actions. And that is one of the most important criteria that I don't think has been talked about enough.

You can look at situations in the past, like in Rwanda or even now in Syria, in Bahrain, in Yemen, and see a humanitarian crisis developing, but that doesn't necessarily mean that we have the military ability to go in there and succeed in stopping that from happening and making things better instead of worse. In Libya I think we did have that opportunity because of the international support, because of the assets that we could bring to bear, and because of the fact that we had clear targets in Libya to stop Colonel Qadhafi from rolling back the rebellion, at least temporarily. And to have that opportunity was one that we should have taken.

I think everyone should be mindful of the fact that if we had not acted, not only would this have happened, not only would thousands of civilians in Libya have been killed, but the United States of America in the eyes of much of the world would have been blamed for that because they would have seen clearly that we had the chance to stop it and chose not to. As someone who has worked extensively on counterterrorism policy and dealing with Al Qaeda, that would have been a crushing blow to us, to once again make it look like the United States did not care about protecting those in the Muslim world who face the violence of despots. So I think we have to factor that in as well.

But going forward we do need to know what comes next, because for the fact that we had the ability to act a week ago doesn't mean that we are going to be able to continue to be successful. We really want to know what the commitment is going to be. And I share the chairman's concerns, given our commitments in Afghanistan and Iraq, how long can we sustain this, and where is this going. So we look forward to your comments, we look forward to your further explanations, and I thank the chairman for the time.

[The prepared statement of Mr. Smith can be found in the Appendix on page 52.]

The CHAIRMAN. Just a couple of things. Mr. Secretary, if you could hold until we have the cameras, give them an opportunity to leave.

Now, the Secretary has a hard end time today at 12:30, so I will really push to keep us in the 5 minutes. If you have 5-minute—excuse me, 11:30. What time did I say? No, 11:30, excuse me. And I will hold to 5 minutes. If you want to take 5 minutes answering your questions, they will answer it in the record.

Mr. Secretary.

**STATEMENT OF HON. ROBERT M. GATES, SECRETARY OF
DEFENSE, U.S. DEPARTMENT OF DEFENSE**

Secretary GATES. Thank you, Mr. Chairman. And thank you for the opportunity to speak to the ongoing international military operations in Libya. I would start by providing some context on how we got to this point, at least from my perspective.

In the space of about 2 months, the world has watched an extraordinary story unfold in the Middle East. The turbulence being experienced by virtually every country in the region presents both

perils and promise for the United States as stability and progress in this part of the world is a vital national interest.

This administration's approach has been guided by a core set of principles that President Obama articulated in February opposing violence, standing for universal values, and speaking out on the need for political change and reform. At the same time we have recognized that each country in the region faces a unique set of circumstances, and that many of the countries affected are critical security partners in the face of common challenges like Al Qaeda and Iran.

In the case of Libya, our government, our allies and our partners in the region watched with alarm as the regime of Muammar Qadhafi responded to legitimate protest with brutal suppression and a military campaign against his own people. With Colonel Qadhafi's forces on the verge of taking Benghazi, we faced the very real prospect of significant civilian casualties on hundreds of thousands of refugees fleeing to Egypt, potentially destabilizing that important country even as it is undergoing its own difficult transition.

Once the Arab League and Gulf Cooperation Council called on Qadhafi to cease his attacks, and our European allies expressed a willingness to commit real military resources, it became apparent that the time and conditions were right for international military action.

The goal of Operation Odyssey Dawn, launched on March 19th, was limited in scope and scale. The coalition quickly achieved its first military objective by effectively grounding Colonel Qadhafi's air force and neutralizing his air defenses. During this first phase the U.S. military provided the preponderance of military assets and firepower, as well as logistical support and overall command and control.

Responsibility for leading and conducting this mission, now called Operation Unified Protector, has shifted to an integrated NATO command. Going forward the U.S. military will provide the capabilities that others cannot provide either in kind or in scale, such as electronic attack, aerial refueling, lift, search and rescue, intelligence surveillance and reconnaissance support. Accordingly, we will in coming days significantly ramp down our commitment of other military capabilities and resources in this operation.

The NATO-led mission, like its predecessor, is a limited one. It will maintain pressure on Qadhafi's remaining forces to prevent attacks on civilians, enforce the no-fly zone and arms embargo, and provide humanitarian relief. There will be no American boots on the ground in Libya.

Deposing the Qadhafi regime, as welcome as that eventuality would be, is not part of the military mission. In my view, the removal of Colonel Qadhafi will likely be achieved over time through political and economic measures and by his own people. However, this NATO-led operation can degrade Qadhafi's military capacity to the point where he and those around him will be forced into a very different set of choices and behaviors in the future.

In closing, as I have said many times before, the security and prosperity of the United States is linked to the security and prosperity of the broader Middle East. I believe it was in America's national interest, as part of a multilateral coalition with broad inter-

national support, to prevent a humanitarian crisis in eastern Libya that could have destabilized the entire region at a delicate time. And it continues to be in our national interest to prevent Qadhafi from visiting further deprivations on his own people, destabilizing his neighbors, and setting back progress the people of the Middle East have made in recent weeks.

Mr. Chairman, I know you and your colleagues have many questions, so I will now ask Admiral Mullen to comment. As always, my thanks to this committee for all the support you have provided to our military over the years.

[The prepared statement of Secretary Gates can be found in the Appendix on page 53.]

**STATEMENT OF ADM MICHAEL G. MULLEN, USN, CHAIRMAN,
JOINT CHIEFS OF STAFF**

Admiral MULLEN. Thank you, Mr. Chairman, distinguished members of this committee. I share the Secretary's gratitude for the opportunity to talk to you about coalition operations in support of the Libyan people. Let me start with a brief assessment of where we are today and then leave you with some impressions.

As of early this morning, NATO assumed command of the entire military mission over Libya. There are more than 20 nations contributing to this operation in all manner of ways, some public, some not so public. Contributions range across the board from active participation in strike operations to financial aid and assistance for humanitarian efforts. We are joined in this endeavor by several Arab countries who have, despite domestic challenges of their own, chosen to come to the aid of the Libyan people. I hope they do so knowing that the United States and the international community remain grateful for their experience and their leadership, but also knowing that no one military, no one nation can or should take on a mission of this nature alone.

This coalition we have forged, in record time, mind you, is not only a coalition of the willing, it is a coalition of the able, with each nation bringing to the effort what they can in terms of knowledge and skill to tackle a very fast-moving, complex humanitarian crisis.

Twenty-five warships patrol off the coast of Libya today, including two allied aircraft carriers, France's *Charles de Gaulle* and Italy's *Garibaldi*, each with combat aircraft embarked. There are also in those waters destroyers and frigates, patrol boats, oilers and submarines. There is even a U.S. amphibious ready group centered around the USS *Kearsarge*. On these ships and at European bases ashore, the NATO Commander from Canada, Lieutenant General Charles Bouchard, has at his disposal more than 220 aircraft of just about every size and stripe imaginable. With these pilots and these planes, he may operate freely throughout the Libyan airspace around the clock, studying and gaining intelligence of regime ground force movement and intentions, striking targets of opportunity on little or no notice, and preventing Qadhafi from using his own air force to attack his own people.

I would note that among these coalition aircraft are more than a dozen from Qatar and the United Arab Emirates. Fighter pilots from Qatar have already flown more than 30 sorties in support of the no-fly mission. Indeed, in just the last 24 hours, U.S., NATO

and coalition aircraft flew some 204 sorties, 110 of which were strike-related, hitting fixed and mobile targets in the vicinity of Tripoli, Misrata and Ajdabiya.

We have such freedom of movement because we moved quickly in the early hours of the operation to render ineffective regime air defenses and command and control. The first cruise missiles and strategic bombers struck late Saturday night, the 19th, Tripoli time. By midafternoon the next day, the no-fly zone was essentially in place.

We have continued to strike Qadhafi's military capabilities where and when needed, and it is my expectation that under NATO leadership, that level of effort and focus will not diminish. What will diminish, as the Secretary said, is the level of U.S. participation in offensive operations as we turn our attention to providing our unique enabling capabilities.

Mr. Chairman, I have been involved with allied and coalition operations of one kind or another for much of the last decade, from the Balkans to Iraq and Afghanistan. I cannot remember a time when so many nations mobilized so many forces so fast. The enemy wasn't just Qadhafi's military, it was also the clock as he marched on Benghazi intent on brutalizing the people there. But we were ready. Before the ink was even dry on that U.N. resolution, there were planes and ships, pilots and sailors moving into position ready to act. Today we are able to do that because we—and I mean the collective we, not just the United States—have invested in close relationships with one another, facilitated by nearby air and naval basing, and improved over time through annual exercises, personnel exchanges, actual combat experience and mutual dialogue.

Nobody is underestimating the scope of the challenge before us. Qadhafi still possesses superior military capability to those of the forces who raid against him. He still shows every desire of retaking lost ground, and, in fact, did so yesterday. He still wants Benghazi back and Ajdabiya. He still denies his own people food, water, electricity and shelter. He threatens them on the streets of Misrata and Zintan, and he has made no secret of the fact that he will kill as many of them as he must to crush the rebellion.

I will leave to our political leaders the task of debating the character of the mission we have been assigned, but I can assure you that your men and women in uniform will execute that mission now in support of NATO with the same professionalism with which they have led that mission until today.

Again, thank you for allowing me to be here and thank you for your long-standing support of our men and women and their families.

The CHAIRMAN. Thank you very much.

I was pleased that the President finally addressed the Nation on Monday to explain his decision to introduce forces into Libya. He made his rationale quite clear. Utilizing U.S. warriors to protect civilians from a brutal dictator is a noble cause. But the President's strategy seems to consist of two mutually exclusive parts. The first is to protect Libya's civilians, which is now the responsibility of NATO forces. However, the President has also stated that Colonel Qadhafi must be removed from power. This is a political consider-

ation and not part of the military mission. I am concerned that such a mismatch is a strategy for stalemate.

Moreover, the President went on to observe that until Qadhafi steps down from power, Libya will remain dangerous. That sounds like foreshadowing for an enduring military mission to protect the Libyan civilian population.

Secretary Gates and Admiral Mullen, how long do you anticipate our military mission will last? Under what circumstances is it permissible for Qadhafi to remain in power? If he does, will it be necessary for U.S. forces to remain engaged in Libya to protect civilians? If it is not permissible for Qadhafi to remain in power, why has the military mission been limited?

Secretary GATES. First, Mr. Chairman, you have characterized it correctly in the sense that the military mission is a limited one and does not include regime change. Personally I felt strongly about that. We tried regime change before, and sometimes it has worked, and sometimes it has taken 10 years. And it does, as has been the case in Iraq, sometimes involve both enormous human and fiscal cost. So that the idea here was basically to—the military mission, as you said, was to establish a no-fly zone and protect the Libyan people.

I believe one of the characteristics of protecting the Libyan people has, in fact, been our effort to degrade the Libyan military. This is something that, after the initial Gulf war, we actually did not do in Iraq, even though we had a no-fly zone. We didn't keep attacking Saddam's military capabilities as we are doing in Libya.

As both the chairman and I have indicated, our role already has begun to recede to the support roles that I indicated. We will not be taking an active part in the strike activities, and we believe that our allies can sustain this for some period of time. But I think the one thing that may make a difference in terms of how long it takes for this regime to change is the fact that we continue to degrade his military capabilities, and I think that may contribute to some cracking of the unity of his own military. But the bottom line is no one can predict for you how long it will take for that to happen. But I can tell you that the military mission in our now support role will remain limited, as I have described it.

Admiral MULLEN. I would only add, Mr. Chairman, echoing what the Secretary said about being able to predict how long, I just don't think that that can be done right now. We have actually fairly seriously degraded his military capabilities, his air defense capabilities, his command and control capabilities. We have attrited his overall forces at about the 20 to 25 percent level. That doesn't mean that he is about to break from the military standpoint, because that is just not the case. However, I do have great confidence in NATO's ability now in command with the resources it has available to be able to continue to attrit that capability and continue in the support role that the United States will to support that attrition. And then I think for the long term it is obviously—as others have said, there are lots of tools in the kit, and to bring that kind of pressure on him, which gets to the eventual overall policy objective of his leaving.

The CHAIRMAN. Thank you very much.
Ranking Member Smith.

Mr. SMITH. Thank you, Mr. Chairman.

First of all, I want to agree with both of your remarks on that. I think regime change by military force, by a foreign military force, comes with a very high cost and a lot of unpredictability. I think it is perfectly consistent to say we want Qadhafi to leave, but the cost of doing it with U.S. or even NATO boots on the ground is entirely too high. We have to put pressure on him in other ways to drive him out.

I think that is something that there has been some confusion about in the public, but I think it is a fairly consistent position. And certainly it does sometimes work, as we saw in the case of Milosevic in the former Yugoslavia. I did not think that was going to drive him out, but it did rather quickly. And if we can degrade the support for Qadhafi, degrade his military ability, I think that has a much better chance of succeeding in a clearer long-term path than any sort of military invasion.

The question I want to ask is about the authority for doing this. I think there is also considerable consternation about that, particularly amongst my fellow Members of Congress. What is the legal constitutional authority for the President and the military to have acted without prior congressional authorization?

And I think there is a lot of misunderstanding about the history of that within Congress and within the media, for that matter. This is not unprecedented. And there has been sort of a bipartisan feeling amongst both Democrat and Republican Presidents that Article II gives them the authority to act militarily. It happened in Kosovo, as I referenced, but also in Panama and Grenada, on a number of other examples going back decades, if not over 100 years. But we also have the War Powers Act that is out there that, as I understand it, it has been the position of every Executive that that is an unconstitutional infringement upon their Article II rights, and therefore they have not felt like they have to follow it. Certainly it wasn't followed again in the instances that I just mentioned.

But if you could walk through your viewpoint on the authority, I think that would be very important for Members of Congress, because I don't think that was adequately explained at the briefing yesterday. And I think that leaves a lot of Members of Congress feeling like they have been completely left out, and that the law has not been followed. And I think that is a critical piece in building broader public and congressional support for any action going forward. So if you could talk a little bit about that, I think that would be helpful for us.

Secretary GATES. First of all, this is not exactly my area of expertise, constitutional law. But I will say that I—

Mr. SMITH. If I could, I am sorry, as you point, you have been there a long time, you have been through a lot of these decisions, and I think you have something to say about it.

Secretary GATES. I was actually in the White House on the NSC staff when the War Powers Act was passed in the mid-1970s. And I think it is fair to say that there has been disagreement between the Congress and the President ever since then on what is required of him under the War Powers Act.

President Obama is the eighth President I have worked for. Seven operated under the War Powers Act. And I would say that

his compliance in terms of consultation and notification of the Congress has been consistent with the actions taken by all of his predecessors, both Republicans and Democrats, since the War Powers Act was passed. There was a consultation with the congressional leadership before the military operations started on Friday, before Saturday night. About half were present in the situation room; about half were on a telephone conference call. The written formal notification of the Congress took place.

So this has been an area of contention between the executive and the legislative branches for better than 35 years now, but I think that the President's actions are completely consistent with those of his predecessors and with the executive branch's interpretation of the War Powers Act.

Mr. SMITH. Thank you.

The only thing I would add to that before yielding back, because I do think—and this is not for your gentlemen's benefit, this is more for the White House—yes, the Friday before we launched the attack, we did have that consultation. I think in the future, in the days and even weeks as we built up to this, it would have been better for the White House to have began discussions with key Republican and Democratic leaders as we built up to this decision. I don't think that was done sufficiently. And I think that would have helped Members of Congress be more supportive of the action once it eventually took place, understanding that was not your decision. I just think that would have been a critical issue.

Thank you, Mr. Chairman, I yield back.

Secretary GATES. Let me just add one sentence, and that is that the President actually did not make his final decision on what to do until Thursday night. And so having the Congress, having the leadership of the Congress, in the very next day seemed to me was pretty prompt.

Mr. SMITH. And I get that. I guess what I was saying was that we do not feel that it should wait until the final decision is made. There were a lot of things being discussed in the weeks leading up to this. Obviously we had gone to the U.N. in part to ask for the resolution that came down on Thursday. We knew it was coming. Even before the White House knows exactly what it is going to do. There is some benefit to bringing leadership and Congress into the discussion in terms of building support here. And I think that would have helped build more support in Congress if we felt we knew the thinking process leading up to that decision.

Thank you, Mr. Chairman.

The CHAIRMAN. And again, one of the problems is consulting Congress before a decision is made versus just telling us what is going to happen is probably, I think, what the ranking member is referring to and probably one of the things that would help the support in the Congress.

Mr. Bartlett.

Mr. BARTLETT. Thank you.

Mr. Secretary, I would like you to take my first question, if you would, for the record, because I know that others will need to be involved in formulating an answer. Under what circumstances would the President request authorization from Congress for the use of military force in Libya? And second, sir, if not for Libya,

under what circumstances would the President request authorization from Congress to use military force in general?

[The information referred to was not available at the time of printing.]

Mr. BARTLETT. Do you see the use of CIA [Central Intelligence Agency] and U.S. Special Forces in Libya as following the blueprint we used in Afghanistan?

Secretary GATES. Well, first of all, I can't speak to any CIA activities, but I will tell you that the President has been quite clear that in terms of the United States military, there will be no boots on the ground.

Mr. BARTLETT. In Afghanistan we went in to assist a well-organized resistance group, the Northern Alliance. We kind of took sides in a civil war and joined the side that was going to win anyhow.

In Libya the only opposition group in recent history is the LIFG, the Libyan Islamic Fighting Group, a radical faction that has been waging jihad against the Qadhafi regime. Following the 9/11 attacks against the United States, LIFG was banned worldwide by U.N. Resolution 1267 Committee. It is my understanding that the LIFG is aligned with AIGM.¹ And in a column earlier this month, New York Times' Thomas Friedman noted that Libya is not a nation, there isn't any loyalty to Libya, it is a collection of 140 different tribes, much more like Iraq.

Sir, are we now aiding and abetting the same organizations that we are fighting in Afghanistan and Iraq?

Secretary GATES. To be honest, other than a relative handful of leaders, we don't have much visibility into those who have risen against Qadhafi. But I think that in a way, speaking of the, quote/unquote, "opposition" is a misnomer because it is very disparate, it is very scattered, and probably each element has its own agenda.

Each of these towns that rose up in the west where resistance has been quelled basically did so on their own, and you didn't see people going from one town to the next to share in the fight. And frankly, that is one of the problems that those who have rebelled against Qadhafi are facing is the lack of command and control and the lack of organization. So I would say there are multiple, multiple agendas, very disparate elements across the country engaged in this. And at this point we don't have a lot of visibility into those.

Mr. BARTLETT. What visibility we have, LIFG is, in fact, sir, a major component of the opposition?

Secretary GATES. I am just not aware. I just don't know.

Mr. BARTLETT. My next question, sir, I know the premise is debatable, but many people feel that this is an unconstitutional and illegal war. But I think almost everybody agrees that the cost shouldn't be borne by taxpayers by increasing our \$14 trillion debt or by raising taxes, and they shouldn't come out of the hide of DOD. That hide is pretty thin now, sir. That is why I introduced a bill that I know you are aware of that would make DOD fiscal year 2011 accounts whole by requiring the President to provide Congress a list of specific recommendations of nonsecurity discretionary appropriations rescissions for fiscal year 2011 by July 2nd.

¹Ed. Note: May be a reference to Al Qaeda in the Islamic Maghreb, AQIM.

This bill exempts fiscal year 2011 spending for DOD, as well as the Departments of Homeland Security and Veterans Affairs. Mr. Secretary, the legislation requires that you report to the President no later than June 1st with estimates for total fiscal year 2011 expenses in Libya based upon expenses incurred through May 15, 2011.

Is this a reasonable timeframe for you to assist Congress in our effort to ensure that the capability of our Armed Forces fighting in Afghanistan and Iraq are not degraded by the President's unconstitutional and illegal war?

Secretary GATES. Well, first of all, I can tell you that our costs as of last Monday were about \$550 million. And in the new support role that we assume today, we expect that the run rate—we estimate that the run rate will be about \$40 million a month. So I can give you that information now.

Mr. BARTLETT. Is this date reasonable time for you to tell us what rescissions—what it will cost so the President can find the rescissions?

Secretary GATES. Well, I would have to consult with the White House and OMB [Office of Management and Budget] on that.

Mr. BARTLETT. Would you do that for the record, sir?

Secretary GATES. Yes, sir.

Mr. BARTLETT. Thank you.

[The information referred to was not available at the time of printing.]

The CHAIRMAN. Thank you.

Mr. Reyes.

Mr. REYES. Thank you, Mr. Chairman.

Mr. Secretary and Admiral, thank you for being here. And we know you are working under very difficult circumstances.

My question deals along the same lines as Mr. Bartlett's. We know that it has been difficult to continue to operate with the budget process tied up in a continuing resolution. So one of the concerns—well, two questions. One concern is we probably are going to get a request for a supplemental which will include Libya. And if so, will that also include Afghanistan and Iraq?

And the second question, there is a lot of concern that with the action now against Libya, that somehow we are going to have to readjust the commitment that we are making, particularly in Afghanistan. As you know, I represent Fort Bliss, and there are a number of people that have expressed concerns that we are going to somehow shift some of our assets into Libya. Can you address both the supplemental and any potential for having to shift resources from particularly Afghanistan?

Secretary GATES. We will not be shifting resources from Afghanistan. In fact, thanks to the cooperation of the Congress, we are just in the process of sending about \$600 million worth of additional ISR [intelligence, surveillance, and reconnaissance] to Afghanistan. And yesterday in a meeting, I approved coming forward with an effort to try and reprogram about another \$400 million worth of ISR. So we will be adding ISR capability to Afghanistan, not taking it away, and we don't anticipate strike forces. There have been some electronic attack aircraft that have been moved from Iraq to the

Middle East, but in a way that we felt was not—did not present any risk to our operations in Iraq.

In terms of how to pay for this, we are in the discussions with the White House right now on this and OMB. I share your and Mr. Bartlett's view that it would be very difficult for the Department to eat this cost out of the base budget. There is an overseas contingency operations bill here before the Congress, and my personal view, I haven't coordinated this with the White House or OMB, but I think we ought to be able to find a way to deal with this in the framework of that bill without adding to the top-line number of that bill.

I would add, though, just in terms of my interests as Secretary of Defense in keeping this operation limited is the strain that we have on our military. And one of the things that people haven't talked much about, we have 19 ships and about 18,000 men and women in uniform helping on the Japanese relief. There are going to be some costs associated with that also that are going to have to be taken care of. So between these two operations, I would just make a final pitch, for those who are contemplating deep cuts in the defense budget, looking around the world at the kinds of commitments that we have and the potential challenges that we have, I think it bears very careful consideration.

Mr. REYES. Thank you, Mr. Secretary. Thank you, Mr. Chairman. And thank you both for your work.

The CHAIRMAN. Thank you.

Mr. Jones.

Mr. JONES. Mr. Chairman, thank you very much, Mr. Secretary and Admiral Mullen.

I must tell you that, home for the last week, that the American people are just so disenchanted, the people of the Third District, that the President seemed to say to Congress, you really aren't a fact in whether we do or do not. And I guess that can be debated, and I am not trying to get into that. But I get so upset when I hear—and, Mr. Secretary, I have great respect for you and enjoyed seeing you and Secretary Clinton on the interviews this weekend—when you say that we can't tell you when it is going to end. I understand that. But, you know, there again, we are going to be in Afghanistan for 4 or 5 more years, maybe 10, I don't know.

But anyway, we are not a strong nation. We can't pay our own bills right now. I had three wives of marines down in Camp Lejeune that called my office yesterday wondering about a shutdown. Their husbands are overseas in Afghanistan. They are worried about whether they are going to get a check. They have got children at home.

But, you know, that is not really where I want to go. But I just want to try to put it where my people see it in my district. This Qadhafi is absolutely evil, and yet we take the lead on everything. I don't know where the other countries are. Why in the world don't they take the lead on something?

And, yes, Admiral Mullen this will be a question for you, and I have got one for the Secretary in just one second.

If NATO is in the lead, does that mean we can reduce our military involvement and reduce the spending of these Tomahawk missiles at \$1 million apiece? That would be my question to you.

And, Mr. Secretary, under what circumstances as it relates to the President's decision to go into Libya—this is piggybacking on what Mr. Bartlett was asking, but under what circumstances do you see—would you see that a President should come to Congress before he or she at some point in the future makes a decision like has been made about Libya, that the decision is, well, you know, okay, Congress, we will talk to your top leadership, we will tell them what we are going to do, and yet to “The People's House” there is no consultation at all. And I just think that the American people are just tired and fed up.

So my question to you is under what circumstances would you believe that the President should come to Congress and make a request for military use in Libya? Do you see any circumstances other than what has been done so far where a President—I will take it away from Mr. Obama, but you are a leader of this Nation, you will leave one day just like I will. When does the President understand that he has got a responsibility to inform Congress, because truthfully we have been left out in the cold on this one.

So, Admiral, I have got my question to you, I believe; I have got a question to Mr. Secretary, if I made it clear enough; and if you would answer, I would appreciate it. Admiral.

Admiral MULLEN. The short answer with respect to our commitment is, yes, it will be significantly reduced literally starting today. We actually went in fairly heavy early, and actually it was in great part at the request from a leadership standpoint of our allies in Europe originally. So you will see us come down fairly dramatically here over the next few days and then sustained at a level of support in the areas the Secretary has mentioned.

The other thing that I would just mention briefly in terms of confidence in NATO, I have sat in this same room over many years, and NATO has been very badly berated because they wouldn't lead, they wouldn't contribute forces, they wouldn't do things that we would want them to do, and we were carrying the load. In this case it is actually the opposite. I mean, NATO has taken the lead, done so very rapidly, essentially set this—approved its own rules, if you will, and operational plans to execute this mission in record time. And NATO has evolved, like many of us, but NATO has evolved in ways where they are really contributing a significant amount of capability in all four aspects of this mission: no-fly zone, arms embargo, civilian protection and humanitarian assistance. And I think they will continue to do that.

Secretary GATES. The answer to your question is better provided by individual Presidents, Mr. Jones, because they all make their own judgments on these matters, I think, as you all are well aware. There has not been a formal congressional declaration of war, as far as I can recall, since World War II. There have been different kinds of resolutions, resolutions of support. Presidents have sought them sometimes. Congress has passed them without the request of Presidents sometimes. As Secretary Clinton has said, we obviously would welcome an action by the Congress in support of what the President has done. That would obviously provide an opportunity for debate.

The seeking of a resolution such as even short of a declaration of war depends very much on the specific circumstances involved.

And just to give you an example, I was asked in the Senate in a hearing several years ago whether I thought the Congress—thought the President had an obligation to come to the Congress if he were to decide to use military action against Iran. And I said I thought so, because I think that the nature, scope and duration of such a potential conflict would require it. But I think the bottom-line answer to your question is that is a judgment call that each President needs to make.

Mr. JONES. Thank you.

The CHAIRMAN. Thank you.

Mr. Andrews.

Mr. ANDREWS. Thank you, Mr. Chairman. Thank you, Mr. Secretary and Mr. Chairman.

First I hope you would convey to the men and women under your command how proud we are of them, how grateful and how supportive.

Second, to each of you, but particularly you, Mr. Secretary, thank you for providing a very artful example of a combination of candor and duty at the same time. We appreciate and admire the way you conduct yourself.

Mr. Secretary, if you came to us for your posture hearing in February of next year, and you reported to the committee that the strategic mission in Libya had been a success, not just the military side but the entire strategic mission had been a success, what would that look like?

Secretary GATES. Well, I think a policy success would be the removal of the Qadhafi regime and at least the beginnings of the emergence of a more or less democratic government in Tripoli.

Mr. ANDREWS. Admiral Mullen testified a few minutes ago that at present, I think I have this right, that the Qadhafi forces still maintain a military capability superior to that of the rebels. If that condition were to persist, what is the next strategic move on the military side that would be necessary to achieve that success that you just outlined?

Secretary GATES. Well, I think I can speak with some confidence that the President has no additional military moves in mind beyond what he has already authorized, which is the support of a no-fly zone and the humanitarian mission. So I think that what the opposition needs as much as anything right now is some training, some command and control, and some organization. It is pretty much a pick-up ballgame at this point. And as I got a question yesterday in one of the briefings, the truth is in terms of providing that training, in terms of providing assistance to them, frankly there are many countries that can do that. That is not a unique capability for the United States, and as far as I am concerned, somebody else should do that.

Mr. ANDREWS. I think the administration has outlined a strategy that essentially goes like this: That we will use the military coalition to create the conditions under which economic and diplomatic and military efforts by the rebels can create success.

There are two things that trouble many of us about this mission. The first is a constitutional issue about the way we made the decision to get here in the first place. That is really not your purview.

The decision was made, and I think that is a discussion between the head of the executive branch and the Congress.

The second thing that troubles a lot of us is that although we are hopeful that that strategy will succeed, that by setting those conditions we will achieve the result that you articulated, and there will be a new government in Tripoli that looks something like a democracy, our concern is what if it doesn't succeed? Now, we don't want to speculate on failure because that is not a very smart thing to do. But I think there clearly is a concern that we need to have a plan B. Do you have any sense of what the plan B would be if this one doesn't work?

Secretary GATES. Well, I think keeping the pressure on Qadhafi has merit and is a worthy objective on its own. One of the concerns that I think weighed on the President and on all of us was that with his military power and his money, that Qadhafi's ability to disrupt the democratic transitions going on with both of his neighbors, Tunisia and Egypt, was considerable. And as his own people rose up against him and he began to suppress them, there were many, many foreign workers in Libya that felt themselves at risk. And so there are over 1 million Egyptians, for example, in Libya, which is one reason the Egyptian Government has frankly been so cautious, because of the lives of those Egyptians.

So I think degrading his military capability, keeping him under pressure so that he cannot disrupt what is going on in Tunisia and Egypt, send waves of immigrants to those countries and to southern Europe, including Italy, all of those things have merit and value on their own, in my view.

Mr. ANDREWS. Thank you very much.

The CHAIRMAN. Thank you.

Mr. Forbes.

Mr. FORBES. Thank you, Mr. Chairman.

Mr. Secretary, if tomorrow a foreign nation intentionally, for whatever reason, launched a Tomahawk missile or its equivalent to New York City, would that be considered an act of war against the United States of America?

Secretary GATES. Probably so.

Mr. FORBES. I assume the same result would be true, and the same laws would apply, and the same reasoning would apply if we launched a Tomahawk missile at another nation; is that also true?

Secretary GATES. Well, you are getting into constitutional law here, and I am no expert on it.

Mr. FORBES. Mr. Secretary, you are Secretary of Defense. You ought to be an expert on what is an act of law—act of war or not. If it is an act of war to launch a Tomahawk missile at New York City, would it not also be an act of war to launch that by us on another nation?

Secretary GATES. Presumably.

Mr. FORBES. Mr. Secretary, a foreign leader recently made a statement, and I have a lot of respect for him, that the whole world looks like it is in an earthquake, and everything is shaking. When you are in an earthquake, sometimes the only thing that keeps you from shaking is the rule of law, and many of us are very concerned about that.

I listened today at some of the justifications for the rule of law here. I heard this word; well, this was okay because it is cover. There is nothing that cover does to change the rule of law. I heard that, well, we had a chance for success. There is nothing that success does to change the rule of law. I heard, well, this is a humanitarian crisis. That doesn't change the rule of law. Syria is a humanitarian crisis. Should they be scared to death we are going to bomb them tomorrow? I heard that it was limited to scope and scale, which basically means a small war is okay, but a big one is not. Well, the difficulty is we have a hard time predicting the little ones from the big ones. And then I heard it is okay to bomb the heck out of them as long as we say our goal is not regime change.

Mr. Secretary, for the rule of law we have got a very simple statute, the War Powers Act, which you said you were around when that was written. It doesn't require declaration of war, it requires one of three things. And I know you are familiar with them, but I am just going to read them. It says our forces should not be put into hostilities or imminent hostilities by the Commander in Chief unless one of three things happen; a declaration of war, specific statutory authorization, or a national emergency created by an attack on the United States or its forces.

My question for you today is which of those three things took place to justify this act, or if it didn't, is it the administration's position, to the best of your knowledge, that they simply don't have to comply with the War Powers Act?

Secretary GATES. It has been the position of every President since the War Powers Act was passed that the kind of action that we have undertaken is compliant with law.

Mr. FORBES. And, Mr. Secretary, I would like just to try one more time. Could you just tell me which of those three provisions—a declaration of war, specific statutory authorization or a national emergency created by an attack on the United States or its forces—were applicable in this particular situation?

Secretary GATES. It has been the view of every President since the War Powers Act was passed that the kind of action we are taking is compliant with the law.

Mr. FORBES. So in other words, once again on the rule of law, it is kind of like obscenity, we know it when we see it.

We can't put these actions in one of those three categories; therefore the conclusion we have to reach is that the President just feels that he doesn't have to comply with the War Powers Act, and maybe that is what every single other President has felt as well. But I can just tell you in this shaking time in the rule of law, it doesn't help us when we have these conclusions that the end justifies the means.

And, Mr. Chairman, I yield back.

The CHAIRMAN. Thank you.

Mrs. Davis.

Mrs. DAVIS. Thank you, Mr. Chairman.

And thank you to both of you for being here.

This is a difficult time, obviously. There are so many activities going on around the world, we appreciate the fact that you are there.

Mr. Secretary, I think that we all are often in a position of our words being used against us, and in this case I think the comment that you made about our national interest is one that I wanted to give you an opportunity to clarify even beyond the statement that you made in closing this morning. Could you please do that, and, I think, respond to the fact that this was obviously, I think, a reluctant move on our behalf, and wanted to give you both perhaps an opportunity to even respond to that.

Secretary GATES. Well, I think that what happens in Libya is clearly in our interest. What happens in the Middle East is of vital interest. And what is going on in Libya, I think, has an impact on the rest of the region. And I think Qadhafi unrestrained could have had a very negative effect on the democratic revolutions that are taking place across the region.

I think it is also important to bear in mind that our allies, particularly Britain and France, but a number of others, have come to our assistance in Afghanistan. They have put up 50,000 troops, nearly 50,000 troops, because we felt Afghanistan was in our vital interest. Britain and France and our other allies clearly believe that what is going on in Libya is a matter of vital interest for them. And so I think that one aspect of this that hasn't been touched on is that we are stepping up to help the same allies who have helped us in Afghanistan. They have now taken over the lead of this.

I think this is consistent with Libya being in our interest because of our allies' interest in it, but also I think the vital importance of the region as a whole. And I think one of the things that differentiates this, you know, we have been dealing with Qadhafi for over 40 years. I cannot recall a single instance in the last 40 years in which the Arab League has called for action against one of their own members.

And so you have the Arab League, you have NATO, you have the United Nations all expressing the view that action needed to be taken against this guy. And I think that this is an area where the United States is now receding to a supporting role, recognizing the strain on our resources and our men and women in uniform, and I think that comports with our interests.

Admiral MULLEN. I would only add, ma'am, that from the military perspective, it is not up to me or those of us in the military to define our national interests. It is up to us to defend them, and that is really what we do.

Mrs. DAVIS. I would not necessarily get into a "what if" game, but I also want you to, if you could, respond to the possibility that Colonel Qadhafi could comply with U.N. demands. And I am wondering whether the administration would want to accept the continuing existence of his regime?

Secretary GATES. Well, I think that the political future in Libya needs ultimately to be decided by the Libyans themselves. The circumstances under which he would be allowed to remain are hard for me to imagine, but there are conditions that the President has put down in terms of a cease-fire that would include him withdrawing from the cities that he has occupied, restoring the utilities and so on, and stopping killing his own people. Everything that we

have seen to this moment suggests that he is not in compliance with any of those things.

Mrs. DAVIS. Is it possible that the rebels themselves would not respect a cease-fire, that they would want to continue giving a scenario that we don't see today where there is strength behind that effort?

Secretary GATES. Well, again, I just don't know the answer to that. I think that there are a lot of different diplomatic players involved even now with outreach from both the rebels and from various people in Qadhafi's camp. And what the outcome of those talks may be, I just cannot foresee at this point.

Mrs. DAVIS. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Miller.

Mr. MILLER. Thank you, Mr. Chairman.

Mr. Secretary, do you think it is time that there was some type of resolution, either judicial—I guess it would have to be judicial—about this conflict on the War Powers Act between the Legislature and the executive body?

Secretary GATES. I am not going to wade into that, Mr. Miller. That is up to the Congress and up to the President.

Mr. MILLER. Did I hear you say that the President would appreciate a vote on a resolution of support from this Congress on our Nation's involvement in Libya?

Secretary GATES. That such a resolution would be welcome, yes.

Mr. MILLER. Would you be willing to speculate what that vote would be?

Secretary GATES. No, sir.

Mr. MILLER. Could you or Admiral Mullen discuss our plans, if any, regarding arming the rebels? They seem to be getting their butts whipped.

Admiral MULLEN. Well, consistent with what the Secretary said, we know a few of their leaders, but there is just a whole lot more that we don't know. And so we certainly are looking at options from not doing it to doing it. There is a fairly standard way to do this, to train and equip, that we are familiar with. But I also would repeat what the Secretary said: We are not the only ones that are familiar with this. There are plenty of countries who have the ability, the arms, the skill set to be able to do this. And that is in significant both discussion and debate right now, but heretofore no decision has been made to do that.

Mr. MILLER. What would the effect be on current activities if we can't reach a budget resolution and this government were shut down?

Secretary GATES. Well, as I think we have indicated before to the committee, even under the continuing resolution, there are severe consequences already for the Department of Defense. There will essentially be no military construction for fiscal year 2011. There are a number of acquisition programs—

Mr. MILLER. I apologize. Specifically Libya.

Secretary GATES. I am sorry?

Mr. MILLER. Specifically Libya. We are not building anything in Libya, I don't think.

Secretary GATES. I misunderstood your question.

Mr. MILLER. Yeah. If the government were to shut down, what would the effect be on the activities we are currently involved in in Libya?

Secretary GATES. My understanding of the law is that it would not impact any current military operations.

Mr. MILLER. Why did the President notify Congress quickly? You said the next day after he made the decision. What was his reasoning for notifying the Congress?

Secretary GATES. I think that it is consistent with the actions that I have seen of other Presidents of wanting to inform the Congress, the leadership of the reasons for his action and to solicit their support.

Mr. MILLER. And did he get it, the support?

Secretary GATES. Other than one Member who raised the War Powers Act issue, there really wasn't much discussion.

Mr. MILLER. What support did he ask for from the Congress?

Secretary GATES. Well, he wanted them to understand what he was doing and that there would be public support from the Congress.

Mr. MILLER. We don't understand what he is doing still, and I don't think he has the support of this Congress. But that is my personal opinion.

I yield back.

The CHAIRMAN. Thank you.

Mr. Larsen.

Mr. LARSEN. Thank you, Mr. Chairman.

I will give you my assessment of a vote in Congress. It would be truly bipartisan on the yeas and the nays. I think that is kind of where this House is right now, a lot of folks on different sides of this issue in both parties. And the reason for this hearing is to get a better idea, try to settle some of those thoughts that folks are having.

In the spirit of the social media revolution that set all of this off in the Middle East, I actually tweeted last night telling people you were going to be here and asked for some questions from folks. I actually got a good one back. It has to do with the opposition. It has to do with the idea that the removal of Qadhafi will likely be achieved over time through political and economic measures and by his own people. It is from your testimony, Mr. Secretary. And a question that came back regarding that issue is how does a disparate opposition that is multiheaded or in some respects leaderless organize to defeat Qadhafi without additional help beyond what is being provided right now? If the military mission is just to protect the civilian population and to enforce a no-fly zone, but you have this opposition that has many heads and no leaders, how do they organize?

So the specific question I have with regards to that is what specific steps are we directing to organize these rebels so that we help that objective, if that is one of the objectives in Libya?

Secretary GATES. Well, again, as I said earlier, part of the challenge here is that the opposition is or the rebels are so disparate and so scattered. You know, the truth is that there was a certain point not too long ago when almost all the major cities in Libya

were in the middle of uprisings, and there is very little indication of much coordination or contact among them. It was basically a spontaneous uprising in one city and town after another. And in many of them, they were able to either turn the Qadhafi military or chase them out of town. So the notion that the Libyan people can't do this, I think, is contradicted a bit by that earlier experience.

As I said in response to another question, we really have very little insight into the very different pieces of this opposition. And one of the things that obviously needs to happen is for there to be some unity, but frankly—among them. But frankly, we have little means of doing that at this point.

Mr. LARSEN. And I think that is one of the concerns is that does the rebellion have legs to it without a lot more help? And so we go through this military mission and at the end of it still don't get the payoff, if you will.

Secretary GATES. Well, I think that the degradation of Qadhafi's military over time does create the circumstances that makes it easier for these people. I mean, we are blowing up his ammunition supplies. He can't resupply from abroad any of the things that have been lost, so it will be difficult for him to recuperate or to restore his military capabilities. And over time that should work to the advantage of those in opposition.

Mr. LARSEN. It is my understanding that the administration has—I think the words have been used—has yet to make a decision on whether or not to arm the rebels; that is, to sort of take advantage of the language of the U.N. Resolution 1973. So given that there is a decision yet to be made whether you do it or not, can you at least provide—you know, what are the three or four top criteria the administration would use to make that decision?

Secretary GATES. Well, we haven't really addressed this issue, quite frankly, up until this point. And I would just share with you my view is this is something that a lot of other countries can do. And one of the things that I think makes Libya different in terms of what is going on there right now is that the United States is in support of others, and others have been taking a much more aggressive stance in that respect, if you will. And my view would be if there is going to be that kind of assistance to the opposition, there are plenty of sources for it other than the United States.

The CHAIRMAN. Thank you.

Mr. Turner.

Mr. TURNER. Thank you, Mr. Chairman, Mr. Secretary, Admiral Mullen, for being here.

I want to also acknowledge our men and women who are serving. We are all so grateful to what they do to keep our country safe.

Mr. Secretary, I want to thank you as others have for your candor, because you are answering some very difficult and uncomfortable questions honestly and directly, and I appreciate that.

I also want to associate myself with Mr. Forbes' comments concerning the approval process and congressional concern that the War Powers Act has not been complied with.

And I want to also associate myself with Mr. Miller's comments, that I do not believe that the only issue you are facing is an issue of lack of congressional approval. I think that there is significant

question as to whether or not you have congressional support. I can tell you that I believe that if you placed a resolution on this floor today for a vote for approval, that I doubt that it would pass, and I certainly would not be voting for it. And I would not be voting for it, Mr. Secretary, because of the answer you gave us with your candor of who it is that we are supporting.

This mission is unclear, and the goals are unclear, because as your answer is when we ask who are the rebels, you say, other than a handful, we don't have much visibility; and then you say, I am not aware, I don't know.

We don't know. We don't know who they are. We don't know what their position is with the United States. We don't know what they will do if they are successful. We don't know what form of government they will pursue. We don't know their geopolitical position with their neighbors, with NATO or with us. Therefore, many of us are very concerned as to overall what would be the outcome here. And without us knowing the questions that you have answered honestly and with candor that we don't know, I think it is very difficult for anyone to say that they could believe that this outcome will be positive. And on one of those outcomes that I am concerned about is what does it say from a policy basis, what does it say on a doctrine basis, and what does it say in the region?

Could you please tell me how much consideration was given to the United States efforts for Iranian nonproliferation initiatives when this decision was made to go into Libya?

Secretary GATES. The consideration to Iranian—

Mr. TURNER. Nonproliferation initiatives or ongoing efforts with Iran on nuclear nonproliferation.

Secretary GATES. I can tell you that I haven't heard a single question in this hearing or in the briefing yesterday that wasn't debated intensively during the administration's deliberations on this. So I think all of the ramifications of potential action were addressed.

But let me just add one more thing. We may not know much about the opposition—

Mr. TURNER. Just a second. Before you do that, I really am very interested in what considerations on the issues of the Iranian nuclear nonproliferation initiatives. You said, you know, everything was considered. What was considered, and how was it considered?

Secretary GATES. I think the judgment was that it would have—that this action with respect to Libya would have essentially no impact with respect to the Iranian nuclear program.

Mr. TURNER. And here is my concern. As you know, and when we invaded Iraq in 2003, Libya had commenced a nuclear program and weapons of mass destruction program. And as you know, they cooperated with the United States and tendered, delivered to us the assets of that program, participated in inspections, and had been cooperating with us on this issue. And my concern is what does it say to Iran at this time as they look to our action and whether or not this would harden their regime and put their regime on a faster-paced effort for a nuclear weapons program?

Secretary GATES. My view is that in terms of what they want to try and achieve in their nuclear program, they are going about as

fast as they can. And it is hard for me to imagine that regime being much harder than it already is.

Mr. TURNER. Thank you.

Your comments then about the rebels.

Secretary GATES. What I was going to say is we may not know much about the opposition or the rebels, but we know a great deal about Qadhafi. The jersey barriers that first appeared here in Washington appeared not after 9/11, but in 1983, after we received a number of clandestine reports indicating that Qadhafi wanted to kill President Reagan. We then had the La Belle disco attack that killed 12 American servicemen that Tripoli was responsible for. That led to the President's bombing, President Reagan's bombing, of Libya.

This guy has been a huge problem for the United States for a long time. And the reason the Arab League came together, and the reason that the U.N. voted, and the reason that NATO has supported this is not because they know a lot about the opposition, but because they know a lot about Qadhafi. And they know what Qadhafi was not only going to do to his own people, but his potential for disrupting everything that is going on in the Middle East right now.

So I think in the eyes of many of the participants in this coalition, this was more a preventive action to keep Qadhafi from pursuing his depredations as much as it was supporting the opposition.

The CHAIRMAN. Thank you.

Ms. Bordallo.

Ms. BORDALLO. Thank you very much, Mr. Chairman. And I also would like to welcome Secretary Gates and Admiral Mullen.

And at this time, Mr. Chairman, I wish to yield my time to the gentlelady from Hawaii, Mrs. Hanabusa.

The CHAIRMAN. The gentlelady is recognized for 4 minutes and 45 seconds.

Mrs. HANABUSA. Thank you. Thank you Mr. Chairman. And thank you, Congresswoman Bordallo.

Secretary Gates, are you at liberty or do you know what it is going to cost us or what it has cost us to date, our actions in Libya?

Secretary GATES. Yes. Through last Monday, it was about \$550 million. And going forward in the reduced role that we will be playing, we estimate the cost will be around \$40 million a month.

Mrs. HANABUSA. You also mentioned the cost of Japan. It was 19 ships that we have deployed and about 18,000 of our service personnel in the relief efforts. And it also had to come out of a budget. Do you know how much that is costing us?

Secretary GATES. No.

Mrs. HANABUSA. Do you know if it is around the 500-some-odd million dollars?

Secretary GATES. No. It is significantly less than that.

Mrs. HANABUSA. Less than that.

You also mentioned that you believe that the amounts would be covered out of the OCO [Overseas Contingency Operations] budget; is that correct?

Secretary GATES. No. I said that was my opinion, that this is a matter still under discussion with the White House and OMB.

Mrs. HANABUSA. But it is going to be coming out of somewhere in the defense budget?

Secretary GATES. I would expect that to be the case.

Mrs. HANABUSA. And if there is no supplemental—just assume that—it would still come somewhere out of the defense budget that we are dealing with today, correct?

Secretary GATES. Probably. But if there is no OCO, we are also in big trouble in Afghanistan and Iraq.

Mrs. HANABUSA. And we also know that time and time again, members of the Department of Defense have come forward and said the CR [continuing resolution] is just preventing you from making any kind of long-term determination or planning. So I am now very curious about if it comes out of OCO, if the OCO goes through the way it is now, would you be able to cover these costs?

Secretary GATES. I think so, yes.

Mrs. HANABUSA. So, Secretary Gates, that causes somewhat of a problem in the sense that if we are cutting the budget, or if the CRs have cut the budget as much as it can, I am curious as to how you are going to now be able to accommodate a cost of \$550 million and \$40 million a month plus whatever Japan may be costing us out of that OCO budget that is supposed to already be cut pretty close to the bone. So how are you going to do that?

Secretary GATES. Because there are several billion dollars in there that was moved around principally by the Congress that we think we can recover that would cover these costs.

Mrs. HANABUSA. And when you say it was moved around by the Congress, are you saying that it is still within the budget itself, and you are just—

Secretary GATES. Yes. The things that we don't need or want.

Mrs. HANABUSA. Do you realize that as we are all looking for money, that to say that there is a couple of billion dollars out there that you don't need or want that the Congress is doing, it kind of leads us to wonder, okay, where are they, so that if we have to cut, what are we going to cut?

Secretary GATES. I think that the Congress has already done that with the OCO.

Mrs. HANABUSA. Well, I realize that, but you are saying there are several billion dollars that you are still going to be able to cut, and you are going to be able—that is not what you want, and that is how you are going to fund it.

Secretary GATES. No. I am saying that we could substitute these costs for other costs that are in the OCO.

Mrs. HANABUSA. And what are those costs, Secretary?

Secretary GATES. I would have to get that for you for the record.

Mrs. HANABUSA. I really would appreciate that because I would like to know what that is.

[The information referred to was not available at the time of printing.]

Mrs. HANABUSA. You also said—and it is referred to constantly—that there will be no boots on the ground in terms of Libya. That is correct, right? Now, can you also tell me at this present time, do our, quote, “allies” or the NATO forces or Operation—what is the new name now? Anyway, Unified Protector. Are there any boots on the ground at this time in Libya?

Secretary GATES. Not that I am aware of.

Mrs. HANABUSA. So we are saying we are not going to put any boots on the ground, but neither have our allies?

Secretary GATES. That is my understanding. And to tell you the truth, the opposition has said they don't want any.

Mrs. HANABUSA. So is there any attempt, or do you know if there is any time in the future, that there are going to be boots on the ground in Libya?

Secretary GATES. Not as long as I am in this job.

Mrs. HANABUSA. I know that is on our side. But do you know if the ally—

Secretary GATES. The allies? I have no idea.

Mrs. HANABUSA. There has been no discussion as to when they would put boots on ground, no?

Secretary GATES. I don't think so.

Mrs. HANABUSA. And under what conditions?

So it could be that they were saying there was no boots on the ground, no one has any intention of putting boots on the ground, that it may just continue with this air strike?

Secretary GATES. Well, as I indicated, the rebels themselves have said they don't want any.

Mrs. HANABUSA. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Kline.

Mr. KLINE. Thank you, Mr. Chairman.

Thank you, gentlemen.

I want to sort of dig into this NATO operation thing and see if we all agree and understand. We have a NATO operation in Afghanistan right now; is that not correct?

Admiral MULLEN. Correct.

Mr. KLINE. Isn't that what we have?

Admiral MULLEN. It is NATO plus about another 21 or 22 non-contributing—

Mr. KLINE. Exactly, exactly. But it is a NATO operation, and there are other contributing nations. And we have a commander who happens to be an American in this case, General Petraeus, running that, and he has got sort of an interesting chain of command. He is the Central Command, General Mattis is involved in this, and I assume Admiral Stavridis is involved in this. And there is a chain that comes up to you, Mr. Chairman, and you, Mr. Secretary. But it is essentially a NATO operation. And our NATO partners there have caveats.

I know, Mr. Secretary, in hearing after hearing, we all felt your frustration as you went and talked to the NATO allies in this NATO operation and said, you know, you have got to get rid of some of these caveats, we have got to get you out in the field, we have got to get you out of the wire and get you engaged and get you to contribute more.

And as you said, Admiral, we have other nations who are not part of NATO who are involved there. And now we are involved in another NATO operation. We have turned over control of NATO as like that is somebody else, those are other people, it is not us. But we are part of NATO, and we are in a supporting role here, but

we are still part of NATO. And in this case, this operation has a Canadian lieutenant general who is commanding, but he has got a command structure, and presumably it goes to Admiral Stavridis again.

So I am just a little bit hesitant to look at this as though we have turned this over to somebody else. We are now involved in a NATO operation, and there are countries with caveats, like, oh, the United States has a caveat that we won't put boots on the ground. I am not being critical of that caveat, I am just trying to put this in the context of what is going on here. This is a NATO operation. It involves the United States as part of NATO. NATO forces are involved in this. Our U.S. forces have caveats on what we will and will not do. Is that roughly correct? Either one of you.

Admiral MULLEN. Yes, sir, it is roughly, although the caveat issue in particular with respect to ISAF [International Security Assistance Force]—I mean, to a point that I don't even track them anymore because so many of them have been taken off the table by our NATO allies.

Mr. KLINE. I understand. And I don't mean to interrupt, but I am on the clock. And I do appreciate, and I am sure the Secretary appreciates, a lot of those caveats gone away, and our NATO allies in Afghanistan are much more engaged than they were when the Secretary was sitting in front of this committee 2, 3, 4, 5 years ago or however many years ago it has been.

But I just want to get this in the context that they are different operations, but they are both NATO, our forces are involved, we are clearly heavily engaged in Afghanistan, we have the most forces, we are the most active, we have the fewest caveats and so forth. But our forces are involved here as well, and when we say we have turned this over, that is just a little bit misleading. We are still part of this operation. A NATO operation doesn't mean it is some foreign operation. This is a command structure which we are not only an integral part of, but we are the leaders of.

Admiral MULLEN. We clearly are integral to this. But what the Secretary said, and what I said, is we really are in support here. So the staffs are much more integrated with NATO—individuals from NATO countries.

Mr. KLINE. But if I could, we are not supporting somebody else. We are part of this. We have a smaller role than we had until this morning, but we are still part of a NATO force.

And I want to put it in that context because whoever is flying the planes that are releasing the munitions to destroy tanks and Qadhafi forces and degrade his army and so forth, we are still part of that force.

And so I am trying to get at the mission piece of this, and I am not going to have any time to do it. But very quickly I want to ask this question. If you looked at a city like Sirte, where you really didn't have this humanitarian crisis, it is Qadhafi's hometown, as far as we know there weren't protests there, if the rebel forces move into Sirte or are trying to get into Sirte, and Qadhafi's forces are just trying to keep them out, is this part of the humanitarian role? What would be the justification for NATO forces of which we are a part for striking Qadhafi's forces there?

Admiral MULLEN. I think the civilian protection mission is dominant there.

Mr. KLINE. But Qadhafi's forces aren't killing civilians.

Admiral MULLEN. However, there has been also a primacy issue on no civilian casualties, or absolutely minimizing them, And that applies to NATO as well as it did to us up to this point.

The CHAIRMAN. Thank you.

Ms. Tsongas.

Ms. TSONGAS. I want to thank you both for being here. I don't think when last you were before us we imagined you would be back quite so soon. So thank you again for appearing with us and answering the many difficult questions that we continue to have.

I think we are all very pleased that the President, in speaking to the American people, clarified what his intentions were and what the rationale was. And I think also we can all feel good steps were taken in bringing the international community and our Arab partners into this process. And as always, I think we have seen how admirably our men and women in uniform have performed.

But I want to revisit the question of boots on the ground. I appreciate so much, Secretary Gates, your firm commitment and continued reiteration that that is not something that you would find acceptable. And I myself want to take this opportunity to say that I could not under any circumstances support the deployment of U.S. ground forces to Libya.

But I worry that we have a stalemate on our hands, and we are already seeing the limits of what can be done from the air. And numerous reports have indicated that within just the past 2 or 3 weeks, that President Obama has signed a covert finding which would authorize military aid to the Libyan rebels. To me, this signals that other options, besides the current arms embargo, no-fly zone and air strikes, are being left on the table. With two other wars, as you have both said, and our Armed Forces nearly at the breaking point after a decade of combat, deployment of our ground forces into Libya cannot be one of them.

Secretary Gates, it is my understanding that Admiral Gortney, Director of the Joint Staff, has indicated that the United States believes it has the authority to put forces on the ground in Libya. Can you envision any scenario in which the rebel forces—you have said that they don't want us at this point—but a scenario in which they would request a presence of U.S. or coalition ground forces in Libya, and under what circumstances would we consider such a request?

Secretary GATES. I assume there are conditions under which they would ask for it. I cannot imagine the circumstances under which the President would approve it.

Ms. TSONGAS. So you think that it is an absolute line in the sand that U.S. boots would never be on the ground?

Secretary GATES. That is certainly the way he has expressed it to the chairman and myself.

Ms. TSONGAS. In going forward as we transition to NATO, and if NATO were to make a decision that it needed to put boots on the ground, would there be a caveat in place that said no American soldiers could be used in that context?

Secretary GATES. Presumably.

Ms. TSONGAS. Thank you. I yield back.

The CHAIRMAN. Thank you.

Mr. Conaway.

Mr. CONAWAY. Thank you, Mr. Chairman.

Gentlemen, thank you for being here this morning.

We don't know much about the rebels. What we do know about Qadhafi's advisers—do we have any intelligence as to who his military advisers are and what their current status might be as to remaining loyal to him? It seems like the best way for him to come out of power is somebody close to him takes that into his own hands. Do we have any intelligence to that effect?

Secretary GATES. I think we do have information about some of those in his inner circle, but in terms of their intentions, I think we don't have much. What we do have is the evidence of one of his intimates, his Foreign Minister, defected yesterday, which was somebody very much in his inner circle and so, frankly, an encouraging sign.

Mr. CONAWAY. You said several times that there are other entities around the world that are capable of training and equipping Qadhafi's rebel forces. I suspect the rebel forces just really want the equip part, not necessarily about the training part, because that would require boots on the ground to do that. Comments this morning in the press about at least one attempt to fire an RPG [rocket-propelled grenade], and they had it pointed the wrong direction. So apparently a lot of training needs to go on with what they have got.

Since we don't know who the rebels are, and you don't really want to give weapons to folks that might misuse them somewhere else, if someone else decided to arm these rebels, what would our position be with respect to that?

Secretary GATES. Well, we really haven't—

Mr. CONAWAY. What if it was Al Qaeda that decided to muscle in there and arm these guys?

Secretary GATES. We would clearly have a problem with that. I mean, I honestly don't know the answer to the question.

Mr. CONAWAY. Personally I think arming those guys is a bad idea because we don't know who they are. We are doing it under this rubric of protecting civilians. Wouldn't we need to arm every single civilian in order to do that, to protect all of the civilians?

Secretary GATES. I don't know.

Mr. CONAWAY. This boots on the ground thing. We have had boots on the ground in Libya. We had those two pilots that came out of the air, and then the search and rescue mission that is a part of the unique capabilities. So we will have folks on the ground in Libya from time to time, if necessary, in order to fulfill those missions; is that correct?

Secretary GATES. Only for a search and rescue mission.

Mr. CONAWAY. But they will be there in harm's way to do that?

Secretary GATES. Very briefly.

Mr. CONAWAY. Okay. Admiral Mullen, I hate saying these kinds of things, but you made a brag earlier about the way the coalition was put together, the international community, the Arab League, and were quite extensive in that brag. It is odd that we didn't have the time to solicit Congress' intervention or help in that regard.

And again, that is just folks on this side of the table whining about the process. But you did say that, and I wanted to push back on that just a little bit.

Forty years of a dictatorship doesn't have and doesn't create in place the kind of civilian mechanisms for running a country. If Qadhafi does come out of power, the tribal nature of the communities, what do you envision that process looking like since there is no organized military leadership in place, and there doesn't appear to be anyone we know of in the civilian side? What really are the prospects for a Libya emerging from this regime change in anything that is remotely orderly?

Secretary GATES. Well, I think that there are several alternative outcomes. One is that somebody from his military takes him out and then cuts a deal with the opposition. So that would be one scenario.

Another scenario would be the tribes abandon him and then cut their own deals with each other.

Another alternative would be—clearly our preferred option, which would be that these opposition forces in the tribes come together and begin to create something that resembles a more democratic state that protects the rights of its people.

So there are a number of different possible outcomes to this.

Mr. CONAWAY. What would be our involvement under any of those scenarios?

Secretary GATES. Well, I think our involvement, if asked, would probably be the most likely under one in which they were moving toward a more democratic government.

Mr. CONAWAY. Do we have any kind of a criteria?

Secretary GATES. We don't really have any influence or particular sway with the tribes as an example.

Mr. CONAWAY. I understand that. Have we put any kind of a metric in place as to decide, assuming some government does emerge, which ones we would support versus which one we would not?

Secretary GATES. No, we haven't gone that far yet.

Mr. CONAWAY. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you.

Mrs. Castor.

Mrs. CASTOR. Thank you very much, Mr. Chairman.

Thank you, gentlemen, very much for being here this morning.

I would like for you to give us an inventory of Qadhafi's military forces and assets. And first take a step back. Libya is a country of about 6.5 million in population. Generally do we have an idea on, if you take that 6.5 million, how many in the population are loyal to Qadhafi, and how many oppose the regime?

Admiral MULLEN. Let me take a shot at the second part first and come back to the military piece, and it goes to the part of the discussion that just occurred. What we are seeing on the tribal side is actually—I would call it hedging. Even inside tribes, even inside Qadhafi's own tribe, there is a split on where this is going. And I guess my experience is, and taking this to other countries, that is not uncommon. The people kind of want to see how this is going to come out before they vote, particularly if he is sustained, and

given his track record for killing as many of his own citizens as he possibly can.

With respect to his military, 15- to 20,000, he centers the most capable military on the 32nd Brigade, which one of his sons commands. It is predominantly in the Tripoli area, although not exclusively. There is another brigade called the 9th Brigade.

So we have a pretty good feel for his center of gravity and his military capability. And as I indicated earlier, we have attrited a vast majority of his air defenses—

Mrs. CASTOR. You said 20 to 25 percent?

Admiral MULLEN. About 20 to 25 percent. No, overall of his military capability. But the vast majority of his air defenses are gone. He does have some mobile—

Mrs. CASTOR. Inventory for us what his capabilities in firepower are in the air and—

Admiral MULLEN. He doesn't have much in the air left. We have seen one plane fly since the no-fly zone was effectively in place, which was very rapidly after the initial setting of that zone. He has got a significant amount of capability with respect to tanks, armored personnel carriers.

Mrs. CASTOR. Do you know how many? Can you—

Admiral MULLEN. Well, I would rather put it in roughly the ratio. He is about a 10 to 1 ratio for him versus—for the regime forces versus the opposition. So he has got mobility, he has got the training, he has got command-and-control communications, a lot of which the opposition just doesn't have.

Mrs. CASTOR. And probably very little in the water?

Admiral MULLEN. He has got some capability in the water, but it is tied up. And they know if they move, they are not going to move again, and that message has been communicated to him.

So most of his capability is ground capability, and over time that will continue to be able to be attrited, depending on where it is. I don't expect we would do that in town, that is the civilian casualty piece, but certainly in proximity, as has been the case in the last few years.

Mrs. CASTOR. Say over the past decade, where has Qadhafi purchased his weaponry, his—apparently his strength is in the tanks and land vehicles or even in the air. Where has he purchased his capability?

Admiral MULLEN. He has got an awful lot of former Soviet Union capability.

Mrs. CASTOR. Any Western countries that you know of?

Admiral MULLEN. I just don't know.

Mrs. CASTOR. Talk a little bit about the rebels' capability. You said they are disparate, scattered, they lack command and control. How many militarily trained rebels would you estimate?

Admiral MULLEN. The estimate is about 1,000 that we have right now. But again, as the Secretary said, that is—our understanding is that is principally in the east. And so we just don't know across the land how many would stand up at this point.

Mrs. CASTOR. You don't have a good feel for who would join the fight, or who has joined the fight, and how many you could put into that resistance population?

Admiral MULLEN. Well, they are supplemented by a fair number of civilians who don't have a military background.

Mrs. CASTOR. Right. Do you know or can you say how many thousands or not?

Admiral MULLEN. No.

Mrs. CASTOR. Okay. Thank you very much. I yield back.

The CHAIRMAN. Thank you.

Mr. Wittman.

Mr. WITTMAN. Thank you, Mr. Chairman.

Secretary Gates, Admiral Mullen, thank you for joining us today, and thank you so much for your service.

I want to begin by stating what the Obama administration has said, and that is their effort is to persuade Qadhafi to relinquish power. Under that scenario, what happens if Qadhafi stays in power? And if he does, what is the contingency plan if he continues in that role?

Secretary GATES. I think we have considered the possibility of this being a stalemate and being a drawn-out affair. Unless there is some kind of a significant change in behavior in terms of his own people and so on, it is hard for me to imagine circumstances in which we would be content to deal or tolerate a government that still had Qadhafi at its head. And I think it is hard to forecast what directions this business may take, but I think that the administration would have a hard time accepting a government with Qadhafi as the head in terms of dealing with it.

Mr. WITTMAN. So at this point, though, there is no contingency plan if he does continue to remain in power?

Secretary GATES. Other than keeping the pressure on him.

Mr. WITTMAN. Okay.

The administration has said, too, that they are absolutely not going to deploy ground forces there, but as we have watched 10 years of war in Afghanistan and Iraq, and know that as we pursue operations there with precision strike and the use of air power, we talk about that being used to prepare the battlespace and that coordinated effort there. Under that scenario is it correct that we have nobody on the ground in Libya in any way, shape or form directing or recording these air strikes like we have used tactically in Iraq and Afghanistan?

Secretary GATES. That is correct.

Mr. WITTMAN. Okay. Are you satisfied with the effectiveness of that, then, without us being able to direct those operations like we do in other theaters?

Secretary GATES. The chairman is better able to speak to that than I am. I think there is some loss with not having somebody on the ground, but I think that it is more than offset by the effectiveness of what we are doing and by not having anybody there.

Mr. WITTMAN. I want to talk a little bit, too, about the no-fly zone and looking at deployment of a Marine expeditionary unit there in the Mediterranean, and looking at how the 6th Fleet is currently being deployed. The U.N. Security Council Resolution 1973 and 1970 requires an inspection of all vessels and aircraft en route to and from Libya if there is a reason to believe that the cargo contains items that are prohibited in Resolution 1970. Under that scenario what role do you see the U.S. Navy and the Marine

Corps assuming in that area enforcing those elements of the U.N. Resolution 1973 and 1970?

Admiral MULLEN. Again, part of the mission that NATO has assumed is the arms embargo, so we would certainly support it in terms of ships that would be under the NATO chain of command, support that.

And I would also note that this particular resolution is the first one that I am aware of that allows us to actually do this at sea, to board whether we are invited or not. And that is a significant upgrade, if you will, of being able to enforce something like the arms embargo.

Mr. WITTMAN. Will that stretch our force capacity as far as our naval forces, especially with where we need them elsewhere with, say, the 5th Fleet and now engaging the 6th Fleet in an expanded role?

Admiral MULLEN. No, sir. I don't think substantially. In addition to focus on Libya, this is a part of the world that also has a significant amount of turmoil throughout it. So having a presence of naval capability there in the Mediterranean, I think, is a wise decision.

Mr. WITTMAN. Looking at these scenarios, it is great to have that ability to board these vessels at sea. But let us face it, there is also a contingency that some of them get ashore, and some of these materials get ashore. What would be the U.S. role if we were to find that out, that under this resolution there was a violation with these supplies going ashore?

Admiral MULLEN. Well, I don't know if the implication of the question is would we go ashore. The answer would be no. I mean, this question has come up a lot. It is zero boots on the ground, none, with respect to that. I actually have a reasonable amount of confidence certainly from the arms embargo standpoint that we can enforce this in a way that is maybe not exactly perfect, but it is a very strong embargo that we might be—I think we are going to be able to significantly impact his ability to break it, although that certainly is a possibility as well.

Mr. WITTMAN. Thank you.

The CHAIRMAN. Mr. Cooper.

Mr. COOPER. Thank you, Mr. Chairman.

Secretary Gates, Admiral Mullen, thank you for your service. And above all, thanks to our troops.

I have more of a statement than a question, because my remarks have to deal more with the congressional role in this process. I don't think it has been mentioned so far here today that the Senate, the U.S. Senate, on March 1st unanimously called for a no-fly zone over Libya. The House did not have a similar action, but that is at least some sign of congressional involvement early on in this process.

It is no secret that this is a period of domestic tension in this country politically, but it makes me yearn for the days when politics stopped at the water's edge, and we could gather behind the Commander in Chief.

There has been a lot of discussion about the War Powers Act from some Members here. They are still unfamiliar with it. As you have pointed out, Mr. Secretary, every single President, Democrat

or Republican, has questioned the constitutionality of that act. If we had wanted to repair it, we have had years to do so, but Congress has not done that. There is a school of thought in the law that although the War Powers Act was intended to limit Presidential power, it has, in fact, expanded it. Yet we in Congress have not amended that act since 1973.

Many people have wondered about the lack of adequate notice to this body. Well, the leadership in each party was informed promptly after the President's decision. So perhaps we should question our own contact with our own party leadership. But that has not been raised at least so far in this hearing.

I also think that you can see the Presidents age, Democrat or Republican. For almost every year in office, they age about 10 years it seems like. The gray hair, the white hair quickly comes. They carry the weight of the world on their shoulders. They are privy to many things that we cannot discuss here in open hearing. And I am all for Congress, we are an equal branch, but sometimes we do not take our responsibilities equally seriously with the Chief Executive of the land, and that worries me, because Congress should be more than a Congress of backseat drivers, more than a Congress of armchair generals.

You gentlemen have conducted your responsibilities ably and well under difficult circumstances. I worry that we in this body have not. So I am hopeful that on a going-forward basis we can examine some of these things, not having declared a war since World War II. Vietnam was not a war, Korea was not a war. We need to get our act together in this body. And this is not a criticism of you. You gentlemen in the executive branch are doing it ably and well. We need to get our act together in the legislative branch. So thank you for your service. Above all, thanks to our troops. But I think in the interest of full disclosure in this hearing, we need to reflect on congressional shortcomings as well.

Thank you, gentlemen.

The CHAIRMAN. Thank you.

Mr. Coffman.

Mr. COFFMAN. Thank you, Mr. Chairman.

And thank you for your service and also thanks to the service of our men and women in uniform.

Mr. Secretary, Mr. Chairman, can you tell me when it was clearly communicated to Muammar Qadhafi that if, in fact, you do these things that create this humanitarian crisis that you describe, that we will, in fact, intervene militarily to degrade your capability and to stop this humanitarian catastrophe from happening? As we assembled these forces, to include predominantly our own, when did we clearly communicate those conditions, and what specifically were those conditions, so that if he ceased his activities in terms of again attacking civilian targets, that, in fact, our forces would not intervene?

Secretary GATES. First of all, he should have seen this coming beginning with the Gulf Cooperation Council resolution, and then the Arab League resolution, and the moves in the U.N. with the first resolution and then the second resolution. So this wasn't exactly like he was surprised.

What the President said in his announcement of his decisions was that for the ground attacks to cease, that he would have to pull his forces back away from Misrata, from one of the towns in the west that was—Az Zawiyah that he was attacking, restore power and water to Misrata, and pull back well to the west of Ajdabiya. So he was very specific in those matters with his announcement of his decision.

Mr. COFFMAN. But there really were no clear conditions made. Were there really clear conditions made where we were waiting for a response from Muammar Qadhafi on preventing this humanitarian crisis for which we now are engaging in combat operations?

Secretary GATES. He started these actions the minute that the uprisings began in Tripoli and the other cities. And the response was, I think, clearly communicated to him what was going to happen.

Mr. COFFMAN. Mr. Secretary, I served in the Army and the Marine Corps, and I know what humanitarian missions are, and our men in uniform know what humanitarian missions are. And they are generally in a permissive environment where our security concerns are simply the integrity of our logistical support.

These are combat operations, were intended to be combat operations from the beginning. I don't know why this administration has not been honest with the American people that this is about regime change. And it is stunning to me when the President of the United States in his address to the American people says that regime change in Iraq took 8 years, and this is going to be different. Well, regime change in Iraq took 3 weeks. It was the humanitarian crisis that was caused by the vacuum of power in the aftermath of the fall of that regime, you know, whereby there was anarchy, there was looting, there was massive criminality, and then there was an ensuing sectarian civil war for which we were engaged in, that it has gone on now for 8 years.

But it is stunning to me that this is just the most muddled definition of an operation probably in U.S. military history to say what it is and what it isn't. To say this is not about regime change is crazy. Of course this is about regime change. Why not just be honest with the American people?

Secretary GATES. Well, first of all, I think that the President has been quite clear in terms of what the military mission is, and that is one of the reasons why we can take the position there will be no boots on the ground. Most instances where there has been regime change, where that is the objective of the military operation, it has taken ground forces to make that happen.

So there is the military mission, which has limited objectives and is limited in nature and duration and scope, and then there is the political objective or the policy objective of the need for a change in the regime in Libya. I don't see how that is muddled.

Mr. COFFMAN. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Mr. Loeb sack.

Mr. LOEBSACK. Thank you, Mr. Chairman.

First thing I want to say is I really appreciate the fact that we have at least a limited number of airmen from the 185th Air Refueling Wing of the National Guard in Sioux City who have just been deployed, called up. And I have confidence they are going to

be doing the job that they are called upon to do, and I want to give them as much credit as possible.

Often my colleague Jim Cooper and I don't vote the same way even though we are in the same party. I don't know what he thinks about me, but I think he is one of the most thoughtful people in the U.S. Congress. And I want to associate my remarks with what he had to say. I think he had a lot of great things to say about the role of Congress in this. And I appreciate your comments, Jim, very much.

That being said, my job still on this committee is to provide at least some degree of oversight of the administration. I was very critical of the Bush administration during our involvement in Iraq. I am not at the point where I am willing to be as critical of the Obama administration and this policy. I may never be that critical. I am still at a stage, like a lot of us, where I am gathering as much information as I possibly can, given the limited information that, in fact, was provided to most of us here in Congress prior to the commencement of the operations. But I will continue to engage in oversight so long as this operation continues.

I have a lot of concerns about who the rebels are. I know that that was brought up already. I know that Secretary of State Clinton did meet with them over the weekend. Can you talk to us some more about who these folks are? Because if, in fact, we have a policy goal, as you just stated, Mr. Secretary, of regime change, then I am hopeful—although I don't know for a fact—but I am hopeful that the administration has some idea who is going to take Qadhafi's place. And will it be someone among the rebels? Will there be some kind of a government that will be made up of a number of different factions that already make up the rebels? Who are these folks, and what would be the plan post-Qadhafi?

Secretary GATES. Well, we only really have information on a handful of the rebel leaders that have been in the east. We really don't have any information that I am aware of of who led the uprisings in the cities in the west, and there may not have been particular leaders. It may have been largely spontaneous.

I think that the one thing that we haven't talked enough about in this hearing in terms of a post-Qadhafi period is, in fact, a dominant political reality even under Qadhafi, and that is the critical importance that the large tribes play in Libya, and the fact that Qadhafi, in fact, has been able to stay in power only by balancing these tribes, and by giving them concessions and money, and taking their interests into account. So I think in any post-Qadhafi environment, the major tribes of Libya are going to play a major role in whatever government comes afterward.

Mr. LOEBSACK. Okay. We are at a point now where NATO has taken over the military operation essentially, although we are a huge part of that by definition. So I still don't know what that means exactly. Maybe you can flesh that out in the coming days. But in terms of who would play a very important role with respect to a post-Qadhafi regime, the construction of that, whatever the case may be, who among the Western allies and the United States would play lead role in all of that? Has anyone even thought about that at this point, I guess?

Secretary GATES. Well, as I mentioned earlier, there has been some outreach from the opposition. The opposition was represented at the London conference. But, you know, he represents the group in the east, but there is no—I don't think we have any evidence that he speaks for those in the west.

Mr. LOEBSACK. Can I just say—because I have very little time, and I appreciate that—but I have a lot of concerns about so-called nation building. I understand that in Afghanistan the administration argues that we are not engaged in nation building as such. We are engaged in capacity building, institution building, because the ethnic—the tribal makeup of Afghanistan is as complex as it is.

If, in fact, Libya is much more complex than we think it is as well, all I would say in closing—and thank you for letting me go a couple of extra seconds, Mr. Chairman—is that we need to be extremely careful moving forward that we ourselves do not engage in nation building as such, given what you have already mentioned in terms of Libya, the complexity of Libya. That is just a cautionary note on my part, and I will be looking forward to hearing from you.

Secretary GATES. And I would tell you that I completely agree with you.

Mr. LOEBSACK. Thank you, Mr. Secretary.

The CHAIRMAN. Thank you.

Mr. Gibson.

Mr. GIBSON. Thanks, Mr. Chairman.

I appreciate the leaders here today. It is certainly a difficult and complex situation you are dealing with.

A comment first and then a question. The comment, while I certainly empathize with the Libyan people, Qadhafi, a despotic leader to be sure, I oppose this action. When you look at our involvement in Iraq and Afghanistan, completing our objectives there, I think is in our vital national security interest, we need to see that through. It has certainly taken a great degree of our effort to do so. Al Qaeda, an existential threat to our way of life, we need to organize and to neutralize that threat. And the deficit, which also is an existential threat. These things, I think, require us to learn from our experiences over the last decade and to exercise discipline going forward.

We talked in great detail about the lack of clarity and the rebels, not knowing a lot about these rebels. For what it is worth, based on my experience, my study and reflection on this topic, when your military and political goals are not harmonized, you really run the risk of strategic failure or having to go back on your promises. We are where we are today.

My question has to do with authorization for going to war, and this is certainly a topic that was of great interest to the Founders. We see this in Madison's notes on the Constitutional Convention. You see that in the Federalist Papers. You can read that in many different individual papers. I think suffice it to say that the Founders really were very concerned about the executive exercising fiat in taking us to war, and they really wanted to make sure that there were checks and balances to that, and we get that through the Legislature and in the Constitution that follows.

So my question to the Secretary is you say that the administration is complying with law. What law would that be?

Secretary GATES. The administration has complied with the elements of the War Powers Act that involve consultation and notification.

Mr. GIBSON. So if the Congress votes to not authorize, will the administration cease operations?

Secretary GATES. I don't know the answer to that because I don't know the legal case.

Mr. GIBSON. Well, clearly this is a question that the American people need an answer to.

Let me conclude by saying this, that apart from how the situation in Libya turns out, and we will hope for the best—and I say “hope” because I am not convinced that we really have a plan to accomplish the political objectives, we have a plan to accomplish the military objectives—but let us hope for the best. But beyond that I want to associate myself with the remarks from the gentleman from Tennessee. And I think the major action this Congress needs to take up is going forward bringing more clarity on the use of force and how the legislative and executive branches need to do their duties in concert with the Constitution.

I thank the gentlemen again for coming, and I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Ms. Sutton.

Ms. SUTTON. Thank you, Mr. Chairman.

Thank you for your testimony.

From the beginning days of this effort, the United States led the coalition. And today we have heard that NATO has taken sole command of air operations in Libya, and that the U.S. is not in the lead. So how does that impact the flow of information to Congress and to the media about our military involvement, given, obviously, that we are part of NATO? I am just trying to sort all of that out. Could you tell us what to expect?

Secretary GATES. Let us both take a crack at that. But my view would be that it should not impede it at all, that everything we are doing should be transparent to the Congress.

Admiral MULLEN. Certainly that is the intent from the standpoint of being inside NATO, and those who are stationed—those who are in the coalition and those who have positions within the NATO structure would be also in their United States hat reporting back up the chain to the Secretary.

Ms. SUTTON. So the comments that we have heard through the course of this hearing about boots on the ground, and we talk about the—with steadfastness that we are not in the United States going to be sending boots on the ground. We have heard comments about they haven't—they have requested no boots on the ground. We all can envision a scenario where they might change their mind about that. Maybe they will, maybe they won't.

So we also heard a conversation about other countries having the capacity to make their own decisions about boots on the ground. So when that decision is made, are we going to know immediately and have an opportunity to change our course, or how does that work in real time?

Secretary GATES. Well, since it is hypothetical, I am not sure I know either. I am pretty confident that NATO as an organization

would not authorize boots on the ground as part of this operation. Several of the countries have made that clear. And in truth, several of the countries have reservations about any goal associated with regime change. There is unanimity in terms of the no-fly zone and the other missions.

So I think that what an individual country may do, I just don't envision that at this point in terms of boots on the ground, except I can see potentially some—that they are in a training mission with the rebels. We have talked about the need for training, and improved command and control and so on, so I can see some individual countries, not the United States, at the invitation of the rebels having someone in there do training and so on.

Admiral MULLEN. And the only thing I would add to that is that doesn't necessarily have to be a NATO country, it could be another country, an Arab country, that is a part of the coalition as well.

Ms. SUTTON. But if it is a NATO country, what does that mean for the United States in communication back to this body? Anything?

Secretary GATES. Well, we would keep you informed about it.

Ms. SUTTON. Okay. The other issue I would like some clarification—

Secretary GATES. My guess is we would all read about it in the newspaper about the same time.

Ms. SUTTON. Well, see, that is my concern is that we read about things in the newspaper, and then we get to come and ask the questions. And that is, I think, concerning to the Congress, and I think it is concerning to the American people when they witness that, and I think rightly so.

The other question that I have is just a point of clarification about the weapons that are being used by the rebels. So are we to understand that those weapons are all at this point coming from Qadhafi's forces, that they are obtaining them from Qadhafi's forces?

Admiral MULLEN. This is a country like many who has—they have a lot of weapons. And, in fact, they are uncovering magazines and caches of weapons that are principally existent in the east. And they are certainly, from a small-arms standpoint, AK-47, the kinds of things that they are using, there is ample supply.

Ms. SUTTON. I yield back.

The CHAIRMAN. Thank you.

Mr. West.

Mr. WEST. Thank you, Mr. Chairman.

Secretary and Admiral, I appreciate you being here.

I want to go back to Mr. Wittman's comment about close air support. I spent 22 years Active Duty in the Artillery, and I had the opportunity in combat to direct in close air support missions as a fire support officer. One of the things about close air support, it is the engagement from an aero platform on an opposition's ground maneuver forces. One of the critical tenets of that is to have ground forward air controllers on the ground to direct the men. So my question is who is the person on the ground that is directing close air support missions against Qadhafi's forces?

Admiral MULLEN. There is no one on the ground doing that. We don't have any JTACs [joint tactical air controllers] on the ground.

We have actually got, and I am sure you will be familiar with this, in some aircraft FACs [forward air controllers] who are flying in the aircraft specifically.

But we also recognized going in that we would not be as effective obviously if we had controllers on the ground. That is certainly understood. And yet, whether it is the AV-8s, the A-10s or even some of the Air Force jets, the F-15s, we have had pretty significant success, principally because the IADS [integrated air defenses] are down. So we can actually get down on them pretty close. But that doesn't preclude us from focusing hard on positive identification, which is a real challenge, and in particular as the regime forces in the last couple of days have started to look like, dress like, drive in vehicles like the opposition forces.

Mr. WEST. Absolutely. And that is my concern.

Admiral MULLEN. That is not a surprise. And so that has made it in some cases tougher.

Mr. WEST. So then there is a question of effectiveness, and then there is also the question of how do we mitigate the risk of eventually dropping bombs on the rebel forces?

Admiral MULLEN. Well, again, I think it has been an incredibly well-executed mission so far to not do that specifically. And outside these difficulties which we know, the biggest problem the last 3 or 4 days has been weather. We have not been able to see through the weather or get through the weather to be able to do this kind of identification, and that has more than anything else reduced the impact—it hasn't eliminated it—reduced the effectiveness, and has allowed the regime forces to move back to the east.

Mr. WEST. Very well.

Secretary Gates, as the chairman mentioned in his opening statement, you previously made the comment about no vital interest in Libya, but of course we are there. But as I look at recent developments all across the Middle East I see some other very key strategic interests in Syria, where we have a sponsorship of Hezbollah and the sheltering of Palestinian terrorist organizations that directly threaten Israel or Lebanon. And we know that Syria has been the launching point for Al Qaeda to go into Iraq. And I had the opportunity to serve in there, so I know exactly about that. And they have had the opportunities to kill our soldiers, wound our soldiers and, of course, thousands of Iraqis.

In Yemen we know that we have Al Qaeda in the Arabian Peninsula there, and we have the radical cleric who, of course, lived just right across the Potomac in northern Virginia, Al Awlaki; and then also in Bahrain where we have our 5th Fleet.

So I think the thing that this committee and also the American people really need to understand is what bumped Libya up above everything else, what put them at the top of the food chain as far as us saying that this is such a vital or a national interest?

Secretary GATES. Well, I think, first of all, it was the fact that most of the—that the countries in the region themselves decided that Libya had become a threat for the first time since Qadhafi had ever come to power. And then—

Mr. WEST. A threat to them or a threat to us?

Secretary GATES. A threat to their own people to start with, and a threat to the region as a whole in terms of the changes that were

going on in the region. And they clearly felt that Qadhafi had to go. And then we had the British and the French, who had a very strong view that some action needed to be taken to prevent a humanitarian disaster. So what these countries were primarily concerned about was, I think, what was about to happen or what was happening to the Libyan people.

I think the added aspect, the concern was enhanced when dealing with the number of foreign workers in the country and the danger of mass immigration to both Tunisia and Egypt. There are over a million Egyptian workers in Libya, and I think the danger of them destabilizing the fragile conditions in both Egypt and Tunisia became a great risk as well.

So it was both the potential for a humanitarian disaster in terms of many, many thousands of Libyans being killed, but also the risk of destabilization of all of North Africa.

Mr. WEST. Thank you. And I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Courtney.

Admiral MULLEN. Mr. Chairman, can I just very briefly?

The CHAIRMAN. Very briefly.

Admiral MULLEN. It is hard to prove a negative, but it is my belief that this action, happening as quickly as it did, did prevent a very significant humanitarian crisis, and that was obviously a big part of that.

Mr. WEST. Very well.

The CHAIRMAN. Thank you.

Mr. Courtney.

Mr. COURTNEY. Thank you, Mr. Chairman.

Again, just to go back to a point Mr. Cooper made, one of the things that moved it up on the food chain was a unanimous resolution in the United States Senate on March 1, bipartisan sponsorship, calling for us to execute a no-fly zone. So in addition to all the other voices from the U.N. and the Arab League, Congress actually was joining in in terms of calling on the executive branch to act. And you can get whiplash around here.

Secretary GATES. And I would just add, Mr. Courtney, including both Republicans and Democrats in the House calling for a no-fly zone as well.

Mr. COURTNEY. Thank you.

I mean, this hearing should be happening, and there should be questions asked that—you know, something this big deserves all the scrutiny that we can give it. But you can get sort of whiplash around here trying to keep up with the positions of some people on it.

One thing I think we could do that is very useful is to pass a defense budget for the rest of 2011. And again, I think you were a little gentle, Mr. Secretary, in terms of saying the impact on the Defense Department in terms of this operation is not going to be that large, because this morning Secretary Mabus was at a ship-building caucus talking about the fact that we right now have a global fleet that is deployed in the Arabian Sea—the Mediterranean obviously is part of this operation—in the Pacific providing support in Japan, yet because of not doing a 2011 budget, we have availabilities that are now being cancelled. And this is a fleet that

is at maximum tempo right now, and the Navy can't reset like other parts of the military. They got to do it as you go there.

And I think that certainly these operations—and I know for a fact, because one of the submarines that was deployed in the Mediterranean is the USS *Providence* out of Groton. The *Scranton* and the *Florida* were also part of that operation. They are pretty out there in terms of their deployment, and they need to get refitted. Again, I just would maybe give you another opportunity to talk about the fact that we have got to get this done to, again, just keep all the pieces that are out there moving, particularly with our fleet.

Secretary GATES. Well, it is all of the services. In the Navy, it is not just that we are not being able to start some ships that were part of the program. Some of the maintenance contracts have had to be cancelled.

Just to your point about availability of ships, as I said earlier, no military construction for fiscal year 2011 at this point. And every one of the services, we are reaching the point where we may have to ramp down significantly the activities at the depots, at Red River and elsewhere. So, I mean, you look at every service, and the consequences of the continuing resolution are being felt.

Admiral MULLEN. One thing I would like to add, and I have not had this discussion with my boss, I am a little loath to have it publicly, but for the first time since I have been in this job, which is 3½ years, I know the Navy is considering essentially recommending not deploying some ships scheduled for deployment. So it is just another impact of, and it is purely financial right now, to look at can we get through this year.

And what isn't visible in all this, and I have been around money a lot in my career, is just the contraction that is going on inside all the services as they play the "what if this doesn't happen." And in that regard, very conservative assumptions with respect to executing the rest of this budget.

Secretary GATES. We talk about equipment and everything, but just one further thing, just to bring it home to the average service man or woman. The Navy has had a policy for a long time of getting 6 months' notice for PCS [permanent change of station] moves. Because of the money constrictions, they have now shrunk that to 2 months, so a real impact on families.

Mr. COURTNEY. Just one quick follow-up. With the hand-off to NATO today and the fact that the unique capabilities which the President described in his speech the other night were part of the operation at the outset, the ramp-down in terms of cost, I mean, part of what is driving that is the fact that we are sort of easing back, again, Tomahawk missile attacks, which again were sort of the high-cost front-end parts of this operation. I mean, that explains at least something we can take back to the American people, that there really will be a reduced cost because we are not doing the same stuff that we uniquely were capable of doing at the outset.

Secretary GATES. That is absolutely right. And it is really not an easing back, it is a pretty significant ramp-down over the next couple of weeks.

The CHAIRMAN. Thank you.

And just for the record, we are all struggling with trying to get this appropriations bill passed for defense. But we wouldn't be struggling if it had been done last year in regular order when it should have been.

Mr. Thornberry.

Mr. THORNBERRY. As I have listened to you all yesterday and today, it seems to me that really we have three distinct military missions here. One is a no-fly zone. Two is to protect civilians. But thirdly is to degrade his military. And I guess one of the things I would like to understand is are we degrading his military only when they are engaged in attacking civilians, or are we degrading his military capability somewhat preemptively?

Admiral MULLEN. I think the principal focus has certainly been as he has been on the move. But it is not exclusively where they exist on the move, because there is a command and control piece here which isn't proximate necessarily to where the forces are. So a substantial degradation there as well. And, yes, we have focused on this as he is moving forces, as he was to Benghazi and then came back through Ajdabiya and then focused for the last several days on Misrata. The President talked about Az Zawiyah, which is in the west. But he, the regime, has dug in pretty hard inside that city, so it becomes very difficult to go after his forces in the city because of a high risk of collateral damage.

So it is really in combination. I mean, we have certainly focused on it this way, but I don't think we have been overcautious in terms of representing what threatened—what he does in threatening his people and taken his forces on in that regard.

Mr. THORNBERRY. In the ramp-down we are going to provide logistics, intelligence support, command and control support. What else?

Admiral MULLEN. And the logistics is—probably more than anything else, it is fuel for airplanes, although there are other countries with tankers out there as well. The intelligence, surveillance, reconnaissance aspect of this. The electronic attack. I talked about having the vast majority of his air defenses down, but he has got some mobile capability that is still there, and we and a very limited number of other countries have the capability to take that out when it radiates. So those are the principal four or five areas where we will support.

Secretary GATES. If I could just say a word about the attacks on his military. I mean, what we are trying to do is prevent him from using his military against civilian populations. And so what we are trying to do is hit convoys on the move, hit ammunition dumps, things like that, that give him the capability to go after the civilians, because he has shown in every instance where he was able to, that is exactly what he has done.

Mr. THORNBERRY. But you mentioned a few minutes ago, Mr. Secretary, that other nations have a somewhat more aggressive stance than we do. I presume that our support, logistics, intelligence and so forth, will continue even if those other nations escalate in some way their operations. I mean, we are going support them.

Admiral MULLEN. Having watched this coalition come together, and having watched it debated inside NATO, there is certainly

some tension with respect to that, and I think that tension will continue from the standpoint of what we are going to do to support that. It is in those areas, and it will continue to be so. That, I think, doesn't necessarily mean that under any circumstances we wouldn't change that. But certainly for what we can see right now, what I can see right now, we will continue that support.

Mr. THORNBERRY. It seems to me in both areas there is a potential for some growth in this mission that at least we ought to be aware of.

Mr. Secretary, one thing I haven't really heard discussed much is the consequences of this action on the worldwide terrorism threat. Do you see ways that this makes the world more dangerous for terrorism, less dangerous? In this setting what can you say about that?

Secretary GATES. Well, I think the first thing to remember is that Qadhafi was a principal sponsor of terrorism himself, and our country has been the victim of that terrorism. And, in fact, he and Hezbollah have killed more Americans than anybody except Al Qaeda in the attacks on the United States on 9/11. So I think Qadhafi was not exactly a force for good in terms of the terrorist threat.

The terrorists themselves, Al Awlaki and others, are saying that these changes provide them with opportunities. And perhaps that is true. But the reality is I think the success of changes in Tunisia, and Egypt and places like that actually will make it harder in the long run for the terrorists. But they certainly do see opportunities. And I think we have to be on guard against that, as do these countries themselves, that their revolutions don't get hijacked. But I think in the long run Al Qaeda is a loser in this revolution that is taking place.

The CHAIRMAN. Thank you.

Mr. Garamendi.

Mr. GARAMENDI. Thank you very much, Mr. Chairman.

And thank you for your testimony, gentlemen. If this question has been answered, just say so, and I will pick it up from the record. I have been in and out.

How are we paying for this? We know the numbers, 500-plus, plus 40 million going on. How are we going to pay for it? Where is the money coming from?

Secretary GATES. Right now I am in discussions with both the White House and OMB about how to do this. I think it will come from within Defense resources. But whether it is just exactly how we do that we haven't established yet.

Mr. GARAMENDI. So we are not looking at a new appropriation, but rather a reassignment of money that has already been appropriated to the Defense Department?

Secretary GATES. I think that is likely, yes, sir.

Mr. GARAMENDI. I thank you and appreciate the detail when you have it. Thank you very much.

The CHAIRMAN. Thank you.

Mr. Secretary, I know we have agreement to end in 5 minutes, but we have two more Members. Would you be willing to take their questions?

Secretary GATES. Sure.

The CHAIRMAN. Thank you.

Mr. Scott.

Mr. SCOTT. Thank you, Mr. Secretary.

And I want to say this with as much respect as possible. I want to, if I could, just repeat some of the things that I have heard you say over the last few days.

Success is removal of Qadhafi. The goal is not regime change. We want to force them to leave. Our goal is not to remove him. Circumstances under which he would be allowed to remain are hard to imagine. The U.S. could not tolerate a government with Qadhafi as the head of it.

Now, I understand that maybe it is the Secretary of State's office to try to politically force him to leave, and it is the DOD's job to make it where it is easier for the Secretary of State to do that. Is that where we are?

Secretary GATES. What I have been trying to make clear is the difference between a political objective and the military mission. And the military mission is much more limited than the political objective.

Mr. SCOTT. Yes, sir. There are two facets of a U.S. mission or a U.S. goal. There is a U.S. political goal, and there is a U.S. military mission, and the end result is that Qadhafi would no longer be in charge in Libya.

Secretary GATES. Well, first of all, I would say we have accomplished the military goal, and now we need to sustain it in terms of a no-fly zone and in trying to protect the civilian population. You could have a situation in which you achieved the military goal, but do not achieve the political goal.

Mr. SCOTT. I am one of those that think Qadhafi is smarter and more capable than most people give him credit for, and that maybe the rebels—I mean, look, he has got command and control and an army, and they have got neither. So us fighting him with airplanes and saying we are not going to put boots on the ground is a serious concern to me.

I want to go back to one other thing that you said. And I am a Member of Congress, and so I take a certain amount of offense to the timing of what the President did. And you said it is your position that the U.S. can bomb Libya without congressional approval, but you would need congressional approval to bomb Iran. Who makes the determination of who we can and cannot bomb without congressional approval?

Secretary GATES. The President. And in the case of Iran, I was asked—what I was doing was quoting an answer to a question that I received in a congressional hearing when I was asked if I felt, if it was my personal opinion, that we would need the approval of Congress to go to war with Iran. It wasn't just bombing them, but to go to war with Iran. And I said I thought so.

Mr. SCOTT. Admiral, if I could, we have got a continuing resolution that expires within a couple of days that we don't have an agreement on. We approach the national debt ceiling within weeks. We are now in Iraq, Afghanistan and Libya. The President made the decision to go into Libya knowing that we were approaching those timelines with regard to funding. Obviously it takes money to do all of these things.

At what point will we see the President lead on the issues of the continuing resolution, the national debt limit and the budget as a whole? Wouldn't you agree that they affect our ability to engage in these operations?

Admiral MULLEN. Well, I mean, the question was asked earlier about if the government shut down, would that affect the operations. And as best we can tell, it wouldn't in Iraq, Afghanistan or Libya, or elsewhere, or Japan right now specifically.

It is not really mine to answer what the President should do. I would only say that the concern that you raise is one that is—I have seen routinely discussed in the meetings that I have been in in terms of understanding, one, what the challenge is, and that they need to be resolved. Other than that I really wouldn't comment more on those issues.

Mr. SCOTT. If I could, one last thing very quickly. You said that before the ink was dry, we were on the way. Well, the ink was dry on Friday. Congress was in session on Thursday. So the decision was made that we were going that way while Congress was in session, yet there was a decision made not to even brief the Armed Services Committee; is that correct?

Admiral MULLEN. What I saw was the President consulted immediately after the decision was made. I mean, I was in the meeting, in the situation room, on the phone, and he did that very much proximate to that decision.

Mr. SCOTT. When was the briefing of the Armed Services Committee?

Admiral MULLEN. There wasn't one.

Mr. SCOTT. Thank you, sir.

The CHAIRMAN. Mr. Young.

Mr. YOUNG. Thank you, Mr. Secretary and Mr. Chairman, for being here today.

Notwithstanding my great concerns about the constitutionality of the action that we have seen take place in recent days, and with due recognition of the fact that there were certain Members of this body and over in the Senate that seemed to have blessed a no-fly zone, I still wish the procedure had played out differently.

But I would first like to start with a comment related to the nature of the mission, and then I will have a question. I am a U.S. marine, and it has been my understanding that humanitarian environments, as I think was mentioned earlier, typically are things that occur within permissive environments. This certainly is not a permissive environment. We have what has been styled a no-fly zone plus. And it seems that plus is Tomahawk attacks and, as I read it, select boots on the ground, depending upon how you define "boots on the ground." We sent U.S. marines in for the search and rescue mission, and recent press reports at least indicate there are CIA operatives on the ground. So boots on the ground, as I would define it, but perhaps military boots on the ground is what we really mean.

My question relates here to the desired end state and our ability to achieve not only the military objective, but also the political objective, which presumably is why we are in there militarily. Our political objective, stated so many times, is to remove Qadhafi from power and hopefully replace him with someone who does have the

moral authority to lead, someone who is not a tyrant. And I think it is quite possible, I agree with you, Mr. Secretary, we may well achieve some narrowly defined military objective and find out the larger political aims have not been realized. And to what end are we fighting? It is the political objectives.

We have heard here today the rebel forces are not a coherent group, and that there are multiple leaders, probably more in the west than there are in the east part of the country. And so my question is this: If we are not dealing with a cohesive group here, and we are dealing with various leaders, are you concerned that Al Qaeda or Hezbollah or some other unsavory group might take advantage of a leadership vacuum that we are helping to facilitate through our military action?

Secretary GATES. I think that in Libya that would be very unlikely. In terms of the achievement of an objective, I would not underestimate the importance of preventing large numbers of Libyans from being killed by their own government. I mean, that is one of the U.N. Security Council resolution authorizations. And the humanitarian side of this at this point is not so much sending in food and water and medical attention and so on, it is trying to prevent these people from being killed by their own government in large numbers and destabilizing the entire region.

Mr. YOUNG. Why do you regard it in the case of Libya as an unlikely scenario that an Al Qaeda or a Hezbollah could take advantage of a leadership vacuum?

Secretary GATES. Well, because of what I have said earlier. I mean, I am no great expert on Libya, but I think that the future Government of Libya is going to be worked out among the principal tribes, and they are the ones that even Qadhafi has had to balance and work with. So I think that for some outside group or some element of Al Qaeda in the Islamic Maghreb to be able to hijack this thing at this point looks very unlikely to me.

Mr. YOUNG. Thank you.

The CHAIRMAN. Mr. Secretary and Mr. Chairman, thank you very much for being here today, for being responsive to this committee. Thank you for your service, and please express our appreciation to all who serve under you. Thank you very much.

This committee is adjourned.

[Whereupon, at 11:35 a.m., the committee was adjourned.]

A P P E N D I X

MARCH 31, 2011

PREPARED STATEMENTS SUBMITTED FOR THE RECORD

MARCH 31, 2011

**Opening Statement of Chairman Howard P. “Buck” McKeon
House Committee on Armed Services
Hearing on Operation Odyssey Dawn and U.S. Military Operations in Libya
March 31, 2011**

The House Armed Services Committee meets today to receive testimony on the President’s decision to commit American forces in an international effort to shield Libya’s civilian population from the fury of a repressive tyrant. I commend our fighting forces for manning the wall between freedom and tyranny, and I honor their bravery.

But I have concerns about our objectives in Libya, our contribution to meeting those goals and the length of America’s commitment to what could be a prolonged conflict. Secretary Gates himself, when asked if the United States had vital interests in Libya, said “no, but we have interests in the region.” The United States has interests in all regions of the globe, but I am curious what the criteria are for military intervention.

History has demonstrated that an entrenched enemy like the Libyan regime can be resilient to airpower. If Qadhafi does not face an imminent military defeat or refuses to abdicate, it seems that NATO could be expected to support decade-long no-fly zone enforcement like the one over Iraq in the 1990s. With Iraq and Afghanistan already occupying a considerable share of American resources, I sincerely hope that this is not the start of a third elongated conflict, especially in a region where we have other, more discernible strategic interests.

With America’s fighting men and women in harm’s way, it is not my intention to second-guess or undermine the Administration’s authority. But I would like an explanation of the nature of this threat and how American interests will be advanced through the use of military power.

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Statement of Ranking Member Adam Smith
House Committee on Armed Services
Hearing on Operation Odyssey Dawn and U.S. Military Operations in Libya
March 31, 2011

Thank you, Mr. Chairman. Welcome Secretary Gates and Admiral Mullen.

On Monday night, the President clearly articulated his rationale for leading an international effort to prevent a humanitarian crisis in Libya. As Colonel Qadhafi moved forward with his campaign of violence and intimidation against the Libyan people, the Administration rallied the international community to intervene. Today, it is clear that our subsequent military action prevented the slaughter thousands of civilians.

The coalition's establishment of the no-fly zone and strikes against Libyan regime forces was a good first step in protecting the Libyan people from heinous acts of violence by Qadhafi's brutal regime. Now, as NATO begins to fully exert control of the operation, the question becomes: how is the U.S. role evolving? The President has said that he expects our military commitment to decline fairly quickly and he was correct to rule out the use of U.S. ground forces, but any use of our forces comes with costs and risks and we need to be sure we fully understand them going forward.

So, the intent is that the no-fly zone in conjunction with diplomatic and economic measures will either pressure Qadhafi to step down or help persuade the Libyan people to hasten his departure. This is the right approach but there are still some unknowns. In order to properly apply that sort of pressure we need to better understand the regime structure, forces and its supporters, so we know where it is most susceptible to our efforts. And we need more insight into the nature, strength, composition and leadership of the opposition so we can fine-tune our support to them. This is how to maximize our chance of success.

The next step will be up to the Libyan people. Although we will help them like we would any fledgling state, it is not our goal to engage in nation building in Libya. They will build a new government and a new future for their country.

Lastly, as I have said before, at the outset of this operation, I had some concerns with the level of communication between the Administration, Congress and the American people. It's gotten better over time; I'm glad the President came before the American people this week, and the Member briefing yesterday was useful. The decision to commit U.S. forces is a significant one, and I certainly would encourage the President to be more proactive in his outreach efforts if and when he finds himself in a similar situation in the future.

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STATEMENT ON LIBYA
HOUSE ARMED SERVICES COMMITTEE
SECRETARY OF DEFENSE ROBERT M. GATES
MARCH 31, 2011

Mr. Chairman, thank you for the opportunity to speak to the ongoing international military operations over Libya.

I would start by providing some context for how we got to this point, at least from my perspective. In the space of about two months, the world has watched an extraordinary story unfold in the Middle East. The turbulence being experienced by virtually every country in the region presents both perils and promise for the United States, as stability and progress in this part of the world is a vital national interest.

This administration's approach has been guided by a core set of principles that President Obama articulated in February – opposing violence, standing for universal values, and speaking out on the need for political change and reform. At the same time, we have recognized that each country in the region faces a unique set of circumstances, and that many of the countries affected are critical security partners in the face of common challenges like Al Qaeda and Iran.

In the case of Libya, our government, our allies, and our partners in the region, watched with alarm as the regime of Moammar Qadhafi responded to legitimate protests with brutal suppression and a military campaign against his own people. With Colonel Qadhafi's forces on the verge of taking Benghazi, we faced the very real prospect of significant civilian casualties and hundreds of thousands of refugees fleeing to Egypt, potentially destabilizing that important country even as it is undergoing its own difficult transition.

With Qadhafi ignoring both the UN Security Council's demand and the Arab League and Gulf Cooperation Council's call to cease his attacks, and with our European allies expressing a willingness to commit real military resources to protect civilians in Libya under threat of attack, it became apparent that the time and conditions were right for international military action.

The goal of Operation Odyssey Dawn – launched on March 19 – was limited in scope and scale. The coalition quickly achieved its first military objective by effectively grounding Colonel Qadhafi's air force and neutralizing his air defenses. During this first phase, the U.S. military provided the preponderance of military assets and firepower as well as logistical support and overall command and control.

Responsibility for leading and conducting this mission – now called Operation Unified Protector – has shifted to an integrated NATO command. Going forward, the U.S. military will provide the capabilities that others cannot provide either in kind or in scale – such as electronic warfare, aerial refueling, lift, search and rescue, and intelligence, surveillance and reconnaissance support. Accordingly, we will, in coming days, significantly ramp down our commitment of other military capabilities and resources.

The NATO-led mission, like its predecessor, is a limited one. It will maintain pressure on Qadhafi's remaining forces to prevent attacks on civilians, enforce the no-fly zone and arms embargo, and provide humanitarian relief. There will be no American boots on the ground in Libya. Deposing the Qhadafi regime, as welcome as that eventuality would be, is not part of the military mission. In my view, the removal of Colonel Qadhafi will likely be achieved over time through political and economic measures and by his own people. However, this NATO-led operation can degrade Qadhafi's military capacity to the point where he – and those around him – will be forced into a very different set of choices and behaviors in the future.

In closing, as I have said many times before, the security and prosperity of the United States is linked to the security and prosperity of the broader Middle East. I believe it was in America's national interests – as part of a multilateral coalition with broad international support – to prevent a humanitarian crisis in Eastern Libya that could have destabilized the entire region at a delicate time. And, it continues to be in our national interest to prevent Qadhafi from visiting further depredations on his own people, destabilizing his neighbors, and setting back the progress the people of the Middle East have made in recent weeks.

Mr. Chairman, I know you and your colleagues have many questions, so I will now turn things over to Admiral Mullen. As always, my thanks to this committee for all the support you have provided to our military over the years.

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Dr. Robert M. Gates
Secretary of Defense



Dr. Robert M. Gates was sworn in on December 18, 2006, as the 22nd Secretary of Defense. Dr. Gates is the only Secretary of Defense in U.S. history to be asked to remain in that office by a newly elected President. President Barack Obama is the eighth president Dr. Gates has served.

Before entering his present post, Dr. Gates was the President of Texas A&M University, the nation's seventh largest university. Prior to assuming the Texas A&M presidency, on August 1, 2002, he served as Interim Dean of the George Bush School of Government and Public Service at Texas A&M from 1999 to 2001.

Secretary Gates joined the Central Intelligence Agency in 1966 and spent nearly 27 years as an intelligence professional. During that period, he spent nearly nine years at the National Security Council, The White House, serving four presidents of both political parties.



Dr. Gates served as Director of Central Intelligence from 1991 until 1993. He is the only career officer in CIA's history to rise from entry-level employee to Director. He served as Deputy Director of Central Intelligence from 1986 until 1989 and as Assistant to the President and Deputy National Security Adviser at the White House from January 20, 1989, until November 6, 1991, for President George H.W. Bush.

Secretary Gates has been awarded the National Security Medal, the Presidential Citizens Medal, has twice received the National Intelligence Distinguished Service Medal, and has three times received CIA's highest award, the Distinguished Intelligence Medal.

He is the author of the memoir, [From the Shadows: The Ultimate Insiders Story of Five Presidents and How They Won the Cold War](#), published in 1996.

Until becoming Secretary of Defense, Dr. Gates served as Chairman of the Independent Trustees of The Fidelity Funds, the nation's largest mutual fund company, and on the board of directors of NACCO Industries, Inc., Brinker International, Inc. and Parker Drilling Company, Inc.

Dr. Gates has also served on the Board of Directors and Executive Committee of the American Council on Education, the Board of Directors of the National Association of State Universities and Land-Grant Colleges, and the National Executive Board of the Boy Scouts of America. He has also been President of the National Eagle Scout Association.

A native of Kansas, Secretary Gates received his bachelor's degree from the College of William and Mary, his master's degree in history from Indiana University, and his doctorate in Russian and Soviet history from Georgetown University.

In 1967 he was commissioned a second lieutenant in the U.S. Air Force and served as an intelligence officer at Whiteman Air Force Base in Missouri.

QUESTIONS SUBMITTED BY MEMBERS POST HEARING

MARCH 31, 2011

QUESTIONS SUBMITTED BY MR. FRANKS

Mr. FRANKS. Secretary Gates, recently Ambassador Michael Oren raised the interesting question of what the response would look like if Qadhafi had gone nuclear instead of ending his nuclear weapons program in 2004. How would Operation Odyssey Dawn differ if this were the case?

a. Did the fact that Col. Qadhafi has no nuclear armament weigh in on our ability to effectively establish a no-fly zone?

b. And what parallels can be drawn from our laissez faire approach with Libya and a non-nuclear pursuing Qadhafi and our laissez faire approach with Iran and its nuclear pursuing regime?

c. In other words, how would our ability to intervene in Libya change if Col. Qadhafi had access to nuclear weapons, and what implications can be connected to our strategy in a non-nuclear Libya and an ever close nuclear Iran?

Secretary GATES. [The information was not available at the time of printing.]

QUESTIONS SUBMITTED BY MR. LANGEVIN

Mr. LANGEVIN. 1. While I believe the Administration has taken the correct steps up to this point in Libya, I remained concerned about any escalation of the conflict involving U.S. troops and the eventual endgame. I'm concerned about how large a role our Allied partners will play. What specific role will our regional partners take in the "political and economic measures" Secretary Gates mentioned in his testimony that will bring about a political change in Libya?

2. With Muammar Qadhafi's vast financial resources, in spite of the U.S. Treasury's lockdown of Libya's U.S.-based assets, I remain concerned about his continued ability to hire mercenaries in order to retain the military force necessary to hold on to power. With this in mind, can political and economic measures alone be effective before the capabilities of the rebel forces are drained significantly?

3. Secretary Gates recently stated that Libya did not constitute a pressing national security crisis. In a seemingly contradictory statement, Secretary Clinton stated the threat to Egypt's political stability and U.S. international goals of support for human rights and democracy required U.S. intervention. Is Libya a national security mission or a human rights mission?

a. Does the Department of Defense have a different view of our strategic goals than the Department of State?

Secretary GATES. [The information was not available at the time of printing.]

Mr. LANGEVIN. During his recent testimony to Congress, Admiral James G. Stavridis, the current NATO Supreme Allied Commander in Europe, stated that the Defense Department witnessed "flickers of possible Al Qaeda and Hezbollah among the rebel forces in Libya." But the information provided by the Defense Department during the hearings suggests we have only limited visibility into the composition of the rebel forces beyond the groups' various leaders. How do we know that we are not replacing the devil we know with the devil we do not?

a. What have we (the U.S. and International Community) collectively done to ensure we know with whom we are working?

Admiral MULLEN. [The information was not available at the time of printing.]

QUESTIONS SUBMITTED BY MR. PALAZZO

Mr. PALAZZO. Thank you for appearing before the committee and thank you for your service to the country. The current events in Libya represent yet another failure to lead by the President. He has failed to establish a clear strategy, failed to offer a clear end state, and failed to convey adequate information to Congress or the American people. If nothing else, he owes it to the men and women serving our country in the armed forces, to give a clear message about why they are going to war. In a time where our military is already being asked to do so much, it is irresponsible to saddle them with yet another engagement without adequate planning or guidance.

1. What is the desired end state of this military intervention?
2. The President has already noted that we have transferred responsibility to our allies and partners. Could you elaborate on what the American role in the operation will be from this point forward?
3. Could you elaborate on what the American role in NATO decision making will be from this point on?
4. At last count, 28 countries were currently involved in the operation. Are we therefore paying for 1/28th of the cost of the operations?
5. What is the total cost to date of this operation?
6. Any forces that have been deployed at this point have been redirected from different locations, have any been moved from other missions? Could you elaborate on what missions are currently being delayed for this operation?

Secretary GATES. [The information was not available at the time of printing.]

Mr. PALAZZO. Thank you for appearing before the committee, and thank you for your service to the country. The current events in Libya represent yet another failure to lead by the President. He has failed to establish a clear strategy, failed to offer a clear end state, and failed to convey adequate information to Congress or the American people. If nothing else, he owes it to the men and women serving our country in the armed forces, to give a clear message about why they are going to war. In a time where our military is already being asked to do so much, it is irresponsible to saddle them with yet another engagement without adequate planning or guidance.

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Admiral MULLEN. [The information was not available at the time of printing.]

QUESTIONS SUBMITTED BY MR. KISSELL

Mr. KISSELL. 1. Is it your position that “no boots on the ground” fully encompasses no troops advising, assisting, or training identified opposition fighters, opposition groups, or any other anti-Qadhafi government entities opposing the current regime in Libya?

2. Can you specifically state that “no boots on the ground” also encompasses a prohibition against providing similar advisement, training, or assistance to opposition groups outside of Libya’s borders that will then enter Libya to oppose Qadhafi?

3. With a no-fly zone established, what is the impact to civilian and opposition vehicular movement? How are opposition forces attacking pro-Qadhafi elements and also defending civilian populations within the confines of the no-fly/no-drive zone?

a. How are we delineating between pro-Qadhafi forces and opposition forces if we do not have troops or other United States agency representation on the ground in Libya?

4. Ultimately, by supporting a “no-fly zone” have we created a stalemate by empowering a force that may not have the capacity to oust Qadhafi and Qadhafi loyalists?

5. What is the expected end state? It is unacceptable to simply respond that the end state is measured by Qadhafi leaving the country or relinquishing control of the government. At what point have we achieved our objectives?

Secretary GATES. [The information was not available at the time of printing.]

QUESTIONS SUBMITTED BY MR. HEINRICH

Mr. HEINRICH. 1. What is our assessment of the composition of the rebel forces and their leadership council?

2. In your opinion, how would an unrestrained Colonel Qadhafi impact the democratic uprisings occurring across the broader Middle East?

3. On Monday night the President explained that we have transferred responsibility to our allies and partners. Could you elaborate on what the American role in NATO decision-making will be from this point on?

4. What is the desired end-state of this military intervention?

Admiral MULLEN. [The information was not available at the time of printing.]

QUESTIONS SUBMITTED BY MRS. HANABUSA

Mrs. HANABUSA. 1. Does UN Resolution 1973 have sufficient basis to satisfy the War Powers Act?

2. Are the Libyan Rebels an identifiable group with a leader or defined leadership structure?

3. Can you define success in Libya since regime change is not our objective?

4. It seems to me the real rationale for United States support for this operation is a political one—to support allies who have supported the United States in Afghanistan. Without regime change as a goal, by not putting boots on the ground, and not wanting to train or arm Libyan rebels how would you define the United States interaction?

5. The President has talked about the mission being limited, not putting boots on the ground, and transferring responsibility to the United Nations. How do you know when the U.S. role will end? Does CIA assets in Libya equate to—not count as troops on the ground, boots on the ground?

6. The opposition in Libya needs training and command and control assistance (arming the rebels), you mentioned that this type of assistance has plenty of sources for it other than the United States. It sounds as though you do not want to arm or equip the rebels. Is this something that we are actively considering? I'm also wondering about the broader policy issue. Is arming the rebels consistent with the U.N. resolution? Is that a humanitarian option?

7. With the Congress not having passed a year long spending bill that included Defense you mentioned that the Department of Defense would be able to manage in the short term. One of the ways you said you would be able to manage is that you are able to move money around from projects or accounts that the DoD does not need or want. Can you please provide me with those programs that are not needed or wanted?

8. Secretary Gates, you also said the DoD was holding back on procurement contracts until Congress passes a yearlong defense spending bill. Approximated how much money is being held back?

9. What is the total amount of money we have spent in our assistance to Japan?

Secretary GATES. [The information was not available at the time of printing.]