Madam

Speaker, I rise today in opposition to H. Con.

Res. 51, ‘‘Directing the President, Pursuant to

Section (c) of the War Powers Resolution, to

remove the United States Armed forces from

Libya,’’ I support the War Powers Resolution

however I cannot support a resolution which

requires the President to withdraw all United

States Armed forces within 15 days of its

adoption.

As the Ranking Member of the House

Homeland Security Subcommittee on Transportation

Security and Senior Member of the

House Judiciary Committee, I believe in supporting

the Constitution of the United States.

This Concurrent Resolution is a reminder to

the American people that we must firmly hold

true to our constitutional duties. We have the

power to ensure the Executive does not

overstep its bounds. As Members of Congress

we can exercise our power through appropriation,

the appointment process, exercising oversight

over the Executive, enactment legislation,

or even establishing a select Committee

to probe any abuse of power by the administration.

Presidents, Members of Congress, scholars

and lawyers had long argued about which

branch of government has the power to decide

whether the nation goes to war, and meaningful

discussions between the branches has not

always taken place.

In 1973, the War Powers Resolution (Public

Law 93–148) was passed over the veto of

President Nixon, in order to provide procedures

for Congress and the President to participate

in decisions to send U.S. Armed

Forces into hostilities.

Such force is constitutional under the Necessary

and Proper Clause which specifically

provided that

The policy behind this power, entrusted to

the President as Commander in Chief, to deploy

U.S. armed forces to defend itself is ‘‘exercised

only pursuant to: (1) a declaration of

war; (2) specific statutory authorization; or (3)

a national emergency created by attack upon

the United States, its territories or possessions,

or its armed forces.’’ Pursuant to this

authority, the President ‘‘in every possible instance’’

shall consult with Congress before deploying

U.S. Armed Forces, and to continue

consultations as long as the armed forces remain

in hostile situations.

As we consider the War Powers Resolution,

we must also consider facts surrounding the

state of violence and unrest in Libya and the

consequences of both action and inaction on

behalf of the Libyan people.

I believe in the Constitution and the importance

of maintaining the power of Congress in

asserting when international conflicts warrant

U.S. military involvement. I call upon the

President to issue a report detailing the current

status of the United States military forces

in Libya within the next 30 days.

We must not forget the bloodshed that continues

to take place in Libya. The people of

Libya have given their lives in their fight for

democracy. This conflict began in Libya four

months ago when Colonel Gaddafi failed to do

what was right for his country and its people.

Violence erupted as many Libyan citizens felt

the painful consequences of a government resistant

to change. Civil liberties were infringed

upon, human rights were violated, and worst

of all, many Libyan lives were lost. These

atrocities were not committed under the command

of some far away leader or as a consequence

of a conflict with a foreign nation.

No, these unforgivable acts were authorized

by the hand of the Libyan leader himself.

The widespread suffering in Libya was initiated

and continues to be encouraged by the

very man charged with protecting the Libyan

people. The Libyan people are in desperate

need of outside help. The question is no

longer whether or not Libya is in a critical condition.

I call on my fellow Members of Congress

to continue to condemn the violence

taking place in Libya today.

Colonel Muammar Gaddafi has continued to

refuse to acknowledge the will of the Libyan

people and the reality of the dilemmas that

Libya faced. Rather than act as a true leader

and acknowledge the interests of Libyan citizens,

Gaddafi chose to remain steadfast to

the status quo—to disregard the context of an

intolerable situation in favor of blindly following

what has always been done just for tradition’s

sake. The reality of the situation is this: it was

Gaddafi’s refusal to contemplate the circumstances

in Libya that led to the unnecessary

loss of innocent lives. Let us not make

the same error as we deliberate the role of the

U.S. and the decision of our President to act

on behalf of innocent people.

We should not forget that the people of

Libya are continuing to fight for democracy

and there has been a significant loss of life.

Gaddafi has a long record of bloodshed and

blood continues to run in the streets of Libya.

We cannot stand by and do nothing, and

America cannot do this alone. I call for a unified

voice from NATO, the United Nations, the

African Union, and other world groups to stop

the slaughter and violence against the people

of Libya.’’

As a Member of this body, I am calling on

my colleagues to join me in calling attention to

the plight of the people of Libya and their fight

for freedom, justice, and deliverance from Col.

Muammar el-Qaddafi.

I stand with the people of Libya fighting for

peace and freedom. It is clear that NATO has

taken the Lead in protecting the Libyan People.

For over two months NATO-led airstrikes in

Libya have inflicted serious damage upon the

Qaddafi regime’s war machine, yet loyalist

forces continue to demonstrate cohesiveness

and operational superiority over besieged

rebel forces. Still, some analysts suggest the

stalemate is now yielding to a war of attrition

favoring the rebels. Rebel combat skills have

improved, as has their arsenal (which now reportedly

includes vehicle-mounted antiaircraft

guns, recoilless rifles, and mortars). During the

week of May 11th, rebel forces succeeded in

capturing Misratah, which had been the scene

of the heaviest fighting since the conflict

began. With control of the air and sea ports,

rebels have developed a means to resupply

and reinforce Misratah from the east while simultaneously

supporting resistance in the

west. Meanwhile fuel shortages in regime-held

areas are taking a toll, as demonstrated by an

attack over the weekend against reporters during

a state-supervised trip to the Tunisian border.

Fierce fighting continues across the

Nafusa mountain range, which cuts across the

desert south of Tripoli to the western border

with Tunisia. At least four Grad rockets fired

from Libya on May 16th landed in Tunisia near

the Dahiba border crossing. Tunisian authorities

have warned that it will report Libya to the

Security Council if loyalist forces continue firing

ammunition into Tunisia.

As rebels consolidate recent gains, NATO

has proven to be the equalizing force. NATO

have targeted major command centers near

Tripoli and Brega and surface-to-air missile

launchers in Sirte and Al Khums. On May 19th

NATO destroyed at least eight naval ships

after it was verified that the Libyan navy had

tried to mine the rebel-controlled port of

Misratah. That same day NATO blocked a

Maltese-flagged ship from delivering a consignment

of fuel intended for regime forces.

Airstrikes against a compound in Tripoli on

May 1st reportedly killed Qaddafi’s youngest

son Saif al-Arab and three grandchildren. Direct

lines of communication have been established

between NATO and opposition headquarters

in Bengahzi, thereby enhancing

NATO’s operational effectiveness. Previously,

opposition forces have faced accidental strikes

by NATO aircraft after failing to identify themselves

and shifting to the use of armored vehicles

without communicating with the coalition.

The NATO air mission has conducted nearly

8000 sorties, including 3025 strike sorties,

since assuming control of the operation on

March 23rd. The NATO maritime component

has conducted more than 1000 hailings in the

embargo area, boarded 48 ships, and turned

away 7 ships.

The African Union continues to press for a

peace deal that was accepted by Qaddafi but

rejected by the opposition because it would

leave Qaddafi in power. Turkey also has proposed

a roadmap to establish an immediate

and verifiable ceasefire, secure humanitarian

aid corridors, and advance ‘‘a political process

for a transition. However, Turkey has not yet

provided an implementation strategy other

than making it clear that Qaddafi must go.

After the President of South Africa, Jacob

Zuma, engaged in peace talks with Qaddafi

most of the world believed the bloodshed

would end. Today, it is clear that Qaddafi is

going to continue to fight to stay in power.

As it stands, the United States already has

authorized a drawdown in nonlethal defense

articles and services valued at $25 million to

assist the Transitional National Council (TNC)

and an additional $53.5 million in humanitarian

assistance. It was announced on May 5th that

the Administration now is seeking legislation to

allow them to ‘‘vest,’’ or confiscate, ‘‘assets

and property held by the government of Libya,

including the Central Bank of Libya, in the jurisdiction

of the United States and invest all or

part of that in any agency or individual designated

by the President to provide humanitarian

relief and protect civilians in Libya.’’ The

United States currently holds $33 billion in frozen

Libyan assets and property, of which $150

million has been proposed for vesting. Senator

KERRY has suggested to reporters that he will

soon introduce the requested legislation.

We can not stand by and watch as the people

of Libya suffer. We need and must provide

humanitarian aid. Americans have always

come to aid of their neighbors in times of crisis.

Thus far, the United States has provided

over $53.5 million to meet urgent humanitarian

needs in Libya while the European Commission

has provided nearly $55.4 million. On

May 18, the UN launched a revised Regional

Flash Appeal for the Libyan Crisis, increasing

the appeal from $310 million to $407.8 million.

To date, the UN has received $175 million in

contributions or 43% toward the appeal and

an additional $106 million for humanitarian activities

not listed in the appeal. The UN evacuated

its international staff from Tripoli on May

1st but maintains a presence in Benghazi. Humanitarian

access inside Libya remains severely

constrained. Of particular concern are

the besieged western towns of Zintan, Nalut,

Zawiyah and Yifran.

Over 807,000 people have fled to neighboring

Chad, Egypt, Niger, Algeria and Tunisia

since the start of the crisis. Additionally, up to

200,000 internally displaced persons (IDPs)

from Brega, Ras Lanuf, and Ajdabiya are in

eastern Libya.

We must continue to remember the context

upon which we are currently operating in the

world today. The Middle East is finally awaking

to democracy and freedom. Advancing

these objectives also advances our nation’s

security.

The people of Libya have suffered since the

overthrow of King Idriss in 1969. Under the

oppressive Qaddafi regime, basic human

rights have been terminated, and too many

lives have been lost.

Since assuming power, Colonel Qaddafi has

ignored the needs of the Libyan people,

choosing to train other oppressive leaders in

intelligence and weaponry. Qaddafi has given

money to dictators such as Robert Mugabe

and Charles Taylor, and intervened in foreign

wars instead of investing in education and infrastructure

for the betterment of his own people.

Human Rights Watch and Amnesty International

have consistently reported the lack of

free press and free speech in Libya. The State

controls the media and speaking out against

Qaddafi or his government is not only illegal,

it is also deadly. Qaddafi and his army executed

activists who opposed the government

and broadcasted their deaths on television.

Qaddafi was particularly intolerant of women

and other minorities. Foreign Policy reports he

established ‘‘social rehabilitation’’ centers

where women who were designated financially

or morally vulnerable were detained indefinitely.

Homosexuality was deemed criminal,

and punished with up to five years in jail.

Since the outbreak of civil war in February,

Qaddafi has shut down Internet communication

in Libya, and abused and detained foreign

journalists covering the rebellion.

The International Federation for Human

Rights has reported that commanders in the

Libyan army executed hundreds of lower ranking

soldiers for refusing to fire on protestors or

defend Qaddafi.

Colonel Qaddafi has utilized snipers, helicopters

gunships, mercenaries and gangs of

hired thugs to harm his own people throughout

the course of the protests. Rebels taking to

the streets demanding free elections were injured

and killed.

Because of the severe communication restrictions

and limited access of journalists, estimates

are extremely varied as to how many

Libyans have been killed in this conflict. Navi

Pillay, the High Commissioner for Human

Rights at the United Nations estimates thousands

have been killed or injured. The Libyan

National Transitional Council puts the death

toll around 8,000.

I am outraged at the story of Eman al-

Obeidy who had the courage to report being

raped by soldiers in the employ of Qaddafi.

Because this young woman spoke out about

the brutal crime she endured, she lives in fear

of the repercussions. Ms. Al-Obeidy’s story is

a harsh and violent reflection of Qaddafi’s regime

and the somber reality that rape is a

symptom of war. This violent sexual assault

must be investigated, and Ms. Al-Obeidy’s

safety must be ensured. This brutal crime is

further evidence of the cruelty of Colonel

Qaddafi’s regime. In addition, to killing thousands

of innocent civilians, the Libyan government

is also allowing violent discriminatory actions

to be freely committed against the

women of Libya. This is unacceptable, and is

strong evidence that humanitarian efforts must

be increased. I call on the Allied Nations to

ensure Ms. Al-Obeidy’s safe passage out of

Libya. Further, I call on the United Nations to

condemn these actions, and work to prevent

their future occurrence.

The Red Cross reports dangerously low

amounts of medical supplies and food, as well

as a refugee crisis as thousands flee the violence.

There should be an increased emphasis on

diplomacy. On May 20th it was reported that

Shukri Ghanem, head of Libya’s National Oil

Company and former Prime Minister, had defected

to Tunisia. On May 19th Secretary of

State Clinton asserted that Qaddafi’s wife Sophia

and daughter Aicha had fled to Tunisia,

though Tunisian authorities later denied the report.

On May 9th it was reported that Egyptian

authorities had placed Qaddafi’s cousin

Ahmed Gaddaf al-Dam under house arrest

and planned to seize his assets before deporting

him to Benghazi. On May 4th, the prosecutor

for the International Criminal Court announced

that he was seeking the arrest of

three unnamed senior officials in the Libyan

regime for war crimes and crimes against humanity.

On May 3rd, Turkish Prime Minister

Recep Tayyip Erdogan demanded that

Qaddafi step down after attacks against foreign

embassies in Tripoli forced Turkey to

suspend diplomatic operations. Libyan diplomats

subsequently were expelled from

France and the UK. On May 2nd, Switzerland

reported that the country had seized over

$411 million in Libyan assets. The United

States, the European Union, Russia, Japan,

South Korea, and other countries previously

enacted targeted sanctions against Qaddafi

and his key supporters.

The Founders distributed the decision to go

to war between the two political branches to

assure that the decision would be made carefully.

The founding generation experienced the

hardship of several wars and they knew war’s

human and financial costs. They understood

that a strong executive who is already given

the title ‘‘Commander in Chief,’’ might flex the

country’s military strength injudiciously. Giving

Congress the essential power to declare war

allows heads to cool, alternatives to be considered,

and makes certain there is consensus

if the country is called to fight. Therefore I

voted against the meaningless H. Res. 292

that has no basis in law in order to be consistent

in my support of Congress’ authority to

declare war and the War Powers Resolution

(driven by the Vietnam War). I voted yes on H.

Con. Res. 51 to allow the President to go to

the Senate. The Resolution failed and I hope

the President will approach Congress and

consult so we can bring peace and an end to

violence together.