The hearing will come to order. After

the ranking member and I make our opening remarks, committee

members will have the opportunity to make 2-minute statements

before we hear from today’s distinguished panelists, that’s distinguished

except for Mr. Rooney of Florida.

And, without objection, Members, including today’s panelists,

may have up to 5 days to insert statements into the record, and

the chair will recognize herself.

We meet today as part of our continuing oversight of the United

States involvement in Libya to hear from our non-committee colleagues

who have introduced legislation on war powers, and on authorities

relating to the use of force to address the situation in

Libya.

The committee will continue our efforts tomorrow morning at the

House-wide Members briefing with legal experts. That briefing had

to be rescheduled from May 12th due to the avalanche of House

floor votes.

As we have reviewed before, the President commenced U.S. military

operations inside Libya on March 19th, and notified Congress

within 48 hours consistent with the War Powers Resolution. He announced

operations limited in their nature, duration, and scope as

part of an international effort ‘‘to prevent a humanitarian catastrophe

and address the threat posed to international peace and security

by the crisis in Libya.’’

The administration has claimed that congressional approval was

not constitutionally required, and that the use of force in Libya was

constitutional because the President ‘‘could reasonably determine

that such use of force was in the national interest’’—an extremely

broad claim of war making power. Even some who regard the

President’s action as legal are concerned that the endorsement by

the Arab League, the United Nations, and NATO seem to figure

more prominently in his stated justifications than do clearly identified

U.S. national security interests.

Since the President’s notification, NATO-led air strikes in Libya

have inflicted serious damage on Ghadafi regime’s war machine,

yet lawless troops continue to demonstrate cohesiveness and operational

superiority over rebel forces.

Last Friday, concurrent with the 60-day deadline under the War

Powers Resolution, the President sent a new letter to Congress

stating that the U.S. role in Libya operations, ‘‘has become more

limited,’’ and consists of, and I’m quoting here, ‘‘non-kinetic support

to the NATO-led operation, air strikes in support of the no-fly zone,

and since April 23, precision strikes by unmanned aerial vehicles.’’

The President also expressed support for a bipartisan Senate resolution

introduced Monday by Senators Kerry, and McCain, and

five others. That measure expresses the sense of the Senate in support

of ‘‘the limited use of military force by the United States in

Libya as part of the NATO mission’’ and calls on the President to

submit to Congress a detailed description of U.S. policy objectives

and plans in Libya. It is not a formal authorization for the use of

force in Libya pursuant to the War Powers Resolution.

The measures introduced by today’s panelists would take a more

Congress-centered approach to the Libya campaign.

Mr. Rooney’s resolution, House Concurrent Resolution 32, expresses

the sense of Congress that the President should obtain

statutory authorization for the use of force pursuant to the War

Powers Resolution.

The bill introduced by Mr. Amash, H.R. 1212, would cut off funding

for the use of force in Libya until it is authorized by Congress.

And Mr. Gibson’s bill, H.R. 1609, would revise the text of the

War Powers Resolution, replacing its current congressional procedures

with a shorter provision tied more directly to Congress’

power of the purse.

Regardless of where one comes down on war powers issues, and

whether the administration requires express authority to continue

its limited engagement in Libya, we can all agree that the administration

must address certain critical questions that Congress and

this committee have been asking for weeks.

What are the specific goals and strategic end game that our

armed forces are pursuing in Libya? Are we willing to accept any

role for Ghadafi in Libya’s future? Who exactly are the armed

rebels and the Transitional National Council? And what safeguards

are in place to insure that any U.S. assistance does not fall into

the hands of those working against U.S. national security interests.

Two weeks ago, this committee favorably reported a Resolution

of Inquiry seeking information from the Department of State. We

will press for answers from the administration at the classified

interagency briefing for members that we have scheduled for tomorrow

afternoon.

I want to thank our panelists for making the time to be here

today. I look forward to our discussion, and I’m now pleased to

yield to my good friend, the ranking member, Mr. Berman for his

opening remarks this morning. Thank you, Howard.

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

Thank you very much, Mr. Berman.

Mr. Gallegly of California is recognized for 2 minutes.

Thank you. Mr. Manzullo, Subcommittee

on Asia and the Pacific chairman is recognized for 2

minutes.

The gentleman yields back.

Mr. Sherman is recognized for 2 minutes.

Thank you, Mr. Sherman.

Judge Poe, the Subcommittee on Oversight and Investigation

vice chair is recognized for 2 minutes.

Thank you so much.

Mr. Chandler of Kentucky yields back. Mr. Rivera of Florida is

recognized for 2 minutes. He’s out. Ms. Ellmers of North Carolina

is recognized for 2 minutes.

Thank you. Ms. Ellmers yields back.

Mr. Burton of Indiana is recognized for 2 minutes.

Thank you, Mr. Burton.

Ms. Schmidt of Ohio is recognized for 2 minutes.

Thank you, Ms. Schmidt.

Mr. Chabot, Subcommittee on the Middle East and South Asia

chairman is recognized for 2 minutes.

Thank you so much.

Ms. Buerkle of New York is recognized.

Thank you so much.

Mr. Paul of Texas is recognized.

I did not know if that was a pregnant

pause to lead up to a crescendo.

Thank you, Dr. Paul. And Mr. Smith

yields back his time.

And now we’re so pleased to recognize our witnesses. Let me introduce

them. Congressman Justin Amash, who represents Michigan’s

Third Congressional District, sits on the Budget Committee,

and on the Committee of Oversight and Government Reform where

he serves as vice chair of the Subcommittee on Federal Workforce,

U.S. Postal Service, and Labor Policy.

Mr. Amash is the author of H.R. 1212, the Reclaim Act, which

he will discuss with us this morning.

Also joining us is my friend, Congressman Tom Rooney from

Florida’s 16th District, and he is the author of House Concurrent

Resolution 32.

In addition to his service on the Armed Services and Intel Committees,

Mr. Rooney is chairman of the Agriculture Subcommittee

on Livestock, Dairy, and Poultry. A former Assistant Attorney General

in Florida, Congressman Rooney also taught constitutional and

criminal law at the United States Military Academy at West Point.

Mr. Rooney also served in the U.S. Army Judge Advocate General

(JAG) Corps as an attorney. And he’s a University of Miami Law

School grad.

Congressman Chris Gibson, welcome. He represents the 20th

District of New York. He serves on the House Armed Services Committee,

and the Committee on Agriculture. He is the author of

House Resolution 1609, the War Powers Reform Act.

In addition to holding a Ph.D. in government from Cornell University,

Mr. Gibson is a seasoned combat veteran, and a retired

colonel with the U.S. Army, who served four combat tours in Iraq,

was decorated with two Legions of Merit, four Bronze Star medals,

and the Purple Heart.

Thank you so much. It is an honor to have all three of you with

us today. As noted before, all of your statements will be made a

part of the record. And I’ll ask you to summarize your remarks.

And Mr. Amash needs to leave after his remarks, but Congressmen

Rooney and Gibson have agreed to stay and take questions

from our committee members.

So, we will begin with Congressman Amash, because he’s got

other duties. Thank you so much.

Thank you so much, and we are honored

by your presence. We’ll look at your legislation. We understand

you have other duties. Thank you so much.

Thank you so much, Mr. Rooney.

Mr. Gibson.

Thank you very much, Mr. Rooney,

and Mr. Gibson. And I will start the 5-minute question and answer

period.

The U.S. deployment to Libya did not fall within one of the situations

authorized by Section 2 of the War Powers Resolution. They

were not undertaken pursuant to, (1) a declaration of war; (2) a

specific statutory authorization, or (3) a national emergency created

by an attack on the United States.

Do you agree with those who assert that the Obama administration

is claiming unprecedented prerogatives in the use of U.S. military

force even beyond those asserted by the prior administration?

And on that same theme, would your position differ if the President

had acted pursuant to either, (a) a declaration of national

emergency due to the threats to U.S. interests posed by the Libyan

regime, or (b) an Executive Order?

Is the concern that he acted to enforce the ‘‘Writ of the International

Community,’’ or to implement the pertinent United Nations

Security Council Resolutions? Mr. Gibson.

Thank you, sir. Mr. Rooney?

Thank you very much, gentlemen. I’m

pleased to recognize Mr. Berman for his questions.

Thank you very much. Mr. Rivera is

recognized.

Thank you very much. Thank you, Mr.

Rivera. Mr. Connolly of Virginia.

Thank you so much. Ms. Ellmers of

North Carolina is recognized for 5 minutes.

Thank you, Ms. Ellmers. I am pleased

to yield to Mr. Burton of Indiana, the chairman of the Subcommittee

on Europe and Eurasia.

Thank you very much, Mr. Burton.

And to wrap up our hearing, Dr. Paul is recognized from Texas.

Thank you.

Without objection.

Thank you.

Thank you, Dr. Paul. And Mr. Berman

is chomping at the bit, just to make a little clerical clarification to

Mr. Rooney’s bill.

Thank you, Mr. Gibson. I’m generous,

but not extravagant. And we will continue this discussion tomorrow

on the War Powers Act, and we’ll have another set of experts.

And with that, the committee is adjourned. Thank you, ladies

and gentlemen.