



June 15, 2011

The Honorable John A. Boehner  
Speaker of the House of Representatives  
Washington, D.C. 20515

Dear Mr. Speaker:

On behalf of the Administration, enclosed please find a report and documents regarding U.S. activities in Libya.

The report, "United States Activities in Libya," describes U.S. actions in Libya to date. Taken in response to direct appeals from the Libyan people, and acting with a mandate from the United Nations, the United States mobilized a broad coalition, stopped an advancing army, prevented a massacre, established a no-fly zone, and limited the spread of violence and instability in a region pivotal to U.S. security interests. Today, the United States supports NATO military operations pursuant to UNSCR 1973 to protect Libyan civilians, and is working with the Transitional National Council and others to secure an inclusive, democratic transition.

The enclosed report consists of unclassified and classified sections:

- The unclassified section describes U.S. efforts in Libya; our political and military objectives; an assessment of the current situation; U.S. participation in the NATO operation (and consequences if the U.S. were to cease participation); current and projected military, humanitarian, and related costs; an analysis of whether U.S. operations in Libya are impacting U.S. efforts in Iraq and Afghanistan; our current assessment of the Interim Transitional National Council (TNC) and U.S. contacts with the TNC to date; legal analysis; and a listing of congressional hearings, briefings, and other consultations to date.
- The classified annex contains information relating to U.S. military operations; opposition military groups; coalition contributions to the NATO mission; extremist groups in Libya; and the MANPAD threat.

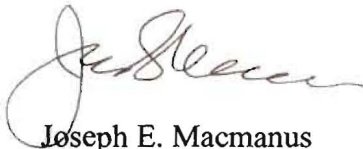
In addition to the report, please also find CDs containing electronic copies of documents from departments and agencies that provide further background and context on our efforts in Libya, including United States' support for Operations Odyssey Dawn and Unified Protector. These materials include briefing slides, fact sheets, and other material on the operations

previously provided to relevant committees of jurisdiction; copies of the 32 update reports sent to 1,600 congressional staffers over the past several months; cost projections; relevant correspondence; transcripts; official notifications sent to the Senate and House; and other material.

In order to safeguard classified materials appropriately (both the report annex and supporting documents) – and consistent with both Executive and Congressional classified information handling requirements – such information and documents are being transmitted under separate cover. Individual Members and appropriately cleared staff can access such materials through arrangements made with their respective Leaders and as appropriate and consistent with the protection of intelligence sources and methods and applicable classified information handling requirements.

On behalf of the Administration, we remain committed to continuing to work with Congress on this important matter.

Sincerely,



Joseph E. Macmanus  
Acting Assistant Secretary  
Legislative Affairs  
Department of State



Elizabeth L. King  
Assistant Secretary  
Legislative Affairs  
Department of Defense

# United States Activities in Libya

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## Overview of United States Activities in Libya

In his address to the nation on Libya on March 28, 2011, President Obama presented a comprehensive explanation for why he authorized military action as part of an international coalition to protect the people of Libya and to enforce U.N. Security Council Resolution (UNSCR) 1973.

In the intervening weeks and months, coalition efforts have been effective in protecting the Libyan population. The regime has suffered numerous defeats, cities and towns across Libya have been liberated from brutal sieges, strong sanctions are in place, and the regime is encountering serious difficulties raising revenues through oil sales or other means. All these actions and outcomes are consistent with UNSCR 1973.

As the President explained, much was at stake when Qadhafi began attacking his people and threatened to show "no mercy" to the city of Benghazi and its population of 700,000:

"In this particular country - Libya - at this particular moment, we were faced with the prospect of violence on a horrific scale. We had a unique ability to stop that violence: an international mandate for action, a broad coalition prepared to join us, the support of Arab countries, and a plea for help from the Libyan people themselves. We also had the ability to stop Qaddafi's forces in their tracks without putting American troops on the ground."

The United States and its international partners acted decisively and with unprecedented speed to mobilize a broad coalition, secure an international mandate to protect civilians, stop an advancing army, prevent a massacre, and establish a no-fly zone. In contrast, the war in Bosnia raged for nearly two years before the first NATO military operations took place, and three years before NATO began ground strikes to protect the civilian population.

The President authorized these actions for several reasons of national interest:

- To limit the spread of violence and instability in a region pivotal to our security interests, particularly while it is undergoing sensitive transitions;

- To prevent an imminent humanitarian catastrophe; and
- To show the people of the Middle East and North Africa that America stands with them at a time of momentous transition.

Beyond the specific military objectives, the President has stated that Qadhafi has lost all legitimacy to rule and must step down. His brutal behavior against his own population has been catalogued by a United Nations Commission of Inquiry and has resulted in a request for arrest warrants by the Prosecutor of the International Criminal Court for crimes against humanity.

Moreover, the Libyan government's actions posed a significant threat to regional peace and security. As the President noted in his March 21 report to Congress, the Qadhafi regime's "illegitimate use of force" was "forcing many [civilians] to flee to neighboring countries, thereby destabilizing the peace and security of the region." "Left unaddressed," the President further noted, "the growing instability in Libya could ignite wider instability in the Middle East, with dangerous consequences to the national security interests of the United States." The risk of regional destabilization was also recognized by the UN Security Council, which determined in Resolution 1973 that the situation in Libya was "a threat to international peace and security." Indeed, as Secretary of Defense Robert Gates testified to Congress on March 31, "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...."

Further, the longstanding U.S. commitment to maintaining the credibility of the United Nations Security Council and the effectiveness of its actions to promote international peace and security was at stake in Libya once the Council took action to impose a no-fly zone and to authorize all necessary measures to protect civilians and civilian populated areas under threat of attack, particularly after Qadhafi's forces ignored the UNSC's call for a cease fire and for the cessation of attacks on civilians.

As President Obama noted in his March 28 speech, without military action to stop Qadhafi's repression, "[t]he writ of the United Nations Security Council would have been shown to be little more than empty words, crippling that institution's future credibility to uphold global peace and security."

A growing chorus of international voices has now called for Qadhafi's departure, including the G8, the Contact Group representing more than 20 countries, Russian President Medvedev, Turkish Prime Minister Erdogan, and several key African leaders such as the Presidents of Gabon, Mauritania, and Senegal. This growing consensus and Qadhafi's control of less and less of Libya indicate that his departure is only a matter of time.

During the past few weeks the situation on the ground for Libyan civilians under threat has steadily improved. Qadhafi's forces were halted at the gates of Benghazi and have since been driven back from several towns and cities across the country. The Libyan opposition, led by a Transitional National Council (TNC), continues to gain credibility and legitimacy and has laid out its vision for an inclusive approach for a post-Qadhafi political transition. For that reason, Secretary Clinton said on June 9 that the United States believes the TNC is the legitimate interlocutor for the Libyan people at a time when the Qadhafi regime has lost all legitimacy to rule. Australia, Canada, Germany, Spain, and the UAE have all made similar statements over the past two weeks.

## **Political and Military Objectives and Means**

The President has honored his commitment to focus the preponderance of our military effort on the front end of operations in Libya, using our unique assets to destroy key regime military targets and air defense capabilities in order to establish a no-fly zone and enable protection of civilians as part of the enforcement of UNSCR 1973. These actions set the conditions so that, after a limited time, command of these operations transferred to NATO. Since that April 4 transition, U.S. military involvement has been limited to a supporting role, enabling our allies and partners to ensure the safety of Libyan civilians. On the political front, the United States, with its partners in the coalition, has also continued to employ other elements of national power to support efforts to bring stability to Libya and allow the Libyan people to reclaim their future. As Secretary of State Hillary Clinton testified to Congress on March 1, "The stakes are high. And this is an unfolding example of using the combined assets of diplomacy, development and defense to protect our interests and advance our values."

### **Background**

The crisis began when the Libyan people took to the streets in February to demand reforms and stand up for their human rights. Qadhafi's security forces responded with extreme violence. Fighter jets and helicopter gunships attacked people who had no means to defend themselves. There were reports of government agents raiding homes and hospitals to round up or kill wounded protestors, and of indiscriminate killings, arbitrary arrests, and torture as Qadhafi's forces began a full-scale assault on cities that were standing up against his rule. For these reasons, the International Criminal Court Prosecutor has requested arrest warrants for crimes against humanity for Qadhafi, his son Saif al-Islam, and one of his intelligence chiefs. The Prosecutor also recently announced that he has found increasing evidence that Qadhafi was personally involved in ordering mass rapes of Libyan women as part of his campaign of terror.

The President responded to the growing violence in Libya on February 25 when he issued Executive Order 13566, which imposed significant economic sanctions on Qadhafi, his government, and close associates. The Executive Order imposed a general freeze

on all assets of the Government of Libya that are in the United States or are in the possession or control of U.S. persons anywhere in the world. The President authorized the Treasury Department, in consultation with the State Department, to publicly designate for sanctions on additional senior Libyan government officials, those responsible for human rights abuses related to political repression in Libya, and those who provide material financial support for individuals and entities whose assets are frozen. To date, we have frozen over \$37 billion pursuant to E.O. 13566. We strongly support Senate Bill 1180 that was introduced by Senators Johnson, Shelby, Kerry, McCain, Levin and Lieberman on June 13. This legislation would make frozen assets available for humanitarian relief purposes to and for the benefit of the Libyan people.

Also on February 25, the Secretary of State approved a policy to revoke the visas held by these officials, others responsible for human rights violations in Libya, and their immediate family members. The Secretary of State also suspended the very limited military cooperation we have had with Libya, including pending sales of spare military equipment.

On February 26, the U.N. Security Council also responded to this violence by unanimously adopting Resolution 1970, which demanded an end to the violence, referred the situation in Libya to the International Criminal Court, imposed a travel ban on, and froze the assets of Qadhafi, and members of his family and inner circle.

Rather than respond to the international community's demand for an end to the violence, Qadhafi's forces continued their brutal assault against the Libyan people. On March 1, the U.S. Senate passed a resolution that "condemn[ed] the gross and systematic violations of human rights in Libya, including violent attacks on protestors" and urged that the United Nations take action to protect civilians in Libya from attack, including by imposing a no-fly zone.

The people of Libya appealed to the world for help. The Gulf Cooperation Council and the Arab League called for the establishment of a no-fly zone. Acting with partners in NATO, the Arab World and the African members of the Security Council, the United States pushed for the passage of U.N. Security Council Resolution 1973 on March 17. The resolution demanded an immediate ceasefire in Libya, including an end to the current attacks against civilians; imposed a ban on all flights in the country's airspace; authorized the use of all necessary measures to protect civilians; and tightened sanctions on the Qadhafi



regime and entities it owns or controls, including the National Oil Corporation and its subsidiaries. As his troops continued pushing toward Benghazi, a city of nearly 700,000 people, Qadhafi again defied the international community, declaring, "We will have no mercy and no pity."

At that moment, as the President explained in his speech to the nation on March 28: "We knew that if we waited one more day, Benghazi could suffer a massacre that would have reverberated across the region and stained the conscience of the world." Stopping a potential humanitarian disaster became a question of hours, not days. The costs of inaction would have been profound. Thousands of civilians would very likely have been slaughtered, a ruthless dictator would have been triumphant precisely at a time when people across the region are challenging decades of repression, and key U.S. allies, including Egypt and Tunisia, would have been threatened by instability on their borders during a critical point in their own transitions toward a more promising future.

Consequently, the President directed U.S. departments and agencies to rapidly help establish a no-fly zone, stop Qadhafi's forces from advancing on Benghazi, expand the coalition, and respond to the humanitarian crisis in Libya.

The President made clear that our military objective, supported by a coalition of allies and partners, would be to protect civilians and enforce the terms of the resolution, requiring:

- That all attacks against civilians must stop;
- That Qaddafi stop his troops from advancing on Benghazi, pull them back from Ajdabiya, Misrata, and Zawiya and other cities, and establish water, electricity and gas supplies to all areas; and
- That humanitarian assistance be allowed to reach the people of Libya.

Establishing these conditions would pave the way for a genuine political transition - of which Qadhafi's departure is a critical component. To bring about this objective, along with the international community, the United States responded to this crisis by developing, implementing, and monitoring sanctions and freezing billions in Government of Libya assets, building a broad international coalition focused on escalating diplomatic pressure on Qadhafi and increasing his isolation, and initiating

and sustaining political support for military operations. This operation was launched just over a month after the first significant protests in Libya, nine days after Gaddafi began using airpower against civilians – and, most importantly, before Qadhafi was able to overrun Benghazi with “no mercy” as he pledged he would do.

To lend perspective on how rapidly this military and diplomatic response came together, when people were being brutalized in Bosnia in the 1990s, it took the international community two years to intervene with air power to protect civilians and a year to defend the people of Kosovo. It took the United States and its coalition partners 31 days to prevent a slaughter in Libya.

The United States has also helped the international effort to provide humanitarian relief to the people of Libya, providing almost \$81 million to help those in need inside Libya and those who have fled the violence. These funds help evacuate and repatriate third-country nationals, care for refugees on Libya’s borders, and deliver food and medicine. With U.S. government funding, four non-governmental organizations (NGOs), four U.N. agencies, and two international organizations are actively providing assistance inside Libya. The international community has already contributed, committed or pledged \$245 million. The U.S. government has also provided military in-kind assistance valued at nearly \$1.1 million, pertaining to the transport of 1,158 Egyptians from Tunisia to Egypt via U.S. C-130 aircraft.

### **Where We Are Now**

An international coalition of NATO and Arab allies continues to pursue the limited military mission to enforce U.N. Security Council Resolutions 1970 and 1973 and protect the Libyan people. At the onset of military operations, the United States leveraged its unique military capabilities to halt the regime’s offensive actions and degrade its air defense systems before turning over full command and control responsibility to a NATO-led coalition on March 31. Since that time:

- Three-quarters of the over 10,000 sorties flown in Libya have now been by non-U.S. coalition partners, a share that has increased over time.
- All 20 ships enforcing the arms embargo are European or Canadian.

- The overwhelming majority of strike sorties are now being flown by our European allies while American strikes are limited to the suppression of enemy air defense and occasional strikes by unmanned Predator UAVs against a specific set of targets, all within the UN authorization, in order to minimize collateral damage in urban areas.
- The United States provides nearly 70 percent of the coalition's intelligence capabilities and a majority of its refueling assets, enabling coalition aircraft to stay in the air longer and undertake more strikes.

Politically, U.S. leadership continues to play an important role in maintaining and expanding this international consensus that Qadhafi must step down, sending an unambiguous message to the regime. We continue working with the international community to enhance the capabilities of the Libyan opposition and increase the ability to achieve political transition. After many meetings with senior opposition members in Washington and abroad, combined with daily interactions with the U.S. mission in Benghazi, we have stated that the TNC has demonstrated itself to be the legitimate interlocutor of the Libyan people, in contrast to the Qadhafi regime that has lost all legitimacy to rule.

The TNC has recently expanded to include representatives from across the country as it aims to become a truly representative body. It has committed itself to promoting a democratic transition, and to adhering to international standards and human rights. We continue working to facilitate greater political, financial, and non-lethal support, to include up to \$25 million in medical supplies, rations, and personal protective gear. Perhaps most important is determining an expedient way to unfreeze Libyan government assets to meet pressing humanitarian needs in a manner that is consistent with domestic legal requirements and UNSCRs 1970 and 1973. This is an area where the assistance of Congress is most needed and could become a linchpin in the success of our strategy.

### **Coalition Objectives**

At no point has the United States acted alone, instead helping to mobilize the international community for collective actions, and creating the conditions for others to work toward our mutual objectives and to share the costs of these efforts. The NATO-

led coalition has made its dedication to sustaining this momentum clear, recently deciding to extend Operation Unified Protector for another 90 days after June 27<sup>th</sup>. At the June 8 meeting of NATO Defense Ministers, NATO reaffirmed the April 14<sup>th</sup> statement of Foreign Ministers that operations would continue

“until all attacks and threats against civilians and civilian populated areas have stopped... until the regime has pulled back all its forces – including its snipers and its mercenaries – away from civilian centers and back to their bases. And until there is a credible and verifiable ceasefire, paving the way for a genuine political transition and respecting the legitimate aspirations of the people of Libya.”

As the coalition continues its effort to protect Libya’s civilian population, we are likewise escalating the political, diplomatic, and financial pressure on Qadhafi. The results of this effort are most tangibly demonstrated in the list of former officials who have now abandoned him, which continues to grow. His foreign ministers, an interior minister, ambassadors to the United States and the United Nations, a central bank governor, an oil minister, five Generals, and his labor minister have defected as well. And we have again begun to see brave protestors taking to the streets of Tripoli as well as uprisings in the key cities of Zawiyah and Zlitan.

The escalating pressure against Qadhafi is steadily increasing his isolation and eroding his influence, both within Libya and worldwide. The Contact Group – representing more than 20 nations and the UN, Arab League, NATO, EU, OIC and GCC – has met at the Foreign Minister level three times, and remains united in the proposition that “Qadhafi, his family, and his regime have lost all legitimacy. They must go so that the Libyan people can determine their own future.” The G8 and an increasing number of leaders – from Russian President Medvedev to Turkish Prime Minister Erdogan to Senegalese President Wade – have all called publicly for Qadhafi’s departure. Many states have expelled Qadhafi’s diplomats; Libya’s national oil company and central bank are prohibited from conducting normal business; and the International Criminal Court Prosecutor has requested warrants for several senior Libyan officials, including Qadhafi and his son Saif al-Islam.

## **U.S. Support to NATO Mission**

Acting under U.N. Security Council Resolution 1973, and as part of a multilateral coalition with broad international support, Operation ODYSSEY DAWN (OOD) was launched on March 19, 2011, to protect the Libyan people from Qadhafi's forces. Responsibility for leading and conducting this mission – now called Operation UNIFIED PROTECTOR (OUP) – transitioned on March 31 to an integrated NATO command, with all operations fully under NATO by April 4. The focus of OUP is to protect civilians and civilian-populated areas under attack or threat of attack. The mission continues to concentrate on three elements: enforcement of a naval arms embargo, enforcement of a no-fly zone, and actions to protect civilians from attack or the threat of attack.

The Department of Defense is providing forces to NATO in support of OUP. U.S. armed forces now provide unique capabilities to augment and support NATO and coalition partner contributions. These capabilities include the following: electronic warfare assistance; aerial refueling; strategic lift capability; personnel recovery and search and rescue, intelligence, surveillance and reconnaissance support; and an alert strike package. The United States is also augmenting the NATO Peacetime Establishments at the three NATO Headquarters with a number of additional U.S. military personnel. The additional strike assets described above are on continuous stand-by alert status to augment NATO and coalition forces if their capacity or capability were to be deemed inadequate by Supreme Allied Commander Europe (SACEUR) and those assets were subsequently authorized for use by the U.S. Secretary of Defense.

A list of specific United States military assets is provided in a classified annex.

As President Obama has clearly stated, our contributions do not include deploying U.S. military ground forces into Libya, with the exception of personnel recovery operations as may be necessary.

As articulated at the NATO Ministerial discussions on June 8, the decision has been made to extend the operation for another 90 days, from June 27, 2011, until the end of September 2011. This sends a clear signal that NATO will stay the course and will keep up the pressure necessary to bring this crisis to an early conclusion.

The United States and its NATO and coalition partners will keep up the pressure on Qadhafi until the following three objectives are fulfilled, as agreed by the Foreign Ministers in Berlin on April 14, specifically: that the Qadhafi regime must cease attacks on civilians; verifiably withdraw all its forces to its bases; and allow immediate, full, safe, and unhindered humanitarian access.

The United States is providing unique assets and capabilities that other NATO and coalition nations either do not possess or possess in very limited numbers – such as suppression of enemy air defense (SEAD); unmanned aerial systems; aerial refueling; and intelligence, surveillance, and reconnaissance (ISR) support. These unique assets and capabilities are critical to the successful execution and sustainment of NATO's ability to protect Libyan civilians and civilian populated areas from attack or the threat of attack and NATO's ability to enforce the no-fly zone and arms embargo. They enable the Operation UNIFIED PROTECTOR (OUP) commander to find, fix, track, target, and destroy regime forces threatening and attacking civilians and civilian populated areas.

## **Consequences of U.S. Not Participating in NATO Operations**

If the United States military were to cease its participation in the NATO operation, it would seriously degrade the coalition's ability to execute and sustain its operation designed to protect Libyan civilians and to enforce the no-fly zone and the arms embargo, as authorized under UNSCR 1973. Cessation of U.S. military activities in support of OUP would also significantly increase the level of risk for the remaining Allied and coalition forces conducting the operation, which in turn would likely lead to the withdrawal of other NATO and coalition nation participation in the operation. Furthermore, if NATO had to terminate the operation before the recently agreed 90-day extension (to September 27) because it did not possess the assets and capabilities required to conduct or sustain the operation, then NATO's credibility would be damaged with significant consequences for U.S., European, and global security.

## Current and Projected Costs

### Military Costs

The cost through June 3, 2011, for DoD military operations and humanitarian assistance efforts in Libya is \$715.9 million.

<b>DoD Libya Operations</b> Dollars in Millions	<b>Sec 3(a)(7)</b> <b>Estimated Cost</b> <b>thru June 3,</b> <b>2011</b>
Daily Operations	313.7
Munitions	398.3
Global Lift and Sustain	1.6
<b>Subtotal Military Operations</b>	<b>713.6</b>
Drawdown of DoD Supplies	1.3
Humanitarian Assistance (OHDACA) <sup>1</sup>	1.0
<b>Total</b>	<b>715.9</b>

Of this amount, \$713.6 million was used to fund military personnel pay costs, travel and sustainment of personnel, operating (flying hours), expended munitions, supplies, airlift, and a small amount for lift and sustainment costs for coalition partners supporting operations in Libya.

Presidential Determination number 2011-09, signed April 26, 2011, directed the drawdown of up to \$25 million in nonlethal commodities and services to support key U.S. Government partners such as the Transitional National Council in efforts to protect civilians and civilian populated areas under threat of attack in Libya. On May 10, 2011, the Department delivered 10,000 cases (120,000 meals) of Halal Meals Ready to Eat (MREs) to Benghazi, Libya, at a cost of \$1.3 million. All remaining items (i.e., uniforms, bullet-proof vests, binoculars, maps, tents, and medical supplies) are scheduled for delivery to the Benghazi port on or about June 15. The current total cost estimate for goods and transportation is \$15 million (i.e., \$6 million in goods and \$9 million in transportation

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<sup>1</sup> Overseas Humanitarian, Disaster and Civic Aid



costs), which leaves approximately \$10 million in drawdown authority that has not been utilized

The Department of Defense's direct contribution to humanitarian concerns in the Libya operation as of June 3, 2011, is \$1.04 million. This amount funded \$0.9 million in airlift and aviation costs to repatriate 1,158 Egyptians from Tunisia to Egypt using U.S. C-130 aircraft, and approximately \$0.2 million in humanitarian relief supplies that was provided for the purchase and retrofit of two ambulances operated by the Tunisian Red Crescent Society for the provision emergency humanitarian aid to thousands of migrants fleeing Libya.

The total projected cost for DoD operations through September 30, 2011, which is the end of the second 90-day authorization by NATO, is about \$1.1 billion. This estimate assumes the current tempo of support operations continues through September 30. Close to \$300 million of this total will be offset by lower peacetime operating costs in the Air Force, in part as a result of the Libyan operations. Hence the current estimate of incremental costs through September 30 is about \$0.8 billion.

<b>DoD Libya Operations</b> Dollars in Millions	<b>Sec 3(a)(8)</b> <b>Estimated Cost</b> <b>thru Sept 30,</b> <b>2011</b>
Daily Operations	618
Munitions	450
Global Lift and Sustain	10
<b>Subtotal Military Operations</b>	<b>1,078</b>
Drawdown of DoD Supplies	25
Humanitarian Assistance (OHDACA) <sup>2</sup>	1
<b>Total</b>	<b>1,104</b>

The Department does not plan to ask for supplemental appropriations and will pay for these costs using currently available Defense funds. These operating costs will be

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<sup>2</sup> Overseas Humanitarian, Disaster and Civic Aid

offset through reductions in lower priority support activities, and there will be some reduction to the peacetime flying hour program in part as a result of the Libya operation. The Department plans to replace munitions used in the Libyan operation as part of its normal programming and budgeting process.

### Humanitarian Costs

The U.S. Government (USG) has provided almost \$81 million for humanitarian activities in response to the conflict in Libya as of June 3, 2011.

#### FY 2011 USG ASSISTANCE FOR THE LIBYA COMPLEX EMERGENCY

<i>Implementing Partner</i>	<i>Activity</i>	<i>Location</i>	<i>Amount</i>
<b>USAID/OFDA ASSISTANCE</b>			
Agency for Cooperation and Technical Development (ACTED)	Logistics and Relief Supplies	Libya	\$25,000
ACTED	Economic Recovery and Market Systems, Logistics and Relief Supplies	Libya	\$500,000
Danish Refugee Council	Protection, Logistics and Relief Supplies	Libya	\$438,649
International Relief and Development	Logistics and Relief Supplies	Libya	\$349,223
TRC	Emergency Relief Supplies	Tunisia	\$50,000
TRC	USAID/OFDA Commodities: 2,000 blankets; 40 rolls of plastic sheeting; 9,600 water containers	Tunisia	\$40,300
International Medical Corps (IMC)/Merlin	10 health kits and three trauma Kits, plus transportation	Libya	\$357,905
IMC	Health, Logistics and Relief Supplies, and Water, Sanitation, and Hygiene (WASH)	Libya	\$2,500,000
Merlin	Health	Libya	\$483,854
Mercy Corps	Logistics and Relief Supplies, WASH, Agriculture and Food Security	Libya	\$550,000
OCHA	Humanitarian Coordination and Information Management	Libya	\$500,000

WHO	Health	TBD	\$1,000,000
WFP	Logistics and Emergency Telecommunications	Libya	\$750,000
WFP	U.N. Humanitarian Air Service (UNHAS)	Libya	\$750,000
TBD	Emergency Relief Activities and Relief Supplies	Affected Areas	\$184,122
	Program Support Costs		\$1,520,947
<b>TOTAL USAID/OFDA</b>			<b>\$10,000,000</b>
<b>USAID/FFP</b>			
WFP	Title II Emergency Food Assistance	Libya	\$5,000,000
WFP	Local and Regional Food Procurement	Tunisia, Egypt	\$5,000,000
<b>TOTAL USAID/FFP</b>			<b>\$10,000,000</b>
<b>STATE/PRM ASSISTANCE</b>			
IOM	Evacuation and repatriation programs for third-country nationals	Libya, Tunisia, Egypt	\$27,500,000
UNHCR	Assistance and protection for Libyan internally displaced persons as well as refugees and migrants in Tunisia, Egypt, Italy, and Malta	Libya, Tunisia, Egypt	\$14,500,000
ICRC	Medical and surgical care, water and sanitation facilities, protection of detainees and conflict victims	Libya, Tunisia, Egypt	\$17,700,000
WHO	Support for the Tunisian Ministry of Public Health to respond to the medical needs of Libyans, third-country nationals, and host communities in Tunisia	Tunisia	\$300,000
<b>TOTAL STATE/PRM</b>			<b>\$60,000,000</b>
<b>STATE/PM/WRA ASSISTANCE</b>			
Mines Advisory Group	Conventional Weapons Destruction	Libya	\$486,937
Swiss Foundation for	Conventional Weapons Destruction	Libya	\$470,670

Mine Action			
<b>TOTAL STATE/PM/WRA</b>			<b>\$957,607</b>
<b>TOTAL USAID AND STATE HUMANITARIAN ASSISTANCE FOR THE LIBYA COMPLEX EMERGENCY IN FY 2011</b>			<b>\$80,957,607</b>

<sup>[1]</sup> The total does not include an additional \$500,000 provided by USAID/OFDA to OCHA's Middle East Office for regional coordination.

The USG has also provided in-kind military assistance valued at nearly \$1.1 million, pertaining to the transport of 1,158 Egyptians from Tunisia to Egypt via U.S. C-130 aircraft.

The overall humanitarian situation in Libya remains relatively stable. In the coming months, the U.S. Agency for International Development (USAID) and the Department of State's Bureau for Population, Refugees, and Migration (State/PRM) project that additional, targeted humanitarian funding may be required to respond to unforeseen needs in Libya, particularly in areas that are currently inaccessible. These costs will depend on the duration and the intensity of conflict. USAID's Food for Peace Office (FFP) has no immediate plans for additional food assistance to Libya but will work closely with the World Food Program (WFP) and other partners to identify and respond to new emergency food needs, if necessary.

On June 9, 2011, at the third meeting of the Contact Group for Libya, Secretary of State Hillary Clinton announced an additional contribution from State/PRM of \$26.5 million (included in the above table) to address humanitarian needs in Libya and neighboring countries. The newly announced funding will support the work of the International Committee of the Red Cross (ICRC), the Office of the U.N. High Commissioner for Refugees (UNHCR), and the International Organization for Migration (IOM) in the region. Funds will also support the U.N. World Health Organization (WHO) to continue providing assistance to the Tunisian government to meet the health needs of displaced Libyans, third-country nationals, and Tunisian host communities.

USAID's Office of Transition Initiatives (USAID/OTI) is planning to provide up to \$5 million for community groups, local media, and, as appropriate, interim governing authorities in Eastern Libya.

Department of State Operational Costs

Department of State Operational Costs			
State Operations Account	Committed Thru	Projected	Total
	June 3	June 3 thru EOY	Projected Thru EOY
Diplomatic & Consular Programs-NEA	1,004,586	941,252	1,945,838
NEA (Non-Add)	996,586	941,252	1,937,838
MED (Non-Add)	8,000	-	8,000
Emergencies in the Diplomatic and Consular Service	1,836,205	-	1,836,205
Repatriation Loans Program Account-Consular Affairs	45,000	-	45,000
Diplomatic Security	823,882	1,500,000	2,323,882
<b>TOTAL, State Operations</b>	<b>3,709,673</b>	<b>2,441,252</b>	<b>6,150,925</b>

## **Analysis of Impact on U.S. Operations in Iraq and Afghanistan**

**Department of Defense:** There has not been a significant operational impact on United States activities in Iraq and Afghanistan. All the forces that were briefly diverted from other operations have been replaced, with the exception of one Guided Missile Destroyer (DDG). That capability will be replaced during June 2011. In some cases, forces were delayed in arriving in Iraq and Afghanistan, but the operational impact was mitigated by forces already supporting these operations.

**Department of State:** The Department has not experienced, nor does it anticipate, any impact on its ongoing activities in Iraq.

**USAID:** Developmental projects in Afghanistan and Iraq are funded primarily through Economic Support Funds and supplemental funding appropriated by the Congress. As of June 3, the majority – \$15 million of \$20 million – of USAID assistance for the Libya crisis was funded with the International Disaster Assistance (IDA) account, including \$10 million from USAID's Office of U.S. Foreign Disaster Assistance (USAID/OFDA) and \$5 million from USAID/FFP for local and regional food procurement. The remaining \$5 million from USAID/FFP utilizes Food for Peace Title II funds. As such, humanitarian activities in Libya have no adverse impact on USAID activities in Iraq and Afghanistan.

## **Description of Interim Transitional National Council**

The Libyan opposition's Transitional National Council (TNC) is composed of 45 members, led by former Libyan Minister of Justice Mustafa Abdujalil, that has been organized to coordinate essential services and represent the Libyan people during the current crisis. The TNC has emphasized the importance of representing all regions and people in Libya and even includes members from regime-controlled areas such as Tripoli and Sebha. In addition to the larger council, the TNC has organized a 15 person executive bureau, led by interim Prime Minister Mahmoud Jibril, to handle specific portfolios including Foreign Affairs, Finance and Oil, Justice and Human Rights, Education, Health and Reconstruction and Infrastructure, among others. Currently, security conditions do not permit the Council to fully and adequately fulfill all of the TNC's representational objectives, and political disagreements exist, as they would in any open and diverse democratic setting.

The TNC has consistently asserted that it is serving a temporary administrative role until the regime steps down and an interim government can be put in place to represent all of Libya. While it has not always been clear about how long this temporary role should continue, the TNC recognizes that elections will be needed in a reasonable time after the collapse of the Qadhafi regime, to provide legitimacy to a new Libyan government. The TNC has dedicated itself to paving the way for an inclusive, democratic process to take the place of the regime once Qadhafi departs power. The TNC has also issued clear statements noting its intent to respect the Geneva Conventions, its respect for human rights, and repudiation of terrorism.

**Recognition:** Secretary Clinton, the State Department's envoy in Benghazi and other U.S. officials are engaging members of the Libyan opposition, including the TNC, to understand their aspirations and the steps they are undertaking to build a democracy that reflects the will of the Libyan people. The United States views the TNC as the legitimate interlocutor for the Libyan people during this interim period and it is the institution through which we are engaging the Libyan people, in addition to our work with Libyan civil society. This is in stark contrast to the authoritarian Qadhafi regime, which has no constitution, does not govern by the rule of law and has lost all legitimacy to rule. Australia, Canada, Germany, Spain, and the UAE have all made similar statements in recent days. We are encouraged by the steps taken by the TNC to bring Libyans



together to plan their own future and a permanent, inclusive, constitutional system that will protect the rights of all Libyans.

**Transition Planning:** The TNC is engaged in detailed planning for a political transition following the current conflict and the departure of Qadhafi from power. The TNC laid out a roadmap for an inclusive political process to take the place of the regime once Qadhafi departs power. The roadmap, which is predicated on preserving the unity and sovereignty of Libya, lays out steps for drafting a constitution, convening a national assembly and implementing an interim government. The TNC has also focused on unifying Libya through implementing national reconciliation mechanisms and ensuring the full participation of areas currently under regime control. In this regard, the TNC has shown a willingness to work with technocrats from the regime, provided they have not participated in human rights violations.

The U.S. envoy in Benghazi is engaged in regular discussions with the TNC regarding its plans for a political process, its assessment of a realistic timetable for implementation, and the role of the international community in assisting the transition. The TNC's ability to affect a political transition will depend on a favorable resolution of the current conflict and the departure of Qadhafi from power. We believe that the TNC is genuinely committed to fulfilling the democratic aspirations of the Libyan people, and we support the steps it is taking to meet this goal.

On the international stage, the TNC has been conducting extensive outreach to build awareness of, and garner support for, the Libyan opposition. Domestically, it has been working closely with municipal councils to provide essential services to the areas under opposition control, such as water, electricity and security. The TNC has consistently declared its commitment to protecting the human rights of all Libyans, agreed to treat captured regime soldiers in accordance with the Geneva Conventions and publicly rejected terrorism and extremist influences.

**Assistance:** Despite pledges of assistance from a number of would-be donors, donors still need to disburse pledges of financial assistance to the TNC. To facilitate the vesting of assets blocked by the United States, the Administration supports Senate Bill 1180 that would allow the United States to confiscate property of the Government of Libya to be used for costs related to providing humanitarian relief to the Libyan

people. Under this vesting authority, the President would have the authority to decide precisely how the assets would be used, consistent with the legislation. The President would only disburse assets through means that meet our legal and policy standards regarding transparent oversight of the disbursements.

The United States also supports crude oil sales from TNC-controlled areas. On April 26, the U.S. Treasury's Office of Foreign Assets Control (OFAC) posted a new Libya General License and a new Statement of Licensing Policy on Libyan crude oil sales. These actions were taken to remove sanctions barriers under domestic law to U.S. persons' participation in certain transactions involving oil and gas sales by the TNC. On May 25, a U.S. oil refiner, Tesoro, announced that it had purchased the cargo aboard a tanker chartered by the Swiss oil trading company Vitol that had departed opposition territory in mid-April. The tanker arrived at Tesoro's Hawaii refinery on June 8. This cargo is the first known cargo purchased from the Libyan TNC.

**Analysis of Potential Ties to Extremist Groups:** We are not aware of any direct relationship between the TNC and al-Qaeda, Hezbollah, the Libya Islamic Fighting Group (LIFG) or any other terrorist organization. There are reports that former members of the LIFG, which had been initially formed as an anti-Qadhafi group, are present in Eastern Libya and that some of them were fighting with opposition forces on the front lines against the regime. During the past two years, the Government of Libya had instituted a program to rehabilitate and release from prison members of the LIFG who had renounced terrorism, and some of the former LIFG members in Eastern Libya had participated in this program. The TNC has consistently and publicly rejected terrorism and extremist influences and we have not observed any TNC support or endorsement of the LIFG.

In addition, the TNC has publicly declared the secular nature of its organization. The TNC and other members of the opposition have actively worked to open up Eastern Libya to civil society groups for the first time in the 42 years since Qadhafi took power. As a result, non-regime groups that had been previously banned, including the Libyan Muslim Brotherhood, have now organized and are participating in Libyan society. From public press reports, we understand that the Libyan Muslim Brotherhood has declared its support for moderate Islam, emphasized the important role of women in society-building, and formed a relief organization in Benghazi.

## **Legal Analysis and Administration Support for Bipartisan Resolution**

Given the important U.S. interests served by U.S. military operations in Libya and the limited nature, scope and duration of the anticipated actions, the President had constitutional authority, as Commander in Chief and Chief Executive and pursuant to his foreign affairs powers, to direct such limited military operations abroad. The President is of the view that the current U.S. military operations in Libya are consistent with the War Powers Resolution and do not under that law require further congressional authorization, because U.S. military operations are distinct from the kind of "hostilities" contemplated by the Resolution's 60 day termination provision. U.S. forces are playing a constrained and supporting role in a multinational coalition, whose operations are both legitimated by and limited to the terms of a United Nations Security Council Resolution that authorizes the use of force solely to protect civilians and civilian populated areas under attack or threat of attack and to enforce a no-fly zone and an arms embargo. U.S. operations do not involve sustained fighting or active exchanges of fire with hostile forces, nor do they involve the presence of U.S. ground troops, U.S. casualties or a serious threat thereof, or any significant chance of escalation into a conflict characterized by those factors.

The Administration has repeatedly indicated its strong support for the bipartisan resolution drafted by Senators McCain, Kerry, Lieberman, Levin, Feinstein, Graham, and Chambliss that would confirm that both branches are united in their commitment to supporting the aspirations of the Libyan people for political reform and self-government.

## **Congressional Consultation**

The Administration has consulted extensively with Congress about U.S. engagement in Libya. Since March 1, the Administration has:

- testified at over 10 hearings that included a substantial discussion of Libya;
- participated in over 30 Member and/or staff briefings, including the March 18 Presidential meeting with Congressional Leadership, Committee Chairs and Ranking Members; all three requested "All Members Briefings" (two requested by the Senate, one by the House); and all requested "All Staff Briefings;"
- conducted dozens of calls with individual Members; and
- provided 32 status updates via e-mail to over 1,600 Congressional staff.

The list below catalogues Libya-related hearings, briefings, calls, and other communication and consultation between Congress and the Executive Branch from March 1 through June 15. (In addition to what's included below, the Intelligence Community has provided and continues to provide frequent classified written intelligence products on Libya and regular Libya intelligence update briefings to Members and Committees, numbering in the dozens of such briefings since March 1.)

**June 14:** Amb. Cretz provided classified briefing on Libya to staff of the House Appropriations Subcommittee on State and Foreign Operations.

**June 10:** Under Secretary of Defense for Policy Michèle Flournoy, Lt Gen Charles Jacoby (J-5), and ODNI provided classified briefing on Libya to SASC Members.

**June 9:** Deputy Assistant Secretary for the Arabian Gulf and Maghreb Affairs, Janet Sanderson; Principal Deputy Assistant Secretary of Defense for International Security Affairs, Joe McMillan; ODNI; JS (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to SFRC Members.

**June 2:** Ambassador to Libya Gene Cretz; Principal Deputy Assistant Secretary for International Security Affairs, Joe McMillan; ODNI; JS (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to HASC Members.

**June 1:** Assistant Secretary for Near Eastern Affairs, Jeffery Feltman; ODNI; JS (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to HFAC Members. Other House Members attended at the request of the Chairwoman and Ranking Member.

**May 31:** ODNI; DOD (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); provided classified briefing on Libya to HPSCI Members.

**May 13:** VCJCS called Senators Lugar and Corker to provide an update on Libya operations.

**May 13:** J2, J3 and OSD-P briefed staff for Majority Leader Reid and Chairman Levin on Libya operations.

**May 12:** State Deputy Secretary Steinberg testified before the Senate Foreign Relations Committee on *Assessing the Situation in Libya*.

**May 11:** State DAS Janet Sanderson and Treasury DAS Daniel Glaser briefed Senate leadership and committee staff on the Libya vesting proposal.

**May 11:** State DAS Janet Sanderson and Treasury DAS Daniel Glaser briefed House leadership and committee staff on the Libya vesting proposal.

**May 5:** State Assistant Secretary Michael Posner and DAS Tamara Wittes testified before HFAC on *Transitions in the Middle East* including mention of Libya.

**April 22:** VCJCS called Senator Corker to provide an update on Libya Operations.

**April 19:** Amb. Cretz and other State Department briefers provide classified briefs on Libya, focused on the \$25 million drawdown package, to SFRC staff and separately to HFAC staff.

**April 13:** Desk officers from State provided SFRC staff classified briefing on Libya.

**April 8:** RADM Rogers (J2) and RADM Tidd (J3) briefed Rep Smith on Libya operations.

**March 31:** Amb. Cretz briefed Sen. Lieberman on Libya.

**March 31:** Amb. Cretz briefed SACFO staff on Libya.

**March 31:** Sec Def and CJCS testified in hearings on Libya before HASC.

**March 31:** Sec Def and CJCS testified in hearings on Libya before SASC.

**March 31:** State Deputy Secretary Steinberg testified before SFRC on *Assessing the Situation in Libya*.

**March 31:** State Deputy Secretary Steinberg testified before HFAC on *Libya: Defining U.S. National Security Interests*.

**March 30:** Secretary of State, Secretary of Defense, Deputy Secretary of Treasury, Director of National Intelligence, and Chairman of the Joint Chiefs of Staff conducted all House Members briefing on Libya, the earliest available opportunity following commencement of military operations given the March Congressional recess.

**March 30:** Secretary of State, Secretary of Defense, Deputy Secretary of Treasury, Director of National Intelligence, and Chairman of the Joint Chiefs of Staff conducted all Senators briefing on Libyan operations, the earliest available opportunity following commencement of military operations given the March Congressional recess.

**March 29:** RADM Rogers (J2) and RADM Tidd (J3) briefed Chairman Young and Rep Dicks on Libya.

**March 28:** RADM Rogers (J2), RADM Tidd (J3) participated with State and ODNI in a classified briefing to update Congressional staff on Libya operations. All Congressional

staff who had a Secret-level clearance were invited to attend.

**March 22:** State (Ambassador Gene Cretz); ODNI; DOD (Rear Admiral Michael S. Rogers, Director for Intelligence, J-2 & Rear Admiral Kurt Tidd, Vice Director for Operations, J-3); and Treasury (Acting Undersecretary David Cohen) participated in interagency closed and open briefing to House and Senate staff on Libya.

**March 21:** The President provided the Speaker of the House of Representatives and the President Pro Tempore of the Senate a report consistent with the War Powers Resolution, which provided details regarding the mission and the specific circumstances under which we were undertaking military action.

**March 20:** VADM Gortney (Director, JS) briefed Chairman Levin on developments in Libya.

**March 19:** Deputy National Security Advisor Denis McDonough contacted Rep. Boehner, Rep. Cantor, Rep. Hoyer, Senator Reid, Senator Durbin, Senator Kyl.

**March 19:** State Department's Deputy Secretary Steinberg spoke with Kerry, Lugar, Ros-Lehtinen and Berman.

**March 19:** DOD USDP Flournoy called House and Senate Armed Services Committee Chairmen and Ranking Members to provide an update on Libya operations. USDP Flournoy also called Senator Sessions.

**March 19:** Admiral Mullen called House and Senate Defense Appropriations Subcommittee Chairmen and Ranking Members to provide an update on Libya operations.

**March 18:** Deputy National Security Advisor Denis McDonough held a conference call with bipartisan, bicameral leadership and committee staff to discuss the President's meeting and to answer questions.

**March 18:** President Obama invited Congress' bipartisan bicameral leadership to the White House to consult on the situation in Libya and brief them on the limited, discrete and well-defined participation that he envisioned for the United States to help implement the U.N. Resolution. The White House invited House and Senate Leadership, Chairs and

Ranking of Foreign Affairs, Armed Services and Intel committees. Members of Congress who were able to participate included:

Majority Leader Harry Reid  
Democratic Whip Steny Hoyer  
Senator Carl Levin  
Senator Dick Lugar  
Senator Saxby Chambliss  
Rep. Mike Rogers  
Rep. Dutch Ruppersberger  
Speaker John Boehner  
Majority Leader Eric Cantor  
Democratic Leader Nancy Pelosi  
Senator Dick Durbin  
Senator Mitch McConnell  
Senator John Kyl  
Senator John Kerry  
Senator Diane Feinstein  
Rep. Buck McKeon  
Rep. Ileana Ros-Lehtinen  
Rep. Howard L. Berman

**March 17:** All Senators briefing on Libya developments and possible USG and international responses including potential military options by an interagency team led by State U/S Bill Burns, with ODNI and DOD.

**March 17:** U/S Burns testified in open session of *SFRC on Popular Uprisings in the Middle East*, with main focus was on Libya.

**March 15:** Embassy Tripoli Chargé and Acting DCM briefed SFRC staff on Libya.

**March 10:** PDASD McMillan (ISA), MG Leins (J5), Col. Olsen (J3) briefed HASC Chairman McKeon on Libya. The briefing included the latest developments and possible military options for Libya, including the mechanics of a no-fly zone.

**March 10:** State A/S Feltman testified before the Middle East and South Asia Subcommittee on *Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges in the Middle East*, at which there were questions about Libya.



**March 4:** ASD Vershbow (ISA), RADM Rogers (J2) and RADM Tidd (J3) briefed SASC Members on Libya. They provided an update on Libya including recent intelligence. They also discussed possible military options, including the mechanics of a no-fly zone.

**March 2:** Secretary Clinton testified at SFRC hearing on National Security and Foreign Policy Priorities in the FY 2012 International Affairs Budget, which included discussion of Libya.

**March 2:** Secretary Gates and Admiral Mullen testified at HAC-D hearing on FY 2012 Defense Department Appropriations, which included discussion of Libyan no-fly zone.

**March 1:** Secretary Clinton testified at HFAC hearing on *Assessing U.S. Foreign Policy Priorities and Needs Amidst Economic Challenges*, which included discussion of Libya.

**March 1:** State DAS Sanderson, DASD Huddleston, MG Holmes, and ODNI provided classified brief to SFRC, SASC and leadership staff on Libya, as well as Yemen and Bahrain.

**March 1:** DASD Huddleston (ISA/AF) and DAS Sanderson (NEA) provided an update briefing on the situation in Libya to SASC and SFRC professional staff members.

#### *Humanitarian Assistance Briefings*

USAID/DCHA (with AA Nancy Lindborg, DAA Mark Ward, D/OFDA Mark Bartolini or DD/OFDA Carol Chan) and State/PRM (with PDAS David Robinson or Kelly Clements) held regular conference calls with Congressional staff to provide briefing updates on humanitarian assistance to Libya and its borders with Egypt and Tunisia.

Beginning February 28 through June 14 there were 16 conference calls held - initially twice weekly, then weekly, and now periodically as needed on the following dates:

- February 28
- March 4, 8, 11, 15, 18, 22, 29
- April 5, 12, 19, 26
- May 3, 10, 17
- June 14

## Contents of Classified Annex

Importance of U.S. Military to Opposition Groups

Assessment of Opposition Military Groups

Coalition Contributions to NATO Mission

Assessment of Extremist Groups in Libya

Threat Assessment of MANPADs, Ballistic Missiles, and Chemical Weapons in Libya