

**COUNTER-ISIL  
(ISLAMIC STATE OF IRAQ AND THE LEVANT)  
OPERATIONS AND MIDDLE EAST STRATEGY**

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**HEARING**

BEFORE THE

**COMMITTEE ON ARMED SERVICES  
UNITED STATES SENATE**

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

APRIL 28, 2016

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**COUNTER-ISIL  
(ISLAMIC STATE OF IRAQ AND THE LEVANT)  
OPERATIONS AND MIDDLE EAST STRATEGY**

THURSDAY, APRIL 28, 2016

U.S. SENATE,  
COMMITTEE ON ARMED SERVICES,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:32 a.m. in Room SH-216, Hart Senate Office Building, Senator John McCain (chairman) presiding.

Committee members present: Senators McCain, Inhofe, Sessions, Wicker, Ayotte, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Lee, Graham, Reed, Nelson, McCaskill, Manchin, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, and Heinrich.

**OPENING STATEMENT OF SENATOR JOHN MCCAIN, CHAIRMAN**

Chairman MCCAIN. Well, good morning. Good morning, ladies. Good morning. The Senate Armed Services Committee meets this morning to receive testimony on the United States strategy in the Middle East and efforts to counter so-called Islamic State.

I thank our distinguished witnesses for appearing before us this morning and for their continued service to our Nation during a time of war. Please convey the gratitude and appreciation of this committee to all the men and women you lead.

Since our witnesses last appeared before this committee, we have seen a steady increase in operational activity in Iraq and Syria. Airstrikes have steadily increased and improved; new capabilities, such as the A-10 and now attack helicopters, have gradually been added; efforts to train and equip vetted Syrian forces have been restarted and slowly expanded; and additional United States troops have been periodically deployed to the fight, a few dozen and a few hundred at a time. These operational adjusted—adjustments have resulted in some operational gains. We have seen security—Iraqi Security Forces make modest gains against ISIL in Anbar Province, and a coalition of Syrian Kurds with small numbers of Sunni Arabs take territory away from ISIL across parts of northern Syria. All the while, the United States and coalition Special Operation Forces continue their daily degrading of ISIL fighters in Iraq and Syria. These gains are real and encouraging, and testify to the excellence of our military leaders and troops on the ground.

The purpose of this hearing is certainly to review those operational issues, but, more importantly, to try to put them into some strategic context. Too often, it seems, policymakers, politicians, and

the media all want to engage at the operational level. I understand. Military operations are important and interesting. But, I worry that we are staring at our challenges in the broader Middle East through soda straws. We need to lift our sights.

At a more strategic level, we see a Middle East descending into chaos. In the words of Henry Kissinger—and I quote—“There’s a struggle for power within states, a conflict between states, a conflict between ethnic and religious groups, and an assault on the international system.” While the epicenter of this conflict for power and identity is in Iraq and Syria, where ISIL established its caliphate, it is a growing contagion that affects Libya, Egypt, Yemen, parts of East and West Africa, Afghanistan, and beyond. As we have seen from Paris to San Bernardino to Brussels, this threat is increasingly capable of targeting us, as many of us predicted that it would. Yet, at this strategic level, we always seem to be a step behind, a day late, and a dollar short. While too many of our leaders, both in the administration and, yes, in the Congress, too, fixated on and sought to micromanage military operations in Iraq and Syria, ISIL executed a strategic countermove, launching sophisticated attacks into the heart of Western civilization and deepening its presence in Libya. In a country that America helped to liberate 5 years ago and then precipitously abandoned, we now see thousands of terrorists in training camps and reports of external attack plotting, all the warning signs that existed in Afghanistan on September 10th, 2001. The administration increasingly appears focused on this problem, but, once again, the response has been reactive, slow, and insufficient.

Similarly with Russia, last year Vladimir Putin moved to fill the strategic vacuum that the United States has left in the Middle East. In its first out-of-country military since the time of the tsars, Russian forces moved into Syria, doubled down on the Assad regime, and decimated the moderate Syrian opposition groups that America and our allies said we were supporting. Russia has used Syria as a live-fire exercise for its modernizing military.

Despite predictions of a Russian quagmire, Putin has instead used limited military means to achieve distinct political goals. Despite Putin’s pledged withdrawal from Syria, Assad’s forces, backed by Russia, now appear poised to retake Aleppo. Meanwhile, advanced Russian military capabilities remain in Syria, enhancing Putin’s ability to project power beyond the region. Once again—once again—the U.S. response has appeared confused, reactive, and inadequate.

None of this is happening because our adversaries are 10 feet tall or somehow more capable than us. Instead, as sophisticated and ruthless as ISIL is, it has major strategic vulnerabilities, not least the resentment it engenders among the very Muslim communities it seeks to oppress. Vladimir Putin is playing a weak hand, economically and demographically, but he is consistently playing it better than we are playing ours.

So, too, with the Iranian regime. Even with a windfall of sanctions relief, Iran—Tehran remains militarily and economically weak, but it is aggressively expanding its malign influence and subverting our long-term partners.

Put simply, too many of our leaders appear involved in the tactical fight, the incremental calibration and escalation of military operations, and not enough in the strategic fight. Despite the real tactical gains we have made, we must ask ourselves, Is this working? Are we winning? Are we getting ahead of the threats and problems we face, or are they getting ahead of us? What enduring objectives do we hope to achieve across the Middle East, a region that is experiencing greater turmoil than at any time since the collapse of the Ottoman Empire? How will we achieve those goals? On what timeline and at what cost?

I understand the American people are frustrated with Washington. I know there's a belief out there that we invaded and occupied Iraq, and it failed; that we intervened, but did not occupy, Libya, and it failed; and that we did not intervene in Syria, and that failed, too. But, what ties all of this together is that we left. We left. Or we never engaged, in the first place. We pulled away and stood back and tried to convince ourselves that everything would be all right. Look at the result. No new order has emerged in the Middle East. Only chaos. The vacuum we left behind has been filled by the most extreme and anti-American of forces: ISIL, al Qaeda, Iran and its terrorist proxies, and now Russia. We cannot afford to believe that this is not our problem. It is our problem.

As General David Petraeus wrote last week, quote, "The attacks and other activities of extremists will not be confined to the areas or regions in which they are located. Rather, as in the case of Syria, the actions of the extremist groups are likely to spew instability, extremism, violence, and refugees far beyond their immediate surroundings."

We cannot go on pretending that we can avoid these problems or that the current approach of trying to treat the symptoms of the disease, rather than its cause, will work if only we give it more time. It will not. We need to stop fixating on military details and look at the bigger picture. No one believes there are easy solutions to the underlying problems in the Middle East. But, after the past 7 years, this should—much should be clear. Walking away isn't the answer, and time is not on our side.

Senator Reed.

#### **STATEMENT OF SENATOR JACK REED**

Senator REED. Well, thank you very much, Mr. Chairman. Let me join you in welcoming Secretary Carter and General Dunford.

Gentlemen, thank you for your service to the Nation and your presence here today.

This morning's hearing to update the committee on the status of coalition military operations against the Islamic State in Iraq and the Levant, or ISIL, is especially timely. It comes on the heels of visits to the region by the President, Secretary Kerry, and both of you as part of the administration's continuing review of our ongoing efforts as part of Operation Inherent Resolve. We look forward to hearing your assessment of the situation on the ground, the progress that has been made to date, and the military tasks that can be accomplished in the months ahead.

In recent days, the Department has announced two deployments, one each for Iraq and Syria. These deployments are intended to

bolster our efforts in those two countries as the focus of coalition operations increasingly turns to isolating Mosul and Raqqa, as well as ensuring that our partners on the ground in Iraq and Syria have the enabling support needed to continue their momentum against ISIL.

The deployment to Iraq comes at a sensitive time for Prime Minister Abadi, who continues to struggle to bring together the Sunni, Shi'a, and Kurdish elements of the political establishment in Iraq, a complicated reality that was in full display earlier this week, when the Prime Minister partially reshuffled his Cabinet amidst stepped-up pressure by thousands of protesters threatening to storm the Parliament. As we consider our policy in Iraq, particularly, it's important to remember that the coalition is there at the invitation of the Iraqis, and we must remain cognizant of the political opposition of some to our continued and growing presence in the country. Ignoring that reality risks damaging our broader strategic goal of a lasting political solution for Iraq and the defeat of ISIL.

In Syria, the cessation of hostilities has seen a growing number of violations in recent days. Of most concern are the violations by the forces of the Assad regime in Aleppo and the surrounding region. In March, President Putin announced Russia was to begin withdrawing its forces from Syria, but, as is often the case with President Putin, the public message is not consistent with the reality of events on the ground. According to reports, forces loyal to the Syrian Government are beginning to amass and concentrate combat power around Aleppo. These actions do not portend well for the direction of this conflict. I hope the Secretary and Chairman will provide their updated assessment on the military actions of the regime and Russian forces, and how these figure into our planning.

One matter currently before the committee is a request by the administration to extend the DOD's authority to train and equip the Moderate Syrian Opposition. As we consider this request, it is my assessment that, without our local Syrian partners on the ground, the recapture of Kobani, Hasakah, and Shadadi, and a number of other towns and villages would not have been possible, and I hope the Secretary and the Chairman will speak to the importance of this request for an extension.

In addition to Iraq and Syria, I hope the Secretary or the Chairman will provide their updated assessment on the threat posed by ISIL's [the Islamic State of Iraq and the Levant] growing presence in Libya. There have been public reports of a number of United States military operations, Libya, and some suggestions that more may follow. As the committee moves towards the markup of the defense authorization bill, it's critical that we have a keen understanding of you—your view on the threat emanating from Libya.

Gentlemen, I look forward to your testimony.

Thank you, Mr. Chairman.

Chairman MCCAIN. Welcome. Secretary Carter.

**STATEMENT OF HONORABLE ASHTON B. CARTER, SECRETARY OF DEFENSE**

Secretary CARTER. Chairman McCain, Ranking Member Reed, thank you. Thank you for those statements, and for this hearing,



and for the range, both geographic and in terms of tactical, operational, and strategic, that you're asking us to speak to. Thank all the members of the committee for being here, for your interest in this. Above all, Chairman, thank you for thanking the troops. Means a lot. You have many opportunities to carry that to them directly, but I'll try to do that, too, when I do. Appreciate that.

I will briefly, in my opening statement, address all of the aspects of the subjects raised in your two statements; obviously, our campaign to defeat ISIL, but, more broadly, our military strategy in the Middle East. I appreciate that this is my seventh appearance before this committee, the fifth one focused on the Middle East, since I became Secretary of Defense. The timing is, as Senator Reed noted, fortuitous, in the sense, I just returned from a 2-week trip to the Asia-Pacific and also the Middle East, both regions critical to United States and global security, and where our men and women in uniform are deeply engaged, as they are all over the world. It's emblematic of why, with all the challenges going on today, particularly the five challenges I discussed with you last month in my budget testimony—namely Russia, China, North Korea, Iran, and terrorism, especially ISIL—DOD can't choose between one or the other, or between acting in the present and investing in the future. We have to do them all.

While there's much I could say about the Asia-Pacific, I'm obviously going to focus my comments here today on the Middle East. There our actions and our strong military posture continue to be guided by our North Star of what's in America's national interests. These are several things. They include dealing ISIL a lasting defeat. That was the principal purpose of my visit to Iraq last week, where I conferred with our commanders and visited with our troops, met with Prime Minister Abadi and Defense Minister Obeidi, spoke to Kurdistan Regional Government President Barzani, and announced a number of key next steps that our—President Obama has directed to further accelerate the defeat of ISIL. More on that in a moment.

When I appeared before this committee to discuss our counter-ISIL campaign in early December, I outlined how we embarked—had embarked on a major acceleration of this campaign, an effort Chairman Dunford and I had recommended to the President in October. It consisted of multiple steps. First, there were a number of immediate accelerants. We deployed additional strike aircraft to Incirlik, supporting an expanded air campaign against new targets and new categories of targets illuminated by refined intelligence. We deployed an initial contingent of Special Operations Forces to Syria. We expanded equipping of Syrian Arab forces engaged in the fight against ISIL. We began enabling capable, motivated, local forces in southern Syria, also, and enhancing Jordan's border control and defenses. We leveraged airpower and advisors to help the Peshmerga take Sinjar, cutting the Iraqi side of the main line of communication between ISIL's power centers in Raqqa and Mosul. We introduced an expeditionary targeting force. We worked to improve our ability to target ISIL's leadership and presence beyond Iraq and Syria. We started to expand the military campaign against ISIL to every domain, including cyber and space.

All these capabilities were marshaled against a clear coalition military campaign plan, focusing on operations on three objectives. One, destroying ISIL's parent tumor in Iraq and Syria, which is necessary—not sufficient, but necessary. Second, combating the metastases of the ISIL tumor worldwide, wherever they appear, as has been noted by both the Chairman and Senator Reed. Three, our most important mission, which is to help protect the Homeland.

In addition to accelerating the campaign with additional U.S. capabilities, we renewed our outreach to coalition members. Over the last 3 months, I've conveyed my—convened my counterparts several times—in Paris, Brussels, last week in Riyadh, next week in Europe—to brief them on the coalition military command plan, but, above all, to urge them to contribute more, and in more meaningful ways.

Since we embarked on that major acceleration, results followed. They've continued even in recent weeks. On the battlefield in Iraq, the Iraqi Security Forces retook Ramadi and Hit, and, along with Kurdish Peshmerga, have begun operations to isolate and pressure Mosul, with the intent to collapse ISIL's control over that city. In Syria, capable and motivated local forces, supported by our coalition, retook the Tishrin Dam, in the west, and the town of Shadadi, in the east, cutting off two significant lines of communication in Raqqa, including one of the last major northern arteries between Raqqa and Mosul, and therefore, between ISIL in Syria and ISIL in Iraq.

We've also seen results in targeting ISIL's leaders and finances. We've systematically eliminated ISIL's Cabinet, having taken out its so-called Ministers of War and Finance. We captured one of the principals of ISIL's chemical warfare enterprise, removed external plotters from the battlefield, and, most recently, took out the ISIL emir for southern Mosul, weakening ISIL's ranks there.

Our attacks on ISIL's economic infrastructure, from oil wells and trucks to cash storage to ISIL's financial leaders, is putting a stranglehold on ISIL's ability to pay its fighters, undermining its ability to govern, and making it harder to attract new recruits.

These are the results in our coalition's—there are also results in our coalition's train-and-equip efforts, as well. So far, with your support in Congress, we've trained over 20,000 Iraqi Security Forces and provided six full brigade sets of equipment to the Iraqi Army. We've provided two brigade sets to the Peshmerga, part of more than 12 million pounds of critical supplies donated by more than 20 countries. For our part, ranging from ammunition to small, medium, and heavy weapons to counter-IED equipment.

Meanwhile, in addition to the local forces we're working with in both Iraq and Syria, 90 percent of our military coalition partners from Europe, the Gulf, and Asia—26 countries in all—have committed, in the past few months, to increase their contributions to help accelerate the defeat of ISIL.

All this has been necessary for putting ISIL on a path to the lasting defeat. But, it's not sufficient. Indeed, I've consistently told you that we're looking to do more, and that we would be doing more. As we take advantage of opportunities, we're generating new ones, and then seizing those opportunities to repeat this cycle, rein-

forcing success. This has been our intent and is consistent with our overall strategic approach, which is to enable capable, motivated, local forces to recapture and then hold and govern territory tyrannized by ISIL.

Now, based on the results we've had and on our desire to continue accelerating ISIL's lasting defeat, we are conducting the next plays of the military campaign. They are, one, stabilizing Iraq's Anbar Province; two, generating Iraqi Security Forces to envelope Mosul; three, identifying and developing more local forces in Syria that will isolate and pressure Raqqa; and, four, providing more firepower, sustainment, and logistical support to our partners to enable them to collapse ISIL's control over both these cities.

To help facilitate these next plays, we're taking a number of key actions in both Iraq and Syria, actions President Obama directed and that he and I announced over the last week and a half. I should note that the President has approved all the actions that Chairman Dunford and I have recommended to him to date.

In Iraq, our actions are in support of Iraqi Security Forces operations to isolate and pressure Mosul. They've all been approved by Prime Minister Abadi. As I told our troops in Baghdad last week, we'll be placing advisors with the ISF down to the brigade and battalion level. We'll be leveraging Apache attack helicopters to support the ISF's effort to envelope and then retake Mosul. We'll send additional HIMARS to support the Iraqi ground offensive there. We'll provide financial assistance to the Peshmerga, up to \$415 million, to bolster one of the most effective fighting forces against ISIL. To do all this, we're going to adjust how we use U.S. forces—the United States forces already in Iraq, and immediately bring in about 215 more of them.

In Syria, our actions are to help our local partners continue isolating and pressuring Raqqa. As the President announced on Monday, we're increasing U.S. forces there sixfold, from 50 to 300. These additional 250 personnel, including Special Operations Forces, will help expand our ongoing efforts to identify, train, and equip capable, motivated, local anti-ISIL forces inside Syria, especially among the Sunni Arab community. They'll also serve as a hub to incorporate partners' Special Forces from both European and gulf partners that will augment our coalition's counter-ISIL efforts there.

In the meantime, in addition to initiating training inside Syria, we're also continuing to train and equip other vetted Syrian forces outside of Syria, keeping our focus, as we have in recent months, on battle-hardened, proven anti-ISIL leaders, whom we can make more capable as enablers and amplifiers of our effects. In this context, let me say that the section 1209 program is central to our ground campaign in Syria, and we're now carrying out a different approach than before; instead, one that we've used to train and enable local elements that have proven themselves against ISIL on the battlefield. We've moved away from last year's disappointments with a former approach to the program, and we need your support to fully overcome them. Focus on the program as it is now, and, in particular, release the now \$349 million in 1209 funding currently blocked by Congress.

Mr. Chairman, I understand you intend to help clear these funds with the committee, and I hope other committees will follow suit. I'm grateful for that. The fact is, our command—for our commanders to be agile in accelerating our campaign against—campaign against ISIL, we need a similarly agile congressional funding process.

We're required to submit reprogramming requests, as you all know, to the four congressional defense committees. So far, on these funds, we've received differing responses on differing timelines, and sometimes with conflicting demands. We must get this working better, going forward.

I would also urge you and the other three defense committees to consider ending the reprogramming requirement for Syria so that it's on equal footing with how you've structured our oversight—your oversight of our train-and-equip programs in Iraq and Afghanistan. As it stands, the current setup involves—invites troubling micromanagement of a wartime effort, and risks inhibiting results.

Beyond Iraq and Syria, we're also addressing ISIL's metastases. In Afghanistan, since we authorized our forces to conduct targeted strikes against ISIL there, we've been able to degrade the terrorist groups' elements in that country. In Libya, we have continued to follow ISIL activities closely, undertaking a successful strike last year in which we took out ISIL's key leader in the country. Another strike in February against an ISIL training camp. As the new Libyan Government gets on its feet, we will support it in the fight against ISIL. We will counter ISIL and work with partners wherever ISIL has or tries to gain a foothold, whether in Yemen, West Africa, or South or Southeast Asia.

Even as we do more, we're continuing to marshal our friends and allies across the counter-ISIL coalition to do more also to accelerate ISIL's lasting defeat. When I met with my counterparts from the Gulf Cooperation Council last week, I emphasized the importance of their countries doing more, not only militarily, as Saudi Arabia and the UAE have been doing, but also politically and economically. That's because Sunni support for stabilization, multisectarian governance, and reconstruction will all be critical to ensuring that ISIL stays defeated.

Mr. Chairman, I just want to second the point you made, which is, in the region, in my conversations there, parties are already beginning to look beyond the defeat of ISIL and ask what their situation is at that point. That's—reinforces the need, as you indicated, to think strategically.

Next week, in Stuttgart, Germany, I'll be convening my fellow Defense Ministers from the major contributors to the military campaign to discuss ways we can all continue to accelerate our efforts. That said, while the military momentum is gathering strength and ISIL is struggling to resist our multifaceted pressure, I am increasingly concerned about political, economic, and diplomatic challenges in both Iraq and Syria affecting the pace of the military campaign.

In Iraq, as the proximity of the ISIL threat against Baghdad has diminished, political ambitions have created discord. In some instances, ethnosectarian competition has increased, creating an added burden and distraction for Prime Minister Abadi's govern-

ment before the task of defeating ISIL is complete. This, of course, is occurring while Iraq struggles with significant fiscal challenges due to the lower price of oil and a huge reconstruction bill as it retakes cities from ISIL.

In Syria, competing agendas for the future of the political transition are inhibiting the generation and coalescing of anti-ISIL forces. Secretary Kerry, Secretary Lew, and my colleagues from the other departments and agencies are focused on this intently, but they need support from you in Congress to help ensure that military momentum is matched with political and economic momentum, and that the military defeat of ISIL in Syria and Iraq, when it is complete, will be lasting.

I've articulated a clear strategy, with the end state being a lasting defeat of ISIL. That means it must be achieved by local forces. Our strategic approach is, therefore, to enable such forces, to collapse ISIL's control of Mosul and Raqqa by bringing to bear in support of them the full might of the U.S. military through some of our most unique capabilities, such as precision air campaign and expeditionary targeting forces, offensive operations in cyberspace, training, logistics, sustainment, and equipment. Enabling local forces, not substituting for them, is necessary to ensure a lasting defeat. Sometimes that means our pace is predicated on the speed at which local forces can absorb our enabling.

Now, some seem to suggest we pursue different strategies. There are, in fact, alternative strategies. I've addressed these alternatives in previous testimonies. But, we don't recommend them. Here is why:

One alternative would be to leave the complex and chaotic Middle East, try to contain ISIL's danger to the United States and target terrorists entirely from offshore. An approach of this sort has its attractions, since it avoids the many complexities of the Middle East. But, the reality is that such a containment approach simply cannot succeed in today's connected and globalized world. I don't recommend it.

Another alternative would be to introduce a significant foreign ground force, hypothetically international, although almost certainly preponderantly American, to capture Raqqa and Mosul and other territories used by ISIL. But, as I have testified previously, there are several problems with this approach that have led me not to recommend it either. In the near term, such a strategic approach would entail a significant military undertaking that, much as we'd wish otherwise, realistically we would embark upon largely by ourselves. It would be ceding our competitive advantage of Special Forces, mobility, and firepower; instead, fighting on the enemy's terms of ground combat amidst a local population that has previously responded violently to such an approach.

In the medium term, by seeming to Americanize or Westernize the effort to expel ISIL from the populations of Iraq and Syria, we might turn those local people who are fighting ISIL, who are inclined to resist their rule, into fighting us instead. As Chairman Dunford has said, ISIL, quote, "would love nothing more than a large presence of United States forces on the ground in Iraq and Syria so that they could have a call to jihad," end quote.

Lastly, in the long term, there would still remain the problem of securing and governing the territory recaptured, which, in the end, must be done by local forces. We cannot substitute for them.

The bottom line is this. We can't ignore this fight, but we also can't win it entirely from the outside in. That's why we're helping capable, motivated local forces in every way we can without taking their places.

Finally, I want to include with—conclude with a few word about—words about resources, as I have serious concerns with a proposal from one of the defense committees to underfund DOD's overseas warfighting accounts by \$18 billion and spend that money on programmatic items we didn't request. I have to say, this approach is deeply flawed and troubling. Having detailed my objections yesterday before the Appropriations Committee, today, in this context of this testimony, I just want to highlight the danger of underfunding our war effort and gambling with funding for our troops in places like Iraq and Syria. As Secretary of Defense, I cannot support such a maneuver.

Indeed, it's exceedingly important that we provide our troops and commanders in the field with all the resources they need to succeed. I know that, with your support, and with the continued dedication of our people and our partners, we will deliver ISIL a lasting defeat.

Thank you.

[The prepared statement of Secretary Carter follows:]

PREPARED STATEMENT BY SECRETARY OF DEFENSE ASH CARTER

Chairman McCain, Ranking Member Reed, Members of the Committee:

Thank you for having me and Chairman Dunford here today to describe our campaign against ISIL, and more broadly, United States military strategy in the Middle East. I appreciate that this is my seventh appearance before this committee, and the fifth one focused on the Middle East, since I became Secretary of Defense last spring. I should note that your timing is fortuitous. I just returned from a two-week trip to the Asia-Pacific and the Middle East—both regions critical to U.S. and global security, and where our men and women in uniform are deeply engaged, as they are all over the world. It's emblematic of why, with all the challenges going on today—particularly the five challenges I discussed with you last month in my budget testimony, namely Russia, China, North Korea, Iran, and terrorism, especially ISIL—DOD can't choose between one or another, or between acting in the present and investing in the future. We have to do it all.

While there's much I could say about the Asia-Pacific, I will of course focus my opening comments here today on the Middle East. There, our actions and our strong military posture continue to be guided by our North Star of what's in America's national interests ... these are several things, but including dealing ISIL a lasting defeat.

That was the principal purpose of my visit to Iraq last week, where I conferred with our commanders and visited with our troops; met with Prime Minister Abadi and Defense Minister Ubaidi; spoke to Kurdistan Regional Government President Barzani; and announced a number of key next steps that President Obama has directed to further accelerate the defeat of ISIL ... more on that in a moment.

When I appeared before this committee to discuss our counter-ISIL campaign in early December, I outlined how we had embarked on a major acceleration of this campaign—an effort Chairman Dunford and I had recommended to the President in October. It consisted of multiple steps.

First, there were a number of immediate accelerants. We deployed additional strike aircraft to Incirlik, supporting an expanded air campaign against new targets and new categories of targets illuminated by refined intelligence. We deployed an initial contingent of special operations forces to Syria. We expanded equipping of Syrian Arab forces engaged in the fight against ISIL. We began enabling capable, motivated local forces in southern Syria, and enhancing Jordan's border control and

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Since we embarked on that major acceleration, results followed, and they've continued even in recent weeks.

On the battlefield in Iraq, the Iraqi Security Forces retook Ramadi and Hit, and along with Kurdish Peshmerga have begun operations to isolate and pressure Mosul, with the intent to collapse ISIL's control over that city. In Syria, capable and motivated local forces supported by our coalition retook the Tishreen Dam in the west and the town of Shaddadi in the east ... cutting off two significant lines of communication into Raqqa, including one of the last major northern arteries between Raqqa and Mosul, and therefore between ISIL in Syria and ISIL in Iraq.

We've also seen results in targeting ISIL's leaders and finances. We're systematically eliminating ISIL's "cabinet," having taken out its so-called ministers of war and finance. We captured one of the principals of ISIL's chemical warfare enterprise, removed external plotters from the battlefield, and most recently took out the ISIL emir for southern Mosul, weakening ISIL's ranks there. Our attacks on ISIL's economic infrastructure—from oil wells and trucks to cash storage sites to ISIL's financial leaders—is putting a stranglehold on ISIL's ability to pay its fighters, undermining its ability to govern, and making it harder to attract new recruits.

There are results in our coalition's train-and-equip efforts, as well. So far, with Congress's support, we've trained over 20,000 Iraqi Security Forces, and provided six full brigade sets of equipment to the Iraqi Army. We've provided two brigade sets to the Peshmerga, part of more than 12 million pounds of critical supplies donated by more than 20 countries—for our part, ranging from ammunition, to small, medium, and heavy weapons, to counter-IED equipment.

Meanwhile, in addition to the local forces we're working with in both Iraq and Syria, 90 percent of our military coalition partners—from Europe, the Gulf, Asia; 26 countries in all—have committed in the past few months to increase their contributions to help accelerate the defeat of ISIL.

All this has been necessary for putting ISIL on a path to a lasting defeat, but it's not sufficient. Indeed, I've consistently told you that we're looking to do more and that we would be doing more. As we take advantage of opportunities, we're generating new ones, and then seizing those opportunities to repeat this virtuous cycle—reinforcing success. This has been our intent and is consistent with our overall strategic approach, which is to enable capable, motivated local forces to recapture and then hold and govern territory tyrannized by ISIL.

Now, based on the results we've had, and our desire to continue accelerating ISIL's lasting defeat, we are conducting the 'next plays' of the military campaign. They are: one, stabilizing Iraq's Anbar Province; two, generating Iraqi Security Forces to envelop Mosul; three, identifying and developing more local forces in Syria that will isolate and pressure Raqqa; and four, providing more firepower, sustainment, and logistical support to our partners to enable them to collapse ISIL's control over both those cities.

To help facilitate these next plays, we're taking a number of key actions in both Iraq and Syria—actions President Obama directed and that he and I announced over the last week and a half. I should note that the President has approved all the actions that Chairman Dunford and I have recommended to him to date.

In Iraq, our actions are in support of ISF operations to isolate and pressure Mosul. They've all been approved by Prime Minister Abadi.

As I told our troops in Baghdad last week, we'll be placing advisors with the ISF down to the brigade and battalion level. We'll be leveraging Apache attack helicopters to support the ISF's efforts to envelop and then retake Mosul. We'll send additional HIMARS to support the Iraqi ground offensive there. We'll provide financial assistance to the Peshmerga, up to \$415 million, to bolster one of the most effec-

tive fighting forces against ISIL. To do all this, we're going to adjust how we use the U.S. forces already in Iraq, and immediately bring in about 215 more of them.

In Syria, our actions are to help our local partners continue isolating and pressuring Raqqa.

As the President announced on Monday, we're increasing U.S. forces there six-fold, from 50 to 300. These additional 250 personnel, including special operations forces, will help expand our ongoing efforts to identify, train, and equip capable, motivated local anti-ISIL forces inside Syria, especially among the Sunni Arab community. They'll also serve as a hub to incorporate partner SOF—from both European and Gulf partners—that will augment our coalition's counter-ISIL efforts there.

In the meantime, in addition to initiating training inside of Syria, we're also continuing to train and equip other vetted Syrian forces outside of Syria—keeping our focus, as we have in recent months, on battle-hardened, proven anti-ISIL leaders whom we can make more capable as enablers and amplifiers of our effects.

In this context, the section 1209 program is central to our ground campaign in Syria, and we're now carrying out a different approach than before—and instead one that we've used to train and enable local elements that have proven themselves against ISIL on the battlefield. We've moved away from last year's disappointments with the former approach to the program, and we need your support to fully overcome them, focus on the program as it is now, and, in particular, release the now \$349 million in 1209 funding currently being blocked by Congress.

Mr. Chairman, I understand you intend to help clear these funds with this committee. I hope the other committees will follow suit.

The fact is, for our commanders to be agile in accelerating our campaign against ISIL, we need a similarly agile Congressional process. We are required to submit reprogramming requests to the four Congressional defense committees, and so far on these funds we've received differing responses, on differing timelines, and sometimes with conflicting demands. We must get this working better going forward. I would also urge you and the other three defense committees to consider ending the reprogramming requirement for Syria, so that it's on equal footing with how you've structured your oversight of our train-and-equip programs in Iraq and Afghanistan. As it stands, the current setup invites troubling micromanagement of a wartime effort, and risks inhibiting results.

Beyond Iraq and Syria, we're also addressing ISIL's metastases. In Afghanistan, since we authorized our forces to conduct targeted strikes against ISIL there, we've been able to degrade the terrorist group's elements in the country. In Libya, we have continued to follow ISIL activities closely, undertaking a successful strike last year in which we took out ISIL's key leader in the country, and another strike in February against an ISIL training camp. As the new Libyan Government gets on its feet, we will support it in the fight against ISIL. We will counter ISIL and work with partners wherever ISIL has or tries to gain a foothold, whether in Yemen, West Africa, or South and Southeast Asia.

Even as we do more, we're continuing to marshal our friends and allies across the counter-ISIL coalition to do more also to accelerate ISIL's lasting defeat.

When I met with my counterparts from the Gulf Cooperation Council last week, I emphasized the importance of their countries doing more . . . not only militarily, as Saudi Arabia and the UAE have been doing, but also politically and economically. That's because Sunni support for stabilization, multi-sectarian governance, and reconstruction will all be critical to ensuring that ISIL stays defeated. Next week, in Stuttgart, Germany, I'll be convening my fellow defense ministers from the major contributors to the military campaign, to discuss ways we can all continue to accelerate our efforts.

That said, while the military momentum is gathering strength and ISIL is struggling to resist our multi-faceted pressure, I am increasingly concerned about political, economic, and diplomatic challenges in both Iraq and Syria affecting the pace of the military campaign.

In Iraq, as the proximity of the ISIL threat against Baghdad has diminished, political ambitions have created discord, and, in some instances, ethno-sectarian competition has increased—creating an added burden and distraction for Prime Minister Abadi's government before the task of defeating ISIL is complete. This, of course, is occurring while Iraq struggles with significant fiscal challenges due to the lower price of oil and a huge reconstruction bill as it retakes cities from ISIL. In Syria, competing agendas for the future of the political transition are inhibiting the generation and coalescing of anti-ISIL forces. Secretary Kerry, Secretary Lew, and my colleagues from the other departments and agencies are focused on this intently, but they need support from you in Congress to help ensure that military momentum is matched with political and economic momentum, and that the military defeat of ISIL in Syria and Iraq, when it is complete, will be lasting.



I've articulated a clear strategy with the end-state being a lasting defeat of ISIL—and that means it must be achieved by local forces. Our strategic approach is therefore to enable such forces to collapse ISIL's control of Mosul and Raqqa, by bringing to bear in support of them the full might of the United States military through some of our most unique and cutting-edge capabilities . . . such as a precision air campaign, an expeditionary targeting force, offensive operations in cyberspace, training, logistics, sustainment, and equipment. Enabling local forces—not substituting for them—is necessary to ensure a lasting defeat. Sometimes that means our pace is predicated on the speed at which local forces can absorb our enabling.

Some seem to suggest we pursue different strategies. There are, in fact, alternative strategies, and I've addressed these alternatives in previous testimonies. But we don't recommend them, and this is why:

One alternative would be to leave the complex and chaotic Middle East, try to contain ISIL's danger to the United States, and target terrorists entirely from offshore. An approach of this sort has its attractions, since it avoids the many complexities of the Middle East. But the reality is that such a containment approach simply cannot succeed in today's connected and globalized world, and I do not recommend it.

Another alternative would be to introduce a significant foreign ground force—hypothetically “international,” although almost certainly preponderantly American—to capture Raqqa and Mosul and other territory seized by ISIL. But as I have testified previously, there are several problems with this approach that have led me not to recommend it either.

In the near-term, such a strategic approach would entail a significant military undertaking that, much as we'd wish otherwise, realistically we would embark upon largely by ourselves. It would be ceding our comparative advantage of special forces, mobility, and firepower, instead fighting on the enemy's terms of ground combat amid a local population that has previously responded violently to such an approach.

In the medium-term, by seeming to Americanize or Westernize the effort to expel ISIL from the populations of Iraq and Syria, we might turn those local people who are fighting ISIL, or who are inclined to resist their rule, into fighting us instead. As Chairman Dunford has said, ISIL “would love nothing more than a large presence of United States forces on the ground in Iraq and Syria, so that they could have a call to jihad.”

Lastly, in the long-term, there would still remain the problem of securing and governing the territory recaptured, which in the end must be done by local forces. We simply cannot substitute for them.

The bottom line is this: We can't ignore this fight, but we also can't win it entirely from the outside in. That's why we're helping capable, motivated local forces in every way we can, without taking their place.

Finally, I want to conclude with a few words about resources, as I have serious concerns with a proposal from one of the defense committees to underfund DOD's overseas warfighting accounts by \$18 billion, and spend that money on programmatic items we didn't request. I have to say this approach is deeply troubling and flawed. Having detailed my objections yesterday before the Appropriations Committee, today, in the context of this testimony, I want to highlight the danger of underfunding our war effort and gambling with funding for our troops in places like Iraq and Syria. As Secretary of Defense, I cannot support such a maneuver.

Indeed, it's exceedingly important that we provide our troops and commanders in the field with all the resources they need to succeed. I know that with your support, and with the continued dedication of our people and our partners, we will deliver ISIL a lasting defeat.

Thank you.

Chairman MCCAIN. Thank you, Mr. Chairman.  
General Dunford.

**STATEMENT OF GENERAL JOSEPH F. DUNFORD, JR., USMC,  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF**

General DUNFORD. Chairman McCain, Ranking Member Reed, distinguished members of the—

Chairman MCCAIN. Mr. Secretary, I mean.

General DUNFORD. Chairman McCain, Ranking Member Reed, distinguished members of the committee, thanks for the oppor-

tunity to join Secretary Carter in appearing before you today to talk about the counter-ISIL campaign.

Secretary Carter just provided a campaign update and an overview of our strategic approach. Before taking your questions, I'd like to briefly share my perspective on where we are in the military campaign, and where we're going.

Mindful that ISIL is a transregional threat with affiliates located from South Asia to West Africa, our top priority remains to disrupt attacks against the Homeland, the American people, our allies, and our partners, regardless of the source. We continue to assess that the most dangerous threat remains core ISIL in Iraq and Syria.

I just returned from Iraq last week and received the campaign update from our commanders and Iraqi leadership. I also had the opportunity to visit with our troops and to observe Iraqi forces at their training sites. While the situation is complex, with no shortage of political and military challenges, I was encouraged by what I heard and what I saw on the ground. Last fall, it would have been fair to say that ISIL had the momentum. I don't believe that is any longer the case.

Without repeating the detailed progress outlined by Secretary Carter, I'll summarize by saying that, with our strikes, and in conjunction with Iraqi Security Forces, the Peshmerga, and Sunni tribal forces, we've reduced ISIL's territorial control, undermined its brand and aura of invincibility, and destroyed much of its warfighting capability. The enemy's resources and freedom of movement have also been significantly reduced. The pressure we are applying is degrading the enemy's morale. More importantly, the progress of the last several months has instilled confidence in our Iraqi partners. They believe they can defeat ISIL.

Currently, Iraqi forces are continuing operations in the Anbar Province while simultaneously conducting shaping operations to isolate Mosul. In the months ahead, Iraqi forces, the Peshmerga, and Sunni tribal forces will bring increasing pressure to bear against the enemy in Mosul. Meanwhile, we'll be aggressive in looking for opportunities to reinforce success, as Secretary Carter has said, and we'll seize every opportunity to maintain the momentum and increase the effectiveness of our partners.

Similarly, in Syria, the pressure we've put on ISIL has degraded their capabilities, limited their freedom of movement, and reduced their resources. In the past few months, the local Kurdish and Arab forces that we support have retaken a significant percentage of the territory previously under ISIL control in northeast Syria.

Other vetted Syrian opposition forces are currently fighting along the Turkish-Syrian border in operations that will put additional pressure on ISIL, further stemming the flow of foreign fighters and supplies into Syria. The recent authorization of additional United States forces in Syria will allow us to increase the capacity and capability of indigenous ground forces and set the conditions for operations against Raqqa.

In closing, I believe we've moved the campaign forward over the last few months. The progress is real. That said, we're not satisfied or complacent about where we are, and we won't be satisfied until ISIL is defeated in Iraq and Syria and wherever it attempts to take root.

Once against, thanks for the opportunity to appear before you this morning, and I look forward to your questions.

Chairman MCCAIN. Thank you very much, General.

You know, Secretary Carter, it's frustrating to a lot of us to—as you outlined the options that we have, the option that you left out, which is entirely doable—and I know this for a fact—is if we had a—about 10,000 of 100,000-person contingent, of which the Sunni nations would contribute, that would go in, on the ground, and take Raqqa and Mosul. When you talk about the territorial gains, you forget to mention that the second-largest city in Iraq is still in ISIS [the Islamic State of Iraq and Syria] hands, and they have, still, no strategy, so far, to retake Raqqa. But, it's really frustrating to us when you set up these strawmen that the only alternatives we have is to walk away, and the other is a preponderantly American force. That's not true. The other option is—that we have been pushing for months and months, years—is a international force, of which the United States would be a small component of. That is doable. When I keep hearing this, that, “Oh, we only have these two choices,” it's—I say, with all due respect, it's intellectually dishonest.

Now, when—on the issue of the reprogramming, yes, I was, quote, “blocking” the approval of the reprogramming, until yesterday, when I had a very excellent briefing from General Dunford that cleared up concerns that I had. Why did I have those concerns, Mr. Secretary?—is because, when we spent a couple of hundred-million dollars the last time, then the Commander of Central Command testified before this committee that we had four or five people left after expending a couple of hundred-million dollars in what I predicted would be an abysmal failure, which was making these people pledge that they would only attack ISIL.

Now, my question is, Is that still the case with this force? Are they prohibited from responding to being attacked by Syria?

Secretary CARTER. Thank you, Chairman. I'll address both of your questions and ask the Chairman to do the same.

You're right, I described two bookends, if you like, and there are various gradations in between. So, I—you're absolutely right.

With respect to the option you describe of a 9-to-1 ratio of international forces to U.S. forces, that would be a highly desirable circumstance to be in. I do not—I doubt that'll—I have no indication from those countries, despite a lot of effort—

Chairman MCCAIN. I—

Secretary CARTER.—of a willingness to do that.

The second point I'd just like to make, and then I'll leave that point, is the—as I was describing the possibility of foreign forces entering Iraq and Syria, I tried to describe there the welcome that they might receive and the remaining issue of sustaining territory once it is taken and held. I think that's the principal strategic issue with a large foreign force, whether American or—

Chairman MCCAIN. Please—

Secretary CARTER.—hypothetically—

Chairman MCCAIN. Please accelerate your answer. I—

Secretary CARTER. I will.

Second, on the 1209 program, thank you for that, Chairman. I just want to acknowledge—and I acknowledged this last year—we

made a disappointing start at that, and no bones about that. We have changed the approach to that, fundamentally. I hope—I believe—in fact, the Chairman has described that to you, and that’s the basis on which you’ve indicated a willingness to support it.

Just to be brief about what the difference is, we were trying, when that program was initiated, to make forces, brand-new forces to counter ISIL in Syria. Our approach now is to identify—and this is where the Special Forces have been valued to—valuable to us—forces already fighting ISIL, whom we can enable, with the great might of the American military. That’s our new approach.

Chairman MCCAIN. Thank you.

Secretary CARTER. Chairman.

Chairman MCCAIN. Please—don’t want—I’ve got to ask more questions.

Don’t—do you believe that the cease-fire is collapsing, General Dunford?

General DUNFORD. Chairman, I do believe there’s some difficulty with the cease-fire.

Chairman MCCAIN. So, that—and we know what happened last time, before the cease-fire, and that was that the Russian air was bombing the daylight out of the moderate forces, many of which we have trained and equipped. What are we going to do—with the collapse of the cease-fire, a resumption of Russian bombing of American-trained forces, what is going to be our option there?

General DUNFORD. Chairman, if our forces are attacked by regime forces, we have the authority to respond.

Chairman MCCAIN. Will we give them the ability to respond?

General DUNFORD. We will, Chairman.

Chairman MCCAIN. That means surface-to-air capability?

General DUNFORD. It does not mean that, Chairman.

Chairman MCCAIN. The—well, I guess I have to go back to the problem that we face, and that is that, with the cease-fire breaking down, with millions of refugees, with 200-and—or at least 300,000 people killed, and the resumption of hostilities, now with Russian air practicing indiscriminate bombing, what are we going to do about that situation? Can we count on a couple of thousand American-trained-and-equipped forces to reduce or counter what is clearly a consolidation of power on the part—in the hands of Bashar Assad? I hate ISIS, but it isn’t ISIS that’s killed 300,000. It isn’t ISIS that’s driven millions into refugee status. It’s Bashar Assad. I wonder what you believe our options are in this obviously deteriorating situation in Syria, which means a resumption of the slaughter, a resumption of the flow of refugees.

Mr. Secretary?

Secretary CARTER. May I start? Then the Chairman could chime in behind it.

We are intent upon fighting ISIL in Syria because our principal and paramount responsibility is to protect the American people, and ISIL’s trying to attack the American people. But, I agree with you, also, about the Assad regime. It’s a reason why Assad can’t be part of the future of that country, in my judgment, because of what he’s done to his people.

The—and I also agree with you that, while the cessation of hostilities has had an important effect, particularly—in both the north

and the south, but very much in the south—in permitting humanitarian assistance, it is not being completely abided by. That is especially by the Syrian regime.

Finally, you mentioned Russia. While you're mentioning Russia, I'll just remind you of what I said to you before. The Russians said they were coming into Syria to fight ISIL. That's not what they did. They supported Assad and thereby prolonging the Syrian civil war. So, that is a tragic situation, and we—and Secretary Kerry is trying to work on that. As you know, I can't describe here the full extent of our efforts with respect to the Assad regime. But, again, I'd just go back to our focus in this testimony. Our focus pretty much in the Department of Defense, not exclusively, but largely, is on protecting America. That means destroying ISIL.

Chairman MCCAIN. My time has expired. But, obviously, according to General Nicholson, the situation in Afghanistan is deteriorating. Isn't it imperative that we revisit the decision on reducing the number of troops in Afghanistan by half now? Shouldn't we do that before these important meetings in June and July? I'd—either—

Secretary CARTER. Chairman, we're constantly reevaluating the situation in Afghanistan. I think we've—

Chairman MCCAIN. But, we have to make a decision—

Secretary CARTER. We do. We do. We're constantly making—

Chairman MCCAIN. Will we be—will the President be making that decision?

Secretary CARTER. I think the President will be making those—he's indicated, in—a continued willingness to adjust to circumstances there and to ensure the success of something we've—

Chairman MCCAIN. But, you agree—

Secretary CARTER.—worked on for a long time.

Chairman MCCAIN.—it's important our allies know that—

Secretary CARTER. Yes, it is.

Chairman MCCAIN.—decision before—

Secretary CARTER. I do.

Chairman MCCAIN. Thank you very much.

I apologize to the committee for overdoing—staying my time.

Senator Reed.

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

Again, gentlemen, thank you for your testimony.

In this very complex region, sometimes we have difficulties with our allies as well as our adversaries. Turkey has been both a supporter, in allowing us to operate out of Incirlik, and also someone who has not been completely cooperative in some of our requests.

Mr. Secretary, you will be seeing them, I presume, in Stuttgart. Can you comment on what you would like them to do more and whether they are capable or willing to do that?

Secretary CARTER. Thanks. It's a timely question, and a very important one, because, by dint of geography, they are the single most important in—of the NATO [the North Atlantic Treaty Organization] Western family of countries that can have an influence on the situation in Syria. They are doing more, and I'm grateful for what they are doing. They're doing more along the border. They're helping us to operate in some ways I can go into in another setting. I'm very grateful for that. I'd like them to do more. I've wanted

them to do more for some time. I think I've made that clear. But, we continue to work with them. They're an important party. They're an important ally. They can make a larger contribution.

Senator REED. Those are—in the spectrum of possible operational approaches that you laid out, the one that's being adopted now is a rather light footprint, Special Operations troops, air going in, trying to degrade both ISIL around Raqqa, ISIL around Mosul. A more significant ground presence will require, I presume, an adjacent country providing both the operational and political support for a staging area. Have you any indications of that being accepted, tolerated, or agreed to—

Secretary CARTER. Well, Turkey's allowed us to operate out of Incirlik. Enormous part of the air campaign. Very grateful. So, they are willing to allow us to operate against ISIL.

With respect to the Special Forces in Syria, I just want to distinguish that from the Iraq—if—in the Iraq case, we have a—the—there aren't Special Forces. We have thousands of Americans that are doing all kinds of things that are necessary. There are logistics—because, remember, the—this Iraqi Army needs to be rebuilt, it needs to be sustained, it needs to have its line of communications sustained as it goes up the Tigris River Valley towards Mosul. There's a lot of pieces to this. The reason for these—again, without going into a lot of detail—for the Special Forces presence in Syria is not their numbers, themselves; it's their ability to go in, identify groups that are willing to go after ISIL, and then bring down in, like, a funnel of a tornado, the great weight of the American military power through those forces and amplify, enable their effects. That's what they're so good at. That's why they're there. That's why we're increasing their numbers.

Senator REED. No, I concur, but I—the point would be that those types of operations—Special Operations—have been supported by adjacent countries. Is there indication they would support a large land force mobilizing on their territory and going across their territory?

Secretary CARTER. I don't have any indication from the Turks that they would do that, no.

Don't know if the Chairman wants—

Senator REED. Let me shift gears.

Many in the committee have been urging that we take a much more proactive cyberpresence in the conflict. That seems to be emerging. I'm wondering—both you, Mr. Secretary, and you, General Dunford—can comment upon that cyberoperations.

Secretary CARTER. I'd comment very generally on it. I asked, with—the Chairman, a number of months ago—Admiral Rogers, our CYBERCOM Commander and also the NSA Director—to take on the war against ISIL as essentially the first major combat operation of CYBERCOM. He has done that. The objectives there are to interrupt ISIL command-and-control, interrupt its ability to move money around, interrupt its ability to tyrannize and control population, interrupt its ability to recruit externally. All of that, it does in a cyber-enabled way.

We're talking about cyberoperations in Syria and Iraq. My feeling about that was, and is, very direct, which is, you know, we're bombing them, and we're going to take out their Internet and so

forth, as well. In the modern world, that's necessary to defeat an enemy, and we've got to use every tool that we have. This is the first big test of CYBERCOM. I have very high expectations they can be successful.

Let me ask if the Chairman——

Senator REED. Brief comment, General——

Secretary CARTER.—wants to add anything.

Senator REED.—please.

General DUNFORD. Senator, I think, just to add to what the Secretary said, I mean, the overall effect we're trying to achieve is virtual isolation. It complements very much our physical actions on the ground. The particular focus is external operations that might be conducted by ISIL.

Senator REED. Thank you very much.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Inhofe.

Senator INHOFE. Mr. Secretary, the—this week, we've been talking about the 250 troops that are being deployed—additional troops in Syria and then 217 in Iraq. How many boots do we have on the ground now in Syria and Iraq?

Secretary CARTER. In Iraq, the total is around 3500 now. I just want to remind you that that's the force management level. It's not like——

Senator INHOFE. Yes, I understand.

Secretary CARTER.—the way we do it everywhere else. The Special Operations complement that we're multiplying sixfold is from 50 to those 300 in Syria.

Senator INHOFE. Okay.

General Dunford, talk a little bit about rules of engagement. Because a lot of times they talk about train-and-equip. We know that train-and-equip would only include defensive activity in certain areas. Where are they now on that?

General DUNFORD. Senator, you talk about our forces on——

Senator INHOFE. Our forces, yes.

General DUNFORD.—our forces on the ground. Number one, they're going after ISIL, so that—that's the area. They're unrestricted in going after ISIL. That includes our air campaign. Then, if they're under attack and there's positive identification of an enemy and a hostile intent, they're authorized to engage.

Senator INHOFE. Oh, they are. Okay. That's good.

Now, the question that I have is—the second question is, the—all of the activity—we have, during the course of this hearing, not really talked about anything outside of Syria and Iraq, when other things are happening right now. The—they're talking about, in Reuters yesterday, the Islamic State has greatly expanded its control over territories in Libya, militants claiming key positions and all of this. Our—Director Clapper recently warned that ISIL is spreading in Europe, that opens the borders across Europe, they have allowed ISIL to plant sleeper cells, and so forth. General Rodriguez, who is the Commander of AFRICOM, has said that the ISIL force in Africa has grown to 6,000 in the past year, with major presence in eastern cities. We talk about eastern cities, we talk about Libya, we talk about Tunisia, we talk about Algeria. But, now it's gone down further. It's in sub-Sahara Africa. We're talking

about Somalia, we're talking about Nigeria. I have friends who say that even in the Central Africa Republic and the Eastern Congo, it's becoming apparent.

Now, my question is this. When we developed AFRICOM, to start with, it was developed without resources. They have to get their resources from EUCOM and other sources. That being the case, it's—what is happening right now—I think if we say that we had a strategy to contain ISIL, that the strategy didn't work, that we are not containing ISIL. So, we talk about our troops, what they're doing up there in the train-and-equip programs, and in Syria and Iraq, but what about these new areas that they're going into now? How are we going to be—how are we going to be able to resource them, should we have to? What's—what are your thoughts about that?

Secretary CARTER. I'll give a start, and then Chairman has been working on this very much also.

The—you're absolutely right, we have seen—and I—Director Clapper, I'm not familiar with the specific testimony, but I'm sure it's absolutely right. You know Africa, of course, extremely well, yourself, Senator. There's a mixture of two things going on. One is a rebranding of existing extremist groups signing up, so to speak, to ISIL, and the other is newly inspired or newly funded nucleuses of groups. Both of those are of concern. I wouldn't say "containment," I would say "destruction" of ISIL wherever it emerges is the right strategy. It can't—and with Syria and Iraq, that's necessary; it's not sufficient. We need to do it elsewhere. We are, both following those developments really closely and taking some action, some of which we can discuss here.

I'll turn it over to the Chairman at that point.

General DUNFORD. Senator—

Senator INHOFE. Again, before your answer, is Rodriguez right when he talks about the number of—the 6,000 number down there?

General DUNFORD. I agree with that assessment, Senator.

Senator INHOFE. All right.

General DUNFORD. I agree with that assessment.

Right now, with regard specifically to AFRICOM, AFRICOM's conducting operations in West Africa, in East Africa, and in Libya. General Rodriguez recently developed a concept of operations for support of Libyan forces in the Libyan Government. We have, as a result of his concept of operations, reallocated resources. The Secretary made that decision about a month ago, a month and a half ago, to reallocate resources to AFRICOM to further develop the intelligence that we would need to support operations in Libya and throughout Africa. We're also working closely with the French in West Africa in—with a coalition in East Africa.

Senator INHOFE. Yeah. In sub-Saharan Africa, down there, all the activity now in Nigeria, the same thing?

General DUNFORD. We also have ISR in that area and are working with partners on the ground in that area.

Senator INHOFE. All right. Thank you.

Thanks, Mr. Chairman.

Chairman MCCAIN. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman.



Secretary Carter, before I get to a couple of different questions regarding ISIL, I just want to bring to your attention an important issue facing our national security at the moment, in terms of the availability of domestic trusted supply of state-of-the-art microelectronics for our military's weapon systems and platforms. You may be aware there was a recent sale of IBM's trusted foundry, which had been DOD's sole-source supplier of leading-edge technologies for over a decade now, to a company based in Abu Dhabi. I think that raises some serious concerns about the future stability of DOD's trusted microelectronics source. I think, between defense microelectronics activity—at Sandia National Labs, and certainly the capable state-of-the-art industry suppliers here in the U.S., we ought to be able to fill that void. But, I just want to urge you to take a hard look at that and make sure we have a long-term strategy.

Secretary CARTER. We—Senator, thank you—we have, and we do have a mitigation strategy. I'd be happy to have someone come over and discuss it with you. But, it's an important point. We need a trusted source of microcircuits, especially for, you know, very special and essential functions.

Senator HEINRICH. Exactly. Well, I look forward to that.

To the issue of the day for both you, Secretary, and General Dunford, we all recognize that ISIL continues to be a very serious threat, but there have been some positive signs of progress since last year. According to media reports, new foreign fighters joining ISIL, those numbers are at a significantly lower rate this time than they were last year. The news reports have suggested that they're on the order of something like 200 a month from something close to 2,000 a month a year ago. I want to ask you, Are those numbers that we see in the media actually accurate? To what do you attribute the sharp decline? Whether or not CYBERCOM, which you mentioned, is having a role within that, overall, as well.

Secretary CARTER. The—we do observe that trend. I think it's very hard to be precise about these numbers, but I think that that trend is one the intelligence community does say is very discernible. You know, at the same time, from my point view, any is too many. So—

Senator HEINRICH. Yes.

Secretary CARTER.—we're not done until there are none. But, I—I'm told that that trend is observable in the numbers, as well as we're able to discern those numbers.

Senator HEINRICH. General.

General DUNFORD. Sir, I would attribute the reduction—and I'm with the Secretary, in terms of specific numbers—but, I think that reduction is for a couple of reasons. One is, we assess that foreign fighters come from about 145 countries, and a number of those countries now have come together in a more meaningful way to share information and intelligence. It's not what we would want it to be, but it's much better than it was a year ago. We do have a specific organization that's been established to bring those nations together, to exchange information, and to be proactive about foreign fighters. Our visibility on foreign fighters has increased.

Secondly, the Turks have been helpful in that regard. I think the efforts that they have taken along the border have, in fact, reduced

the numbers of foreign fighters that flow back and forth between Turkey and Syria. But, again, in both areas, both with regard to what the Turks are doing and with regard to the information and intelligence exchanges that we have, we have much more work to do, and we're not satisfied with the level, but it has proven to make an impact.

Senator HEINRICH. Well, we appreciate that you don't intend to let up until the job is done.

Have we had a—any success in, sort of, cutting off the ability of ISIS to reach right into even suburban communities in the United States and create a demand for—you know, I think a number of us have had news reports where kids in our own communities, teenagers, people in their 20s, suddenly decided to buy a ticket and try and get to Syria. How is that process going? Are we able to cut off that, sort of, electronic foreign fighter source? Are we having an impact in that area, as well?

Secretary CARTER. Our effort in Iraq and Syria is aimed at making it more difficult for them to operate out of those locations, including by trying to lure Americans into acts of violence. I do have to say that the law enforcement community and Homeland Security have an enormous effort here, home. I don't want to speak for them, but I—they're working extremely hard on that. That's not our—in our area of responsibility, but it's essential. So, they're—so, they're working, so to speak, the other end of the problem.

Senator HEINRICH. Thank you both for—

Oh, General, did you want to add anything?

General DUNFORD. Senator, I was just going to say that one thing that's encouraging—there was a recent poll that talked about the appeal of ISIL to Islamic youth worldwide, and there's been a fair reduction in that. I would attribute that, in part, to our success against ISIL. Again, that narrative of invincibility has been shattered over the past year. The less success they have on the battlefield, the less of an appeal there is, the less of the appeal they have to be a global caliphate.

Senator HEINRICH. Right.

Thank you both very much.

Chairman MCCAIN. Senator Wicker.

Senator WICKER. Thank you very much, gentlemen.

General Dunford, as Chairman McCain just pointed out, most of the fatalities and civilian casualties in Syria are caused by Bashar Assad's barrel bombs and air attacks. Do you agree that we have the capability to take out Assad's air force?

General DUNFORD. I do, Senator.

Senator WICKER. Why have we not done so?

General DUNFORD. We have not declared war on the Syrian regime, Senator.

Senator WICKER. We—you're not saying it would take a congressional declaration of war to take that action. Are you—

General DUNFORD. I think it would take the President directing us to do that, Senator.

Senator WICKER. Okay. So, the—I wonder why the President has not directed us to prevent these civilian fatalities and casualties by taking out Assad's air force.

General DUNFORD. The task he's given us militarily is against ISIL, Senator.

Senator WICKER. What would be your recommendation in that regard?

General DUNFORD. Specifically on—as to whether to attack the regime—

Senator WICKER. As to whether we should take out the air force that is causing the majority of the civilian fatalities and casualties.

General DUNFORD. Yeah. Senator, I'd prefer not to give that recommendation in public. That's a policy recommendation that, if I was going to provide that, I'd provide it to the President, in private.

Senator WICKER. Okay.

Secretary Carter, you said Assad cannot be part of the future. Is that the explicit view of the President of the United States?

Secretary CARTER. I—yes, it is. That's why Secretary Kerry is working on a political transition to a regime after Assad. As the Chairman just indicated, we haven't undertaken to change that regime by force now for a number of years. We have not made that undertaking. Our focus in Syria, as the Department of Defense, is on fighting ISIL because of its threat—direct threat to Americans. But, with respect to the tragedy of the civil war in Syria, we're working on that political transition, but it's a political transition. Our leadership and—I think, has indicated it necessarily involves Assad removing himself from the scene because of exactly what—everything he's done to his people, which you've just cited.

Senator WICKER. Assad voluntarily removing himself from the scene.

Secretary CARTER. No, I think—here's where the Russians would do well to make what they do correspond to what they say. They—and that is to move the political transition forward, use the leverage that they have and that they've gained by intervening on Assad's side to end the civil war, and get Assad to step aside while keeping some structure to the Syrian Government that can then marry up to moderate opposition, whom we support, and create a life and a government for the people of that shattered country—

Senator WICKER. Well, we certainly haven't seen that out of the Russian leadership.

Let me just ask. There were reports last December—there was an article in Bloomberg saying, “Obama no longer seems sure Assad should go.” Are you—I think what you're saying is that that's not accurate. Let me just make sure. Is the President ruling out somehow working with the Assad regime against ISIS in the short term?

Secretary CARTER. They haven't—we have not worked with them. They've shown no inclination to—

Senator WICKER. Is there a—

Secretary CARTER.—work with us. We're not planning—

Senator WICKER.—debate within the administration?

Secretary CARTER. We're not planning to do that.

Senator WICKER. Is there a debate within the administration about that?

Secretary CARTER. I've not heard that idea broached.

Senator WICKER. Mr. Secretary, a number of European parliamentarians I've spoken with in recent months have told me, in pri-

vate, that they wish Europe had worked with us on Syria, back in 2013. Frankly, I wish Congress had been more resolute in that regard, also, back in 2013. Senator Cotton was a voice in the wilderness at that time. But, now that our NATO allies in Europe face the chaos of an unprecedented migrant influx, do you believe NATO could help in substantive action against ISIL? How could they be helpful?

Secretary CARTER. I do believe they could be—I need to say “more helpful,” because the NATO countries, I think without exception—we mentioned Turkey already, its important contributions—are working, along with us, on the same campaign plan. NATO, as NATO, has not been asked yet by the European countries. We favor that. There are reasons why NATO, as NATO, is more than the sum of the parts. I’m sure you appreciate that. So, I think NATO, as NATO, could make a contribution. That’s being discussed with the Secretary General right now.

I’ll just say, with respect to the refugee crisis, the Europeans have—preference has been to use the European Union, and not NATO, as their chosen instrument for addressing the refugee crisis. That is their choice. They have not asked, in the main, for NATO to be a big part of that effort. We did take a step to assist, when I was in Brussels a few months ago, to bring the Turks, the Greeks, and the Germans together to work some naval operations in the Aegean Sea aimed at deterring smugglers from using the Aegean to bring people from Turkey to Greece. That’s had some success. But, the Europeans, in the main—this is their choice—have wanted the European Union, not NATO, to address the refugee situation.

Senator WICKER. Thank you.

Chairman MCCAIN. Senator Gillibrand.

Excuse me. Senator Gillibrand.

Senator GILLIBRAND. Thank you, Mr. Chairman.

Secretary Carter, thank you for being here. Thank you for all your hard work.

Last week, an advocacy group called Protect Our Defenders released a disturbing report detailing inaccurate and misleading information that was provided by the Department to this committee during a hearing in 2013 and in followup letters about sexual assault cases civilian prosecutors allegedly refused to prosecute and that the chain of command later insisted they be tried, as opposed to simply approved on the recommendation of military attorneys. The report by Protect Our Defenders and a follow-on indepth investigation by the AP alleged that the 93 cases the Department highlighted to prove the toughness of commanders in handling sexual assault cases were inaccurately described.

I’m obviously very troubled by these allegations that the Department, and specifically the military, provided misleading information to Congress, with the intent of defeating legislation that I and others on this committee introduced to address the scourge of sexual assault in the military. These reports suggest an effort by the military to undermine this committee and Congress’s responsibilities to do oversight and determine policies. If you looked at this, the testimony that was given by Admiral Winnefeld was quite verbatim by several Senators. So, when you give testimony, Senators

listen to what is said, and they will repeat it. So, if you are giving false information, then Senators are left repeating false information, which is not in the interest of justice or legislating. They also throw into question the voracity of other testimony given by the military and defense officials in front of the committee.

So, have you looked into these allegations yet? If not, do you plan to?

Secretary CARTER. Thank you, Senator.

Two things about that. The first is, it's absolutely essential and—that we give accurate information, because it's important that we use accurate information to defeat this scourge. I appreciate all that you've done and all your leadership in that regard.

Admiral Winnefeld is an extremely honorable man, and I can't imagine that he would ever give information that was not accurate and complete, to the best of his knowledge. I have, in answer to your question, asked my staff to confirm the numbers that he gave, and we will, of course, report that to you.

[The information referred to follows:]

REVIEW OF ISSUES RAISED BY THE PROTECT OUR DEFENDERS REPORT AND ASSOCIATED PRESS ARTICLE REGARDING MILITARY SEXUAL ASSAULT CASES

On April 18, 2016, Protect Our Defenders, a non-governmental organization, released a report entitled, *Debunked: Fact-Checking the Pentagon's Claims Regarding Military Justice*,<sup>1</sup> which sought to analyze data provided by the Services relating to sexual assault cases prosecuted in the military justice system but not by civilian authorities. The same day, the Associated Press published an article that described the report and added anecdotes and quotations about specific cases.<sup>2</sup> Both the report and the article claim the Department of Defense misled Congress in 2013 by overstating the number of sexual assault cases brought by the military following declination of those cases by civilian authorities, overstating the sexual assault conviction rate in such cases, and conflating cases declined by civilian law enforcement authorities with cases declined by civilian prosecutorial authorities.

Both the report and the article claim that misrepresentations of sexual assault case data occurred in testimony by and a letter from ADM James A. Winnefeld. On July 18, 2013, ADM Winnefeld testified before the Senate Armed Services Committee (SASC) regarding his reconfirmation as Vice Chairman of the Joint Chiefs of Staff. During this testimony, SASC members asked questions about military convening authorities' exercise of jurisdiction over sexual assault cases that civilian authorities had declined to pursue. In a follow up letter to Chairman Levin on July 23, 2013 ("July 23rd letter"), ADM Winnefeld provided more information.

Although it was not the primary topic of his reconfirmation hearing, sexual assault prosecutions by the military were the subject of intense debate within Congress at the time and in the four months prior to ADM Winnefeld's hearing, the Senate Armed Services Committee had held two hearings on the matter on March 13, 2013, and June 4, 2013. After those hearings, Congress passed Title XVII of the National Defense Authorization Act (NDAA) for Fiscal Year 2014, Pub. L. No. 113-66 (2013), which legislated major reforms to the Uniform Code of Military Justice for sexual assault allegations. The legislation included 16 substantive revisions of the military justice system, including enhancing victims' rights and constraining convening authorities' power and discretion.

A review of the material provided to Protect Our Defenders as well as the case files underlying that material reflects that many of the issues raised in the report and the article are based on a misunderstanding of certain statements or how prosecutions are conducted under the Uniform Code of Military Justice or a disagreement on what constitutes a nonconsensual sexual act. Additionally, the data utilized by Protect our Defenders and the Associated Press resulted in an incomplete picture

<sup>1</sup>Protect Our Defenders, *Debunked: Fact-Checking the Pentagon's Claims Regarding Military Justice* (April 18, 2016), available at <http://www.protectourdefenders.com/debunked/> (hereinafter, "Debunked").

<sup>2</sup>Richard Lardner, Associated Press, *Pentagon misled lawmakers on military sexual assault cases* (April 18, 2016), available at <http://bigstory.ap.org/article/23aed8a571f64a9d9c81271f0c6ae2fa/pentagon-misled-lawmakers-military-sexual-assault-cases> (hereinafter, the "AP article").

of many of the cases which may have had an effect on the conclusions drawn by both organizations.<sup>3</sup>

This white paper reviews five key issues raised in the report and the article.

#### ANALYSIS

##### **Issue #1: “Deferred” Versus “Declined” Cases**

Protect Our Defenders takes issue with the term “declination” to describe those cases in which military and not civilian authorities ultimately pursued a prosecution of a sexual assault case. While the organization’s attempt to make a distinction between a “declination” and a “deferral” may have some utility, it is not a distinction that is recognized in the military justice system and would be difficult to determine consistently, as discussed below.

In many instances, both civilian and military authorities have jurisdiction over offenses committed by uniformed military members. When an alleged offense occurs in an area subject to the jurisdiction of a State, military and State officials generally must negotiate which authority will exercise jurisdiction over the allegation, and the exact nature of how this negotiation plays out is dependent upon the individuals involved.

In its report, Protect Our Defenders attempted to distinguish between cases where civilian authorities *would not* (“declined”) bring a case in a civilian court, and cases where civilian authorities *voluntarily allowed* (“deferred”) the case to be brought in a military court, even if the civilian authorities may have believed they would have been able to bring a case. The military has not historically kept records attempting to distinguish cases that are “declined” or “deferred” in this manner, and based on the data available, it would be difficult to make those assessments retroactively. Rather, in the military, when a civilian authority does not take a case, it is commonly referred to as a “declination” or “civilian declination,” although on occasion, the phrase “deferred” and “declined” are used interchangeably.<sup>4</sup> This terminology is used regardless of the underlying reason for civilian authorities’ decision not to pursue a case, whether for lack of evidence, a determination that one venue has a preferable punishment, the availability of charges, resource constraints, or other reasons.

Furthermore, making an accurate distinction between “deferred” and “declined” cases would be difficult even with perfect data. This is due to the various factors considered by military and civilian authorities in their negotiations as well as the stage in an investigation or prosecution at which decisions are made. For example, a civilian authority may *voluntarily* allow the military to take a case in an early stage of an investigation, but had the civilian authorities pursued the case, they may at a later stage in the prosecution have decided *not to pursue* the case because of evidentiary or other issues that arise during an investigation and trial.

The underlying case files also contain information inconsistent with the AP’s reporting. For example, the AP article quotes a civilian prosecutor who stated that his office would not have declined to prosecute the case at issue. The case file includes a letter from an assistant district attorney in that prosecutor’s office stating that the charge in that case “was declined by our office [a]s a Felony offense.” An investigation report concerning the case states that civilian prosecutorial authorities declined the case after the alleged offender passed an independent third-party polygraph examination. An Army convening authority subsequently referred that case

<sup>3</sup> Protect Our Defenders submitted FOIA requests seeking documents pertaining to the testimony of ADM Winnefeld. In response, the Army provided all of the documents that had been provided to the Office of the Vice Chairman of the Joint Chiefs of Staff in preparation for the testimony. The documents included narrative summaries of the cases upon which the data relied and associated court-martial documents reflecting the charges, findings, and sentence in all completed cases, but did not provide full case files. The Marine Corps also provided summaries of the cases upon which their data had relied, but did not interpret the FOIA request to request full case files, and therefore did not provide full case files. The Air Force and Navy did not provide documents responsive to the FOIA requests. According to those Services, the Air Force did not respond to the FOIA request because of how Protect Our Defenders addressed the request, and it was never received by an office with FOIA or military justice roles and responsibilities. The Navy’s response was due to the absence of a system of records responsive to the request.

<sup>4</sup> For example, the Manual of the Judge Advocate General of the Navy states: “When, following referral of a case to a civilian Federal investigative agency for investigation, the cognizant U.S. Attorney declines prosecution, the investigation normally will be resumed by NCIS and the command may then commence court-martial proceedings as soon as the circumstances warrant.” JAGINST 5800.7F, at ¶ 0125.c(2) (June 26, 2012). Similarly, the Air Force’s Administration of Military Justice regulation states: “If civilian or foreign authorities decline or waive the right to exercise jurisdiction, the Air Force may proceed with military justice action, whether court-martial or nonjudicial punishment.” AFI 51-201, at ¶ 2.6.2 (July 30, 2015).

for trial by court-martial, at which the accused was convicted of the Article 120 offense of abusive sexual contact with a child and sentenced to confinement for 30 days and a dismissal.

In another example, the AP article stated that there was insufficient information to verify whether a particular case had been declined by civilian authorities. The article stated that four civilian prosecutors' offices were contacted in the area of the military installation, and none had a record of the case. The underlying case files include the name of the prosecutor who declined prosecution and the date on which that information was orally conveyed to a military Special Victim Prosecutor. Following the civilian declination, an Army convening authority referred that case for trial by court-martial, resulting in a conviction for rape of a child and sodomy with a child under the age of 12 and a sentence that included confinement for 35 years and a dishonorable discharge.

**Issue #2: What Constitutes a Sexual Assault Case**

The Protect Our Defenders report adopts a different approach for determining what constitutes a "sexual assault case" than do the Services. This approach seems to have led Protect Our Defenders to interpret the same underlying data differently than do the Services.

Protect Our Defenders notes that some of the sexual assault cases summarized by the Services and cited in testimony and the letter "were not prosecuted for sexual assault."<sup>5</sup> However, this assessment misses important context of the cases and is not reflective of how sexual assault data is collected or how sexual assault cases are tried. The Department officially tracks cases involving allegations of sexual assault as "sexual assault cases" even when the charges filed may be for an alternate or collateral offense, as noted most recently the Department of Defense Fiscal Year 2015 Annual Report on Sexual Assault in the Military.<sup>6</sup> Because in both the civilian and military justice system, a determination must be made on a case-by-case basis as to which charges are supported by sufficient evidence, it is possible in both systems to bring an array of charges and not solely charges for sexual assault. In certain cases, the availability of non-sexual assault offenses in the military justice system (such as conduct unbecoming of an officer) led to convictions that would not have been possible in the civilian criminal justice system.<sup>7</sup>

Protect Our Defenders notes that some of the charges were for "indecent acts or possession of child pornography—offenses that, while often reprehensible, are not nonconsensual sexual acts." This description is not an accurate characterization of those types of cases, and disregards important charges and tools for military prosecutors.

For example, in one case involving child pornography provided to Protect Our Defenders,<sup>8</sup> the accused servicemember had a sexual relationship with a minor under the age of 16, but in the jurisdiction where he resided, the sexual relationship was not considered to be statutory rape. The individual was found guilty of an attempt to possess child pornography, indecent conduct for sending a photo of his genitalia to a child under the age of 16, and possession of child pornography. While a charge alleging nonconsensual sexual abuse was not brought, the underlying sexual acts raise questions about the consensual nature of the sexual relationship, given the age of the victim and the ability of a minor to consent to sex or to being a participant in pornography.

Similarly, prior to changes to the UCMJ in 2012, indecent acts charges provided an option for the Government to pursue a sexual assault charge where consent of

<sup>5</sup>"Debunked" at 9, see also *id.* at 10.

<sup>6</sup>See *Department of Defense Fiscal Year 2015 Annual Report on Sexual Assault in the Military* (2016), available at <http://sapr.mil/public/docs/reports/FY15—Annual/FY15—Annual—Report—on—Sexual—Assault—in—the—Military.pdf>, at 49 (noting that "accountability actions [were] taken against the 2,013 subjects receiving command action this year involved sexual assault offenses" but that while "1,437 subjects received action for a sexual assault offense ... [t]he remaining 576 subjects received action on a non-sexual assault offense, such as a false official statement, adultery, or assault.")

<sup>7</sup>As an example of a sexual assault case that did not ultimately result in sexual assault convictions for all of the defendants involved, the July 23rd letter described one case where two soldiers engaged in sexual intercourse with a victim who was substantially incapacitated by alcohol. The letter noted that after civilian investigators found that there were victim credibility issues, "military investigators ... discovered evidence indicating that the soldiers had conspired to obstruct justice." While one individual was ultimately convicted by court-martial for abusive sexual conduct as well as collateral misconduct, the other was convicted only for conspiracy to obstruct justice, making a false statement, and absence without leave. Although one of the individuals was not convicted of sexual assault, the July 23rd letter appropriately used this as an example of a "sexual assault case."

<sup>8</sup>"Debunked" at page B35 (discussing *U.S. v. PFC Uribe*).

the victim would not have been a defense. That is, a charge for indecent acts does not indicate that the nature of the act was consensual or non-consensual; instead, it could be used to charge a case where proving lack of consent would have been difficult.

With respect to cases relied on in the July 23rd letter, each of the 32 completed cases referred to court-martial identified by the Army involved underlying allegations of sexual assault in which the accused was charged with one or more sexual assault charges, meaning a case involving a charge under Article 120, 120b, 125 for forcible sodomy, or Article 80 for an attempt to commit such an offense. In the Marine Corps cases, 27 of the 28 cases involved a prosecution or investigation for one or more sexual assault offenses or allegations of nonconsensual sexual conduct.<sup>9</sup> The final case, which was charged under Article 120 as a case of sexual misconduct, included an indecent exposure charge involving a Marine who was engaging in public masturbation. Although not examined in the Protect Our Defenders report, four of the six Navy cases involved prosecutions at courts-martial for sexual assault offenses. Sexual assault charges were dismissed in the two remaining Navy cases after the Article 32 investigating officers recommended against referral. As discussed below, because the attorney who selected the 10 Air Force cases has died, the Air Force has been unable to determine with certainty to which cases the letter refers and cannot provide an assessment of them.

Additionally, in both civilian and military judicial systems, defendants are often tried for “collateral misconduct” charges, such as lying to an investigator, in addition to an underlying crime. In both the military and civilian systems, it is sometimes difficult to obtain a conviction for sexual assault.<sup>10</sup> It is a common practice for prosecutors to attempt to obtain convictions for collateral charges as well, which provide additional methods of holding an individual responsible for his or her acts in the event of an acquittal for the charge of sexual assault.

The military justice system has additional collateral misconduct charges that would not be available in a civilian criminal justice setting, such as conduct unbecoming an officer, adultery, and orders violations. The military also has a range of disciplinary and other tools available that have no civilian counterpart, such as non-judicial punishment and administrative discharges. Accordingly, in sexual assault cases, it is common that charges other than, or in addition to, a charge specifically for sexual assault may be pursued as a means of increasing the likelihood that the accused is ultimately held accountable.<sup>11</sup>

### ***Issue #3: Conviction Rates for Sexual Assault Cases***

Protect Our Defenders applies different criteria to determine which cases to consider in assessing conviction rates than do the Services, which resulted in different calculations of conviction rates associated with sexual assault cases brought by the military. Following are the key differences.

First, Protect Our Defenders includes in its calculation those cases declined by prosecutors *but not* those cases declined by other law enforcement officials.<sup>12</sup> Because it did not count cases declined by other law enforcement officials, the report did not account for at least three Marine Corps cases and eight Army cases declined by law enforcement. Second, Protect Our Defenders did not count an additional nine Army cases because the organization could not determine whether the declination was by a prosecutor or law enforcement. In contrast, the Services, as reflected in the July 23rd letter, specifically included both types of declinations.<sup>13</sup> Third, Protect

<sup>9</sup> One of the cases involved an allegation that a Marine attempted to engage in online sexual conversations with, and sent pornographic imagery to, an individual he believed to be a fourteen year old. The other 26 involved a prosecution or investigation for one or more sexual assault offenses.

<sup>10</sup> See, e.g., Rape, Abuse & Incest National Network, Reporting Rates, available at <https://www.rainn.org/get-information/statistics/reporting-rates> (last accessed May 19, 2016).

<sup>11</sup> The “Debunked” report also states, “In contrast to claims in Adm. Winnefeld’s testimony, two cases did not involve a prosecution but, instead, discharge in lieu of court-martial.” “Debunked” at 12 n.7. ADM Winnefeld’s July 23rd letter expressly stated that two of the accused in Army cases “were administratively discharged in lieu of trial by court-martial under other than honorable conditions.”

<sup>12</sup> Protect Our Defenders also criticizes ADM Winnefeld’s testimony for his failure to distinguish between cases declined by civilian prosecutors rather than by civilian law enforcement officials. His July 23rd letter accurately stated that “the Military Services have investigated and prosecuted a number of sexual assault cases after civilian authorities either did not pursue a full investigation or formally declined to prosecute.”

<sup>13</sup> One of these cases did not involve a “declination.” In that case, a civilian prosecution for an alleged sexual assault offense resulted in an acquittal. After the acquittal, an Army court-martial was brought for that same sexual assault offense, resulting in a conviction. (The Army court-martial also involved a second alleged sexual assault that resulted in an acquittal.)



Our Defenders counts only cases where the actual conviction fell within a narrow definition of “sexual assault offenses” whereas, as discussed above, the Services included all sexual assault cases—that is, all cases involving sexual assault allegations even if the charge brought was for other violations, such as indecent conduct (which, as explained above, is an important tool for the Government to hold individuals accountable for nonconsensual sexual conduct). Finally, Protect Our Defenders excluded cases it determined were “deferred” instead of declined, which as discussed above, is a difficult determination to make and the organization’s assessments in this matter may have been incorrect, based on other information contained in the files.

The underlying case files support the calculations set forth in the July 23rd letter. The July 23rd letter stated that there were 32 civilian declination cases in the Army referred to court-martial resulting in 26 convictions for an 81 percent conviction rate.<sup>14</sup> The case files support the 81 percent conviction rate stated in that letter when using the standards that the Department generally uses. The letter also stated that the Marine Corps had tried 28 civilian declination cases resulting in 16 convictions for a 57 percent conviction rate. At the time, the case files contained information that showed that 17 cases had resulted in a conviction; in addition, one of the 28 case was pending court-martial, and subsequently resulted in findings of guilt to non-sexual assault offenses. Thus the conviction rate among the cases at that time was 17/27, or 63 percent, higher than what the letter stated. The Navy statistics referred to in the July 23rd letter were correct. One out of three cases that were referred to court-martial had resulted in a conviction at the time of the letter.

Finally, the July 23rd letter also discussed 10 Air Force cases over a two-year period. Because the attorney who selected those cases died, the Department has been unable to determine with certainty to which Air Force cases the letter refers.<sup>15</sup> Similar to this data, however, is a statement made by Col Don Christensen,<sup>16</sup> then-Chief of the Air Force Government Trial and Appellate Counsel Division, about the Air Force’s prosecution of 15 sexual assault cases that civilian authorities declined to prosecute. As Stars and Stripes reported on January 9, 2013, “the Air Force prosecuted 96 sexual assault cases last year, including 15 cases in which civilian jurisdictions where the off-base assaults occurred declined the cases as unwinnable. Of those 15, ‘so far, we have eight convictions,’ Christensen said. ‘We don’t shy away from a tough case.’”<sup>17</sup>

***Issue #4: Role of Commanders and Staff Judge Advocates in Prosecutions***

Protect Our Defenders criticizes the Department for failing “to provide a single example of a commander ‘insisting’ a case be prosecuted,” noting that, “[c]rucially, the military did not identify a single case where a commander sent a case to trial after a military prosecutor refused to prosecute.”<sup>18</sup> These statements misunderstand the process.

The commander has the statutory authority and responsibility to make the ultimate decision regarding referral of a case to trial, but he or she does not make that decision in a vacuum. In the military justice system, a convening authority—the commander—may refer a charge for trial by a general court-martial only if the staff judge advocate concludes that (1) the specification alleges an offense, (2) the specification is warranted by the evidence, and (3) a court-martial would have jurisdiction over the offense. This conclusion is made in an Article 34 advice letter. The staff judge advocate’s conclusions as to those matters are binding on the convening authority, and a military commander would not be able to overrule such a decision. Because it is not possible for a convening authority to overrule a staff judge advocate’s determination that there is not, for example, sufficient evidence or jurisdiction, Protect Our Defenders’ conclusion that there was no instance of a convening authority overruling a military lawyer who opposed bringing charges is misleading.

<sup>14</sup>The report also notes several duplicates from the Army. It is unclear why the FOIA included duplicates, but the cases, as provided to the Joint Staff from the Army, did not include those duplicates and it did not affect the accuracy of the July 23rd letter.

<sup>15</sup>Responding to a request from Senator Gillibrand in the same time period, the Air Force provided a non-exhaustive sampling of 10 cases in which civilian authorities waived jurisdiction to the Air Force and the cases were referred to trial by court-martial. In those 10 cases, eight of the accused were convicted of sexual assault offenses; one was convicted of non-sexual assault offenses; and one was acquitted, for a 90 percent conviction rate overall and an 80 percent conviction rate for sexual assault offenses.

<sup>16</sup>Col Christensen is currently President of Protect our Defenders as well as the lead author of the “Debunked” report.

<sup>17</sup>Nancy Montgomery, Stars and Stripes, Air Force Strengthens Sex Assault Prosecutions with New Measures (January 9, 2013), available at <http://www.stripes.com/news/air-force-strengthens-sex-assault-prosecutions-with-new-measures-1.203291>.

<sup>18</sup>“Debunked” at 2.

Of note, in the Article 34 advice letter, a staff judge advocate is also required to make a non-binding recommendation as to disposition, such as whether the charges should not be referred for trial by court-martial, even if the evidence is sufficient. The documents Protect Our Defenders reviewed did not include these letters.

Since the National Defense Authorization Act for Fiscal Year 2014 enacted review procedures for certain non-referral decisions there has not been a single instance in which a general court-martial convening authority has declined to refer a sexual assault case, as defined in Article 120(b) (as well as rape cases charged under Article 120(a) and forcible sodomy cases charged under Article 125 and attempts to commit any of those offenses charged under Article 80), for trial by court-martial where the staff judge advocate's article 34 advice letter recommended such referral. On the other hand, in some rare instances, general court-martial convening authorities have referred cases for trial contrary to the article 34 advice letter's recommendation against such referral.

**Issue #5: Sentencing**

The Protect Our Defenders report states that “[s]entencing decisions were arbitrary and unpredictable, potentially undermining the deterrence effect of the military justice system.”<sup>19</sup> Disparity in sentencing is an issue in both the civilian and military justice systems. The Department has acknowledged that there have been cases of sentencing disparity in the court-martial system and has offered a detailed legislative proposal to address those concerns.

On December 28, 2015, the Assistant Secretary of Defense for Legislative Affairs transmitted to both the President of the Senate and the Speaker of the House the report of the Military Justice Review Group (MJRG)<sup>20</sup> along with the proposed Military Justice Act of 2016, which would enact the MJRG's recommendations. One of the major reform proposals in the bill was the adoption of judge-alone sentencing informed by sentencing parameters and criteria, which would provide sentencing guidance to military judges. While the parameters would not be binding, a military judge must explain a departure above or below the relevant parameter and such departures would be subject to appellate review. Unlike the current military justice system—in which court-martial members (the equivalent of jurors) also adjudicate the sentence if they decide guilt or innocence—the Military Justice Act of 2016 would vest sentencing authority in the military judge in all non-capital cases.

The MJRG explained that these proposals were designed to “limit inappropriate disparity” in court-martial sentences while “maintain[ing] individualized sentencing and judicial discretion in sentencing.”<sup>21</sup> Section 801 of the Military Justice Act of 2016 as proposed by DOD would accomplish this goal.

Secretary CARTER. If I can just say, on a somewhat different note, but since you raised it, it is Sexual Assault Prevention and Response Month. Later this afternoon, I will be recognizing six tremendous sexual response—assault response coordinators from around the country at our bases here. I just wanted to put in a word for them, because they're super. You had something to do with creating that role, and I appreciate it.

But, I have asked my staff to confirm those numbers, and it's very important that we do so.

Senator GILLIBRAND. So, it's more than just numbers to be aware; it's about the characterization of what happened.

Secretary CARTER. Under—yes, exactly.

Senator GILLIBRAND. What the AP did so effectively is, when the military said these cases were declined by local DAs and weren't going to be prosecuted, and because commanders insisted that they be done, that they were done. What the AP uncovered by talking to these local DAs, one at Fort Drum, in fact, that was not the case; she did not decline to prosecute, and said she wouldn't have, but

<sup>19</sup>“Debunked” at 4.

<sup>20</sup>Military Justice Review Group, Report of the Military Justice Review Group (December 22, 2015), available at <http://www.dod.gov/dodgc/images/report—part1.pdf> (hereinafter “MJRG Report”).

<sup>21</sup>MJRG Report at 32.

that it was done collaboratively so that they felt the best way was for the military to proceed.

So, it's not about numbers. It's about how what happened was characterized. I also share your faith in Admiral Winnefeld, but I would like to know, Are you going to investigate who gave him those numbers, how those numbers were compiled, how they were characterized, how they were given him in report form, and who wrote those reports and provided that?

Secretary CARTER. You're—yes, we will confirm or not confirm those facts. You're right, it's not just the number; it's the characterization of each case. I have asked my staff to look into those numbers. It's important that we get it right. You're absolutely correct.

Senator GILLIBRAND. What do you think is the line that the Department and military should draw when it comes to lobbying for or against legislation?

Secretary CARTER. Our job is not to lobby. I think we're here to try to tell you the truth about what we're doing, to the best of our ability, and to explain the choices that are before the country, the resources that will be needed for things, and our efforts. "Lobby" is not a word I'd like to use with respect to our responsibilities. I think our responsibilities are to report to our overseers the truth, as best we understand it.

Senator GILLIBRAND. When can I expect your investigation of this issue to be complete?

Secretary CARTER. Just as soon as it's complete. I promise you.

Senator GILLIBRAND. Okay. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

Senator REED [presiding]. On behalf of Chairman McCain, Senator Fischer, please.

Senator FISCHER. Thank you, Mr. Chairman.

Mr. Secretary, what is the political end state that our military efforts in Syria are trying to achieve?

Secretary CARTER. Our military efforts in Syria are intended to defeat ISIL and regain, for local forces, the territory now being tyrannized by ISIL and being used by it as a platform to attack America. We also have a—

Senator FISCHER. For a—so our military efforts, though, are focused entirely on ISIL, not the chaos that is happening—

Secretary CARTER. That's correct. We—

Senator FISCHER.—in the entire country?

Secretary CARTER.—have another effort, which Secretary Kerry could speak to, aimed at the political transition, as we were discussing earlier.

Senator FISCHER. Do you believe that the efforts on the ground are favorable to this solution that we're going to have?

Secretary CARTER. They have had results, so far, in the taking of, as I mentioned earlier, Tishrin Dam, Shadadi. There are some other operations afoot, I can't speak of here. Then, ultimately, the purpose—and this is the reason why we're—and the President has given us authority to increase our numbers there. Our objective, of course, is to collapse ISIL's control over Raqqa.

Senator FISCHER. I assume you're referring to the deployment of another 250—

Secretary CARTER. Correct.

Senator FISCHER.—soldiers to help contribute to that goal? Is that—

Secretary CARTER. That's correct.

Senator FISCHER.—correct?

If we have as an immediate objective to recapture Raqqa—am I correct in stating that?

Secretary CARTER. Yes.

Senator FISCHER. Do you believe that the deployment of these 250 soldiers will specifically connect us to that goal, then?

Secretary CARTER. Let me talk to their purpose and then ask the Chairman to pitch in, as well, Senator. But, that is precisely the reason why we're introducing those forces and—to identify and then enable forces that are local to the region and who want to expel ISIL from that territory, including Raqqa. Along the lines of what we've seen in Shadadi, with the Syrian Arab Coalition, which, enabled by us, expelled ISIL from that important town, we'd like to do that with Raqqa, as well.

Chairman, do you want to add anything to that?

Senator FISCHER. If I can just clarify a point. When you're talking about local forces, are you talking about Sunni forces in the area?

Secretary CARTER. Yes. Arab forces, in the main. They're the ones who live there and—in that area.

Senator FISCHER. Either you, Mr. Secretary, or General, how many Sunni forces do you believe are going to be required for this operation to be successful and for us to reach this goal?

General DUNFORD. Senator, just—I just want to wrap back on the purpose of the Special Operations Forces, the increased United States forces on the ground in Syria. It's to do two things. To your original question, it's to grow the size of our partners on the ground and to increase their effectiveness. We assess, right now, that there are about 6,000 Syrian Arab Coalition members. We perhaps have as many as twice that number that are currently in the vetting process as a result of our forces on the ground, and we expect those numbers to increase.

With regard to forces that are going to attack Raqqa, we think that'll be a combination of both Syrian Arab Coalition members, but supported also by the Kurdish forces that we have been supporting here over the past year. Those numbers are almost 30,000 Kurdish forces there. So, a combination of those forces, plus the support that we provide from the coalition, will be required for Raqqa.

Senator FISCHER. Going past just the numbers of the boots on the ground that are needed, are there, obviously, other capabilities that are going to be required for these forces to have? For example, what kind of equipment do they need? Are there any leadership or chain-of-command issues that you believe need to be resolved before this will be effective?

General DUNFORD. Senator, the answer is yes. There are issues. We're doing several things. One is, we're assisting them in the planning effort. We're providing logistical support, which includes ammunition, and, in some select groups, with the authorities we have in the NDAA, that's specific equipment, weapons, vehicles, communications equipment, and so forth, as well as training. Those

are the four main areas that will be required for them to be successful.

Senator FISCHER. Are there leadership concerns, chain-of-command concerns within these forces, especially when we have our troops embedded with them?

General DUNFORD. We have—you know, that's been the purpose of the last few months, and that's why we felt confident increasing the numbers of U.S. forces there, because we believe the force-protection concerns have been mitigated. We think the relationship that we have with these forces is sufficient for us to put additional forces there.

Senator FISCHER. Thank you.

Thank you, Mr. Chairman.

Senator REED. Thank you.

On behalf of the—Chairman McCain, let me recognize Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

I'm going to yield my time to Mr. Manchin, who has a pressing engagement.

Senator MANCHIN. Thank you, Senator Donnelly. I appreciate that very much.

Thank all of you for your service.

I'd like to direct this, first of all, to General Dunford. General Dunford, as both of you are aware, the Defense Department is forced to make hard choices in today's budget constraints. We understand that, too. Recently, it was announced that we're spending—we are sending 250 of our Special Operation operators into Syria, and it costs approximately, I understand, 1 to 1-and-a-half million dollars to train one special operator, equaling to roughly 375 million to train those 250.

On Tuesday, this committee held a hearing to discuss the F-35 program, which is still estimating the cost of about 108 million per unit. On Tuesday, I asked General Bogdan if he thinks we're spending our money wisely with the F-35s? I understand we've—we're on track to purchase 2443 aircraft. Knowing the type of fight that we're expecting you to fight right now, and to defend our country, conceptually if we traded 10—just 10—F-35s, we could increase the size of our Special Operation Forces by over 700. In the world that you see today, and—are we—I guess, are we concerned that we're sacrificing short-term needs for our long-term security strategy? Would 10 less F-35s make that much of a difference down the road as it would make a difference today with the 700 troops on the ground?

General DUNFORD. Senator, I think you bring up, really, the important issue we struggled with as we put the FY17 budget together, and that is that we do confront a wide range of challenges, from Russia, Iran, North Korea, China, as well as violent extremism. In fact, the kind of choices that you just outlined are exactly the choices we made. We did, in fact, reduce the numbers of F-35s this year to balance in other area—other capability areas to make sure that, with the money that we had, the top line that we had, that we did the very best we could to make sure we are postured to deal with all of those challenges.

So, we've done exactly as you've outlined, sir.

Senator MANCHIN. But, I'm saying—I would—guess I would ask, then—I talked to General Milley, when he was here, and asked him, basically, on troop strengths, Mr. Secretary—I think we're scheduled to go to 980, correct? 980,000?

Secretary CARTER. Yes. In the Army Active and Reserve component, total.

Senator MANCHIN. Right. I asked him, point blank, What does it take to defend the threats that we have? He didn't hesitate. He said "one-two." That's 220,000 troops short. I don't want to go back home to West Virginia and tell the people we just—we're a little bit short on this one. So, we're looking at ways, knowing that we're working under constraints—that's what we're asking for, some direction, here, that gives you the job to do—the wherewithal to do the best job that you have to do.

Secretary CARTER. A couple of things.

Senator MANCHIN. Do you concur—would you concur—

Secretary CARTER. I'll—

Senator MANCHIN. Do you concur—

Secretary CARTER. I'll—

Senator MANCHIN.—with the figure—

Secretary CARTER. I'll—

Senator MANCHIN.—of 220,000 short?

Secretary CARTER. No. Our number is 980,000. That's the end-strength number that we and the Army are aiming for. That's 450,000 Active component—

Senator MANCHIN. I know what you're aiming at, sir. I'm sorry. But, I'm asking, What does it take to do the job? The General—

Secretary CARTER. That—

Senator MANCHIN.—the General believes it's 1.2.

Secretary CARTER. That is the number that we're shooting at; namely, 980,000 is the number—

Senator MANCHIN. So, you all disagree.

Secretary CARTER.—that we think—

Senator MANCHIN. You and the General—

Secretary CARTER.—is—

Senator MANCHIN.—are in disagreement on this.

Secretary CARTER.—is adequate. No, I think General Milley—General Milley's and the Army's Acting Secretary of the Army's priorities are, in fact, readiness. That is the principal thing that General Milley and I and General Dunford have focused on in the Army, more than end strength, where we're adding resources this year, is to full-spectrum training and bringing the total Army back to levels of readiness that are necessary.

If I can loop back to your Special Forces point, also, Senator, we have a lot more than 300 Special Forces. It's not like we have to "make" these people. We're sending them there. We have tens of thousands of Special Forces. Excellent people. Yes, exquisitely trained people. But, it's not like we don't have them to apply to Syria. We're applying them in the number and the manner that makes sense at this moment.

Let me ask if the Chairman wants to add anything on either of those questions.

General DUNFORD. Senator, the only thing I'd say is that right now, at least in this budget year, I was a lot more concerned with

the capability of the force than I was the capacity. In other words, I wasn't satisfied that, with the force structure that we currently have, we had sufficient training and equipment. That was the priority this year, was to focus on the capability of the forces that we have, as opposed to the force structure.

Senator MANCHIN. I'm just—I'm concerned that, basically, there's—and the way you're explaining it, sir—I understand where you're coming from. It just doesn't make sense, from my way of trying to analyze this, because General Milley was very clear. He didn't hesitate. Because I asked him what it would take for us to be able to defend this great Nation and face the imminent threats that we had, and he felt we were woefully short at 980,000 of end strength. He truly did. So, if there's a difference here, maybe we can talk in a more secure briefing on this to make sure—

Secretary CARTER. We can, but you're thinking—absolutely right, this is a question of balancing investments in force structure, readiness, modernization, as the Chairman said, and that's a balance that we all struck, including General Milley and the leadership of the Army. So—and I'd just repeat that the principal strategic issue that we are trying to address in the Army budget is less—not force structure, it is readiness. That's—

Senator MANCHIN. Well, I—

Secretary CARTER.—General Milley's and my principal concern in the Army. I know he testified to that—

Senator MANCHIN. My time is expired. But, I would just say that, basically, the dysfunction that we have, and the political discourse that we have here in this body in—and all on top of Capitol Hill here, shows you that we must come together for the sake of our country and put our country first in the defense of this country versus our politics. This is a shame that we don't get a good budget that doesn't have to make these difficult choices. It's really a shame. I'm sorry for that.

Secretary CARTER. Amen to that. Thank you.

Chairman MCCAIN [presiding]. Senator Cotton.

Senator COTTON. Thank you, gentlemen, for your appearance before the committee.

Secretary Carter, I want to talk about how our counter-ISIS policy has been made. I want to start, though, in the South China Sea before we move on to that policymaking process.

You just returned from a trip to the Philippines, where you announced several new initiatives. Unfortunately, we've also seen reports that China has begun some reclamation activities on the Scarborough Shoal, which is 120 miles west of Subic Bay. Is it the case that, if China were to both reclaim and militarize Scarborough Shoal, they could overwatch all flights out of northern Philippines with radar systems and hold Subic Bay, Luzon Strait, and Manila Bay at risk with missile systems on Scarborough Shoal?

Secretary CARTER. Well, it's precisely because of those kinds of concerns that I was working with the Philippines. They're a treaty ally. We take that seriously. Very seriously. That's why we are establishing some new installations from which we can operate, so that we strengthen our own posture there, and then that's why we're doing the rebalance, in general, which is not just working with the increasing number of allies and partners who are coming

to us, saying, "We're concerned about China." So, we're getting more and more of that, including places like Vietnam. But, it's also why we're sending our best equipment to the Asia-Pacific, why we're doing more—

Senator COTTON. I understand, Mr. Secretary. It's also why, last week, I gather there were at least three flights conducted in the vicinity of Scarborough Shoal by U.S. aircraft?

Secretary CARTER. I'd rather—I could—I'd prefer to discuss that—have you briefed in that in—privately, Senator, if you don't mind.

Senator COTTON. Media reports—

Secretary CARTER. But, there's no question about it, we will continue to, as I say, "fly, sail, and operate wherever international law permits." We do that around the world. We're not going to stop.

Senator COTTON. Media reports indicate that those flights did occur, but they did not occur within 12 miles of that feature, which would have been a more assertive action in contesting China's claims. Now I want to leave the South China Sea, but ascend to this point about the policymaking process.

Chairman MCCAIN. Could I interrupt the Senator a second?

This is the second time, Secretary Carter, that you've refused to confirm what is well known in the media. That's not fair to this committee. It's all been reported. There were flights into the area around those islands. Why you would refuse to confirm that, when it's already been in the media, is, I think, not the proper deference that this committee is owed.

Secretary CARTER. I'm only refusing because I believe it's classified information, Senator. But, I don't—I believe it is.

Senator COTTON. Actually, I'm glad this—I'm glad the Chairman pointed it out. But, I—I think it raises the point that I want to go on to now, from your two predecessors, Secretary Gates and Secretary Panetta, about the nature of national security decision-making policy.

Secretary Gates recently said that Obama's foreign policy is, quote, "not as bad as it sounds. It's the way it comes out that diminishes its effectiveness. The way things get done communicates reluctance to assert American power. They often end up in the right place, but a day late and a dollar short. The decisions are made seriatim. It presents an image that President Obama is being dragged, kicking and screaming, to each new stage. It dilutes the implementation of what he's done. It becomes so incremental that the message is lost. It makes them look reluctant," end quote.

Secretary Panetta, quote, "I think what I've seen in the last 4 years is almost his cautiousness and overcorrection, which makes it appear that the United States is hesitant to take action. That sends, I think, a message of weakness," end quote.

So, both in our actions in the South China Sea, where we may or may not be flying these missions, where we may or may not be going inside the protected 12 mile of territorial ring, but also in the most recent announcement that we're going to deploy troops to Syria, but only 250 troops, what would you comment on Secretary Panetta and Secretary Gates' position about how this policy is being made?



Secretary CARTER. I can't, obviously, speak for them or for the time that they were Secretary. I can only speak my—from my own experience. I'll ask the Chairman to do the same.

I am forthright, as I told you I would be when you confirmed me as Secretary of Defense, in giving the President my best advice. I'm also absolutely committed to making sure he gets professional military advice. That's where the Chairman comes in. I've never failed to have a hearing for my views. You asked—and I can—you raised one particular, which I already addressed in my hearing, the additional SOF in Syria, their numbers and their mission was precisely what the Chairman and I recommended. What we announced last week was precisely what the Chairman and I recommended. What he approved in—last fall, the—what we called the “accelerants” of that time, was what the Chairman and I recommended to him. Now, that doesn't mean he's always going to approve our recommendations. I'm just giving you those as examples. He is the Commander in Chief. But, we tell it straight, to the best of our ability. I can certainly speak for myself, but I, in observation, can speak for the Chairman, as well. I obviously can't speak for my distinguished predecessors and the experience that they might—

Senator COTTON. Well, and I will address one final question of General Dunford, here, which, again, goes back to Secretary Gates' and Secretary Panetta's comments. They both attribute this grudging, halting, hesitating exercise of American power to the large size of the President's national security staff and the micromanagement, Secretary Gates saying, for example, “It was the operational micromanagement that drove me nuts, of the White House and NSC staffers calling senior commanders out in the field and asking them questions, of second-guessing commanders.”

General Dunford, could you comment on your experience, both in your current role and in previous roles, about your relationship with the national security staff?

General DUNFORD. Senator, I guess what I'd focus on is my relationship and access to the President. In both my previous role and this role, I have had the opportunity to provide best military advice.

With regard to the national security staff, I didn't deal with the national security staff in my previous assignment and, in fact, was specifically proscribed from doing that by the Secretary of Defense, which I think was appropriate. I don't think I should have been dealing with the national security staff in my previous assignment.

In my current role, I don't deal with the national security staff, excerpt the National Security Advisor and the Principal Deputy National Security Advisors on a routine basis. My access is unfettered in that regard. I don't go through the national security staff.

Senator COTTON. Thank you.

Chairman MCCAIN. I don't want to belabor the point, Mr. Secretary, but to classify the fact that we are sending our ships and airplanes into international waters, and have that classified, when it should be magnified throughout the world that the United States is asserting our respect and adherence to international law, is something that is confusing and befuddling. Why would we want to classify the fact that we are doing what every nation in the

world should be able to do? That's sail or fly wherever we want to. Why should that be classified information?

Secretary CARTER. It's—the—it's a fair point, and you—I'll look into why—what aspects of these operations are classified. I'm just respectful of the process. So, I'm not going to talk about the details of operations. But, I—there's no question that we—and I've said it a—many, many times; I say it again today—we fly, sail, and operate wherever international law permits. We exercise that right routinely. The operational details of a particular flight, it's a fair question why—or what parts of it are classified. I'll go back and look into it. But, I—I'm careful about disclosing classified information or information I believe is classified, not to this committee, because you all have access to it in the right setting, but not this setting. The fact that something's in the newspaper doesn't make it unclassified, as we all know.

Chairman MCCAIN. Obviously, we don't agree.

Senator Donnelly.

Senator DONNELLY. Thank you, Mr. Chairman.

For just a few minutes, Mr. Secretary, I want to look a little bit beyond Iraq and Syria and discuss our plan to fight the threats of extremism globally. When we've asked you and other witnesses to talk about our strategy against ISIS, we often get a response detailing the nine lines of effort that have been outlined by the President. Is it your understanding that those nine lines of effort comprise the strategy to defeat ISIS? Is it solely to ISIS, or is that our strategy for the global efforts against terrorism?

Secretary CARTER. Well, there's a lot of good sense to the line—nine-lines formulation that was first made 2 years ago. I would say that, while they're all still valid—they basically, name the parts of the campaign—political, economic, military—that need to be taken—I would also say, we've moved beyond that conceptual framework now and have a more operational framework, the one it—that, in Syria and Iraq, I've described.

But, it still remains true. If you go back to the nine lines of effort, there are things like interrupting ISIL's finances; we're still doing that, working with people to do that. It's not the Department of Defense, but the Department of Treasury, Department of State, and so forth. The foreign fighter flows, we have a role in that, but a lot of other countries and other parts of our Government have a role. So, it's still a good taxonomy of the total number of efforts. But, I would say we've moved beyond that in specificity in a good—in the last couple of years.

Senator DONNELLY. Is that the primary framework for the rest of the global fight against terrorism? Those nine lines?

Secretary CARTER. Again, I—that's a good, broad framework, but it—at—we've gotten much more operational in our approach, including in individual locations, in addition to Syria—

Senator DONNELLY. Okay. Let—

Secretary CARTER.—and Iraq.

Senator DONNELLY. Let me ask you some information that just came out today. So, you know, what you're not familiar with, that's okay. It was reported that the truce with the Russians is on the verge of collapse. Senior administration officials quoted that no clear path ahead in Syria. The situation on the ground is murky.

We saw that there have just been airstrikes in Aleppo that destroyed a hospital, killing at least 14 patients and staff. We know the Syrian Air Force and the Russians have stepped up raids in that area against the rebel factions. They talked about catastrophic deterioration in Aleppo in the last few days. It seems we're further away from a workable plan in Syria than in a very long time. Exactly what are we going to do to try to move this forward? It appears it's heading in the other direction.

Secretary CARTER. I—that is precisely what Secretary Kerry is working on and discussing with all the parties. I can't speak to overnight developments. But, he is both working on the cessation of hostilities, itself, and, most importantly—and to get back to what we were discussing earlier—on the political resolution of the Syrian civil war. I'll leave it to him to comment on that.

Senator DONNELLY. Well, let me—I was in Iraq about a month ago, right before Hit was taken. We were working with the Sunni tribal leaders there. Do you see that continuing to move in the right direction? Are we leaving people behind? One of their concerns was the governance in those towns, once they took them back—

Secretary CARTER. A very good question, and it is very important that the stabilization take place after the recapture of these cities. That's been going on in Ramadi. I'll ask the Chairman if he wants to add more to that. Resettling people, getting the water back on, getting the power back on, getting schools back open, clearing the IEDs, which these, really, evil ISIL people wire in people's homes and so forth, when they come back, takes a long time to clear—that's essential. That's go—that—we've worked on that in Ramadi. We've worked on that in Hit. When I was talking about the necessary political and economic complements—and to get back to your nine lines of effort—we can do all we're doing, militarily, and I'm confident that we're on the right track there, but that victory can't be sustained unless the local people have the wherewithal to resettle. With the political situation in Iraq and as the—and the economic situation, owing particularly to oil prices, that's—

Senator DONNELLY. I'm about out of time, but I just want to mention again that, in Syria, you know, as we're trying to move ISIS out of Raqqa, trying to accomplish that at the same time that Aleppo seems to be going into deeper problems, greater flames, more trouble, that whatever Secretary Kerry is working on, the stage actually seems to be getting—heading in the other direction instead of moving forward.

Then, just finally, as an aside, we still hope you can make it to Crane. We know how busy you are. But, in Syria, most recent developments seem to be heading more against our goals than for our goals.

Thank you, Mr. Chairman.

Chairman MCCAIN. Senator Sullivan.

Senator SULLIVAN. Thanks, Mr. Chairman.

I want to begin with a compliment, Mr. Secretary, to you and the President for the quality of the generals that you are nominating and asking to lead our military. Many have come to this—they've all come to this committee and are very impressive.

General Dunford, on March 19th, there was a Marine Corps staff sergeant, part of BLT26 artillery—marine who was killed in Iraq. Was he killed in action, killed in combat?

General DUNFORD. He was killed in combat, Senator.

Senator SULLIVAN. We had a—in January, a staff sergeant from the 19th Special Forces group was killed in Afghanistan. Was he killed in combat?

General DUNFORD. Master Sergeant Wheeler was killed in combat, Senator.

Senator SULLIVAN. When our JSOC [Joint Special Operations Command] troops conduct CT [Counter-Terrorism] missions in that part of the world, are they conducting combat operations?

General DUNFORD. They are, Senator.

Senator SULLIVAN. How about when our F-22s, F-16s, A-10s are doing bombing missions in Iraq and Syria? Are they conducting combat missions?

General DUNFORD. They are, Senator.

Senator SULLIVAN. So, Mr. Secretary, my question is pretty simple. It's—the President, the White House spokesman, even just this past week, whenever they talk about our troops in the Middle East, they go to great lengths—and this is a quote from the President, "They will not involve American combat troops fighting on foreign soil." This is the White House spokesman recently, "Our troops are not in a combat role."

Why does the administration go through these crazy somersaults, that the entire country knows is not correct, to say our troops are not in combat, when they're in combat? The Chairman of the Joint Chiefs just stated that pretty much everybody in the Middle East is in combat. So, why does the President not level with the American people? Why does the White House spokesman continually just say they're not in combat? I think one thing—I would like you to answer that question, but I also think it diminishes the sacrifice of our troops and their families to—you know, we know they're in combat. Why can't we level with the American people and say they're in combat? Chairman just did.

Secretary CARTER. Yeah. I'm going to associate myself with the Chairman, that these people are in combat, Senator. I think that we need to say that clearly. I can't—I don't know what statements you're quoting, but I can well imagine that the point being made is to describe the strategy that I described—

Senator SULLIVAN. Well, I think that—

Secretary CARTER.—earlier, which is to—not to try to substitute for local forces, but, to get back to Senator Donnelly's point, to try to get them powerful enough that they can expel ISIL, with our support. When we provide that support, we put people in harm's way, we ask them to conduct combat actions. I mean, a pilot flying over—

Senator SULLIVAN. Dropping bombs.

Secretary CARTER.—Iraq, dropping bombs, is certainly in that circumstance.

Senator SULLIVAN. Well, I think it would be—

Secretary CARTER. I think that's what's being gotten at, but I—

Senator SULLIVAN. I think it be useful to maybe pass on, from, you know, your two perspectives, to the White House, to the Presi-

dent, to his spokespeople, to the people who background the press. I mean, even last week, 250 new Special Forces troops going to the Middle East, but they're not in combat roles. Well, that's actually not true. I think leveling with this committee, leveling with the American people is very useful. I know the two of you are doing that. But, if you can pass that message on to the President and his spokespeople in the White House, I think that would be useful.

I want to turn to a followup—

Secretary CARTER. Can I thank you, by the way, for what you've said about the—

Senator SULLIVAN. Well, it's true.

Secretary CARTER.—unbelievable officers that we—

Senator SULLIVAN. It's not just—

Secretary CARTER.—have. It's—

Senator SULLIVAN.—General Dunford. It's—

Secretary CARTER. It's—

Senator SULLIVAN.—General Milley, it's the whole—

Secretary CARTER. It's a whole bunch of them.

Senator SULLIVAN. Impressive.

Secretary CARTER. We're—country is blessed.

Senator SULLIVAN. I'd like to turn to—follow up on Senator Cotton's line of questionings. I'm going to hand out a document, here, that shows a little bit more detail what's going on in the South China Sea, as you're well aware, Mr. Secretary, Mr. Chairman. But, there's a lot of concern that the Scarborough Shoal has very important strategic significance with regard to what some people are calling a "strategic triangle" in the South China Sea. The Chinese have already established two legs of that triangle. The fighters and radars are part of that radius that you see around the Scarborough Shore—Shoal. What is the strategic significance if the Chinese do start to build up the military capability on that island, particularly being so close to the Philippines? What are our plans if they do begin that kind of militarization or even buildup of the island? Do we have a plan to respond to the U.N. tribunal ruling that's expected in June with regard to China's excessive maritime claims? There's a lot going on there, and I'd appreciate just an answer to those questions.

Secretary CARTER. Sure. There is. I should say, also, thank you for your role and leadership in this part of the world. It's a critical one. You know, the Middle East is the headlines all the time, and justifiably so, but this is the region where half of humankind lives, and half of the world's economy, so it's critical.

Your map's absolutely accurate. To get to your various questions, the United States is reacting. That's what our rebalance is all about. There are many things that we work with China on, but there are certain aspects of Chinese behavior that are very disturbing to us. They're deeply disturbing to countries in the region, which has them all coming to us and is having the effect of causing self-isolation by China. We are reacting, ourselves, and we are being increasingly invited to work with countries, longstanding allies, and strong allies, like the Philippines—and that's where the sites you see, and correctly have on the map here, come in—but also new partners, like Vietnam. I was in India a week and a half ago. Many of them concerned about Chinese behavior.

I'll just, finally——

Senator SULLIVAN. Well, Mr. Secretary, just—I'm sorry to cut you off, here, but——

Secretary CARTER. No.

Senator SULLIVAN.—but the strategic significance of the Scarborough Shoal right now in the South China Sea. There's a lot going on there. You were just there. Can you comment on that?

Secretary CARTER. Well, it's a piece of disputed territory that, like other disputes in that region, has the potential to lead to military conflict. That's particularly concerning to us, given its proximity to the Philippines. But, we have the same view about all these disputes. By the way, even though China is, by far and away, in the recent times, the greatest reclamer and militarization of disputed features, other countries are doing it, as well. I'm just—I—I'm not—I don't represent our diplomatic position, but our diplomatic position, to get back to what you said about the tribunal, is that these disputes ought to be settled peacefully. One of the ways of doing that is through the tribunal.

Senator SULLIVAN. Thank you, Mr. Chairman.

Chairman MCCAIN. You would support lifting restrictions on provision of weapons to the Vietnamese?

Secretary CARTER. We've discussed this in the past, and I appreciate your leadership in that regard, Chairman. Yes.

Chairman MCCAIN. Senator Donnelly. Oh, I'm sorry.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

The funding for United States Forces Korea and the rebalance to the Pacific is in the base budget?

Secretary CARTER. It is.

Senator MCCASKILL. I support the European Reassurance Initiative. I was just there and talked to the—to many of the important military commanders in European Command—many of the important leaders in the European Command. I support it. But, let's be clear. The only reason it's in OCO [The Overseas Contingency Operations] is because of the budget caps. Correct?

Secretary CARTER. Well, I think it was put into OCO originally because it——

Senator MCCASKILL. I think the Chairman referenced this last year, when he said it's in OCO because it's like what the bank robber said. He said a bank robber——

Secretary CARTER. It's the Willy Sutton strategic——

Senator MCCASKILL.—I don't remember who it was—right.

Secretary CARTER. No, there's something——

Senator MCCASKILL. That's where the money is.

Secretary CARTER.—there's something to that. I mean, to be fair, I wasn't around at the time, but when the thing first came up in Crimea, urgent money was required. Money was moved within OCO, which is easier to do than in the base. But, you're right, the years go on, and then you say——

Senator MCCASKILL. There's no——

Secretary CARTER.—why is this money in ERI?

Senator MCCASKILL. Yeah.

Secretary CARTER. I——

Senator MCCASKILL. There's no difference between the rebalance to the Pacific and the European Reassurance Initiative, correct?

Secretary CARTER. I am afraid that you're right, that—I only say I'm afraid because—

Senator MCCASKILL. So, the only difference is—

Secretary CARTER.—what that means is that Putin's—

Senator MCCASKILL.—an artificial—

Secretary CARTER.—Russia is here to stay.

Senator MCCASKILL. Let me be clear here. The only reason they're in two different budgets is an artificial cap put on by Congress to try to pretend to the American people that we're balancing something.

Secretary CARTER. Well, I—

Senator MCCASKILL. You don't have to comment on that. I just wanted that on the record. It just is so irritating to me that we can't be honest. Talking about being honest with the American people, how about being honest with the American people what we're doing about the base budget in the military? I am so tired of so many Members of Congress saying, "Oh, we want to support the—we want to support the military. We want to support the military," and then we're shoving all these things in OCO that don't belong in OCO. The reason they're doing it is because they can pretend they're paying for it and pretend they're balancing something. It just is so irritating to me. I wanted to get that on the record first.

Chairman MCCAIN. We feel—do you feel better now?

Senator MCCASKILL. I do.

Chairman MCCAIN. Thank you.

Senator MCCASKILL. I know you relate.

Chairman MCCAIN. I do.

Senator MCCASKILL. In fact, I think—

Secretary CARTER. Can I get in this, too?

Chairman MCCAIN. I totally agree.

Secretary CARTER. I feel better, also.

[Laughter.]

Senator MCCASKILL. I actually think—

Chairman MCCAIN. Totally agree.

Senator MCCASKILL.—I think the Chairman totally agrees with me.

Chairman MCCAIN. Absolutely.

Senator MCCASKILL. We just need more people to quit being hypocrites about balancing a budget, and be honest about what it takes to be fiscally responsible as it relates to our budget military.

Sinai Peninsula, General Dunford. I know that you were just with Sisi. I am worried about other international peacekeeping initiative on the Sinai that's there, but—to enforce the agreements, back in the late '70s, between Israel and Egypt. There have been incidents. There have been Americans hurt. Tell me what you can about your sense of Egypt being capable of continuing to sustain and protect this peacekeeping mission.

General DUNFORD. Senator, a couple of points.

First, I have looked at this very closely over the last few months. While absolutely committed to remaining in the Sinai Peninsula to enforce the Camp David Accords, we, of course, are concerned about the protection of our forces. We've already taken a number

of steps, to include providing them additional equipment and adjusting their posture to increase their force protection level.

I am not satisfied we're where we need to be right now. We're working very closely with the Israelis, working very closely with the Egyptians to take some steps that will further enhance our force protection. If I'm not satisfied that we can properly address our force protection, which really includes two things, Senator—it includes adjusting our posture as well as addressing the terrorists that are in that environment and making sure that we have an effective counterterrorism plan in the Sinai, as well, in conjunction with the Egyptians—if those two conditions aren't met, then I'll have some recommendations to the Secretary and the President about what we do, moving forward.

But, it is very sensitive right now, the discussions. I'd like to talk to you in private about—

Senator McCASKILL. Sure.

General DUNFORD.—my conversation with Egyptians over the weekend, and the number of conversations with the Egyptians and the Israelis over the last couple of months. But, we're working very closely—because it is a trilateral issue, we're working very closely to address those two issues. You know, number one, the immediate posture of our force, but, as importantly, I think, both of these things are necessary for us to be satisfied that we've done all we can do for our men and women that are there. The second piece is to have an effective plan to deal with the terrorists in the region. There is clearly a strong presence of the Islamic State in the Sinai as well as an insurgency that has been going on in the Sinai for some time.

Senator McCASKILL. Thank you, General. I'll look forward to that and learning more. I'm very concerned about it.

Finally, assistance to Jordan. I don't think people realize—in America, there has been a hue and cry about 10,000 Syrian refugees. There's 1.4 million in Jordan. Makes up 13 percent of their population. They closed the border last year because of it, because of the imbalance that was occurring within their country. I had an opportunity to be in Jordan a few weeks ago, visited with both our military, our terrific military leaders there, and also with the Jordanian military. I am worried about the 15,000 people along that border that are now sitting there because they're not being allowed to come into Jordan. As you all focus on northern Syria, I'm wondering what, if anything, you can tell me, in this setting—and maybe this is also for a closed setting, because most of what I've learned would be appropriate in a closed setting—about the drifting of ISIS and ISIL to the southern region along this border, where we now have 15,000 people just on the other side of the border from Jordan.

Secretary CARTER. Thanks. I'll say a few things about it. We can talk more in another setting. I'll ask the Chairman to chime in.

But, first of all, thanks for going there and seeing our guys and gals, and also the—our fantastic partners in the Jordanians. You're right, that for—on a per capita basis, they have absorbed this enormous refugee situation. Yes, we've—we were actually talking a lot about the northern parts of both Iraq and Syria, but we're very mindful of the—of both southern Iraq and southern Syria, and the



possibility that, as we apply pressure to the north in both Mosul and Raqqa, that ISIL will, as the expression goes, “squirt out” toward the south. We’ve talked to the Jordanians about that, talked to the Iraqis about that, and we’ve talked to the Israelis, by the way, about that, as well, and work with them. We do have operations that we’re facilitating with Iraq, for example, in the direction of Rutbah, to the southwest, even as we help them move up the Tigris Valley to the north.

Chairman, do you want to add anything to that?

General DUNFORD. Senator, Jordan is clearly one of our more important partners in the region, and we have a strong military-to-military relationship with Jordan. So, part of what we’re doing is increasing their capacity and supporting them. Then, the 1209 program that we spoke about earlier, which is—from the NDAA—which is designed to allow us to grow effective indigenous ground forces to take the fight to the enemy—in this case, from Jordan into Syria—we’re all—we also have an active 1209 program down in the Jordan-Syrian border area that I think is—you were probably briefed on during—

Senator McCASKILL. Correct. Thank you very much.

Thank you both. Thank you for your service. We’re very proud of you. We’re going to do everything—I’m going to do everything I can to get what you need in the base budget, where it belongs.

Chairman MCCAIN. In Senator McCaskill’s shy and retiring manner, she will do that.

We thank you for your passion, Senator McCaskill. I—

Senator McCASKILL. Takes one to know one.

Chairman MCCAIN.—and I totally agree with your dissatisfaction. I agree with you, we are deceiving the American people, and that’s not good.

Thank you.

Senator McCASKILL. Thank you.

Chairman MCCAIN. Senator Lee.

Senator LEE. Thank you, Mr. Chairman.

Thank you both for appearing again in front of this committee to discuss the Department of Defense’s Middle East policy. Thank you also for the brave young men—young men and women you represent, stationed in the United States and all across the world.

This debate in our committee is a difficult one, because many of our concerns have to do with broad strategic decisions being made outside the Department of Defense. However, until the administration reforms its strategy to acknowledge the unpleasant realities of the Middle East, and recognize that America’s security interests are, and—what exactly the United States strategies are, and are not, in these conflicts, I think Congress needs to be very cautious as we contemplate any further funding requests from the Department of Defense or any other national security agency.

General Dunford, as President Obama reiterated in his meetings with European leaders this week, the United States counter-ISIS strategy ultimately relies on peaceful transfer of power in Syria from Assad’s regime to an inclusive government there. Now, while certainly admirable, it’s far from realistic. As Middle East journalist Thanassis Cambanis wrote in the New York Times 2 weeks ago, quote, “Syria, one of the most important states in the Arab

world, has cracked up, and no peace settlement can put it back together,” close quote. In your professional opinion, General Dunford, what do you think the chances are that the sort of reconciliation and political unity sought by the Obama administration can happen in Syria, just given the amount of violence that we’ve seen there over the last 4 years, the competing outside interests, and the sectarian context of this fight? What does the intelligence that we’re collecting tend to indicate about the possible willingness of these groups to come together to form some sort of government?

General DUNFORD. Senator, I think the most difficult challenge in forming a new government is dealing with the role of Assad. I can tell you—you asked about the opposition groups—that they are absolutely adamant—and that’s what the intelligence tells us—they’re absolutely adamant that Assad have no future role in Syria. Until or unless the grievances of the civil war are addressed by these opposition forces, then I’d find it hard to imagine a successful political transition.

Senator LEE. If a political solution to the Syrian conflict continues to elude diplomats in Geneva, there will not be a political sovereign to unite the various rebels who we know, through previous testimony, often have competing or conflicting, perhaps mutually inconsistent, long-term goals as well as ideals.

Secretary CARTER, what will become of the weapons and the equipment that we’ve provided to these rebel groups if a peaceful resolution of this conflict remains out of reach? Will we simply have dumped hundreds of millions of dollars’ worth of equipment and worth of weapons and—into an already volatile situation?

Secretary CARTER. I’ll answer the general question, then we go into more specifics. But, I can’t answer the general—

In everything we do in—there, as elsewhere, we always think ahead when we’re providing weaponry to a group about, sort of, What’s the future and what’s the next step? So, we certainly have thought about that in that region, as well.

To your bigger question, which is, What is the role of—I think what you’re saying is what we would call the Moderate Opposition—in the future of Syria? Our strategy—political strategy, and the one that Secretary Kerry is pursuing, is that Assad leaves, the structures of the government remain in place, but without Assad, and that the Moderate Opposition becomes part of the government, and there is a government that can give the Syrian people what they deserve, which is a country that runs and a country that’s moderate and a country that treats its people decently. We’re a long way from that now, but that’s the vision for Syria.

Senator LEE. And—

Secretary CARTER. These people have a role, is the point.

Senator LEE. You think that’s a realistic vision, one that we could realistically achieve within the necessary time?

Secretary CARTER. I think it’s a necessary one to achieve, because I think Assad can’t be part of the future of that country—

Senator LEE. But, what—

Secretary CARTER.—and that is the right—

Senator LEE.—if he doesn’t go? What if he doesn’t leave?

Secretary CARTER. The—this is why it’s so important that the Russians keep their commitment, which is to a political transition

there. They're the ones that have the most leverage over Assad right now. It's very important that they do that, because, as the Chairman indicated, there's no resolution of the Syrian civil war until that occurs.

Senator LEE. Thank you.

Chairman MCCAIN. Senator Shaheen.

Senator SHAHEEN. Well, thank you both for being here, Secretary Carter and General Dunford, and for your service, and for dealing with what is a very big challenge for this country and for most of the civilized world.

I want to follow up on Senator McCaskill's comments about Jordan and the number of refugees that they have taken in, because Lebanon is another country in the Middle East that has taken in a significant number of refugees. I think about a quarter of their population now are refugees. I noticed there was a story in this morning's news about the Lebanese army killing an ISIS leader who was operating out of Lebanon along the border with Syria. Can you talk about the importance of the military contribution that some of our partners in the Middle East are making to the fight against ISIS?

Secretary CARTER. I can. You've mentioned the Jordanians. The Jordanians are great partners, in every respect. The Lebanese Armed Forces, as well. We've had a longstanding role in supporting them. I believe General Dunford knows that much better than I do, and perhaps you can speak to that. I can't speak to overnight developments in that regard, but let me ask the Chairman if he wants to add anything about our support for the LAF over—Lebanese Armed Forces—over time.

General DUNFORD. Senator, we've had, for years—and I was the component commander in the United States Central Command, working with the Lebanese Armed Forces—we've had, for years, a strong military-to-military relationship with the Lebanese Armed Forces. I think, particularly today, it's important that we continue that. They have been, you know, partners in the fight against ISIL right now, and it's important we continue to support them.

Senator SHAHEEN. Thank you. I would also just like to point out something that, as we're talking about refugees and the humanitarian situation, we had an interesting hearing before the Foreign Operations Subcommittee of the Appropriations Committee with Bono, who connected humanitarian aid to our national security. I think that's an important connection that we too often don't recognize, that if we are supporting refugees who are in Jordan or in Lebanon, and we can keep them in the Middle East so they can go home to Syria once the fighting ends, it's a lot better for us, and it's better for them, than not supporting those efforts and continuing to support the conflict.

Let me ask you—and I know there's been some discussion about what Russia is doing. Of course, they had a very well publicized announcement about their withdrawal from Syria last month, but there remains a significant Russian ground and air force in Syria. Do we know what they're doing? Can you tell us? Are they—are there any indications that they intend to depart, in whole, anytime soon?

Secretary CARTER. We do watch them. We do know what we're doing. You are right that it was far from a complete withdrawal, despite how it was ballyhooed initially. With respect to their specific operations, we obviously keep very close eye on that, know it extremely well.

Let me see if the Chairman wants to add anything to that.

General DUNFORD. The only thing I'd say, Senator, is, I have not seen a significant reduction in forces by the Russians, nor have I seen less support for the regime than there was before they announced that reduction. So, you know, as I look at it, despite some rotation of forces and so forth, it seems to me pretty much status quo today, relative to before the announcement.

Senator SHAHEEN. Given the cease-fires really ending in Syria, and the increased conflict, is there any reason to believe that we can work with Russia to try and get people back to the negotiating table, to try and get back to a real cease-fire again, and to make any progress on a transition in Syria?

Secretary CARTER. That's the aim and the path that Secretary Kerry is on. He's the authority on that and has been managing that. But, that's precisely what he's trying to accomplish.

Senator SHAHEEN. Well, I appreciate that he's managing that, but obviously one of the significant factors in encouraging Syria to do that is the success of the military efforts there, and Assad being able to see that he's—doesn't have a path to continue staying in power.

Secretary CARTER. Well, I—I'd—I'll just repeat what I said before. That's why, when Russia—that's why there's such a difference between what Russia said it was going to do and what it did. They said they were going to contribute to the ending of the Syrian civil war, and that—propping up Assad militarily is not doing that, and has not done that. They also said they were going to fight ISIL, but they were mostly propping up—

Senator SHAHEEN. Right.

Secretary CARTER.—Assad. No doubt about it.

Senator SHAHEEN. Thank you.

Thank you both.

Chairman MCCAIN. Senator Graham.

Senator GRAHAM. Thank you all.

Secretary Carter, have you ever heard of the PYD [Democratic Union Party]?

Secretary CARTER. I have, yes.

Senator GRAHAM. Who are they?

Secretary CARTER. They're a Kurdish group, one of several—a number of—

Senator GRAHAM. Have you heard of the YPG [People's Defense Units]?

Secretary CARTER. I have heard of them, also.

Senator GRAHAM. Who are they?

Secretary CARTER. Another Kurdish group.

Senator GRAHAM. Aren't they the military wing of the Y—PYD?

Secretary CARTER. They are, yes.

Senator GRAHAM. Is that right, General Dunford?

General DUNFORD. That is correct.

Senator GRAHAM. They're a leftist Syrian Kurdish political party founded in 2003. Reports indicate that they are aligned or at least have substantial ties to the PKK [Kurdistan Workers' Party]. Is that true?

Secretary CARTER. Yes. We have—

Senator GRAHAM. Is the PKK a terrorist organization, in the eyes of the Turkish Government?

Secretary CARTER. The PKK is a terrorist organization, not only in the eyes of the Turkish Government, but in the eyes of the United States Government, as well, Senator.

Senator GRAHAM. Is it a—surprising to you that the Turks may be upset with us by arming the YPG in Syria, since they're so closely aligned with the PKK—

Secretary CARTER. No, it's not—

Senator GRAHAM.—a terrorist organization?

Secretary CARTER. No, it's not at all, Senator. We have—let me just clarify. Let me just say that—and the Chairman's been involved in this, as well. This is—we have extensive consultations with the Turks about—

Senator GRAHAM. So, Turkey is—

Secretary CARTER.—this precise—

Senator GRAHAM.—okay with this?

Secretary CARTER. Let—they're not okay with that, but—

Senator GRAHAM. I just got back from Turkey. They're not okay with this. They think this is the dumbest idea in the world. I agree with them.

How many of the Syrian Democratic Forces, or whatever we're talking about, are Kurds versus Arabs, General Dunford?

General DUNFORD. There's about 6,000 Arabs, Senator.

Senator GRAHAM. Well, what percentage of the force is that?

General DUNFORD. That's about 20 percent.

Senator GRAHAM. Okay. So, if you're wondering why Turkey's a little upset, we're arming people inside of Syria aligned with a terrorist group that's fighting the Turkish Government. Turkey could do more, but I think this whole concept is, quite frankly, absurd.

I just got back from Saudi Arabia. They believe that—they're not going into Syria as long as they think Assad's going to win and Damascus will be controlled by the Iranians. Have they ever expressed to you their displeasure with our policies toward Assad?

Secretary CARTER. Oh, I'll take that, but I want to—I do want to get back to the Turks, though. They—thanks for going there, and thanks for talking to them. They're a NATO ally. It's real important. We do discuss with them our effort to—which is an important effort, and one that's important to protecting—

Senator GRAHAM. Secretary Carter—

Secretary CARTER.—ourselves—

Senator GRAHAM.—I've got 2 minutes left. I'm not asking you to tell me what they told me. I know what they told me. They may have told you something different.

Secretary CARTER. Well, then let me—

Senator GRAHAM. I know what—

Secretary CARTER.—then let me go on to the Saudis—

Senator GRAHAM. The Saudis, yes.

Secretary CARTER.—because—

Senator GRAHAM. Did they have—

Secretary CARTER.—I was just there, and they—

Senator GRAHAM.—a real problem with our policy toward Assad?

Secretary CARTER. I think they—the Saudis, having been there just last week, have the same problem we do, which is that Assad is still there.

Senator GRAHAM. Is it fair to say that the Saudis in every Gulf Arab state believes that Assad is firmly entrenched because of the Russian-Iranian backing?

Secretary CARTER. Again, that's an observation that we—

Senator GRAHAM. Okay.

Secretary CARTER.—would make—

Senator GRAHAM. It—

Secretary CARTER.—and did make with the Saudis. We agree with that.

Senator GRAHAM. Did—

Secretary CARTER. That's where the Russians—

Senator GRAHAM. Did we ever suggest to—

Secretary CARTER.—seemed to change their tune.

Senator GRAHAM. Our goal is to destroy ISIL and to replace Assad. On the Assad side, he's more firmly in power than ever. January the 20th, 2017, President Obama will leave office. Is it likely that Assad will be in power?

Secretary CARTER. I hope not.

Senator GRAHAM. Okay. I think it's likely he will be, because hope's not a strategy.

Plan B. Secretary Kerry says there's a Plan B if the cease-fire falls apart, that he's let the Russians know we're going to try it nice, but if the cease-fire falls apart, there's a Plan B. Do you have a Plan B for Assad?

Secretary CARTER. I—I'm going to let Secretary Kerry speak to the—to his—

Senator GRAHAM. Well, but, I mean, he—

Secretary CARTER.—his diplomacy—

Senator GRAHAM.—he has the State Department. The State Department's not going to go take Assad out. Is there a military component to Plan B?

Secretary CARTER. I think what the—again, I don't—

Senator GRAHAM. Or is Plan B just BS?

Secretary CARTER. I don't—I am sure that it's not BS. I—

Senator GRAHAM. Well, have you been talk—have you talked to the Secretary of State—

Secretary CARTER. Of course. I—

Senator GRAHAM.—about a military—

Secretary CARTER. Yes. Yes.

Senator GRAHAM.—change in strategy—

Secretary CARTER. Yes, of course. Without speaking for him, Senator, I think what he's saying is that the United States—

Senator GRAHAM. No, my question is, Have you had a discussion with the Secretary of State about a change in military strategy if the cease-fire falls apart regarding Assad in Russia? Have you had that discussion?

Secretary CARTER. We have had a change—many discussions about changes of—

Senator GRAHAM. Is there a Plan B?

Secretary CARTER.—changes of strategy.

Senator GRAHAM. Is there a Plan B?

Secretary CARTER. I wouldn't call it a Plan B, but I'm going to let him speak for—

Senator GRAHAM. Outline the change—

Secretary CARTER.—for his—

Senator GRAHAM.—in military strategy.

Secretary CARTER. We have discussed alternative strategies—

Senator GRAHAM. What are they?

Secretary CARTER.—with respect to—

Senator GRAHAM. What are they?

Secretary CARTER.—Syria. Some of them I'm prepared to discuss here, some of them I'm not.

Senator GRAHAM. Well, let's have a classified—

Secretary CARTER. As you well know—

Senator GRAHAM.—hearing, Mr. Chairman, about this.

Secretary CARTER.—as you well know, the entirety of what goes on in Syria is not something we can discuss here, as—

Senator GRAHAM. Okay. I don't—

Secretary CARTER.—you well know.

Senator GRAHAM.—want to put you—I like you, I'm not—

Finally, General Dunford, is this the Dunford plan to destroy ISIL or is this the plan that General Dunford came up with, given that—the constraints put on him by the White House?

General DUNFORD. Senator, when I came in, last October, there was a strategy. We made some recommendations last October to accelerate our progress against ISIL. Those recommendations were accepted by the President. I would say, I'm in my job 7 months, so I own it.

Senator GRAHAM. Okay, good. So, I just wanted the whole country to know this, that the President's goal is to destroy ISIL. I share that goal. I know you do, too. The military strategy that we're embarked on in is the best way to destroy ISIL, and it's what you recommended. Or is it limited by conditions put on you by the White House?

General DUNFORD. Senator, if I—to clarify. So, if I say—

Senator GRAHAM. Would you do more if you could?

General DUNFORD. I would do more if I could, but the limitation is not just a political limitation. Part of it is our partners on the ground.

Senator GRAHAM. Right.

General DUNFORD. But, I just want to clarify. If what you're saying is the strategy, meaning a “by, with, and through indigenous partners on the ground” being the methodology for securing territory and defeating ISIL, I support that.

Senator GRAHAM. So, you think the YPG are going to liberate—a 80-percent Kurdish ground force is going to take ISIL—Raqqa away from ISIL and hold it?

General DUNFORD. The YPG have secured a large predominantly Kurdish area—

Senator GRAHAM. That's not—

General DUNFORD.—north of—

Senator GRAHAM.—my question.

General DUNFORD.—Syria.

Senator GRAHAM. Are they going to be able to take Raqqa, Syria, away from ISIL and hold it?

General DUNFORD. They——

Senator GRAHAM. 80-percent Kurdish.

General DUNFORD. They will not, in and of themselves——

Senator GRAHAM. Thank you.

General DUNFORD.—Senator.

Senator REED [presiding]. On behalf of the Chairman, let me recognize Senator Kaine.

Senator KAINE. Mr. Chair, could I defer to Senator King and trade places?

Senator REED. Absolutely.

Senator King, please.

Senator KING. Thank you.

Several observations, based upon this excellent hearing.

Number one, I want to associate myself with the Chairman's comments about Afghanistan. I think I—and the concern is that a decision has to be made in the next several months. I don't think we're going to learn anything in the next several months that we don't know now, because the drawdown, the scheduled drawdown has—it's going to have start late this summer or early fall to make the January deadline. I sincerely hope that, given where we are, given the level of violence, given the, really, I think, surprising—or, shouldn't say surprising, but the effectiveness of the Afghan forces, we ought to provide the support necessary, including the authorities, to maintain what we've gained there, which has been considerable. That's number one.

Number two, a lot of talk here today about end strength. I've learned, from talking to senior military officials, particularly in the Army, that readiness is as important as end strength, that you can have a big number, but if you've got 50-percent readiness, or 30 percent or 60 percent, that's really important. So, I think that's an important consideration.

Finally, on the Law of the Sea—I mean, I'm sorry, on China and the chart that we saw, it would really help, in my view, if we were members of the Law of the Sea Treaty so we could be at the tribunal that's making these decisions.

On the last point, Mr. Secretary, do you agree?

Secretary CARTER. I do, yes. I mean, a long line of defense officials who have—and Navy officers—who have supported that agreement were not party to it, but we do respect its provisions.

Senator KING. But, it's not in our national interest to not be at the table, it seems to me.

Secretary CARTER. I—again, people have sat in this chair and testified for many years in favor of that treaty, but that has not carried the day.

Senator KING. Secretary Carter, the most disturbing thing you've said today that, in my view, is—you—and you sort of touched on it and then we went by in the hearing and never got back to it—you suggested there's been a rise of ethnosectarianism in Baghdad. If that's the case, number one, that's a disaster, because that laid—that was what—the Maliki policy is what laid the groundwork for what happened with ISIL. Number two, what can we do about it?



Are we trying to do something about it? I'm not talking about just jawboning. Are we talking specific, direct pressure, if you will, on the Iraqi Government? Because if Baghdad isn't inclusive, then this whole enterprise is just not going to be successful.

Secretary CARTER. Yeah, well, what I was referring to is the turbulence in Baghdad, or—just over the last couple of weeks, in which the Prime Minister and—has been contending with a variety of the opposition parties. That's a serious concern to us, because the integrity of the Iraqi state is an important part of the end state our strategy seeks. We support the—Prime Minister Abadi in his overall approach to—which is a multisectarian, as he says—

Senator KING. Is he backsliding on that?

Secretary CARTER. He—

Senator KING. Because I've—

Secretary CARTER. He—

Senator KING.—in several hearings, I've been told he's doing the right thing, he wants to do the right thing. Is that—are we losing ground on that?

Secretary CARTER. I had a conversation, just a week and a half, and we're completely aligned on what we're trying to do there with respect to our campaign. But, it's also true that he is contending with a very complicated mix there. With your respect—with respect to your question, "What are we doing about it?"—in addition to providing political support, I want to reiterate the importance of the economic support. That's not just by the United States, but by its others—by others, as well. So, when I was with the President in Riyadh last week, we were urging the Gulf states—that's a place that they could contribute—"Don't cede Baghdad to Iran. Get in the game, support a multisectarian approach." That's what Abadi is trying to stand for. That's what Maliki didn't stand for. It's important to support him, both politically and economically. The economic situation is particularly important today, in view of the low oil prices.

Senator KING. Concern about the Mosul dam. Are you satisfied that the Italian contractor and the arrangement that's been made by the government in Iraq is sufficient and is going to be timely? I—it would be an absolute catastrophe if that dam went out.

Secretary CARTER. It is. They are—it is the best-practices outfit to do grouting at the dam. With respect to the timing question, that is the concern we all have, to get that grouting done as soon as possible to mitigate the risk that there are failures in the dam before the grouting is complete and this dam can be shored up.

Senator KING. One more quick question.

General Dunford, we talked about how ISIL has been degraded. That seems to be the consensus that I'm hearing in the last few weeks, in terms of briefings from—in various settings. Are they being degraded in terms of equipment as well as finances, manpower, foreign fighters? Where are they getting their equipment?

General DUNFORD. Senator, there is—as you can imagine in Iraq, in particular, there's no lack of AK-47s and weapons that have been left behind as a result of years at war. I think, primarily, they got them from the former—you know, former Iraqi soldiers brought their weapons with them, and large ammunition stores that they seized in the early days of the war. You'll recall they had pretty

significant progress 2 years ago in grabbing ground and territory, and part of that ground was ammunition depots and weapon storage areas and so forth from the Iraqis.

Senator KING. Are they—is—are they being squeezed now on that front, though?

General DUNFORD. Very much so, Senator. I mean, I would say that their freedom of movement has been reduced. Their ability to resupply with foreign fighters and equipment has been reduced, in addition to the resources that you spoke about. I would say that their military capability has been degraded, to include their equipment.

Senator KING. Do we have any information that their morale is declining?

General DUNFORD. We do. We do, Senator. That's an important point. In fact, my observations on my recent trip and really over the last few months, I think one of the more significant things I see is the relative morale of the Iraqi Security Forces and the Peshmerga versus ISIL. We see, in the intelligence and anecdotally from our commanders, that the morale and the spirit of ISIL has eroded over time as a result of their battlefield losses and as a result of the fact that their pay has been cut significantly because they—because of the resources that—constraints that the leadership has.

Senator KING. Always a negative effect on morale.

General DUNFORD. Has a negative effect on moral.

Senator KING. Thank you very much, gentlemen.

Senator REED. Thank you.

On behalf of Chairman McCain, Senator Tillis, please.

Senator TILLIS. Thank you, Senator Reed.

Secretary Carter and General Dunford, thank you for being here.

I went on a CODEL during the recess, and was in Israel, Egypt, Saudi Arabia, and Turkey. One of the feelings that I got, in speaking with a number of the leaders there, was a sense that—I think everyone recognizes, at some point, if we take advantage of, maybe, some of the degraded status of ISIS, at least in that region, that, ultimately, once we take ground, we're going to have to hold it. For us to hold it, we're going to have to have people present there that are, hopefully, not men and women in American uniforms. It's going to come from the coalition, the partners in the Middle East. But, the sense I got is, they're not—I mean, they want to be prepared to do it, but they are not necessarily prepared to take the kind of fight and have the kind of presence in Syria that we're going to need. Do you agree with that assessment, General Dunford or Secretary Carter? What specific actions are we taking to prepare the Saudis, for example, to be able to play a role in that, along with the Iraqis and the other partners in the region?

Secretary CARTER. I'll start off, having just been in Saudi Arabia. I can speak to the Saudis and then ask the Chairman to jump in.

I think that—I won't speak for them, but I—from our conversations, they have the—some of the same view we do, which is, in the end, it can't be them or us, it has to be local people. But, they want to join the campaign and play a role. The only thing I'd say is, we always have to remember, this is a two-way street, so the people who—whom you think you're helping have to welcome your

help. That can be an issue. That's why it's so important to navigate the complex shoals of Baghdad politics that we were discussing earlier, because we do everything with the permission and through the Iraqi Government.

In Syria, there obviously is no government with which we can cooperate, but we still need local forces who live there, and want to live there. That's why—to get back to Senator Graham's point, he's absolutely right, Kurds are not the right people to take and govern Raqqa. We know that. We are looking to identify and then enable Syrian Arab forces that would be the appropriate people to take and govern Raqqa. Because the people have to be—have to accept their liberators, and the—you can't just come in and say you're the liberator, you have—they have to believe that, or you'll get the kind of violent backlash.

So, the Saudis and the—and others that—in the region understand that dynamic.

We're looking for their help, finally, it—not only in terms of military help, but this is where their economic and stabilization assistance can be so important. So, if the Gulf states would help the Sunni lands being taken back by the Iraqi Security Forces, that would be—that—that's a—it would help the state of Iraq. As I mentioned earlier, it's a counterweight to what is clearly Iranian influence in Iraq. We think Iraq ought to be a multisectarian place, not an Iranian place or anything else.

Senator TILLIS. Your response lets me, maybe, further refine the question. What I—what I'm more concerned with, General, is—you, as a warfighter—is the level of capability—you know, the Saudis—we'll use the Saudis as an example, since I was there—they seem to have very good capabilities in the air, not really that good capabilities, by our standards, on the ground. So, to put them in a situation where they're partners with Iraq or to put them in a situation where, when we finally gain the momentum to try and eradicate ISIS from Syria, I'm wondering if their level of readiness is approaching anything that would make that possible with them as a key partner. In Iraq, for that matter.

General DUNFORD. Senator, I think each of our partners in the Gulf states have certain capabilities that could be employed to good effect in Syria, where they'd have the will to do that.

Senator TILLIS. I guess the final question is—in my time in Egypt, you know, I was aware of the presence of ISIS, or, as they prefer to call them, Daesh, in Sinai is growing in—kind of as a hub in that area. It seems to me a part of the mission that we have to conclude successfully in Syria is to make sure they are either captured or killed in Syria, and do not regroup and reformatify somewhere else. I assume that's a part of the strategy. Is there anything specifically you can talk about here?

Secretary CARTER. It is. Let me ask the Chairman to specifically talk about Sinai, because he's been working so intently upon that. But, I—your point is absolutely right about the Gulf states, in the sense that their capabilities to operate, particularly against asymmetric threats in the region, is an area where we think they could improve. We want to help them. That was one of the themes of the meeting the President had. I'm sorry, I knew that—now I under-

stand that's what you were getting at, and it's—that's absolutely right.

Let me ask the Chairman on the MFO or Sinai.

General DUNFORD. Senator, I agree with your assessment on ISIS in the Sinai. It is a critical note, and it has to be a part of our strategy, and is a part of our strategy. In fact, I just came back from a visit to Cairo over the weekend to talk to our Egyptian partners about improving our cooperation in dealing with ISIS, not only in the Sinai, but across North Africa.

Senator TILLIS. Thank you.

Mr. Chair, you weren't here when I started. I wanted to thank you for your leadership on the veterans bill. I had to step out for a press conference for veterans affairs, but—Chair is trying to take care of you all that are serving now and everybody that's served in the past. I thank you for your leadership.

Chairman MCCAIN [presiding]. Thank you, Senator Tillis.

Vice President Kaine.

[Laughter.]

Senator Kaine. The Vice President of your fan club.

[Laughter.]

Senator Kaine. I'm sure there's a lot of competition for that role.

[Laughter.]

Senator Kaine. Let me thank the witnesses for your testimony.

I also just want to compliment you on some tactical successes that you've described in the earlier testimony. The battlefield space of ISIL is shrinking, but it creates new challenges, because, as they feel that shrinking, they want to do other things that are more asymmetric in other cities around the world to maintain relevance. So, that's going to pose all kinds of challenges for us.

While I do applaud you for tactical successes, I'm going to just repeat a refrain with the announcement of the escalation of troop presence in Syria. I am deeply concerned about the legal basis for this war, both domestic and international legal basis.

On the domestic side, I am in a minority in this body, in Congress, in believing that the 2001 authorization does not provide a legal justification for this war. I think that there isn't a domestic legal justification unless and until we do an authorization for military force.

General Mattis, the former head of CENTCOM, spoke last Friday at the Center for Strategic and International Studies and was partially critical of Congress for not passing an authorization. He said, quote, "Worth more than ten battleships or five armored divisions is a sense of American political resolve." I just worry that we haven't sent that sense, and, on Congress's shoulders, we haven't sent that sense.

General Dunford, you testified, about a year ago, in the—as Commandant of the Marine Corps, for this committee, and I asked you about an authorization and what it might do. You said—and this is almost a direct quote—"What our men and women need, and it's virtually all that they need, is a sense that what they're doing has meaning, has value, and has the support of the American public." I don't think we've given them that. I don't think we've sent a message of political resolve as the political leadership, as the decision-makers contemplated in Article 1 of the Constitution. We've not

sent a message of resolve to our troops, we haven't sent them—that message to our allies, we haven't sent that message to our adversaries. So, I continue to believe that the domestic legal authorization for this war is highly problematic.

Want to turn my attention to a second legal issue, which I usually haven't talked about, and that—that there's got to be international legal basis for war, as well. If you are fighting a war on your own soil, and you're not invading anybody else's sovereignty, you don't need separate international legal justification for fighting that war. But, if you're into the sovereign space of another nation, there not only has to be a domestic legal justification, there's got to be an international legal justification.

Now, a common legal justification, one of the most common on the international side, is that you have been invited in by the sovereign nation that wants your help. United States action against ISIL in Iraq right now is at the invitation of the Iraqi Government, so there is clear international legal justification for all of our activities in Iraq, setting aside the domestic question.

I'm sorry to say this, but there is also international legal justification for Russian military activity in Syria, because Russia has been invited in by the sovereign Government of Syria. We may like it, or we may not. We may think it's a bad idea. But, in terms of the international legal justification for Russian activity in Syria, they've been invited in by a sovereign government.

Russia, through proxies, and even through their own forces, is carrying out military operations in Ukraine. That's a violation of international law. It's a clear violation of international law, because Ukraine has not invited them in. They are carrying out military operations in a sovereign nation without the support of that sovereign nation, contrary to the wishes of the sovereign nation.

But, what I struggle with is, How can we criticize the Russian incursion into Ukrainian sovereignty when we are carrying out now escalating military operations in Syria without the permission, and really even against the will, of the sovereign of that nation? I am correct, am I not, that Syria has not invited us to conduct military operations within the nation of Syria?

Secretary CARTER. You're correct. Just to address a couple of points that you've made. First of all, I want to hasten to say I'm no lawyer, but we do have lawyers. With respect to the AUMF, Authorization for the Use of Military Force, I agree with you. I testified in favor of there being such an AUMF for—importantly, because it would signify to the troops that the country's behind them. Now, I think they feel like they're behind them. The Chairman and I try to attest to that. Your visits to the region attest to that. So, I think they feel that, but that would have been another way of attesting to that.

I am told by the lawyers—and I believe this—that the legal basis for what we're doing exists in both domestic law and international law for everything we're doing. But, again, I'm not the expert on that, and couldn't explain to you the ins and outs of it.

I—you know, I also will say that the—if—there's a difference between what we're doing in Syria and what the Russians did in Ukraine. We're trying to fight real terrorists, we're not trying to de-

stabilize a stable situation. So, we're trying to return order and decency, not the other way around.

So, I don't know what a lawyer would say, but, as a—

Senator Kaine. Yeah.

Secretary Carter.—a commonsense answer—

Senator Kaine. Can I—

Secretary Carter.—is, there's a big difference.

Senator Kaine. Of course there is. I completely agree with you. I completely agree with you. But, if I had Russian witnesses on the stand, they would talk about why they're doing what they're doing in the Ukraine. I mean, I—and I'll just conclude with this, Mr. Chair. At the end of this administration, as a strong friend and supporter of this President and as a strong friend of everybody around this table, I think we've made a complete hash of the—and that's a diplomatic phrase—of the doctrines of war, both domestic and international. We are in—we are engaged in an incursion into the sovereign nation of Syria without their permission, against their will. We are trying to criticize Russia for engaging into an incursion into another nation against their will. We're asserting, as the difference, that we're doing something good and they're doing something bad. I agree that we're doing something good. I agree that they're doing something bad. But, that's not a limiting principle, because everybody's going to say what they're doing is good.

At the end of this administration, with the complicity of this Congress, I think we've basically come up with a war doctrine that says “wherever and whenever,” as long as the President feels that it's a good idea, without Congress even needing to do anything about it. The problem is, if that is the rule—and I think that's become the rule—that's a rule that I think will haunt us, domestically, under future Presidents and Congresses that I could see, and I also think it's a rule that can easily be seized by any other nation to, basically, justify all kinds of things that are horrible.

We're only 6 months before the end of the administration, an administration that promised, 3 years ago, March of 2013, that they would try to work with Congress to revise the 2001 authorization that is currently being used as a justification for actions, not only in Iraq and Syria, but Yemen and Africa and these—Arabian Peninsula. There has been virtually no work done to put any limiting principle on that, certainly not in any kind of a negotiation with Congress that I'm aware of.

We're going to, basically, be in a position where we've turned a 60-word authorization from 2001, with a lot of administrative gloss that wasn't even in the authorization, into an all-purpose whenever-whenever domestic justification.

Then we've taken common international principles of law and, basically, we've decided that, if our motives are okay, we can incur into the sovereignty of another nation because we're doing the right thing. But, then that takes away our ability to effectively criticize other nations that get into the sovereignty of other nations, as Russia is doing in the Ukraine.

So, Mr. Chair, this is not a subject that we're going to resolve today, but I just—as we reach these new milestones of escalation, I'm just going to keep putting on the record a deep concern about

the precedent that we're setting for this Nation, but also the example that we're setting for other nations.

Thank you.

Senator REED [presiding]. Thank you, Senator Kaine.

On behalf of Chairman McCain, let me recognize Senator Blumenthal.

Senator BLUMENTHAL. Thank you, Mr. Chairman.

I want to thank Senator Kaine for that very powerful and compelling summary of concerns that I share. I won't give my own version of them, because he stated them very well and you've been here for a long time. I thank you for being here so patiently and so informatively to this committee.

I noted, Mr. Secretary, that there was a note of pride in your voice when you said you were not a lawyer—

[Laughter.]

Senator BLUMENTHAL.—for which I forgive you.

Secretary CARTER. I only meant that I was a physicist.

[Laughter.]

Senator BLUMENTHAL. There are many days that I wish I were a physicist, and there's no way I could be.

So, thank you both for your service.

I want to explore an issue that I think is extremely important, the evolving military cooperation between Russia and Iran. It may have been mentioned here, but not in depth. There have been reports in recent weeks that have highlighted Russia's shipment of parts, the S-300 Air Defense System, I believe, to Iran. In addition, Russia and Iran are supposedly in talks over the Sukhoi fighter jet and possible shipment of that weapons platform. If these systems are delivered, clearly there has been a violation of U.N. Security Council 2231. I'm not an international lawyer, but seems pretty clear that would be a violation, which requires Security Council approval for the sale of any major combat systems to Iran for the next 5 years.

Supplying weapons to Iran is particularly dangerous because it's not done in a vacuum. Supplying weapons reflects a growing partnership that has far-reaching ramifications for Hezbollah, because that is Iran's terrorist proxy. It also benefits, at least indirectly, from Russian arms and military operational experience in Syria.

So, my question to both of you—may I begin with General Dunford—is, What are the implications for Israel if Iran continues to receive military equipment in Russia? What would the United States have to do to counter it?

General DUNFORD. Senator, thanks. I think clearly there are implications for Israel. I've visited, now, a couple of times, here, over the last few months, and the Israelis view the developments in Iran with great concern. That has a lot to do with our continued commitment to make—to ensuring that Israel maintains a qualitative military edge in the theater. The implications are that we will continue to work very closely with the Israelis to make sure that they have the capabilities and the capacities. As you know, they now talk about QME-2, meaning not just the capability, but also the capacity, to deal with threats in the region. I think our commitment to what the Israelis now call QME-2 is really the most appropriate response to the developments in Iran.

But, I do share your concern, and I know the Israelis do, as well.

Senator BLUMENTHAL. Secretary Carter, what can be done to stem the flow of arms in this way? Obviously, there are potential diplomatic steps. Are there also military steps that can be taken?

Secretary CARTER. First of all, let me associate myself, what the Chairman just said. But, there are both diplomatic and military steps. I don't mean military steps in the sense of attacking, but I mean in posture. The diplomatic ones, I can't speak to, but there is a body of U.N. Security Council resolutions. There's not just one, there are a number of them. I'm not an expert on that, but I know they do apply. They should constrain countries that are supplying Iran with dangerous arms because of Iran's other activities, in terms of supporting terrorism, in terms of ballistic missile threats, and so forth, for which they have been sanctioned and which are—and which sanctions were not a part of the Iran nuclear deal.

To the military provisions, I'd just say this. This is one of the reasons that I was in the Gulf, when the President asked me to go there before him last week, is to talk to our Gulf partners about fortifying themselves. Now, that wasn't a conversation with Israel, but I've had conversations with Israel, as well. Also, to strengthen their capabilities. We do that in missile defense, lots of other areas, committed to their qualitative military edge, as the Chairman indicated. Of course, they have broader concerns than Iran, but Iran is their principal concern.

That's the reason—one of the—we have our—a huge posture in the Middle East—military posture—United States military posture. Part of that is ISIL, but the other one is "I"—is the other "I"—ISIL, and then there's Iran. That's why we're there. To underscore deterrence, to support our friends and allies, especially including Israel, against Iranian aggression and malign influence. So, it's a—very important.

Senator BLUMENTHAL. I take it that this continuing flow of arms—and I would appreciate your views and commitment in this regard—will be taken into account in the negotiations on the memorandum of understanding that are ongoing right now as we speak.

Secretary CARTER. At—yes, those discussions are conducted by the White House, but, obviously, completely informed by the views of myself and the Chairman on the military dimensions of it. Extensive discussions that I have with my colleagues, including my good friend, the Defense Minister of Israel, Bogie Ya'alonin, and that the Chairman has with his counterpart there.

Senator BLUMENTHAL. Thank you.

Thanks, Mr. Chairman.

Senator REED. Thank you, Senator Blumenthal.

Gentlemen, on behalf of the Chairman, let me thank you for your testimony, for your service, and declare that the hearing is adjourned.

Thank you very much.

[Whereupon, at 12:13 p.m., the hearing was adjourned.]

[Questions for the record with answers supplied follow:]



## QUESTIONS SUBMITTED BY SENATOR KELLY AYOTTE

## U.S. NAVAL STATION GUANTANAMO

1. Senator AYOTTE. Do you agree with Admiral Tidd that we have a strategic interest in maintaining U.S. Naval Station Guantanamo regardless of detention operations?

General DUNFORD. Yes, I agree with Admiral Tidd on the importance of Naval Station Guantanamo.

2. Senator AYOTTE. Setting aside the detention center, how is U.S. Naval Station Guantanamo strategically and operationally valuable to the United States?

General DUNFORD. U.S. Naval Station Guantanamo is a strategically situated deep water port, an ideal location from which to service, stage and project forces especially for Humanitarian Assistance/Disaster Relief and counter-narcotics missions, and secure the air and maritime approaches to the U.S.

In accordance with E.O. 13276, U.S. Naval Station Guantanamo supports Department of Homeland Security (DHS) and Department of State (DOS) migrant interdiction operations by providing space and logistical support for migrant processing and operations in the event of a mass migration contingency; and by hosting a “steady-state” DHS/DOS migrant processing center.

## NEW SYRIA PLAN

Senator AYOTTE. The administration has announced a new plan to support, train, and equip counter-ISIS forces.

3. Why do you believe this approach will work when the last one failed?

Secretary CARTER. The Department of Defense (DOD) modified the Syria Train and Equip program based on lessons learned from the earlier version. This improved program focuses on supporting and enabling groups that are actively fighting the Islamic State of Iraq and the Levant (ISIL) by training key individuals to be force multipliers for those groups. Graduates of the modified training program will become DOD’s “eyes and ears” on the battlefield; they will improve the ability of their groups to coordinate airstrikes on ISIL positions and improve the Coalition’s intelligence and situational awareness on the ground in Syria. This new approach has already shown success in northern Syria, and we plan to build on it to accelerate the fight against ISIL in Syria.

4. Senator AYOTTE. What is DOD going to do to ensure weapons do not end up in the hands of those who oppose the United States?

Secretary CARTER. The Department of Defense (DOD) takes several steps to mitigate the risk of weapons falling into the wrong hands and being used by those who oppose the United States. The Department appropriately vets groups according to applicable standards, including those prescribed in section 1209 of the National Defense Authorization Act for Fiscal Year 2015. Vetted leaders are assessed for associations with terrorist groups or with Syrian or Iranian Government-aligned militias, in accordance with DOD procedures, and must provide a credible commitment to promote respect for human rights and the rule of law. DOD also provides weapons and equipment to vetted counter-Islamic State of Iraq and the Levant (ISIL) forces on an incremental basis based on the estimated requirement to achieve the operational objective. Use of the materiel provided is monitored by available means, including by U.S. personnel on the ground. Assistance can and will be curtailed in the event of misuse, including if the support is used for purposes other than counter-ISIL operations or if it is misdirected to terrorist organizations.

## IRAN BALLISTIC MISSILE THREAT

5. Senator AYOTTE. What is your assessment of Iran’s ballistic missile activities and the threat Tehran’s ballistic missiles pose to our forward deployed troops, our European allies, and regional allies like Israel?

Secretary CARTER. Iran’s ballistic missile activities pose a significant threat to the Joint Force and our regional allies and partners, particularly Israel. However, I believe that we are prepared to counter acts of Iranian aggression that threaten our national interests, allies, or partners in the region.

6. Senator AYOTTE. Do you believe Tehran is currently deterred or contained with respect to its ballistic missile activities?

General DUNFORD. I would not categorize the regime as being deterred or contained. Iran continues to regularly develop and test ballistic missiles. Regardless,

we maintain a military advantage over Tehran, and will continue to refine and revise our contingency plans to defend against Iranian aggression and coercive tactics in the region.

#### LESSONS LEARNED FROM LIBYA INTERVENTION

7. Senator AYOTTE. How would you describe the situation today in Libya with respect to ISIS and al Qaeda affiliates?

General DUNFORD. The continued existence of al-Qaeda in the Islamic Maghreb (AQIM) and the expansion of the Islamic State of Iraq and the Levant (ISIL) into Libya represent growing threats to the stability of the nascent Libyan Government as well as Western interests in Libya, Egypt, Tunisia, Algeria, Morocco, and the Sahel.

Intelligence community assessments estimate Islamic State in Libya (IS-Libya) numbers to be between 4,000–6,000 fighters, which represents the most significant ISIL branch outside of Iraq and Syria. IS-Libya has taken advantage of the poor security situation and a lack of military pressure to pursue its goals and maintain a stronghold in the central coastal city of Surt. If left unchecked, IS-Libya will likely expand its influence, pushing west and south while attempting to subsume existing VEOs, militias, and tribal groups. Several factions are willing and able to counter IS-Libya, but individually they lack the capacity to sustain pressure and are reluctant to weaken themselves against politically contentious rivals.

8. Senator AYOTTE. In terms of lessons learned for the future, what mistakes do you believe were made after the intervention in Libya that left room for ISIS to expand there?

General DUNFORD. Violent extremism thrives where there is a lack of governance. United States policy towards Libya aims to achieve two mutually reinforcing objectives: 1) to support the United Nations-backed Government of National Accord in Tripoli; and 2) degrade and ultimately defeat IS-Libya. Requests from Government of National Accord for military assistance are assessed by the Department of Defense in light of achieving those objectives.

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#### QUESTIONS SUBMITTED BY SENATOR JONI ERNST

##### SHIITE POPULAR MOBILIZATION FORCES

Senator ERNST. I remain concerned that the Iraqi Government is not taking adequate steps to become inclusive and foster a multi-sectarian Iraq. Two weeks ago, the State Department released its Country Report on Human Rights Practices for 2015. In this report, the State Department found that “Shiite Popular Mobilization Forces (PMF) in many cases operated independently and without oversight or direction from the government.” The State Department also found that “Shiite PMF and Iraqi Government security forces killed at least 56, but maybe up to 70, Sunni men near Muqadiyah, Iraq, in Diyala Province.”

9. Are you familiar with this incident?

Secretary CARTER. I am not familiar with this incident and refer you to the Department of State for additional information.

10. Senator ERNST. In relation to question one, could you describe the actions you took in addressing the incident with the Iraqi Government and the actions of the Iraqi Government in response to these alleged atrocities?

Secretary CARTER. Actions taken to address any allegations of atrocities would be done through diplomatic channels, and I refer you to the Department of State for additional information on how the incident was handled.

11. Senator ERNST. Has the Iraqi Government held any government official or Shiite PMF personnel accountable for the reported atrocities recounted in the State Department Country Report on Human Rights Practices for 2015 atrocities?

Secretary CARTER. Actions taken to address any allegations of atrocities would be done through diplomatic channels, and I refer you to the State Department for additional information on how the incident was handled.

12. Senator ERNST. Has the Iraqi Government held any government official or Shiite PMF personnel accountable for any reported atrocities?

Secretary CARTER. Actions taken to address any allegations of atrocities would be done through diplomatic channels, and I refer you to the State Department for additional information on how the incident was handled.

13. Senator ERNST. Do you agree with the State Department's assessment that Shiite PMF are able to operate independently and without Iraqi Government oversight?

Secretary CARTER. Yes, I do agree with the State Department's assessment. Although most of the Popular Mobilization Forces (PMF), including Iranian-backed Shiite militias, operate under the control of the Iraqi Government, some forces operate outside government control.

14. Senator ERNST. What role does the Department believe the Shiite Popular Mobilization Forces will play once ISIS is defeated?

Secretary CARTER. The long-term role of the Shiite Popular Mobilization Forces (PMF) has yet to be determined. Although there are some Iranian-backed militias within the PMF, others are patriotic Shiite who answered the call to duty in the summer of 2014 at the behest of Ayatollah Sistani, and may return to their civilian duties once the Islamic State of Iraq and the Levant (ISIL) is defeated.

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QUESTIONS SUBMITTED BY SENATOR MAZIE K. HIRONO

COUNTERING THE ISIL MEDIA CAMPAIGN

15. Senator HIRONO. One advantage ISIL has persisted in is its ability to recruit young men and women and influence actors around the world through its online media campaign. San Bernardino is a recent example. In your opinion, how can we counter this or overcome the effectiveness of ISIL's cyber presence? What is Cybercom doing to counter ISIL in this regard?

Secretary CARTER. I agree that the Islamic State of Iraq and the Levant's (ISIL) effective use of cyberspace as a recruitment mechanism has posed serious challenges, but the Department has implemented several programs to overcome ISIL's use of the internet and social media. U.S. Central Command is currently conducting a number of counter-propaganda and counter-recruitment military information support operations programs to dissuade vulnerable target audiences in Iraq, Syria, and other parts of the Middle East from joining ISIL or from providing ISIL with other material support. These operations are being conducted through media channels best suited to the target audiences, including online and social media. Cyber capabilities in support of Operation INHERENT RESOLVE also aim to ensure that commanders in the field have timely, robust cyber capabilities that they can utilize to support mission requirements most effectively.

METRICS

16. Senator HIRONO. Our war on terror and our efforts to combat ISIL continue to be one of our nation's top priorities. When reviewing our progress and how successful we are at dealing with ISIL, what metrics are being used?

General DUNFORD. [Deleted.]

