

~~SECRET//NOFORN~~



SPECIAL OPERATIONS /
LOW INTENSITY CONFLICT

ASSISTANT SECRETARY OF DEFENSE
2500 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2500

JUL 23 2014

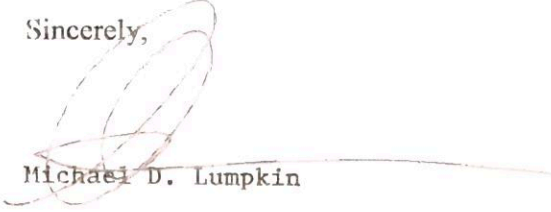
The Honorable Carl Levin
Chairman
Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

(J) The Joint Explanatory Statement to accompany the National Defense Authorization Act for Fiscal Year 2014 requests that the Secretary of Defense provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on "definitions and the processes to determine if an entity is an affiliate, associated force and/or an adherent of al Qaeda or the Taliban; and an assessment of the groups or entities that the Department considers to be affiliates or adherents of al Qaeda." The enclosed report, together with the report previously submitted in response to Section 1043 of the National Defense Authorization Act for Fiscal Year 2014, responds to that information request contained in the Joint Explanatory Statement. The enclosed report also updates and supplements a similar communication from then-Assistant Secretary of Defense for Special Operations and Low Intensity Conflict Michael Sheehan to the Senate Armed Services Committee in June 2013.

(J) My staff is available to provide additional information or briefings. A similar letter is being sent to the other congressional defense committees.

Sincerely,


Michael D. Lumpkin

Enclosure:
As stated

cc:
The Honorable James M. Inhofe
Ranking Member

Derived from: Multiple Sources
Declassify on: 16 Jul 2024



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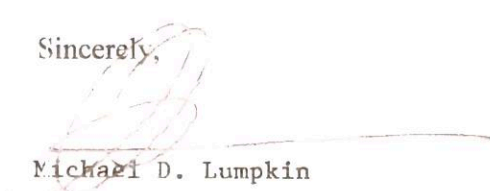
The Honorable Richard J. Durbin
Chairman
Subcommittee on Defense
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

(U) The Joint Explanatory Statement to accompany the National Defense Authorization Act for Fiscal Year 2014 requests that the Secretary of Defense provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on "definitions and the processes to determine if an entity is an affiliate, associated force and/or an adherent of al Qaeda or the Taliban; and an assessment of the groups or entities that the Department considers to be affiliates or adherents of al Qaeda." The enclosed report, together with the report previously submitted in response to Section 1043 of the National Defense Authorization Act for Fiscal Year 2014, responds to that information request contained in the Joint Explanatory Statement. The enclosed report also updates and supplements a similar communication from then-Assistant Secretary of Defense for Special Operations and Low Intensity Conflict Michael Sheehan to the Senate Armed Services Committee in June 2013.

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Sincerely,


Michael D. Lumpkin

Enclosure:
As stated

cc:
The Honorable Thad Cochran
Ranking Member

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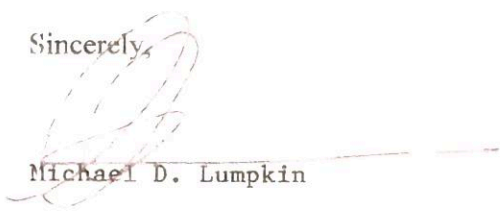
The Honorable Howard P. "Buck" McKeon
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

(U) The Joint Explanatory Statement to accompany the National Defense Authorization Act for Fiscal Year 2014 requests that the Secretary of Defense provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on "definition; and the processes to determine if an entity is an affiliate, associated force and/or an adherent of al Qaeda or the Taliban; and an assessment of the groups or entities that the Department considers to be affiliates or adherents of al Qaeda." The enclosed report, together with the report previously submitted in response to Section 1043 of the National Defense Authorization Act for Fiscal Year 2014, responds to that information request contained in the Joint Explanatory Statement. The enclosed report also updates and supplements a similar communication from then-Assistant Secretary of Defense for Special Operations and Low Intensity Conflict Michael Sheehan to the Senate Armed Services Committee in June 2013.

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Sincerely,


Michael D. Lumpkin

Enclosure:
As stated

cc:
The Honorable Adam Smith
Ranking Member

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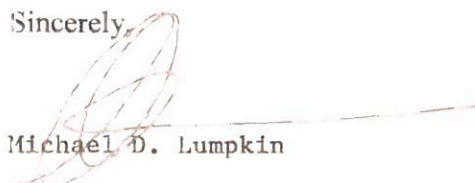
The Honorable Rodney Frelinghuysen
Chairman
Subcommittee on Defense
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

(J) The Joint Explanatory Statement to accompany the National Defense Authorization Act for Fiscal Year 2014 requests that the Secretary of Defense provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on "definitions and the processes to determine if an entity is an affiliate, associated force and/or an adherent of al Qaeda or the Taliban; and an assessment of the groups or entities that the Department considers to be affiliates or adherents of al Qaeda." The enclosed report, together with the report previously submitted in response to Section 1043 of the National Defense Authorization Act for Fiscal Year 2014, responds to that information request contained in the Joint Explanatory Statement. The enclosed report also updates and supplements a similar communication from then-Assistant Secretary of Defense for Special Operations and Low Intensity Conflict Michael Sheehan to the Senate Armed Services Committee in June 2013.

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Sincerely,


Michael D. Lumpkin

Enclosure:
As stated

cc:
The Honorable Peter J. Visclosky
Ranking Member

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(U) Report on Associated Forces
July 2014

(U) **Background.** The Joint Explanatory Statement to accompany the National Defense Authorization Act for Fiscal Year 2014 requests that the Secretary of Defense provide to the Committees on Armed Services of the Senate and the House of Representatives a briefing on “definitions and the process to determine if an entity is an affiliate, associated force and/or an adherent of al Qaeda or the Taliban; and an assessment of the groups or entities that the Department considers to be affiliates or adherents of al Qaeda.” The Joint Explanatory Statement requests that the same information be provided to the Committee on Foreign Relations of the Senate and Committee on Foreign Affairs of the House of Representatives. This report responds to that information request contained in the Joint Explanatory Statement.

(U) Additionally, this report updates and supplements a similar communication from then-Assistant Secretary of Defense for Special Operations and Low Intensity Conflict Michael Sheehan to the Senate Armed Services Committee in June 2013.

(S) Summary. (b) (1)

[REDACTED]

[REDACTED] Pursuant to Presidential policy guidance, the use of military

¹ (S//NF) Definition of “Associated Force.” An associated force is a group that (1) is an organized, armed group that has entered the fight alongside al-Qa’ida and (2) is a co-belligerent with al-Qa’ida in hostilities against the United States or its coalition partners. The legal conclusion that a group is an associated force against whom military force may be used is distinct from the intelligence assessment that a group is “affiliated” with al-Qa’ida.

(b) (1)

[REDACTED] (The definition of an “associated force” is public; the definition of an “affiliate” for purposes of intelligence analysis is classified.)

² (U) The fact that AQAP is considered part of al-Qa’ida, or at least an associated force of al-Qa’ida, is public.

(S) (b) (1)

[REDACTED]

Derived From: Multiple Sources
Declassify On: July 16, 2024

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force against terrorist targets outside areas of active hostilities involves target-by-target analysis of legal and policy considerations.

(U) Al-Qa'ida, the Taliban, and Associated Forces

- ~~(S)~~ Core al-Qa'ida, the Taliban, and Other Groups Fighting in Afghanistan. In Afghanistan, the U.S. Armed Forces conduct operations pursuant to the 2001 AUMF against al-Qa'ida, the Taliban, and other terrorist and insurgent groups, notably including the Haqqani Network, that are engaged alongside al-Qa'ida and the Taliban in hostilities against the United States or its coalition partners. ~~(b) (1)~~

- (U) Al-Qa'ida in the Arabian Peninsula. In Yemen, the U.S. military conducts direct action targeting members of al-Qa'ida in the Arabian Peninsula (AQAP), which is an organized armed group that is part of, or at the very least an associated force of, al-Qa'ida.

(U) Other al-Qa'ida Affiliates

- ~~(S)~~

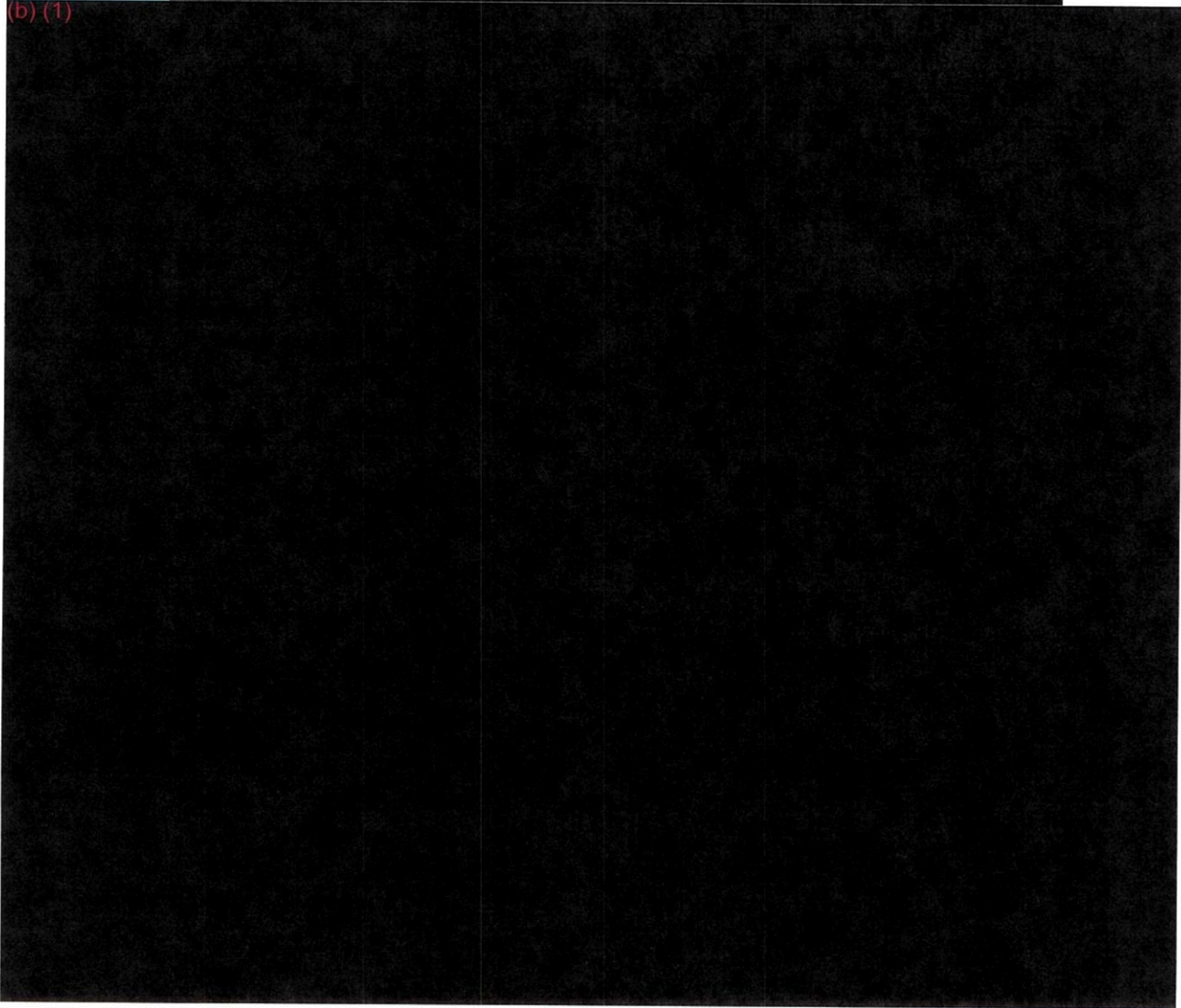
~~(b) (1)~~

- (U) In October 2013 U.S. forces captured Abu Anas al-Libi in Libya; al-Libi was assessed to be part of al-Qa'ida.

(U) Other Notable Terrorist Groups

- ~~(S//NF)~~ [REDACTED]

(b) (1)



(U) Further Review and Alternative Legal Authorities

(U) The fact that a terrorist group has not been determined to be an “associated force” of al-Qa'ida for purposes of the AUMF does not mean that the United States has made a final determination that the group is not an “associated force.” The Administration is prepared to review this question whenever a situation arises in which it may be necessary to take U.S. military direct action against an organized terrorist group.

(U) Additionally, the AUMF is not the only authority under which the President may use force in order to keep the United States and its people safe. The President has authority under the U.S. Constitution, for example, to use military force as needed to defend the nation against armed attacks and imminent threats of armed attack. Thus, the President has the authority to respond with military force to future terrorist attacks or threats thereof, should it become necessary to do so. There also exists legal authority separate from the AUMF to arrest and bring to justice individual terrorists based on probable cause to believe that they have committed certain crimes under U.S. law. In addition, the United States works closely with partner nations in addressing the threat posed by terrorist groups.

(S) Lastly, it is important to note that the May 22, 2013, Presidential Policy Guidance on *Procedures for Approving Direct Action against Terrorist Targets Located Outside the United States and Areas of Active Hostilities* establishes a heightened policy standard for lethal force in counterterrorism operations outside the United States and areas of active hostilities. [REDACTED]

[REDACTED]