

Exhibit 1



HOME > MEDIA > PRESS RELEASES > PRESS RELEASE VIEW

U.S. Central Command statement on Yemen raid

Release No: 17-049 Feb. 1, 2017

February 1, 2017

Release Number 20170201-01

FOR IMMEDIATE RELEASE

A team designated by the operational task force commander has concluded regrettably that civilian non-combatants were likely killed in the midst of a firefight during a raid in Yemen Jan. 29. Casualties may include children.

The ongoing credibility assessment seeks to determine if there were any still-undetected civilian casualties in the ferocious firefight that also claimed the life of Navy Seal Team Chief Special Warfare Operator William “Ryan” Owens and wounded three other U.S. service members.

The known possible civilian casualties appear to have been potentially caught up in aerial gunfire that was called in to assist U.S. forces in contact against a determined enemy that included armed women firing from prepared fighting positions, and U.S. special operations members receiving fire from all sides to include houses and other buildings.

This complex situation included small arms fire, hand grenades and close air support fire. Analysts are carefully assessing whether additional non-combatant civilians that were not visible to the assault force at the time were mixed in with combatants.

The raid resulted in the seizure of materials and information that is yielding

[Skip to main content \(Press Enter\)](#)

valuable intelligence to help partner nations deter and prevent future terror

attacks in Yemen and across the world.

“Al-Qa’ida in the Arabian Peninsula has a horrifying history of hiding women and children within militant operating areas and terrorist camps, and continuously shows a callous disregard for innocent lives,” said Col. John J. Thomas, U.S. Central Command spokesman.

“That’s what makes cases like these so especially tragic.”

USCENTCOM

Exhibit 2



PRESS BRIEFINGS

Press Briefing by Press Secretary Sean Spicer

Issued on: February 2, 2017



James S. Brady Press Briefing Room

12:32 P.M. EST

MR. SPICER: Good afternoon. Happy Groundhog Day. We've got six more weeks of winter, apparently. Luckily, for those of you who are going to be joining the President down to Florida this weekend, you'll get some time to get a glimpse of summer at the "Winter White House" in Mar-a-Lago.

The President is going to start his meeting at 1:00 sharp. You probably just saw the b-roll of folks from Harley rolling on in, literally. So I'm going to try to keep this a little quick.

The President signed a proclamation yesterday ushering in Black History Month. He looks forward to an engaging and informative month of events honoring the enormous contributions that African Americans have made throughout our history.

Last night, the President was honored to host the swearing-in of the next Secretary of State, Rex Tillerson, in the Oval Office. As the President said last night, Secretary Tillerson is a man who's already respected all over the world for the tremendous life that he's led, and now will bring his years of experience to the critical task of making our nation safer, more prosperous, and more secure.

It's time to bring a clear-eyed focus to our foreign affairs, and now with Secretary Tillerson at the helm of the State Department, we'll do just that. We'll strengthen our alliances, form new ones, and enhance America's interests throughout the world.

Speaking of the President's excellent nominees, praise is pouring in from around the country for his pick for Supreme Court. The Detroit News said Judge Gorsuch is a "legal superstar"; "an outstanding choice," says the New Hampshire Union Leader. The Richmond Times-Dispatch says the "initial reaction" was "to cheer." The South Florida Sun Sentinel touted his "excellent qualifications."

Yesterday, Judge Gorsuch had his first round of meetings on the Hill. Unfortunately, Senate offices aren't in the habit of releasing editorials, but from everything we heard, the Judge knocked it out of the park on the Senate as well. The President looks forward to a fair and speedy confirmation process for this exceedingly qualified nominee and jurist.

In my last briefing, I read out a list of the senators Judge Gorsuch met with. In addition to the meeting with Majority Leader McConnell, Majority Whip Cornyn, Judiciary Chairman Grassley, and Senators Hatch and Gardner, the Judge also met with Democratic Senator Joe Manchin of West Virginia. Recently, Senator Manchin expressed his belief that Judge Gorsuch could win enough Democrats to hit 60 votes. I'll agree with the Senator there on that one. I mean, we have to have a few Trump-state Democrats who want to win re-election.

But, as I pointed out yesterday, this so-called 60 vote "standard" is simply not accurate. Democrats are grasping at straws to block the confirmation of an unquestionably qualified nominee. I'll repeat, neither of the two Supreme Court justices that President Obama put forward were subject to the 60-vote threshold. So although I agree with Senator Manchin that Judge Gorsuch will probably get enough Democrats to get to 60, it's just simply not ever been a requirement.

Now, on to the events of today. The President started his day by attending the National Prayer Breakfast. It's a tradition that continued over six decades, going back to President Eisenhower. The President thanked the American people for their faith and prayers that have sustained and inspired him, noting that the five words that he has heard more than any others as he's traveled throughout the country are, "I'm praying for you."

He spoke at length about the ISIS genocide against Christians and the oppression of peace-loving Muslims, as well as the threats of extermination against the Jewish people, and made it clear that he believes the United States has a moral obligation to speak out against such violence.

He encouraged Americans to remain a tolerant society where all faiths are respected and where all of our citizens can feel safe and secure. With that goal in mind, the President remarked that he's taken action to ensure that the United States will not allow a beachhead of intolerance to spread throughout our nation. In the coming days, we will develop a system to help ensure that those admitted into our country fully embrace our values of religious and personal liberty and reject any form of oppression or discrimination.

The President also committed to get rid of the Johnson Amendment and allowing our representatives of faith to speak freely and without retribution.

In a particularly poignant moment during his remarks, the President recalled yesterday his visit to Dover Air Force Base to join the family of Chief Ryan Owens as America's fallen hero was returned home. After honoring Chief Owens for giving his life in defense of the American people, the President quoted John 15:13: "Greater love hath no man than this: that a man lay down his life for his friends."

After returning to the White House this morning, the President held a legislative affairs staff meeting in the Oval Office with his team. The team continues to work closely with Congress to enact the President's agenda. With the nomination of Judge Gorsuch to the Supreme Court, extensive outreach is underway on Capitol Hill and we look forward to the Judge receiving a swift and fair hearing.

Between his meetings, the President was pleased to see that EPA Administrator-designee Pruitt was voted out of the Senate Environment and Public Works Committee. As has unfortunately become the practice, Democrats again boycotted the hearing, requiring a suspension of the rules in order to advance his nomination.

Following the strategy session, the President met with Senators Hatch, Wyden and Congressmen Brady and Neal. This meeting was an opportunity for the President to meet with the chairmen and ranking members of the Senate Finance Committee and House Ways and Means Committee to help chart the future of U.S. trade policy. The President has put together an all-star trade team that will

work closely with the U.S. Trade Representative and the committees led by these members to craft new trade deals.

The President has expressed his concern time and again with NAFTA, which he believes is an out-of-date agreement. The ultimate goal is to ensure the best and fairest treatment of U.S. workers and businesses, and the President believes that those interests are best secured by bilateral, rather than multilateral trade deals. He looks forward to working closely with the USTR and Congress when it comes to issues of trade.

For those of you who weren't outside and just saw the Harleys roll up, it's no surprise that this afternoon the President will host a meeting and listening session with Harley-Davidson executives and union representatives. For a list of those individuals, please contact our office.

Harley-Davidson has been an American success story since 1901, when William S. Harley, at age 21, completed the blueprint drawing of an engine designed to fit into a bicycle. In 1903, Harley-Davidson began building motorcycles in the United States. And today, the company has approximately 6,000 employees and \$6 billion in annual revenue. The company's global headquarters is located in Milwaukee, Wisconsin — which may have had something to do with them getting in so quickly. And there's a certain staffer.

Today, the President will welcome to the White House the latest generation of Harley-Davidson executives to discuss how to make it easier for businesses to create more jobs and factories in the United States. Beyond the company executives, representatives from the machinists and steel workers unions were also be in attendance.

Their motorcycles have carried our American servicemembers in war. They carry our police officers that keep us safe. They carry the Secret Service as they protect our presidents. And they bring joy to millions of Americans and throughout the world — and others throughout the world, rather. The President is looking forward to hosting these leaders from one of America's truly great entrepreneurial success stories. The American worker built this country, and the President is focused on restoring a government that puts their interests first.

A few administrative notes. The National Security Advisor, Mike Flynn, today announced additions to the NSC senior staff. David Cattler will be a Deputy Assistant to the President for Regional Affairs.

John Eisenberg, Deputy Assistant to the President, NSC Legal Advisor, and Department [Deputy]

Counsel to the President for National Security Affairs. Kevin Harrington, Deputy Assistant to the President for Strategic Planning. And Kenneth Juster, Deputy Assistant to the President for International Economic Affairs.

Lastly, we had a great reaction to our Skype introduction seats yesterday. I know we've had a tremendous amount of requests pouring in from around the country. Please contact the press office if you know of any that has an interest in joining us in the future.

In terms of the schedule for tomorrow, the President will host a Strategic and Policy Forum. Then, in the afternoon, the President will have lunch with General Flynn before departing down to Mar-a-Lago later in the day.

With that, I'll take some questions.

Katie Pavlich.

Q Hi, Sean. Thanks for the question. Today, President Trump talked about Christian genocide at the National Prayer Breakfast, and last year the Obama State Department officially declared a genocide by ISIS against Christians and other minority and religious groups in the Middle East and North Africa. Now that Rex Tillerson has been sworn in as the Secretary, what specifically is the administration planning to do to comply with the legal obligations of protecting these groups under the U.N. 1948 Treaty?

MR. SPICER: That's a great question. I think Secretary Tillerson is learning his way around the building so far this morning. He gave a great speech talking about his vision and goal for the State Department. I think there will be further guidance coming out on that, Katie. Right now, his job is to get in, get settled, talk to the employees, make sure they understood.

But back to the issue, obviously it's important to President. It was during — throughout the campaign. It's something that he addressed this morning, and is something that he is committed to. He talked about it in terms of the executive orders, and allowing Christian minorities in key countries seek asylum in the United States. He recognizes that, in so many nations, these are the oppressed groups in accordance with how the U.N. defines refugees. So I think you'll see further guidance with that.

Jennifer.

Q Thanks, Sean. I have two questions, actually. Today, the President renewed his promise to protect religious liberty, which he says is under threat. Some Americans see religious liberty as code for discrimination. Can you kind of give us a sense of how the President views this tension?

MR. SPICER: It's an interesting question, because I do — you know, this is something that comes up quite a bit. I think there is a line. We have freedom of religion in this country, and I think people should be able to practice their religion, express their religion, express areas of their faith without reprisal. And I think that pendulum sometimes swings the other way in the name of political correctness.

And I think the President and the Vice President both understand that one of the things that makes our country and this democracy so great is our ability to express our religion, to believe in faith, to express it, and to live by it. And that's where I think the important part is — whether it's a small business owner or employee, he wants to have some degree of expression of faith at the company. And too often those voices get pushed out in the name of political correctness.

So he's going to continue to make sure that we not only speak up for it, but find ways in which we can keep that line a little less blurred and make sure that the pendulum doesn't swing against people. We shouldn't impose a religion on anybody. We're free to express our religion or be — you know, not have one. That's obviously, in our country, an equally valid way of living your life. But at the same time, I think people who want to express their faith shouldn't be ostracized because they want to live that.

Major.

Q If you could give us an example, if you could, of the pendulum swinging in the direction of political correctness. And how is that going to inform the President with this executive order? And as you may know, a draft is circulating around town and many have wondered if that is going to be a way to either silence those on the left or be a threat to the LGBTQ community. Talk us through both of those.

MR. SPICER: Well, I think if you look back to the Little Sisters case, if you look back to other businesses that were, under Obamacare —

Q Would you put Hobby Lobby in that category?

MR. SPICER: I would, yeah. Absolutely. I think there's several businesses and several institutions — Catholic institutions and others — that have been mandated or attempted to mandate certain things that they may or may not do or how they have to treat their employees. Those are instances where clearly the pendulum is swinging a different way, where you are not carving out institutions or the ability for privately held businesses to conduct themselves to live according to their faith or their moral compass.

And so there's clearly a lot of evidence in the last couple years of the government coming in with regulations and policies that have, frankly, denied people the ability to live according to their faith.

Q From the President's point of view, that's discriminatory in itself.

MR. SPICER: Well, I think there's — like I said, I think it's a pendulum. And where the President is, is that he wants to make sure that you don't penalize someone for wanting to express their faith, and that to the extent that we can keep that line a little less blurred and allow people who don't believe in a faith or have an opposing faith, make sure that they are equally comfortable in the workplace. But we shouldn't penalize people or mandate them to abide by certain policies or regulations which are in direct contradiction to their faith.

Q And what about the executive order, Sean?

MR. SPICER: There's right now no executive orders that are official or able to read out. We maintain that there's nothing new on that front.

Q (Inaudible) drafted along —

MR. SPICER: It's not a question of — there are a lot of ideas that are being floated out — I mentioned this the last couple days. But that doesn't mean — part of it is, as the President does all the time, he asks for input, he asks for ideas, and on a variety of subjects there are staffing procedures that go on where people have a thought or an idea and it goes through the process. But until the President makes up his mind and gives feedback and decides that that's final, there's nothing to announce.

Q Thank you. In light of the tragedy that happened in Quebec City last week, which Prime Minister Trudeau is actually calling an act of terrorism, what is the President doing, what initiatives is he taking to make sure that that kind of homegrown — because he was a Canadian citizen — homegrown terrorism, homegrown violence doesn't happen within our country?

MR. SPICER: Well, there's a lot of things. Number one, he's talked cyber — I mean, he's looking at it from every angle. I think the first thing is to make sure that we look at our borders. You've got to protect your own people first, then you've got to look at the cyber threats. I mean, so there is a holistic approach to both immigration and there's a direct nexus between immigration and national security and personal security that he has to look at.

But then it's a multi-tiered step. You look at the borders, you look at who we're letting in, and you also look at what we're doing internally with our intelligence agencies and the FBI that make sure that we're looking at — whether it's the cyber threats that we face or other terrorist activities — but making sure that we're working with the NSA and the FBI to be ahead of the curve, if you will.

Q If I may, these are homegrown — Oklahoma City was an American kid.

MR. SPICER: Sure.

Q Okay. That's all. That's what I'm asking.

MR. SPICER: That's what I'm saying. But I think that, part of it is, looking at using the assets that we have here — the NSA, the FBI — looking at using the different agencies to see if we can get ahead of the curve and see things. And a lot of times, that's been a very big issue, is getting ahead of the curve for when there are telltale signs, having the reporting systems up, working with the various agencies. But it's a multi-effort process, if you will.

Kristen.

Q Sean, thank you. Why is the administration easing sanctions against Russia?

MR. SPICER: We're not easing sanctions. The Treasury Department — it is, from what I understand, it's a fairly common practice for the Treasury Department, after sanctions are put in place, to go back and to look at whether or not there needs to be specific carve-outs for either industries or

products and services that need to be going back and forth. But I would refer you back to the Treasury Department on that one.

Q Hold on, Sean. The language on the Treasury Department website suggests that you are, in fact, easing sanctions that authorizes certain transactions with the Federal Security Service. Does that not suggest a shift from what was put in place —

MR. SPICER: No, it doesn't.

Q So explain —

MR. SPICER: It is, from what I understand, a regular course of action. The Treasury does, quite often, when there are sanction imposed, but I would refer you back to the Treasury Department.

Q Thank you. Could I ask you to describe the tone of the call on the weekend between the Australian Prime Minister and the President, and also outline the President's concerns about the refugee deal in question? And I asked you this earlier this week, but could you clarify whether the deal is on or not? Because the President tweeted last night "I will study this dumb deal," implying that he's still considering it.

MR. SPICER: Right. The President had a very cordial conversation with Prime Minister Turnbull, where they went through an extensive discussion of this deal. The President is unbelievably disappointed in the previous administration's deal that was made and how poorly it was crafted, and the threat to national security it put the United States on.

He has tremendous respect for the Prime Minister and for the Australian people, and has agreed to continue to review that deal and to ensure that as part of the deal, which was always part of it, that we would go through a very, very extreme vetting process to ensure that every single person that is being offered up is coming here with peaceful intentions and poses no threat to the United States.

So he has ensured that while he has respect for the Australian people and respect for Prime Minister Turnbull, that we do not pose a threat to the United States of America, that the deal that was cut by the last administration is something that he is extremely, extremely upset with. He does not like it, but out of respect for him, he's going to allow that process — continue to study it and

allow it to move forward under the conditions that have been set — that there will be extreme vetting on every single one of those individuals.

Q Just for clarity, the deal itself is still under review, so it's not certain to proceed? Or it will proceed as —

MR. SPICER: Part of the deal was that — the deal allows for the United States to vet the individuals that are being offered up to be processed. The President's goal is to make sure that every single one of those people, in accordance with the deal and as discussed in the telephone conversation with the Prime Minister, is subject to extreme vetting to ensure that no one puts it. But I cannot underscore how disappointed he was in the deal that was made and how he thought it was just a horrible deal that was offered up by the United States by the previous administration.

Sarah.

Q The President and his national security advisor have been clear the administration wants to put Iran "on notice," but they haven't specified what that is. What options are on the table? And are there any options, like military action, that might be off the table at this point?

MR. SPICER: So I think General Flynn was really clear yesterday that Iran has violated the Joint Resolution, that Iran's additional hostile actions that it took against our Navy vessel are ones that we are very clear are not going to sit by and take.

I think that we will have further updates for you on those additional actions, but clearly we wanted to make sure that Iran understood that they are on notice, this is not going un-responded to.

John.

Q Thank you very much, Sean.

Q It was a Saudi vessel.

MR. SPICER: Thank you. Yes.

Q They thought it was an American, but it's a Saudi vessel.

MR. SPICER: Right, that's right. John.

Q Thank you, Sean. On January 27th, at the Republican retreat in Philadelphia, Vice President Pence had a closed-door meeting with House Republicans where several of them brought up the case of IRS Commissioner John Koskinen. There was an attempt to impeach him last year, which some of the leadership in the House felt was unfair to the commissioner, and they urged him to tell the President that given his entire record, he should fire him or ask for his resignation soon. My sources said the Vice President said "I can hear you." Is there any pending action on the fate of Commissioner Koskinen?

MR. SPICER: I have nothing to update you on.

Hallie.

Q On Yemen, it was initially described, the raid over the weekend, as a successful raid by the administration. There are now some questions and comments raised about the possibility of additional civilian casualties. So I've got a couple of questions for you on this one. Would you still stand by your characterization of the raid as "successful"? Was the President given multiple options about this raid, or just one? And were there consultations with the prior administration's national security officials, military officials about the raid moving forward?

MR. SPICER: Thank you. Actually, I'd like to just walk through that. I appreciate you bringing this up.

There is — let's go through the tick-tock on that raid. On November 7th, CENTCOM submitted the plan to DOD. Clearly, that was under the last administration. Legal teams were involved immediately when it was submitted to DOD. On December 19th, the plan was approved by the Department of Defense and recommended that it be moved ahead. It was sent then to the National Security Council staff here in the White House. Again, this all happened under the previous administration.

On January 6th, there was an interagency deputies meeting. The deputies recommended at that time that they go ahead. It was so easily approved it was sent straight up. The conclusion to hold

was, at that time, to hold for what they called a “moonless night,” which, by calendar, wouldn’t occur until then-President-elect Trump was President Trump.

On January 24th, shortly after taking office, Secretary of Defense-then Mattis read the memo, resent it back up to the White House conveying his support. On the 25th of January, the President was briefed by General Flynn on Secretary Mattis’s recommendation and the status of the operation, or potential operation.

The President asked to see Secretary Mattis and Joint Chiefs of Staff Dunford. He then, on that evening, had a dinner meeting, which included the President, the Vice President, Secretary Mattis, Chairman Dunford, Chief of Staff Priebus, Jared Kushner, Chief Strategist Bannon, General Kellogg, General Flynn, and CIA Director Pompeo where the operation was laid out in great extent. The indication at that time was to go ahead on Friday the 26th.

In the morning, the deputies committee met again. It was not a necessary step because they had previously recommended and also reaffirmed their support for that. On January 26th, the President signed the memo authorizing the action.

So it was a very — not only was it a very, very thought-out process by this administration, it had started back on November 7th in terms of — clearly well before that, but it was a move forward by CENTCOM on November 7th. This was a very, very well thought-out and executed effort.

Q Where was the President the night of the raid? How did he learn about Chief Owens’s death? And do you still stand by your characterization that it was successful?

MR. SPICER: The President was here in the residence. He was kept in touch with his national security staff. Secretary Mattis and others had kept him updated on both the raid and the death of Chief Owens, as well as the four other individuals that were injured. So he was kept apprised of the situation throughout the evening.

And again, I think — I would go back to what I said yesterday: It’s hard to ever call something a complete success when you have the loss of life, or people injured. But I think when you look at the totality of what was gained to prevent the future loss of life here in America and against our people and our institutions, and probably throughout the world in terms of what some of these individuals could have done, I think it is a successful operation by all standards.

And again, I want to reiterate, it is tough to ever use the word “success” when you know that somebody has lost their life. But when you go back and look at an individual that dedicated their life to serving this country, and went over and over and over again knowing that this not only the risk that he took but wanted to do it because he knew the threat that these kind of individuals pose to our country and to our people, that’s — while not a success that you lost to him, you know that he died in sacrifice for someone else here in this nation.

Hunter Walker.

Q Thank you, Sean. I’ve seen some criticism of the President’s remarks at the prayer breakfast this morning. Can you shed any light on why he thought that was a good venue to mock “The Apprentice” for its ratings?

MR. SPICER: Look, Mark Burnett, the creator of “The Apprentice,” who is a long-time supporter of the prayer breakfast but also has a personal relationship, was there. He meant it as a light-hearted moment. And I think if you look at the totality of his remarks, they were absolutely beautiful. And I think to hone in on that, it was a light-hearted moment he was trying to have with a big supporter of the National Prayer Breakfast and a personal friend.

Guys, I’ll be out tomorrow. I want to make sure we all get to see the President now. Thank you, guys.

END

12:57 P.M. EST

Exhibit 3



HOME > MEDIA > NEWS ARTICLES > NEWS ARTICLE VIEW

U.S. Raid in Yemen Garner Intelligence

By Terri Moon Cronk

WASHINGTON, Jan. 30, 2017 — The U.S. military raid on the militant Islamist group al-Qaida in the Arabian Peninsula compound in Yemen Jan. 28 that killed a U.S. service member and injured three others yielded valuable intelligence, Pentagon spokesman Navy Capt. Jeff Davis told reporters today.



Service members from the Air Force, Army and Marine Corps participate in sustainment training at Grand Bara, Djibouti, Jan. 5, 2017. During the exercise, Air Force joint terminal attack controllers, along with soldiers from the 101st Infantry Battalion and Marines from the 11th Marine Expeditionary Unit conducted training utilizing MV-22 Osprey and F-16 Fighting Falcon aircraft. During a raid against the terrorist group al-Qaida in the Arabian Peninsula, Jan. 28, 2017, in Yemen, an Osprey hard-landed, injuring three service members and killing one. Air Force photo Tech. Sgt. Joshua J. Garcia

Material captured from the site will help the United States “gain a deeper insight into the group’s planning to help prevent terrorist attacks against innocent civilians in the United States and our coalition-partner nations,” he said.

Similar site exploitation operations in Afghanistan, Syria and Iraq have produced information about terrorist planner logistics, recruiting and financing efforts, Davis noted.

“Until now, we’ve had limited access to terror sites on the ground to gain intelligence from [al-Qaida in the Arabian Peninsula],” he said.

Raid Conducted for Intel Gathering

[Skip to main content \(Press Enter\)](#)

This operation was specifically to enable us to gather the information we

needed to be able to map out this group better, and to prevent future foreign terrorist attacks,” the captain said, noting that al-Qaida in the Arabian Peninsula has a number of links to very specific, United States and Western-focused attacks.

The three service members’ injuries occurred when an Osprey MV-22 tilt-rotor aircraft made a hard landing during the operation, Davis said, adding that the inoperable Osprey was subsequently destroyed in place by a U.S. airstrike.

Casualties Being Assessed

The raid on the compound, in a remote area of al-Bayda, Yemen, reportedly also killed 14 of the organization’s operatives, he said.

The casualties in Yemen are being assessed, including al-Qaida in the Arabian Peninsula’s use of numerous female fighters, some of whom were among those killed in the raid, Davis said.

“The [female fighters] ran to pre-established positions as if they’d trained to be ready and trained to be combatants and engage with us. So, some of the enemy killed in combat are in fact female,” he said.

Aggressive Actions Against Terrorists

The operation had been planned for months, and was one in a series of aggressive actions against al-Qaida in the Arabian Peninsula in Yemen, he said.

Coalition forces drove the organization out of Yemen’s al-Mukalla province last year, which the terrorist group controlled at the time, Davis noted, adding they then moved down the Yemen coast to parts of Aden and inland.

“The AQAP presence right now is largely coastal with some inland presence,” he noted.

“AQAP is a foreign terrorist organization designated as such,” Davis said. “It continues to target U.S. and allied interests in Yemen as well as around the world.”

Scroll down content (Press Enter).

The United States is interested in al-Qaida in the Arabian Peninsula following their proven history of engaging in external operations, he said.

Davis said the terrorist events that the group has claimed responsibility for or been linked to include the attempt to mail explosives to U.S. addresses in 2010; orchestrating complex attacks against Yemen's ministry of defense in 2013; and most recently, the targeted and financed attack and massacre on the French newspaper Charlie Hebdo in January 2015.

The group also is connected to attacks on the United States that include the 2013 Boston Marathon bombing, and the attempted underwear bombing aboard Northwest Flight 253 on Christmas in 2009.

"The United States and our partner nations remain committed to eradicating the threats posed by violent extremism and destroying militant safe havens," Davis emphasized. "We will take measures to combat terrorism, ensuring the safety and security of the U.S. citizens and those targeted by terrorists."

(Follow Terri Moon Cronk on Twitter: @MoonCronkDoD)

 al-Qaida  Centcom  Yemen

Exhibit 4

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(d)

Sir, I will stand by for feedback and guidance as this moves forward.

Very Respectfully,

Craig

From: Votel, Joseph L GEN MIL USA USCENTCOM CCCC (b)(6)
 Sent: Thursday, January 26, 2017 10:53 AM
 To: Faller, Craig RADM SD <(b)(6).mil>; Dunford, Joseph F Jr Gen USMC JS (US)
 (b)(6).mil>
 Cc: Whelan, Theresa M SES OSD OUSD POLICY (US) (b)(6).mil>; Handelman,
 Kenneth B SES OSD OUSD POLICY (US) (b)(6).mil>; Selva, Paul J Gen USAF
 JS OCJCS (US) (b)(6).mil>; Mayville, William C Jr LTG USARMY JS ODJS (US)
 (b)(6).mil>; Dolan, John L Lt Gen USAF JS J3 (US)
 (b)(6).mil>; Marrs, James R Maj Gen USAF JS J2 (US)
 (b)(6).mil>; McKenzie, Kenneth F Jr LtGen USMC JS J5 (US)
 (b)(6).mil>; Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC
 (b)(6).mil>; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS
 (b)(6).mil>; Stearney, Scott A RADM MIL USN USCENTCOM CCJ3
 (b)(6).mil>; Miller, Austin Scott LTG USARMY SOCOM JSOC (US)
 (b)(6).mil>; Thomas, (b)(6).mil>
 (b)(6).mil>

Subject: (S) SHABWAH Bi-Lateral Raid

Classification: ~~SECRET~~

Mr Secretary and Chairman,

Thanks for the quick work on securing authorities for our Shabwah CONOP.

(b)(1),Sec. 1.4(a)

(b)(1), Sec. 1.4(a)

I will ensure that my PAO is reaching out to yours to ensure proper coverage.

We will keep you informed on execution of this first raid and then give you a heads-up as we prepare to execute other portions of this CONOP in support of the UAE-led coalition that is orchestrating these operations in Shabwah.

Vr,

Votel

Joseph L. Votel

General, US Army

Commander, US Central Command

HQ, USCENTCOM

7115 South Boundary Blvd

MacDill AFB, FL 33621-5101

(b)(6)

(b)(6)

17-L-0705/JS/039

Exhibit 5

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

HEARING TO
RECEIVE TESTIMONY ON
UNITED STATES CENTRAL COMMAND AND UNITED
STATES AFRICA COMMAND

Thursday, March 9, 2017

Washington, D.C.

ALDERSON COURT REPORTING
1155 CONNECTICUT AVENUE, N.W.
SUITE 200
WASHINGTON, D.C. 20036
(202) 289-2260
www.aldersonreporting.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HEARING TO RECEIVE TESTIMONY ON
UNITED STATES CENTRAL COMMAND AND
UNITED STATES AFRICA COMMAND

Thursday, March 9, 2017

U.S. Senate
Committee on Armed Services
Washington, D.C.

The committee met, pursuant to notice, at 9:29 a.m. in Room SH-216, Hart Senate Office Building, Hon. John McCain, chairman of the committee, presiding.

Committee Members Present: Senators McCain [presiding], Inhofe, Wicker, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Perdue, Graham, Sasse, Strange, Reed, Nelson, McCaskill, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, Heinrich, Warren, and Peters.

1 OPENING STATEMENT OF HON. JOHN McCAIN, U.S. SENATOR
2 FROM ARIZONA

3 Chairman McCain: Good morning.

4 The Senate Armed Services Committee meets this morning
5 to receive testimony on the posture of U.S. Central Command
6 and Africa Command.

7 We are pleased to welcome our witnesses: General Votel
8 and General Waldhauser. We thank each of you for your
9 decades of distinguished service and for your leadership of
10 our men and women in uniform.

11 More than a decade and a half since the September 11th
12 terrorist attacks, our Nation is still at war with
13 terrorists that seek to attack our homeland, our interests,
14 our allies, and our partners. In this fight, our military
15 service members are doing everything we ask of them from
16 North Africa to the Middle East to South Asia. Thanks to
17 their tremendous talent and dedication, we have made
18 important tactical and operational progress.

19 Our military has gradually eroded ISIS's territorial
20 control and removed key personnel from the battlefield.
21 ISIS has been expelled from its Libyan stronghold in Sirte,
22 and I am confident that soon the same will be true in Mosul
23 and Raqqa. Our military has kept up the pressure on
24 terrorists operating in countries like Yemen and Somalia.
25 And in Afghanistan, we have kept Al Qaeda on the run and

1 helped our Afghan hold the line against renewed Taliban
2 assaults.

3 But much to the frustration of the American people,
4 this hard-won tactical progress has not led to enduring
5 strategic gains. In fact, the sad reality is America's
6 strategic position in the Middle East is weaker today than
7 it was 8 years ago. And the positions of Vladimir Putin's
8 Russia and the Iranian regime and its terrorist proxies have
9 improved. This is not a military failure. Instead, it is a
10 failure of strategy, a failure of policy, and most of all, a
11 failure of leadership.

12 The fact is for at least the last 8 years, we have tried
13 to isolate the fight against terrorism from its geopolitical
14 context. Or as General Mattis put it 2 years ago, we have
15 been living in a "strategy-free environment" for quite some
16 time. The result is that we have failed to address and, at
17 times, exacerbated the underlying conflict, the struggles
18 for power and sectarian identity now raging across the
19 Middle East. We have been unable or unwilling to either ask
20 or answer basic questions about American policy in the
21 region. We have been reluctant to act, and when compelled
22 to do so, we have pursued only the most limited and
23 incremental actions.

24 We are fighting ISIS in Syria but ignoring the Syrian
25 civil war that was its genesis and fuels it to this day. We

1 are fighting ISIS in Iraq but failing to address the growing
2 influence of Iran. We are fighting Al Qaeda in Afghanistan
3 but pretending the Taliban is no longer our problem. We are
4 fighting Al Qaeda in the Arabian Peninsula in Yemen but
5 refraining from confronting the threat posed by Iran's
6 Houthi proxies. In short, we are treating the symptoms and
7 ignoring the disease, and we should not be surprised at the
8 results: a Middle East aflame, America's influence
9 squandered, America's adversaries emboldened, America's
10 friends disheartened, and America's policy options narrowed
11 and worsened.

12 This is the unfortunate inheritance of the new
13 administration. Yet as difficult and complex as our
14 challenges are in the Middle East, we have an opportunity to
15 chart a new and different course. Seizing this opportunity
16 will require more than just a plan for the accelerated
17 defeat of ISIS. We have to raise our sights, look beyond
18 the tactical and operational fight, and start answering some
19 basic but difficult strategic questions. What enduring
20 objectives do we hope to achieve across the Middle East?
21 How will we achieve those goals, and on what timeline, and
22 at what cost?

23 In Iraq, Mosul will be retaken eventually, but that
24 will only likely reignite the battle for the future of Iraq,
25 a battle in which we have an important stake. What is

1 America's policy and strategy to deal with the problems that
2 lie ahead: combating the malign influence of Iran and its
3 militias, addressing the future of the Kurds and their place
4 in Iraq, and attenuating the disenfranchisement of Sunni
5 Iraqis that gave rise to ISIS in the first place?

6 Likewise in Syria, I believe Raqqa will eventually be
7 liberated. But the closer we come to that day, the more it
8 becomes clear that we cannot avoid difficult questions about
9 Syria any longer. What is America's policy and strategy
10 concerning a political transition in Syria, the future of
11 Assad and his regime, the fate of the Kurds in Syria, and
12 the influence of extremist forces from Sunni terrorists to
13 Iranian-backed militias? In short, what is America's vision
14 of an end-state in Syria?

15 In Libya, the ISIS stronghold in Sirte has been
16 degraded. But what remains is a divided nation littered
17 with independent militias, flooded with arms, and searching
18 in vain for legitimate governance and political unity. What
19 is America's policy and strategy for addressing these
20 conditions, which unless confronted will make Libya fertile
21 ground for extremism and anti-Western terrorism?

22 In Afghanistan, we have settled for a strategy of
23 "don't lose." And the result is that last month, General
24 Nicholson testified before this committee that this war is
25 now in a stalemate after 15 years of fighting. After 15

1 years of fighting, we are in a stalemate. What is America's
2 policy and strategy for rolling back a resurgent Taliban,
3 for addressing the terrorist sanctuaries within Pakistan's
4 borders, and pushing back against Iranian and Russian
5 meddling? In short, what does victory look like in
6 Afghanistan, and what is our strategy for achieving it?

7 Across the region, Russian and Iranian influence is
8 growing at America's expense. Russia and Iran even hosted
9 Syrian peace talks in Moscow last year without America
10 present at the table.

11 Russia's cruise missiles crisscross the region while
12 its aircraft indiscriminately target Syrian civilians.
13 Iran's proxies wield lethal rockets and ballistic missiles
14 with impunity, sensing that the nuclear deal shields them
15 from American pressure. What is America's policy and
16 strategy to counter Russian and Iranian malign influence
17 that often manifests itself below the threshold of open
18 conflict? How do we restore the trust of our regional
19 allies and partners and convince them to forego hedging
20 strategies that only add to uncertainty and instability?

21 These are the major policy and strategy questions
22 hanging in the balance. The stakes are high, not just for
23 the stability of the Middle East and Africa, but for
24 America's national security. It is not the job of our
25 witnesses to provide answers to these questions. That is

1 the job of the President, his administration, and the
2 Congress. We owe our witnesses and the men and women they
3 lead unambiguous national security priorities, clarity in
4 our strategic thinking, and an unwavering commitment to
5 provide them the resources required to support the necessary
6 courses of action.

7 Once again, I want to thank our witnesses for appearing
8 before the committee today and look forward to hearing how
9 the military efforts will help us achieve favorable
10 strategic outcomes.

11 Senator Reed?

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATEMENT OF HON. JACK REED, U.S. SENATOR FROM RHODE
2 ISLAND

3 Senator Reed: Well, thank you, Mr. Chairman, and thank
4 you to our witnesses not only for your appearing here today
5 but for your extraordinary service to the Nation over many,
6 many years. And also please relay our thanks to the men and
7 women that you lead, and we appreciate their efforts
8 extraordinarily so.

9 You are in a situation of very challenging times in all
10 of the areas of operation. This hearing is especially
11 timely, given unfolding events on the ground in Iraq and
12 Syria and the reported completion of a proposed strategy to
13 accelerate efforts against ISIS. Our assistance to partners
14 on the ground is helping them to make steady progress in
15 reclaiming areas of Iraq and Syria once held by ISIS, most
16 notably in Mosul.

17 However, the situation in Syria seems to get more
18 complicated by the day as different actors on the ground
19 pursue divergent goals. Russia's continued support for the
20 Assad regime fuels the country's civil war, enables the
21 abuse and killing of the Syrian population, and allows ISIS
22 to exploit the resulting instability for its own gains.
23 Chairman of the Joint Chiefs of Staff General Dunford met
24 with his Russian and Turkish counterparts just this week to
25 discuss deconflicting operations in Syria, a battlespace

1 that has become increasingly complicated as U.S., Turkish,
2 Russian, Iranian, Assad regime, and local partner forces
3 converge in northern Syria. And, General Votel, we look
4 forward to your update on these particular issues.

5 According to public reports, the Defense Department has
6 presented the White House with a draft strategy to
7 accelerate progress against ISIS. While details of the
8 strategy have not been publicly released, reports indicate
9 that it retains many of the core elements of the strategy
10 put in place under the Obama administration. General
11 Dunford has described the strategy as a "political-military
12 plan" and a "whole of government approach" requiring
13 important contributions from other non-DOD departments and
14 agencies, most notably the State Department.

15 This is why it is so concerning to me that the Trump
16 administration's budget would apparently cut the State
17 Department by a reported 37 percent at the very time that we
18 need a surge of diplomatic and other assistance efforts to
19 achieve the political conditions necessary to ultimately
20 prevail in our fight against ISIS. As then General and now
21 Secretary of Defense Mattis warned this committee, "if you
22 don't fund the State Department fully, then I need to buy
23 more ammunition." We just cannot keep buying bullets as the
24 Trump administration is proposing.

25 General Waldhauser, the importance of a robust

1 interagency is perhaps of even greater importance in your
2 area of responsibility, where you are primarily working by,
3 with, and through partner military forces in conjunction
4 with U.S. interagency efforts. General, as you share your
5 assessment of current and future AFRICOM efforts in places
6 like Libya and Somalia, I look forward to hearing the ways
7 you are incorporating a whole of government approach into
8 your planning. Such incorporation is particularly important
9 in places like these where conflict resolution will
10 ultimately rely less on the military toolkit and more on
11 generating the proper political conditions to sustain and
12 build upon security gains.

13 Turning back the CENTCOM AOR, over the last few years,
14 there has been a persistent focus on Iran's nuclear program
15 and appropriately so. We passed the 1-year anniversary of
16 the implementation of the Joint Comprehensive Plan of
17 Action, or JCPOA, in January, and Iran appears to be living
18 up to its commitments under this agreement. However, the
19 JCPOA only addresses one facet of the challenge posed by
20 Iran. Its destabilizing activities in the region, ballistic
21 missile development efforts, and unprofessional and
22 dangerous behavior in the maritime environment continue.

23 Sanctions related to Iran's nuclear program were
24 successful because of the extraordinary unity within the
25 international community. We must approach the remaining

1 challenges in a similar way if we are to be successful in
2 changing Iran's behavior. Any new sanctions must be
3 carefully applied in concert with our international partners
4 so that we do not give Iran a pretext to withdraw from the
5 JCPOA and risk reversing the progress that has been made on
6 limiting their nuclear ambitions.

7 Last month, as the chairman indicated, General Mick
8 Nicholson, Commander of Resolute Support and U.S. Forces-
9 Afghanistan, testified that despite significant security
10 gains and political efforts, Afghanistan is currently facing
11 a stalemate. Further complicating the security landscape
12 are the range of external actors, including Iran, Russia,
13 and Pakistan, who seem intent upon interfering with the
14 stability in Afghanistan. It was General Nicholson's
15 assessments that increased troop levels for the NATO train,
16 advise, and assist mission, as well as the continued growth
17 in the size and capability of the Afghan Air Force, would be
18 necessary to break the stalemate.

19 General Votel, the committee would benefit from hearing
20 your assessment of the current situation in Afghanistan and
21 what can be done to protect the hard-won progress that has
22 been achieved and ensure that further progress is made.

23 Again, thank you both for your continued service to the
24 Nation, and I look forward to your testimony.

25 Chairman McCain: I welcome the witnesses. And your

1 written statements will be made part of the record. We will
2 begin with you, General Votel. And welcome and thanks for
3 the service that you both render to our Nation.

4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATEMENT OF GENERAL JOSEPH L. VOTEL, USA, COMMANDER,
2 U.S. CENTRAL COMMAND

3 General Votel: Chairman McCain, Ranking Member Reed,
4 distinguished members of the committee, good morning, and
5 thank you for the opportunity to be here today to discuss
6 the current posture and state of readiness of the United
7 States Central Command.

8 I am very pleased to appear today with my good friend
9 and highly respected brother in arms, General Tom
10 Waldhauser.

11 I come before you today on behalf of the outstanding
12 men and women of the command, military, civilians, and
13 contractors, along with our coalition partners representing
14 nearly 60 nations. Our people are the very best in the
15 world at what they do, and I could not be more proud of them
16 and their families. Without question, they are the strength
17 of our Central Command team.

18 I have been in command of CENTCOM for about a year now.
19 It has been an incredibly busy and productive period. Over
20 the past 12 months, we have dealt with a number of
21 significant challenges in Iraq and Syria, Afghanistan,
22 Pakistan, Yemen, Egypt in the Sinai, the Bab al Mandeb
23 Strait, and elsewhere throughout our area of responsibility.
24 We are making progress in many areas, but as you know, there
25 is much work that remains.

1 We are also dealing with a range of malign activities
2 perpetrated by Iran and its proxies operating in the region.
3 It is my view that Iran poses the greatest long-term threat
4 to stability for this part of the world.

5 Generally speaking, the central region remains a highly
6 complex area, widely characterized by pervasive instability
7 and conflict. The fragile security environments, which
8 reflect a variety of contributing factors, including
9 heightened ethno-sectarian tensions, economic uncertainty,
10 weak or corrupt governance, civil wars, and humanitarian
11 crises are exploited by violent extremist organizations and
12 terrorist groups such as Al Qaeda and ISIS. These groups
13 have clearly indicated their desire and intent to attack the
14 U.S. homeland, our interests abroad, and the interests of
15 our partners and allies.

16 At the same time, the central region is increasingly
17 crowded with external nation states such as Russia and
18 China, and they are pursuing their own interests and
19 attempting to shift alliances.

20 The point that I would emphasize to you is this, that
21 while there may be other more strategic or consequential
22 threats in regions in the world today, the central region
23 has come to represent the nexus for many of the security
24 challenges our Nation faces. And most importantly, the
25 threats in region continue to pose the most direct threat to

1 the U.S. homeland and the global economy. Thus, it must
2 remain a priority and be resourced and supported
3 accordingly.

4 The team at U.S. Central Command remains appropriately
5 focused on doing what is necessary to protect our national
6 interests and those of our partners. Our strategic approach
7 is straightforward: prepare, pursue, and prevail. And I
8 will explain what I mean by that.

9 We prepare the environment to ensure an effective
10 posture. We actively pursue opportunities to strengthen
11 relationships and support our interests, and when we do put
12 our forces into action, we prevail in our assigned missions.

13 I would also point out to you that today to the credit
14 and professionalism of our armed forces and coalition
15 partners, we are executing campaigns in the central region
16 with significantly fewer U.S. forces on the ground than in
17 previous years. As you have seen clearly demonstrated in
18 Iraq and Syria, Afghanistan, Yemen, and elsewhere throughout
19 our area of responsibility, we have adopted a by, with, and
20 through approach that places a heavy reliance on indigenous
21 forces. While this approach does present some challenges
22 and can be more time-consuming, it is proving effective and
23 is likely to pay significant dividends going forward.
24 Indigenous force partners continue to build needed
25 capability and capacity and they are personally invested in

1 the conduct of operations and thus inclined to do what is
2 necessary to preserve the gains they have achieved going
3 forward.

4 We also have a vested interest in ensuring increased
5 stability and security in this strategically important
6 central region. To this end, I will close by highlighting
7 three areas where I do believe, if we apply the appropriate
8 amount of energy and effort, we can and will have a lasting
9 impact in this part of the world.

10 First, we must restore trust with our partners in the
11 region while at the same time maintaining the strong trust
12 of our leadership here in Washington. The fact is we cannot
13 surge trust in times of crisis, and we must do what is
14 necessary now to assure our partners of our commitment and
15 our staying power.

16 Second, we must link our military objectives and
17 campaigns as closely as possible to our policy objectives
18 and our other instruments of national power. In other
19 words, we must rely on our military objectives and our soft
20 power capability with desired national and regional
21 strategic end states, recognizing that if we do not do this,
22 we risk creating space for our adversaries to achieve their
23 strategic aims.

24 Finally, we must make sure that we are postured for
25 purpose in the region. We must have credible, ready, and

1 present force, coupled with foreign military sales and
2 foreign military financing programs that serve to build and
3 shape partner nations' capability in a timely and effective
4 fashion.

5 Ours is a challenging and important mission. Much is
6 at stake today in the central region. We recognize this
7 fact, and I assure you that the CENTCOM team stands ready
8 and willing to do what is necessary to protect our national
9 interests and the interests of our allies and partners.

10 Let me close by thanking the committee for the strong
11 support that you continue to provide to the world-class team
12 at United States Central Command and particularly to our
13 forces located forward in the region. As I said at the
14 outset, the 80,000-plus soldiers, sailors, airmen, marines,
15 coast guardsmen, and civilians that make up the command are
16 truly the very best in the world at what they do, and I
17 could not be more proud of them and their families. I know
18 that you are proud of them as well.

19 Thank you again, and I look forward to answering your
20 questions.

21 [The prepared statement of General Votel follows:]

22

23

24

25

1 Chairman McCain: Thank you.

2 General Waldhauser?

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 STATEMENT OF GENERAL THOMAS D. WALDHAUSER, USMC,
2 COMMANDER, U.S. AFRICA COMMAND

3 General Waldhauser: Thank you, Mr. Chairman. Chairman
4 McCain, Ranking Member Reed, and distinguished members of
5 the committee, thank you for the opportunity to update you
6 on the activities and efforts of United States Africa
7 Command.

8 I would like to also say it is an honor for me to sit
9 next to my battle buddy here, General Votel.

10 For the past 9 months, I have been honored to lead the
11 men and women of this geographic combatant command. Africa
12 is an enduring interest for the United States. Small, but
13 wise investments in the capability, legitimacy and
14 accountability of African defense institutions offer
15 disproportionate benefits to America, our allies, the United
16 States, and most importantly, enable African solutions to
17 African problems.

18 Parts of Africa remain a battleground between
19 ideologies, interests, and values. Equality, prosperity,
20 and peace are often pitted against extremism, oppression,
21 and conflict.

22 Today trans-regional violent extremist organizations on
23 the continent constitute the most direct security threat to
24 the United States. To address this threat, our military
25 strategy articulates a long-term, regionally focused

1 approach for a safe and stable Africa.

2 Specifically, the strategy outlines an Africa in which
3 regional organizations and states are willing and capable
4 partners addressing African security challenges all while
5 promoting United States' interests. The Africa Command
6 strategy builds our partners' abilities to direct, manage,
7 and operate capable and sustainable defense institutions.
8 While we have achieved progress in implementing our
9 strategy, threats and challenges still remain.

10 In East Africa, we support African Union and European
11 Union efforts to neutralize al Shabaab and other violent
12 extremist organizations operating in Somalia. And we also
13 support the eventual transfer of security responsibilities
14 from the African Union mission in Somalia to the Somali
15 National Security Forces.

16 In 2016, al Shabaab regained some previously held
17 Somalia territory, and today the group continues to conduct
18 attacks on AMISOM forces, the national security forces of
19 Somalia, as well as the federal government of Somalia.

20 Additionally, we have also seen elements of ISIS begin
21 to make inroads into Somalia, which will further test AMISOM
22 forces and the federal government of Somalia as well.

23 The instability in Libya in North Africa caused by
24 years of political infighting may be the most significant
25 near-term threat to the U.S.'s and allies' interests on the

1 continent. Stability in Libya is a long-term proposition.
2 We must maintain pressure on the ISIS-Libya network and
3 concurrently support Libya's efforts to reestablish a
4 legitimate and unified government. This is a significant
5 challenge, and we must carefully choose where and with whom
6 we work and support in order to counter ISIS-Libya and not
7 to shift the balance between various factions and risks of
8 sparking greater conflict in Libya.

9 In West Africa, our primary focus is countering and
10 degrading Boko Haram and ISIS-West Africa. Since 2011, Boko
11 Haram has consistently carried out attacks against civilians
12 and targeted partner regional governments and military
13 forces in the Lake Chad Basin region. With forces from
14 Benin, Cameroon, Chad, Niger, and Nigeria, we are working
15 with the multinational joint task force located in Niger to
16 enable regional cooperation and expand partner capacity to
17 ensure Boko Haram and ISIS-West Africa do not further
18 destabilize the region.

19 The multinational joint task force has been successful
20 in enabling multinational cooperation and coordinating
21 multinational operations and placed a significant pressure
22 on Boko Haram and ISIS-West Africa.

23 In Central Africa, through the combined efforts of
24 military forces, civilian agencies, and nongovernmental
25 organizations, we work to build the capacity of our partners

1 to address regional threats, such as maritime security,
2 illicit trafficking of goods and persons, the Lord's
3 Resistance Army, and other criminal networks and
4 enterprises.

5 Africa-wide we support the efforts to enable African
6 partners to respond to humanitarian crises, mass atrocities,
7 disaster contingencies, and to support peace operations.
8 Through the United States National Guard's State Partnership
9 Program, along with their African partners, we have improved
10 disaster management competency and readiness to assist
11 civilian-led efforts. We continue to see great value in the
12 National Guard's persistent engagement and fully support the
13 State Partnership Program's efforts.

14 Africa's security environment is dynamic and complex
15 requiring innovative solutions. Even with limited resources
16 or capabilities, Africa Command aggressively works with
17 partners and allies to execute our missions and mitigate
18 risk. Moving forward, we continue to focus our decisive
19 effort on building African partner capacity and will
20 continue to work closely with the international and
21 interagency partners to make small, wise investments which
22 pay huge dividends in building stable and effective
23 governments, the foundation for long-term security in
24 Africa.

25 I am confident with your support Africa Command will

1 protect and promote United States' interests and keep the
2 United States safe from threats emanating from the African
3 continent

4 And finally, on behalf of the United States Africa
5 Command, I want to thank you for the opportunity to be with
6 you this morning, and I also look forward to your questions.
7 Thank you.

8 [The prepared statement of General Waldhauser follows:]

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Chairman McCain: Thank you, General.

2 General Votel, do you agree that we are in a stalemate
3 in Afghanistan after 15 years?

4 General Votel: Mr. Chairman, I do.

5 Chairman McCain: And in some measurements, maybe you
6 could argue that when we go from control of 72 percent of
7 the country to 52 percent, that is worse than a stalemate.

8 Would you agree that one of the most disturbing things
9 about the attack on the hospital yesterday -- that attack
10 was carried out by ISIS, not by the Taliban, which shows at
11 least to this person that we are seeing an increase in
12 influence of ISIS, as well as Russia providing weapons and
13 the Iranians playing a greater role than in the past.

14 I guess my question is, are we developing a strategy to
15 break the stalemate, and is it going to require additional
16 U.S. troops?

17 General Votel: Mr. Chairman, the answer to your
18 question is yes, we are developing a strategy, and we are in
19 discussions with the Secretary and the Department right now.
20 Both General Nicholson and I are forming our best advice and
21 recommendations to the Secretary, and we look forward to
22 moving forward with that.

23 I do believe it will involve additional forces to
24 ensure that we can make the advise and assist mission more
25 effective.

1 Chairman McCain: Already you have received a
2 capability on rules of engagement which enhance your
3 abilities to combat the enemy. Is that correct?

4 General Votel: That is correct.

5 Chairman McCain: We have got a very interesting and
6 challenging situation in Syria, and that is the whole issue
7 of the Kurds, our relationship with them, Erdogan's
8 relationship with them, the importance of the use of
9 Insurlik, the importance of our relationship with Turkey.
10 And I met with President Erdogan in Ankara recently. He is
11 passionately opposed to Kurdish involvement and our support
12 of the Kurds that I understand are going to be a very vital
13 element in expediting the retaking of Raqqa.

14 This is a complex situation, and it would take all my
15 time, as you know, to go through all this. But I think
16 there is a possibility of an impending conflict between
17 Turkey and the Kurds as opposed to us all working together
18 to try to defeat ISIS and remove them from Raqqa. Do you
19 see that as a scenario that we should be concerned about?

20 General Votel: I do, Mr. Chairman, and to that end, we
21 are trying to take actions to prevent that from occurring.

22 Chairman McCain: Well, we find ourselves in kind of a
23 strange situation that we and the Russians are allied
24 against the Turks, as far as the Kurds are concerned. Is
25 that a correct assessment?

1 General Votel: I would not necessarily say that we are
2 aligned against the Turks. We certainly understand what
3 their interests are and we understand their concerns about
4 the partners that we are working with. Turkey is a vital
5 partner in this effort here. We could not do what we are
6 doing without them. So our efforts are to try to work
7 through this tension through dialogue, through information,
8 and through identifying alternatives that give us a way to
9 move forward against ISIS without damaging the long-term
10 relationship with a NATO partner.

11 Chairman McCain: Well, as you know, we are working
12 with the Kurds and arming and training them, and they are a
13 very effective fighting force, the same Kurds that Erdogan
14 has labeled as a terrorist organization and, in the view of
15 some, a greater threat to Turkey than ISIS is.

16 Who is going to sort all this out?

17 General Votel: Well, I think there certainly has to be
18 an effort, Mr. Chairman, at the military level, and there
19 has to be an effort at the political level to address this.

20 Chairman McCain: I am not sure there is an
21 understanding of how seriously Erdogan views this issue, and
22 I am not sure we appreciate the importance of the role that
23 Turkey plays in our effort to retake Raqqa particularly in
24 the use of Insurlik and other activities that require
25 Turkish cooperation. Unless something changes, I foresee a

1 train wreck here, and I am not sure that the administration
2 recognizes how seriously particularly President Erdogan
3 views the threat that he views that the Kurds oppose.

4 Finally, General Waldhauser, let us talk about Libya a
5 second. Who is the most powerful influence in Libya today?
6 And briefly, what is the answer to this chaos?

7 General Waldhauser: Thank you, Senator.

8 It is difficult to say who is the most powerful partner
9 right now inside Libya. If you took polls, you would see
10 that the Libyan National Army has got great support in the
11 east and the GNA has support in the west. So there needs to
12 be accommodation of those two organizations in order to get
13 to a political solution there.

14 Chairman McCain: Does it bother you that Haftar has
15 been visiting with the Russians and went out to a Russian
16 carrier? Obviously, now the Russians may be assuming a role
17 in Libya that they never had before.

18 General Waldhauser: It is very concerning, Senator.
19 Haftar has visited, as you said, on the carrier with the
20 Russians. He has also visited in the country of Russia.
21 Also this week, as reported in the open press, Siraj from
22 the Government of National Accord has also visited Russia.

23 Chairman McCain: As is the case with Afghanistan that
24 I mentioned, I hope we will be developing a strategy as
25 regards to Libya as the volatility of that situation can

1 clearly lead to the rise of ISIS and other extremist
2 organizations, as I know you are well aware, General.

3 Senator Reed?

4 Senator Reed: Thank you very much, Mr. Chairman.

5 General Votel, you are now in the process of evaluating
6 the mission and the strategy. For many years, the mission
7 seemed to be very clear with respect to Syria and to Iraq of
8 degrade and defeat ISIS. Now there are activities
9 particularly around Manbij where you are in the process of
10 trying to separate forces. The issue here really is not
11 only define the mission, but preventing mission creep in
12 terms of starting to find ourselves committed not just to
13 destroying ISIS but to somehow refereeing a very complicated
14 situation with Russians, Assad forces, anti-Assad forces,
15 Turkish forces, Kurdish forces, and an array of other forces
16 that you can allude to.

17 How are you going to prevent that mission creep, or is
18 there that possibility?

19 General Votel: Well, thank you, Senator. Yes, I do
20 agree. If we are not careful, we could find ourselves in a
21 different situation. The presence of our forces in Manbij
22 is not new to just the current situation. They have
23 actually been on the ground since Manbij was secured here 6
24 or 7 months ago. And they are principally there to ensure
25 that ISIS is not able to reestablish itself in the area.

1 And we have undertaken a number of operations in that
2 particular regard.

3 As the situation is currently played out, that is the
4 principal focus of our elements there. They do have the
5 benefit by virtue of being there to also provide overwatch
6 and, I would add, a measure of assurance not just for our
7 local partners on the ground there, but I would also suggest
8 for our Turkish partners. We understand what their concerns
9 are about undue Kurdish influence in this particular area.
10 So the best way that we can keep an eye on that I think is
11 through our well trained SOF forces on the ground.

12 Senator Reed: One of the areas I touched upon in my
13 comments was the interagency. And, General Waldhauser, can
14 you accomplish your mission in AFRICOM if you do not have
15 rather robust support by the State Department and other
16 agencies, including our European allies?

17 General Waldhauser: The short answer, Senator, is no,
18 we cannot. We work very closely with various agencies,
19 USAID, the State Department, and the like. I could give
20 numerous examples if you would like of how we partner with
21 them and how they contribute to development, which is so
22 important in our mission.

23 Senator Reed: Thank you.

24 And, General Votel, likewise?

25 General Votel: I absolutely agree.

1 Senator Reed: As we go forward in terms of the new
2 strategy that the President is asking for, one point he made
3 was requesting a recommendation to change any U.S. rules of
4 engagement and other U.S. policy restrictions that exceed
5 the requirements of an international war. My sense is that
6 the requirements and the authorities that the military has
7 asked for is, one, they can do the job, but two, they also
8 do things like minimize civilian casualties, provide for an
9 appropriate relationship with the local populations, which
10 helps you rather than hurts you. Is that still the
11 sensitivity that you have? I mean, adherence to the minimum
12 international law might not be the smartest military
13 approach.

14 General Votel: Well, we conduct all of our operations,
15 of course, in accordance with the Law of Armed Conflict, and
16 we bring our values to the fight wherever we are.

17 I do not think those are particular limitations on us
18 at this particular point. My advice here moving forward has
19 been to ensure that our forces have the operational agility
20 to maintain pressure and sustain our approach of presenting
21 ISIS with multiple dilemmas and really pursuing a military
22 strategy of simultaneous operations to really overwhelm them
23 quickly. And so the preponderance of our discussions and
24 our recommendations really fell within that area.

25 Senator Reed: But again, the rules that we have

1 adopted have been based on best military policy, not just
2 adherence to arbitrary rules. We minimize casualties
3 because it has an effect on the population that will hurt
4 our operations. Is that correct?

5 General Votel: Senator, that is absolutely correct.
6 750,000 people in the west portion of Mosul. And so we
7 certainly have to conduct our operations with the full
8 knowledge that that is the situation.

9 Senator Reed: Again, gentlemen, thank you for your
10 service, and I look forward to continuing these discussions.
11 Thank you.

12 Chairman McCain: Senator Inhofe?

13 Senator Inhofe: Thank you, Mr. Chairman.

14 General Waldhauser, as you and I discussed in my
15 office, Senator Rounds and I just returned from several
16 areas in your command. You know, when you stop and look at
17 it, it seems like it has been shorter than that, but it has
18 been 10 years since we started AFRICOM. And the continent
19 used to be divided in three different commands. Now, since
20 that time, we have had a lot of successes.

21 General Rodriguez, one of your predecessors said,
22 Africa is an enduring interest to the United States and its
23 importance will continue to increase as African economies,
24 population, and influence grow. Do you agree with that
25 statement?

1 General Waldhauser: Senator, I do.

2 Senator Inhofe: It was not long ago when Chuck Wald
3 had the job that you have right now. He talked about the
4 significance of Phase Zero. He actually wrote an article
5 about the Phase Zero campaign, why is Phase Zero important,
6 and how does it apply to AFRICOM. Could you make any
7 comments about that?

8 General Waldhauser: Senator, thank you. What I would
9 say to that question is that the ability to engage with the
10 population and have such exercises and engagements with
11 agencies, as was previously described, things like
12 education, health care, jobs for the significant youth bulge
13 that is in Africa is very, very important. We have got to
14 get at these drivers that make these individuals, young men
15 especially, want to join groups like al Shabaab. In order
16 to get at that part of the problem, we need to be engaged
17 with education, health care, jobs, and the like.

18 Senator Inhofe: To preclude something from happening,
19 head it off at the pass. And I would agree with that.

20 We were also in Afghanistan, General Votel, and we met
21 with our service members and, of course, the new President.
22 And General Nicholson and I -- I think maybe we might be in
23 my opinion -- and I might be influenced by the fact that I
24 knew the new president's predecessor, and there is no
25 comparison. Summing up kind of what General Nicholson said

1 -- I will read this -- a need for a long-term coalition
2 commitment to Afghanistan, a need for increased coalition
3 forces for training and assisting the Afghan military, the
4 strength and the commitment of the Afghan people who want to
5 take their country back from the insurgents, shifting the
6 focus to winning versus not losing, the high casualty rate
7 among the Afghan forces, the increase in territory
8 controlled by the Taliban, the importance of cutting the
9 Taliban's access to financing their operations.

10 Do you pretty much agree with his assessment with what
11 the situation is there?

12 General Votel: I do, Senator.

13 Senator Inhofe: And do you think that maybe, when we
14 get some of these less than optimistic reports in these
15 committee hearings that we have, that you get a little bit
16 different idea when you are actually there? And one of the
17 things that I think we are not factoring in enough would be
18 President Ghani. I would like to have your idea as to what
19 a difference that can make because I can remember sitting
20 there with his predecessor and then evaluating the
21 situation, what his commitment is right now and what he
22 really believes his people are going to be able to do.

23 General Votel: Senator, I absolutely agree with you.
24 I do think we cannot overestimate the strategic advantage of
25 having a leader like President Ghani in place. His

1 willingness to partner, his visionary ideas about this, and
2 his general approach to bringing the coalition on board I
3 think have been very good, and I think they provide us a
4 very good opportunity to build upon.

5 Senator Inhofe: With him and with your experience from
6 the last fighting season that we had, since we are coming up
7 now to the next fighting season, do you have any projection
8 as to differences we might see with that leadership and
9 where we are right now?

10 General Votel: I think that we will continue to see
11 very steady leadership from President Ghani and his
12 government through the next fighting season. I think the
13 challenge that we will have will be sustaining the Afghan
14 forces as they move forward. As you have noted, as others
15 have noted, they have absorbed a lot of casualties, and yet
16 they have been resilient through that. But there is a need
17 to ensure that they get into a normal operational cycle that
18 allows them to recover, to rebuild themselves, to reset
19 themselves, and then get back into the fight. And I think
20 that as we move forward, that will be the challenge that
21 General Nicholson and I will have to manage.

22 Senator Inhofe: And I would agree with that. And I
23 think that there is an effect that the new president has on
24 the fighting troops over there, on theirs, that will yield a
25 better performance.

1 Thank you, Mr. Chairman.

2 Chairman McCain: And the fighting season has begun
3 earlier than ever in Afghanistan. True, General?

4 General Votel: I think the fighting season does not
5 end. I agree with you, Senator.

6 Chairman McCain: Senator Peters?

7 Senator Peters: Thank you, Mr. Chairman.

8 And thank you to both of you today for testifying. I
9 appreciate all that you do. You have a very difficult job
10 and both of you do it with honor. So thank you so much for
11 your service to our country.

12 I represent in Michigan probably the largest Arab
13 American, Muslim American community here in the United
14 States and had an opportunity just recently to meet with a
15 number of community members at the Islamic Center and heard
16 some great concern from the Yemeni American community as to
17 what they are seeing in Yemen in terms of Saudi Arabia and
18 the operations, what seems to be indiscriminate bombing, the
19 killing of large numbers of civilians. I think, according
20 to some estimates, close to 4,000 civilians have been killed
21 in Yemen by a Saudi Arabian-led air campaign, which appears
22 to them as indiscriminate and, according to them, does great
23 damage to the United States. People see those Saudi attacks
24 as related to the United States. There has been increasing
25 recruitment for folks who want to do harm to the United

1 States because of the actions that are being undertaken by
2 the Saudi Arabians.

3 So if you could comment, General Votel, a little bit
4 about what is happening there to us, and what do you assess
5 the cause of the large number of civilian casualties that we
6 are seeing in Yemen and what can we do to reduce that?

7 General Votel: Thank you for the question, Senator.

8 I attribute those types of situations more to the
9 competence of the forces that are operating there and their
10 ability to properly target. As you are aware, we do not
11 provide intelligence for those things. We do not make
12 decisions for them.

13 But yet, we have a relationship with Saudi Arabia. And
14 at my level and at levels below me, my air commander, a
15 variety of subordinate commanders, we have engaged with our
16 partner leaders in Saudi Arabia to talk to them about the
17 effects of this and to provide opportunities for them to
18 learn from our experience in terms of this and improve their
19 capabilities in this particular regard. And I think they
20 have done that.

21 In addition, I personally have reached out and talked
22 to my counterpart about the importance of reaching out to
23 international organizations like the ICRC, Doctors Without
24 Borders, who also operate in these areas, and ask that they
25 establish relationships and begin a discussion between the

1 Saudi Arabian Government and Ministry of Defense and these
2 particular organizations so we can better understand what is
3 happening on the ground and we can begin to work through
4 this. And I am very happy to tell you that that is taking
5 place now.

6 Senator Peters: So you would characterize this as a
7 training issue as opposed to some other factor that is
8 causing --

9 General Votel: I do not attribute it to deliberate
10 decisions to target civilians. I attribute it to a growing
11 need to develop a better and more precise targeting process
12 for their operations.

13 Senator Peters: And are we able to assist them in
14 that?

15 General Votel: We do not assist them directly with
16 targeting on the ground, but we are able to, through our
17 experience and through our people, engage them and help with
18 their professionalism and give them the benefit of our
19 experience and tactics, techniques, procedures, processes
20 that we use to try to absolutely minimize those types of
21 events. And we are doing that.

22 Senator Peters: Well, it is good to hear. Thank you.

23 General Votel, to move to Syria now, you were recently
24 quoted in the "New York Times" about saying that we want to
25 bring the right capabilities forward, not all of those

1 necessarily resident in the special operations community.
2 If we need additional artillery or things like that, I want
3 to bring those forward to augment our operations. And I
4 note today in the news there was an artillery unit that I
5 believe is being positioned in Syria now.

6 In your estimate, what is the right mix of conventional
7 and special operations forces that are going to be required
8 to succeed in Syria?

9 General Votel: Senator, I am not sure I can give you
10 an exact percentage-wise mix of this. But what I can tell
11 you is that the way that we operate today with our special
12 operations forces and unique capabilities they bring,
13 through our experience of the last 15 or 16 years, we have
14 become very comfortable and capable of operating together.

15 And so what I have pledged to our commanders and what I
16 expect from them is for them to ask for the capabilities
17 that we need and then for us to ensure that we have the
18 right command and control, the right force protection, the
19 right resources in place to ensure that it can function
20 properly together. And that to me is much more important
21 than a particular mix of whatever the capabilities are. I
22 think as we move more towards the latter part of these
23 operations into more of the stability and other aspects of
24 the operations, we will see more conventional forces
25 requirements perhaps.

1 Senator Peters: Thank you, General.

2 Chairman McCain: Senator Wicker?

3 Senator Wicker: Let us get back to Afghanistan,
4 General Votel. Do the Afghan people support the presence of
5 the United States there?

6 General Votel: I believe that they do, Senator.

7 Senator Wicker: And how do you measure that?

8 General Votel: I think we measure that by favorability
9 ratings that we see of them for the Government of
10 Afghanistan and the activities that they are pursuing. And
11 I think we measure that through our direct contact with them
12 with teams that we have out there on the ground and others
13 that interact with the Afghan people on a regular basis.

14 Senator Wicker: And as a matter of fact, several years
15 ago, there was a loya jirga convened of most Afghan leaders,
16 and they overwhelmingly were in support of the United States
17 presence there to protect them against what had happened
18 before.

19 Has there been another loya jirga, or do we simply
20 assume that the elected leadership of the government
21 represents them?

22 General Votel: There has not been another loya jirga I
23 think of the same scope that you referenced, Senator. But
24 we do pay attention to the polling. I would note in some
25 recent polls that I have seen, the favorability ratings for

1 the Taliban are very low in the 6 to 7 percent range as
2 opposed to much, much higher for the Government of
3 Afghanistan.

4 Senator Wicker: You had strong praise for President
5 Ghani. How is the relationship there between the president
6 and Mr. Abdullah who is his nearest competitor?

7 General Votel: It has improved significantly. And I
8 contribute that directly to the engagement of our
9 ambassadors on the ground who have personally invested in
10 that and worked that relationship, and it has had a positive
11 impact on our operations.

12 Senator Wicker: Well, that is good to hear.

13 Now, the information we have -- and the chairman
14 alluded to this -- the Afghan Government controls 57 percent
15 of the country's districts. A year and a half ago, that
16 figure was 72 percent. What happened?

17 General Votel: Senator, I would tell you that there
18 are other numbers out there. We have some slightly
19 different ones, but they are in the general ball park of
20 what you are saying.

21 Senator Wicker: Generally, those numbers are correct.

22 General Votel: In general.

23 Senator Wicker: So there has been a significant drop,
24 as the chairman said, in a year and a half.

25 General Votel: There have been areas that we would put

1 into the contested space area here that have increased over
2 the last year.

3 Senator Wicker: Your testimony would be that this has
4 not happened because the support among the Afghan people of
5 our efforts has diminished.

6 General Votel: I do not think so.

7 Senator Wicker: Something we did?

8 General Votel: I think this is the effect of the
9 fighting that is taking place and of the efforts by the
10 Taliban to be more resurgent in specific areas in
11 Afghanistan.

12 Senator Wicker: Well, okay. General Nicholson said in
13 talking about the stalemate that what will break the
14 stalemate are offensive capabilities such as special forces
15 and allowing the air force to overmatch the Taliban. Also
16 he said we have a shortfall of a few thousand troops in
17 Afghanistan for the train, advise, and assist mission.
18 Would you talk about those two aspects, and would you
19 support a few thousand more American troops to get the job
20 done in this mission?

21 General Votel: Senator, With respect to the last part
22 of your question, that is certainly a discussion we are
23 having with the Secretary right now. I will not pre-stage a
24 decision here. That is certainly his regard. But certainly
25 I agree with what General Nicholson's approach is. And I do

1 agree that one of our efforts to improve the capabilities
2 and equipment of the Afghan Air Force is a big part of this,
3 as is improving and expanding their special operations
4 capability.

5 Senator Wicker: Thank you.

6 General Waldhauser, the Wasp amphibious expedition did
7 over 100 consecutive days of strikes. It is considered to
8 be an impressive success. What lessons have we learned from
9 that deployment, and are we sending you what you need to get
10 the job done in that respect?

11 General Waldhauser: The Wasp and Marine aviation that
12 was on board that ship was a significant contributor to the
13 GNA forces and ridding Sirte of ISIS.

14 Lessons learned at the tactical level have to do with
15 coordination on the ground and special forces who were there
16 on the ground, but I think it is important to point out that
17 from 1 August until middle of December there were nearly 500
18 strikes. Most of them came from ISR platforms, but a lot of
19 them, as you said, came from the ship. And I think the
20 ability to have zero civilian casualties in a very, very
21 dense urban environment underscores the training and the
22 professionalism of those who were conducting that operation.

23 So in sum, that was a huge asset for us. We actually
24 borrowed it from CENTCOM in order to make it happen, but
25 that is how we have to do business these days. AFRICOM and

1 CENTCOM coordinate on various trans-regional asset changes,
2 and that was an example where it worked very well.

3 Senator Wicker: Thank you, sir.

4 Chairman McCain: Senator Shaheen?

5 Senator Shaheen: Thank you, Mr. Chairman.

6 And General Votel and General Waldhauser, thank you
7 both for your testimony and for your service.

8 General Votel, there has already been reference to the
9 marines who have arrived in Syria. The "Washington Post"
10 story this morning reports that the battalion landing team,
11 1st Battalion, 4th Marines, will man the guns and deliver
12 fire support for U.S.-backed local forces who are preparing
13 an assault on the city.

14 First of all, is that accurate, and should we take that
15 to mean an assault is imminent in Raqqa?

16 General Votel: Well, certainly we will not talk about
17 any timings of any of our particular operations. But our
18 intention here with this -- and this fell within the
19 authorities that are provided to me right now was to ensure
20 that we had redundant capable fire support on the ground to
21 support our partners and ensure that we could take advantage
22 of opportunities and ensure the continued progress that we
23 have been seeing.

24 Senator Shaheen: And are you comfortable that that
25 gives us that progress and support that we need?

1 General Votel: In conjunction with our excellent
2 coalition air forces, yes, I am very confident that that
3 will help us.

4 Senator Shaheen: Thank you.

5 Yesterday in our meeting -- and we heard similar
6 comments from General Nicholson when he was here talking
7 about Russian influence in Afghanistan. They are trying to
8 legitimize the Taliban and undermine our mission and NATO's
9 mission there. Can you talk about what alternatives we have
10 to respond to Russian activities there?

11 General Votel: I think the best alternative that we
12 have is to ensure that we demonstrate our commitment to the
13 mission that we have in place here with the Government of
14 Afghanistan. Certainly with our twofold mission, we focused
15 on counterterrorism and then, of course, the train, advise,
16 and assist mission. So the most important thing we can do
17 is send a very clear message that we are going to see this
18 mission through and support the Government of Afghanistan in
19 the way that they require with military capabilities and
20 other things to ensure that they can be successful.

21 Senator Shaheen: And to what extent does our effort in
22 Eastern Europe with NATO affect Russia's ability to
23 undermine what we are doing in Afghanistan? How much do
24 they need to be focused on what is happening in Eastern
25 Europe?

1 General Votel: From my perspective, I would like them
2 totally focused on Eastern Europe and not on Afghanistan. I
3 am being a little facetious here. I am not sure that I can
4 comment that there is necessarily a direct relationship
5 between that, Senator. Certainly I think if their attention
6 can be drawn to other challenges, other problems that they
7 are focused on, that helps us.

8 Senator Shaheen: General Waldhauser, in your
9 statement, you point out that long-term success in slowing
10 the progress of Boko Haram and ISIS in West Africa requires
11 Nigeria to address development, governance, and economic
12 deficiencies, which are drivers of terrorism in that region.
13 As we look at the future where one in four Africans are
14 Nigerian, what happens in Nigeria has a huge impact on what
15 happens throughout the rest of Africa. Do you agree with
16 that?

17 General Waldhauser: I most definitely do. With 182
18 million people in that country -- it is the seventh largest
19 country in the world -- what happens there has a significant
20 impact not only on the continent, but it could be in Europe
21 and the United States as well.

22 Senator Shaheen: And to what extent do we feel like
23 they are addressing the threat from Boko Haram and also
24 addressing those deficiencies that have existed there?

25 General Waldhauser: Senator, 2 weeks ago, I was in

1 Abuja and talked with the acting vice president, and he is
2 very, very aware of the fact that there is still much work
3 that needs to be done in northeastern Nigeria both with Boko
4 Haram and ISIS-West Africa. And I came away from that visit
5 in a positive way because there have been some human rights
6 issues with the Nigerians, but they are taking that on. I
7 mean, they are making some progress there. But I think the
8 acting vice president or acting president understands there
9 is still a threat. Boko Haram has weakened a bit, but they
10 are still a threat. ISIS-West Africa is still there and
11 they are still a threat. But this Lake Chad Basin region
12 task force has been doing fairly well with at least trying
13 to keep the problem inside the Nigerian borders.

14 Senator Shaheen: And are they working to address the
15 historic divisions between the Christian southern part of
16 the country and the Muslim north? Are there any initiatives
17 underway that help to resolve some of those historic
18 conflicts?

19 General Waldhauser: Senator, I am not aware of any per
20 se. I would just say that in my discussions with senior
21 leadership there 2 weeks ago, they have a fairly wide-
22 ranging and overarching strategy of where they want to go
23 which ultimately will turn over northeastern Nigeria to the
24 police forces.

25 Senator Shaheen: Thank you.

1 Thank you, Mr. Chairman.

2 Chairman McCain: Senator Fischer?

3 Senator Fischer: Thank you, Mr. Chairman.

4 General Votel, since the nuclear deal with Iran was
5 announced, Iran's behavior in the region, its support for
6 terrorism, and its domestic repression -- it appears to have
7 gotten worse. Iran wields significant power in Syria,
8 Lebanon, Iraq, and Yemen, and it seeks to destabilize our
9 key allies. What do you see as Iran's goal in the region?

10 General Votel: Senator, I believe Iran seeks to be the
11 regional hegemon, to be the most influential country in the
12 region.

13 Senator Fischer: And how would you characterize Iran's
14 regional behavior since the nuclear agreement? Has it
15 improved or has it worsened?

16 General Votel: I would describe it as destabilizing to
17 the region. It has not been helpful to anything that I can
18 see going on across the region.

19 Senator Fischer: How would you characterize Iran's
20 relationship with Russia in the region?

21 General Votel: Again, not having firsthand knowledge
22 on that, I guess I would characterize it as they find areas
23 of cooperation. I am particularly concerned how both Iran
24 and Russia have cooperated to prop up the Assad regime and
25 make them stronger. That is certainly of some concern. So

1 I do see that level of cooperation being very unhelpful to
2 the things that we are doing across the region. I do not
3 know what the long-term views of each of these countries
4 might be and how that might play out, but it certainly looks
5 like they are taking the opportunity of convenience to join
6 efforts in some regard.

7 Senator Fischer: And I wanted to ask you your long-
8 term view with regards to the United States and our position
9 in the region, first of all, just with Iran's destabilizing
10 activities but also with their relationship with Russia.
11 Can you give us in your best opinion how that affects the
12 United States and our involvement?

13 General Votel: I can, Senator, and I will offer you my
14 observation. It is based on my travels throughout the
15 region over the last year and meeting with our partners
16 across many of the countries. My consistent takeaway here
17 is that the partners in the region would strongly prefer to
18 have a relationship with the United States over any other
19 nation that might be external to the Middle East. And I
20 think that is an opportunity for us to move forward on. We
21 have long-term historical relationships with many of these
22 countries, and we should capitalize on that as we move
23 forward. And I think that offers us the best opportunity.

24 Senator Fischer: As we look over the last year, we
25 have seen Iran has escalated its harassment of our vessels,

1 our personnel in the Persian Gulf. And just last week,
2 multiple fast attack vessels from the IRGC came close to a
3 U.S. Navy ship in the Strait of Hormuz, and they forced it
4 to change direction.

5 What is CENTCOM doing to address that harassment that
6 we are seeing by Iran?

7 General Votel: First off, we are ensuring that our
8 maritime forces have all the right rules of engagement and
9 capabilities and training and techniques to deal with that,
10 and I do believe they are effectively doing that. One of
11 the first things I did after coming into command was get on
12 a ship and go through the Straits of Hormuz so I could see
13 it with my own eyes, and I was extraordinarily impressed
14 with the maturity of our sailors and the judgment of our
15 leaders as we went through that.

16 More broadly, I think we have to hold Iran accountable
17 for their actions. No other nation operates the way they do
18 in the Arabian Gulf. Nobody does that in the Arabian Gulf.
19 And they need to be held accountable for that and they need
20 to be exposed for those types of unprofessional, unsafe, and
21 abnormal activities.

22 Senator Fischer: It sounds like you are very concerned
23 with Iran's growing asymmetrical capabilities, and that
24 includes its acquisition of advanced cruise missiles, I
25 would assume.

1 General Votel: It does, Senator.

2 Senator Fischer: What about naval mines, ballistic
3 missiles, and UAVs? I guess when we are looking at our
4 interests in the Persian Gulf and our allies' interests in
5 the Persian Gulf, how do those growing threats affect that?

6 General Votel: The way they affect us is they provide
7 Iran with a layered capability where they can use their fast
8 boats, they can use cruise missiles, they can use radars,
9 they can use UAVs to potentially dominate specific areas.
10 So this is a concern, and it is something that certainly we
11 look at in our capabilities and it is something that we have
12 engaged our partners in the region on on how we work
13 together to mitigate the effects of that layered approach
14 that Iran pursues in these critical chokepoints.

15 Senator Fischer: Thank you, sir.

16 Thank you, Mr. Chairman.

17 Chairman McCain: Senator Warren?

18 Senator Warren: Thank you, Mr. Chairman.

19 And thank you for being here.

20 I would like to return to an issue raised by Senator
21 Reed. There is a big debate going on right now, as you
22 know, about military spending, and of course, we need a
23 strong military. But the military is not the only element
24 of our national security strategy. Spending on security
25 outside the military budget is very small. Diplomacy and

1 development combined is about 1 percent of our annual
2 budget, but it includes programs that promote democracy,
3 human rights, the rule of law that boost economic growth,
4 that improve access to education, that fight hunger, that
5 treat infectious diseases, and it provides disaster relief
6 around the world.

7 General Votel and General Waldhauser, you command our
8 armed forces in some of the most active and dangerous parts
9 of the world. Do you think the activities of the State
10 Department and other civilian partners are a waste of time
11 and taxpayer money?

12 General Votel: I do not, Senator.

13 Senator Warren: Thank you.

14 General Waldhauser: Senator, nor do I. They are a big
15 part of what we do.

16 Senator Warren: Thank you. And I agree. But the
17 Trump administration's blueprint budget would increase
18 defense spending in some areas by massively slashing through
19 other programs that are critical for our national security.
20 Not every international problem is the same and the right
21 tool is not always a military response. Recapping our State
22 Department by cutting an already small foreign aid budget
23 makes America less safe, and that is just not smart.

24 I would like to turn to another issue, and that is the
25 ongoing fight against ISIS in Iraq and in Syria. General

1 Votel, you contributed to the Pentagon's plan to accelerate
2 the fight against ISIS which Secretary Mattis delivered to
3 the White House last week. I have every confidence that the
4 U.S. military can defeat ISIS on the battlefield and help
5 retake strategically important cities.

6 But what I want to ask you is about what comes next.
7 You are going to be mediating between armed opposition
8 forces that dislike each other intensely in cities where
9 existing infrastructure has been completely destroyed with a
10 population that has been traumatized and displaced. What
11 will it take to create conditions for normal life to resume
12 in Mosul and Raqqa?

13 General Votel: I think it starts certainly following
14 up our military operations with good local governance and
15 addressing humanitarian aid, addressing issues like
16 demining, of restoring basic services to the people, of
17 trying to bring additional aid in there so small businesses
18 and other things can get going, and then the bigger aspects
19 of governance can begin to take place. And so as we look at
20 our military operations, particularly as we look at places
21 like Raqqa or Mosul, what we have tried to do is ensure that
22 our military planning is very closely linked to the
23 political planning, what comes next so that we do not just
24 finish a military operation and then just leave. It is
25 important that we have local hold forces. It is important

1 that we predetermine local governance that is going to come
2 in and begin to take this over. So I think that is an
3 extraordinarily important point. The transition from
4 military operations to the stability operations and things
5 that come next I think is a significant lesson learned for
6 us -- relearned for us many times, and it is something that
7 we have specifically focused on in this campaign.

8 Senator Warren: Thank you. I am very glad to hear
9 that, General. Planning for peace is hard. We did not do
10 it after we toppled Saddam Hussein, and we are still paying
11 a price for that blindness today. I do not want to see us
12 turn around and make that same mistake again. I think we
13 need to be very careful that we do not create an environment
14 that breeds the next generation of extremists, and I am
15 grateful for your work in this area. I am grateful to both
16 of you for all that you are doing. Thank you.

17 Thank you, Mr. Chairman.

18 Senator Reed [presiding]: On behalf of Chairman
19 McCain, let me recognize Senator Cotton.

20 Senator Cotton: Thank you.

21 Gentlemen, welcome back to the committee.

22 General Waldhauser, you were speaking with Senator
23 Shaheen about Nigeria and the role that it plays not just in
24 the African continent but around the world. Could you speak
25 a little bit about what President Buhari's absence from the

1 country means and what the status is right now of Nigerian
2 politics for the committee?

3 General Waldhauser: Senator, I would just have to say
4 that open source reporting indicates that he is still in
5 London receiving medical help. That was a topic that was
6 not discussed with officials when I was there.

7 But what I did observe was acting President Osinbajo
8 has done extremely well. He is very competent. He has a, I
9 would say, very wide view of the problems and issues, and he
10 seems to want to get after them. And he was definitely
11 genuinely interested in making things happen, and I thought
12 we had some very frank discussions with him on the way ahead
13 with regard to our support for the defeat of ISIL-West
14 Africa and Boko Haram.

15 Senator Cotton: What is the level of political
16 consensus and stability between the north and the south in
17 that country right now?

18 General Waldhauser: I really could not give you a fair
19 assessment of that. It was not part of the discussion. We
20 did not have that topic.

21 Senator Cotton: I understand.

22 Looking to the east, would you please discuss the
23 strategic implications of China's new base in Djibouti and
24 what it means for our presence there and throughout the Horn
25 of Africa?

1 General Waldhauser: So the Chinese base is right
2 outside Camp Lemonnier, about 4 miles or so from our base.
3 The intention for that location was to provide a port for
4 their ships to have in the area. They have about 2,200
5 peacekeepers on the continent. This is the first time for
6 them that they have kind of journeyed in that direction. So
7 right now, it is due to be completed later this summer.

8 I would just say the concern that I have from an
9 operational perspective is the operational security when we
10 operate so close to a Chinese base. And the Camp Lemonnier-
11 Djibouti area is not only AFRICOM, but CENTCOM uses it,
12 SOCOM uses it, TRANSCOM, EUCOM, and the like. So it is a
13 very strategic location, and visiting Djiboutian officials
14 twice, I have talked with their president and expressed our
15 concerns about some of the things that are important to us
16 about what the Chinese can or cannot do at that location.

17 Senator Cotton: Thank you.

18 General Votel, you have already spoken with several
19 Senators this morning about the stalemate in Afghanistan.
20 For many years now, we on this committee and many leaders in
21 the executive branch have been lamenting the existence of
22 sanctuaries for the Taliban and other terrorist groups in
23 Pakistan. As you think about the strategy to break this
24 stalemate, what is the role of eliminating those sanctuaries
25 inside of Pakistan? How do you plan to get after this

1 longstanding problem?

2 General Votel: Thank you, Senator.

3 Pakistan, of course, remains a key partner in this
4 fight here. I have been encouraged by my meetings with the
5 new Chief of Army Staff, General Bajwan, and his commitment
6 to help address this. They have done some things that have
7 been helpful to us. Most recently they have supported
8 General Nicholson in some operations along the border,
9 making sure that they were well coordinated and doing the
10 activities on their side of the border. That is a very
11 positive sign and a move in the right direction. And they
12 have done things against the principal concerns that we
13 have, the Haqqani Network and Taliban. But what we do need
14 is we need that to be more persistent and continue to focus
15 in that particular area. And so we will continue to engage
16 with Pakistan throughout this.

17 I think it is key to ensure that Pakistan and
18 Afghanistan have a very good relationship. There certainly
19 are tensions along the common border between those
20 countries. And I think a key role that we can play is in
21 helping move that relationship forward.

22 Senator Cotton: Let me ask you about a seam on the map
23 between you and Harry Harris, but it is an important seam
24 because it involves Pakistan and Afghanistan and India and
25 PACOM. To what extent do you think Pakistan's Afghan policy

1 is driven in part by its India policy and, in particular,
2 whether an independent Afghanistan conducting its own
3 foreign policy might be adverse to Pakistani interests?

4 General Votel: Senator, I think Pakistan's view of the
5 region I think as they look at their interests, it plays
6 very largely in how they look at both sides of their
7 country.

8 Senator Cotton: One final question. Since the 1970s,
9 Russia's influence throughout the Middle East has been
10 minimal, thanks in large part to the diplomacy of Henry
11 Kissinger and Presidents Nixon and Ford. How would you
12 assess the level of Russia's influence in the region today?

13 General Votel: Russia is attempting to increase their
14 influence throughout the Middle East, as we have seen in
15 Syria. We have seen them do things certainly with our
16 longstanding partner Egypt and others across the region. So
17 it is my view that they are trying to increase their
18 influence in this critical part of the globe.

19 Senator Cotton: Do you think they have been successful
20 in any of those attempts thus far?

21 General Votel: Well, they certainly have been
22 successful in supporting the Assad regime, and so that is
23 certainly an example of that. I am hopeful that we will be
24 able to reassert our own relationships as well.

25 Senator Cotton: Thank you, gentlemen.

1 Senator Reed: On behalf of Chairman McCain, let me
2 recognize Senator King.

3 Senator King: Thank you, Senator Reed.

4 General Votel, let us talk about four areas where we
5 are engaged in conflict: Iraq, Syria, Yemen, and
6 Afghanistan.

7 By the way, I want to compliment you on your written
8 statement. It is a primer on the region that I think should
9 be required reading for everyone in this body. It is very
10 well done, very thoughtful, and comprehensive.

11 Who are our allies in Iraq? Who are we fighting next
12 to? The ISF. Right?

13 General Votel: That is correct, Senator.

14 Senator King: And the Kurds.

15 General Votel: The Peshmerga in the northern part of
16 Iraq.

17 Senator King: And what religion are the members of the
18 ISF and the Kurds?

19 General Votel: They are Muslims.

20 Senator King: And in Syria we have got the Syrian
21 Democratic Forces and also the Kurds?

22 General Votel: We have Syrian Kurds and we are working
23 with local Syrian Arabs, Turkmen and in some cases local
24 Christian forces.

25 Senator King: But the vast majority of those forces

1 are Muslim. Is that correct?

2 General Votel: That is correct.

3 Senator King: And in Yemen, UAE, Saudi Arabia, those
4 forces are Muslim?

5 General Votel: Absolutely.

6 Senator King: And in Afghanistan, the ANSF, the Afghan
7 National Security Forces, also Muslim?

8 General Votel: They are Muslim.

9 Senator King: One of the statements you made in your
10 opening comments was that our strategy rests upon, quote, a
11 heavy reliance on indigenous forces. Is that correct?

12 General Votel: That is correct, Senator.

13 Senator King: And it is fair to say that the vast
14 majority of those indigenous forces are Muslim.

15 General Votel: That is the case today.

16 Senator King: So it would be a mistake as a matter of
17 national policy, rhetoric, or discussion if we attempted to
18 alienate or marginalize Muslim citizens of anywhere in the
19 world because these are our allies in all of the fights that
20 we are engaged in in your area. Is that not correct?

21 General Votel: I believe it is correct, Senator.

22 Senator King: And you talked about restoring trust
23 with our partners in the region. Our partners in the region
24 are all based upon Muslim societies. Is that not correct?

25 General Votel: They largely are. It is largely a

1 Muslim area.

2 Senator King: The second area -- and this has been
3 discussed to some extent but again it is in your report on
4 page 3 and 5 of your statement. The goals that you define
5 cannot be accomplished solely through military means, you
6 say. The military can help create the necessary conditions.
7 There must be concomitant progress in other complementary
8 areas, reconstruction, humanitarian aid, stabilization,
9 political reconciliation. On page 5, you say, however,
10 solely a military response is not sufficient. This must be
11 accomplished through a combination of capabilities if we are
12 going to achieve and sustain our strongest deterrence
13 posture.

14 Again, just to put a fine point on what has been
15 discussed previously, to solely rely on military strength in
16 solving these very complex and difficult problems would be a
17 serious mistake. Would you agree?

18 General Votel: I would agree, Senator. I think we
19 have to have a combination of all of our elements of power,
20 hard power and soft power.

21 Senator King: Thank you.

22 Next question. This is a slightly different subject.
23 You work with a lot of these allies. You work with these
24 countries, with Iraq and other countries in the region. How
25 would it be received in the Arab world if the United States

1 relocates its embassy from Tel Aviv to Jerusalem without a
2 settlement of the Palestinian-Israeli conflict?

3 General Votel: I think from my personal discussions
4 with some in the region, I think that it would create some
5 challenges for some of those countries.

6 Senator King: Some challenges? Can you expand?
7 Serious challenges?

8 General Votel: It could potentially be very serious.

9 Senator King: And does that include our staunch ally
10 Jordan?

11 General Votel: I believe, yes, sir, it does, Senator.

12 Senator King: Thank you.

13 Final question to both of you. Foreign military sales
14 and foreign military financing programs -- are they
15 appropriately calibrated to meet your needs in the region?
16 My sense is that that is an area where we could use some
17 work.

18 General Votel: From my perspective, Senator, the
19 importance of the foreign military sales and foreign
20 military funding programs is to help build capability for
21 our partners that is interoperable with us. They generally
22 want to buy U.S. equipment because it comes along with
23 training. It comes along with sustainment, and it makes
24 them more interoperable with us. I think we have to take a
25 long-term view in terms of this, and I think it is in our

1 interests for our partners in the region to use capabilities
2 that are interoperable with ours.

3 Senator King: General Waldhauser, in just a few
4 seconds I have left, a quick update on the status of ISIS in
5 Libya.

6 General Waldhauser: The status of ISIS in Libya is
7 they right now are regrouping. They are in small numbers,
8 small groups. We tried to develop the intelligence, but
9 after they left Sirte, we developed intelligence. We bombed
10 them on January 18th and they were in the southern part of
11 Libya. They have scattered again now. They are in small
12 groups trying to regroup.

13 Senator King: No longer control Sirte.

14 General Waldhauser: Correct. No longer control Sirte.
15 They were out of Sirte in the middle of December.

16 Senator King: Thank you.

17 Thank you, Mr. Chairman.

18 Chairman McCain [presiding]: By the way, General
19 Votel, just to complicate things further, Barzani, the
20 leader of the Iraqi Kurds, does not support the KRG, the
21 Syrian Kurds. Right?

22 General Votel: That is correct, Chairman.

23 Senator King: Senator Ernst?

24 Senator Ernst: Thank you, Mr. Chair.

25 And thank you, gentlemen, for being here today and your

1 time and attention to all of our questions.

2 General Votel, we had an interesting conversation the
3 other day, and as the chair of the Emerging Threats and
4 Capabilities Subcommittee, you mentioned something to me
5 that I thought was very interesting and something that I am
6 concerned about. And that is the increasing threat that is
7 posed by ISIS's ability to use drones. We had a great
8 conversation about that. And what they are using you say
9 was kind of a modified commercial, off-the-shelf drone. And
10 can you tell us about that emerging threat and maybe
11 describe for those on the committee exactly what they are
12 using and what those capabilities are?

13 General Votel: Thank you, Senator.

14 What we are seeing I think are commercially acquired
15 drones. They are generally quadcopters that are available I
16 think very easily by anybody online or at other places,
17 hobbyist locations. And what they are able to do is,
18 obviously, operate them for purposes of their own
19 surveillance, and as we have seen in the news, in some cases
20 they have been able to rig grenades and other things to
21 them. So they have been able to achieve some effects with
22 that.

23 So it is concerning to our partners. It is certainly
24 concerning to us. And I think it is a reminder of just how
25 savvy and challenging of an enemy that we are dealing with

1 here, and I think it requires us to make sure that we are
2 equally savvy in our approach to this, making sure we have
3 the right tools to defend against these types of threats.

4 Senator Ernst: Absolutely. Thank you. It reminds me
5 of the early part of the Iraq war when the forces were using
6 remote controlled cars with explosives as a first form of
7 IEDs. And of course, through the years, they grew
8 technologically advanced. And so I see something so simple
9 as this that could become much more complicated over time.

10 Do the Iraqi forces have the capabilities to defeat
11 those drones?

12 General Votel: We are working on providing them the
13 capabilities. Right now, they enjoy protection against
14 these threats in a number of areas largely because we have
15 capabilities with our forces that are accompanying them and
16 are located in their locations.

17 Senator Ernst: Very good. Thank you.

18 And we also spoke about troop numbers yesterday and how
19 random some of those numbers tend to be when you have that
20 artificial boundary of a country line between Iraq and
21 Syria. And if you could, please share with the committee
22 what is our role in that. Should that role of troop numbers
23 and where those troops are located be left up to our on-the-
24 ground combatant commanders? If you could just share a
25 little bit of that conversation.

1 General Votel: Senator, I think the more we can
2 provide agility for our commanders on the ground to make
3 decisions about where they need forces and when they need
4 it, I think that is the most appropriate thing that can be
5 done. I think we are most successful when we enable our
6 very good and well qualified leaders and people on the
7 ground to make decisions in the situations in which they see
8 it. So I am for making sure that we try to provide them the
9 agility and the process around that. We certainly
10 understand why it is important to look at things like
11 numbers and stuff like that. It certainly drives our
12 resources and budgeting and other aspects of that. So that
13 certainly has to be taken into consideration. But I look at
14 this more from a flexibility and agility standpoint for our
15 commanders on the ground.

16 Senator Ernst: Thank you very much.

17 And, General Waldhauser, thank you as well.

18 As you know, Tunisia has sent more foreign fighters
19 than any other country to join the ranks of ISIS abroad. In
20 addition to supplying the foreign fighters, Tunisia
21 struggles with containing the terrorist activity on their
22 own soil, so much that they have had a physical wall built
23 along the border with Libya in an attempt to deter
24 terrorists from entering their country.

25 Is AFRICOM currently equipped to address the potential

1 influx of ISIS fighters returning home to Tunisia as we
2 strike them elsewhere, whether it is in the Middle East or
3 other places?

4 General Waldhauser: Senator, I would have to
5 characterize Tunisia as one of the bright spots on the
6 continent. They are in the process of transforming their
7 military to be more capable of dealing with terrorist
8 threats. They have purchased equipment from the United
9 States, which we are helping them with right now,
10 helicopters and the like. We have people on the ground who
11 are training, advising, and assisting their special
12 operations forces. And I believe the wall that you refer to
13 is technical equipment provided by DTRA, as well as Germany,
14 to help them contain the foreign fighter flow back and forth
15 between especially Libya and Tunisia.

16 But the bottom line is they are a bright spot. I
17 visited them twice, and they are headed in the right
18 direction. They are struggling with what to do with foreign
19 fighters who return, but again, I think that is not a
20 negative against them.

21 Senator Ernst: Very good. Well, I appreciate it.
22 Gentlemen, thank you very much for your input.

23 Senator Reed [presiding]: Thank you.

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

1 Senator Blumenthal: Thank you, Mr. Chairman.

2 I want to thank both of you for your service and, as
3 you did in your testimony, General Votel, the outstanding
4 men and women under both your commands who make us proud and
5 who are doing such great work under your command. I want to
6 join Senator King in thanking you for your testimony, which
7 is a very, very enlightening for me, elucidating outline of
8 the challenges and I would note for my colleagues
9 particularly in your description of the next generation of
10 cyber warriors or the use of cyber warfare by our
11 adversaries going from the rather rudimentary weapons of the
12 roadside bombs to the much more sophisticated use of cyber
13 and, as my colleague has pointed out, drones and other
14 challenges that face us there.

15 I want to focus on Iran. In response to Senator
16 Fischer's question about whether Iranian aggression has
17 increased since the nuclear treaty, you pointed out that
18 their conduct there has been destabilizing -- the word you
19 used was "destabilizing" -- and abnormal. And, of course,
20 we know Iran has tested an anti-ship ballistic missile
21 there, a new Russian made S-300 missile air defense system,
22 as well as harassing a Navy ship, the USS Invincible, in the
23 Strait of Hormuz by sending an Iranian frigate within, I
24 think, 150 yards, smaller boats within 600 yards. Last
25 month, the Iranians fired a medium-range ballistic missile

1 in violation of the U.S. Security Council resolution
2 resulting in United States sanctions enforcement against 25
3 individuals and entities. That action was in violation of
4 the U.N. resolution. But none of these other activities are
5 in violation of the nuclear agreement. Are they?

6 General Votel: My understanding, Senator, is the
7 nuclear agreement did not address any of those other aspects
8 of the Iranian threat.

9 Senator Blumenthal: But would you agree with me that
10 they do demand a response from the United States?

11 General Votel: I would absolutely agree, Senator.

12 Senator Blumenthal: And much more aggressive not only
13 sanctions but warnings and actions against their partners in
14 this effort, most prominently the Russians.

15 General Votel: I would agree. I think we should use a
16 combination of both diplomatic and other security-related
17 tools here, economic tools to address this concern.

18 Senator Blumenthal: Would you agree with me that the
19 Russians through the Iranians, in effect, are testing us in
20 that area because they are, in effect, aiding and abetting
21 the Iranians in this increasing destabilizing activity?

22 General Votel: Well, I would, Senator, and I would
23 certainly point to a place like Syria where these two
24 countries have essentially propped up a regime here and made
25 them more capable, more powerful, and kept them from

1 collapsing.

2 Senator Blumenthal: But when we complain about the
3 Iranians -- and all of us probably in this room would agree
4 with you that they are the major destabilizing influence in
5 that area -- we are talking as much about the Russians as we
6 are about the Iranians.

7 General Votel: Senator, in my comments here I was
8 specifically talking about the Iranian threat. That is the
9 one that we confront with. Certainly, as I mentioned also
10 in my opening statement here, we are concerned about
11 external actors and what their interests are in the region
12 as well, and those can contribute to more destabilizing
13 aspects as well. So I think they have to be addressed --
14 they both have to be addressed.

15 Senator Blumenthal: And how would you suggest that we
16 should address the Iranian destabilizing influence of this
17 regime?

18 General Votel: I think there are a variety of things.
19 I think the most important thing is to work with our
20 regional partners here to ensure that we have a common
21 approach to this. I think in some cases we should look at
22 ways that we can disrupt their activities through a variety
23 of means, not just military means. We have to expose them
24 for the things they are doing. They should be held
25 accountable for those things. And I think we have to

1 contest their revolutionary ideology, and it is not just the
2 United States, but it has to be those in the region. Iran
3 has a role in the region. They have been around for a long
4 period of time. Nobody is trying to make Iran go away, but
5 we are concerned about the destabilizing behavior that they
6 pursue on a regular basis.

7 Senator Blumenthal: My time has expired, but this
8 topic is one that I think is profoundly important. I will
9 have some more questions that I hope you and your staff
10 perhaps can answer and maybe in a different setting as well.

11 Thank you, Mr. Chairman.

12 Senator Reed: Thank you.

13 On behalf of Chairman McCain, let me recognize Senator
14 Perdue.

15 Senator Perdue: Thank you, Mr. Chairman.

16 It is an honor to be here before you two gentlemen.
17 Thank you for your great careers and what you are doing for
18 our country today. And I hope you will take this message
19 back to your troops, that everything they do over there is
20 not missed on us.

21 I have a question about ISIS. General Votel, first of
22 all, I think one of the first things that the President has
23 done is ask for a 30-day review of the current strategy and
24 so forth. Where are we in that process? And what types of
25 things can we expect to see in terms of our strategy there?

1 And I would like you also to address what is our end game,
2 and can you talk about that today or should we wait until we
3 see the 30-day review?

4 General Votel: Senator, I think it is most appropriate
5 for the Secretary who I believe has presented his findings
6 to the new administration, and I think he is probably the
7 person who is most appropriate to talk about the decisions
8 and end states that will come out of that.

9 Senator Perdue: Fair enough.

10 With regard to ISIS in the Sinai, right now Egypt --
11 there are daily efforts there I think. Can you give us an
12 update on what is being done and what other countries are
13 involved in the fight with ISIS? And give us an order of
14 magnitude of the size of that action in the Sinai.

15 General Votel: The Egyptians several months ago have
16 deployed forces into the Sinai and specifically around the
17 area where the multinational force is. That has been
18 helpful. That has helped address a threat that was emerging
19 there, and they are engaged on a regular basis in fighting
20 ISIS in that particular area.

21 Egypt is addressing this. We are helping them in some
22 areas, particularly with some of our expertise in improvised
23 explosive devices. They have asked for that, and so we have
24 been key to help them with that in this particular area.

25 Senator Perdue: Do we have any troops on the ground in

1 the Sinai?

2 General Votel: We do not have any troops on the ground
3 that are fighting ISIS. We do have troops on the ground in
4 the Sinai that are associated with the multinational force
5 mission.

6 Senator Perdue: Thank you.

7 General Waldhauser, I want to go back to a question
8 that was earlier asked of you about China's presence in
9 Africa and particularly the base at Djibouti. Given what
10 Russia has done with Crimea and now at Latakia and at
11 Tartus, are you concerned that we will see other activity of
12 base building in Africa? Have you had any other indications
13 of either Russia or China developing permanent positions or
14 presence in that theater?

15 General Waldhauser: Senator, in 2013, the Chinese laid
16 out a strategic plan of One Belt, One Road where they will
17 have commerce that starts in China, goes down to Indonesia,
18 the Malacca Straits, across over to Djibouti, up into Europe
19 and back. And that is roughly 60 countries and 40 percent
20 of the global GDP that goes on in that area. It is all
21 about trade. This is their first endeavor in an overseas
22 base, and it will not be their last.

23 Senator Perdue: Thank you, sir.

24 I want to ask one more question real quick. I am about
25 out of time. But in Somalia and Sudan, there is a growing

1 threat that there is a real serious famine that is about to
2 happen if it has not already started there. What will that
3 do to the military situation in that area?

4 General Waldhauser: Well, first of all, in Somalia,
5 Senator, this right now is the most pressing issue to the
6 brand new president who was just elected this last month.
7 Right now, there are over 6.2 million individuals who have
8 been affected by it, and it has not been, to my knowledge,
9 actually declared a famine yet. But in terms of combating
10 al Shabaab and the like, movement of people in those large
11 masses has an impact on military operations.

12 But the bottom line in Somalia is right now -- and we
13 have counterterrorism operations. We are trying to build up
14 the national security forces. But that famine for the brand
15 new president and this fledgling national government is the
16 biggest thing on their plate. They have to do well in this
17 because if they cannot provide for this famine, then
18 Somalia, who has been without a national government for over
19 20 years, is going to question what the purpose and what
20 contributions they will make.

21 Senator Perdue: Thank you, sir.

22 One last real quick question. In Moron, Spain, I was
23 fortunate enough to meet and visit with some of your great
24 marines there. They have got a very strong mission.
25 Unfortunately, late last year, they had to move about half

1 of their air assets back to the U.S. for training. Can you
2 talk about readiness with regard to their mission in Africa?

3 General Waldhauser: Senator, the impact right now is
4 really capacity for us. So we have had to kind of center
5 their activity mostly on western Africa. And so some of the
6 missions we have in eastern Africa that they would have been
7 able to deploy to in the past, we would have to coordinate
8 with CENTCOM, and we have actually used marines from the
9 Oregon MEU in CENTCOM on the ground in Djibouti to take care
10 of crisis response activities, specifically South Sudan,
11 that we had at that time. So the readiness of the airplanes
12 has gotten better, but when you go from 12 to 6, the
13 capacity is cut in half. And the impact is we have got to
14 do a better job coordinating and sharing assets because the
15 Africa continent is extremely large.

16 Senator Perdue: Yes, sir. Thank you. Thank you both.

17 Chairman McCain [presiding]: Senator Donnelly?

18 Senator Donnelly: Thank you, Mr. Chairman.

19 Thank you both for your service. We are so grateful
20 for your hard work.

21 General Votel, as we move forward in Mosul and some of
22 the ISIS fighters head out, what efforts do we have in place
23 to try to capture them before they head to Raqqa or to other
24 areas, or where are they heading out to?

25 General Votel: Well, Senator, thank you for the

1 question.

2 Our intention, of course, is to prevent them from
3 getting out. And so the first part of all of our operations
4 is to isolate the areas where we are, where our attacks are
5 taking place by our partners, and where we are bringing our
6 enabling capabilities so that we do not let anybody get out
7 or get in. Being a desert, this is obviously a very porous
8 area, so there probably are some that get out. I think they
9 are generally moving into the middle Euphrates River valley,
10 which is a location that is equidistant between Mosul and
11 Raqqa.

12 Senator Donnelly: A while ago, we were just outside
13 Hadditha in Anbar Province meeting with the Iraqi leaders
14 there. And I just wanted to follow up. At that time, they
15 were close to starvation, for a lot of their citizens. It
16 was extremely difficult for all of their families. Where
17 are we now in terms of solidifying Hadditha, Fallujah,
18 Ramadi, those areas, and are they working with us and with
19 the central government?

20 General Votel: Senator, they are and we are making
21 progress with the humanitarian aid and the needs of the
22 people out in all of those areas. This I think is an area
23 that we have to pay particular attention to as we move
24 forward, particularly in the large urban areas. Our
25 military operations -- planning for those has to be done in

1 conjunction with the humanitarian aid planning and providing
2 for the needs of the people that will be left behind. So I
3 think this is a key aspect for us.

4 Senator Donnelly: As we head toward Raqqa, we have
5 seen that marines have come in. Are you getting everything
6 that you need in terms of equipment, manpower, all of those
7 things to take Raqqa back?

8 General Votel: We are, Senator, and I am certainly in
9 discussions with the Secretary about what we might need
10 going forward.

11 Senator Donnelly: Because I think our feeling is we do
12 not want to not get this done as soon as possible because we
13 did not provide you with the necessary equipment, necessary
14 personnel.

15 As we look at Raqqa and moving forward, obviously there
16 is a lot of complication with the Turks and with others.
17 How are all those pieces coming together for you?

18 General Votel: Well, as you know, Senator, this is an
19 extraordinarily complex area here. And so we are trying to
20 work with an indigenous force that has tensions with a NATO
21 ally. And so that is not an easy situation to move through.
22 But I think the way we are addressing it is in the right
23 way. We are being as transparent as we can. We are
24 providing information. We are looking for options on a day-
25 to-basis to ensure we can mitigate and minimize the tension

1 that exists in this area. So I will not try to tell you
2 that there is an easy way through all this complexity.
3 There is not. It is going to take a lot of hard work. It
4 is going to take military work. It is going to take
5 diplomatic work as we move forward. And I do believe that
6 is the approach that we are taking and I think that
7 ultimately it will work for us.

8 Senator Donnelly: I was going to follow up -- you were
9 kind enough to come by my office -- to follow up and say I
10 think your idea of complete transparency, here is what we
11 are doing, here is what we are working on, here is how we
12 plan to do it and to try to cooperate as much as we can with
13 other countries, but to tell them this is the plan and this
14 is where we are going seems to make a lot of sense to me.

15 As you look at what has gone on in the Arabian Gulf, we
16 just saw another incident with our ships recently. And as
17 we move forward, the distances seem to be less. They get
18 closer. They get closer. Do we have a plan ready to go
19 where at some point we say, you know, you have crossed the
20 red line, and if they continue, that we take appropriate
21 action?

22 General Votel: Senator, I am very confident in our
23 ship captains and in our crews for them to deal with the
24 situation. I do believe they have the right rules of
25 engagement. They have the right tools to prevent things,

1 and in the case that prevention does not work or deterrence
2 does not work, then they have the capabilities to defend
3 themselves and take action. So I am very confident in our
4 people.

5 Senator Donnelly: My guess is that there will become
6 an X crosses Y point, and I just want to make sure that our
7 captains and all of them are ready. And I have the same
8 confidence.

9 General Waldhauser, as you look at your area of
10 command, what do you see as our biggest challenge right now
11 that you are dealing with?

12 General Waldhauser: Senator, I think the biggest
13 challenge perhaps is the development piece for the
14 demographics of a very youthful population. 41 percent of
15 the continent is under the age of 15. We have got to find a
16 way to get at education, health care, hopelessness,
17 livelihood, and the like in order to give those individuals
18 a future because we could knock off all the ISIL and Boko
19 Haram this afternoon, but by the end of the week, so to
20 speak, those ranks would be filled. We know from those who
21 have kind of come out of the forest and given themselves up,
22 so to speak, that the reason they joined was they needed a
23 job, they needed a livelihood. It is not, for the most
24 part, in those regions about ideology. That is not the
25 driver. It is those factors I just talked about that drive

1 them into that line of work because there is nothing else
2 for them to do. So I think the youth bulge and the
3 demographics and providing development and a way ahead for
4 those youth are very, very important.

5 Senator Donnelly: So we cannot fight our way out of
6 it. What we have to do is to try to give them hope and
7 dignity and purpose I guess.

8 General Waldhauser: Exactly. I am not the first.
9 Many people, especially those in uniform, have said we
10 cannot kill our way to victory here. And this is about the
11 long-term investment in capacity building because at the end
12 of the day, that is what is going to try to help solve the
13 problem especially on the African continent.

14 Senator Donnelly: Thank you. Thank you both for your
15 service.

16 Thank you, Mr. Chairman.

17 Chairman McCain: Senator Tillis?

18 Senator Tillis: Thank you, Mr. Chairman.

19 General Votel, thank you for spending the time with me
20 in my office this week. And, General Waldhauser, welcome to
21 the committee. Thank you both for your service.

22 I will ask this of both of you. One area that I would
23 like to get your feedback on is foreign military financing,
24 foreign military sales and to what extent do we need to
25 focus on that with some of our partner nations that you

1 believe is helpful to you completing your missions in each
2 of your commands. General Votel, we will start with you.

3 General Votel: Thank you, Senator.

4 I think foreign military funding, foreign military
5 sales are extraordinarily important.

6 Senator Tillis: Can you get more into specifics about
7 certain areas where we need to really look at on a more
8 immediate basis?

9 General Votel: Yes, I do. I think certainly looking
10 at ballistic missile capabilities for some of our Gulf
11 partners is an important area. Certainly some of the
12 aircraft programs out there -- there is a great desire to
13 have U.S. programs in many of these countries, and those are
14 certainly areas where we have to pay strong attention.

15 Senator Tillis: What sort of capabilities in Egypt?
16 Senator Perdue asked you questions about the Sinai and
17 increasing threat in that region because of the
18 consolidation of ISIS and other entities. What kinds of
19 things would be helpful in particular to Egypt in that area?

20 General Votel: Well, certainly the suite of counter-
21 improvised explosive device equipment we have out there,
22 running from jammers to protected vehicles and a variety of
23 things in between, I think would be extraordinarily helpful
24 to them.

25 Senator Tillis: Do you have any specifics? And,

1 General Waldhauser, I want to go to you with the same line
2 of questioning. But any specific things that you can
3 provide us, any specific areas where we need to take a look
4 at and maybe get back to where we are helping build that
5 partnership with Egypt?

6 General Votel: Senator, we do, and with your
7 permission, we will look for an opportunity to come and talk
8 with you specifically about that so we can get into some
9 detail about what we think would be most useful for Egypt
10 and in fact for other partners across the region.

11 Senator Tillis: Thank you.

12 And, General Waldhauser, same line of questions.

13 General Waldhauser: Thank you, Senator.

14 Interestingly, in Africa, the foreign military sales is
15 a very interesting choice. Many of the countries that we
16 deal with are not financially in good shape, and
17 consequently the ability to pay and the ability to fund for
18 long-term parts blocks behind that is a difficult task. So
19 I am not suggesting that we should alter the rules or change
20 the rules, but I think we need to be very flexible when we
21 deal with some of these poor countries and make sure we
22 understand their absorptive capability so that what we are
23 selling them they not only can use them in the first few
24 years, but there will be a parts block behind that, if you
25 will. There will be an institution, a logistical

1 infrastructure behind that, that will allow them to keep
2 these pieces of equipment, whether they be vehicles or maybe
3 C-130 airplanes, keep them in good shape for years ahead and
4 years to come.

5 Senator Tillis: Thank you.

6 On another subject -- and it relates to foreign
7 military aid. General Votel, when you were in my office, we
8 were talking about Afghanistan. When I was there the year
9 before last, at the time there was a concern that there was
10 going to be a drop-off in foreign investment and the tools
11 that Afghanistan needed for its economic development, which
12 is a key part of stabilizing the country -- what is the
13 current situation there?

14 General Votel: I think the situation looks good, both
15 from a NATO standpoint and from a much broader international
16 standpoint. The donation conferences and other things that
17 have been convened here over the last year --

18 Senator Tillis: Are we building a reliable stream, or
19 is there another cliff that we have to be concerned with?

20 General Votel: I think we are building a reliable
21 stream out to the 2020 time frame and in some cases beyond
22 that. So I think the international community has stepped up
23 to the plate in this particular area.

24 Senator Tillis: Thank you.

25 General Waldhauser, when General Votel and the people

1 that we have assisting countries in CENTCOM are successful
2 in Mosul and Raqqa, it seems to me the good news is maybe we
3 are getting some level of success there. But I have got to
4 believe that that is going to potentially cause some
5 additional challenges for you. Can you talk about the ones
6 that you are specifically concerned with?

7 General Waldhauser: Senator, anytime you put pressure
8 on the network and disrupt or dislodge ISIL from a certain
9 area, movement will occur. So that means the border
10 countries toward that took place are very concerned about
11 foreign fighters moving back and forth. And so that is one
12 of the big concerns that we have. And one of the issues
13 that we have to deal with when we conduct operations, it is
14 important that the neighbors of those countries know what we
15 are trying to do and understand why we are trying to do that
16 so we can help them with the foreign fighter flow if
17 movement should occur.

18 Senator Tillis: Thank you, Mr. Chair.

19 Chairman McCain: Senator Kaine?

20 Senator Kaine: Thank you, Mr. Chair.

21 And thanks to the witnesses.

22 The Marine Corps doctrinal publication entitled
23 "Strategy" has this phrase in it. What matters ultimately
24 in war is strategic success, attainment of our political
25 aims, and the protection of our national interests. History

1 shows that national leaders, both political and military,
2 have failed to understand this relationship, sow the seeds
3 for ultimate failure, even when their armed forces achieve
4 initial battlefield success. Battlefield brilliance seldom
5 rescues a bad strategy.

6 I have been heartened by the American military's
7 performance on the battlefield. Very heartened with our
8 partners against ISIL in Iraq and now Syria. And although
9 we would not want to predict anything about timing, I think
10 that we are going to continue to have battlefield success.

11 What is our political strategy, say, following the fall
12 of Raqqa that would lead us to have a belief that there is
13 going to be a better next chapter to follow in Syria
14 especially?

15 General Votel: Senator, I am not sure I can comment on
16 what the political strategy is. I do believe this is a key
17 aspect of what Secretary Mattis and the administration are
18 discussing right now with respect to what this looks like
19 long-term.

20 Senator Kaine: And, General Votel, I think that is a
21 good answer. You are not commenting because the political
22 strategy is really for the political leadership not the
23 military leadership. The administration and Congress. You
24 understand that Congress has a role in this as well, not
25 just the administration.

1 General Votel: I do, Senator.

2 Senator Kaine: We are pursuing a war now based on an
3 authorization that was passed in September of 2001. It is
4 now nearly 16 years old. Do you think it would be helpful
5 in terms of articulating a political strategy that would put
6 the military mission into a context and to find an end
7 result and a potential desired future state if Congress were
8 to grapple with the question of the authorities and this
9 desired end political strategy?

10 General Votel: Senator, I think the current AUMF has
11 provided what we needed, but I do believe an updated
12 authorization certainly would send a stronger commitment to
13 uniformed military of our commitment and desire to support
14 them.

15 Senator Kaine: In the CENTCOM space, if the military
16 mission succeeds and Raqqa were to fall, do you still
17 believe that the American mission against ISIL and al Qaeda
18 will take a long time?

19 General Votel: I do. This is a very savvy enemy, and
20 they are adapting. Like we are adapting on the battlefield,
21 they are adapting on the battlefield.

22 Senator Kaine: Just like the ISIL attack --

23 General Votel: Right.

24 Senator Kaine: -- in Afghanistan dressed as doctors
25 attacking the hospital. This is a threat that is not going

1 to go away just because Raqqa were to fall. Correct?

2 General Votel: That is right. They will begin to
3 adopt other forms, and we will need to be persistent against
4 that and we will need to work with our partners to address
5 that in both Iraq and Syria.

6 Senator Kaine: Well, my colleagues know because I have
7 said it a lot and others view it the same way, that this
8 question of authorities -- I do think it is past time for
9 Congress to address it. Whether you think the 9-14-01 AUMF
10 legally covers the battle against ISIL or not, I think there
11 are prudent reasons at a minimum and I think legal reasons
12 as well that we should tackle it.

13 On the question of legal authorities, traditionally you
14 need two kinds of legal authorities to be engaged in a
15 military mission. You need a domestic legal authority and
16 you need an international legal justification as well. The
17 most common international legal justification for military
18 action in somebody else's territory is that they invited
19 you. We are conducting military actions in Iraq with the
20 request and support of the Iraqi Government. We are
21 conducting military operations in Afghanistan with the
22 support and request of the Afghan Government. We just
23 conducted a DOD ground operation for the first time in Yemen
24 with the request and support of the Yemeni Government.

25 Are we deploying marines in Syria at the request or

1 with the permission of the Syrian Government?

2 General Votel: We are not, Senator.

3 Senator Kaine: What is the international legal
4 justification for the U.S. taking military action in another
5 country without the request of that country? We have
6 criticized nations such as Russia, for example, for
7 undertaking military actions in the Ukraine or Crimea
8 without the request of the government.

9 General Votel: Thank you, Senator. I think we
10 certainly make a judgment about the ability of the
11 government to make a decision. In that case I think what we
12 are doing in Syria, we are looking at that as an extension
13 of the authority to operate from Iraq.

14 Senator Kaine: Iraq has had us in and we are
15 cooperating with Iraq. We are there in Iraq at their
16 request. But I guess the bottom line is there is no such
17 request from Syria. We do not judge that government capable
18 of making such a request, and we do not really recognize the
19 legitimacy of Bashar al Assad's government. But you are
20 saying that the international legal justification for
21 American military action in a country that has not asked us
22 is the fact that we are engaged in a military action in a
23 country next door that has asked us?

24 General Votel: I believe we are being extended that
25 authority by our leadership to conduct those operations

1 principally because we are operating against an enemy that
2 operates on both sides of that border.

3 Senator Kaine: If I might, one last question with
4 respect to Yemen. We have had hearings in this committee
5 about the ground operation in Yemen, which to my knowledge
6 was the first ground operation by DOD forces in Yemen.
7 There were a number of questions raised by that. I do not
8 want to go into the classified briefing we had, but
9 questions about was the mission compromised in some way in
10 the advance. What intel was gained? There was some after-
11 the-fact justification of the mission using video that
12 actually had been taken in another mission. Is the DOD
13 conducting an ongoing investigation of that mission to
14 determine all lessons learned, what worked, what did not,
15 and what we can do better?

16 General Votel: Senator, thank you, and let me answer
17 this a little more comprehensively.

18 First and foremost, I am responsible for this mission.
19 I am the CENTCOM Commander and I am responsible for what is
20 done in my region and what is not done in my region. So I
21 accept the responsibility for this. We lost a lot on this
22 operation. We lost a valued operator. We had people
23 wounded. We caused civilian casualties. We lost an
24 expensive aircraft.

25 We did gain some valuable information that will be

1 helpful for us. Our intention here was to improve our
2 knowledge against this threat, a threat that poses a direct
3 threat to us here in the homeland. And that was what we
4 were focused on.

5 There have been a number of investigations that have
6 been initiated. Most of these are regulatory or statutory
7 in terms of things that we normally do.

8 When we lose an aircraft, there is both a safety
9 investigation to ensure that we disseminate lessons learned
10 for the broader fleet, and there is also a collateral
11 investigation that tries to determine the specific reason
12 why that happened and establishes accountability over that.

13 We have done an investigation into the civilian
14 casualties. That has been completed. The helicopter
15 investigations are ongoing. The civilian casualty aspect
16 has been completed, and we have made a determination based
17 on our best information available that we did cause
18 casualties, somewhere between 4 and 12 casualties that we
19 accept -- I accept responsibility for.

20 We have done a line of duty investigation, again a
21 statutory investigation, on the death of Senior Chief Owens
22 that determined that he was in the line of investigation.

23 The key mechanism that I have, Senator, is the after-
24 action review, and this is something we do with every
25 operation we do. And the intention here is to review the

1 operation in great detail to understand exactly what
2 happened. And it is done with the chain of command in
3 place. And we have done that and I have presided over that.
4 Based on my experience, nearly 37 years of service, I have
5 certainly appointed a lot of investigations and I have been
6 through a lot of these after-action reviews. When I go
7 through these things, there are some specific things that I
8 am looking for. I am looking for information gaps where we
9 cannot explain what happened in a particular situation or we
10 have conflicting information between members of the
11 organization. I am looking for indicators of incompetence
12 or poor decision-making or bad judgment throughout all of
13 this.

14 So what I can tell you is that we did an exhaustive
15 after-action review on this. I presided over that. It went
16 down to a level that included people who were on the
17 specific objective. As a result of that, I was satisfied
18 that none of those indicators that I identified to you were
19 present. I think we had a good understanding of exactly
20 what happened on this objective, and we have been able to
21 pull lessons learned out of that that we will apply in
22 future operations. And as a result, I made the
23 determination that there was no need for an additional
24 investigation into this particular operation.

25 Senator Kaine: So the only investigation that

1 continues is the investigation -- or the loss of the
2 helicopters is still not complete.

3 General Votel: That is correct, Senator.

4 Senator Kaine: Thank you.

5 Thank you, Mr. Chair.

6 Chairman McCain: Just to follow up, General, there has
7 been a lot of conversation about this particular mission and
8 the point that some of us are trying to make that the
9 heroism and sacrifice of those who served has nothing to do
10 with the mission itself. In other words, we honor their
11 sacrifice no matter what happened in the mission.

12 And when you have women and children killed, as you
13 pointed out, the loss of a \$70 million aircraft, you did not
14 capture anyone as was part of the mission, that mission is
15 not a success. But that happens in war. There is a thing
16 called the fog of war. They did the best they could under
17 very difficult circumstances. And I hope in the process of
18 your investigation, when heavy fire was encountered why the
19 decision was made to continue the mission -- I still do not
20 think this committee has an answer to that question. But it
21 does not question the loyalty and sacrifice and bravery when
22 we question the mission.

23 And unless we tell the American people the truth, the
24 absolute truth, then we are going to revisit another war a
25 long time ago where we did tell the American people the

1 truth and we paid a very heavy price for it. There are
2 55,000 names engraved in black granite not far from here,
3 and the American people were not told the truth about
4 whether we were succeeding or failing in that war. And then
5 because of that, it all collapsed. So I hope that we will
6 not forget that lesson, and in no way does it detract from
7 the heroism and professionalism and sacrifice of the brave
8 men and women who serve under your command.

9 Senator McCaskill?

10 Senator McCaskill: Thank you, Mr. Chairman. I just
11 want to underline the comments you just made, and I do think
12 it is important that we get answers to the questions about
13 what happened at that moment in very difficult
14 circumstances, admittedly, that heavy fire occurred and the
15 decision was made to continue. And I am also anxious to
16 have the questions answered about the real value of the
17 intelligence that was gathered. I think there have been
18 some mixed signals about the value of the intelligence that
19 was gathered.

20 I want to talk to you today. I have spent an awful lot
21 of time working on contracting in contingencies. And I
22 remember my very first trip to Iraq included a stop in
23 Kuwait to look at contracting. And I had an encounter with
24 a general there that I will never forget. I will always
25 admire him for being so honest with me because I was

1 pointing out all of these massive problems with contracting,
2 especially Log Cap 1, Log Cap 2 and all of those associated
3 contracts. And he looked at me and he said, Senator, I
4 wanted three kinds of ice cream in the mess yesterday, and I
5 do not care how much it costs.

6 Now, while I admired him for his honesty, it kind of
7 underscored for me that contracting oversight was not a core
8 capability many times within commands within contingencies.
9 If it were, we would not have this long trail of mistakes
10 made going all the way back to Kosovo on contracting.

11 So I was upset yesterday when I saw the DOD IG report
12 coming out of Kuwait where they said that ineffective
13 monitoring of contractor performance for the Kuwait base
14 operations -- a particular concern that the contracting
15 officer representatives, which we have worked very hard -- I
16 mean, at the point in time I was over there, it was the
17 worst guy in the unit got handed the clipboard, had no idea
18 what he was supposed to do in terms of contracting oversight
19 and did not do much. We have done a lot of work on this,
20 training, and making sure people understand and with the
21 standing up the Contracting Command.

22 So the fact that there is no consistent surveillance of
23 these contracts in Kuwait, no assurance that the contract
24 requirements have been met, and the entire \$13 million
25 performance bonus was paid even though it is not clear that

1 it was earned, and maybe most worrisome, this environmental
2 and health hazard that has been allowed to languish. It is
3 fairly clear from reading this report that a stagnant
4 wastewater lagoon went unresolved, that it was probably
5 never constructed correctly, and it is really impacting the
6 health and safety of some of our men and women that are
7 stationed there.

8 So I need you to reassure me that we have not taken our
9 eye off the importance of contracting oversight. And this
10 is not just you. This is also the ACC and the 408th
11 Contracting Support Brigade.

12 General Votel: Thank you, Senator.

13 I absolutely agree with you, and I recognize my
14 responsibility as the CENTCOM Commander and as a senior
15 leader in the Department of Defense to ensure that the
16 expenditure of our national treasure and our resources is
17 done in an effective and efficient manner. And I look
18 forward to an opportunity to talk with you specifically
19 about this situation in Kuwait.

20 Senator McCaskill: I would like that very much, and we
21 will look forward to hearing from you directly. The thing
22 that was the most frustrating about the contracting through
23 much of the Iraq conflict before we did the contracting
24 reforms that the Wartime Contracting Commission set out --
25 and we codified all of those, most of them in this committee

1 -- the amount of money that was wasted was astounding. And
2 we just cannot afford it. We just cannot afford it.

3 Let me briefly, in the time I have remaining -- I know
4 that they have covered Russia as it relates to what has been
5 going on in Afghanistan. I am not sure that it has been
6 touched on, what is going on in Nigeria, and would love you
7 to speak to that, General Waldhauser, about the fact that we
8 refused to sell them the Cobra attack helicopters because of
9 the history of human rights problems. And undeterred by
10 that history, of course, Russia stepped up and now sold them
11 attack helicopters. They are now training the Nigerian
12 military, including the special forces, instead of the
13 United States.

14 Could you give us any assessment of the impact of that,
15 that Russia has stepped in where our better judgment said it
16 was not a good idea and is now taking on that primary role
17 with the Nigerian special forces?

18 General Waldhauser: Senator, not only Nigeria but
19 other countries on the continent. If there are easier ways
20 to get to military sales, if countries come in, China,
21 Russia, North Korea, for example -- if they come in and do
22 not have a lot of strings attached, then sometimes it is
23 easier for those countries to purchase weapon systems from
24 others than the U.S.

25 So we try to accommodate certain financial situations.

1 I know the DSCA people that work for OSD try hard to
2 accommodate that. And when you look closely at the
3 absorption capabilities of these countries -- but again in
4 many occasions, human rights is not an issue when it comes
5 to weapon sales from countries other than the United States.

6 Senator McCaskill: Well, I think it is something we
7 need to worry about because it is, obviously, a powerful way
8 to spread the influence and power of Russia. And I think we
9 all, no matter what our party is, have figured out in the
10 last 6 months that this is a real threat to our country and
11 to our national security.

12 Thank you, Mr. Chairman.

13 Chairman McCain: Senator Graham?

14 Senator Graham: Thank you, Mr. Chairman.

15 I think you have been asked about soft power and the
16 need for it. Both of you said it is an important tool in
17 the toolbox to win the war. Is that correct?

18 General Votel: That is correct, Senator.

19 General Waldhauser: Yes, Senator. Yes.

20 Senator Graham: And you are warfighters
21 extraordinaire. So I appreciate you putting a plug in for
22 soft power.

23 Let me dig in with it. Can you win the war without it?

24 General Waldhauser: I do not believe you can, Senator.
25 Everything comes from security. Once you have a secure

1 environment, development needs to take place, and that is
2 where soft power kicks in.

3 General Votel: I agree with, General Waldhauser.

4 Senator Graham: So really, this war is about a
5 glorious death being offered by the terrorists and a hopeful
6 life by the rest of the world. Is that a pretty good
7 description of what we are trying to do is offer a hopeful
8 life to compete with a glorious death?

9 General Votel: I think in very general terms, I think
10 it is about that. It is about offering alternatives to
11 people to the situations that they find themselves in.

12 Senator Graham: And the good news is that most people
13 over there do not want what ISIL is selling. There is not a
14 big demand for that product. Is that a fair statement?

15 General Waldhauser: Certainly on the African continent
16 that is true, very true.

17 General Votel: I would agree with that, Senator.

18 Senator Graham: Very few fathers and mothers want to
19 turn their daughters over to ISIL if they do not have to.
20 Is that a fair statement?

21 General Votel: It is, Senator.

22 General Waldhauser: Yes, Senator, it is fair.

23 Senator Graham: Is it a fair statement we are not
24 going to win this war without partners in the faith? The
25 only way you can win this war is to have fellow Muslims

1 fighting with us against ISIL.

2 General Votel: It is my view that we have to have
3 local forces engaged in this.

4 General Waldhauser: That is what by, with, and through
5 is all about, Senator.

6 Senator Graham: And is it fair to say that most people
7 in the faith reject this hateful ideology?

8 General Votel: That is true, Senator.

9 General Waldhauser: I agree.

10 Senator Graham: So I want the committee to understand
11 that any budget we pass that guts the State Department's
12 budget, you will never win this war. As a matter of fact,
13 ISIL will be celebrating.

14 What is Russia trying to do in Libya, General
15 Waldhauser?

16 General Waldhauser: Senator, Russia is trying to exert
17 influence on the ultimate decision of who becomes and what
18 entity becomes in charge of the government inside Libya.
19 They are working to influence that decision.

20 Senator Graham: They are trying to do in Libya what
21 they have been doing in Syria?

22 General Waldhauser: Yes. That is a good way to
23 characterize it.

24 Senator Graham: It is not in our national interest to
25 let that happen. Is it?

1 General Waldhauser: It is not.

2 Senator Graham: The political situation in Libya is
3 pretty fractured?

4 General Waldhauser: It is very fractured, Senator.

5 Senator Graham: So the commander of their military is
6 at odds with the political leader supported by the U.N. Is
7 that fair?

8 General Waldhauser: That is fair, yes.

9 Senator Graham: And if we do not fix that, it is going
10 to be tough moving forward?

11 General Waldhauser: We have got to get the entities,
12 specifically Haftar and the government of national accord,
13 together to make an accommodation in order to get any
14 government moving forward.

15 Senator Graham: Would you say that Secretary Tillerson
16 is very important in this regard?

17 General Waldhauser: Very important, Senator.

18 Senator Graham: So we need to put that on his radar
19 screen.

20 General Waldhauser: Yes, we do.

21 Senator Graham: Syria. The Kurds that we are
22 training, General Votel, are they mostly in line with the
23 YPG? Are they YPG Kurds?

24 General Votel: They are, Senator.

25 Senator Graham: Is it fair to say that in the eyes of

1 the Turks, the YPG Kurds are not much better, if any better,
2 than the PKK?

3 General Votel: Senator, that is the view of the Turks.

4 Senator Graham: Is it fair to say that the YPG Kurds
5 have sort of a communist/Marxist view of governing? That is
6 what their manifesto says anyway.

7 General Votel: Senator, I think it is fair to say that
8 there is some affinity back towards that.

9 Senator Graham: So is it fair to say that we have got
10 to be careful about over-utilizing the YPG Kurds? Not only
11 will it create problems for Turkey, other Kurds in the
12 region do not buy into their agenda also.

13 General Votel: I think it is important. And that is
14 why as we look to a place like Raqqa, we are attempting to
15 do that with majority Arab forces.

16 Senator Graham: Is it fair to say that how we take
17 Raqqa can determine the outcome of Geneva in terms of a
18 political settlement?

19 General Votel: It is certainly a key operation. We
20 will support that.

21 Senator Graham: Is it fair to say that the balance of
22 power on the ground in terms of Assad's regime that he is in
23 a good spot?

24 General Votel: He is in a better position than he was
25 a year ago.

1 Senator Graham: That the opposition has basically
2 melted away because Russia, Iran, and Assad have gone after
3 them full throated.

4 General Votel: The support that has been provided by
5 Russia and Iran has certainly enabled the regime.

6 Senator Graham: Is it fair to say that most Syrians
7 want two things: to get rid of ISIL but also to get rid of
8 Assad because he slaughtered their families?

9 General Votel: The Syrians that I have talked to I
10 think would agree with that.

11 Senator Graham: Is it fair to say it is in our
12 national security interests for Damascus not to be handed
13 over to Assad, a proxy for Iran, in any final settlement,
14 that you cannot have Iran dominating Damascus?

15 General Votel: Senator, I think that is certainly a
16 decision for our political leadership to make, but I think
17 there is a strong consensus.

18 Senator Graham: Final thought. How we take Raqqa will
19 determine if we can get a political settlement in Geneva if
20 we do not change the balance of military power on the
21 ground, go outside of this Kurdish construct, reassure the
22 Arabs that we are a better partner than we have been in the
23 past, we are going to give Damascus to the Iranians, if we
24 help those Syrian Arabs who want to fight and take their
25 country back from Assad and his brutal dictatorship, I think

1 we can change the balance of power on the ground and get a
2 better deal in Geneva. So if the Trump administration is
3 listening, how you take Raqqa will determine how successful
4 we are in neutralizing Iranian influence and Russian
5 influence.

6 Mr. Chairman, you have been terrific on this issue. I
7 want to thank you for your leadership.

8 Chairman McCain: I thank you.

9 I thank you, Generals, for your appearance here this
10 morning. It has been very helpful to the committee and to
11 the United States Senate. I know it is not your favorite
12 pastime, but I think it is very important that we hear
13 directly from you. Thank you for your leadership, and we do
14 want you to be assured that we will do everything we can to
15 support you as we go through what is a very complicated and
16 difficult challenge.

17 Senator Reed?

18 Senator Reed: I simply want to thank you, gentlemen,
19 for your service and for your testimony today. And please
20 relay our thanks to the men and women who serve so well with
21 you. Thank you very much.

22 Chairman McCain: This hearing is adjourned.

23 [Whereupon, at 11:40 a.m., the hearing was adjourned.]

24

25

Exhibit 6

Stenographic Transcript
Before the

COMMITTEE ON
ARMED SERVICES

UNITED STATES SENATE

UNITED STATES SPECIAL OPERATIONS COMMAND

Thursday, May 4, 2017

Washington, D.C.

ALDERSON COURT REPORTING
1155 CONNECTICUT AVENUE, N.W.
SUITE 200
WASHINGTON, D.C. 20036
(202) 289-2260
www.aldersonreporting.com

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

UNITED STATES SPECIAL OPERATIONS COMMAND

Thursday, May 4, 2017

U.S. Senate
Committee on Armed Services
Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m. in Room SD-G50, Dirksen Senate Office Building, Hon. John McCain, chairman of the committee, presiding.

Present: Senators McCain [presiding], Inhofe, Wicker, Fischer, Cotton, Rounds, Ernst, Tillis, Sullivan, Perdue, Cruz, Reed, Nelson, McCaskill, Shaheen, Gillibrand, Blumenthal, Donnelly, Hirono, Kaine, King, Heinrich, Warren, and Peters.

1 OPENING STATEMENT OF HON. JOHN MCCAIN, U.S. SENATOR
2 FROM ARIZONA

3 Chairman McCain: Good morning. The Senate Armed
4 Services Committee meets this morning to receive testimony
5 on the posture of the U.S. Special Operations Command, known
6 as SOCOM.

7 I would like to welcome Ms. Theresa Whelan, who is
8 representing the Office of the Assistant Secretary of
9 Defense for Special Operations and Low-Intensity Conflict,
10 and General Tony Thomas, the Commander of SOCOM. I thank
11 our witnesses for appearing before the committee and for
12 their many years of dedicated service to the Nation.

13 The purpose of today's hearing is to hear directly from
14 the senior civilian and military leaders responsible for
15 ensuring our special operations forces are trained,
16 equipped, and ready to confront what is the most complex and
17 daunting set of national security challenges our Nation has
18 faced since the Second World War.

19 In response to the increasing threats, our combatant
20 commanders around the world have developed a seemingly
21 insatiable demand for the unique capabilities of our special
22 operators. That is especially true in the fight against
23 terrorism.

24 For the last 15 years, special operations forces have
25 been heavily engaged in the fight against global terrorist

1 groups. As a result, SOCOM's budget has emphasized
2 optimizing and sustaining counterterrorism capabilities.
3 This is unlikely to change anytime soon. The United States
4 will remain engaged in global counterterrorism operations of
5 varying scope and intensity for the foreseeable future, and
6 special operations forces will continue to play a vital
7 role.

8 But we must be careful never to equate special
9 operations with counterterrorism. Special operations forces
10 must be prepared to perform a variety of other critical
11 missions beyond counterterrorism, missions that will
12 continue to grow in scale and importance, and demand more
13 from our special operations forces.

14 China, Russia, Iran, and North Korea are becoming more
15 aggressive in challenging U.S. interests and partners
16 through the use of asymmetric means that often fall below
17 the threshold of conventional conflict. The ability of our
18 special operators to conduct low-visibility special warfare
19 operations in politically sensitive environments make them
20 uniquely suited to counter the malign activities of our
21 adversaries in this domain.

22 Put simply, special operations forces have an
23 indispensable role to play in great power competitions and
24 global counterproliferation.

25 The challenges posed by militarily advanced great

1 powers will require the development and employment of new
2 technologies and capabilities. It also warrants a serious
3 review of the need for additional special operations force
4 structure.

5 However, posturing a force to effectively operate in
6 this domain will not be possible until we in Congress step
7 up and repeal the misguided and disastrous defense spending
8 caps and forthcoming defense budget cuts required by law in
9 the Budget Control Act. Persistent budgetary uncertainty
10 undermines the ability of our military leaders to plan and
11 forces them to choose between near-term readiness to support
12 ongoing operations and optimizing the force and its
13 capabilities to address emerging and future requirements.

14 This is not sustainable, and this is not right.

15 I look to our witnesses to explain how SOCOM is
16 attempting to balance the need to support ongoing
17 operational warfighting requirements while also ensuring
18 that the force is prepared to deal with emerging threats, as
19 well as describe in detail where budget shortfalls are
20 forcing you to accept risk.

21 Lastly and most importantly, I expect our witnesses to
22 provide the committee with an update on the overall health
23 of the force and what is being done to mitigate the impact
24 to our operators and their families. Fifteen years of
25 continuous combat operations in back-to-back deployments

1 have placed enormous strain on the force, challenging
2 readiness, resilience, and retention.

3 We owe our operators and their families who have given
4 so much in defense of our Nation the support that they
5 deserve.

6 Again, I thank our witnesses for being with us today
7 and look forward to their testimony.

8 Senator Reed?

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATEMENT OF HON. JACK REED, U.S. SENATOR FROM RHODE
2 ISLAND

3 Senator Reed: Thank you very much, Mr. Chairman. Let
4 me also join you in thanking our witnesses for appearing
5 today to discuss the United States Special Operations
6 Command and the readiness of our special operations forces.
7 You are both ably leading your respective organizations
8 through a period of both high operational tempo and also
9 significant transition.

10 The United States Special Operations Command, or SOCOM,
11 recently celebrated the 30th anniversary of its
12 establishment by Congress. Those 30 years, and particularly
13 the last 15, have been characterized by great successes,
14 including the operation that killed Osama bin Laden.
15 SOCOM's history also includes tragedies that resulted in the
16 loss of brave special operators.

17 Fortunately, our special operations forces have learned
18 from each of these events and have emerged as a stronger and
19 more capable force.

20 General Thomas, the high quality of men and women you
21 lead today are a testament to that lineage.

22 SOCOM is unique within the Department of Defense as the
23 only functional combatant command with service-like
24 responsibilities for the training, equipping, organization,
25 and readiness of special operations forces.

1 When Congress created SOCOM, it also established the
2 position of the Assistant Secretary of Defense for Special
3 Operations and Low-Intensity Conflict, or ASD/SOLIC, to be
4 the service secretary-like civilian tasked with day-to-day
5 advocacy and oversight of special operations forces. For
6 many reasons, including competing responsibility for other
7 policy matters, the ASD/SOLIC has not adequately fulfilled
8 the mandate to date.

9 The National Defense Authorization Act of Fiscal Year
10 2017 sought to address this issue with a number of reforms
11 designed to optimize the partnership between the Commander
12 of SOCOM and the ASD/SOLIC for the benefit of special
13 operations forces. For that reason, we are pleased to have
14 Ms. Whelan, the Acting Assistant Secretary of Defense SOLIC,
15 testifying today in the service secretary-like role
16 envisioned by last year's reforms.

17 We look forward to receiving an update from both of you
18 as to the progress you have made toward achieving the goals
19 of last year's bill and what we expect over the next several
20 years.

21 Our special operations forces remain heavily engaged in
22 the fight against ISIS, Al Qaeda, and other violent
23 extremist organizations, sometimes directly, but more often
24 in support of local partner forces on the ground, as we have
25 seen most prominently in Iraq and Syria. I hope both of you

1 will give us your assessment of what, if anything, we can do
2 to accelerate progress in defeating these groups.

3 While the last 15 years of special operations
4 deployments have been primarily focused on countering
5 violent extremist groups, there is growing realization that
6 special operations forces, and the unique skillsets that
7 they possess, may be called upon for other missions as well.

8 General Thomas, you and many in your community have
9 sought to characterize this so-called gray zone of
10 competition short of direct military conflict. We saw such
11 tactics most notably as part of Russia's eventual illegal
12 annexation of Crimea, and should expect more such challenges
13 as adversaries pursue efforts against the United States and
14 other countries.

15 I hope that you will provide the committee with your
16 views on the suitability of special operations to direct
17 gray zone challenges today and what changes in special
18 operations capabilities and authorities, many of which were
19 designed to confront the terrorist threat, may be necessary.

20 Given the demand for special operation forces across
21 these various mission sets, we must always remain mindful of
22 the already high operational tempo faced by our special
23 operators and their families. SOCOM has sought to mitigate
24 the stress of these repeated demanding deployments through
25 the Preservation of the Force and Family Initiative. I look

1 forward to an update on the lessons learned from this
2 initiative and SOCOM's plans going forward.

3 General Thomas and Ms. Whelan, I hope you will pass
4 along the committee's admiration and thanks to our special
5 operators and their families for the tremendous sacrifices
6 they make in support of our national security.

7 Thank you, Mr. Chairman.

8 Chairman McCain: Ms. Whelan?

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATEMENT OF THERESA M. WHELAN, ACTING ASSISTANT
2 SECRETARY OF DEFENSE FOR SPECIAL OPERATIONS/LOW-INTENSITY
3 CONFLICT

4 Ms. Whelan: Thank you, Senator. Chairman McCain,
5 Senator Reed, and distinguished members of the committee, I
6 am honored to appear before you today in my capacity as the
7 Acting Assistant Secretary of Defense for Special Operations
8 and Low-Intensity Conflict. I am pleased to share the table
9 with General Tony Thomas, who has served at the forefront of
10 the special operations forces at all levels of command. Our
11 entire SOLIC team is proud to partner with him and his
12 command in forging the future of DOD special operations.

13 I would like to thank you and your predecessors for the
14 foresight to create SOLIC and USSOCOM 30 years ago, and for
15 your commitment to maintaining that vision over the last 3
16 decades. We are grateful for this committee's strong
17 support for special operations, as evidenced by the
18 resources, authorities, and depth of understanding you
19 provide in your oversight. Our military is stronger and
20 more capable due to your efforts.

21 Today, I will focus on three topics: winning the
22 current fight and defeating emerging threats, building on
23 the foundations of Section 922 ASD/SOLIC authorities, and
24 continuing to hone the edge of SOF personnel and
25 capabilities.

1 SOF is a vanguard force in countering emerging threats
2 at the leading edge of the modern security landscape. In
3 the last 15 years, we encountered a networked enemy, we
4 flattened our organizations and accelerated our targeting
5 cycles, and we built a network to defeat them. We now face
6 advanced transregional threats that demand greater levels of
7 coordination and collaboration, and we are redoubling our
8 focus on building relationships and international and
9 interagency partners.

10 Today, SOLIC provides advocacy for the special
11 operations budget, which is approximately 1.8 percent of our
12 defense budget in 2017. And we directly manage over \$2
13 billion in various budgets that support counterterrorism and
14 counternarcotics efforts.

15 The 3 decades-long partnership between SOCOM and SOLIC
16 has generated a force capable of dealing with emerging
17 threats and a force that is able to translate those gains
18 across the department. We will win the fight against VEOs
19 and protect our citizens, vital interests, allies, and
20 partners.

21 This requires a long-term strategic approach that
22 combats terrorists, disrupts terrorist networks, discredits
23 extremist ideologies, and diminishes factors that contribute
24 to recruitment and radicalization.

25 Sustained funding and flexible legislative authorities

1 have been instrumental to those efforts. I want to thank
2 the committee for establishing Section 127(e), formerly
3 known as Section 1208, as a permanent authority. The
4 maturation of this program has provided our warfighters a
5 powerful tool to employ to support our allies, attack our
6 enemies, and protect our force, and it is a great example of
7 interagency synergy enabled by strong congressional support
8 and oversight.

9 Congressional support for countering threat finance and
10 transnational organized crime is also crucial to our
11 efforts. Terrorists, insurgents, and other threat networks
12 depend upon illicit revenue streams and criminal
13 facilitators for logistics support, money laundering, or
14 obtaining weapons and fraudulent documents.

15 Thank you also for codifying the responsibilities of
16 ASD/SOLIC's important oversight role, comprised of the
17 complementary tasks of monitoring and advocacy in the fiscal
18 year 2017 NDAA.

19 USSOCOM has made dramatic advances during wartime in
20 response to urgent battlefield demands, gains that require
21 an institutional foundation to endure. The service
22 secretary-like authorities in Section 922 serve as a
23 strategic linchpin ensuring that we lock in these hard-won
24 gains.

25 These authorities have empowered the Special Operations

1 Policy Oversight Council, which we have used over the past
2 year to resolve base infrastructure and casualty evacuation
3 issues among SOCOM and the services. Ultimately, these
4 gains can be leveraged across the entire force with SOF best
5 practices in technology and talent management serving as
6 templates for the department in addressing emerging
7 challenges.

8 A key part of SOLIC's role is to advance the state-of-
9 the-art in concepts, technologies, and strategies for both
10 humans and hardware. Our Combating Terrorism Technical
11 Support Office leads this effort with SOLIC developing
12 cutting-edge technologies for SOF, the interagency, and law
13 enforcement.

14 The SOF Truths state that humans are more important
15 than hardware. As we continue to provide agile and
16 innovative capabilities, we must also continue to build and
17 sustain an elite work force suited to the unique and diverse
18 demands of 21st century warfare.

19 We will also continue to work closely with Congress to
20 ensure that we have the right policies, agile authorities,
21 and necessary resources to employ SOF effectively. I thank
22 Congress for its continuing support of our men and women in
23 uniform, and their families, and I look forward to your
24 questions.

25 [The prepared statement of Ms. Whelan follows:]

1 Chairman McCain: General Thomas?
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 STATEMENT OF GENERAL RAYMOND A. THOMAS III, USA,
2 COMMANDER, UNITED STATES SPECIAL OPERATIONS COMMAND

3 General Thomas: Chairman McCain, Ranking Member Reed,
4 and distinguished members of the committee, thank you for
5 the opportunity to appear before you today. I am especially
6 grateful to be here today with Principal Deputy Assistant
7 Secretary Whelan in a session dedicated exclusively to
8 special operations as it provides us the opportunity to
9 discuss in detail the unique requirements, capabilities, and
10 challenges associated with your United States Special
11 Operations Command.

12 This body legislated us into existence a little over 30
13 years ago to act as a unique Department of Defense
14 organization, a dual-hatted, service-like entity responsible
15 for the manning, training, and equipping of special
16 operations forces, as well as a globally focused, functional
17 combatant command.

18 In fulfilling the first role, which continues to be our
19 primary function, I believe we have consistently provided
20 the world's best special operations forces to the geographic
21 combatant commanders. However, it is in the second role, as
22 a globally focused combatant command, where SOCOM has
23 evolved the most.

24 As we carry out both of these roles today, special
25 operations forces are more relevant than ever to the current

1 and enduring threats facing our Nation. We have been at the
2 forefront of national security operations for the past 3
3 decades, to include continuous combat over the past 15.5
4 years. This is historic period has been the backdrop for
5 some of our greatest successes, as well as the source of our
6 greatest challenge, which is the sustained readiness of this
7 magnificent force.

8 We are thankful for the resources you have provided not
9 only to operate this force but also to perform the critical
10 sustainment efforts that underpin our most precious resource
11 -- our people.

12 Last month was particularly difficult for the United
13 States Special Operations Command, losing its 407th hero,
14 Staff Sergeant De Alencar, a father of five, in a firefight
15 in the Nangarhar Province of Afghanistan while operating
16 alongside his Afghan partners. Then last week, we lost
17 Ranger Sergeants Thomas and Rogers, our 408th and 409th
18 casualties, respectively.

19 This comes on the heels of 16 other combat fatalities
20 since I assumed command a year ago. It is a stark reminder
21 that we are a command at war and will remain so for the
22 foreseeable future.

23 My current priorities for the command fall into three
24 broad categories. First, we must win the current fight,
25 which consists of carrying out assigned missions running the

1 gamut from defeating Islamic extremism, both Sunni and Shia,
2 to countering Russian aggression, to preparing for
3 contingencies in Korea, as well as various security
4 operations to defend the homeland. Second, we must continue
5 to transform our enterprise to remain relevant in the
6 rapidly changing security environment. Finally, we must
7 take care of our people and their families as they form the
8 foundation upon which our force is built.

9 My first year in command has seen us focused on these
10 priorities as we transform the way the Department of Defense
11 looks at many of the national military strategy challenges
12 in our role as the coordinating authority for countering
13 transregional threats. More recently, we have also poured
14 significant resources into defining our role as the
15 department's synchronizer for countering weapons of mass
16 destruction.

17 Both of these substantive roles are additive to the
18 current missions, where approximately 8,000 special
19 operations forces are deployed in over 80 countries, working
20 with international, interagency, and DOD partners in support
21 of the geographic combatant commanders' priorities.

22 This focus is also occurring during a period of
23 unprecedented recapitalization of substantive parts of our
24 warfighting capability, to include the conversion of our
25 entire C-130 fleet to J model C-130s, as well as other major

1 platforms. We are extremely thankful to the services for
2 enabling this transformation of the force, as it sets us on
3 the path for success for decades to come.

4 We are equally grateful for the support of Congress for
5 the required resourcing that, in turn, has produced a SOCOM
6 which is relevant to all the current and enduring threats
7 facing the Nation. We appreciate your continued oversight
8 and advocacy for your United States Special Operations
9 Command, and I look forward to your questions today.

10 Thank you.

11 [The prepared statement of General Thomas follows:]

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 Chairman McCain: Thank you, General.

2 General, how are the spending caps under the Budget
3 Control Act impacting the readiness and capabilities of
4 special operations forces?

5 General Thomas: Chairman, that has been a consistent
6 challenge over the last couple years as two of the things
7 that we would endeavor to control in terms of
8 predictability, and that is the deployment tempo and the
9 resourcing of our force. Resourcing has not been very
10 predictable over the last several years, and the potential
11 for continued cuts undermines both our readiness and our
12 modernization going forward.

13 Chairman McCain: So what does that do to morale?

14 General Thomas: Chairman, indirectly, I think,
15 obviously, it affects the morale of our servicemembers who
16 are concerned about the support of the Nation and this body.

17 Chairman McCain: When it is not predictable as to
18 where and when they will be required because of budget
19 constraints. True?

20 General Thomas: Chairman, it is true. Yes, there is a
21 ripple.

22 Chairman McCain: So how can you plan, in this
23 budgetary environment, when we lurch from crisis to crisis?

24 I guess I am a little redundant here, but when I look
25 at this map of where all of your people are, spread all over

1 the world, it seems to me at least we owe them some kind of
2 predictability.

3 Let me ask, what is your assessment? Do you know when
4 we will see an updated counter-ISIS strategy from the
5 administration?

6 General Thomas: Chairman, we are currently working on
7 updating that strategy.

8 Chairman McCain: What is your assessment of Russia's
9 malign activities aimed at destabilizing Eastern Europe and
10 our NATO allies?

11 General Thomas: Chairman, as I think you know, we are
12 supporting General Scaparrotti's efforts to both discern and
13 determine the nature of Russian aggression, as well as to
14 compete short of conflict in the various countries where it
15 occurs.

16 Chairman McCain: And have you seen the Russia malign
17 activities increase, decrease, or stay the same?

18 General Thomas: Chairman, I would assess they are a
19 steady state of aggressive activities.

20 Chairman McCain: And how do you think we deter that?

21 General Thomas: Chairman, I think by, with, and
22 through our allies is the primary approach. I think we have
23 great support and great opportunity there, and we are
24 continuing to enhance that approach.

25 Chairman McCain: Has the European Reassurance

1 Initiative had a positive impact?

2 General Thomas: It has, Chairman.

3 Chairman McCain: Do you think we are in a "stalemate"
4 in Afghanistan, as General Nicholson testified before this
5 committee, in light particularly of recent successful, at
6 least in their view, Taliban attacks, including the killing
7 of over 100 Afghans at a base?

8 General Thomas: Chairman, I am aware of General
9 Nicholson's description of the current status of the fight
10 as a stalemate. I recently returned from visiting
11 Afghanistan where you know our special operations forces
12 play a key role with our associated forces.

13 It is, admittedly, a very tough fight, and we are
14 beginning yet another fighting season. I would offer,
15 though that, in terms of stalemate, the one objective we had
16 for why we went there in the first place that we have
17 accomplished over the last 15.5 years is the avoidance of
18 another attack from that area. That certainly is an
19 accomplishment and something that we need to reinforce going
20 forward.

21 Chairman McCain: But if you have a "stalemate," that
22 means that it does not end, doesn't it?

23 General Thomas: Chairman, I understood the commander's
24 assessment of stalemate as an opportunity to change the
25 strategy.

1 Chairman McCain: But that opportunity, if the present
2 status quo prevails, then there is no end to it. In other
3 words, what do you think needs to be done to end a
4 stalemate?

5 General Thomas: Chairman, I think that General
6 Nicholson and the Secretary are pursuing new initiatives to
7 --

8 Chairman McCain: What do you think is needed, General
9 Thomas?

10 General Thomas: Chairman, we are integral to the
11 discussion on what is needed going forward. Again, I am
12 supporting the commander there, and supporting our Secretary
13 of Defense in terms of the strategy --

14 Chairman McCain: You know, you testified before this
15 committee that you would give your opinion, if it is
16 requested by this committee. I will ask you again. What do
17 you think needs to be done in Afghanistan to end a
18 stalemate?

19 General Thomas: Chairman, I think the critical factor
20 is the commitment, the commitment to some enduring state
21 that has not been described effectively in the past. I
22 think the new strategy is going to establish that definition
23 of what --

24 Chairman McCain: Does that mean, in your view,
25 additional troops commitment?

1 General Thomas: Chairman, additional troops are being
2 considered, changes to the ROE --

3 Chairman McCain: In your opinion, do you think it
4 requires additional troops?

5 General Thomas: Chairman, right now, I think we have
6 an adequate number of my troops, special operations forces,
7 on the ground.

8 Chairman McCain: Of your troops, you think you have
9 enough?

10 General Thomas: I do.

11 Chairman McCain: And how often do your average
12 individuals under your command serve overseas?

13 General Thomas: Chairman, I believe what you are
14 getting at is the deployment tempo for folks.

15 Chairman McCain: Right.

16 General Thomas: It varies across our force. In some
17 cases, various parts of our force, various components are in
18 a 1-to-1.2 worst-case deployment.

19 Chairman McCain: Meaning how many months deployed
20 versus how many months back in the United States?

21 General Thomas: With that ratio I just described, they
22 are about a 1-to-1, so 6 months or so deployed, if that is
23 the rotation, 6 months back. That is the worst case. In
24 the best case, we have been able to establish a balance of
25 1-to-3, so for every 6 months deployed --

1 Chairman McCain: Isn't it a significant strain to have
2 half your time deployed? Doesn't that put a lot of strain
3 on the individuals and their families?

4 General Thomas: Chairman, that worst case is actually
5 less than the DOD's desired rate, and we are endeavoring to
6 get that back in balance.

7 Again, that is not our entire formation. That is only
8 parts of our formation. But it is unsustainable, to your
9 point.

10 Chairman McCain: I thank you, General.

11 Senator Reed: Thank you very much, Mr. Chairman.

12 To both Ms. Whelan and General Thomas, do you believe
13 that both SOCOM and SOLIC have an adequate seat at the table
14 when discussions are made about budget acquisition and other
15 issues impacting your force, vis-a-vis the other services?

16 Ms. Whelan?

17 Ms. Whelan: Thanks for the question, Senator.

18 Actually, I think that the recent language in the NDAA
19 in Section 922 has significantly improved the ability of
20 ASD/SOLIC to gain a seat at the table. And to that point,
21 specifically, we recently used that language to justify
22 getting a separate seat for ASD/SOLIC on the Deputy
23 Secretary's management action group, which previously SOLIC
24 did not have.

25 We have also gained a separate seat for SOLIC on the

1 Deputy Secretary's SAP Oversight Council. SOCOM has a
2 number of special access programs that we previously had not
3 been able to manage independently.

4 Further, within the department, we have established a
5 tiger team to cross departmentwide in order to determine
6 other areas in which ASD/SOLIC needs to gain additional
7 authorities and abilities within the department to represent
8 SOCOM and have a seat at the table.

9 One other recent accomplishment is I think we will have
10 a seat for SOCOM in the upcoming defense strategy
11 development process.

12 Senator Reed: General Thomas, any comments?

13 General Thomas: Senator, I would reinforce Theresa's
14 points. We very much embrace the recent language that
15 reinforces ASD/SOLIC's role as a service-like entity. We
16 are well-represented at all of the appropriate venues.

17 It sometimes takes reminding that we are unique in that
18 case, because we are seen as either one or the other, and we
19 sometimes have to remind folks that we are both, a service-
20 like entity and a combatant command.

21 But you have empowered us to be at the table for all
22 those venues, and we are adequately represented. Thank you.

23 Senator Reed: Secretary Whelan, are there any
24 responsibilities you have that you feel might be more
25 effectively and efficiently carried out by another entity?

1 You have a broad range of responsibilities. Is there
2 anything that should be repositioned?

3 Ms. Whelan: Within ASD/SOLIC, I think that there is
4 consistency, actually, across the portfolio in terms of the
5 types of activities that the Assistant Secretary is
6 responsible for. In terms of the Assistant Secretary's role
7 in providing policy oversight, all of the activities that
8 ASD/SOLIC has purview over are in some way related to either
9 the employment of SOF forces or the environments in which
10 SOF forces operate. Whether they be SOF MISO capabilities,
11 civil affair capabilities, foreign internal defense
12 capabilities, training capabilities, and, of course,
13 counterterrorism capabilities, the portfolio is consistent
14 in that context.

15 Senator Reed: My understanding, and correct me if I am
16 inaccurate, is that you also have responsibility for
17 information warfare?

18 Ms. Whelan: Yes, Senator, information warfare does
19 fall under the purview of ASD/SOLIC.

20 Senator Reed: But you do not have responsibility for
21 cyber operations. And as we know, cyber operations and
22 information warfare, on the other side, our adversaries seem
23 to be one, merged together, with each day.

24 Ms. Whelan: Correct, Senator. It is a seam. There
25 are a lot of seams, as you all know, within our

1 organizational structure, and it is difficult. If you
2 eliminate one seam, you will create another. So it is kind
3 of a difficult balance to strike.

4 One of the things that we have done, though, is SOLIC
5 recently put out a strategy for operating in the information
6 environment. This strategy impacts the entire department,
7 to include the cyber warriors in the department. So we have
8 an integrated interdepartmental approach to implementing
9 that strategy.

10 Right now, we are going through a capabilities-based
11 assessment of that strategy to determine where we have
12 additional needs and where we have seams that we need to fix
13 in order to operate effectively.

14 Senator Reed: Thank you.

15 Just a final and very quick question. As the chairman
16 has noted, we have threats that are not strictly
17 counterterrorism today with this gray area of operations.
18 Section 1208, which I think has been very useful, as you
19 have described it, is focused more on counterterrorism. Is
20 there anything we have to do to give you that same degree of
21 authority with respect to these gray areas in unconventional
22 warfare rather than counterterrorism?

23 General Thomas, your comments?

24 And I have no time.

25 General Thomas: Senator, we are actively pursuing both

1 the authorities and the resources that would enable more
2 enhanced unconventional warfare operations. Again, we are
3 very appreciative of what 1208 does for us, and that is
4 actually -- I mean, it is very -- kind of enthusiastic. Its
5 similar authority, similar resourcing might be advantageous
6 for the force and for the Nation for unconventional warfare
7 purposes, and I look forward to having that continuing
8 discussion with you and others.

9 Senator Reed: Thank you.

10 Thank you, Mr. Chairman.

11 Chairman McCain: Senator Inhofe?

12 Senator Inhofe: Thank you, Mr. Chairman.

13 I do want to pursue this a little bit, in terms of your
14 response to the chairman's question in terms of the adequacy
15 of the force.

16 But I want to first mention your activity in Africa,
17 which really surprised me. I can remember when we first
18 brought AFRICOM along, and we started paying attention to
19 what is going on over there, the potential threats there,
20 the terrorism that is infiltrating the countries. So I know
21 you have been active over there. I have talked to a lot of
22 the African leaders. Very complimentary on some of the
23 results that we are getting.

24 And this surprises me, because AFRICOM did not even
25 come online until the first of 2008, and yet, if you go back

1 to 2006, the deployments to Africa have increased by more
2 than 1,600 percent. It went from 1 percent to 17 percent in
3 terms of deployments outside the United States. That is
4 huge. That is a lot of increase in activity.

5 In addition to combating terrorism and the expanding
6 network of violent extremism organizations, General Thomas,
7 what impact, what can you elaborate on, on your activities
8 in Africa? It is an inordinate increase, in terms of
9 percentage, when you realize that some 17 percent of all
10 deployments are actually affecting Africa.

11 General Thomas: Senator, I would actually attribute
12 that to our adversaries' activities. The migration of ISIS
13 and Al Qaeda to Africa, to ungoverned spaces over the
14 preceding decade has been palpable. You know the specific
15 locations. I probably, in an open session, should not get
16 into the details of where and what. But we have endeavored
17 to move where they have tried to establish new provinces,
18 new areas of influence, in support of General Waldhauser and
19 AFRICOM.

20 So that transition over time has really been driven by
21 adversarial action. But I think the good news is that we
22 have had the ability to move those locations and attempt to
23 defeat and disrupt them where they try to reside.

24 Senator Inhofe: I do not think anyone anticipated back
25 in 2008 or even in the years since then that the activity

1 would increase as it has there, so I am interested in
2 following through with that.

3 On the idea of what you guys are in a position to
4 handle right now, most of the deployed SOCOM forces, 55
5 percent, went to the Middle East. Next was Africa, that was
6 17 percent. Then Europe, 13 percent, and 9 percent.

7 Now, when you look at the optempo that was involved
8 over there, in your written testimony, you acknowledge that
9 adversary powers are increasingly turning toward
10 unconventional warfare to pursue their objectives.

11 But maybe I misunderstood you when you responded to the
12 question of the chairman, that you are adequately staffed to
13 carry on these functions. Is that not an accurate
14 recollection I am having?

15 General Thomas: Senator, we are adequately staffed to
16 maintain the current tempo, the current distribution of
17 special operations forces. It is a strain. It is certainly
18 not an easy burden, but we are adequately resourced.

19 Senator Inhofe: I am looking for the quote that we
20 had. Yes, this would have been from the House committee
21 yesterday. I cannot find it right now, but there were
22 quotes that -- here it is right here. You said most special
23 operations forces units are employed to their sustainable
24 limit.

25 Now, to me, that seems a little inconsistent with being

1 adequately staffed. You went on to talk about as or more
2 challenged as a conventional force by the problem of
3 suicide, other problems in the ranks that come with what I
4 consider to be over-deployed.

5 What are some of the problems that you are facing that
6 give you the indication that maybe you are not adequately
7 staffed?

8 General Thomas: Senator, again, we can sustain the
9 current rate of deployment. It is something we scrutinize
10 every day.

11 You mentioned, the chairman mentioned early on, that
12 there is a large demand signal from our geographic combatant
13 commanders to do the things they have to do. As a service,
14 one of our roles, we aim to meet their requirements. As a
15 global combatant command, we also attempt to synchronize
16 special operations activity to the greatest efficacy
17 possible. I think we are doing that, to the degree we can.

18 There are challenges on the force. You mentioned
19 certainly some of the more dire symptoms. We address them
20 directly every day. That is large focal point for us.

21 I would have to thank all of you as well for providing
22 us the tools that we did not have a decade ago to build in
23 resiliency for our force in terms of our Preservation of the
24 Force and Family, and also for our ability to care for our
25 warriors in the event of mishaps, injuries, et cetera. We

1 did not have that capability. You helped us gain it over
2 time, and that is a critical part of how we sustain
3 ourselves.

4 Senator Inhofe: Well, as one member of this committee,
5 I look at some of the results, some of the problems that you
6 have, and I have to question as to whether or not it is
7 adequately staffed.

8 One short question, I know my time has expired, but you
9 can do this for the record, if you like, Ms. Whelan, there
10 is some confusion, as I mentioned to you earlier, in the
11 words that you use when you are talking about adversary
12 powers increasing, turning toward unconventional warfare.
13 You said, "exquisite integration across multiple components
14 of not only the Defense Department, also the United States
15 Government, as a key challenge to confronting growing
16 threat."

17 You might, for the record, since my time has expired,
18 elaborate a little bit on that. Would you do that?

19 Ms. Whelan: Yes, Senator. We would be happy to.

20 Senator Inhofe: Thank you very much.

21 Chairman McCain: Senator Hirono?

22 Senator Hirono: Thank you, Mr. Chairman.

23 I want to thank both of our witnesses for your service.
24 And, in particular, I would like to thank the men and women
25 that you lead in our armed services, both in the military

1 and in the civilian side, and, of course, particularly the
2 Special Ops Command in the Pacific arena who provide great
3 support to the Asia-Pacific region.

4 Secretary Whelan, guidelines for the use of force were
5 established by President Obama in the 2013 Presidential
6 Policy Guidance. The rules include the requirement for a
7 "near certainty" that the terrorist target was present and
8 that no civilians would be injured or killed.

9 There is no legal requirement that President Obama's
10 successors adhere to the same rules. President Trump has
11 recently directed you to advise him on any recommended
12 changes to the rules of engagement, and there were reports
13 that there were a large number of civilian casualties after
14 the raid in Yemen recently.

15 Have the rules of engagement requirement of near
16 certainty that no civilian casualties will result been
17 modified for special ops missions?

18 Ms. Whelan: Thanks for the question, Senator.
19 Absolutely not.

20 Senator Hirono: Are there differences in the steps a
21 conventional force would take versus special operations to
22 prevent collateral civilian loss of life during missions?

23 Ms. Whelan: Senator, I will let General Thomas answer
24 that question.

25 Senator Hirono: General Thomas?

1 General Thomas: Senator, no is the answer. We both
2 adhere to the Law of Armed Conflict. There are different
3 techniques in terms of how we develop targets, but the same
4 absolute standard applies.

5 Senator Hirono: So these rules of engagement that
6 require near certainty that your target is there and that
7 you will minimize collateral damage, that was applied in the
8 Yemen case?

9 Ms. Whelan: Yes, the rules of engagement were not
10 changed for the Yemen case.

11 Senator Hirono: And although there was a high number,
12 we were told maybe 200 or so civilian casualties, that did
13 not result in a review of what happened there?

14 Ms. Whelan: There have been extensive reviews of what
15 happened, after-action reports, and lessons learned, but the
16 casualties were not a result of a change in the rules of
17 engagement.

18 Senator Hirono: What were they the result of?

19 Ms. Whelan: They were a result of operational
20 circumstances that the forces on the ground found themselves
21 in.

22 Senator Hirono: I see.

23 General Thomas, in your testimony, you identify SOFWERX
24 as a SOCOM initiative to support agile acquisition with
25 appropriate venues. This is an open collaboration facility

1 in Florida that has been in operation for over a year and
2 has successfully brought hundreds of nontraditional partners
3 together to work on your most challenging problems. I think
4 that is a really good idea, although we have a lot of
5 innovators and idea folks all over the country, also in
6 Hawaii.

7 How do you search for ideas, collaborators, and
8 solutions outside of your SOFWERX construct?

9 General Thomas: Senator, you actually teased out the
10 bigger part of the problem. I have the luxury of commanding
11 70,000 of the best, most creative problem solvers in the
12 world. How I marry them up with the absolute innovation
13 that is everywhere in terms of industrial approaches is the
14 real challenge.

15 But SOFWERX is one way we are doing that, where we are
16 compressing the space between academia, innovators,
17 businessmen, and our operators in the pursuit of very
18 specific problems. So you might imagine the whole gamut of
19 issues that we are endeavoring to accomplish there that are
20 enabling our force. But we are able to do that and go into
21 rapid fielding and accelerated fielding of capabilities that
22 enable our force.

23 So a relatively new initiative, SOFWERX, about 1.5
24 years old, but also already paying some huge dividends for
25 us.

1 Senator Hirono: So based on your experience so far
2 with SOFWERX, would you recommend that something like this,
3 maybe a physical location for PACOM or other commands?

4 General Thomas: Senator, the Defense Department is
5 actually endeavoring to do this at a number of different
6 locations. Secretary Carter certainly invested in the
7 valley. There are other initiatives around the United
8 States, tapping into the various laboratories and academic
9 facilities.

10 I cannot speak to where the department is going in
11 terms of the Pacific and where we might invest out there,
12 but I am sure we are interested in wherever we can tap into
13 that kind of innovative capability.

14 Senator Hirono: I hope you all will take a look at
15 spreading the opportunity around, because there are a lot of
16 small businesses all over the country who could provide the
17 kind of innovation that you are seeking.

18 The Pentagon has acknowledged more than 100 U.S.
19 special operation forces operating with Iraqi units in and
20 around the Mosul with upwards of 600 more playing a support
21 role in staging bases farther from the frontlines.

22 This is for General Thomas. Can you comment on the
23 seemingly ever-increasing use of special operation forces?
24 Do you think we are relying too heavily on special ops?

25 General Thomas: First and foremost, we are not a

1 panacea. We are not the ultimate solution for every
2 problem. You will not hear that coming from us. That has
3 been misconstrued in some media circles. Everything we are
4 doing is in concert with conventional forces, with our
5 allies, completely integrated.

6 I just visited Mosul. I was there about 3 weeks ago.
7 Mosul was my hometown for 15 months, from 2007 to 2008, so I
8 am very familiar with how daunting that challenge is.

9 In that area, you have a mix of conventional forces. I
10 met with a brigade commander from the Army who was there.
11 We had our special operations forces and our forces all
12 integrated with the Iraqis, who are doing the majority of
13 the fighting and incurring most of the casualties there. So
14 it is an absolute blend of all of our forces, and I think
15 the right mix.

16 Senator Hirono: Thank you, Mr. Chairman.

17 Chairman McCain: Senator Wicker?

18 Senator Wicker: Thank you both.

19 Let's talk about collaboration with your international
20 counterparts. Which one of you would like to discuss the
21 extent to which we collaborate with our international
22 allies? General?

23 General Thomas: Senator, in a word, extensively. At
24 almost every part of our formation, you will see where we
25 are endeavoring to bring everyone in who has a part of the

1 problem.

2 I am very appreciative that the Director of National
3 Intelligence has enabled us to crush through pre-existing
4 prohibitions for information-sharing, probably one of the
5 most powerful things that we have in this day and age, to be
6 able to share exquisite information that the United States
7 has that we may or may not be intent on acting on, but be
8 able to share that with our allies and enable them to act.

9 But that is at almost every point of our formation,
10 where that level of collaboration is ongoing right now. So
11 "exquisite" is the best way I can describe the extent of the
12 collaboration, and getting better every day.

13 Senator Wicker: Is there anything else you need in the
14 next NDAA to help you there? Do you have what you need?

15 General Thomas: Senator, I believe we certainly have
16 no restrictions that I can mention to you nor that I can
17 specify to right now. So we feel very enabled there.

18 As I mentioned, the intelligence community is finding
19 ways to enable us more every day, certainly with the
20 concerns of safeguarding methods and sources and things like
21 that, but with a lean toward sharing and collaborating more
22 than we have ever done before.

23 Senator Wicker: I understand you have a particularly
24 strong relationship with our neighbors to the north in
25 Canada.

1 General Thomas: A phenomenal relationship, yes,
2 Senator.

3 Senator Wicker: What can you tell us in this non-
4 classified setting about Exercise Vital Archer?

5 General Thomas: Senator, hard to go into detail about
6 that exercise, which we recently completed, as I think you
7 know. But it is part of a cycle, if you will, to ensure our
8 interoperability with our neighbors, with one of our
9 greatest partners, for a very specific mission set that is
10 of critical interest to both Canada and us.

11 Senator Wicker: Let me shift then to special boats and
12 say, first of all, that we in Mississippi are thankful and
13 honored to have Special Boat Team 22 headquartered in our
14 state.

15 Would you describe the ways in which these special boat
16 teams contribute to different missions?

17 General Thomas: Senator, I recently had the privilege
18 of running all over Stennis here about a month ago, and
19 getting out on the water in some of those capabilities.
20 They are integral to many of our activities around the
21 globe. NAVSCIATTS, the institution that you have there as
22 well, is also a critical enabler for many of our foreign
23 allies.

24 So, again, two phenomenal aspects of our portfolio that
25 are important to everything that we are doing.

1 Senator Wicker: So we are continuing to do a lot of
2 significant work in riverine environments.

3 General Thomas: Where it applies, Senator, we
4 certainly have that capability, and we continue to improve
5 it.

6 Senator Wicker: Where does that apply?

7 General Thomas: Senator, on several locations around
8 the globe that probably would be best to address in a closed
9 hearing.

10 Senator Wicker: Okay. And let me just say, to follow
11 up on the chairman's line of questioning about Afghanistan,
12 I just think it is very important for you to know, and for
13 everyone listening to know, that we need to move beyond
14 anything that puts us at a stalemate in Afghanistan.

15 This is an important fight that we need to win, and
16 there is every reason that we should be able to do that. We
17 have a populace in Afghanistan who supports our presence
18 there. The overwhelming majority of the ethnic groups, of
19 the tribes, appreciate what we stand for and look to the
20 United States for leadership.

21 So to the extent that either of you, both of you, can
22 give us correct and helpful information about how to move
23 past what some people have described as a stalemate, to me,
24 is very, very helpful.

25 Ms. Whelan?

1 Ms. Whelan: Senator, I think we are actually actively
2 looking at adjustments to the approach in Afghanistan right
3 now. I expect that these proposals will go to the President
4 within the next week, and the intent is to do just that, to
5 move beyond the stalemate and also to recognize that
6 Afghanistan is a very important partner for the United
7 States in a very tricky region. We want to maintain that
8 partnership with Afghanistan, and we want to ensure that
9 Afghanistan reaches its potential. So that is the objective
10 of the strategy, sir.

11 Senator Wicker: That is very good to know. Thank you.

12 Chairman McCain: Senator Heinrich?

13 Senator Heinrich: Thank you, Chairman.

14 Thank you both for being here. And please pass along
15 our gratitude to everyone who serves in your command. I
16 think the work they do every day has an enormous amount of
17 respect from all of our constituents, and we should be very
18 grateful for that.

19 General Thomas, yesterday, I want to thank you for just
20 sitting down with me in my office. You and I discussed a
21 number of things.

22 The high operational tempo was one of the things we
23 touched on. One of the things you mentioned to me that
24 really stuck in my head are the numbers. You also indicated
25 that now somewhere between 28 percent and 30 percent of your

1 funding is now from war supplemental, or OCO funding, versus
2 7 percent across the other military services.

3 I was hoping you could talk a little bit about what
4 that means in terms of that budgetary overreliance on OCO
5 and how that impacts your ability to plan and execute your
6 mission.

7 General Thomas: Senator, thanks for the question and
8 thanks for the opportunity to discuss a number of issues
9 with you in more detail yesterday.

10 I mentioned the two things that I look to that
11 pressurize us most are unpredictable de tempo, and certainly
12 there are aspects of that are affecting our force, and
13 resourcing, the predictability or not of resourcing, which
14 has been challenging over time.

15 We are monitoring very closely the budget discussions.
16 We are integral to all those budget discussions.
17 Truthfully, I am somewhat sanguine that we will get the
18 resources required to continue to pursue the tempo and the
19 effects that we are producing right now.

20 You pointed out my one concern is that we have trended
21 to be much, much more dependent on operational contingency
22 funds than anybody else in DOD. So the current budget would
23 push us --

24 Senator Heinrich: If your overall budget were held
25 flat, would you rather have that in base budget or would you

1 rather see it over in the OCO?

2 General Thomas: Senator, I hope that we will be able
3 to get consideration to move that into the base over time.
4 Again, I have talked with Secretary Mattis, so I do not want
5 to appear inconsistent. The department is not pushing that
6 as aggressively for the remainder of the other services
7 because they are only leveraged to OCO to about a 7 percent
8 degree. We are 30 percent or near 30 percent right now. So
9 that is some risk that we certainly would like to mitigate
10 over time.

11 Senator Heinrich: One of the other things we mentioned
12 and talked a little bit about is the contributions out at
13 Cannon Air Force Base. Would you take a moment and talk a
14 little bit about the importance of the RPA contribution that
15 happens there? And do you have concerns with regard to
16 operational tempo? We have made huge investments in the
17 facility over the years because of the growing mission, but,
18 obviously, the tempo has been incredible.

19 General Thomas: Senator, I think this committee is
20 very aware that ISR is a significant portion of our
21 portfolio, to the tune of about one-fifth of our investment
22 strategy on any given annual basis. It runs the gamut from
23 tactical ISR all the way to high-end ISR that our Air Force
24 component produces, which is the best in the world. It is
25 better than anything on the planet.

1 Cannon plays a critical role in terms of the basing and
2 training of that ISR capability, both manned and unmanned.
3 And then the range complex there allows us to work it every
4 night. So, again, state-of-the-art ISR capability produced
5 by our Air Force and others that we leverage on a consistent
6 basis.

7 Senator Heinrich: I also want to commend SOCOM's
8 interest in pursuing what General Goldfein described as
9 silent sabotage with regard to directed energy. An airborne
10 high-energy laser on a C-130 gunship could certainly deliver
11 a number of capabilities before and during clandestine
12 ground operations.

13 Do you want to share any thoughts you have on how
14 directed energy might contribute to your future mission and
15 how SOCOM's plans for developing that system are coming
16 along?

17 General Thomas: Senator, as we discussed yesterday, we
18 see a number of applications for high-energy weapons
19 capabilities, so we are interested from a number of
20 approaches. You mentioned that we have offered to base it
21 on one of our platforms as a test basis. That was
22 relatively easy for us to offer up and obviously gives us
23 kind of an immediate developmental capability. So, again,
24 very interested, not exclusively a SOCOM pursuit --

25 Senator Heinrich: Do you feel good about Air Force's

1 willingness to get in that game as well?

2 General Thomas: I do. We have a phenomenal
3 relationship with General Goldfein and the Air Force.

4 We have actual annual service talks with all the
5 services to talk through how we can crush through our
6 combined equities, and the relationship with our sister
7 services is phenomenal. I have no concerns.

8 Senator Heinrich: My time has expired here, but I also
9 want to express a willingness to work with you on the 1208-
10 like issues with regard to unconventional warfare.

11 So thank you all for being here today.

12 Chairman McCain: Senator Ernst?

13 Senator Ernst: Thank you, Mr. Chair.

14 To Ms. Whelan and General Thomas, thank you so much for
15 being with us today. As a soldier and a citizen, I want to
16 thank you very much for your relentless work on the
17 battlefield. And as the spouse of a former SOF operator, I
18 want to thank you for SOCOM's dedication to the health and
19 wellness of those operators and especially the commitment
20 that you have to those servicemembers' families. So thank
21 you very much for being here.

22 General Thomas, during your confirmation hearing, we
23 spoke about SOCOM's Preservation of the Force and Family,
24 POTFF, initiatives. As you know, I am glad to see that
25 SOCOM has done a lot in those areas to help our special

1 operations warriors and their family members. The wounded
2 warriors especially is an interest of mine. I would
3 encourage everybody on this committee to take a look at
4 those programs and learn more about them.

5 Can you give us just a brief update on POTFF and
6 specifically on THOR 3? I had the opportunity to do PT at a
7 THOR 3 facility with some of your operators. It was an
8 experience.

9 Can you tell us if SOCOM has the support it needs from
10 Congress for these types of programs?

11 General Thomas: Senator, thanks for the question.
12 Thanks more specifically for your personal support for this
13 critical capability.

14 It is, admittedly, an awkward acronym, POTFF,
15 Preservation of the Force and Family, but it captures the
16 essence of what we are trying to enable, focused on both our
17 force and, arguably, something that we talked about but did
18 not have the resourcing before, the readiness and the
19 preservation of our families.

20 It literally builds in or enables us to build in
21 resilience prior to and in preparation for potential
22 deployment for both our servicemembers and their family
23 members across a broad array of approaches -- psychological,
24 physical, spiritual -- that again has paid huge dividends
25 for us.

1 You mentioned a specific aspect of that that pertains
2 mostly to the physical maintenance and the physical recovery
3 of our force. But over time, this committee and the
4 Congress has enabled us to put the right infrastructure in
5 place with the right technicians, therapists, and
6 psychologists, et cetera, to provide state-of-the-art, as
7 good as anything on the planet, sustainment capability for
8 our individual operators, our individual servicemembers, and
9 their families.

10 Command Sergeant Major Patrick McCauley and I go around
11 the formation. We get nothing but rave reviews from the
12 force. In some cases, in fact, the challenge forces in some
13 of our most distant locations where smaller forces, they are
14 looking for the same capability, and we are finding ways to
15 parlay that to them as well, as opposed to just at the
16 larger special operation installations.

17 Senator Ernst: Outstanding. It is a great program.
18 Thank you, sir, for being so supportive of that.

19 And it is not surprising that so many of our SOF
20 warriors, even after injury, are able to get back into that
21 fight. While I was at THOR 3 with a dear friend of mine
22 from Iowa, we met another one of his teammates who had also
23 been injured. He had a near, at the hip amputation and had
24 a prosthetic. He has been able to return to the fight
25 because of those facilities. But he has been back to

1 Afghanistan a number of times.

2 But we also have those warriors who are not able to
3 deploy again. So what is SOCOM doing to utilize their
4 talents and abilities even after injury if they cannot
5 deploy? And are there things that we should look at as
6 Congress to enable those warriors to stay on duty?

7 General Thomas: Senator, you touched on one of the
8 unique challenges that we have, that most of our
9 servicemembers, even despite extraordinary wounds,
10 debilitating wounds for any other human being, desire
11 greatly to continue serving. So you highlighted one
12 example. I can highlight dozens where we have been able to
13 accommodate individuals to stay in the force and to continue
14 to contribute.

15 You mentioned an amputee. We have amputees that are
16 operating as operators, frontline operators, special forces,
17 SEALs, the tip of the spear although way through all of our
18 supporting functions.

19 And so again, our goal is, if they want to continue
20 serving, we find a way to enable that. And you have given
21 us the wherewithal, the committee has given us the
22 wherewithal to be able to do that through our Warrior Care
23 program.

24 Senator Ernst: Very good. I appreciate that very
25 much.

1 I do have a few other questions. We will get to those.
2 Just a quick yes or no, though.

3 President Trump today is saying that he does support
4 leaving troops in Iraq in the fight against ISIS. Is that
5 something that you would support?

6 General Thomas: Senator, I support the strategy, so
7 whatever the nature of the special operations support is
8 required to obtain our objectives, I am supportive.

9 Senator Ernst: Ms. Whelan?

10 Ms. Whelan: Yes, actually, we are totally linked, and
11 the strategy is based on our requirements of the generals on
12 the ground.

13 Senator Ernst: Thank you very much.

14 Thank you, Mr. Chair.

15 Chairman McCain: Senator Kaine?

16 Senator Kaine: Thank you, Mr. Chair.

17 Thanks to the witnesses. I have a concern and a
18 question.

19 On the concern side, on the SOCOM Web site, you have a
20 SOF Truths, five of them. One of them is, most special
21 operations require non-SOF assistance. That seems pretty
22 obvious. I have a concern about what I worry is a sort of
23 growing SOF myth, and that is you can do special forces and
24 have special forces and nothing else to accomplish your
25 goals. Even conversations in this body sometimes are, well,

1 we do not want to use ground troops, no boots on the ground,
2 but it is okay to use special forces.

3 I sometimes think that is a little bit of not really a
4 military calculation but kind of more of a political one,
5 that ground troops are a little bit more notable, special
6 forces tend to be more covert, so we can do things with
7 special forces and not really have to be accountable for it
8 to the public.

9 Am I right to worry about that?

10 General Thomas: Senator, I think you are right to
11 worry about the perception. It is something that we battle
12 all the time. There have been too many books and movies and
13 publications that might imply that we go it alone, do it
14 alone, and that is completely incorrect.

15 So, certainly, I share your concern that that is out
16 there, but it is something that we push back on all the
17 time. It is just not the case.

18 Senator Kaine: A question Senator Wicker asked you
19 about, collaboration with international partners, I want to
20 focus on a piece of that, the training that you do. I think
21 one of the best parts of our DOD budget, and it is a very
22 small part of the budget, is the training work that we do
23 with other nations, either bringing military leaders of
24 other nations here or doing training with countries all over
25 the world.

1 Senator King and I have done some traveling and have
2 seen U.S. special forces doing training in some tough parts
3 in the world that are pretty impressive. Without saying
4 anything in an open setting that you should not, talk a
5 little bit about the scope of the training activities that
6 our special forces are involved in with partners all over
7 the world.

8 General Thomas: Senator, we are consistently trying to
9 align ourselves with the appropriate partner forces where
10 our national interests pertain in the interest of building
11 their capability to the range of missions that they might be
12 required to do.

13 I think we are pursuing a much more enlightened
14 training approach, all the way through security force
15 assistance. Where I think my fellow combatant commanders
16 would tell you that we are probably not keeping pace is in
17 terms of the bureaucracy that pertains to foreign military
18 sales and things of that ilk. I know we are trying to get
19 those to be as coherent as possible going forward. That
20 would help us.

21 But I think we are doing a much better job of
22 identifying partner forces ahead of time that need various
23 capabilities, and we are pressing to make sure they have
24 that capability.

25 Senator Kaine: And this training, when you do it, it

1 is not only about just sheer military capacity-building. It
2 is also about rules of war and human rights and elevating
3 professional standards in these militaries around the world,
4 and that is all for the good.

5 General Thomas: Senator, you are nailing what I think
6 is one of the critical aspects of it. It is literally
7 imparting our American values to them in the means of a
8 military-to-military relationship.

9 Too often, in my mind, the first billpayer is that
10 military-to-military relationship when we have missteps, and
11 we are the first to address it. If we even get a scent of
12 extrajudicial killings or inappropriate behavior, we address
13 that immediately with the respective element. But we are
14 attempting to bring their understanding of what we believe
15 is the right way to conduct combat operations along as part
16 of our training.

17 Senator Kaine: One of the most important things I
18 think we can do is kind of be the partner of choice as other
19 nations are looking to build capacity, and I think there is
20 probably no area more than special forces where we are
21 really seen as a partner of choice by nations all around the
22 world. That is a great way to build relationships and
23 improve capacity, compliance with rule of law.

24 So I commend you on that and look forward to talking
25 about that more as we get into working on the NDAA together.

1 Thank you, Mr. Chairman.

2 Chairman McCain: Senator Sullivan?

3 Senator Sullivan: Thank you, Mr. Chairman.

4 Ms. Whelan, General, thanks for your testimony.

5 General, I appreciated the opportunity to meet with you
6 and your team yesterday. I wanted to follow up on some of
7 our discussions.

8 Obviously, we focus a lot here on ISIS and Al Qaeda and
9 some of the other terrorist groups. But certainly, one of
10 your most important missions is the counter-WMD mission. As
11 the threat is growing from North Korea, Iran, it is not just
12 a direct threat. As you know, it is a proliferation threat.
13 And I think that is going to be an enduring mission for you
14 and your team and the SOF Command for decades.

15 So in 2016, in the unified campaign plan, it was
16 amended to transfer responsibility from STRATCOM to SOCOM
17 for the synchronization of DOD's global counter-WMD
18 strategy. To the extent you can discuss it in an open
19 hearing like this, what are the things that we can do to
20 support that critically important mission in terms of
21 resources? How is the transfer going? And are there any
22 other things that this committee should be aware of to help
23 you most effectively focus and undertake that critical
24 mission?

25 General Thomas: Senator, thanks for the question, and

1 thanks for the time yesterday as well.

2 As you mentioned, this is an enormous and incredibly
3 important mission set that we accepted responsibility for in
4 January. So January of this year was when it was officially
5 assigned to us from the Department of Defense. We have had
6 about 4 months to work our enhanced appreciation for all
7 that entails. Obviously, we had studied ahead of time, but
8 there is nothing like embracing a mission to really
9 understand it.

10 We have had a chance to do our first of what is a
11 semiannual synchronization session with all the interagency
12 partners that are part of this problem set, all the
13 geographic combatant commanders, our international partners,
14 a really, really valuable session that we conduct
15 semiannually.

16 We are currently now trying to confederate all the
17 ongoing activities so that we can provide the Secretary an
18 assessment here. I am aiming for the August timeframe to
19 give him a comprehensive assessment of where we are in terms
20 of the United States Government policies and objectives for
21 countering weapons of mass destruction, where we are from a
22 DOD approach, and relative to both our interagency and our
23 international partners.

24 So, again, we are leaning into this mission as
25 aggressively as we do most everything at SOCOM. But it is

1 obviously much, much bigger than us, and we are honored to
2 have that coordinating role for the Department of Defense,
3 and we are endeavoring to provide the best product possible
4 for the Secretary and the department.

5 Senator Sullivan: As you undertake that analysis and
6 that transfer of authority over to you, which has already
7 happened, please make sure that this committee -- I can
8 almost guarantee you that you would get bipartisan support
9 for additional responsibilities or resources that you will
10 need with regard to that critical mission, so please keep us
11 posted.

12 Let me ask this, it is kind of related to Senator
13 McCain's and Senator Kaine's question.

14 We seem to have, in some ways, adopted a strategy of
15 fighting our wars now with a combination of SOCOM forces and
16 airpower. But in your professional military opinion, what
17 other capabilities would be beneficial to help our forces
18 and our country bring success in places like Iraq or Syria
19 or Afghanistan?

20 I know you are looking at that issue, but there is kind
21 of this, and I think it is a theme here, you are hearing a
22 bit of a myth that, hey, once the SOCOM men and women are on
23 it, everything is good to go. But we know that there are a
24 lot of other capabilities and other forces that need to
25 bring to bear.

1 Specifically, what do you see as most important in
2 terms of other capabilities, supporting or even in the lead?

3 General Thomas: Senator, it is kind of ironic, I am
4 running through my brain right now 80 different countries,
5 8,000 special operations forces forward deployed, and I
6 cannot think of a single circumstance where we are not
7 dependent on another service, another supporting function
8 out there -- not one.

9 So if and when it has been described as special
10 operations forces by themselves, it is a misconception.

11 Now, unfortunately, in some cases, we are too
12 prominent, too prominent because it is interesting, it is,
13 again, the stuff of too many books and movies. But we are
14 not doing anything by ourselves.

15 The good news is, as we go into a problem, as special
16 operations goes into a problem, I consider the entirety of
17 the DOD inventory at our disposal, and vice versa. That is,
18 I think, the benefit of the joint force approach, that we do
19 not feel constrained that there is nothing available in the
20 DOD arsenal that we cannot leverage, and they look at us in
21 the same fashion.

22 So, again, that is happening about anywhere I can
23 imagine, anywhere I have been lately, without any
24 shortcomings.

25 Senator Sullivan: So you are integrated, for example,

1 with marines who are doing artillery fire missions with you
2 in Iraq right now?

3 General Thomas: I think I mentioned to you I will not
4 get into specifics, but I just visited some marines that
5 were shooting more 155 ammo than I can supply them right
6 now, and they are integral to everything we are doing.

7 Senator Sullivan: Great. Thank you.

8 Thank you, Mr. Chairman.

9 Chairman McCain: Senator King?

10 Senator King: Thank you, Mr. Chairman.

11 Ms. Whelan, I could not help notice your former title
12 of Principal Deputy Assistant Secretary of Defense for
13 Special Operations Low-Intensity Conflict.

14 When I was a junior staff member in this body 40 years
15 ago, I once called OMB for an administration witness. They
16 gave me a title. He said I am sending you so and so, the
17 principal deputy. I said I do not know these titles. What
18 does that mean? The fellow gave me an answer, which if I
19 ever write a book about Washington, it will be the title of
20 my book. The answer was, "He is at the highest level where
21 they still know anything."

22 [Laughter.]

23 Senator King: I just want you to know that you are at
24 that level, and I am now above it. So I have never
25 forgotten that.

1 General Thomas, there has been a lot of talk about
2 tempo. Let me go back to the left about tempo and talk
3 about retention, recruitment, and throughput. Do you have
4 adequate people in the pipeline to maintain the tempo that
5 you are at today?

6 General Thomas: Senator, again, something that we look
7 at incredibly closely every day. The answer is we are
8 having some challenges for portions of the force for
9 recruitment. I contribute some in terms of Army special
10 operations forces to the downsizing of the Army, partly for
11 some internal challenges that I think we have rectified.

12 But in some cases, we have had some challenges. I
13 think we are trending in the right direction now though
14 going forward, but we had some temporary challenges over the
15 last couple years.

16 Senator King: I certainly hope that you will let the
17 committee know about those issues. And if there are
18 recruitment and retention issues that our actions here can
19 help to alleviate, we certainly want to do that.

20 General Thomas: Will do, Senator.

21 Senator King: Ms. Whalen, the command-and-control is
22 an issue that is of some concern. Do you believe that we
23 have effective command-and-control of the special operations
24 forces?

25 I am concerned about interested parties, your command,

1 geographic combatant commanders, service components, all
2 receive and share information in a quick and efficient
3 manner. Talk to me about command-and-control.

4 Ms. Whelan: Certainly. I will actually also let
5 General Thomas comment on this as well.

6 But I think from our perspective, in the SOLIC
7 oversight role, we actually have excellent command-and-
8 control. In fact, I think the integration of our forces
9 between SOCOM and the combatant commands that they support,
10 the regional combatant commands --

11 Senator King: So if there is an action of special
12 operation forces in a particular geographic area, the
13 combatant commands are integrated, they know what is going
14 on.

15 Ms. Whelan: Actually, Senator, the way it works is
16 that SOCOM forces, the SOF forces actually fall under the
17 command of the combatant commander, the geographic combatant
18 commander. So the GCC is fully in charge of the operations
19 that take place in their AOR. For example, if you are
20 looking at the CENTCOM AOR right now, General Votel and his
21 subordinate commanders, that is the chain of command that
22 operates all of the forces that are in that AOR right now,
23 to include special operations forces.

24 Not necessarily for this forum, but there are some
25 specific elements that operate under a slightly different

1 chain of command, although still under General Votel's
2 purview but with more direct access to General Votel that
3 belong to General Thomas.

4 But there is total integration, and nothing happens in
5 a geographic commander's AOR that he does not know about.

6 Senator King: General Thomas, you are comfortable with
7 the structure?

8 General Thomas: Senator, absolutely comfortable. I
9 reemphasize Theresa's point. There are no special
10 operations in the world right now that are not under the
11 command-and-control of geographic combatant commander.

12 There are provisions for exceptions in some scenarios.
13 And truthfully, the exceptions are single digits over the
14 course of our history where SOCOM could be the supported
15 commander. But day in, day out, all of our operators right
16 now are under the control of a geographic combatant
17 commander.

18 I have combatant command of all special operations
19 forces, and I apportion them to their respective geographic
20 combatant --

21 Senator King: There is always coordination with the
22 combatant command?

23 General Thomas: Always, constant, incessant. Senator,
24 our role for synchronizing is where these geographic
25 combatant commanders get to their prescribed limits. So you

1 might imagine, for CENTCOM, for instance, as their borders
2 literally butt up to other geographic combatant commanders,
3 Syria to Turkey, Yemen to Somalia, Egypt to Libya, that is
4 where we play a critical function of synchronizing special
5 operations activities across those respective geographic
6 combatant commanders.

7 Again, they fight the forces. We provide a
8 transregional perspective and role.

9 Senator King: Ms. Whelan, my time is up, but very
10 quickly, you mentioned information warfare. What does that
11 consist of?

12 Ms. Whelan: Information warfare is a complex set of
13 functions that include some of our military information
14 support teams, as well as some of our communications
15 specialties. There is a whole list. I know you are short
16 on time, Senator, if you like --

17 Senator King: Perhaps you could, for the record --

18 Ms. Whelan: Absolutely.

19 Senator King: -- give us a definition of what that is.

20 Ms. Whelan: We will take that for the record and get
21 you the answer.

22 Senator King: Thank you very much.

23 Thank you, Mr. Chairman.

24 Chairman McCain: Senator Cotton?

25 Senator Cotton: Thank you both for coming today.

1 General Thomas, thank you, in particular, for your
2 service, and all the men and women underneath your command.

3 Over the last 8 years, there has been some tension
4 between civilian and uniformed services over the number of
5 flag officers that we have seen grow in all the services.
6 The committee made an effort to reduce the number of flag
7 officers last year.

8 I have heard some generals and admirals, though, say
9 that when the civilian command authority reserve decision-
10 making power to the highest levels, decision-making power
11 that was once delegated to colonels and captains and, heaven
12 forbid, even lieutenants on the battlefield in Iraq and
13 Afghanistan in the last decade, then we should expect to see
14 an increase in the number of flag officers.

15 Have we begun to see in the last 4 months more
16 delegation of operational decision-making authority back to
17 where I suggest it belongs, in the hands of commanders who
18 are on the frontlines?

19 General Thomas: Senator, the short answer is yes.

20 I am a little bit humored by how you described the
21 situation in that my youngest son, who just gave up company
22 command of the 82nd recently wrote to me and said since when
23 did we stop letting company commanders command companies?
24 My response to him was, Michael, that question has been
25 asked since time immemorial. Where and how are you

1 restricted right now?

2 But I think, to your overall point, that while certain
3 authorities had been elevated to very senior levels, I
4 typically ask our force, are you empowered at the right
5 level with the right ROE to do your job? And I think it is
6 turning in that direction.

7 Senator Cotton: As that delegation occurs, do you
8 think we might see a concomitant decline in the number of
9 flag officers in the Pentagon who need to make those
10 decisions for our company and field grade officers in the
11 field?

12 General Thomas: Senator, I would tell you, truthfully,
13 flag officers in the Pentagon are not empowered to make
14 those decisions because they are not in the chain of
15 command. So I think the right folks in the chain of command
16 are being empowered to make the decisions that you certainly
17 experienced from your time in combat. We are going back in
18 that direction positively.

19 Senator Cotton: On a related note, last month, we
20 deployed the Massive Ordnance Air Blast in Afghanistan for
21 the first time. There was some media controversy about
22 that, about why that bomb was deployed.

23 At what decision would something like that be made?

24 General Thomas: Senator, I think it was described that
25 that decision was in General Nicholson's authority, so he

1 had the capability, he had the discretion and decision-
2 making to deploy it.

3 I think you know we used it as an area denial weapon in
4 an area that we have been having a protracted fight with
5 ISIS and the Khorasan in Nangarhar Province in Afghanistan.
6 So I think it was the right deployment of a weapon system
7 that avoided a more extensive of loss of life.

8 I mentioned Sergeant De Alencar and our two rangers who
9 died out in the area recently.

10 So, again, that decision-making authority was General
11 Nicholson --

12 Senator Cotton: The commander in Afghanistan.

13 General Thomas: The commander on --

14 Senator Cotton: Not the chairman, nor the Secretary of
15 Defense, the National Security Adviser, the President.

16 General Thomas: No.

17 Senator Cotton: And deciding what kind of ordnance to
18 employ, would you say that is a decision for commanders in
19 the field to make?

20 General Thomas: I believe it is.

21 Senator Cotton: And they do not need to get approval
22 from anyone 8,000 miles away in Washington?

23 General Thomas: I think that could actually cause
24 great risk to the force, if it had to go back that way.

25 Senator Cotton: I hope all the rest of our bombs are

1 overcoming the laws of their mother. Are they?

2 General Thomas: I think they are over their grieving.

3 Senator Cotton: Good.

4 Another question I want to raise is the relationship
5 between special operations forces and conventional forces.
6 By definition, special operations forces are special. They
7 do amazing things, but they are limited in numbers and
8 focused in mission.

9 Would you agree that you cannot simply flood special
10 operations forces and expect them to be a substitute for
11 what our conventional forces or what a broader strategy
12 would do?

13 General Thomas: Senator, I agree, and, more
14 pragmatically, we do not have the forces, the special
15 operations forces, to do that. So it is not a viable
16 solution.

17 Senator Cotton: So special operations forces are an
18 important complement to conventional forces in a broader
19 strategy, but they cannot be a substitute for either?

20 General Thomas: Agreed, Senator.

21 Senator Cotton: A related question, does that mean
22 that if we expect to increase the number of special
23 operations forces, or the mission sets that we provide them,
24 or the operational tempo at which we deploy them, we also
25 need to see a concomitant increase in the number of

1 conventional forces as well to support those missions?

2 General Thomas: I think that is a good assumption,
3 Senator.

4 Senator Cotton: All right. Thank you.

5 Chairman McCain: Senator Peters?

6 Senator Peters: Thank you, Mr. Chairman.

7 Thank you to our witnesses here today for your
8 insightful testimony.

9 General Thomas, I would like to go back to something
10 you brought up in your testimony as well as to a question
11 earlier from a panelist, and that is the SOFWERX effort that
12 is undergoing right now to bring together academia and
13 industry and some high-tech work.

14 As you know as well as anyone, the nature of warfare is
15 going to change dramatically in the years ahead. Technology
16 focus will be greater than ever. In the past, the military
17 has always been a leader in that area and will continue to
18 do that. But one difference is that what we are seeing now
19 in the civilian industry is accelerating in terms of new
20 innovations.

21 We have, in Michigan, TARDEC, which is the Army's tank
22 and vehicle research lab, which is also working on the model
23 that you have mentioned. But I was just curious, I know
24 your effort is only about 1.5 years old now, but what would
25 you consider the major takeaway of that effort in the last

1 1.5 years? Or perhaps a lesson that you have learned in
2 that 1.5 years that is going to be instructive for entities
3 like TARDEC and others to emulate?

4 General Thomas: Senator, I could probably on the
5 record provide you a list of initiatives that have actually
6 resulted in fielding capabilities to our forces, so some
7 very specific dividends that have come out of that
8 environment.

9 Truthfully, our director of Acquisition Technology and
10 Logistics is leveraging that platform every day. For
11 instance, the Counter-Unmanned Aerial System challenge that
12 cropped up recently in Iraq and Syria, which was relatively
13 nuanced, we were able to pour some very directed resources
14 at that, have what he calls a collision of academia,
15 technicians, operators, come together on that problem, among
16 others, to really crash on it in a hurry and, more
17 importantly, leverage off-the-shelf technologies, things
18 that would otherwise take an inordinate amount of time to
19 get to the field.

20 So if I can, I would like to provide you a list of
21 specifics of what we have accomplished and, more
22 importantly, what we are endeavoring to do going into the
23 future.

24 Senator Peters: I appreciate that. I would also like
25 to do a deeper dive, perhaps with some folks there to talk

1 specifically about some of the work that they are doing and
2 how we can replicate that in other places, because I think
3 this is critically important in future warfare.

4 As you know, and you have alluded to it in your answer
5 there, autonomy and robotics will probably have some of the
6 greatest potential to change how we conduct warfare.

7 In fact, I was struck that, last week, the Marine Corps
8 conducted an exercise at Camp Pendleton on the future of
9 amphibious warfare, which included using robots as the first
10 boots on the ground, resupplying troops with drones, and
11 even robots providing covering fire for those marines.

12 In general, how do you see autonomy and robotics
13 changing battlefield tactics in some of your operations? It
14 appears this is coming a lot quicker than folks may have
15 anticipated.

16 General Thomas: Senator, I would like to think we are
17 at the forefront or writing all the initiatives that pertain
18 to that. As you might imagine, our mission set, especially
19 our direct-action mission set, entails an element of risk
20 that we are trying to mitigate for literally the number one
21 man in a formation that could absolutely be mitigated
22 through robotics and other kind of sensory improvements over
23 time.

24 So we are pursuing that actively. I was going to ask,
25 if your time allows, that maybe we can get you to come visit

1 in Tampa. We have had several visitors come in and actually
2 provide us other opportunities to connect with academia and
3 industry to some of the other activities that you mentioned.

4 Senator Peters: I would appreciate that opportunity.

5 What do you consider some of the main benefits and
6 tradeoffs that we need to consider as this technology moves
7 forward?

8 General Thomas: Right now, it is a practical challenge
9 for us, because, as you might imagine, we have tried to push
10 the application of robotics where just the agility, in terms
11 of sensory capability, decision-making, and physical
12 capabilities of robotics just are not there yet. But
13 nonetheless, we are pushing in that regard. But we see some
14 great opportunities.

15 Senator Peters: Great. Thank you, General. I
16 appreciate it.

17 Chairman McCain: Senator Cruz?

18 Senator Cruz: Thank you, Mr. Chairman.

19 Good morning. Welcome. Thank you both for your
20 service to our Nation, particularly at this perilous time.

21 General Thomas, in recent months, special operations
22 forces from across the services have made the ultimate
23 sacrifices in conflicts around the world. Most recently, a
24 number of brave special operators lost their lives fighting
25 ISIS in northeastern Afghanistan. The reduction in

1 conventional forces in Afghanistan and the closure of a
2 majority of combat outposts and forward operating bases in
3 the country has left a considerable gap in U.S. presence in
4 critical enemy engagement areas.

5 Would special operations forces in Afghanistan be
6 better supported if there were a greater presence of
7 conventional soldiers in combat outposts and forward
8 operating bases throughout the country?

9 General Thomas: Senator, I think General Nicholson and
10 others are looking at enhancing the capability in terms of
11 train, advise, assist, so more conventional forces that
12 would thicken the ability to advise and assist Afghan
13 forces. That would absolutely be to our benefit.

14 Right now, you mentioned the casualties that we
15 recently incurred. Those are accompanied operations. That
16 is where our special operations forces are accompanying
17 Afghan special operations capabilities.

18 Ultimately, we want to make them capable of doing it on
19 their own, and we are certainly making some progress there.
20 But I think parallel efforts to advise and assist the larger
21 conventional capabilities of the Afghan forces would
22 absolutely enhance the effort.

23 Senator Cruz: Do the special operations forces have
24 the dedicated assets and resources that they need to fight
25 and win, given so many competing areas of conflict around

1 the world? And are you ever put into a position where you
2 are forced to choose which mission to fully support and what
3 can be accomplished with less dedicated assets?

4 General Thomas: Senator, to answer your first
5 question, I do think we have adequate resources to task.

6 The bigger challenge, which was prefaced by the
7 chairman at the beginning, is that, from a DOD standpoint,
8 we are a microcosm of the DOD from a global approach, in
9 that we are trying to provide the necessary special
10 operations requirements to all the geographic combatant
11 commanders at the same time with a relative prioritization.

12 The Secretary and the chairman are endeavoring to make
13 sure that prioritization is as precise as it needs to be for
14 us as service components so that we can support the effort
15 and priority, but it is a challenge. We, like the
16 department, are trying to do a lot of things at the same
17 time in a challenging world, so that has some inherent
18 friction to it.

19 Senator Cruz: On a different topic, I understand that
20 the decision regarding which combatant command would be
21 responsible for weapons of mass destruction has been
22 decided, and that, starting in January, it now falls under
23 your command at the Special Operations Command.

24 This is obviously a critical component of our Nation's
25 nuclear deterrent and counter-WMD programs that have a major

1 responsibility, including nuclear, chemical, and biological
2 agents.

3 Could you please comment on how the addition of WMD
4 responsibility has affected current and future operations?

5 General Thomas: Senator, I mentioned previously that
6 we absolutely embrace the enormity of this mission. It is
7 much, much bigger than special operations and SOCOM, so we
8 are looking to leverage as much of the rest of the
9 interagency community and our international partners to
10 accomplish our government's objectives in this regard as we
11 can.

12 Right now, we have the resourcing required to embrace
13 this set, and we are in discussion for what we need going
14 forward. I mentioned earlier that I hope to provide an
15 assessment to our Secretary of Defense in August in terms of
16 a comprehensive review of what we are trying to accomplish
17 from a U.S. Government policy and strategy objective, and
18 how well we are doing.

19 So, again, we look forward to providing that to the
20 committee as well, once we brief the Secretary.

21 Senator Cruz: Ms. Whelan, do you have additional
22 thoughts on the impact of WMD responsibility under SOCOM?

23 Ms. Whelan: Senator, thanks for the question.

24 I think we fully supported the decision to shift the
25 responsibility to SOCOM. SOCOM has the capabilities on

1 that, we were intended to utilize to address this issue, so
2 I think, organizationally, it made a tremendous amount of
3 sense to us to move it from STRATCOM to SOCOM, so we fully
4 support.

5 Senator Cruz: Thank you very much.

6 Chairman McCain: Senator Warren?

7 Senator Warren: Thank you, Mr. Chairman.

8 And thank you for being here. I just want to quickly
9 ask about the importance of our nonmilitary agencies and
10 programs to your mission.

11 For much of the past decade, special operations forces
12 have deployed around the globe 24/7, and we often think of
13 them as conducting raids and taking out terrorists. But I
14 understand that a big part of your mission is actually to
15 advise and assist local forces to build their own capacity.

16 General, how important is our State Department to that
17 mission?

18 General Thomas: Senator, the relationship to the State
19 Department is indescribably critical, both at the State
20 Department level, but I would offer, as I mentioned earlier,
21 we are in 80 different countries, and we look to have the
22 most enhanced relationships possible with every one of those
23 countries through our country team. If that is not the
24 baseline for our United States Government approach, then we
25 are flawed from the start.

1 Senator Warren: So at the national level and at the
2 country level.

3 Would a reduction in funding to the State and USAID
4 that conduct foreign assistance in diplomacy make your job
5 easier or make your job harder?

6 General Thomas: Senator, as you are implying, it makes
7 their job harder, which I think, by extension, would make
8 our job harder. So I cannot calculate the specific cost,
9 but I know an already strained State Department would be
10 more pressed to do their job.

11 Senator Warren: Good. Thank you. That is very
12 helpful.

13 The administration is seeking a significant reduction
14 in the State Department and USAID budgets. Diplomacy and
15 development are critical for alleviating the very conditions
16 that contribute to the security challenges that SOCOM
17 confronts every single day.

18 Now, if I can, I would like to return to a question
19 that Senator Sullivan raised about SOCOM's responsibility as
20 the lead organization for countering WMDs. I know that this
21 responsibility was shifted over to you to ensure that we are
22 paying enough attention to the nuclear proliferation threat
23 and to ensure that we are synchronizing the WMD work with
24 the counterterrorism mission so that we can prevent a
25 terrorist group from ever getting a hold of a nuclear

1 weapon.

2 This mission, as I understand it, includes three lines
3 of effort: preventing the acquisition of WMDs by foreign
4 powers, containing and reducing WMD threats, and responding
5 to a WMD crisis.

6 As I understand it, you seem pretty prepared to tackle
7 the first of those, given your hard-won experience using
8 intelligence to track bad actors over the past 15 years.
9 WMD threats and responding to WMD crises are going to
10 require some new skills here.

11 General, to the extent that you can in an open session,
12 can you just say a word about what you see as the biggest
13 challenges in taking on this new responsibility?

14 General Thomas: Senator, absolutely. You mentioned
15 that we were already pre-established in various aspects of
16 this mission set. I think to Secretary Whelan's earlier
17 comment, I think that is what made it an almost natural fit
18 for the mission to transition to us, that we have a pre-
19 existing approach and process, kind of an ethos to dealing
20 with transregional terrorism. I think there was a natural
21 application or kind of a fungible application to the WMD
22 set.

23 Going forward though, even from a first blush
24 assessment, the biggest challenge for all of us is seeing
25 and sensing the nature of the threat in an environment that

1 runs the gamut from dual-use technology, proliferation of
2 nefarious items in the same stream as things that are for
3 the good of industry and not of a nefarious use.

4 So I really see the major onus as we go forward is
5 determining how we, both DOD and the interagency, see and
6 assess the threat and obviously can enable operations to do
7 what we need to do, whether it is disruption of activities
8 or something else. So the most daunting challenge I think
9 will be of an intelligence variety in terms of assessing the
10 threat.

11 Senator Warren: Thank you. I appreciate that.

12 I understand that the committee has asked you to
13 prepare a report on the resources, personnel, and
14 authorities you are going to need to carry out this mission.
15 I understand you are working on that. I know it will be
16 very helpful.

17 General Thomas: Yes, ma'am, we are.

18 Senator Warren: Good. Can I ask you one last quick
19 question? And that is, Senator Sullivan asked about what
20 you needed from us to carry out the mission. I just wanted
21 to see if you could say a word about what you expect to
22 receive from Strategic Command, who is giving up this
23 mission, in terms of personnel and funding.

24 General Thomas: Ma'am, we are actually still co-joined
25 with Strategic Command for this mission set. So as they

1 shifted the set specifically to us, there are still a number
2 of co-related activities that have kept us co-joined. They
3 did transfer an entity with the Defense Threat Reduction
4 Agency that was part and parcel of their approach that came
5 directly to was and is integral to what we are doing now.
6 But we are also addressing what we think are the future
7 requirements to enhance this mission.

8 Senator Warren: Do you expect more transfers to occur?

9 I am going to quit, Mr. Chairman, because I am over my
10 time.

11 General Thomas: I am hopeful that within the
12 department, not necessarily from STRATCOM, which is a busy
13 command with a profound portfolio, but I am hopeful that
14 within the department, that the resources that we describe
15 will be resourced.

16 Senator Warren: All right. Thank you. Your job to
17 stop the proliferation of nuclear weapons is powerfully
18 important, and we want to make sure you have the resources
19 you need. Thank you.

20 Thank you, Mr. Chairman.

21 Chairman McCain: Senator Rounds?

22 Senator Rounds: Thank you, Mr. Chairman.

23 Ms. Whelan and General Thomas, first of all, thank you
24 for your service to our country.

25 In the 2014 QDR, manpower requirement for Special

1 Operations Command was approximately 72,000. However, this
2 number was capped at 69,000 due to budget constraints. It
3 is clear the world is not any safer now than it was in 2014.
4 I would expect the current demand on your operations has not
5 been diminished, and, if anything, it has been increased.

6 What is the current manpower requirement for SOCOM to
7 meet its global requirements? Is additional force structure
8 required?

9 General Thomas: Senator, I believe our stated
10 requirement is the requirement. We are working to refine,
11 if there is any needed growth in the future.

12 I am thankful, as you mentioned, that, in spite of the
13 fact that we did not receive the growth that was prescribed
14 and validated, that we have had tremendous support from
15 across the department in terms of augmentees and additional
16 units that have enabled us to continue to pursue our jobs.

17 So again, I am thankful that the department has
18 reapportioned to allow us to do what they have asked us to
19 do.

20 Senator Rounds: When you were not allowed or not
21 authorized the amount requested, clearly, then, you have to
22 take on additional risk in certain areas. Where is that
23 risk at, at this time? Where did you have to take on
24 additional risk?

25 General Thomas: Senator, again, I think, without

1 getting into details of specific locations and activities,
2 there was curtailment in terms of some of our activities.

3 Senator Rounds: Diminished operations.

4 General Thomas: Diminished operations. And then, as I
5 mentioned, in many cases, we merely went back to the
6 department and said, while we cannot grow it or maintain it
7 internally, might we receive additional augmentation? In
8 almost every case, they have afforded that to us.

9 Senator Rounds: Recent testimony from both the U.S.
10 Navy and the U.S. Air Force has identified a significant
11 difficulty in retaining qualified pilots. How is pilot
12 retention going for special operations aviation?

13 General Thomas: Senator, a great question. Senator
14 King asked the earlier question about recruitment and
15 retention. I should have mentioned that we are experiencing
16 similar retention challenges to the Air Force and others
17 relative to the enticement of pilots to join industry. So
18 it is something that is certainly affecting us right now,
19 and we are trying to come up with creative alternatives or
20 solutions to rectify that.

21 Senator Rounds: So you are indicating that you do have
22 the same challenges as everyone else has on it and --

23 General Thomas: To a lesser degree, but, yes, we have
24 that.

25 Senator Rounds: To a lesser degree.

1 General Thomas: Yes, we do.

2 Senator Rounds: Okay. Does USSOCOM need service-like
3 acquisition authorities for the purposes of developing,
4 acquiring, and sustaining special operations technology,
5 equipment, and services?

6 General Thomas: Senator, we enjoy those authorities
7 right now. Interestingly, we do not have all the
8 authorities that the services have. They have some unique
9 authorities. Usually folks think it is a flip on that, that
10 special operations have unique authorities that enable us.
11 There are actually some authorities inherent in the services
12 that we are looking to gain over time.

13 Senator Rounds: Could you specify?

14 General Thomas: Specifically, I cannot get into the
15 technical aspects of it.

16 Senator Rounds: For the record, would you provide us
17 with that?

18 General Thomas: I would be glad to do that. But
19 again, I would also emphasize that our structure with our
20 director of AT&L working directly for me with a streamlined
21 relationship with our program executive officer has enabled
22 us to do some pretty extraordinary things too. So we are
23 very well-enabled. We are looking to try to enhance and
24 have all the tools that the services have.

25 Senator Rounds: Cyber capabilities are critical when

1 it comes to your operations as well. I suspect you would
2 agree with that. Can you share with us right now your
3 ability to maintain a cyber superiority with regard to the
4 operations that your -- let me put it this way. Clearly,
5 you have to be able to maintain cybersecurity when it comes
6 to your operations. Can you describe for us the challenges
7 you have, shortcomings you may have, or needs that you may
8 have with regard to cybersecurity capabilities?

9 General Thomas: Senator, I would start by expressing
10 my appreciation to CYBERCOM for the great capabilities that
11 they have provided us, much like they have to other
12 combatant commands, to first and foremost protect our
13 infrastructure. Again, we have some very, very valuable
14 resources to do that.

15 Similarly, we are working with them closely to enhance
16 our offensive capabilities, the cyber capabilities that must
17 be integral to our approach to the full spectrum of combat
18 operations going forward. Again, I think we have endeavored
19 to have some pretty nuanced approaches, again thanks to
20 CYBERCOM and others who have helped enable us.

21 Senator Rounds: My time has expired.

22 Mr. Chairman, thank you.

23 Chairman McCain: Senator McCaskill?

24 Senator McCaskill: Thank you, Mr. Chairman.

25 Thank you both for being here and preparing for this

1 hearing today.

2 I wanted to emphasize at the start that, according to
3 the materials I reviewed, countering Russian aggression is
4 the number two priority.

5 Is that correct, General Thomas?

6 General Thomas: Senator, right now, that is the number
7 two priority, although I would tell you it is being
8 challenged by our preparations for Korea.

9 Senator McCaskill: As I look at the map that we have,
10 the only place you have more deployed other than EUCOM is,
11 in fact, CENTCOM, correct? It is the number two deployment?

12 General Thomas: Yes, ma'am. That is accurate.

13 Senator McCaskill: You have 1,400 forces deployed to
14 protect against Russian aggression right now?

15 General Thomas: Ma'am, working with our partners in
16 the respective countries, we do.

17 Senator McCaskill: And in addition to that, could you
18 ballpark how many other American military personnel are we
19 putting on the frontlines to counter Russian aggression?

20 General Thomas: Senator, I cannot speak specifically
21 to the other complementary forces that are out there, other
22 than to say that we are closely linked with them in terms of
23 --

24 Senator McCaskill: Would it be thousands of American
25 military in the countries on the western border of Russia?

1 General Thomas: Senator, I think you would have to
2 discern between those assigned to Europe and additive
3 forces. But I do not have the specific numbers.

4 Senator McCaskill: Okay. The point I am trying to
5 make is, we are putting real resources out there in the
6 military going after Russian behavior. We have determined
7 and you have determined, and the military leadership has
8 determined, that Russia is a problem.

9 I just want to emphasize that because it is frustrating
10 to me that they try to break the backbone of democracies all
11 over the world, and we consider it such a threat that we are
12 putting the biggest treasure we have, which are the lives of
13 men and women of our military, on the frontlines of this
14 aggression, but there does not seem to be a sense of urgency
15 about Russia. And I wanted to underline that as I began.

16 The other thing I want to talk to you about today is I
17 had a chance to review the GAO report that was recently
18 released. It is a classified report. Have you had a chance
19 to look at that, General Thomas?

20 General Thomas: Senator, I am not aware of that
21 specific GAO report. Regarding what subject, ma'am?

22 Senator McCaskill: Countering ISIS and its effects?

23 General Thomas: I have not seen that report, no,
24 ma'am.

25 Senator McCaskill: I highly recommend it to you. I

1 think it would be very helpful to you.

2 Since you are the key DOD element responsible for
3 global antiterrorism operations, several of the recommended
4 oversight questions seem really particularly relevant to
5 your command. For example, the problems that we are having,
6 we have spent billions trying to train and equip the
7 military in both Iraq and Afghanistan. Would you agree with
8 that, General?

9 General Thomas: We have, Senator.

10 Senator McCaskill: And we continue to spend billions
11 trying to do both of those things, correct?

12 General Thomas: Correct, Senator.

13 Senator McCaskill: And I am not sure that we are
14 getting adequate information about how much success we have
15 had. And I think that it would be helpful to know what
16 steps have been taken to address the challenges to train and
17 equip regarding the underlying factors that have caused the
18 personnel shortages in Iraq. We continue to have
19 insufficient numbers of soldiers even to round out units in
20 Iraq.

21 I think with the amount of money we are spending, it
22 would be great, you may not be prepared today, but since you
23 all are so involved in the train and equip, it would be
24 helpful for us to get more information about, what is the
25 problem? And are we adjusting what we are doing? Or are we

1 just pouring in money and still having folks walk away and
2 still have people who we have trained and equipped show up
3 on the other side?

4 General Thomas: Senator, I can guarantee that for
5 every problem that you have identified, we are endeavoring
6 to try to rectify it. I will work with General Votel, the
7 CENTCOM Commander, to make sure we get you a response on the
8 record for the concerns that you have, ma'am.

9 Senator McCaskill: I know that DOD recently revised
10 the train and equip program in Syria. As you are well-
11 aware, we had a number of problems, especially the first
12 attempt at train and equip that was disastrous.

13 Could you tell us what have been the results of the
14 revisions that occurred in the train and equip mission in
15 Syria in 2016?

16 General Thomas: Ma'am, there are really two different
17 programs that I think you are referring to there. One was
18 the one that was certainly challenged. I think we have made
19 great strides. I am hesitant to get into details in an open
20 forum in terms of the very, very capable surrogate forces
21 that we are now leveraging in Syria and certainly with the
22 organic forces in Iraq. But we have gone --

23 Senator McCaskill: I learned about some of that when I
24 was in Jordan.

25 General Thomas: Very good.

1 Senator McCaskill: But what kind of assurances do you
2 feel like we have now that the individuals associated with
3 the terrorist organizations of either Syria or Iran are not
4 benefiting from our train and equip missions?

5 General Thomas: In my particular lane, where our
6 special operations are supporting CENTCOM activities, I am
7 very comfortable that we are vetting them to the degree that
8 we are very certain that we are not contributing to those
9 particular threat organizations.

10 But, again, I will get you more for the record.

11 Senator McCaskill: That would be terrific.

12 Thank you, Mr. Chairman.

13 Chairman McCain: Senator Tillis?

14 Senator Tillis: Thank you, Mr. Chairman.

15 General Thomas, it is good to see you.

16 Ms. Whelan, you as well.

17 I was just back down at Fort Bragg a couple weeks ago.
18 I get down there frequently, probably they are sick of
19 seeing me. But it is such an important part of what we do
20 globally that I want to send the message there.

21 I know that many of my members have asked questions
22 about the stress on the force and optempo and a number of
23 those things. What I would like to maybe spend my time on
24 has more to do with the employment side and my capacity as
25 Personnel Subcommittee chair.

1 I know that, in your opening testimony, you said we
2 must continue to place the greatest emphasis on selecting,
3 retaining, and empowering our people and sustaining them and
4 their families.

5 With two-thirds of the SOCOM force married, what more
6 do you think we need to do? And the nature of their mission
7 is such that even the relative stress level has to be higher
8 because there is so much that the person back stateside does
9 not know what is going on.

10 What do you think we need to do to more of to provide
11 better support for the families of our SOCOM forces?

12 General Thomas: Senator, I mentioned earlier to a
13 similar question that I am very thankful to the committee
14 that you have actually given us some tools that have allowed
15 us to put our money where our intent is.

16 I think, for years, our approach to family readiness
17 was sort of, be ready, your spouse may or may not deploy.
18 We did not actually build in specific resilience to that
19 eventuality, the fact that it is on the training schedule,
20 that you folks will deploy.

21 We have also been able to leverage, as you might
22 imagine, you described our operator experience, a lot of
23 experience, a lot of repetitions downrange. Our spouses
24 have had the same experience. We have been able to leverage
25 their experience for how we can be more thorough in our

1 preparation to build in the resilience and to deal with
2 their problems as they occur over time.

3 So, again, I am thankful that you have given us the
4 means to get after this, and I think we are doing it much
5 more comprehensively every day.

6 Senator Tillis: Have you given any thought, as you are
7 looking at recruiting and retention side of things, are
8 there any things that have arisen, other things that we
9 should consider to help you retain our best and brightest?

10 And if you cannot answer that in specifics now, we
11 would like it for the purposes of the subcommittee so they
12 can instruct our recommendations for the NDAA.

13 But if you have any off the top of your head, Ms.
14 Whelan, or you, General Thomas?

15 General Thomas: Senator, I do not have any specific
16 requirements right now. We are always looking to see, if
17 and when retention challenges come up, how we can mitigate
18 those. But at the moment, I do not have any specific
19 requests.

20 Ms. Whelan: Sir, we do not either. However, one of
21 the issues that we will be looking at within SOLIC, and as
22 part of the clarified responsibilities for SOLIC oversight,
23 is this issue of retention and how we might be able to work
24 with SOCOM to ensure that we have the resources we need.

25 Senator Tillis: We just want to make sure that we get

1 you the tools that you need, because it costs a lot of money
2 to get these people to the level that they can be deployed,
3 and we want to make sure that we focus on retention and
4 valuing our men and women and their families.

5 In my remaining time, I would like to talk a little bit
6 about -- I know the demand is outstripping supply in terms
7 of your ability to fulfill all the demands. One question
8 that I have is whether you believe, in some instances,
9 because of the nature of funding and the nature of the
10 conflicts we are in, if there is some amount of what your
11 command focuses on that the need would be better satisfied
12 by the service lines or others.

13 In other words, if we have a legitimate demand for
14 additional special operations, is there a component of the
15 demand that you are fulfilling now that could arguably be
16 fulfilled through some other vehicle outside of SOF?

17 General Thomas: Senator, I field a similar line of
18 questions from our Secretary of Defense consistently. We
19 are looking at that very aggressively.

20 Most recently, we completed our annual process to align
21 forces 2 years out, so where we think special operations
22 forces are required in priority relative to that of
23 geographic combatant commanders. So it literally produced a
24 one through end list of what we are doing in priority and a
25 plan to discuss that in detail with the Secretary in terms

1 of here is where we could offramp, and here is the risk or
2 the price to be paid in terms of either cessation of
3 missions or things of that like.

4 But we are looking at that very closely, on how we can
5 mitigate the pressure on the force in terms of number of
6 missions we are doing.

7 Senator Tillis: Thank you.

8 Chairman McCain: Senator Blumenthal has arrived.

9 Senator Blumenthal: Thank you, Mr. Chairman.

10 General Thomas, your command now has responsibility for
11 countering weapons of mass destruction across all of the
12 combatant commands, correct?

13 General Thomas: Senator, we are the coordinator for
14 the Department of Defense. That is correct.

15 Senator Blumenthal: Including use of chemical agents.

16 General Thomas: That is correct, all elements of
17 weapons of mass destruction.

18 Senator Blumenthal: You may be familiar with a new
19 Human Rights Watch report this week that cites a number of
20 recent incidents, including the one April 4th that triggered
21 our missile attack, but others in December 2016 when there
22 were two and another in March 2017. All involved with the
23 use of nerve agent weaponry in Syria. Apparently, they
24 killed at least 159 people, they reported in the New York
25 Times.

1 And the New York Times reported, in addition, use of
2 other chemical agents, principally chlorine, since the April
3 4th attack that led to our missile strike.

4 Are you aware of that report? And do you have
5 information to corroborate those reports?

6 General Thomas: Senator, I have not seen that specific
7 report. I am aware of all or most of those incidents. I am
8 surprised you did not mention use of VX at the Malaysia
9 International Airport as another egregious use of an
10 incredibly nefarious weapons system in an open area.

11 Senator Blumenthal: I am sure you have information
12 about the support or complicity of the Russians in these
13 attacks, do you not?

14 General Thomas: Senator, I am aware of the nature of
15 all those attacks and the actors involved. Again, probably
16 in an open session, I would probably be circumspect to
17 discuss the specifics of some of the intelligence that
18 pertains.

19 Senator Blumenthal: Would you be prepared to talk
20 about Russian involvement in these attacks in a different
21 setting?

22 General Thomas: Senator, I would be glad to talk about
23 any actors' involvement in any of these episodes.

24 Senator Blumenthal: I am not sure exactly how to ask
25 this question, General, and I hope you will bear with me.

1 But is there a reason why the American people should
2 not know about Russian complicity and involvement in these
3 war crimes? They are war crimes. If the Russians are
4 aiding and abetting them, why should the American people be
5 denied that information?

6 General Thomas: Senator, I think the American public
7 should know the extent to whoever is employing weapons of
8 mass destruction and chemical weapons. As much as we
9 understand who and how, that could and should be divulged to
10 the American public.

11 Senator Blumenthal: So the rules about your providing
12 us information in this setting are made by others, not by
13 yourself, obviously, so I am not meaning any disrespect to
14 you.

15 But I am absolutely perplexed as to why we should not
16 make more widely known the involvement of Russians in war
17 crimes, only one of them so far widely reported, that led us
18 to launch a missile strike at the base where Russians
19 currently are stationed. They had to know about the use of
20 sarin in that attack on Assad's own people.

21 So I hope that we are able to disseminate that
22 information more widely to the American people. And I
23 respect your position and the rules that apply to you. But
24 you do have information about, let's call them other actors
25 who are aiding and abetting Bashar Assad in these criminal

1 attacks, murderous acts on his own people, is that correct?

2 General Thomas: Senator, we are focused on everyone
3 who is inclined to use these kinds of weapons.

4 Senator Blumenthal: Is there any sort of defense that
5 can be provided to the people of Syria by the United States
6 against these types of weapons?

7 General Thomas: Senator, as you might imagine, the
8 equipment required for the array of weapons that may or may
9 not still be in the Syrian arsenal would be extensive, so I
10 am sure it is a daunting logistics challenge to try to
11 provide that kind of equipment.

12 Again, I think your first point, disrupting the use or
13 the employment of the weapons systems is probably the most
14 effective thing you could do.

15 Senator Blumenthal: General, my time has expired. I
16 really appreciate both you and Ms. Whelan being here today
17 and your service to our Nation and the service of every
18 single man and woman under your command. Thank you very
19 much.

20 Chairman McCain: I thank the witnesses. This hearing
21 is adjourned.

22 [Whereupon, at 11:25 a.m., the hearing was adjourned.]

23

24

25

Exhibit 7

~~TOP SECRET//NOFORN~~

May 22, 2013

PROCEDURES FOR APPROVING DIRECT ACTION AGAINST TERRORIST TARGETS
LOCATED OUTSIDE THE UNITED STATES AND AREAS OF ACTIVE HOSTILITIES

This Presidential Policy Guidance (PPG) establishes the standard operating procedures for when the United States takes direct action, which refers to lethal and non-lethal uses of force, including capture operations, against terrorist targets outside the United States and areas of active hostilities.

Any direct action must be conducted lawfully and taken against lawful targets; wherever possible such action will be done pursuant to a [REDACTED] plan. In particular, whether any proposed target would be a lawful target for direct action is a determination that will be made in the first instance by the nominating department's or agency's counsel (with appropriate legal review as provided below) based on the legal authorities of the nominating department or agency and other applicable law. Even if the proposed target is lawful, there remains a separate question whether the proposed target should be targeted for direct action as a matter of policy. That determination will be made pursuant to the interagency review process and policy standards set forth in this PPG. The most important policy objective, particularly informing consideration of lethal action, is to protect American lives.

Capture operations offer the best opportunity for meaningful intelligence gain from counterterrorism (CT) operations and the mitigation and disruption of terrorist threats. Consequently, the United States prioritizes, as a matter of policy, the capture of terrorist suspects as a preferred option over lethal action and will therefore require a feasibility assessment of capture options as a component of any proposal for lethal action. Lethal action should be taken in an effort to prevent terrorist attacks against U.S. persons only when capture of an individual is not feasible and no other reasonable alternatives exist to effectively address the threat. Lethal action should not be proposed or pursued as a punitive step or as a substitute for prosecuting a terrorist suspect in a civilian court or a military commission. Capture is preferred even in circumstances where neither prosecution nor third-country custody are available disposition options at the time.

CT actions, including lethal action against designated terrorist targets, shall be as discriminating and precise as reasonably possible. Absent extraordinary circumstances, direct action against an identified high-value terrorist (HVT) will be taken only when there is near certainty that the individual being targeted is in fact the lawful target and located at the place where the action will occur. Also absent extraordinary circumstances, direct action will be taken only if there is near certainty that the action can be taken without injuring or killing non-combatants. For purposes of this PPG, non-combatants are understood to be individuals who may not be made the object of attack under the law of armed conflict. The term "non-combatant" does not include an individual who is targetable as part of a belligerent party to an armed conflict, an individual who is taking a direct part in hostilities, or an individual who is targetable in the exercise of national self-defense. Moreover, international legal principles, including respect for a state's sovereignty and the laws of war, impose important constraints on the ability of the United States to act

~~TOP SECRET//NOFORN~~

[REDACTED]

[REDACTED]

~~TOP SECRET//NOFORN~~

unilaterally – and on the way in which the United States can use force – in foreign territories. Direct action should only be undertaken [REDACTED]

As reflected in the procedures contained in this PPG, whenever possible and appropriate, decisions regarding direct action will be informed by departments and agencies with relevant expertise, knowledge, and equities. [REDACTED], as well as by coordinated interagency intelligence analysis. Such interagency coordination and consultation will ensure that decisions on operational matters of such importance are well-informed and will facilitate de-confliction among departments and agencies addressing overlapping threat streams. Such coordination is not intended to interfere with the traditional command and control authority of departments and agencies conducting CT operations.

Lastly, when considering potential direct action against a U.S. person under this PPG, there are additional questions that must be answered. The Department of Justice (DOJ), for example, must conduct a legal analysis to ensure that such action may be conducted against the individual consistent with the laws and Constitution of the United States.

Based on the principles and priorities described above, Section 1 sets forth the procedure for establishing [REDACTED] plan for taking direct action against terrorist targets. Section 2 sets forth the approval process for the capture and long-term disposition of suspected terrorists. Section 3 sets forth the policy standard and procedure for designating identified HVTs for lethal action. Section 4 sets forth the policy standard and procedure for approving lethal force against terrorist targets other than identified HVTs.¹ Section 5 sets forth the procedures for approving proposals that vary from the policy guidance otherwise set forth in this PPG. Section 6 sets forth the procedure for after-action reports. Section 7 addresses congressional notification. Section 8 sets forth general provisions.

SECTION 1. Procedure for Establishing a [REDACTED] Plan for taking Direct Action Against Terrorist Targets

1.A Operational Plans for Taking Direct Action Against Terrorist Targets

Each of the operating agencies may propose a detailed operational plan to govern their respective direct action operations [REDACTED] against: (1) suspected terrorists who may be lawfully detained; (2) identified HVTs who may be lawfully targeted for lethal action; or (3) lawful terrorist targets other than identified HVTs.

1.B Interagency Review of Operational Plans

All operational plans to undertake direct action operations against terrorist targets [REDACTED] must undergo a legal review by the general counsel(s) of the operating

¹ This PPG does not address otherwise lawful and properly authorized activities that may have lethal effects, which are incidental to the primary purpose of the operation.

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

agency executing the plan, and be submitted to the National Security Staff (NSS) for interagency review. All proposed operational plans must conform to the policy standards set forth in this Section. All proposed operational plans to undertake direct action against terrorist targets [REDACTED] along with the conclusions of the General Counsel, shall be referred to the NSS Legal Adviser. The NSS Legal Adviser and the General Counsel of the proposing operating agency shall consult with other department and agency counsels, as necessary and appropriate. The NSS Legal Adviser shall submit the relevant legal conclusions to the Deputies Committee to inform its consideration of the proposed operational plan. All proposed operational plans to undertake direct action against terrorist targets [REDACTED] will be reviewed by appropriate members of the Deputies and Principals Committees of the National Security Council (NSC) (defined in Presidential Policy Directive-1 or any successor directive) before presentation to the President for decision.

1.C Guidelines for Operational Plans

Any operational plan for taking direct action against terrorist targets [REDACTED] shall, among other things, indicate with precision:

- 1) The U.S. CT objectives to be achieved;
- 2) The duration of time for which the authority is to remain in force;
- 3) The international legal basis for taking action [REDACTED];
- 4) The strike and surveillance assets that may be employed when taking action against an authorized objective;
- 5) [REDACTED]
- 6) Any proposed stipulation related to the operational plan, including the duration of authority for such stipulation;
- 7) Any proposed variations from the policies and procedures set forth in this PPG; and
- 8) The conditions precedent for any operation, which shall include at a minimum the following: (a) near certainty that an identified HVT or other lawful terrorist target other than an identified HVT is present; (b) near certainty that non-combatants will not be injured or killed; (c) [REDACTED]² and (d) if lethal force is being employed: (i) an assessment that capture is not feasible at the time of the operation; (ii) an assessment that the relevant governmental authorities in the country where action is contemplated cannot or will not effectively address the threat to U.S. persons; and (iii) an assessment that no other reasonable alternatives to lethal action exist to effectively address the threat to U.S. persons.

² Operational disagreements [REDACTED] shall be elevated to Principals. The President will adjudicate any disagreement among or between Principals.

~~TOP SECRET//NOFORN~~

1.D Additional Requirements When Requesting Authority for Directing Lethal Force Against Targets Other Than Identified HVTs

When requesting authority to direct lethal force against terrorist targets other than identified HVTs, the [REDACTED] plan shall also include the following:

- 1) The types of targets that would qualify as appropriate targets pursuant to Section 4 (Terrorist Targets Other Than Identified HVTs) for purposes of the proposed operational plan; and
- 2) A description of the operating agency's internal process for nominating and approving the use of lethal force against terrorist targets other than identified HVTs.

1.E Policies and Procedures

The operating agencies shall establish harmonized policies and procedures for assessing:

- 1) Near certainty that a lawful target is present;
- 2) Near certainty that non-combatants will not be injured or killed; and
- 3) With respect to a proposal to take direct action against terrorist targets other than identified HVTs, whether the target qualifies pursuant to the policy standard set forth in Section 4.A of this PPG and in the specific operational plan.

1.F When Using Lethal Action, Employ All Reasonably Available Resources to Ascertain the Identity of the Target

When the use of lethal action is deemed necessary, departments and agencies of the United States Government must employ all reasonably available resources to ascertain the identity of the target so that action can be taken, for example, against identified HVTs in accordance with Section 3 of this PPG. Verifying a target's identity before taking lethal action ensures greater certainty of outcome that lethal action has been taken against identified HVTs who satisfy the policy standard for lethal action in Section 3.A.

1.G Principals and Deputies Review of Operational Plans for Taking Direct Action Against Terrorists Targets [REDACTED]

When considering a proposed operational plan, Principals and Deputies shall evaluate the following issues, along with any others they deem appropriate:

- 1) The implications for the broader regional and international political interests of the United States; and
- 2) For an operational plan that includes the option of lethal force against targets other than identified HVTs, an explanation of why authorizing direct action against targets other than identified HVTs is necessary to achieve U.S. policy objectives.

~~TOP SECRET//NOFORN~~**1.H Presentation to the President**

1.H.1 If the Principal of the nominating operating agency, after review by Principals and Deputies, continues to support the operational plan, the plan shall be presented to the President for decision, along with the views expressed by departments and agencies during the NSC process.

1.H.2 An appropriate NSS official will communicate, in writing, the President's decision, including any terms or conditions placed on any approval, to appropriate departments and agencies.

1.I Amendments or Modifications to Operational Plans

Except as described in Section 5, any amendments or modifications to an approved operational plan for direct action [REDACTED] shall undergo the same review and approval process outlined in this Section.

SECTION 2. Approval Process for Certain Captures and the Long-Term Disposition of Certain Suspects

This Section sets forth the approval process for nominating for capture suspected terrorists or individuals providing operational support to suspected terrorists (in this section, together referred to as "suspects"); proposals to take custody of suspects, including pre- and post-capture screening; [REDACTED] and determining a long-term disposition for suspects.

Unless otherwise approved in an operational plan under Section 1, the NSS shall coordinate for interagency review under this PPG, as described below, the following: (1) operations intended to result [REDACTED] (2) operations that result in United States Government personnel taking custody (through a capture or transfer)³ of a suspect located overseas and outside areas of active hostilities; and (3) long-term disposition decisions with respect to such suspects. The involvement of United States Government personnel in extraditions or transfers initiated for the purpose of prosecution in civilian court or those scenarios to which PPD-14 applies (i.e., circumstances in which an individual is arrested or otherwise taken into custody by the Federal Bureau of Investigation (FBI) or another Federal law enforcement agency)⁴ are not covered by this PPG.

Captures and Transfers by Foreign Governments: These procedures do not apply to U.S. law enforcement requests for foreign governments to arrest or otherwise take into custody a suspect

¹ "Custody," as referred to here, [REDACTED] it is anticipated that the United States Government will have temporary or transitory custody of the individual(s) without the presence of officials of the foreign government maintaining custody of the detainee(s).

³ Consistent with existing policy and practice, DOJ will, as appropriate, continue to notify the NSS, through the Counterterrorism Security Group (CSG), of plans to arrest, or seek the extradition or transfer of, a suspected terrorist, and where appropriate (e.g., to consider other potential disposition options) the NSS, in consultation with DOJ, may arrange for interagency consideration of a request for extradition or transfer.

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

or to United States Government provision of training, funds, or equipment to enable a foreign government to capture a suspect. These procedures also do not apply to non-law enforcement United States Government requests to capture a suspect who will remain in the custody of the foreign government or to the provision of actionable intelligence to enable such captures. Every 6 months, departments and agencies shall notify the NSS of any requests made of a foreign government to capture a suspect in the preceding 6 months. Unless covered by the exceptions above or otherwise included in an operational plan under Section 1, if United States Government personnel [REDACTED] capture a suspect, or an operation is intended to result in United States Government personnel taking custody of a suspect, the department or agency must submit a proposal through the NSS for interagency review. Operational plans [REDACTED] may include additional conditions requiring interagency review of capture operations involving United States Government personnel, depending on the policy consideration of the particular country or region in which the operations would occur. If United States Government personnel are expected [REDACTED] to capture or transfer suspects in a particular country or region on an ongoing basis, the department or agency involved should seek to include a proposed plan for such activities in the operational plan approved under Section 1.

2.A Nomination Process

2.A.1 Any department or agency participating in the Deputies Committee review in Section 2.D may identify an individual for consideration, but only an operating agency or DOJ ("nominating agencies" for purposes of Section 2 of this PPG) may formally request that a suspect be considered for capture or custody by U.S. personnel. Additionally, a department or agency that has captured a suspect, or that plans to capture or otherwise take custody of a suspect, shall, whenever practicable, propose a long-term disposition for such individual. Prior to requesting that an individual be considered for capture or custody by the United States, the nominating agency must confirm with its General Counsel that the operation can be conducted lawfully, but it is not necessary to have resolved the long-term disposition plan prior to proposing a capture operation.

2.A.2 Whenever possible, the nominating agency shall notify the Interagency Disposition Planning Group prior to such a request.

2.A.3 A nomination for custody, including capture, or a proposed long-term disposition under Section 2.A.1 shall be referred to the NSS, which shall initiate the screening process described in Section 2.B.

2.A.4 In the event initial screening under Section 2.B has not taken place prior to U.S. personnel taking custody of a suspect, the process for screening after capture described in Section 2.C shall be initiated.

[REDACTED]

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

nominated is a U.S. person, DOJ shall conduct a legal analysis to ensure that the operation may be conducted consistent with the laws and Constitution of the United States. The NSS Legal Adviser shall submit the relevant legal conclusions to the Deputies Committee to inform its consideration of the nomination.

2.B.5 The NSS shall convene a Restricted Counterterrorism Security Group (RCSG)⁶ for the purpose of reviewing and organizing material and addressing any issues related to the nomination of an individual for capture, custody, or long-term disposition. Before forwarding to the Deputies the nomination of a suspect for capture or to otherwise be taken into custody, the RCSG shall identify whether any other material is needed for Deputies' consideration of the nomination and issue taskings to departments and agencies, as appropriate. For each nomination, the NSS will request, and the National Counterterrorism Center (NCTC) shall conduct, an assessment of the suspect and provide that assessment to the NSS prior to consideration of the nomination or proposed long-term disposition by the Deputies Committee, and where feasible, prior to RCSG review. The NSS will be responsible for ensuring that all necessary materials, including the profile developed by the nominating agency and the NCTC assessment, are included in the nomination package submitted to Deputies.

2.C Screening After Capture

2.C.1 Whenever feasible, initial screening by the United States of suspects taken into U.S. custody should be conducted before the United States captures or otherwise takes custody of the suspect, as set out in Section 2.B.

2.C.2 In the event initial screening cannot be conducted before the United States takes custody of the individual, immediately after capturing or otherwise taking custody of the suspect, appropriate U.S. personnel shall screen the individual to ensure that the correct individual has been taken into custody and that the individual may be lawfully detained. Such screening shall be conducted consistent with the laws and policies applicable to the authorities pursuant to which the individual is being detained, and [REDACTED]

2.C.3 [REDACTED]

2.C.4 In the event that the suspect is detained pursuant to law of war authorities by the U.S. military and additional time is needed for purposes of intelligence collection or the development of a long-term disposition option, the Secretary of Defense or his designee, following appropriate interagency consultations coordinated through the NSC process, may approve an extension of the screening period [REDACTED] subject to the following:

⁶ The RCSG shall be chaired by the NSS Senior Director for Counterterrorism and shall include the following departments and agencies: the Department of State, the Department of the Treasury, DOD, DOJ, the Department of Homeland Security (DHS) [REDACTED], CIA, Joint Chiefs of Staff (JCS), [REDACTED] and NCTC. Additional departments and agencies may participate in the RCSG meetings, as appropriate.

~~TOP SECRET//NOFORN~~

- 1) The suspect's detention must be consistent with U.S. law and policy, as well as all applicable international law;
- 2) [REDACTED]
- 3) The International Committee of the Red Cross must be notified of, and provided timely access to, any suspect held by the U.S. military pursuant to law of war authorities; and
- 4) When possible and consistent with the primary objective of collecting intelligence, intelligence will be collected in a manner that preserves the availability of long-term disposition options, including prosecution.

2.D Deputies Review

2.D.1 A nomination or disposition package for capture, custody, or long-term disposition forwarded to the Deputies shall include the following:

- 1) The profile, produced by the nominating agency pursuant to Section 2.B.1, for the suspect or suspects proposed for capture or long-term disposition;
- 2) Any assessment produced by NCTC pursuant to Section 2.B.5;
- 3) If appropriate, a description of the planned capture and screening operation and [REDACTED] operational plan under which the capture would be conducted;
- 4) The department(s) or agency or agencies that would be responsible for carrying out the proposed operation, if not already conducted;
- 5) A summary of the legal assessment prepared under Section 2.B.4; and
- 6) An assessment, including the strengths and weaknesses, of potential long-term disposition options.

2.D.2 The Deputies of the Department of State, the Treasury, DOD, DOJ, DHS, the Office of the Director of National Intelligence (DNI), [REDACTED], CIA, JCS, [REDACTED], NCTC, and any other Deputies or officials a Deputy National Security Advisor (DNSA) may invite to participate, shall promptly consider whether to recommend to the Principal of the nominating agency that a capture operation be conducted in the context of the proposed plan at issue, that the United States Government otherwise take custody of the individual, or that a particular long-term disposition option be pursued.

2.D.3 When considering a proposed nomination, the Deputies shall evaluate the following issues, and any others deemed appropriate by the Deputies:

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

- 1) Whether the suspect's capture would further the U.S. CT strategy;
- 2) The implications for the broader regional and international political interests of the United States;
- 3) Whether the proposed action would interfere with any intelligence collection or compromise any intelligence sources or methods;
- 4) The proposed plan for the detention and interrogation of the suspect;
- 5) The proposed plan to capture the suspect, including the feasibility of capture and the risk to U.S. personnel;
- 6) In the event that transfer to a third party or country is anticipated, the proposed plan for obtaining humane treatment assurances from any country;
- 7) The long-term disposition options for the individual; and
- 8) [REDACTED]

2.D.4 When considering the long-term disposition of a suspect who is already in U.S. custody, or whom a department or agency has already been authorized to capture or take into custody, the Deputies' discussion shall be guided by the following principles:

- 1) Whenever possible, third-country custody options that are consistent with U.S. national security should be explored;
- 2) Where transfer to a third country is not feasible or consistent with U.S. national security interests, the preferred long-term disposition option for suspects captured or otherwise taken into custody by the United States will be prosecution in a civilian court or, where available, a military commission. Consistent with that preference, wherever possible and consistent with the primary objective of collecting intelligence, intelligence will be collected in a manner that allows it to be used as evidence in a criminal prosecution; and
- 3) In no event will additional detainees be brought to the detention facilities at the Guantanamo Bay Naval Base.

Following consideration and discussion by the Deputies, departments and agencies shall submit the final positions of their Principals within a timeframe consistent with operational needs.

2.E Presentation to the President and the Principal of the Nominating Agency

2.E.1 If the nominating agency, on behalf of its Principal, continues to support taking action, a DNSA shall inform the President of the views expressed by departments and agencies. As appropriate, the nomination shall be presented to the President for a decision or the nomination will be provided to the Principal of the appropriate operating agency for a decision, along with any views expressed by the President.

~~TOP SECRET//NOFORN~~

2.E.2 An appropriate NSS official will communicate in writing the decision taken, including any terms or conditions placed on such decisions, to the Deputies who participated in the Deputies Committee review of the nomination.

SECTION 3. Policy Standard and Procedure for Designating Identified HVTs for Lethal Action

3.A Policy Standard for the Use of Lethal Action Against HVTs

Where the use of lethal action against HVTs has been authorized [REDACTED], an individual whose identity is known will only be eligible to be targeted, as a policy matter, consistent with the requirements of the approved operational plan [REDACTED], if the individual's activities pose a continuing, imminent threat to U.S. persons.

3.B Necessary Preconditions for Taking Lethal Action

Lethal action requires that the individual may lawfully be targeted under existing authorities and that any conditions established in the appropriate operational plan, including those set forth in Section 1.C.8, are met. The preconditions set forth in Section 1.C.8 for the use of lethal force are as follows: (a) near certainty that an identified HVT is present; (b) near certainty that non-combatants will not be injured or killed; (c) [REDACTED];⁷ (d) an assessment that capture is not feasible at the time of the operation;⁸ (e) an assessment that the relevant governmental authorities in the country where action is contemplated cannot or will not effectively address the threat to U.S. persons; and (f) an assessment that no other reasonable alternatives to lethal action exist to effectively address the threat to U.S. persons.

3.C Interagency Review Process

3.C.1 Any department or agency participating in the Deputies Committee review in Section 3.D may identify an individual for consideration, but only the operating agencies (also known as the "nominating agencies" for purposes of Section 3 of this PPG) may formally propose that an individual be nominated for lethal action following confirmation from the General Counsel of the nominating agency that the individual would be a lawful target.

3.C.2 The nominating agency shall prepare a profile for each individual nominated for lethal action. The profile shall be developed based upon all relevant disseminated information available to the IC, as well as any other information needed to present as comprehensive and thorough a profile of the individual as possible. The profile shall note, where appropriate, gaps

⁷ Operational disagreements [REDACTED] are to be elevated to Principals. The President will adjudicate any disagreement among or between Principals.

⁸ This process is designed to review nominations of individuals only where the capture of any individual at issue is not feasible. If, at any point during or after the approval process capture appears feasible, a capture option in accordance with Section 2 of this PPG (or the relevant operational plan [REDACTED]) should be pursued. If the individual has already been approved for lethal action when a capture option becomes feasible, the individual should be referred to the NSS Senior Director for Counterterrorism and undergo an expedited Deputies review focused on identifying disposition options.

~~TOP SECRET//NOFORN~~

3.C.5 All nominations for lethal action must undergo a legal review by the General Counsel of the nominating agency to ensure that the action contemplated is lawful and may be conducted in accordance with applicable law. The General Counsel's conclusions shall be referred to the NSS Legal Adviser. In all events, the NSS Legal Adviser and the General Counsel of the nominating agency shall consult with DOJ. The NSS Legal Adviser and the General Counsel of the nominating agency shall also consult with other interagency lawyers depending on the particular nomination. In addition, in the event that the individual proposed for nomination is a U.S. person, DOJ shall conduct a legal analysis to ensure that lethal action may be conducted against that individual consistent with the laws and Constitution of the United States. The NSS Legal Adviser shall submit the relevant legal conclusions to the NSS Senior Director for Counterterrorism for inclusion in the nomination package to be submitted to Deputies.

3.C.6 If the proposal may be conducted lawfully, the nomination shall be referred to a DNSA, or another appropriate NSS official, to facilitate consideration by the Deputies Committee.

3.D Deputies Review

3.D.1 Upon completion of a nomination package, the NSS shall forward the nomination package to the Deputies Committee for consideration. A standard nomination package to be forwarded to the Deputies shall include, at a minimum, the following:

- 1) The profile, produced by the nominating agency pursuant to Section 3.C.2, for the individual proposed for lethal action;
- 2) The assessment produced by NCTC pursuant to Section 3.C.4;
- 3) A description [REDACTED] operational plan to which the nomination would be added, including the timeframe, if any, in which the operation may be executed;
- 4) The operating agency or agencies that would be responsible for conducting the proposed lethal action;
- 5) A summary of the legal assessment; and
- 6) The determinations made by the nominating agency that capture is not currently feasible and that the relevant governmental authorities in the country where action is contemplated cannot or will not effectively address the threat to U.S. persons, as well as the underlying analysis for those determinations.

3.D.2 The Deputies of the Department of State, DOD, JCS, DOJ, DHS, DNI, CIA, and NCTC shall promptly consider whether to recommend to the Principal of the nominating agency that lethal action be taken against the proposed individual in the context [REDACTED] operational plan at issue. [REDACTED] shall participate in the review process as observers. A DNSA may invite Deputies or other officials to participate as appropriate. Following consideration and discussion by the Deputies, departments and agencies shall submit to the NSS the final positions of their Principals within a timeframe consistent with operational needs.

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

threat to U.S. persons; and (f) an assessment that no other reasonable alternatives to lethal action exist to effectively address the threat to U.S. persons.

4.C Nomination and Review of Terrorist Targets Other Than Identified High-Value Individuals

Where an operating agency has been authorized to direct force against terrorist targets (including [REDACTED] property) other than identified HVTs [REDACTED], the operating agency may nominate specific terrorist targets to target with lethal force consistent with the requirements of the approved operational plan [REDACTED], including the process required by the plan for nominating and approving such targets.

SECTION 5. Procedures for Approving Proposals that Vary from the Policy Guidance Otherwise Set Forth in this PPG

5.A Already Authorized Targets: Variations from Operational Plan Requirements When Fleeting Opportunities Arise

5.A.1 When direct action has been authorized under this PPG against identified HVTs or against terrorist targets other than identified HVTs [REDACTED], the operating agency responsible for conducting approved operations, as a result of unforeseen circumstances and in the event of a fleeting opportunity, may submit an individualized operational plan to the NSS that varies from the requirements of the operational plan [REDACTED]. In that event, an appropriate NSS official shall consult with other departments and agencies, as appropriate and as time permits, before submitting the proposal to the President for his decision.

5.A.2 All such variations from an operational plan must be reviewed by the General Counsel of the operating agency conducting the operation and the conclusions referred to the NSS Legal Adviser. In all cases, any operational plan must contemplate an operation that is in full compliance with applicable law. Absent extraordinary circumstances, these proposals shall:

- 1) Identify an international and domestic legal basis for taking action in the relevant country [REDACTED]
- 2) Mandate that lethal action may only be taken if: (a) there is near certainty that the target is present; (b) there is near certainty that non-combatants will not be injured or killed; (c) it has been determined that capture is not feasible; (d) the relevant governmental authorities in the country where action is contemplated cannot or will not effectively address the threat to U.S. persons; and (e) no other reasonable alternatives exist to effectively address the threat to U.S. persons.

5.A.3 Any variation from an operational plan shall be presented to the President for decision, and an appropriate NSS official shall communicate the President's decision, including any terms or conditions placed on any approval, to appropriate agencies.

~~TOP SECRET//NOFORN~~

~~TOP SECRET//NOFORN~~

6.B The department or agency that conducted the operation shall provide subsequent updates to the NSS on the outcome of the operation, as appropriate, including any intelligence collected as a result of the operation. The information provided to the NSS under this Section shall be made available to appropriate officials at the departments and agencies taking part in the review under Sections 1 and 3 of this PPG.

SECTION 7. Congressional Notification

A congressional notification shall be prepared and promptly provided to the appropriate Members of the Congress by the department or agency approved to carry out such actions when:

- 1) A new operational plan for taking direct action [REDACTED] is approved;
- 2) Authority is expanded under an operational plan for directing lethal force against lawfully targeted individuals [REDACTED] and against lawful terrorist targets other than individuals; or
- 3) An operation has been conducted pursuant to such approval(s).

In addition, appropriate Members of the Congress will be provided, no less than every 3 months, updates on identified HVTs who have been approved for lethal action under Section 3. Each department or agency required to submit congressional notifications under this Section shall inform the NSS of how it intends to comply with this Section prior to providing any such notifications to Congress.

SECTION 8. General Provisions

8.A This PPG is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

8.B [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

8.C Twelve months after entry into force of this PPG, Principals shall review the implementation and operation of the PPG, including any lessons learned from evaluating the information provided under Section 6, and consider whether any adjustments are warranted.

~~TOP SECRET//NOFORN~~

Exhibit 8



March 15, 2017

Information and Privacy Coordinator
Central Intelligence Agency
Washington, D.C. 20505
Fax: (703) 613-3007

OSD/JS FOIA Requester Service Center
Office of Freedom of Information
1155 Defense Pentagon
Washington, DC 20301-1155
Fax: (571) 372-0500

United States Central Command CCJ6-RDF (FOIA)
7115 South Boundary Boulevard
MacDill AFB, FL 33621-5101
Fax: (813) 529-6076

Department of Defense Office of
Inspector General
DoD IG FOIA Requester Service Center
ATTN: FOIA/PA Chief, Suite 10B24
4800 Mark Center Drive
Alexandria, VA 22350-1500
Fax: (571) 372-7498

FOIA/PA Mail Referral Unit
Department of Justice
Room 115
LOC Building
Washington, DC 20530-0001
Email: MRUFOIA.Requests@usdoj.gov

Melissa Golden (née Kassier)
Lead Paralegal and FOIA Specialist
Office of Legal Counsel
Department of Justice
Room 5511, 950 Pennsylvania Avenue, NW
Washington, DC 20530-0001
Email: usdoj-officeoflegalcounsel@usdoj.gov

**AMERICAN CIVIL LIBERTIES
UNION FOUNDATION**
NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2500
WWW.ACLU.ORG

OFFICERS AND DIRECTORS
SUSAN N. HERMAN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

ROBERT B. REMAR
TREASURER

Office of Information Programs and Services
A/GIS/IPS/RL
U.S. Department of State
Washington, DC 20522-8100
Fax: (202) 261-8579

**Re: Request Under Freedom of Information Act
(Expedited Processing & Fee Waiver/Limitation Requested)**

To Whom It May Concern:

The American Civil Liberties Union and the American Civil Liberties Union Foundation (together, the “ACLU”)¹ submit this Freedom of Information Act (“FOIA”) request (the “Request”) for records pertaining to (1) the legal basis for the United States’ January 29, 2017 raid in al Ghayil, Yemen (the “al Ghayil Raid”); (2) the process by which the government evaluated and approved the al Ghayil Raid, including the evidentiary standard by which the factual evidence for conducting the raid was evaluated; (3) the factual basis for, and process by which, the decision was made to designate certain portions of Yemeni provinces as “areas of active hostilities” prior to the raid; (4) before-the-fact and after-action assessments of civilian or bystander casualties of the raid; and (5) the number, identities, legal status, and affiliations of those killed by the United States during the raid.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

I. Background

On January 25, 2017, while dining at the White House, President Donald Trump approved a military raid of the small village of al Ghayil, Yemen.² A few days later, in the early hours of January 29, Navy SEAL Team 6 carried out the raid, which left several civilians dead and raised concerns about the legal basis, planning, and execution of the operation.³ In a press release later that day,

¹ The American Civil Liberties Union Foundation is a 26 U.S.C. § 501(c)(3) organization that provides legal representation free of charge to individuals and organizations in civil rights and civil liberties cases, educates the public about civil rights and civil liberties issues across the country, directly lobbies legislators, and mobilizes the American Civil Liberties Union’s members to lobby their legislators. The American Civil Liberties Union is a separate non-profit, 26 U.S.C. § 501(c)(4) membership organization that educates the public about the civil liberties implications of pending and proposed state and federal legislation, provides analysis of pending and proposed legislation, directly lobbies legislators, and mobilizes its members to lobby their legislators.

² Fred Kaplan, *What Happened Behind the Scenes Before the Yemen Raid?*, Slate (Feb. 2, 2017, 6:06 PM), http://www.slate.com/articles/news_and_politics/war_stories/2017/02/who_s_to_blame_for_the_botched_yemen_raid_that_killed_a_navy_seal.html.

³ Eric Schmitt & David E. Sanger, *Raid in Yemen: Risky from the Start and Costly in the End*, N.Y. Times (Feb. 1, 2017), <https://nyti.ms/2k15LPn>.

President Trump described the raid as “successful,” a characterization echoed by other White House officials.⁴ A number of other officials, including Senator John McCain, have questioned this characterization.⁵

Following the raid, the Department of Defense conducted a review pursuant to Army Regulation 15-6, which involved three separate investigations into the al Ghayil Raid: (1) an investigation into the death of U.S. Navy SEAL Ryan Owens; (2) an investigation into the civilian casualties; and (3) an investigation into the crash and subsequent destruction of the Osprey aircraft.⁶ On March 9, 2017, the head of U.S. Central Command, General Joseph Votel, informed the Senate Armed Services Committee that two of the three investigations were complete, leaving only the investigation into the crash of the Osprey tilt-rotor aircraft ongoing.⁷

During his testimony, General Votel disclosed that the investigation into civilian casualties concluded that between four and twelve civilians died during the raid.⁸ This tally conflicts with other reports that have placed that number higher. Human Rights Watch, for example, reported that at least fourteen civilians were killed, nine of whom were children.⁹ The Bureau of Investigative Journalism reported that twenty-five civilians were killed in the raid.¹⁰ Another

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

⁴ Press Release, Office of the Press Secretary, White House, Statement by the President on U.S. Service Member Killed in Yemen (Jan. 29, 2017), <https://www.whitehouse.gov/the-press-office/2017/01/29/statement-president-us-service-member-killed-yemen>; see Aaron Blake, *The White House Has Really Backed Itself Into a Corner on the Yemen Raid*, Wash. Post (Feb. 28, 2017), http://wapo.st/215Tawb?tid=ss_tw (quoting Press Secretary Sean Spicer as saying that the raid was “absolutely a success” and that “anybody who would suggest otherwise doesn’t fully appreciate how successful that mission was”).

⁵ Nolan D. McCaskill, *McCain Rebuffs White House’s Call for Apology Over Yemen Raid*, Politico (Feb. 8, 2017, 2:58 PM), <http://politi.co/2k41FYb> (quoting Senator McCain as calling the raid a “failure”); see Ewen MacAskill, Spencer Ackerman & Jason Burke, *Questions Mount Over Botched Yemen Raid Approved by Trump*, Guardian (Feb 2., 2017, 7:32 PM), <https://www.theguardian.com/world/2017/feb/02/trump-approved-yemen-raid-five-days-after-inauguration>.

⁶ Gabrielle Levy, *White House Responds to Call for Investigation from Slain SEAL’s Father*, U.S. News (Feb. 27, 2017, 5:09 PM), <https://www.usnews.com/news/politics/articles/2017-02-27/white-house-yemen-raid-that-killed-seal-triggers-three-pronged-pentagon-review>.

⁷ Missy Ryan, *Yemen Raid Killed Up to a Dozen Civilians, Military Investigation Says*, Wash. Post (Mar. 9, 2017), http://wapo.st/2mqJjQZ?tid=ss_tw; Ryan Browne & Barbara Starr, *What We Know About the Yemen Raid*, CNN (Mar. 11, 2017, 12:48 PM), <http://www.cnn.com/2017/03/11/politics/yemen-raid-details-investigation>.

⁸ Ryan, *supra* note 7.

⁹ *Yemen: US Should Investigate Civilian Deaths in Raid*, Human Rts. Watch (Feb. 24, 2017, 12:01 AM), <https://www.hrw.org/news/2017/02/24/yemen-us-should-investigate-civilian-deaths-raid>.

¹⁰ Namir Shabibi & Nasser al Sane, *Nine Young Children Killed: The Full Details of Botched US Raid in Yemen*, Bureau of Investigative Journalism (Feb. 9, 2017), <https://www.thebureauinvestigates.com/stories/2017-02-09/nine-young-children-killed-the-full-details-of-botched-us-raid-in-yemen>.

report from Yemen estimates that up to thirty civilians were killed during the raid.¹¹ Journalist Iona Craig visited al Ghayil, interviewed survivors and witnesses, and reported that at least six women and ten children were killed.¹²

In his testimony, General Votel informed Congress that there were no indicators of “poor decision-making or bad judgment” related to the raid, and he determined that “there was no need for an additional investigation into this particular operation.”¹³

The outcome of the raid and conclusions of the subsequent investigations have raised serious concerns about both the legal and factual bases for the al Ghayil Raid. According to reports, the military obtained a temporary grant of authority to treat portions of Yemen as “areas of active hostilities.”¹⁴ The *New York Times* reported that the Trump administration has exempted certain parts of Yemen from policy constraints laid out by the Obama administration in the Presidential Policy Guidance (“PPG”), which requires “near certainty” that no civilians will be killed in a planned operation.¹⁵ The “temporary” characterization of certain areas of Yemen as “areas of active hostilities” gives rise to concerns about the process by which the administration has made this designation and its factual and legal bases for doing so.

Factually, the raid’s outcome causes concern that the administration acted without adequate evidence and assurance that the raid would be conducted in accordance with legal and policy safeguards against civilian casualties. Additionally, in light of the discrepancy between the government’s announced tally of civilian casualties and the assessments of credible independent reporting and investigating, coupled with the inadequate information the government has released supporting its assessment, the public does not have a sound basis to evaluate government claims of deaths and injuries caused, and the legality of the operation.¹⁶

To provide the American public with information about the legal and factual bases for the al Ghayil Raid, why certain areas of Yemen were

¹¹ Ryan, *supra* note 7.

¹² Iona Craig, *Death in al Ghayil*, Intercept (Mar. 9, 2017, 9:00 AM), <https://interc.pt/2mK3RF2>.

¹³ Alex Emmons, *New Evidence Contradicts Pentagon’s Account of Yemen Raid, but General Closes the Case*, Intercept (Mar. 9, 2017, 6:06 PM), <https://interc.pt/2mGflc7..>

¹⁴ See, e.g., Missy Ryan, Thomas Gibbons-Neff & Ali Al-Mujahed, *Accelerating Yemen Campaign, U.S. Conducts Flurry of Strikes Targeting al-Qaeda*, Wash. Post (Mar. 2, 2017), http://wapo.st/2lzgXAa?tid=ss_tw.

¹⁵ Charlie Savage & Eric Schmitt, *Trump Administration Is Said to Be Working to Loosen Counterterrorism Rules*, N.Y. Times (Mar. 12, 2017), <https://nyti.ms/2mA3euS>.

¹⁶ Disparities between official government tallies and those of reporters and NGOs are not unique to the Trump administration. See, e.g., Ryan Devereaux, *Obama Administration Finally Releases its Dubious Drone Death Toll*, Intercept (July 1, 2016, 6:18 PM), <http://interc.pt/29fl2XD>.

“temporarily” designated as areas of active hostilities, and the extent of the civilian casualties that resulted from the raid, the ACLU seeks information through this FOIA request.

II. Requested Records

The ACLU seeks the release of any and all records—including legal and policy memoranda, guidance documents, before-the-fact assessments, and after-action reports—that pertain to:

- (1) The legal and policy bases in domestic, foreign, and international law upon which the government evaluated or justified the al Ghayil Raid, including but not limited to records related to the designation of parts of Yemen as “areas of active hostilities,” and the legal and factual basis that the government uses in designating such areas;
- (2) The process by which the government approved the al Ghayil Raid, including which individuals possessed decision-making authority and the evidentiary standard by which the factual evidence was evaluated to support the determination;
- (3) The process by which the decision was made to designate three parts of Yemen as “areas of active hostilities”;
- (4) Before-the-fact assessments of civilian or bystander casualties of the raid and the “after-action” investigation into the raid; and
- (5) The number and identities of individuals killed or injured in the al Ghayil Raid, including but not limited to the legal status of those killed or injured, with these separated out by individuals intentionally targeted and collateral casualties or injuries.

With respect to the form of production, *see* 5 U.S.C. § 552(a)(3)(B), the ACLU requests that responsive electronic records be provided electronically in their native file format, if possible. Alternatively, the ACLU requests that the records be provided electronically in a text-searchable, static-image format (PDF), in the best image quality in the agency’s possession, and that the records be provided in separate, Bates-stamped files.

III. Application for Expedited Processing

The ACLU requests expedited processing pursuant to 5 U.S.C.

§ 552(a)(6)(E).¹⁷ There is a “compelling need” for these records, as defined in the statute, because the information requested is “urgen[tly]” needed by an organization primarily engaged in disseminating information “to inform the public concerning actual or alleged Federal Government activity.” 5 U.S.C. § 552(a)(6)(E)(v)(II).

A. *The ACLU is an organization primarily engaged in disseminating information in order to inform the public about actual or alleged government activity.*

The ACLU is “primarily engaged in disseminating information” within the meaning of the statute. 5 U.S.C. § 552(a)(6)(E)(v)(II).¹⁸ Obtaining information about government activity, analyzing that information, and widely publishing and disseminating that information to the press and public are critical and substantial components of the ACLU’s work and are among its primary activities. *See ACLU v. DOJ*, 321 F. Supp. 2d 24, 29 n.5 (D.D.C. 2004) (finding non-profit public interest group that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw material into a distinct work, and distributes that work to an audience” to be “primarily engaged in disseminating information”).¹⁹

The ACLU regularly publishes *STAND*, a print magazine that reports on and analyzes civil liberties-related current events. The magazine is disseminated to over 620,000 people. The ACLU also publishes regular updates and alerts via email to over 2.5 million subscribers (both ACLU members and non-members). These updates are additionally broadcast to over 3 million social media followers. The magazine as well as the email and social-media alerts often include descriptions and analysis of information obtained through FOIA requests.

The ACLU also regularly issues press releases to call attention to documents obtained through FOIA requests, as well as other breaking news,²⁰

¹⁷ *See also* 32 C.F.R. § 286.8(e) (DoD); 28 C.F.R. § 16.5(e) (DOJ); 22 C.F.R. § 171.11(f) (State Department); 32 C.F.R. § 1900.34 (CIA).

¹⁸ *See also* 32 C.F.R. § 286.8(e)(1)(i)(B) (DoD); 28 C.F.R. § 16.5(e)(1)(ii) (DOJ); 22 C.F.R. § 171.11(f)(2) (State Department); 32 C.F.R. § 1900.34(c)(2) (CIA).

¹⁹ Courts have found that the ACLU as well as other organizations with similar missions that engage in information-dissemination activities similar to the ACLU are “primarily engaged in disseminating information.” *See, e.g., Leadership Conference on Civil Rights v. Gonzales*, 404 F. Supp. 2d 246, 260 (D.D.C. 2005); *ACLU*, 321 F. Supp. 2d at 29 n.5; *Elec. Privacy Info. Ctr. v. DOD*, 241 F. Supp. 2d 5, 11 (D.D.C. 2003).

²⁰ *See, e.g.,* Press Release, American Civil Liberties Union, U.S. Releases Drone Strike ‘Playbook’ in Response to ACLU Lawsuit (Aug. 6, 2016), <https://www.aclu.org/news/us-releases-drone-strike-playbook-response-aclu-lawsuit>; Press Release, American Civil Liberties Union, Secret Documents Describe Graphic Abuse and Admit Mistakes (June 14, 2016), <https://www.aclu.org/news/cia-releases-dozens-torture-documents-response-aclu-lawsuit>; Press Release, American Civil Liberties Union, U.S. Releases Targeted Killing Memo in Response to

and ACLU attorneys are interviewed frequently for news stories about documents released through ACLU FOIA requests.²¹

Similarly, the ACLU publishes reports about government conduct and civil liberties issues based on its analysis of information derived from various sources, including information obtained from the government through FOIA requests. This material is broadly circulated to the public and widely available to everyone for no cost or, sometimes, for a small fee. ACLU national projects regularly publish and disseminate reports that include a description and analysis of government documents obtained through FOIA requests.²² The ACLU also regularly publishes books, “know your rights” materials, fact sheets, and educational brochures and pamphlets designed to educate the public about civil liberties issues and government policies that implicate civil rights and liberties.

Long-Running ACLU Lawsuit (June 23, 2014), <https://www.aclu.org/national-security/us-releases-targeted-killing-memo-response-long-running-aclu-lawsuit>; Press Release, American Civil Liberties Union, Justice Department White Paper Details Rationale for Targeted Killing of Americans (Feb. 4, 2013), <https://www.aclu.org/national-security/justice-department-white-paper-details-rationale-targeted-killing-americans>; Press Release, American Civil Liberties Union, Documents Show FBI Monitored Bay Area Occupy Movement (Sept. 14, 2012), <https://www.aclu.org/news/documents-show-fbi-monitored-bay-area-occupy-movement-insidebayareacom>.

²¹ See, e.g., Cora Currier, *TSA's Own Files Show Doubtful Science Behind Its Behavioral Screen Program*, Intercept, Feb. 8, 2017, <https://theintercept.com/2017/02/08/tsas-own-files-show-doubtful-science-behind-its-behavior-screening-program> (quoting ACLU attorney Hugh Handeyside); Karen DeYoung, *Newly Declassified Document Sheds Light on How President Approves Drone Strikes*, Wash. Post, Aug. 6, 2016, <http://wapo.st/2jy62cW> (quoting former ACLU deputy legal director Jameel Jaffer); Catherine Thorbecke, *What Newly Released CIA Documents Reveal About 'Torture' in Its Former Detention Program*, ABC, June 15, 2016, <http://abcn.ws/2jy40d3> (quoting ACLU staff attorney Dror Ladin); Nicky Woolf, *US Marshals Spent \$10M on Equipment for Warrantless Stingray Device*, Guardian, Mar. 17, 2016, <https://www.theguardian.com/world/2016/mar/17/us-marshals-stingray-surveillance-airborne> (quoting ACLU attorney Nate Wessler); David Welna, *Government Suspected of Wanting CIA Torture Report to Remain Secret*, NPR, Dec. 9, 2015, <http://n.pr/2jy2p71> (quoting ACLU project director Hina Shamsi).

²² See, e.g., Hugh Handeyside, *New Documents Show This TSA Program Blamed for Profiling Is Unscientific and Unreliable — But Still It Continues* (Feb. 8, 2017, 11:45 AM), <https://www.aclu.org/blog/speak-freely/new-documents-show-tsa-program-blamed-profiling-unscientific-and-unreliable-still>; Carl Takei, *ACLU-Obtained Emails Prove that the Federal Bureau of Prisons Covered Up Its Visit to the CIA's Torture Site* (Nov. 22, 2016, 3:15 PM), <https://www.aclu.org/blog/speak-freely/aclu-obtained-emails-prove-federal-bureau-prisons-covered-its-visit-cias-torture>; Brett Max Kaufman, *Details Abound in Drone 'Playbook' — Except for the Ones That Really Matter Most* (Aug. 8, 2016, 5:30 PM), <https://www.aclu.org/blog/speak-freely/details-abound-drone-playbook-except-ones-really-matter-most>; Nathan Freed Wessler, *ACLU- Obtained Documents Reveal Breadth of Secretive Stingray Use in Florida* (Feb. 22, 2015, 5:30 PM), <https://www.aclu.org/blog/free-future/aclu-obtained-documents-reveal-breadth-secretive-stingray-use-florida>; Ashley Gorski, *New NSA Documents Shine More Light into Black Box of Executive Order 12333* (Oct. 30, 2014, 3:29 PM), <https://www.aclu.org/blog/new-nsa-documents-shine-more-light-black-box-executive-order-12333>; ACLU, *ACLU Eye on the FBI: Documents Reveal Lack of Privacy Safeguards and Guidance in Government's "Suspicious Activity Report" Systems* (Oct. 29, 2013), https://www.aclu.org/sites/default/files/assets/eye_on_fbi_-_sars.pdf.

The ACLU publishes a widely read blog where original editorial content reporting on and analyzing civil rights and civil liberties news is posted daily. *See* <https://www.aclu.org/blog>. The ACLU creates and disseminates original editorial and educational content on civil rights and civil liberties news through multi-media projects, including videos, podcasts, and interactive features. *See* <https://www.aclu.org/multimedia>. The ACLU also publishes, analyzes, and disseminates information through its heavily visited website, www.aclu.org. The website addresses civil rights and civil liberties issues in depth, provides features on civil rights and civil liberties issues in the news, and contains many thousands of documents relating to the issues on which the ACLU is focused. The ACLU's website also serves as a clearinghouse for news about ACLU cases, as well as analysis about case developments, and an archive of case-related documents. Through these pages, and with respect to each specific civil liberties issue, the ACLU provides the public with educational material, recent news, analyses of relevant Congressional or executive branch action, government documents obtained through FOIA requests, and further in-depth analytic and educational multi-media features.

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

The ACLU website includes many features on information obtained through the FOIA.²³ For example, the ACLU's "Predator Drones FOIA" webpage, <https://www.aclu.org/national-security/predator-drones-foia>, contains commentary about the ACLU's FOIA request, press releases, analysis of the FOIA documents, numerous blog posts on the issue, documents related to litigation over the FOIA request, frequently asked questions about targeted killing, and links to the documents themselves. Similarly, the ACLU maintains an online "Torture Database," a compilation of over 100,000 pages of FOIA documents that allows researchers and the public to conduct sophisticated searches of FOIA documents relating to government policies on rendition, detention, and interrogation.²⁴

²³ *See, e.g.*, Nathan Freed Wessler & Dyan Cortez, *FBI Releases Details of 'Zero-Day' Exploit Decisionmaking Process* (June 26, 2015, 11:00 AM), <https://www.aclu.org/blog/free-future/fbi-releases-details-zero-day-exploit-decisionmaking-process>; Nathan Freed Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights* (Oct. 30, 2015, 8:00 AM), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>; *ACLU v. DOJ – FOIA Case for Records Relating to the Killing of Three U.S. Citizens*, ACLU Case Page, <https://www.aclu.org/national-security/anwar-al-awlaki-foia-request>; *ACLU v. Department of Defense*, ACLU Case Page, <https://www.aclu.org/cases/aclu-v-department-defense>; *Mapping the FBI: Uncovering Abusive Surveillance and Racial Profiling*, ACLU Case Page, <https://www.aclu.org/mappingthefbi>; *Bagram FOIA*, ACLU Case Page <https://www.aclu.org/cases/bagram-foia>; *CSRT FOIA*, ACLU Case Page, <https://www.aclu.org/national-security/csrt-foia>; *ACLU v. DOJ – Lawsuit to Enforce NSA Warrantless Surveillance FOIA Request*, ACLU Case Page, <https://www.aclu.org/aclu-v-doj-lawsuit-enforce-nsa-warrantless-surveillance-foia-request>; *Patriot FOIA*, ACLU Case Page, <https://www.aclu.org/patriot-foia>; *NSL Documents Released by DOD*, ACLU Case Page, <https://www.aclu.org/nsl-documents-released-dod?redirect=cpreldirect/32088>.

²⁴ *The Torture Database*, ACLU, <https://www.thetorturedatabase.org>; *see also Countering Violent Extremism FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/cve-foia>

The ACLU has also published a number of charts and explanatory materials that collect, summarize, and analyze information it has obtained through the FOIA. For example, through compilation and analysis of information gathered from various sources—including information obtained from the government through FOIA requests—the ACLU created an original chart that provides the public and news media with a comprehensive summary index of Bush-era Office of Legal Counsel memos relating to interrogation, detention, rendition, and surveillance.²⁵ Similarly, the ACLU produced an analysis of documents released in response to a FOIA request about the TSA’s behavior detection program²⁶; a summary of documents released in response to a FOIA request related to the FISA Amendments Act²⁷; a chart of original statistics about the Defense Department’s use of National Security Letters based on its own analysis of records obtained through FOIA requests²⁸; and an analysis of documents obtained through FOIA requests about FBI surveillance flights over Baltimore.²⁹

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

The ACLU plans to analyze, publish, and disseminate to the public the information gathered through this Request. The records requested are not sought for commercial use and the requesters plan to disseminate the information disclosed as a result of this Request to the public at no cost.

B. The records sought are urgently needed to inform the public about actual or alleged government activity.

These records are urgently needed to inform the public about actual or alleged government activity. *See* 5 U.S.C. § 552(a)(6)(E)(v)(II).³⁰ Specifically, the requested records relate to the legal and factual bases for the recent al Ghayil

documents; *TSA Behavior Detection FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/tsa-behavior-detection-foia-database>; *Targeted Killing FOIA Database*, ACLU, <https://www.aclu.org/foia-collection/targeted-killing-foia-database>.

²⁵ Index of Bush-Era OLC Memoranda Relating to Interrogation, Detention, Rendition and/or Surveillance, ACLU, https://www.aclu.org/sites/default/files/pdfs/safefree/olcmemos_2009_0305.pdf.

²⁶ *Bad Trip: Debunking the TSA’s ‘Behavior Detection’ Program*, ACLU (2017), https://www.aclu.org/sites/default/files/field_document/dem17-tsa_detection_report-v02.pdf.

²⁷ *Summary of FISA Amendments Act FOIA Documents Released on November 29, 2010*, ACLU, <https://www.aclu.org/files/pdfs/natsec/faafoia20101129/20101129Summary.pdf>.

²⁸ *Statistics on NSL’s Produced by Department of Defense*, ACLU, <https://www.aclu.org/other/statistics-nsls-produced-dod>.

²⁹ Nathan Freed Wessler, *FBI Documents Reveal New Information on Baltimore Surveillance Flights* (Oct. 30, 2015, 8:00 AM), <https://www.aclu.org/blog/free-future/fbi-documents-reveal-new-information-baltimore-surveillance-flights>.

³⁰ *See also* 32 C.F.R. § 286.8(e)(1)(i)(B) (DOD); 28 C.F.R. § 16.5(e)(1)(ii) (DOJ); 22 C.F.R. § 171.11(f)(2) (State Department); 32 C.F.R. § 1900.34(c)(2) (CIA).

Raid and the subsequent investigations. As discussed in Part I, *supra*, the al Ghayil Raid is the subject of widespread public controversy and media attention.³¹

Given the foregoing, the ACLU has satisfied the requirements for expedited processing of this Request.

IV. Application for Waiver or Limitation of Fees

The ACLU requests a waiver of document search, review, and duplication fees on the grounds that disclosure of the requested records is in the public interest and because disclosure is “likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the requester.” 5 U.S.C. § 552(a)(4)(A)(iii).³² The ACLU also requests a waiver of search fees on the grounds that the ACLU qualifies as a “representative[] of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II).

- A. The Request is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the ACLU.

As discussed above, credible media and other investigative accounts underscore the substantial public interest in the records sought through this Request. Given the ongoing and widespread media attention to this issue, the records sought will significantly contribute to public understanding of an issue of profound public importance. Because little specific information about the legal and factual justification for the raid or the subsequent investigation is publicly available, the records sought are certain to contribute significantly to the public’s understanding of the legal and policy framework under which the government operated and the extent of civilian casualties that occurred during the raid.

The ACLU is not filing this Request to further its commercial interest. As described above, any information disclosed by the ACLU as a result of this FOIA Request will be available to the public at no cost. Thus, a fee waiver would fulfill Congress’s legislative intent in amending FOIA. *See Judicial Watch, Inc. v. Rossotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be liberally construed in favor of waivers for noncommercial requesters.” (quotation marks omitted)).

³¹ *See supra* Part I, at 2-4 nn. 2-15.

³² 32 C.F.R. § 286.12(l)(1) (DOD); 28 C.F.R. § 16.10(k)(2) (DOJ); 22 C.F.R. § 171.16(a) (State Department); 32 C.F.R. § 1900.13(b)(2) (CIA).

B. The ACLU is a representative of the news media and the records are not sought for commercial use.

The ACLU also requests a waiver of search fees on the grounds that the ACLU qualifies as a “representative[] of the news media” and the records are not sought for commercial use. 5 U.S.C. § 552(a)(4)(A)(ii)(II). The ACLU meets the statutory and regulatory definitions of a “representative of the news media” because it is an “entity that gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience.” 5 U.S.C. § 552(a)(4)(A)(ii)(III)³³; see also *Nat’l Sec. Archive v. DOD*, 880 F.2d 1381, 1387 (D.C. Cir. 1989) (finding that an organization that gathers information, exercises editorial discretion in selecting and organizing documents, “devises indices and finding aids,” and “distributes the resulting work to the public” is a “representative of the news media” for purposes of the FOIA); *Serv. Women’s Action Network v. DOD*, 888 F. Supp. 2d 282 (D. Conn. 2012) (requesters, including ACLU, were representatives of the news media and thus qualified for fee waivers for FOIA requests to the Department of Defense and Department of Veterans Affairs); *ACLU of Wash. v. DOJ*, No. C09–0642RSL, 2011 WL 887731, at *10 (W.D. Wash. Mar. 10, 2011) (finding that the ACLU of Washington is an entity that “gathers information of potential interest to a segment of the public, uses its editorial skills to turn the raw materials into a distinct work, and distributes that work to an audience”); *ACLU*, 321 F. Supp. 2d at 30 n.5 (finding non-profit public interest group to be “primarily engaged in disseminating information”). The ACLU is therefore a “representative of the news media” for the same reasons it is “primarily engaged in the dissemination of information.”

Furthermore, courts have found other organizations whose mission, function, publishing, and public education activities are similar in kind to the ACLU’s to be “representatives of the news media” as well. See, e.g., *Cause of Action v. IRS*, 125 F. Supp. 3d 145 (D.C. Cir. 2015); *Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d at 10–15 (finding non-profit public interest group that disseminated an electronic newsletter and published books was a “representative of the news media” for purposes of the FOIA); *Nat’l Sec. Archive*, 880 F.2d at 1387; *Judicial Watch, Inc. v. DOJ*, 133 F. Supp. 2d 52, 53–54 (D.D.C. 2000) (finding Judicial Watch, self-described as a “public interest law firm,” a news media requester).³⁴

³³ See also 32 C.F.R. § 286.12(b)(6) (DOD); 28 C.F.R. § 16.10(b)(6) (DOJ); 22 C.F.R. § 171.14(b)(5)(ii)(C) (State Department); 32 C.F.R. § 1900.02(h)(3) (CIA).

³⁴ Courts have found these organizations to be “representatives of the news media” even though they engage in litigation and lobbying activities beyond their dissemination of information / public education activities. See, e.g., *Elec. Privacy Info. Ctr.*, 241 F. Supp. 2d 5; *Nat’l Sec. Archive*, 880 F.2d at 1387; see also *Leadership Conference on Civil Rights*, 404 F. Supp. 2d at 260; *Judicial Watch, Inc.*, 133 F. Supp. 2d at 53–54.

On account of these factors, fees associated with responding to FOIA requests are regularly waived for the ACLU as a “representative of the news media.”³⁵ As was true in those instances, the ACLU meets the requirements for a fee waiver here.

* * *

Pursuant to applicable statutes and regulations, the ACLU expects a determination regarding expedited processing within 10 days. *See* 5 U.S.C. § 552(a)(6)(E)(ii); 32 C.F.R. § 286.8(e)(1) (DoD); 28 C.F.R. § 16.5(e)(4) (DOJ); 22 C.F.R. § 171.11(f)(4) (State Department); 32 C.F.R. § 1900.34(c) (CIA).

If the Request is denied in whole or in part, the ACLU asks that you justify all deletions by reference to specific exemptions to FOIA. The ACLU expects the release of all segregable portions of otherwise exempt material. The ACLU reserves the right to appeal a decision to withhold any information or deny a waiver of fees.

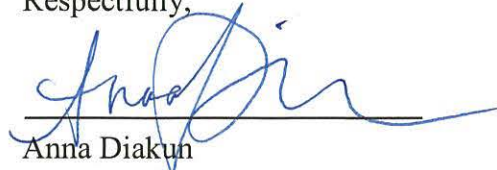
Thank you for your prompt attention to this matter. Please furnish the applicable records to:

Anna Diakun
American Civil Liberties Union
125 Broad Street—18th Floor
New York, New York 10004
T: 212.549.2500
F: 212.549.2654
adiakun@aclu.org

I affirm that the information provided supporting the request for expedited processing is true and correct to the best of my knowledge and belief. *See* 5 U.S.C. § 552(a)(6)(E)(vi).

³⁵ In September 2016, the State Department granted a fee waiver to the ACLU with regard to a FOIA request concerning the targeted killing program. Similarly, in March 2009, the State Department also granted a fee waiver to the ACLU with regard to a FOIA request for documents relating to the detention, interrogation, treatment, or prosecution of suspected terrorists. In May 2016, the FBI granted a fee-waiver request regarding a FOIA request issued to the DOJ for documents related to Countering Violent Extremism Programs. In April 2013, the National Security Division of the DOJ granted a fee-waiver request with respect to a request for documents relating to the FISA Amendments Act. Also in April 2013, the DOJ granted a fee-waiver request regarding a FOIA request for documents related to “national security letters” issued under the Electronic Communications Privacy Act. In August 2013, the FBI granted the fee-waiver request related to the same FOIA request issued to the DOJ. In June 2011, the DOJ National Security Division granted a fee waiver to the ACLU with respect to a request for documents relating to the interpretation and implementation of a section of the PATRIOT Act. In addition, the Department of Defense did not charge the ACLU fees associated with FOIA requests submitted by the ACLU in April 2007, June 2006, February 2006, and October 2003.

Respectfully,



Anna Diakun

American Civil Liberties Union
Foundation

125 Broad Street—18th Floor

New York, New York 10004

T: 212.549.2500

F: 212.549.2654

adiakun@aclu.org

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

Exhibit 9

RELEASE IN PART
1.4(B),B1,B5,1.4(D),1.4(A),1.4(C),B6

Edwards, Ronako

From: Siberell, Justin H
Sent: Friday, January 06, 2017 6:45 PM
To: Jones, Stuart E; Lenderking, Timothy A; Kim, Yuri J; Gilbert, Stephanie S; Romanowski, Alina L; Richards, Marie J; [redacted] Richardson, Timothy M [redacted]
Cc: Leaf, Barbara A
Subject: Yemen DC Readout

B6

[Large redacted area]

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

--js

Justin Siberell
Acting Coordinator for Counterterrorism
U.S. Department of State
SiberellJH@state.gov (unclass: SiberellJH@state.gov)
Tel: 202-647-9892

Sensitivity: Sensitive

Classification: ~~SECRET//NOFORN~~

Classified By: Justin Siberell, Deputy Coordinator, CT Bureau, Department of State

Derived From: DSCG 11-01

Declassify On: 2027/01/06

Exhibit 10

Edwards, Ronako

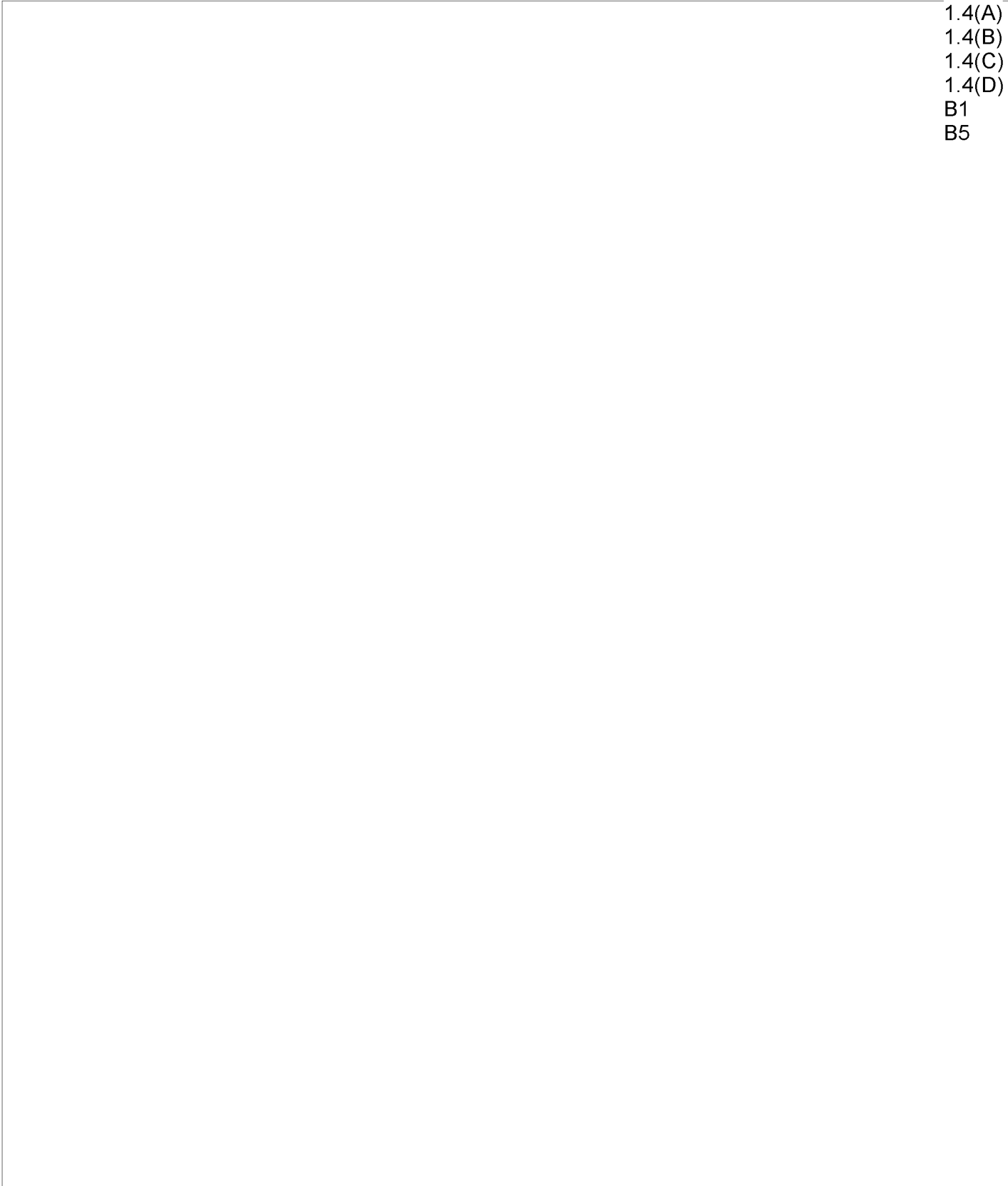
RELEASE IN PART
1.4(B),B1,B5,1.4(D),1.4(A),1.4(C),B6

From: Siberell, Justin H
Sent: Friday, January 06, 2017 6:45 PM
To: Jones, Stuart E; Lenderking, Timothy A; Kim, Yuri J; Gilbert, Stephanie S; Romanowski, Alina L; Richards, Marie J; [redacted] Richardson, Timothy M; [redacted]
Cc: Leaf, Barbara A
Subject: Yemen DC Readout

B6

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5



--js

Justin Siberell
Acting Coordinator for Counterterrorism
U.S. Department of State
SiberellJH@state.gov (unclass: SiberellJH@state.gov)
Tel: 202-647-9892

Sensitivity: Sensitive

Classification: ~~SECRET//NOFORN~~

Classified By: Justin Siberell, Deputy Coordinator, CT Bureau, Department of State

Derived From: DSCG 11-01

Declassify On: 2027/01/06

Exhibit 11

Edwards, Ronako

RELEASE IN PART
1.4(B),B1,B5,1.4(D),1.4(A),1.4(C),B6

From: Siberell, Justin H
Sent: Friday, January 06, 2017 6:45 PM
To: Jones, Stuart E; Lenderking, Timothy A; Kim, Yuri J; Gilbert, Stephanie S; Romanowski, Alina L; Richards, Marie J; [redacted]; Richardson, Timothy M; [redacted] B6
Cc: Leaf, Barbara A
Subject: Yemen DC Readout

[Large redacted area]

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

--js

Justin Siberell
Acting Coordinator for Counterterrorism
U.S. Department of State
SiberellJH@state.gov (unclass: SiberellJH@state.gov).
Tel: 202-647-9892

Sensitivity: Sensitive
Classification: ~~SECRET//NOFORN~~
Classified By: Justin Siberell, Deputy Coordinator, CT Bureau, Department of State
Derived From: DSCG 11-01
Declassify On: 2027/01/06

Exhibit 12

~~SECRET//NOFORN~~
Official - Sensitive

Edwards, Ronako

From: Rajpal, Sabeena
Sent: Monday, August 07, 2017 9:52 AM
To: Heifferon, Christina M
Subject: FW: Yemen DC Readout

RELEASE IN PART
1.4(B),B1,B5,1.4(D),1.4(A),1.4(C),B6

For Yemen FOIA

Official - Sensitive

~~SECRET~~

Classified By: Kristie Kenney - Ambassador, Office:C, Agency:U.S. Department of State
Declassify On: 1/26/2042
Reasons: (Derived) Classification derived from previous message(s)

From: Wisner, David G
Sent: Thursday, January 26, 2017 5:57 PM
To: Rajpal, Sabeena; Jones, Stuart E; Lenderking, Timothy A; Germain, Ellen J; Weigold Schultz, Eva A; NEA-ARP-Saudi Arabia Desk-DL; CT_StaffAssistants; Siberell, Justin H; [redacted]; Richards, Marie J; Rangaswamy, Roopa; Siberell, Justin H; Swanson, Nate L; Adler, Michael J; Bell, Zehra H; Tueller, Matthew H; Leaf, Barbara A
Cc: Smith, Demian; Kenney, Kristie A
Subject: Yemen DC Readout

B6

All, the Counselor provided the below readout of the DC. If I missed anything major or mischaracterized anything, perhaps AA/S Jones or Ambassador Tueller might fill in gaps.

[Redacted Content]

1.4(A)
1.4(B)
1.4(C)
1.4(D)
B1
B5

DGW

David Wisner
Special Assistant to the Counselor
SIPR: wisnerdg@state.gov

Edwards, Ronako

~~SECRET//NOFORN~~
Official - Sensitive

~~SECRET//NOFORN~~
Official - Sensitive

JWICS: dwisner@state.ic.gov
Office: +1 202 647 4654

Official - Sensitive

~~SECRET//NOFORN~~

Classified By: Kristie Kenney - Ambassador, Office:C, Agency:U.S. Department of State
Declassify On: 1/26/2042
Reasons: OCA: 1.4 a, b, c, d

Edwards, Ronako

~~SECRET//NOFORN~~
Official - Sensitive

Exhibit 13

(b)(6) **USCENTCOM CCJA**

From: (b)(6) Col USAF JS OCJCS (US) (b)(6)
Sent: Friday, January 27, 2017 6:51 AM
To: (b)(6)
Cc: JS Pentagon DoM List LC Bridge: d'Annunzio, Michael A SES OSD OGC (US)
Subject: (b)(6)
Attachments: (b)(6)

CLASSIFICATION: ~~SECRET~~

(b)(6)

(b)(5)

V/r

(b)(6)

(*must be enabled - send NIPR email, or text to UNCLAS mobile first)

CLASSIFICATION: ~~SECRET~~

-----Original Message-----

From: d'Annunzio, Michael A SES OSD OGC (US)
Sent: Thursday, January 26, 2017 7:13 PM
To: Koffsky, Paul S SES OSD OGC (US) (b)(6)
Cc: Allen, Charles A SES OSD OGC (US) (b)(6) Davidson, Eliana V SES OSD OGC (US)
(b)(6) (b)(6)
(b)(6)

(b)(6)

Subject: FW: (b)(1), Sec. 1.4(a)

~~SECRET~~

Paul, others,

An end-of-day informational update on some recent Yemen-related decisions and discussions follows.

(b)(1), Sec. 1.4(a)

(b)(5)

(b)(1), Sec. 1.4(a)

(b)(1), Sec. 1.4(a)

(b)(6)

(b)(6)

-----Original Message-----

From: Dunford, Joseph F Jr Gen USMC JS (US)

Sent: Wednesday, January 25, 2017 9:29 PM

To: (b)(6) GEN MIL USA USCENCOM CCCC (b)(6)

Cc: (b)(6) Gen USAF JS OCICS (US) (b)(6) Mayville, William C Jr LTG USARMY JS ODJS

(US) (b)(6) Lt Gen USAF JS J3 (US) (b)(6)

(b)(6) Maj Gen USAF JS J2 (US) (b)(6) LtGen USMC JS J5

(US) (b)(6)

Subject: (b)(1), Sec. 1.4(a)

CLASSIFICATION: ~~SECRET~~

Joe--

(b)(1), Sec. 1.4(a)

VR

Joe

CLASSIFICATION: ~~SECRET~~

DERIVED FROM : Multiple Sources

DECLASSIFY ON:

~~SECRET~~

DERIVED FROM : Multiple Sources

DECLASSIFY ON:

~~SECRET~~

Exhibit 14

(b)(6)

USCENTCOM CCJA

From: (b)(6) USCENTCOM CCJ3-OSA
Sent: Wednesday, February 01, 2017 4:32 PM
To: (b)(6) USCENTCOM CCJA
Subject: (b)(1), Sec. 1.4(a)
Attachments:

Classification: ~~SECRET//NOFORN~~

As requested...

V/r

(b)(6)

-----Original Message-----

From: (b)(6)
Sent: Wednesday, February 01, 2017 6:59 AM

(b)(6)

(b)(6)

Classification: ~~SECRET//NOFORN~~

Email providing pathway for delegation of AAH strike authorities. NIGHT ORDER MOD is out.

(b)(6)

-----Original Message-----

From: (b)(6)
Sent: Tuesday, January 31, 2017 6:51 PM

(b)(6)

(b)(1), Sec. 1.4(a)

Classification: ~~SECRET//NOFORN~~

Team,

Last minute note I received tonight.

I am working N.O. MOD at this time.

v/r

(b)(6)

-----Original Message-----

From: (b)(6)

Sent: Tuesday, January 31, 2017 6:46 PM

To: Stearney, Scott A RADM MIL USN USCENTCOM CCJ3

Cc: (b)(6)

Subject: (b)(1), Sec. 1.4(a)

Classification: ~~SECRET//NOFORN~~

Sir,

(b)(1), Sec. 1.4(a)

Pending your approval I will publish the below verbiage in a MOD to tonight's N.O.

v/r

(b)(6)

_____ DRAFT COMMENTS FOR YOUR

APPROVAL _____

1.A. (U) TF 9-47.

(b)(1),(b)(5), Sec. 1.4(a), Sec. 1.4(d)

(b)(1),(b)(5),Sec. 1.4(a)

-----Original Message-----

From: Stearney, Scott A RADM MIL USN USCENTCOM CCJ3

Sent: Tuesday, January 31, 2017 6:28 PM

To: (b)(6)

Subject: (b)(1),Sec. 1.4(a)

Classification: ~~SECRET//NOFORN~~

(b)(6) here it is.

-----Original Message-----

From: Votel, Joseph L GEN MIL USA USCENTCOM CCCC

Sent: Tuesday, January 31, 2017 6:20 PM

To: Faller, Craig RADM SD; Dunford, Joseph F Jr Gen USMC JS (US); Stearney, Scott A RADM MIL USN USCENTCOM CCJ3

Cc: Whelan, Theresa M SES OSD OUSD POLICY (US); Handelman, Kenneth B SES OSD OUSD POLICY (US); Selva, Paul J Gen USAF JS OCJCS (US); Thomas, Raymond A GEN USSOCOM SOCOM CDR; Mayville, William C Jr LTG USARMY JS ODJS (US); McKenzie, Kenneth F Jr LtGen USMC JS J5 (US); Dolan, John L Lt Gen USAF JS J3 (US); Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS; Stearney, Scott A RADM MIL USN USCENTCOM CCJ3; (b)(6); Faller, Craig RADM SD; Koffsky, Paul S SES OSD OGC (US)

Subject: (b)(1),Sec. 1.4(a)

Classification: ~~SECRET//NOFORN~~

Great --- thanks Craig.

Sterno --- Night Orders pls.

-----Original Message-----

From: Faller, Craig RADM SD (b)(6)

Sent: Tuesday, January 31, 2017 5:59 PM

To: Votel, Joseph L GEN MIL USA USCENTCOM CCCC; Dunford, Joseph F Jr Gen USMC JS (US)

Cc: Whelan, Theresa M SES OSD OUSD POLICY (US); Handelman, Kenneth B SES OSD OUSD POLICY (US); Selva, Paul J Gen USAF JS OCJCS (US); Thomas, Raymond A GEN USSOCOM SOCOM CDR; Mayville, William C Jr LTG USARMY JS ODJS (US); McKenzie, Kenneth F Jr LtGen USMC JS J5 (US); Dolan, John L Lt Gen USAF JS J3 (US); Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS; Stearney, Scott A RADM MIL USN USCENTCOM CCJ3; (b)(6); Faller, Craig RADM SD; Koffsky, Paul S SES OSD OGC (US)

(b)(1),Sec. 1.4(a)

Classification: ~~SECRET//NOFORN~~

General Votel,

(b)(5)

Vr/Craig

FROM OSD-GC:

(b)(1),(b)(5),1.4(a),1.4(d)

Craig Faller, RADM

Sr Military Asst to SecDef

UNCLASS: (b)(6)
RED:
NIPR:
SIPR:

From: Votel, Joseph L GEN MIL USA USCENTCOM CCCC [mailto:(b)(6)]

Sent: Monday, January 30, 2017 7:01 PM

To: Faller, Craig RADM SD <(b)(6)> Dunford, Joseph F Jr Gen USMC JS (US)
(b)(6)

Cc: Whelan, Theresa M SES OSD OUSD POLICY (US) (b)(6) Handelman, Kenneth B SES
OSD OUSD POLICY (US) (b)(6) (b)(6) USAF JS OCJCS (US)

(b)(6) Thomas, Raymond A GEN USSOCOM SOCOM CDR

(b)(6) (b)(6) USARMY JS ODJS (US)

(b)(6) (b)(6) LtGen USMC JS J5 (US)

(b)(6) (b)(6) USAF JS J3 (US) (b)(6)

(b)(6) USAF USCENTCOM CCDC-DC <(b)(6)> Ferrell, Terry R MG MIL

USA USCENTCOM CCDC-DC-COS (b)(6) Stearney, Scott A RADM MIL USN USCENTCOM CCJ3

(b)(6) USN (US) (b)(6) (b)(6)

(b)(6)

(b)(1), Sec. 1.4(a)

Classification: ~~SECRET//NOFORN~~

Mr. Secretary and Chairman,

(b)(1),(b)(5), Sec. 1.4(a), Sec. 1.4(d)

Appreciate very much your continued support for our critical efforts to enable (b)(1), Sec. 1.4(a) success.

(b)(1), Sec. 1.4(a)

Vr,

Votel

Joseph L. Votel

General, US Army

Commander, US Central Command

(b)(6)



Classified By:Votel, Joseph L GEN MIL USA USCENTCOM CCCC Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016
Declassify On:1/30/2027
Classification: ~~SECRET//NOFORN~~

Classified By:Votel, Joseph L GEN MIL USA USCENTCOM CCCC Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016
Declassify On:1/31/2042
Classification: ~~SECRET//NOFORN~~

Classified By:Stearney, Scott A RADM MIL USN USCENTCOM CCJ3 Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016
Declassify On:1/31/2042
Classification: ~~SECRET//NOFORN~~

Classified By:(b)(6) Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016
Declassify On:1/31/2042
Classification: ~~SECRET//NOFORN~~

Classified By:(b)(6) Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016
Declassify On:1/31/2042
Classification: ~~SECRET//NOFORN~~

Classified By:(b)(6) Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016
Declassify On:1/31/2042
Classification: ~~SECRET//NOFORN~~

Classified By (b)(6) Derived From:USCENTCOM SCG, CCR 380-14, 24
Feb 2016 Declassify On:1/31/2042
Classification: ~~SECRET//NOFORN~~

Exhibit 15

(b)(6) USCENTCOM CCJA

From: (b)(6) USCENTCOM CCJ3-OSA
Sent: Thursday, January 26, 2017 11:16 AM
To: (b)(6)
Subject: (b)(1),Sec. 1.4(a)

Classification: ~~SECRET//NOFORN~~

(b)(6)

FYSA, JS GENADMIN below.

V/r,
(b)(6)

-----Original Message-----

From: (b)(6)
Sent: Thursday, January 26, 2017 10:56 AM
To: CCJ3 O SA
Cc: TF LNO
Subject: FW: (b)(6)

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

FYSA.

-----Original Message-----

From: (b)(6)
Sent: Thursday, January 26, 2017 10:39 AM

(b)(6)

Subject: (b)(1),Sec. 1.4(a)

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

ALCON,

JS GENADMIN released DTG 261520Z JAN 17

VR/

(b)(6)

-----Original Message-----

From: JOINT STAFF DJ3 WASHINGTON DC [mailto:(b)(6)]

Sent: Thursday, January 26, 2017 10:22 AM

To: (b)(6)

Subject: (b)(1), Sec. 1.4(a)

(b)(1),(b)(6),Sec. 1.4(a)

(b)(1),(b)(6),Sec. 1.4(a)

CLASSIFIED BY: (b)(6)
DECLASSIFY ON: 25 YEARS FROM DATE OF ORIGINATION
DATE OF SOURCE: 20121011

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

Classified By: (b)(6) USCENTCOM CCI3-OSA Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb
2016 Declassify On:1/26/2042
Classification: ~~SECRET//NOFORN~~

Exhibit 16

(b)(6) USCENTCOM CCJA

From: (b)(6) USCENTCOM CCJA
Sent: Thursday, January 26, 2017 5:56 PM
To: (b)(6)
Cc: CCJA Op Law; JS Pentagon DoM List LC Bridge; d'Annunzio, Michael A SES OSD OGC (US); (b)(6)
Subject: (b)(1), Sec. 1.4(a), Sec. 1.4(d)
Attachments:

Classification: ~~SECRET//NOFORN~~

(b)(6)

(b)(1), (b)(5), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

(b)(6)

-----Original Message-----

From: (b)(6)

Sent: Thursday, January 26, 2017 12:33 PM

To: (b)(6)

Cc: (b)(6); d'Annunzio, Michael A SES OSD OGC (US); (b)(6)

(b)(6)
(b)(1), Sec. 1.4(a)

CLASSIFICATION: ~~SECRET~~

(b)
(6)

(b)(1),(b)(5), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

V/r,

(b)(6)

CLASSIFICATION: ~~SECRET~~

Classified By: (b)(6) [redacted] Derived From: USCENCOM SCG, CCR 380-14, 24 Feb
2016 Declassify On: 1/26/2017
Classification: ~~SECRET//NOFORN~~

Exhibit 17

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)

17-L-0705/CENTCOM/045

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)

17-L-0705/CENTCOM/049

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)

(b)(1),(b)(5),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)

Exhibit 18

From: (b)(6)
To:
Cc: (b)(6)
Subject: FW: (b)(1)1.4a
Date: Thursday, February 02, 2017 8:12:03 AM
Attachments: (b)(1)1.4a

Classification: ~~SECRET//NOFORN~~

(b)(6)

(b)(5), (b)(1)1.4a

v/r,

(b)(6)

Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016

Declassify On:2/2/2027

Classification: ~~SECRET//NOFORN~~

From: (b)(6)
Sent: Wednesday, February 01, 2017 9:05 PM
To: (b)(6)
Subject: (b)(1)1.4a

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

(b)(6)

(b)(5), (b)(1)1.4a

(b)(6)

(b)(6)

From: (b)(6)

Sent: Wednesday, February 1, 2017 5:31 PM

To: Miller, Austin S LTG (b)(6)

(b)(6)

Subject: (b)(1)1 4a

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

CG,

(b)(1)1 4a

(b)(1)1.4a

(b)(6)

(b)(6)

DERIVED FROM: OPNAVINST 5513.15E SCG

CLASSIFIED BY: (b)(6)

DECLASSIFY ON: 20420201

DATE OF SOURCE: 20080721

CLASSIFICATION W/O ATCH: ~~SECRET~~

CAVEATS W/O ATCH: NONE

TERMS W/O ATCH: NONE

CLASSIFICATION: ~~SECRET~~

CAVEATS: NONE

TERMS: NONE

DERIVED FROM: NS FPP SCG

CLASSIFIED BY: (b)(6)

DECLASSIFY ON: 25 YEARS FROM DATE OF ORIGINATION

DATE OF SOURCE: 20121011

CLASSIFICATION W/O ATCH: ~~SECRET~~

CAVEATS W/O ATCH: NONE

TERMS W/O ATCH: NONE

CLASSIFICATION: ~~SECRET~~

CAVEATS: NONE

TERMS: NONE

Exhibit 19

(b)(6)

Sent: Thursday, February 02, 2017 8:12 AM

To:
Cc: (b)(6)

Subject:
Attachments: (b)(1)1.4a

Classification: ~~SECRET//NOFORN~~

(b)(6)

(b)(5)

v/r,

(b)(6)

er ve rom:USCENTCOM SCG, CCR 380-14, 24 Feb 2016

Declassify On:2/2/2027

Classification: ~~SECRET//NOFORN~~

From: (b)(6)

Sent: Wednesday, February 01, 2017 9:05 PM

To: (b)(6)

Subject: b 1 1.4a

CLASSIFICATION: ~~SECRET~~

CAVEATS: NONE

TERMS: NONE

(b)(6)
(b)(1)1.4a, (b)(5)

(b)(6)

From: (b)(6)

Sent: Wednesday, February 1, 2017 5:31 PM

To: Miller, Austin S LTG (b)(6)

Cc: (b)(6)

(b)(6)

Subject: (b)(1)1.4a

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

CG,

(b)(1)1.4a

(b)(6)

DERIVED FROM: OPNAVINST 5513.15E SCG
CLASSIFIED BY: [REDACTED] (b)(6)
DECLASSIFY ON: 20420201
DATE OF SOURCE: 20080721

CLASSIFICATION W/O ATCH: ~~SECRET~~
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

DERIVED FROM: NS FPP SCG
CLASSIFIED BY: [REDACTED] (b)(6)
DECLASSIFY ON: 25 YEARS FROM DATE OF ORIGINATION
DATE OF SOURCE: 20121011

CLASSIFICATION W/O ATCH: ~~SECRET~~
CAVEATS W/O ATCH: NONE
TERMS W/O ATCH: NONE

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

Exhibit 20

Backup Slides

USCENTCOM FOIA 17-0328L

17-L-0705/CENTCOM/245

Exhibit 21

From: (b)(6) USCENTCOM CCJA
To: [CCJA Op Law](#)
Cc: [JS Pentagon DoM List LC Bridge](#); [SJAOpLaw](#)
Subject: (b)(1)1.4a
Date: Monday, January 30, 2017 7:12:21 AM
Attachments: (b)(1)1.4a

Classification: ~~SECRET~~

(b)(6)

(1) Below is an updated post-op review of Saturday night's mission.

(b)(1)1.4a, (b)(5)

v/r,

(b)(6)

Classified By (b)(6) USCENTCOM CCJA
Derived From: USCENTCOM SCG, CCR 380-14, 24 Feb 2016.
Declassify On: 1/29/2042
Classification: ~~SECRET~~

From: (b)(3) (10 U.S.C. § 130b), (b)(6)

Sent: Sunday, January 29, 2017 6:25 PM

To: Miller, Austin Scott LTG (b)(2) Votel, Joseph L GEN MIL USA USCENTCOM
CCCC; Thomas, Raymond A GEN USSOCOM SOCOCM CDR

Cc: Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC; Stearney, Scott A RADM MIL USN
USCENTCOM CCJ3; Quantock, Mark R MG MIL USA USCENTCOM CCJ2; Julazadeh, David Brig Gen MIL
USAF USCENTCOM CCJ3-A; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS; Bontrager, Paul BG
MIL USA USCENTCOM CCJ3-A; (b)(3) (10 U.S.C. § 130b), (b)(6) (b)(6)

(b)(3) (10 U.S.C. § 130b), (b)(6) Thomas, Raymond A GEN
USSOCOM SOCOCM CDR; (b)(3) (10 U.S.C. § 130b), (b)(6)

(b)(3) (10 U.S.C. § 130b), (b)(6)

(b)(6)

Subject: (b)(1)1.4a

CLASSIFICATION: ~~SECRET~~

CAVEATS: NONE

TERMS: NONE

GEN Votel and GEN Thomas

Gentlemen,

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4d

(b)(1)1.4a, (b)(1)1.4c, (b)(1)1.4d

Additionally for your situational awareness:

(b)(1)1.4a, (b)(1)1.4c, (b)(3) (10 U.S.C. § 130b), (b)(5), (b)(6)

(b)(1)1.4a, (b)(1)1.4c, (b)(5)

v/r, Scott

LTG Scott Miller

(b)(3) (10 U.S.C. § 130b), (b)(6)

DERIVED FROM: (b)(1)1.4(a)
CLASSIFIED BY: MILLER, AUSTIN S LTG
DECLASSIFY ON: 25 YEARS FROM DATE OF ORIGINATION
DATE OF SOURCE: 20121011

CLASSIFICATION: ~~SECRET~~
CAVEATS: NONE
TERMS: NONE

Exhibit 22

~~SECRET // NOFORN~~

01 FEB 2017

From: (b)(6) Task Force 111 Commander

Subj: MEMORANDUM FOR THE RECORD

(b)(1)1.4a, (b)(5)

~~SECRET // NOFORN~~

Exhibit 23

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(b), Sec. 1.4(c), Sec. 1.4(d)

Derived from: Multiple Sources
Declassify on: December 31, 2036

~~SECRET//NOFORN~~

17-L-0705/JS/009

SECRET//NOFORN

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

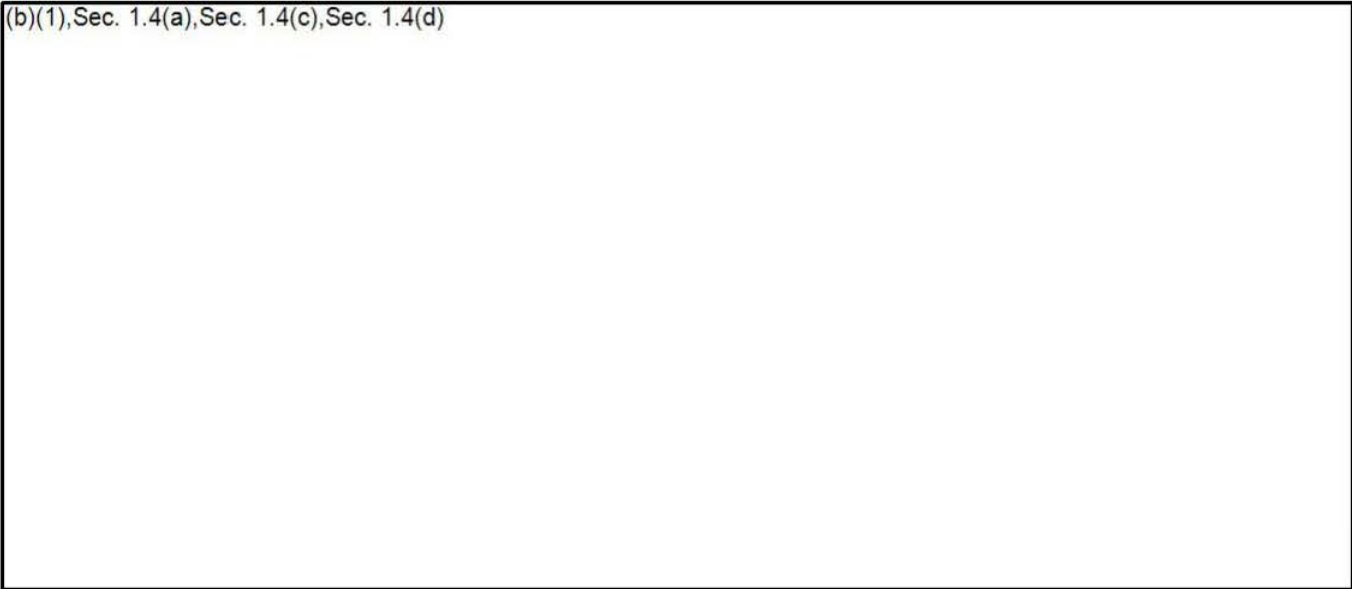
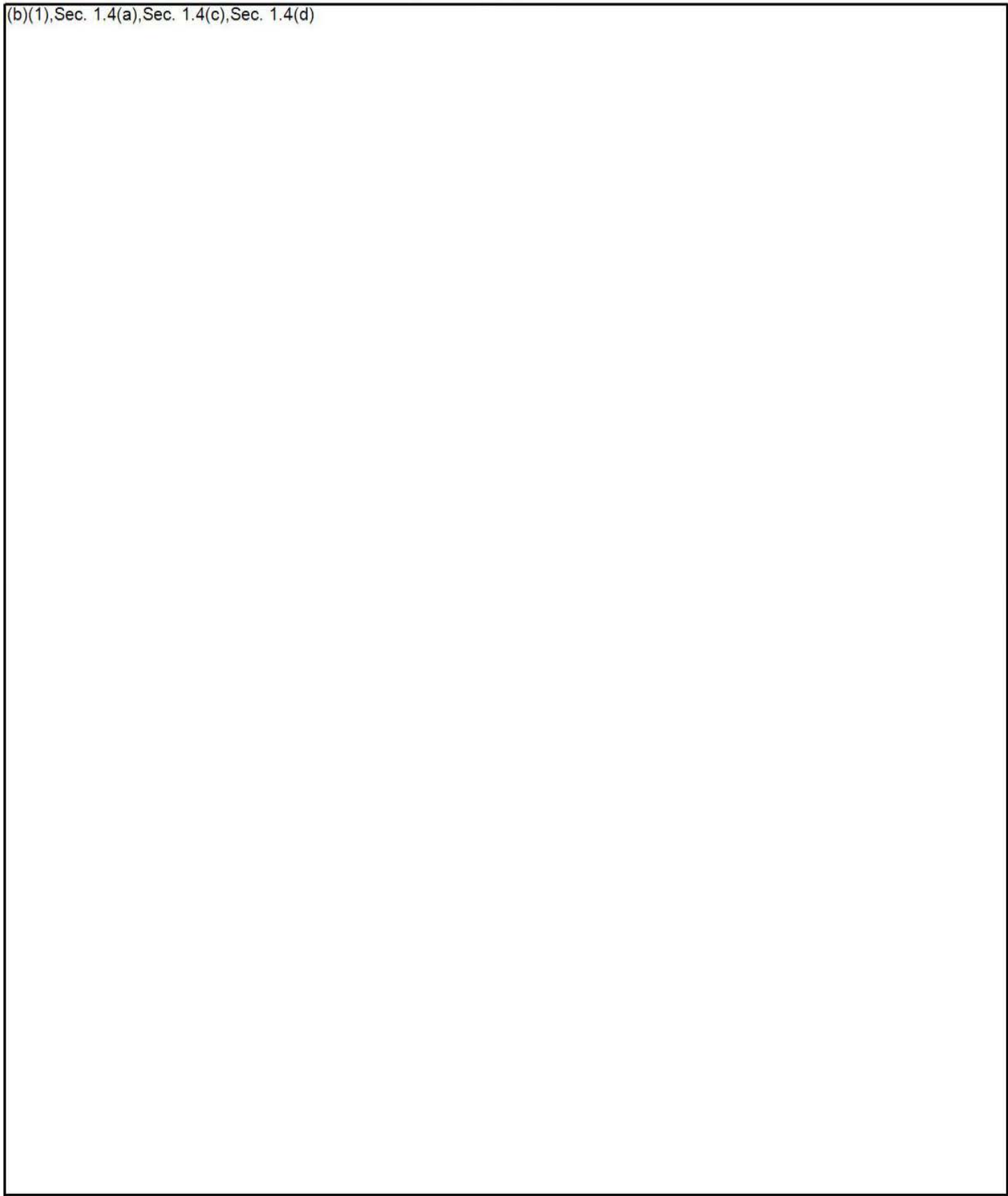


Exhibit 24

0074

~~SECRET/NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



17-L-0705/JS/022

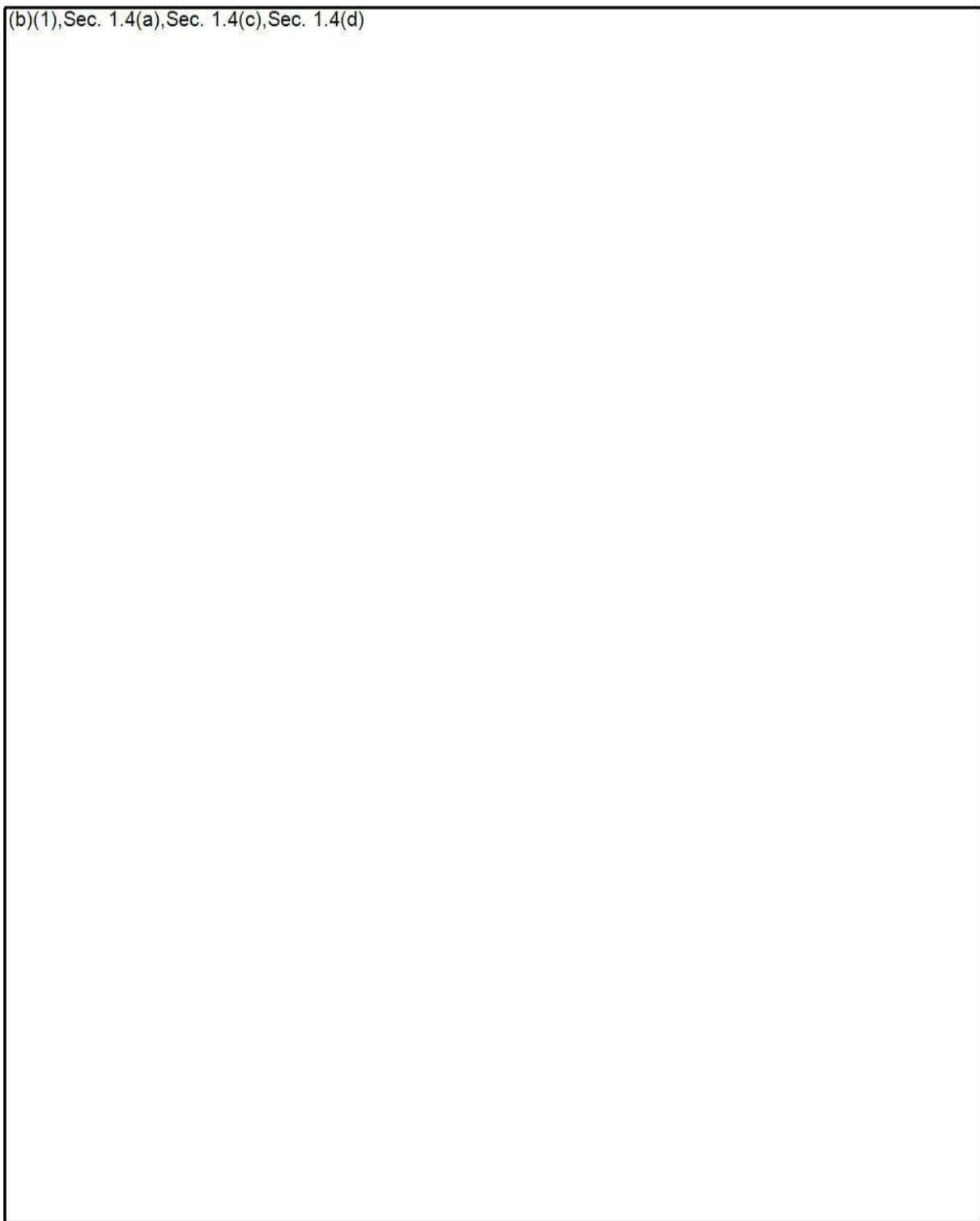
~~SECRET/NOFORN~~

17-L-0705/JS/023

Exhibit 25

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



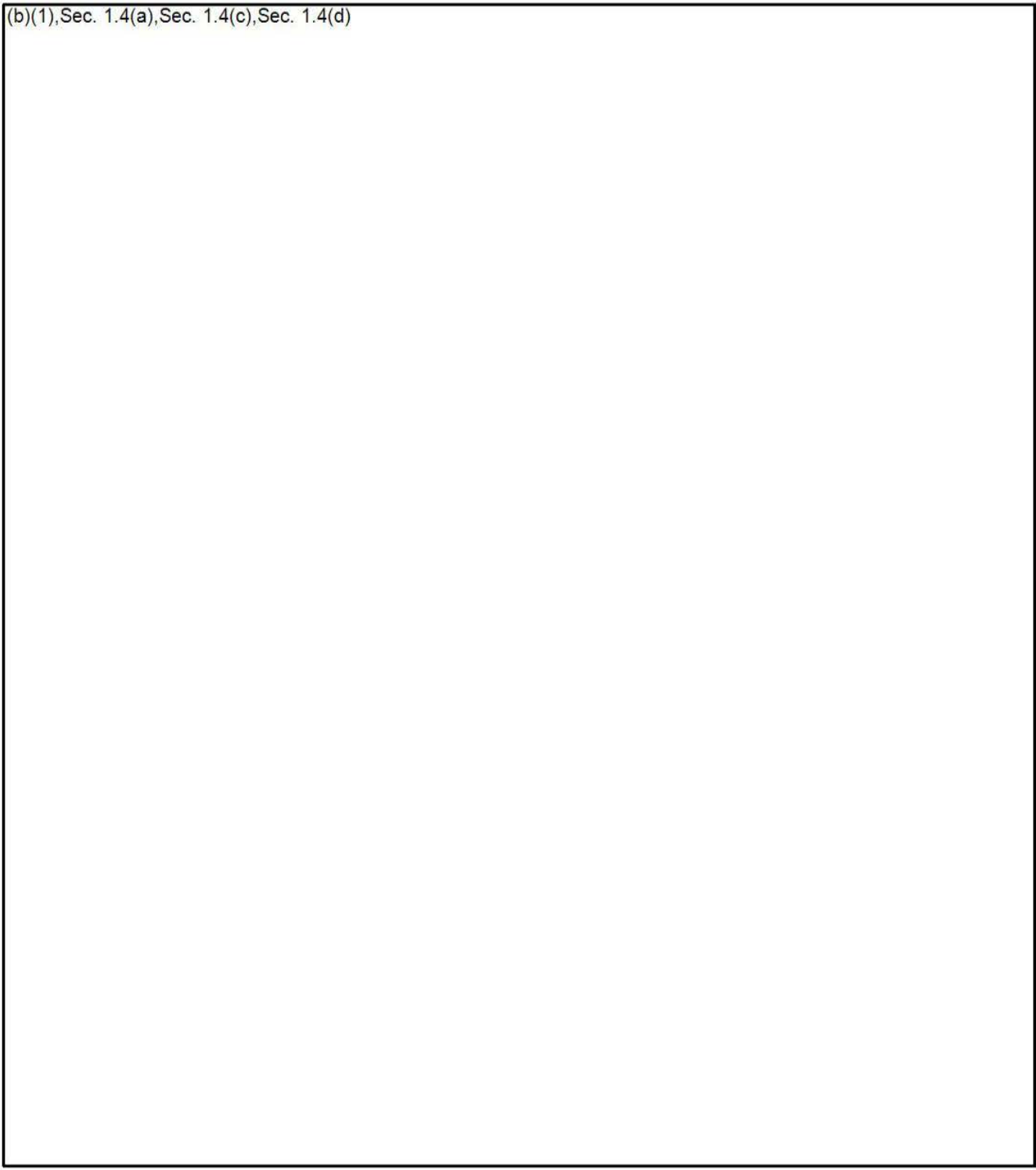
Derived From: Multiple Sources
Declassify On: 20371231

~~SECRET//NOFORN~~

17-L-0705/JS/048

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



5

~~SECRET//NOFORN~~

17-L-0705/JS/052

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

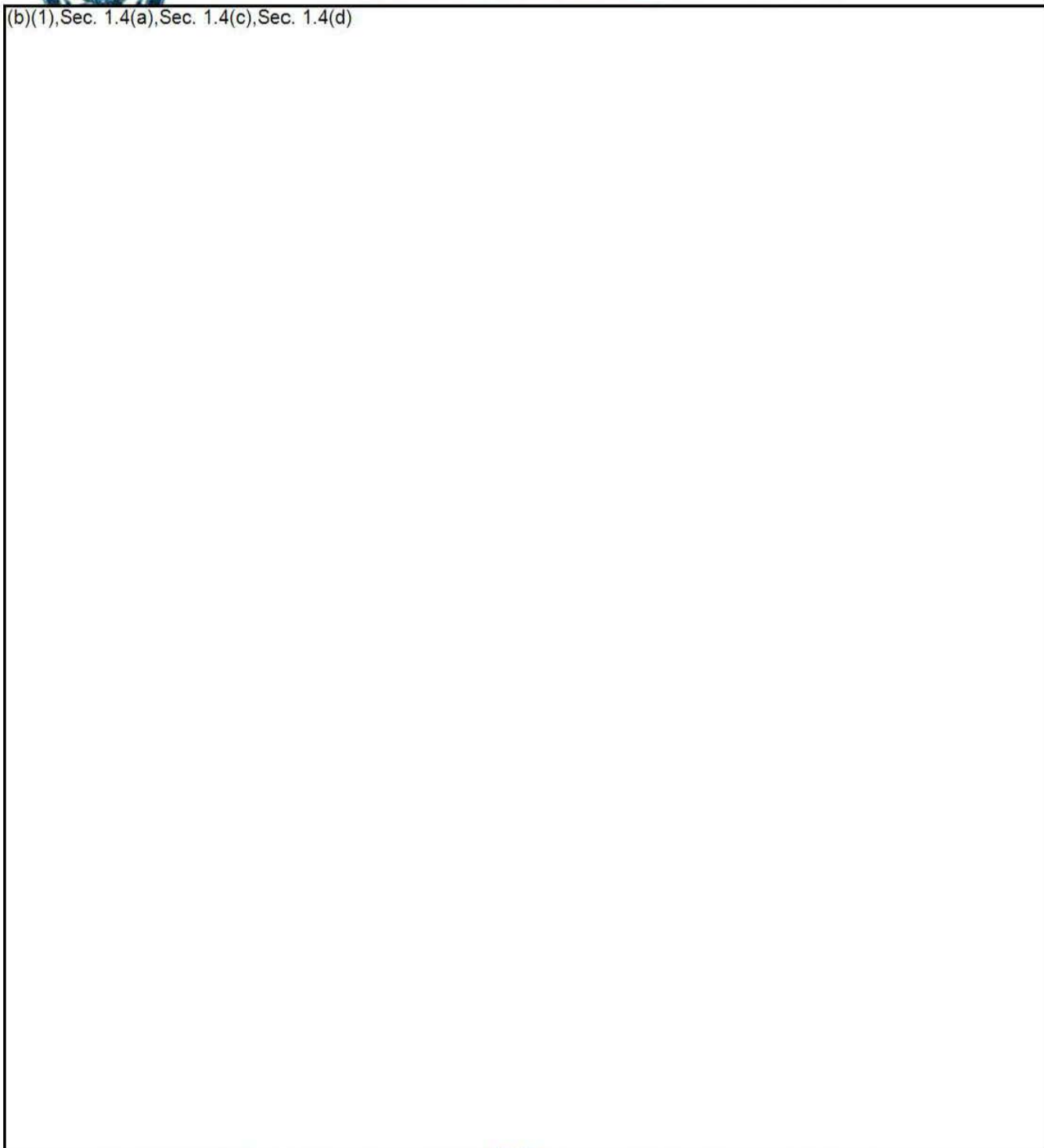
Exhibit 26

~~SECRET//NOFORN~~



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



Derived from: Multiple Sources
Declassify on: December 31, 2037

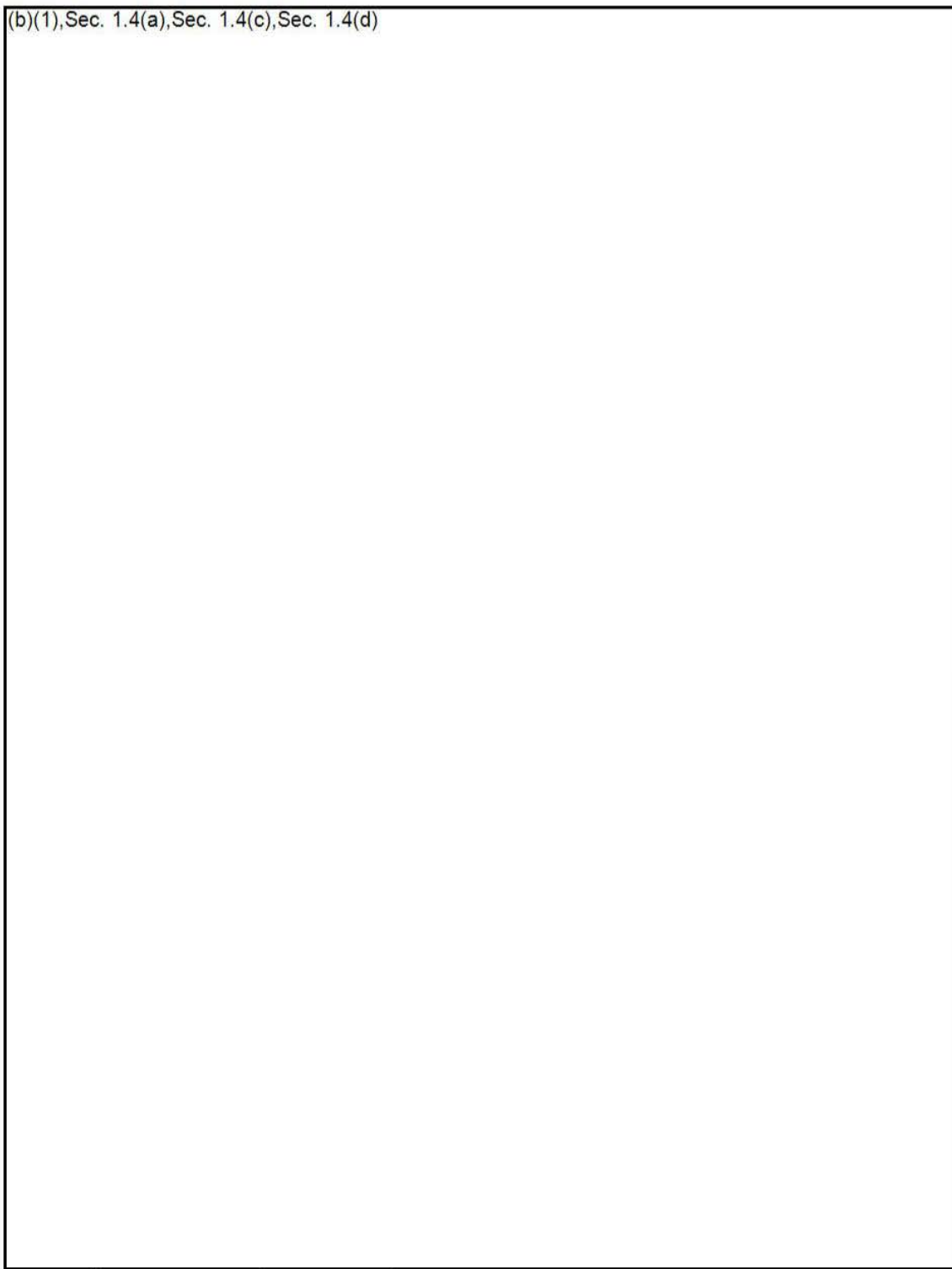


~~SECRET//NOFORN~~

17-L-0705/JS/054

~~SECRET//NOFORN~~

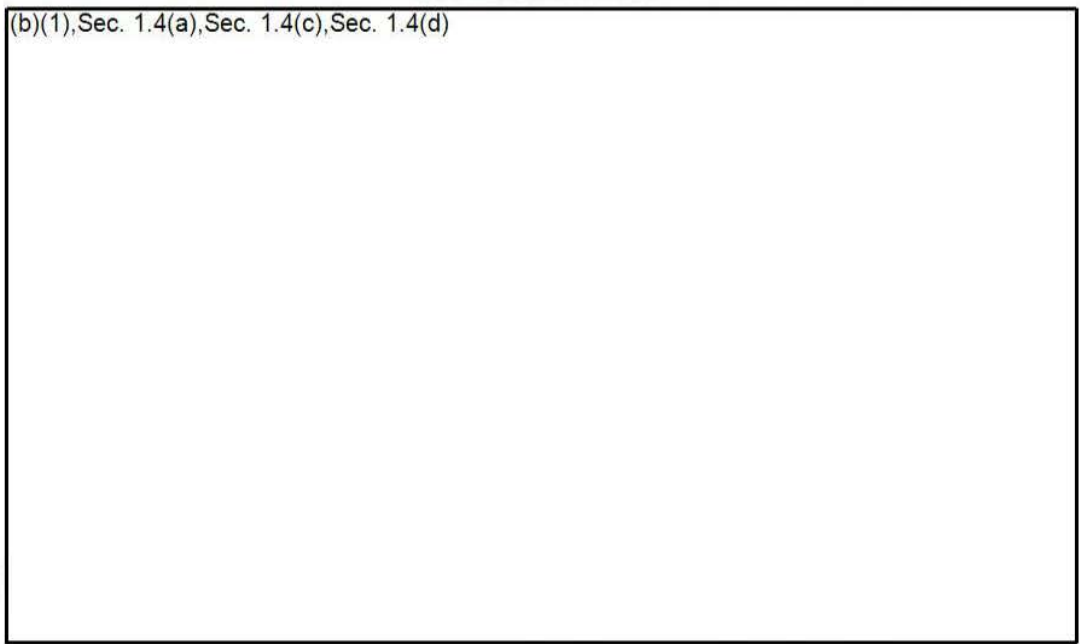
(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

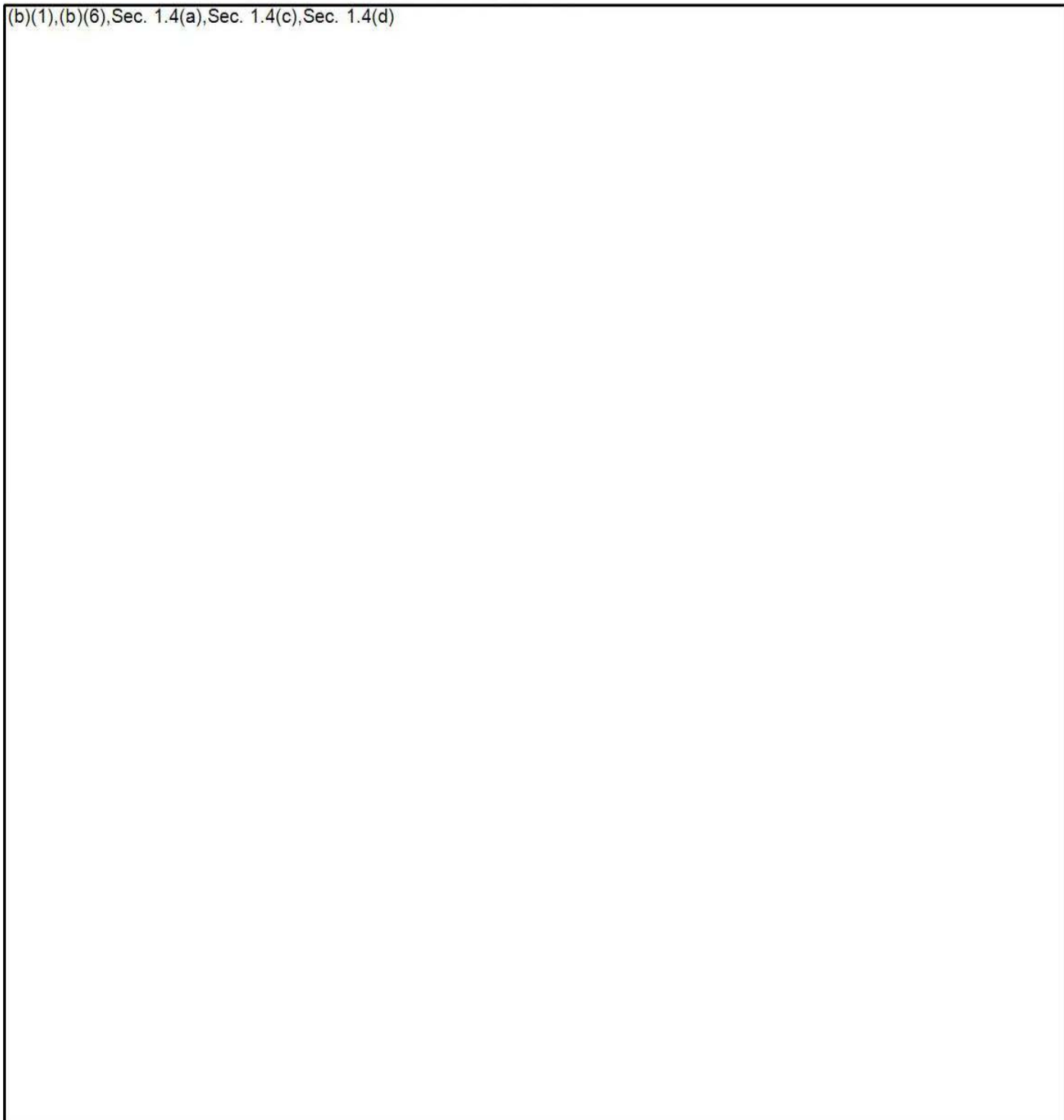
Exhibit 27

~~SECRET~~

DOD SUPPORT TO THE UAE SHABWAH OFFENSIVE (S)

Originator: JOINT STAFF DJ3 WASHINGTON DC

(b)(1),(b)(6),Sec. 1.4(a),Sec. 1.4(c),Sec. 1.4(d)



17-L-0705/JS/057

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

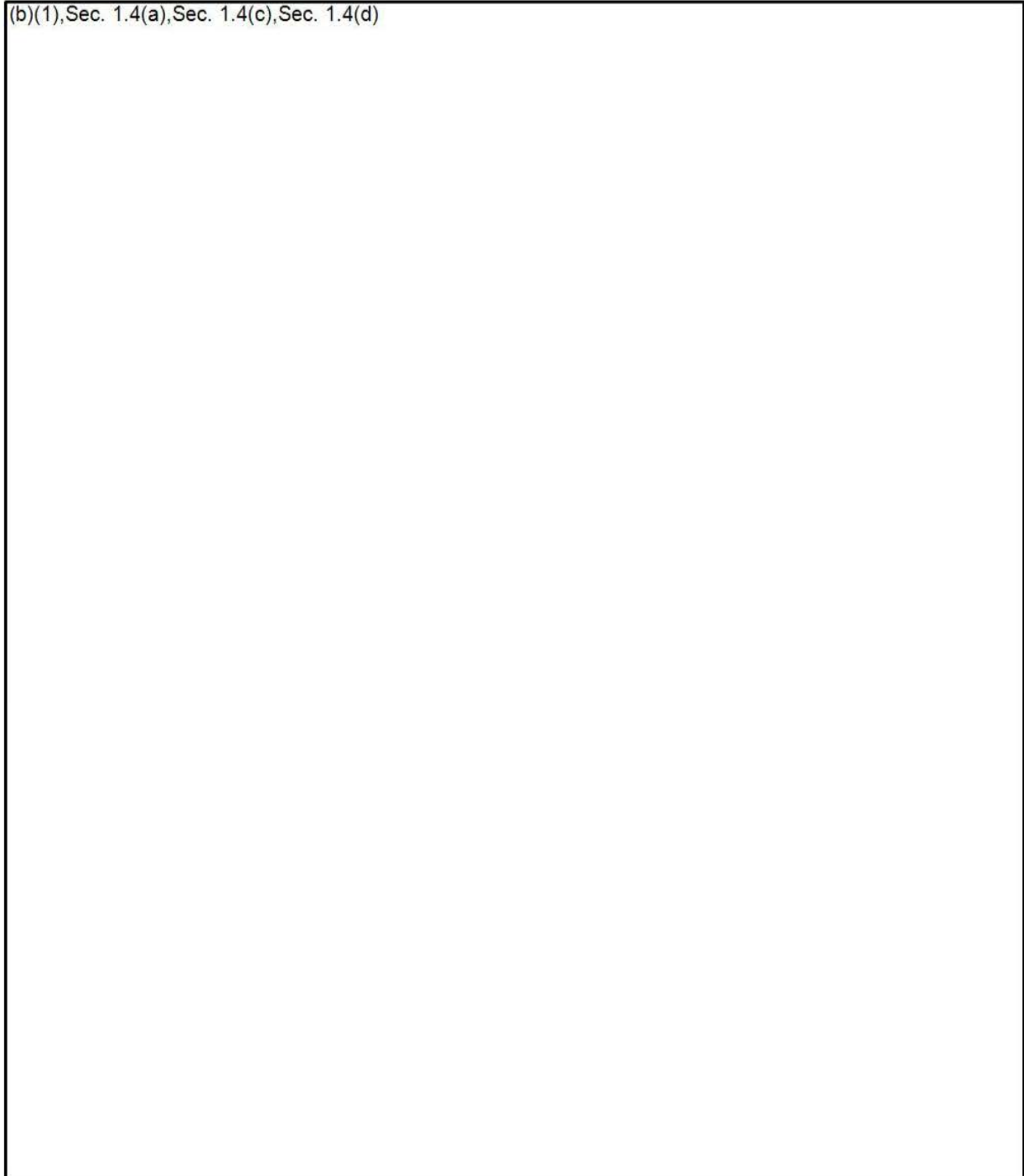


Exhibit 28

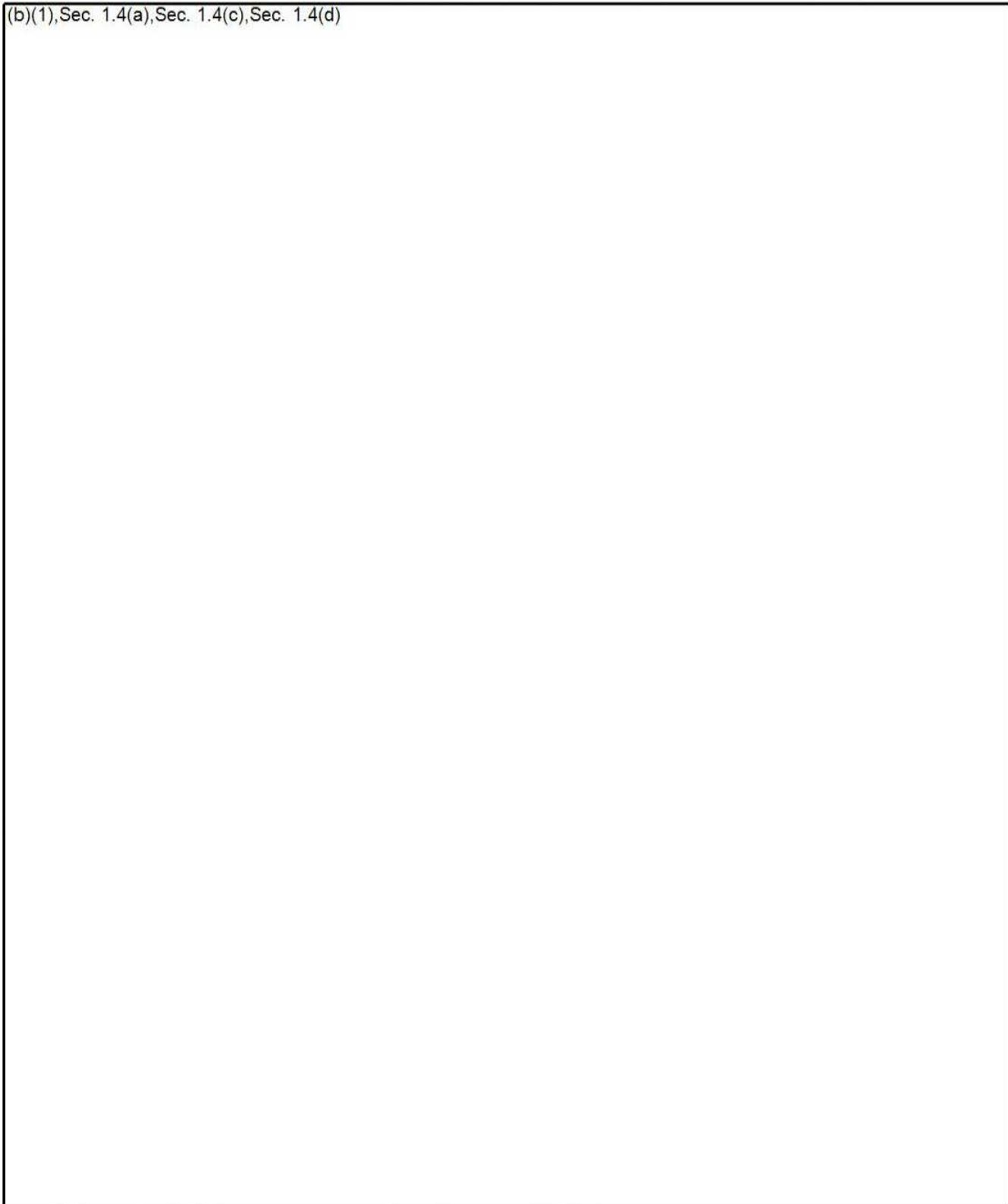
~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

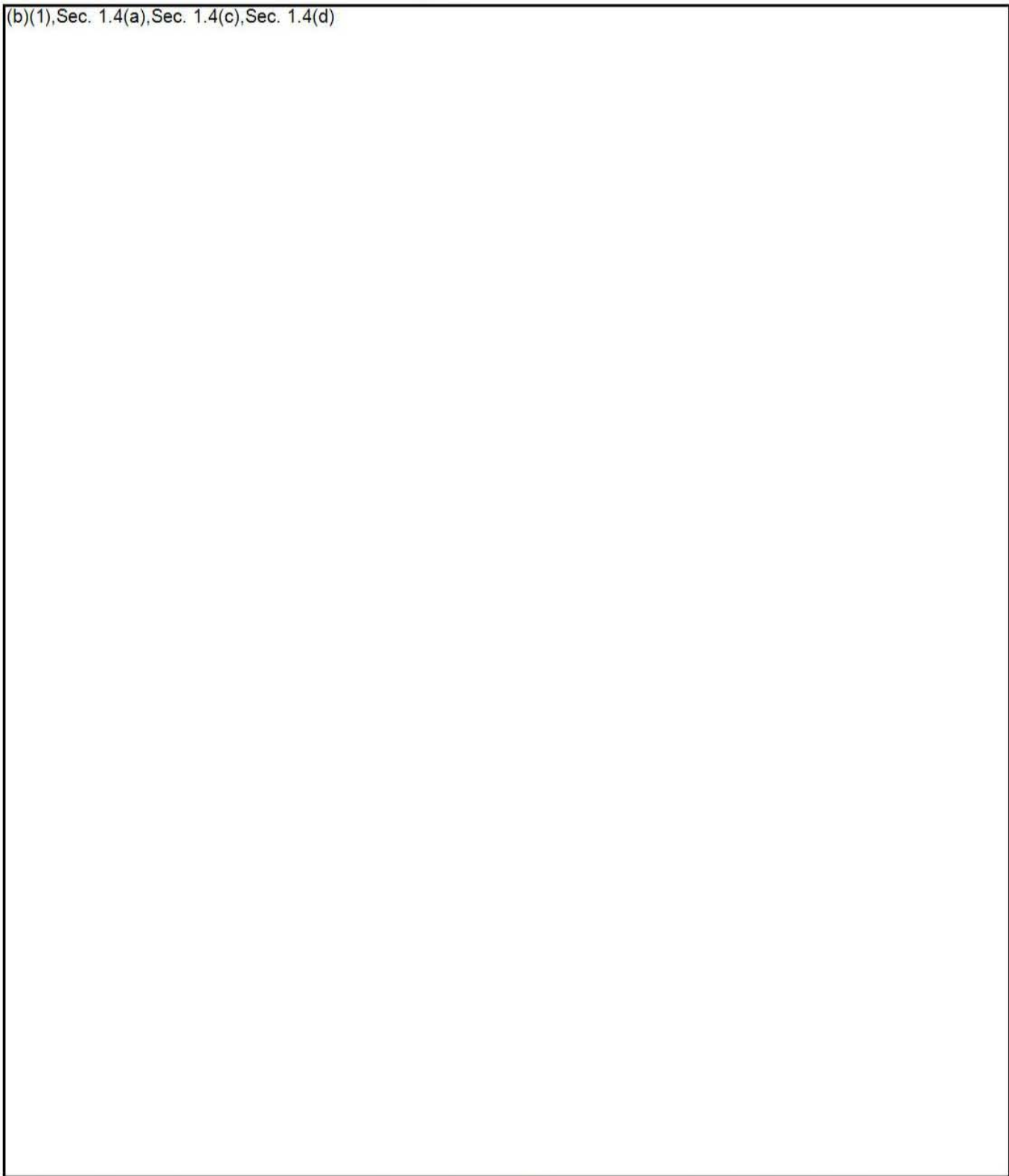
(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~


(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

Exhibit 29

(b)(6) Maj USMC JS OCJCS (US)

From: (b)(6) COL USARMY CENTCOM CENTCOM HQ (US)
Sent: Tuesday, January 31, 2017 6:13 PM
To: CCJA Op Law; SJAOpLaw; JS Pentagon DoM List LC Bridge
Subject: FW: (S//NF); (S//NF) (INFORMATION) USCENTCOM Intent for Shabwah Kinetic Fires
Importance: Low

Classification: ~~SECRET//NOFORN~~

Team,

LIMDIS - FYSA.

v/r,

(b)(6)

COL (b)(6)

Staff Judge Advocate

U.S. Central Command

Secret: (b)(6)

Unclassified: (b)(6)

Office: (b)(6)

Mobile

VOSIP: 302 323 3302

Classified By (b)(6) COL MIL USA USCENTCOM CCJA Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016 Declassify On:1/31/2027
Classification: ~~SECRET//NOFORN~~

From: Faller, Craig RADM SD [mailto:(b)(6)@mil]
Sent: Tuesday, January 31, 2017 5:59 PM
To: Votel, Joseph L GEN MIL USA USCENTCOM CCCC; Dunford, Joseph F Jr Gen USMC JS (US)
Cc: Whelan, Theresa M SES OSD OUSD POLICY (US); Handelman, Kenneth B SES OSD OUSD POLICY (US); Selva, Paul J Gen USAF JS OCJCS (US); Thomas, Raymond A GEN USSOCOM SOCOM CDR; Mayville, William C Jr LTG USARMY JS ODJS (US); McKenzie, Kenneth F Jr LtGen USMC JS JS (US); Dolan, John L Lt Gen USAF JS J3 (US); Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS; Stearney, Scott A RADM MIL USN USCENTCOM CCIJ3; (b)(6)@CAPT USN (US); (b)(6)@Faller, Craig RADM SD; Koffsky, Paul S SES OSD OGC (US)
Subject: RE: (S//NF) (S//NF) (INFORMATION) USCENTCOM Intent for Shabwah Kinetic Fires

Classification: ~~SECRET//NOFORN~~

General Votel,

The Secretary is aligned with your intent. Below paragraph from OSD-GC applies.

Vr/Craig

(b)(1), Sec. 1.4(a)

Craig Faller, RADM

Sr Military Asst to SecDef

UNCLASS: (b)(6)
RED: ...
NIPR: ...

SIPR: (b)(6)

From: Vote!, Joseph L GEN MIL USA USCENTCOM CCCC [mailto:(b)(6)]
 Sent: Monday, January 30, 2017 7:01 PM
 To: Faller, Craig RADM US (b)(6) [mailto:(b)(6)]; Dunford, Joseph F Jr Gen USMC JS (US) (b)(6) [mailto:(b)(6)]; (b)(6) [mailto:(b)(6)]
 Cc: Whelan, Theresa M SES OSD OUSD POLICY (US) (b)(6) [mailto:(b)(6)]; Handelman, Kenneth B SES OSD OUSD POLICY (US) (b)(6) [mailto:(b)(6)]; Selva, Paul J Gen USAF JS OCJCS (US) (b)(6) [mailto:(b)(6)]; Thomas, Raymond A GEN USSOCOM SOCOM CDR (b)(6) [mailto:(b)(6)]; Mayville, William C Jr LTG USARMY JS ODJS (US) (b)(6) [mailto:(b)(6)]; McKenzie, Kenneth F Jr Lt Gen USMC JS JS (US) (b)(6) [mailto:(b)(6)]; Dolan, John L Lt Gen USAF JS J3 (US) (b)(6) [mailto:(b)(6)]; Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC (b)(6) [mailto:(b)(6)]; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS (b)(6) [mailto:(b)(6)]; Stearney, Scott A RADM MIL USN USCENTCOM CCJ3 (b)(6) [mailto:(b)(6)]; (b)(6) CAPT USN (US) (b)(6) [mailto:(b)(6)]; (b)(6) [mailto:(b)(6)]; (b)(6) [mailto:(b)(6)]
 Subject: [S//NF] (INFORMATION) USCENTCOM Intent for Shabwah Kinetic Fires

Classification: SECRET//NOFORN

Mr. Secretary and Chairman,

I want to ensure you have visibility on my intention with respect to kinetic fires associated with the Shabwah operation.

(b)(1), Sec. 1.4(a), Sec. 1.4(g)

(b)(1), Sec. 1.4(a), Sec. 1.4(g)

Appreciate very much your continued support for our critical efforts to enable Emirati success.

Vr,

Votel

Joseph L. Votel

General, US Army

Commander, US Central Command

HQ, USCENTCOM

7115 South Boundary Blvd

MacDill AFB, FL 33621-5101

(b)(6)

(b)(6)

Classified By: Votel, Joseph L GEN MIL USA USCENTCOM CCCC Derived From: USCENTCOM SCG, CCR 380-14, 24 Feb 2016
Declassify On: 1/30/2027
Classification: ~~SECRET//NOFORN~~

Exhibit 30

(b)(6) Maj USMC JS OCJCS (US)

From: (b)(6) Col USAF JS OCJCS (US)
Sent: Friday, January 27, 2017 6:49 AM
To: Crandall, Darse E Jr RDML USN JS OCJCS (US)
Cc: JS Pentagon DoM List LC Bridge (b)(6) LtCol USMC JS DOM (US)
Subject: FW: (S) [S] SHABWAH AND BAM INTELL SHARING
Attachments: TAB A - Support to UAE Shabwah Offensive FINAL.DOCX; TAB B - DoD Operational Proposal to Support UAE Shabwah Offensive FINAL....docx; CENTCOM BAM FCO - UAE Intel Sharing 15 Nov 16 (v3).pptx; UAE Assurances.docx

CLASSIFICATION: ~~SECRET~~

Sir,

FYSA - good rundown on Shabwah from Mike d'A.

V/r

(b)(6)

(b)(6) Col, USAF
Principal Deputy Legal Counsel
Office of the Chairman of the Joint Chiefs of Staff

NIPR: (b)(6)
SIPR: (b)(6)
JWICS: (b)(6)

COMM: (b)(6)
SVOIP: (b)(6)
TSVOIP/NSTS: (b)(6)

MOBILE (UNCLAS): (b)(6)
*MOBILE (SECRET): (b)(6)

(*must be enabled - send NIPR email, or text to UNCLAS mobile first)

CLASSIFICATION: ~~SECRET~~

-----Original Message-----

From: d'Annunzio, Michael A SES OSD OGC (US)
Sent: Thursday, January 26, 2017 7:13 PM
To: Koffsky, Paul S SES OSD OGC (US); (b)(6)
Cc: Allen, Charles A SES OSD OGC (US); (b)(6); Davidson, Ellana V. SES OSD OGC (US); (b)(6); (b)(6) CIV OSD OGC (US); (b)(6); (b)(6) CIV OSD OGC (US); (b)(6); (b)(6) CIV OSD OGC (US); (b)(6); (b)(6) CIV OSD OGC (US); (b)(6); (b)(6) CIV OSD OGC (US); (b)(6) Col USAF OSD OGC (US)

(b)(6) (b)(6) LTC US ARMY OSD OGC (US)
 (b)(6) (b)(6) CIV OSD OGC (US)
 (b)(6) CIV (US) (b)(6)
 CIV OSD OGC (US) (b)(6) JS Pentagon DoM List LC Bridge (b)(6)
 (b)(6)

Subject: FW: [S] [S] SHABWAH AND BAM INTELL SHARING

~~SECRET~~

Paul, others,

An end-of-day informational update on some recent Yemen-related decisions and discussions follows.

(b)(1), Sec. 1.4(a)

Following that decision, and in preparation for today's 1400 Deputies Committee meeting on Yemen and South Sudan,

(b)(6) at NSC Legal convened an interagency lawyers' call to discuss implementation of the President's decisions.
 The key points of lawyers' discussion were:

(b)(1), Sec. 1.4(a)

I understand that the first U.S.-UAE raid in Shabwah could occur tomorrow night Yemen time.

Mike

Mike d'Annunzio
Attorney-Advisor

Pentagon (b)(6)
(b)(6)

STE (b)(6)

VOSIP (b)(6)

DRSN (b)(6)

NSTS

sipr: (b)(6)

fwics: (b)(6)

-----Original Message-----

From: Dunford, Joseph F Jr Gen USMC JS (US)

Sent: Wednesday, January 25, 2017 9:29 PM

To: Votel, Joseph L GEN MIL USA USCENCOM CCCC (b)(6)

Cc: Selva, Paul J Gen USAF JS OCJCS (US) (b)(6) Mayville, William C Jr LTG USARMY JS ODJS

(US) (b)(6); Dolan, John L Lt Gen USAF JS J3 (US) (b)(6)

Marrs, James R Maj Gen USAF JS J2 (US) (b)(6) McKenzie, Kenneth F Jr LtGen USMC JS JS

(US) (b)(6)

Subject: (S) SHABWAH AND BAM INTELL SHARING

CLASSIFICATION: ~~SECRET~~

Joe--

Just back from the WH ... POTUS approved both requests. SD will make Hill calls in the morning and we'll get you an EXORD. Good hunting ...

VR
Joe

CLASSIFICATION: ~~SECRET~~

DERIVED FROM : Multiple Sources
DECLASSIFY ON:

~~SECRET~~

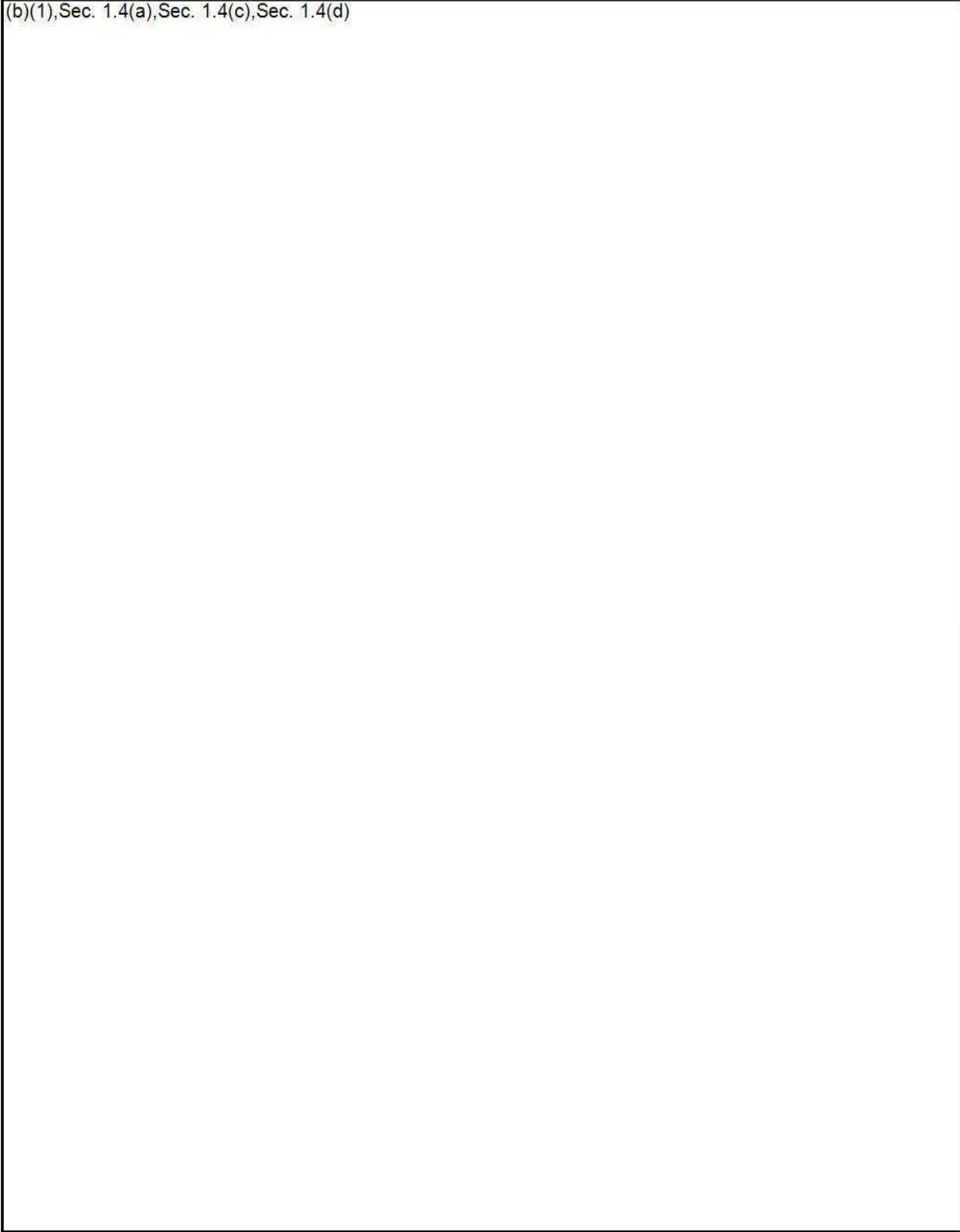
DERIVED FROM : Multiple Sources
DECLASSIFY ON:

~~SECRET~~

Exhibit 31

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

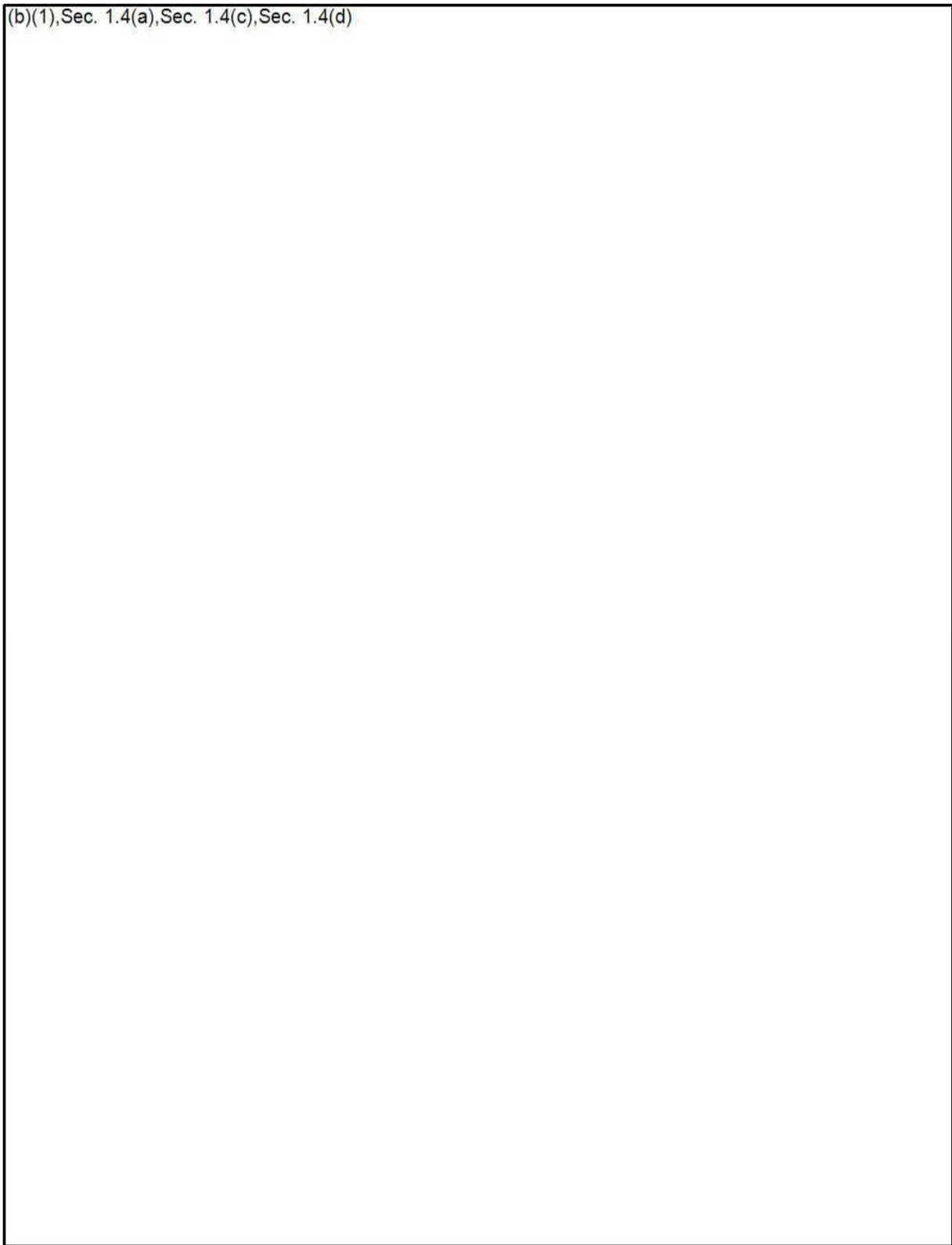


Derived From: Multiple Sources
Declassify On: 20361231

~~SECRET//NOFORN~~
17-L-0705/JS/261

~~SECRET//NOFORN~~

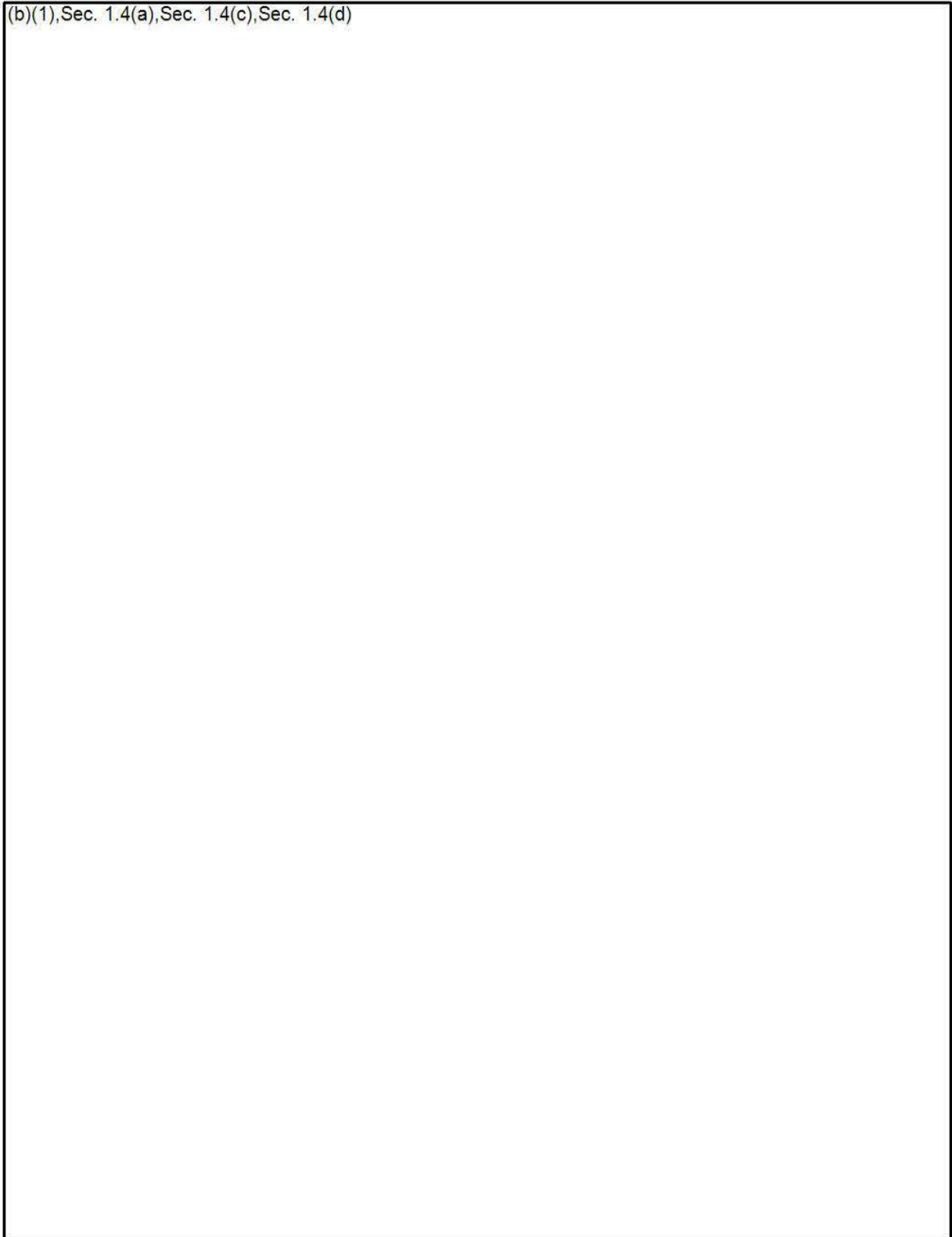
(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

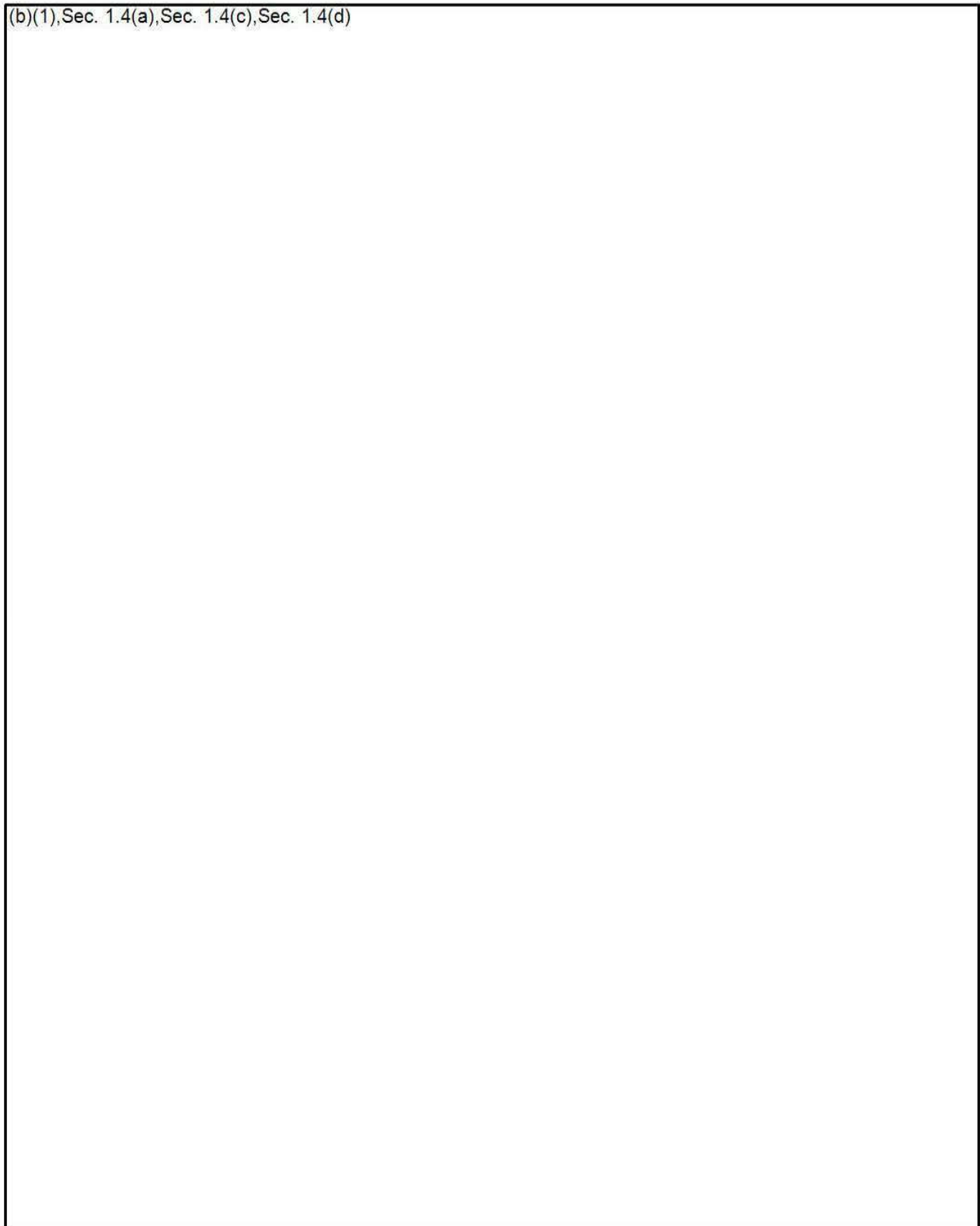
~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~
17-L-0705/JS/265

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

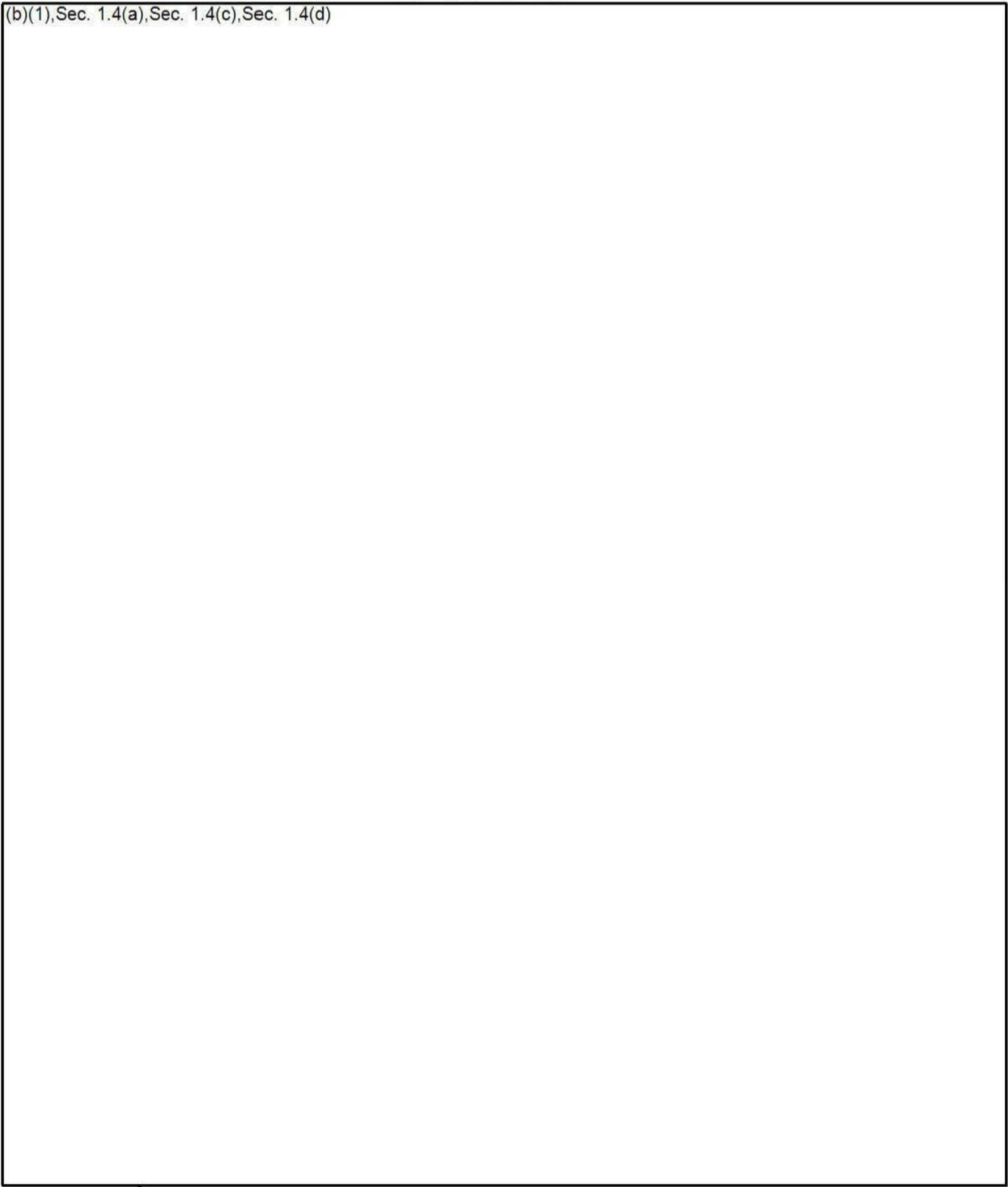


~~SECRET//NOFORN~~

Exhibit 32

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)

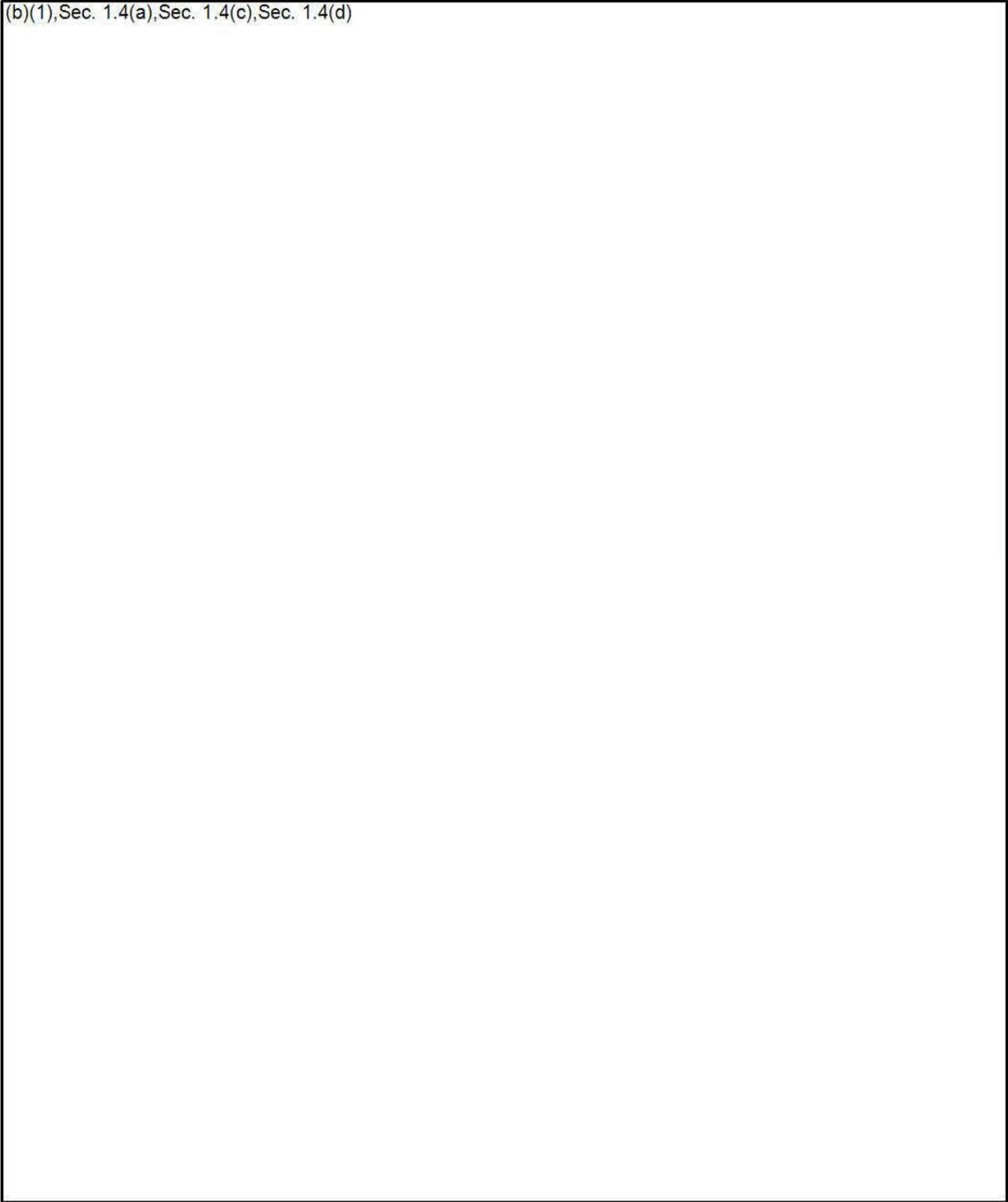


~~SECRET//NOFORN~~

17-L-0705/JS/273

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

17-L-0705/JS/274

~~SECRET//NOFORN~~

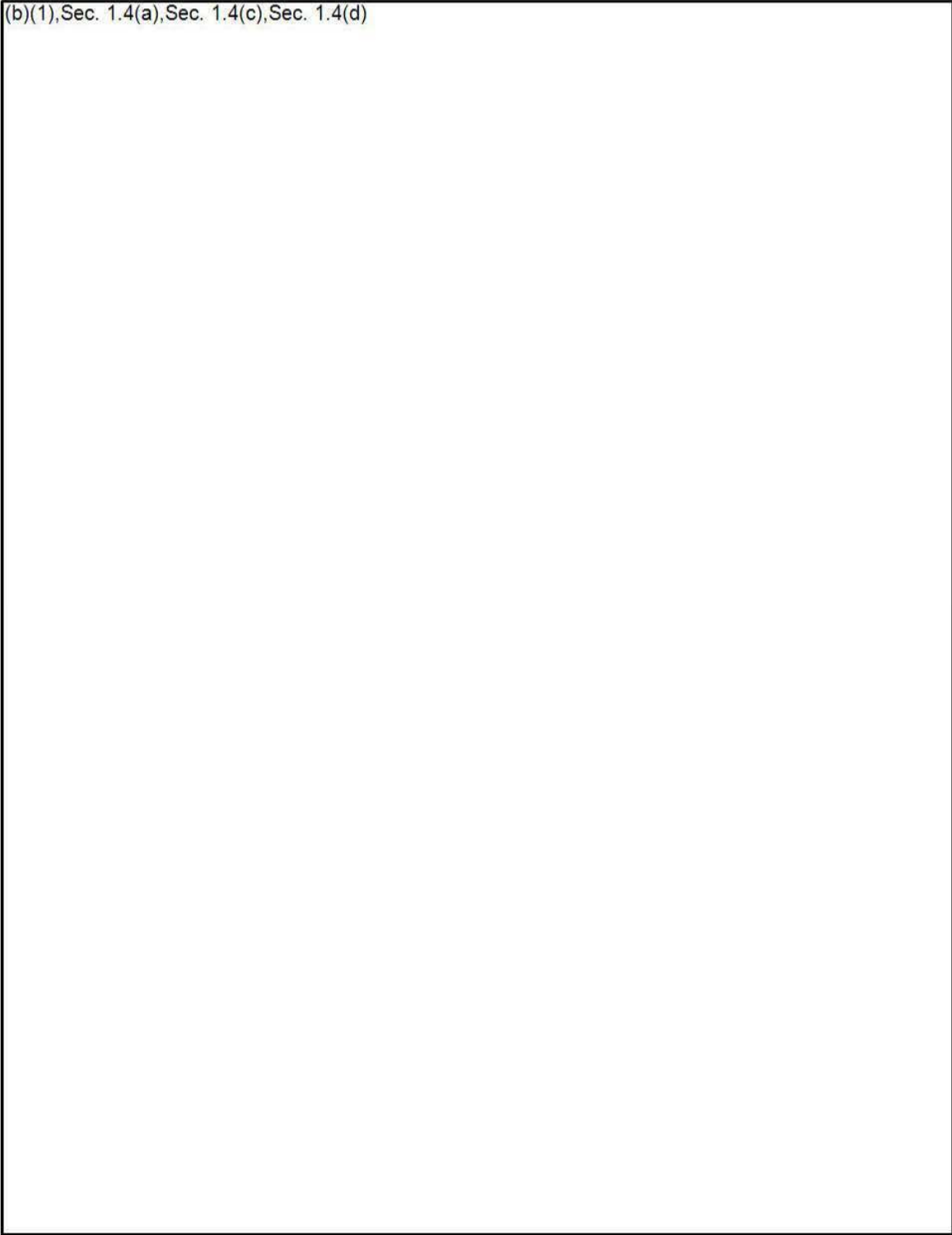
(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

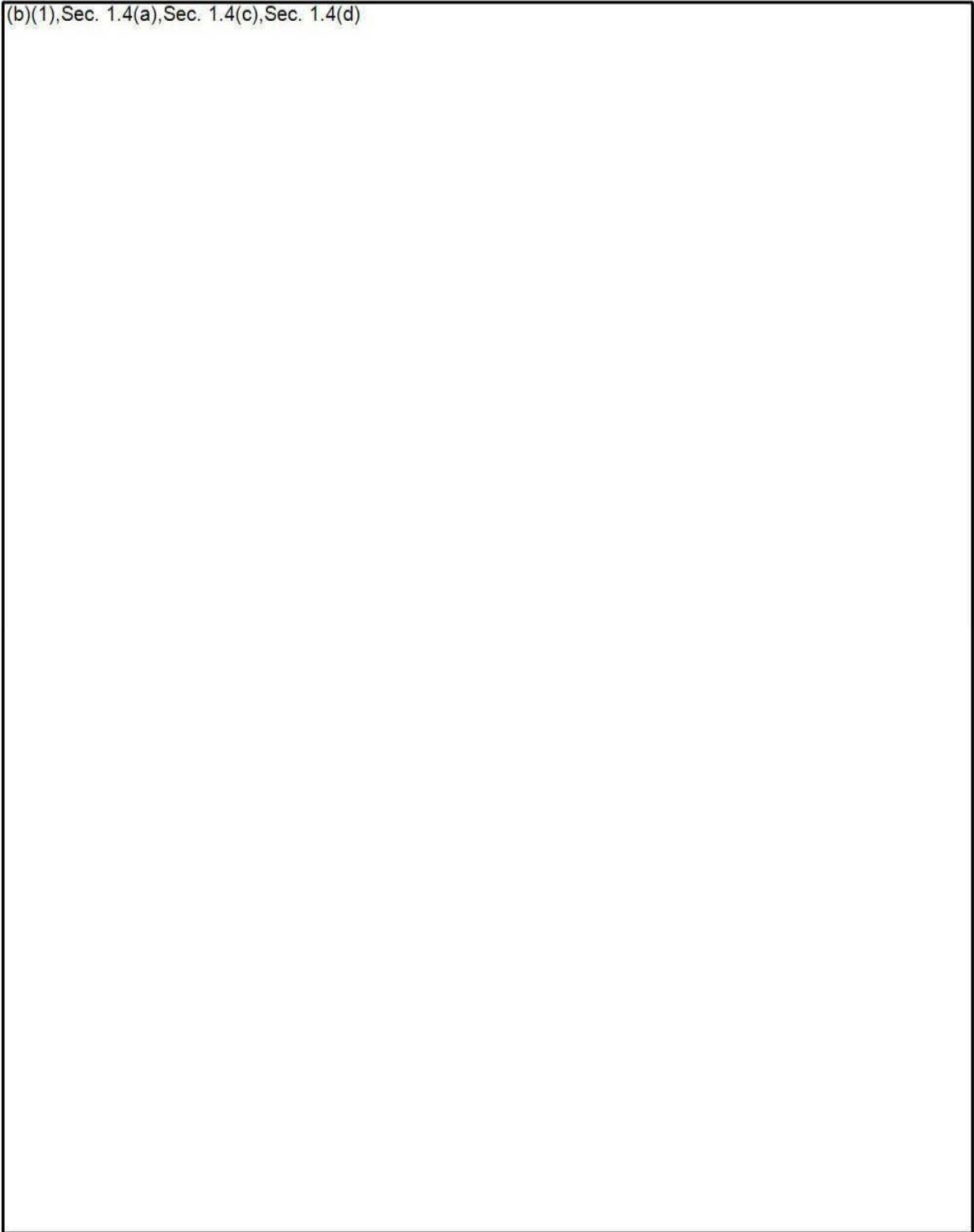
(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

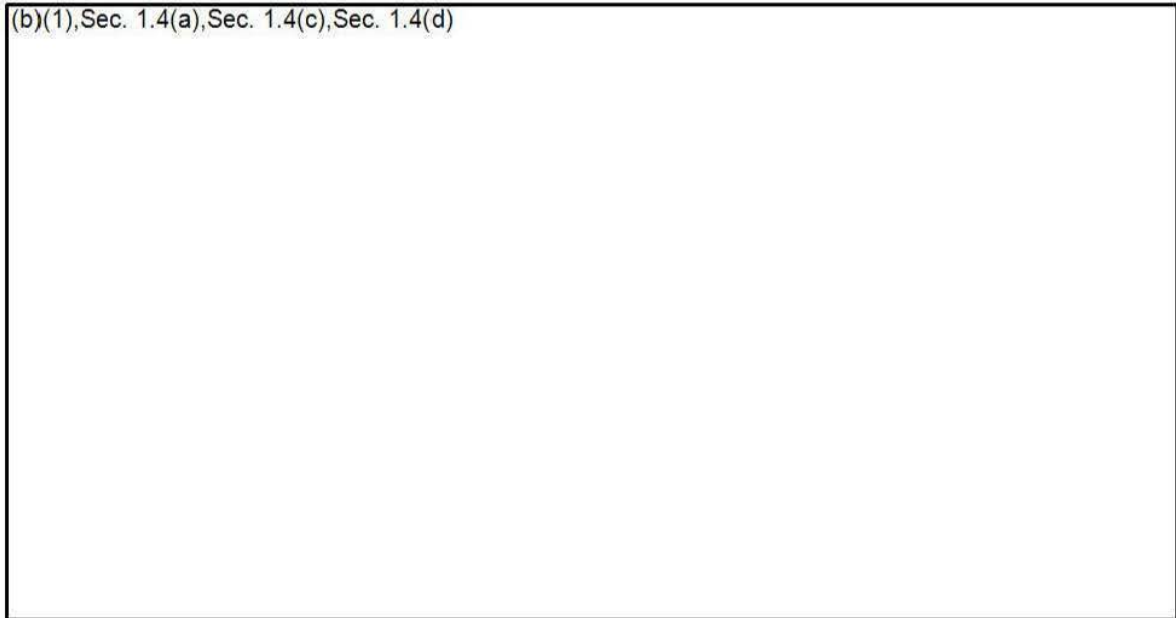
(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

Exhibit 33

TAB C

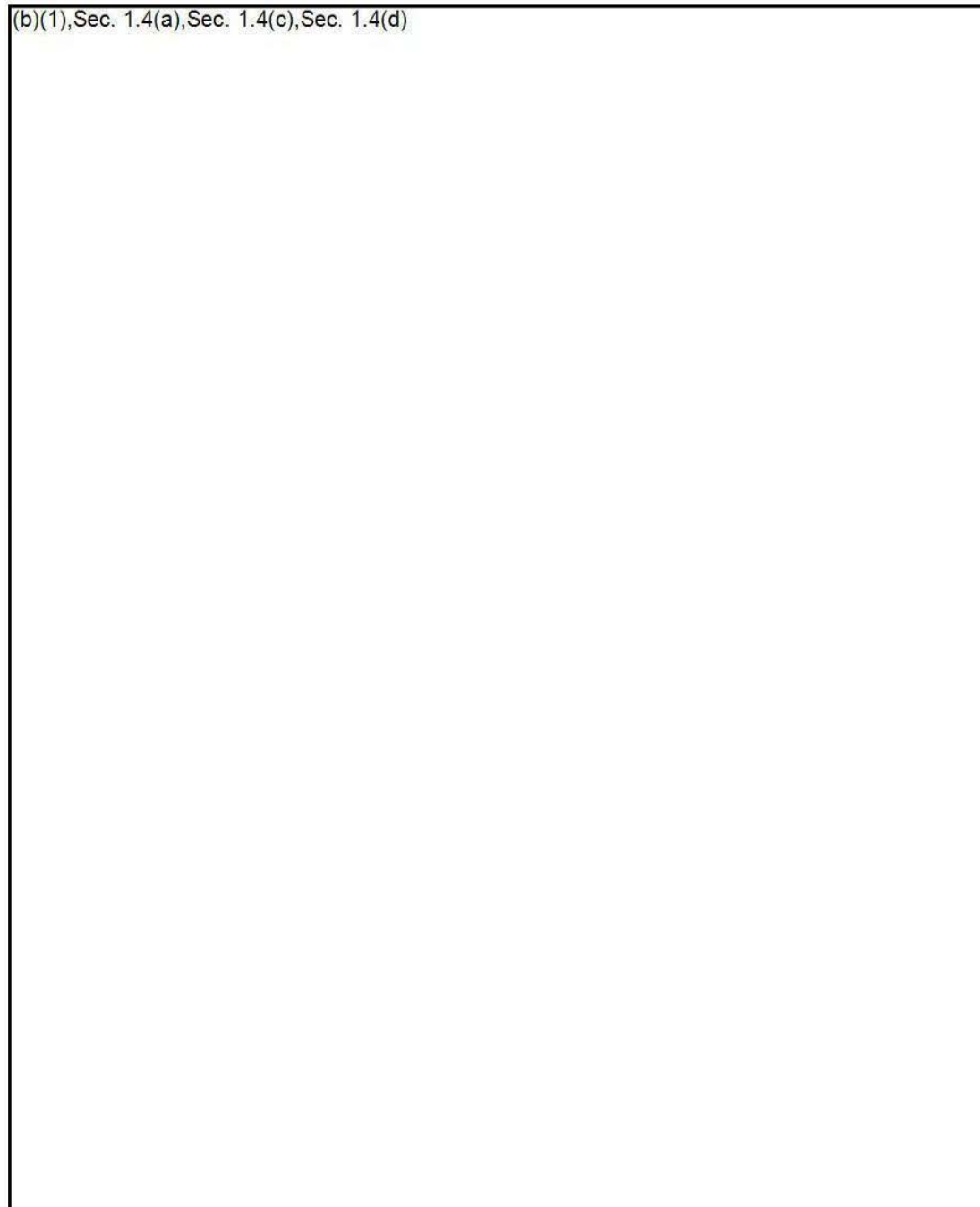
~~SECRET//NOFORN~~



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

JAN 24 2017

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



Derived from: Multiple Sources
Declassify on: December 31, 2037

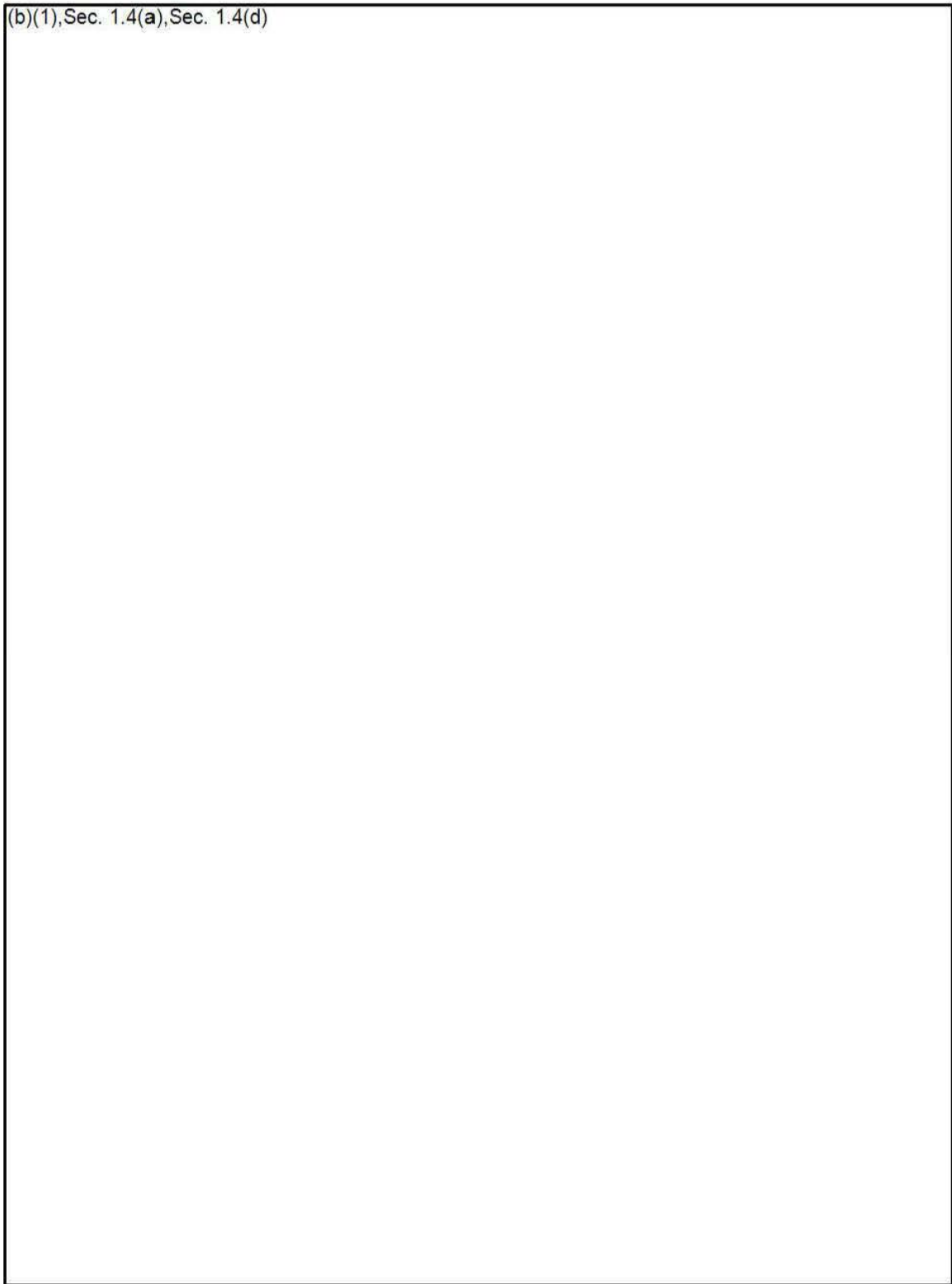


~~SECRET//NOFORN~~

17-L-0705/JS/280

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(d)



~~SECRET//NOFORN~~

~~SECRET//NOFORN~~

(b)(1), Sec. 1.4(a), Sec. 1.4(c), Sec. 1.4(d)



~~SECRET//NOFORN~~

Exhibit 34

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

Exhibit 35

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

(b)(1), 1.4(a), 1.4(b), 1.4(c)

Exhibit 36

Tab B

Exhibit 37

Exhibit 38

,

Exhibit 39

(b)(6) USCENTCOM CCJA

From: (b)(6)
Sent: Tuesday, February 28, 2017 12:17 PM
To: CCJA Op Law
Cc: SJAOpLaw
Subject: (b)(6)

This message has been archived. [View the original item](#)

CLASSIFICATION: ~~SECRET~~
CAVEATS: ~~NOFORN~~
TERMS: NONE

FYSA.

(b)(6)

(b)(6)

From: Dolan, John L Lt Gen USAF JS J3 (US)
Sent: Tuesday, February 28, 2017 7:33:01 AM (UTC-05:00) Eastern Time (US & Canada)
To: Dunford Gen Joseph F
Cc: (b)(6) Stearney, Scott A RADM MIL USN USCENTCOM CCJ3; Elton, Albert M (Buck) II Maj Gen USAF JS J3 (US); Lewis, Andrew L RADM USN JS J3 (US); Holsey, Alvin RDML USN JS J3 (US)

(b)(1),Sec. 1.4(a)

CLASSIFICATION: ~~SECRET//NOFORN~~

Chairman,

In response to your RFI CENTCOM produced the attached four-page response to your RFIs on (b)(1),Sec. 1.4(a)

(b)(1),Sec. 1.4(a) Below is

Attachments:

(b)(1),Sec. 1.4(a)

Exhibit 40



HOME > MEDIA > NEWS ARTICLES > NEWS ARTICLE VIEW

Pentagon Spokesman Describes U.S. Raid in Yemen

By Terri Moon Cronk

DoD News, Defense Media Activity

WASHINGTON, May 23, 2017 — Al-Qaida in the Arabian Peninsula is a formidable terror group that remains intent on attacking Americans and the U.S. homeland, Navy Capt. Jeff Davis, director of Pentagon press operations, told reporters today.

Davis addressed yesterday's U.S. Special Operations counterterrorism raid that killed seven al-Qaida in the Arabian Peninsula operatives in Yemen's Marib governorate, located about 150 miles north of Aden, the country's capital.

Special Forces raided an al-Qaida in the Arabian Peninsula compound comprising a few buildings, he said, adding, "[al-Qaida in the Arabian Peninsula was] using this as a headquarters, a place to meet and plan for external operations and to lead the group."

First Raid Deep In Yemen

The raid marked the first time the United States conducted an operation into Marib governorate, and the location was the deepest the military has gone



Air commandos from the 4th Aircraft Maintenance Squadron fulfill their duties at Hurlburt Field, Fla., July 7, 2016, by working on a AC-130U Spooky gunship. The AC-130's main mission is to provide close air support, air interdiction and armed reconnaissance and was used in the May 22, 2017, counterterrorism raid against al-Qaida in the Arabian Peninsula operatives in the Marib governorate of Yemen. Air Force photo by Airman Dennis Spain

into Yemen to fight al-Qaida in the Arabian Peninsula, Davis said.

“The intent of the raid was to disrupt AQAP operations,” he said, noting that “at least” seven al-Qaida in the Arabian Peninsula militants were killed with small-arms fire and precision airstrikes from an AC-130 gunship.

No civilian casualties were reported, and based on observations on the ground and in the sky, there are no credible indications of such casualties, Davis said.

Dangerous Terrorists

“AQAP has significant amounts of American blood on its hands,” he said. “It is an organization that has used the ungoverned spaces in Yemen to plot, direct and inspire terrorist attacks against America, our citizens and our allies around the world.”

Al-Qaida in the Arabian Peninsula attacked the U.S. embassy in Sanaa, Yemen, in 2008; attempted to down Northwest Airlines Flight 253 on Christmas Day in 2009; and conspired to send explosive-laden parcels to Chicago in 2010, he said.

Al-Qaida in the Arabian Peninsula's English-language magazine, Inspire, also has been used to encourage attacks against the West, Davis said, citing multiple attacks that include the Boston Marathon bombing in 2013, the Fort Hood mass shooting in 2009 and other lone-wolf attacks in the United States and Europe.

Yemen Authorized Operation

Yesterday's raid was conducted under the same U.S. authorities as those granted in advance of the earlier, Jan. 28 raid, which included authorities for airstrikes and follow-on action, he said.

The operation had the support and cooperation of the Yemen government, and was done in conjunction with U.S. partners, the spokesman said.

“We will continue to support Yemen in bringing stability to the region by fighting known terrorist organizations like AQAP,” Davis said.

(Follow Terri Moon Cronk on Twitter: @MoonCronkDoD)

Related Links

Special Report: Operation Inherent Resolve

U.S. Forces Kill 7 Militants in Yemen Raid

 al-Qaida  Centcom  Yemen

Exhibit 41

(b)(6) **Maj USMC JS OCJCS (US)**

From: (b)(6) COL USARMY CENTCOM CENTCOM HQ (US)
Sent: Monday, January 30, 2017 7:12 AM
To: CCJA Op Law
Cc: JS Pentagon DoM List LC Bridge; SJAOplaw
Subject: FW: [S] (INFO) (b)(1), Sec. 1.4 Follow Up 29 JAN 17
Attachments: DOD SUPPORT TO THE UAE SHABWAH OFFENSIVE .pdf; Attachment 1 US Support to UAE Shabwah Offensive CONOP CAO 07 2300Z NOV1....pdf; Attachment 2 - SUPPORT TO SHABWAH OFFENSIVE NARRATIVE.PDF; AAH Support to Shabwah Authorities Request CAO 29 1530Z JAN 17 WITH OPSpptx

Classification: ~~SECRET~~

(b)(6)

(1) Below is an updated post-op review of Saturday night's mission.

(b)(1), Sec. 1.4(a)

v/r,

(b)(6)

COL (b)(6)

Staff Judge Advocate

~~SECRET~~

(b)(1).Sec. 1.4(a)

U.S. Central Command

Secret: (b)(6) centcom.smil.mil <mailto:(b)(6) centcom.smil.mil>

Unclassified: (b)(6) mail.mil <mailto:(b)(6) mail.mil>

Office: (b)(6)
Mobile
VOSIP:

Classified By (b)(6) COL MIL USA USCENTCOM CCJA Derived From:USCENTCOM SCG, CCR 380-14, 24 Feb 2016.

Declassify On: 1/29/2042

Classification:SECRET

From: (b)(6) mil.mil <mailto:(b)(6) mil.mil> [mailto:(b)(6) smil.mil]

Sent: Sunday, January 29, 2017 6:25 PM

To: (b)(3):10 U.S.C. § 130b,(b)(6) Vote!, Joseph L GEN MIL USA USCENTCOM CCCC; Thomas, Raymond A GEN USSOCOM SOCOM CDR

Cc: Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC, Stearney, Scott A RADM MIL USN USCENTCOM CCJ3; Quantock, Mark R MG MIL USA USCENTCOM CCJ2; Julazadeh, David Brig Gen MIL USAF USCENTCOM CCJ3-A; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS; Bontrager, Paul BG MIL USA USCENTCOM CCJ3-A; (b)(6)

<mailto:(b)(6) smil.mil>; (b)(6) Soc.smil.mil <mailto:(b)(6) (b) smil.mil>; (b)(6) smil.mil

<mailto:(b)(6) smil.mil>; TF LNO; (b)(6) smil.mil

<mailto:(b)(6) smil.mil>; (b)(6) smil.mil

<mailto:(b)(6) mil.mil>; (b)(6)

(b)(6) smil.mil <mailto:(b)(6) smil.mil>; (b)(6) COL MIL USA

USCENTCOM CCJA; Yoo, Daniel D MajGen (b)(6)

<mailto:pentagonfflno@Soc.smil.mil>; (b)(6) COL MIL USA USCENTCOM CCCC

Subject: (INFO) (b)(1).(b)(6).Se Follow Up 29 JAN 17

CLASSIFICATION: SECRET
CAVEATS: NONE
TERMS: NONE

GEN Vote! (b)(6)

Gentlemen,

~~SECRET~~

(b)(1).Sec. 1.4(a)

Exhibit 42

RELEASE IN PART
B6

From: Shiel, Annie <ShielA@state.gov>
Sent: Thursday, February 2, 2017 11:36 AM
To: McIntosh, Kerry E <McIntoshKE@state.gov>; Sullivan, Emily G <SullivanEG2@state.gov>; Khan, Salman <KhanS5@state.gov>; Finucane, Brian C <FinucaneBC@state.gov>; [REDACTED]; Zaid, Zainab Z <ZaidZZ@state.gov>; Morin, Michael D <MorinMD@state.gov>; McClintock, Judith <McClintockJ@state.gov>; Krause, Matthew A <KrauseMA@state.gov>
Cc: Lewis, Lawrence <LewisL1@state.gov>; Blaha, Charles O <BlahaCO@state.gov>; Gonzales, Robert L <GonzalesRL@state.gov>
Subject: For clearance by COB today: incident report on Yemen raid
Attach: CIVCAS Report 2017.01.29.docx

B6

Hi all,

Please find attached for your **clearance by COB today** an incident report on alleged civilian casualties from the recent Yemen raid, to send to DOD/CENTCOM under our established information sharing mechanism. For those who are not familiar, under this State-DOD mechanism DRL collects, assesses, and shares open source and private NGO reporting on alleged civilian casualty incidents from U.S. operations in order to inform DOD's internal investigation process. As CENTCOM's investigation on this incident is already under way, we would like to get them the attached information as soon as possible.

Please feel free to reach out with any questions.

Many thanks,

Annie

Official
UNCLASSIFIED

Exhibit 43

This is historical material "frozen in time". The website is no longer updated and links to external websites and some internal pages may not work.



[Briefing Room](#)

[Your Weekly Address](#)

[Speeches & Remarks](#)

[Press Briefings](#)

[Statements & Releases](#)

[White House Schedule](#)

[Presidential Actions](#)

[Executive Orders](#)

[Presidential Memoranda](#)

[Proclamations](#)

[Legislation](#)

[Nominations & Appointments](#)

[Disclosures](#)

The White House

Office of the Press Secretary

For Immediate Release

July 01, 2016

SHARE THIS:



Executive Order -- United States Policy on Pre- and Post-Strike Measures to Address Civilian Casualties in U.S. Operations Involving the Use of Force

EXECUTIVE ORDER

UNITED STATES POLICY ON PRE- AND POST-STRIKE MEASURES TO ADDRESS CIVILIAN CASUALTIES IN U.S. OPERATIONS INVOLVING THE USE OF FORCE

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct as follows:

Section 1. Purpose. United States policy on civilian casualties resulting from U.S. operations involving the use of force in armed conflict or in the exercise of the Nation's inherent right of self-defense is based on our national interests, our values, and our legal obligations. As a Nation, we are steadfastly committed to complying with our obligations under the law of armed conflict, including those that address the protection of civilians, such as the fundamental principles of necessity, humanity, distinction, and proportionality.

The protection of civilians is fundamentally consistent with the effective, efficient, and decisive use of force in pursuit of U.S. national interests. Minimizing civilian casualties can further mission objectives; help maintain the support of partner governments and vulnerable populations, especially in the conduct of counterterrorism and counterinsurgency operations; and enhance the legitimacy and sustainability of U.S. operations critical to our national security. As a matter of policy, the United States therefore routinely imposes certain heightened policy standards that are more protective than the requirements of the law of armed conflict that relate to the protection of civilians.

Civilian casualties are a tragic and at times unavoidable consequence of the use of force in situations of armed conflict or in the exercise of a state's inherent right of self-defense. The U.S. Government shall maintain and promote best practices that reduce the likelihood of civilian casualties, take appropriate steps when such casualties occur, and draw lessons from our operations to further enhance the protection of civilians.

Sec. 2. Policy. In furtherance of U.S. Government efforts to protect civilians in U.S. operations involving the use of force in armed conflict or in the exercise of the Nation's inherent right of self-defense, and with a view toward enhancing such efforts, relevant departments and agencies (agencies) shall continue to take certain measures in present and future operations.

(a) In particular, relevant agencies shall, consistent with mission objectives and applicable law, including the law of armed conflict:

- (i) train personnel, commensurate with their responsibilities, on compliance with legal obligations and policy guidance that address the protection of civilians and on implementation of best practices that reduce the likelihood of civilian casualties, including through exercises, pre-deployment training, and simulations of complex operational environments that include civilians;

(ii) develop, acquire, and field intelligence, surveillance, and reconnaissance systems that, by enabling more accurate battlespace awareness, contribute to the protection of civilians;

(iii) develop, acquire, and field weapon systems and other technological capabilities that further enable the discriminate use of force in different operational contexts;

(iv) take feasible precautions in conducting attacks to reduce the likelihood of civilian casualties, such as providing warnings to the civilian population (unless the circumstances do not permit), adjusting the timing of attacks, taking steps to ensure military objectives and civilians are clearly distinguished, and taking other measures appropriate to the circumstances; and

(v) conduct assessments that assist in the reduction of civilian casualties by identifying risks to civilians and evaluating efforts to reduce risks to civilians.

(b) In addition to the responsibilities above, relevant agencies shall also, as appropriate and consistent with mission objectives and applicable law, including the law of armed conflict:

(i) review or investigate incidents involving civilian casualties, including by considering relevant and credible information from all available sources, such as other agencies, partner governments, and nongovernmental organizations, and take measures to mitigate the likelihood of future incidents of civilian casualties;

(ii) acknowledge U.S. Government responsibility for civilian casualties and offer condolences, including ex gratia payments, to civilians who are injured or to the families of civilians who are killed;

(iii) engage with foreign partners to share and learn best practices for reducing the likelihood of and responding to civilian casualties, including through appropriate training and assistance; and

(iv) maintain channels for engagement with the International Committee of the Red Cross and other nongovernmental organizations that operate in conflict zones and encourage such organizations to assist in efforts to distinguish between military objectives and civilians, including by appropriately marking protected facilities, vehicles, and personnel, and by providing updated information on the locations of such facilities and personnel.

Sec. 3. Report on Strikes Undertaken by the U.S. Government Against Terrorist Targets Outside Areas of Active Hostilities. (a) The Director of National Intelligence (DNI), or such other official as the President may designate, shall obtain from relevant agencies information about the number of strikes undertaken by the U.S. Government against terrorist targets

outside areas of active hostilities from January 1, 2016, through December 31, 2016, as well as assessments of combatant and non-combatant deaths resulting from those strikes, and publicly release an unclassified summary of such information no later than May 1, 2017. By May 1 of each subsequent year, as consistent with the need to protect sources and methods, the DNI shall publicly release a report with the same information for the preceding calendar year.

(b) The annual report shall also include information obtained from relevant agencies regarding the general sources of information and methodology used to conduct these assessments and, as feasible and appropriate, shall address the general reasons for discrepancies between post-strike assessments from the U.S. Government and credible reporting from nongovernmental organizations regarding non-combatant deaths resulting from strikes undertaken by the U.S. Government against terrorist targets outside areas of active hostilities.

(c) In preparing a report under this section, the DNI shall review relevant and credible post-strike all-source reporting, including such information from nongovernmental sources, for the purpose of ensuring that this reporting is available to and considered by relevant agencies in their assessment of deaths.

(d) The Assistant to the President for National Security Affairs may, as appropriate, request that the head of any relevant agency conduct additional reviews related to the intelligence assessments of deaths from strikes against terrorist targets outside areas of active hostilities.

Sec. 4. Periodic Consultation. In furtherance of the policies and practices set forth in this order, the Assistant to the President for National Security Affairs, through the National Security Council staff, will convene agencies with relevant defense, counterterrorism, intelligence, legal, civilian protection, and technology expertise to consult on civilian casualty trends, consider potential improvements to U.S. Government civilian casualty mitigation efforts, and, as appropriate, report to the Deputies and Principals Committees, consistent with Presidential Policy Directive 1 or its successor. Specific incidents will not be considered in this context, and will continue to be examined within relevant chains of command.

Sec. 5. General Provisions. (a) The policies and practices set forth above are not intended to alter, and shall be implemented consistent with, the authority and responsibility of commanders and other U.S. personnel to execute their mission as directed by the President or other appropriate authorities, which necessarily includes the inherent right of self-defense and the maintenance of good order and discipline among U.S. personnel. No part of this order modifies the chain of command of the U.S. Armed Forces or the authority of U.S. commanders.

(b) No part of this order modifies priorities in the collection of intelligence or the development, acquisition, or fielding of weapon systems and other technological capabilities.

(c) No part of this order shall prejudice or supplant established procedures pertaining to administrative or criminal investigative or judicial processes in the context of the military justice system or other applicable law and regulation.

(d) The policies set forth in this order are consistent with existing U.S. obligations under international law and are not intended to create new international legal obligations; nor shall anything in this order be construed to derogate from obligations under applicable law, including the law of armed conflict.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

THE WHITE HOUSE,
July 1, 2016.



[HOME](#) **[BRIEFING ROOM](#)** **[ISSUES](#)** **[THE ADMINISTRATION](#)** **[PARTICIPATE](#)** **[1600 PENN](#)**

[En Español](#) | [Accessibility](#) | [Copyright Information](#) | [Privacy Policy](#) | [USA.gov](#)

Exhibit 44

(b)(6) **Maj USMC JS OCJCS (US)**

From: (b)(6) Col USAF JS OCJCS (US)
Sent: Tuesday, January 31, 2017 9:39 AM
To: Van Ovost, Jacqueline D Maj Gen USAF JS ODJS (US)
Cc: JS Pentagon DoM List LC Bridge; (b)(6) Col USMC JS OCJCS (US)
Subject: RE: (S//NF) IMMEDIATE REQUEST: USCENTCOM Intent for Shabwah Kinetic Fires
Attachments: POTUS Approval - UAE Shabwah and Intel Sharing (27JAN2017).pdf

CLASSIFICATION: ~~SECRET//NOFORN~~

Ma'am (plus LC ops law team - the "Bridge")

(b)(6)

We have shared LC's views with OGC. The Acting GC's advice to SECDEF is pending.

V/r,

(b)(6)

(b)(6) Col, USAF
Acting Legal Counsel
Office of the Chairman of the Joint Chiefs of Staff

(b)(6)

(*must be enabled - send NIPR email, or text to UNCLAS mobile first)

-----Original Message-----

From: Van Ovost, Jacqueline D Maj Gen USAF JS ODJS (US)

Sent: Tuesday, January 31, 2017 8:14 AM

To: (b)(6) Col USAF JS OCJCS (US) (b)(6) (b)(6) mil>

Subject: FW: (S//NF) IMMEDIATE REQUEST: USCENTCOM Intent for Shabwah Kinetic Fires

CLASSIFICATION: ~~SECRET//NOFORN~~

Matt,

Have you or your team looked at this?

jvo

CLASSIFICATION: ~~SECRET//NOFORN~~

-----Original Message-----

From: Faller, Craig RADM SD [mailto:Craig.Faller@sd.smil.mil]

Sent: Monday, January 30, 2017 8:07 PM

To: Mayville, William C Jr LTG USARMY JS ODJS (US) (b)(6) (b)(6) mil>

Cc: Dolan, John L Lt Gen USAF JS J3 (US) (b)(6) mil>; Whelan, Theresa M SES OSD OUSD POLICY (US) (b)(6) mil>; Koffsky, Paul S SES OSD OGC (US) (b)(6) mil>;

(b)(6) CAPT USN (US) (b)(6) mil>; Faller, Craig RADM SD

(b)(6) mil>; (b)(6) SD (b)(6) mil>

Subject: (S//NF) IMMEDIATE REQUEST: USCENTCOM Intent for Shabwah Kinetic Fires

Classification: ~~SECRET//NOFORN~~

General Mayville, (+CC OSD_GC)

(b)(1), Sec. 1.4(a)

Thanks for looking at this.

V/R

Craig

From: Votel, Joseph L GEN MIL USA USCENTCOM CCCC [mailto:(b)(6)]
 Sent: Monday, January 30, 2017 7:01 PM
 To: Faller, Craig RADM SD (b)(6) mil>; Dunford, Joseph F Jr Gen USMC JS (US) (b)(6) mil>
 Cc: Whelan, Theresa M SES OSD OUSD POLICY (US) (b)(6) mil>; Handelman, Kenneth B SES OSD OUSD POLICY (US) (b)(6) mil>; Selva, Paul J Gen USAF JS OCJCS (US) (b)(6) (b)(6) mil>; Thomas, Raymond A GEN USSOCOM SOCOM CDR (b)(6) mil>; Mayville, William C Jr LTG USARMY JS ODJS (US) (b)(6) (b)(6) mil>; McKenzie, Kenneth F Jr LtGen USMC JS JS (US) (b)(6) (b)(6) mil>; Dolan, John L Lt Gen USAF JS J3 (US) (b)(6) (b)(6) mil>; Brown, Charles Q Lt Gen MIL USAF USCENTCOM CCDC-DC (b)(6) mil>; Ferrell, Terry R MG MIL USA USCENTCOM CCDC-DC-COS (b)(6) mil>; Stearney, Scott A RADM MIL USN USCENTCOM CCJ3 (b)(6) .smil.mil>; (b)(6) CAPT USN (US) (b)(6) (b)(6) .mil> (b)(6) (b)(6) Col SD (b)(6) .mil>
 Subject: [S//NF] (INFORMATION) USCENTCOM Intent for Shabwah Kinetic Fires

Classification: ~~SECRET//NOFORN~~

Mr. Secretary and Chairman,

I want to ensure you have visibility on my intention with respect to kinetic fires associated with the Shabwah operation.

(b)(1), Sec. 1.4(a), Sec. 1.4(g)

[Redacted content]

Appreciate very much your continued support for our critical efforts to enable Emirati success.

Vr,

Votel

Joseph L. Votel

General, US Army

Commander, US Central Command

HQ, USCENTCOM

7115 South Boundary Blvd

MacDill AFB, FL 33621-5101

(b)(6)



Classified By: Votel, Joseph L GEN MIL USA USCENTCOM CCCC Derived From: USCENTCOM SCG, CCR 380-14, 24 Feb 2016

Declassify On: 1/30/2027

Classification: ~~SECRET//NOFORN~~

CLASSIFICATION: ~~SECRET//NOFORN~~

Exhibit 45

(b)(6) **Maj USMC JS OCJCS (US)**

From: (b)(6) CAPT USN JS OCJCS (US)
Sent: Friday, February 03, 2017 6:34 PM
To: CCJA Op Law
Cc: JS Pentagon DoM List LC Bridge
Subject: FW: (S//NF)-(S//NF) Shabwah Support CONOP GENADMIN
Attachments: Attachment 1 US Support to UAE Shabwah Offensive CONOP CAO 07 2300Z NOV1...pdf; Attachment 2 Released Message for Support to Shabwah Offensive - 261520Z....docx; Attachment 3 Shabwah SECDEF Memo and Narrative CONOP.PDF

CLASSIFICATION: ~~SECRET//NOFORN~~

Team- FYSA.

v/r

(b)(6)

CLASSIFICATION: ~~SECRET//NOFORN~~

-----Original Message-----

From: Elton, Albert M (Buck) II Maj Gen USAF JS J3 (US)
Sent: Friday, February 03, 2017 5:34 PM
To: Bontrager, Paul BG MIL USA USCENTCOM CCJ3-A (b)(6)
Cc: Stearney, Scott A RADM MIL USN USCENTCOM CCJ3 (b)(6); Julazadeh, David J Brig Gen USAF CENTCOM CCJ3 (US) (b)(6); (b)(6) Col USAF CENTCOM CCJ3 (US) (b)(6); LTC USARMY CENTCOM CCJ3 (US) (b)(6); RES USN USCENTCOM CCJ3-OJOC (b)(6); CIV CENTCOM CENTCOM HQ (US) (b)(6); Lt Col USAF CENTCOM CCJ3 (US) (b)(6); LDR RES USN USCENTCOM CCJ3-OSA (b)(6); (b)(6) Lt Col USMC JS J3 (US) (b)(6) mil@mail.smil.mil>; (b)(6) MAJ USARMY JS J3 (US) (b)(6) mil@mail.smil.mil>; (b)(6) MAJ USARMY JS J3 (US) (b)(6) @mail.smil.mil>; (b)(6) CAPT USN JS OCJCS (US) (b)(6) mil@mail.smil.mil>; Lewis, (b)(6) USN JS J3 (US) (b)(6) mil@mail.smil.mil>; George, Randy A MG USARMY JS J3 (US) (b)(6) mil@mail.smil.mil>; (b)(6) CIV JS J3 (US) (b)(6); Maier, Christopher P SES (US) (b)(6)
Subject: RE: (S//NF) (S//NF) Shabwah Support CONOP GENADMIN

CLASSIFICATION: ~~SECRET//NOFORN~~

Paul,

(b)(1), Sec. 1.4(a)

Buck

Buck Elton, Major General, USAF
Joint Staff J37 - Special Operations, Counterterrorism and Detainee Affairs

(b)(6)

CLASSIFICATION: ~~SECRET//NOFORN~~

-----Original Message-----

From: Bontrager, Paul BG MIL USA USCENTCOM CCJ3-A (b)(6)
Sent: Friday, February 03, 2017 9:32 AM
To: (b)(6) Maj Gen USAF JS J3 (US) (b)(6) mil@mail.smil.mil>
Cc: Stearney, Scott A RADM MIL USN USCENTCOM CCJ3 (b)(6) Julazadeh, David J Brig Gen USAF CENTCOM CCJ3 (US) (b)(6) Col USAF CENTCOM CCJ3 (US) (b)(6) Jones, Jason J LTC USARMY CENTCOM CCJ3 (US) (b)(6) CAPT RES USN USCENTCOM CCJ3-OJOC (b)(6) r CIV CENTCOM CENTCOM HQ (US) (b)(6) LT Col USAF CENTCOM CCJ3 (US) (b)(6) DR RES USN USCENTCOM CCJ3-OSA (b)(6) LtCol USMC JS J3 (US) (b)(6) (b)(6) (b)(6) MAJ USARMY JS J3 (US) (b)(6) (b)(6); (b)(6) MAJ USARMY JS J3 (US) (b)(6) (b)(6)

Subject: [S//NF] Shabwah Support CONOP GENADMIN

Classification: ~~SECRET//NOFORN~~

Sir- have scheduled a phone call with you later today to discuss this and other issues.

ATTACHMENTS:

- 1) US Support to UAE Shabwah Offensive CONOP (CENTCOM)
- 2) Released Message for Support to Shabwah Offensive (JS revised GENADMIN)
- 3) Shabwah SECDEF Memo and Narrative CONOP (JS version of Shabwah CONOP)

[S//NF]-BLUF: Request your assistance clarifying JS intent with regard to authorities for the Shabwah support CONOP.

(b)(6)

(b)(1), Sec. 1.4(a)

DISCUSSION:

- * CENTCOM is tracking the JS revised GENADMIN (attachment 2) replacing the CDRCENTCOM approved version of the Shabwah CONOP with the JS version used to gain SECDEF and POTUS approval.
- * The SECDEF memo does not address any limitation on the numbers of AQAP objectives that can be engaged in a single strike.
- * We are currently working to update CDRCENTCOM on the extent of his authority and the JS clarified guidance to ensure we are in line with POTUS direction.

WAY AHEAD:

(b)(1), Sec. 1.4(a)

Thank you in advance.//paul

Paul Bontrager, BG, USA

Deputy J3, US Central Command

(b)(6)

(b)(6)



Classified By: Bontrager, Paul BG MIL USA USCENTCOM CCI3-A Derived From: USCENTCOM 5CG, CCR 380-14, 24 Feb 2016

Declassify On: 2/3/2027

Classification: SECRET//NOFORN