

# MANAGING SECURITY ASSISTANCE TO SUPPORT FOREIGN POLICY

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## HEARING

BEFORE THE

## COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

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## **MANAGING SECURITY ASSISTANCE TO SUPPORT FOREIGN POLICY**

**SEPTEMBER 26, 2017**

U.S. SENATE,  
COMMITTEE ON FOREIGN RELATIONS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:32 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker [presiding], Rubio, Johnson, Flake, Gardner, Young, Barrasso, Isakson, Portman, Cardin, Udall, Murphy, Kaine, Markey, Merkley, and Booker.

### **OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE**

The CHAIRMAN. The Foreign Relations Committee will come to order.

If it is not objectionable to members, I think we will begin the hearing and, as soon as we have a quorum, go ahead and try to pass out the nominees that are before us.

We thank our witnesses for being here. We thank Ambassador Kaidanow, Acting Assistant Secretary Harvey, and General Hooper for joining us today.

This is the committee's second hearing on security assistance in just over a year, but it is an issue that has been raised during many of our other meetings. This kind of assistance is an investment in our own security. We help ourselves by helping other nations police their own neighborhoods. Which nations we help and how we help them are crucial foreign policy decisions.

Since the 1960s, the law provides that the Secretary of State, under the direction of the President, has the responsibility for the continuous supervision and general direction of economic assistance, military assistance, and training programs. We need to be clear on that because our security demands that we work across agency lines to develop coherent security assistance programs that serve our interests and those of our partners.

While the Defense Department has long played an important role in this area, since 9/11 that role has grown enormously in size and scope. We cannot tackle the real challenges if we are fighting turf wars within other bureaucracies. And while teamwork is necessary, it is not enough.

We need clear goals and a way to keep track of how we are doing. Between State and DOD, we are spending about \$18 billion

a year on security sector assistance. As General Hooper said the other day, this is not a pickup game. We need professionals.

Last year, Congress consolidated many of the narrow and overlapping authorities on the defense side, and it has given the Defense Department more flexible and global train and equip authority. I was pleased that the measure signed into law requires the concurrence of the Secretary of State for these activities and encourages both departments to jointly develop and plan such programs.

I would like to hear from our OSD and State witnesses on the question of concurrence versus coordination as it pertains to security cooperation activities already in progress such as the counter-ISIS train and equip.

At the State Department, significant security assistance roles are held by four different functional bureaus, each with their own budget, plus all of the regional bureaus. And these bureaus report down through four different secretaries, making it difficult to see who is in charge. Under this current organizational structure, I have concerns about the Department's ability to manage its own programs while also reviewing and shaping DOD efforts. I hope the redesign plan will address this matter, and any insight our witnesses could share to that process will be greatly appreciated.

We have made some progress since we last gathered on this topic, and I look forward to hearing from our witnesses on how the State Department and the Department of Defense will continue their efforts to make these important programs work as well as possible.

With that, I ask our distinguished ranking member, my friend, if he would like to make introductory comments.

**STATEMENT OF HON. BENJAMIN CARDIN,  
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, thank you, Mr. Chairman. I really do believe this is one of our most important hearings we have had this year, and I thank you very much for doing this because we all understand that we are talking about our national security.

The U.S. law mandates that the Secretary of State supervise and oversee all foreign assistance that service that U.S. foreign policy. All military and security-related assistance to foreign governments and personnel, including military-to-military programs, are part of the U.S. foreign assistance and must serve U.S. foreign policy.

The Department of Defense has been expanding its security assistance activities by leaps and bounds over the last 16 years. Most of these activities to build foreign countries' defense capabilities are necessary and important. We acknowledge that.

My chief concern, however, is that DOD is setting up an essentially parallel security assistance structure without sufficient State Department oversight, input, and coordination. Combine this with the current administration's profoundly unwise proposal to slash the Department of State's budget, oblique reorganization efforts, and increasing loss of experienced personnel, and one could easily see a scenario in which the Department of Defense could become the dominant source of U.S. security assistance. This shift from State to DOD could not only result in dueling foreign policies, it

could also send a fundamental message that the United States considers security relationships over all other U.S. foreign policy objectives or concerns, including human rights or good governance.

Last year's National Defense Authorization Act expanded the ability of the Department of State to be involved in the actual formation of DOD assistance projects in addition to requiring the Department's concurrence in their executions. Congress sent a clear message that DOD and State must work more closely on security assistance projects earlier in the process and to a far greater extent than previously. It was good to see this. We saw that the members of both the Armed Services and Foreign Relations Committee understood the importance of this coordination and the lead from the Department of State, and the National Defense Authorization Act in fact did carry that out.

I hope we will hear today that we are doing better coordination and cooperation between the two departments and that it has been greatly increased. And from what I have heard just from the conversations, there is reason to believe that that cooperation exists.

I also have deep concerns about various aspects of our security assistance, especially how arms sales are used to support our foreign policy. For example, I am concerned about the previously proposed arms sales to our increasingly problematic NATO ally Turkey. I opposed the sale of semi-automatic pistols to the Erdogan bodyguard force, the same force that viciously beat peaceful protesters in Washington, D.C. I am pleased that the sale was effectively canceled last week, although I remain perplexed that given the gruesome videos of the incident, it took 4 months for the administration to cancel the sale.

More recently, Turkey purchased the Russian anti-aircraft system, despite warnings from the U.S. and other NATO countries. I believe this is sanctionable under the new Russia sanctions act, and I have asked the Secretary of State to review this. I would be interested to hear what, if any, reviews of the U.S.-Turkey security relationships are underway, including assistance and arms sales.

I look forward to discussing our security relationship with Nigeria. I supported a close and supportive security relationship to defeat Boko Haram, provided that the Nigerian forces we support are in compliance with the Leahy laws and broader human rights standards. We have yet to see any accountability from Nigeria for the December 2015 Zaria massacre by government forces or for the apparently accidental air bombing this January of the Rann refugee camp, in which over 200 people were killed.

First and foremost, the U.S. should prioritize assisting the Nigerian military with the necessary training, including human rights training, improved intelligence and targeting capabilities and the ability to conduct an integrated military operation to combat the Boko Haram threat.

Given the Rann incident, I do not see how we can be confident that the precision-guided munitions and new aircraft provided to the Nigerian military will not be involved in future accidental civilian casualties. I encourage the State and Defense Departments to formulate a comprehensive strategy to address the core weaknesses in the Nigerian military so that we may better assist them in their

fight against Boko Haram. I hope you can provide me—the witnesses—with assurances that such strategy is underway.

I would also like to hear details how U.S. security assistance is being used to support U.S. foreign policy and security objectives in the Middle East, including the resolution of the current internal GCC dispute, and to promote the political resolution of the Yemen conflict. I applaud the leadership of our chairman on that issue.

Finally, I understand that the Department of State wants to move lethal small arms and light weapons off the U.S. munitions list to the Department of Commerce, an action that will effectively remove these sales from congressional oversight. I am deeply concerned about that. The proposal includes semi-automatic pistols, assault weapons, and even military sniper rifles. As you know, I raised concerns about two proposed small arms sales over the last year: the sale of pistols to the Turkish bodyguards and 27,000 assault rifles to the Philippine national police, which continues to summarily execute its own civilians. If these weapons go to Commerce, the Congress and this committee will lose all oversight. Had this proposal been done earlier, both of these sales could have gone through.

I, along with Senators Feinstein and Leahy, recently sent a letter to the Secretary of State opposing this unwise move. I also proposed an amendment to the NDAA to maintain congressional oversight and disapproval, and I may pursue this measure in other legislative vehicles.

So, Mr. Chairman, I think we have a lot to talk about today. It's certainly one of the principal responsibilities of this committee, and I look forward to hearing from our witnesses.

The CHAIRMAN. Well, thank you for those comments.

You see us looking around. We are looking for an eleventh Senator. Okay. It is my understanding one Senator is in the back and he will step in. So if we could, I would like to adjourn the hearing briefly and start the business meeting and hopefully move out—actually we have our eleventh here. [Recess.]

The CHAIRMAN. We will now move to the hearing.

Our first witness is Acting Assistant Secretary for Political and Military Affairs, Tina Kaidanow, from the State Department. We thank you for being back before us and look forward to your testimony.

Our second witness is Mr. Todd Harvey, Acting Assistant Secretary of Defense for Strategy, Plans, and Capabilities in the Office of the Secretary of Defense.

Our third witness is General Charles Hooper, Director of the Defense Security Cooperation Agency.

I want to thank all of you for being here. If you could summarize your testimony in about 5 minutes, without objection, your written testimony will be entered into the record. And if you would just begin in the order introduced, we appreciate it. Again, thank you.

**STATEMENT OF HON. TINA S. K Aidanow, Acting Assistant Secretary, Bureau of Political-Military Affairs, U.S. Department of State, Washington, DC**

Ambassador KAIDANOW. Thank you very much. Mr. Chairman, Ranking Member Cardin, distinguished members of the committee,



it is my honor and privilege to come before the committee today to discuss the processes and the methods through which the U.S. Government provides security sector assistance to our partners overseas.

I am particularly grateful to be joined in this discussion by my colleagues and my friends, Acting Assistant Secretary of Defense for Strategy, Plans, and Capabilities Todd Harvey and Lieutenant General Hooper from the Defense Security Cooperation Agency.

The security assistance effort is a U.S. government-wide endeavor. As such, the Department of State interacts collaboratively each and every day with the Department of Defense in order to formulate and implement critical aspects of our assistance policy. We also work together with you, the U.S. Congress, and notably with the members and the staff of this august committee.

Security assistance is, in the end, a tool of foreign policy, and the committee's oversight of that assistance is both welcomed and deeply appreciated by the State Department as an essential element of effective foreign policymaking.

Finally, although not part of our U.S. Government apparatus per se, we work exceptionally closely with our foreign partners with whom we cultivate a critical set of relationships and whose growing military and defense capability matters from the standpoint of achieving vital U.S. national security objectives, whether encountering terrorism, deterring aggression by our mutual adversaries overseas, or pushing back against other emergent threats.

Though it is now some years ago, President Reagan's 1982 National Security Strategy made the clear and very compelling case that security assistance programs are one of the most cost-effective means that we have of enhancing the security of the United States. Those words, I would argue, are as true today as they were back in 1982, although the statutes and the processes through which American security assistance is carried out have changed significantly since that time.

Since 2001, in particular, we have seen a reorientation of U.S. security towards addressing specific threats, often construed in a largely military-related construct. For example, funds and authorities have been aimed at helping our allies and friends address security challenges in Eastern Europe, in North Africa in the Maghreb, in the South China Sea, and elsewhere.

But at its core, security assistance is and must remain an element of our larger foreign policy. It should be regarded as an important, but by no means exclusive, tool in our toolkit of measures as we think about the proper balance of goals and objectives in any country or region of the world.

Given the unquestioned relationship between security assistance and foreign policy, the Department of State must continue to play a crucial role in the provision and the coordination of such assistance across the U.S. Government. State works, I hope, diligently to ensure that all security sector assistance strategically advances our foreign policy objectives, that it advances U.S. goals in light of broader diplomatic and defense relationships, that everything the many and varied entities of the U.S. Government are doing in the foreign security sector advances a single, coherent strategy, that any investments we make in foreign security forces advance both

security and political purposes, that such efforts take into account the political balance between civil and military institutions in the recipient country, that they are based on mutual enduring interests between our countries, and that they do not cause long-term unintended effects in the country or in the region.

That is certainly the case as we go about the business of implementing the State Department's Title 22 authorities. It is equally the case, however, as we fulfill the State Department's congressionally mandated roles of coordination, concurrence, and joint planning and development with regard to the Title 10 authorities that fall under the purview of the Department of Defense. That includes signally, as the chairman mentioned, the new section 333 authority that was mandated by the fiscal year 2017 NDAA. Section 333 stipulates specifically in legislation that assistance should not only be provided with the concurrence of the Secretary of State, but also be jointly formulated by the two departments.

While we had certainly made some strides in that direction previously with the cooperation of our DOD colleagues, section 333 marks a significant step forward from where we have been before. I believe this is a trend that will become even more critical in a time of resource challenges, but it makes sense from any standpoint as we seek to ensure the greatest efficiency and effectiveness possible for our U.S. security assistance, in essence, to get the greatest bang for our assistance buck.

There is no question that this is both where the Secretary of State and the Secretary of Defense want us to go. Indeed, at the direction of our two secretaries, we have now established a new State-DOD security sector assistance steering committee to oversee an intensification of enhanced joint planning. I co-chair this committee, together with Todd here to my right, and the committee is now engaged in developing a process for fiscal year 2018 military assistance planning that will enable State and DOD to validate our security assistance requirements, in keeping with our administration's priorities, to look carefully at how best to optimize DOD's section 333 military assistance and State FMF resources towards that end, to leverage each department's expertise and authorities, and to reinforce our respective requests to the Congress.

In the longer term, we hope to strategically integrate State and DOD planning and resourcing processes for an even wider range of security assistance efforts, including by synchronizing our budget requests and rationalizing and refining the use of each department's authorities.

I want to thank you again for taking up this absolutely essential issue and finding the time today to address it thoughtfully.

I cannot stress enough how appreciative I am for the tremendous partnership and the good will of the two gentlemen sitting beside me here today, as well as many of your staff who so patiently worked through these very complex issues together with us.

I ask that my written statement, as you said, be accepted for the record, and I very much look forward to your questions.

[Ambassador Kaidanow's prepared statement follows:]

## PREPARED STATEMENT OF TINA S. KAIDANOW

Mr. Chairman, Senator Cardin, and members of the committee, thank you for the opportunity to be here today.

*Security assistance is a vital, integral component of our national security strategy ... Security assistance programs are a most cost-effective means of enhancing the security of the United States.*

PRESIDENT RONALD REAGAN

These words, from President Reagan's 1982 National Security Strategy, are as true today as they were then, although the statutes and processes through which American security assistance is programmed and managed have changed significantly since that time. Since 2001 in particular, we have seen a re-orientation of security assistance, greatly driven by the emergence of the global threat from terrorism, towards the purpose of achieving military ends. Yet at its core—as directed by the Foreign Assistance Act of 1961,<sup>1</sup> the Arms Export Control Act and, indeed, by the annual State and Foreign Operations appropriations acts, including the most recent FY 2017 Consolidated Appropriations Act<sup>2</sup>—foreign assistance, including security assistance, is a tool of foreign policy that may be very effectively used in the context of the consideration of the long term interests of the United States, among them relationship building, regional power balancing, interoperability, and the promotion of professionalism in the armed forces of partner nations. Given the relationship between security assistance and foreign policy, the Department of State must play a crucial role in the provision, direction, supervision and coordination of this assistance and all similar assistance across the U.S. Government.

Security assistance is a powerful tool that the United States can use to strengthen our alliances and partnerships around the world and mitigate threats that require a collective response: terrorism, organized crime, restraints on the freedom of navigation, and other challenges to our national security. U.S. security assistance supports regional stability in the face of terrorist threats, in particular the threat posed by ISIS and other organizations such as Al-Qaeda, Boko Haram, and al-Shabaab. Our assistance reassures allies and partners and provides the means for them to counter destabilizing and malign activities of violent extremist groups in a regional context. It also strengthens security relationships in a manner that bolsters regional and global security, increases U.S. influence, secures access and legal protections to facilitate deployment of U.S. forces, improves interoperability between U.S. and coalition partners, advantageously shapes partners' capabilities to support strategic priorities, and promotes the U.S. defense industrial base as the first and best option for states that are procuring defense articles. Our security assistance helps build security sector institutional capacity to ensure the long-term sustainability, effectiveness, professionalism, and resilience of partner and ally nations, and it promotes post-conflict stability to enhance partners' internal security and reduce threats to U.S. and partner interests.

But security assistance is also a tool that inherently implicates every aspect of our foreign policy—whether because of the sensitivity of the partner, questions of regional balance, or the type of assistance, as well as the program's overall impact on bilateral and regional goals and relationships. It is, therefore, a tool that we must use in conjunction with the other key pillar of foreign policy: diplomacy.

State works diligently to ensure that all security sector assistance—whether it be the provision of major munitions in Iraq or Lebanon, border security programs in Eastern Europe, maritime capacity building in Vietnam, or military justice programs in Mexico—strategically targets and advances our foreign policy objectives in

<sup>1</sup> 22 U.S.C. 2382(c): Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby. For Foreign Military Financing, loans and cooperative programs, there is also a similar provision at 22 USC 2752.

<sup>2</sup> P.L. 115–31, FY 2017 Consolidated Appropriations Act, Section 7056(a): Under the direction of the President, the Secretary of State shall be responsible for the continuous supervision and general direction of economic assistance, law enforcement and justice sector assistance, military assistance, and military education and training programs, including but not limited to determining whether there shall be a military assistance (including civic action) or a military education and training program for a country and the value thereof, to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.

the country at issue and accounts for the broader regional and global context. It is our job to ensure that our security assistance aligns with and advances U.S. goals in light of the broader diplomatic and defense relationship, and that everything the many and varied entities of the U.S. Government are doing in foreign security sectors advances a single, coherent strategy.

The Department must work to ensure that any investments we make in foreign security forces advance both political and security purposes; that they account for the political balance between civil and military institutions in the recipient country; that they are based on mutual, enduring interests between our countries; and that they do not cause long-term unintended effects in the country or region.

This is an important role, and one we take very seriously. This is the case whether we are talking about our own Title 22 assistance authorities such as Foreign Military Financing (FMF), Peacekeeping Operations (PKO), Nonproliferation, Antiterrorism, Demining and Related programs (NADR), International Military Education and Training (IMET), or International Narcotics and Law Enforcement (INCLE) accounts and authorities. It is equally the case as we fulfill the Department's Congressionally-mandated role of concurrence, and joint planning and development, as well as coordination, with Department of Defense (Title 10) authorities, such as the new section 333 mandated by the FY 2017 NDAA, or the Ukraine Security Assistance Initiative, the Maritime Security Initiative, the Counter-ISIS Train and Equip authority, and others.

Over recent years, the United States has provided more than \$15 billion in security sector assistance per year. The amount of security sector assistance has nearly tripled since 2001, driven in large part by expanded authorities and appropriations for DoD to build the capacity of foreign security forces in support of ongoing counterterrorism and Coalition operations. Whereas State managed more than 80 percent of the U.S. Government's security sector assistance before 2001, we now manage roughly 50 percent. This has made it all the more important that we work closely with our partners at DoD to ensure a unified approach.

#### *Promoting an Integrated State-DoD Approach*

Secretary Tillerson and Secretary Mattis have committed our departments to work more closely together to optimize the full range of security sector assistance resources, in order to achieve the best possible outcomes for U.S. national security and the American taxpayer. We have established a new State-DoD Security Sector Assistance (SSA) Steering Committee to oversee more enhanced joint planning.

Congress has aided this effort by ensuring that DoD's new section 333 authority is structured in a way that promotes State and DoD's collaboration. Specifically, section 333 stipulates that assistance programs should be jointly formulated by the two departments and provided with the concurrence of the Secretary of State. Working with DoD, we are establishing the appropriate structures and processes to meet these requirements efficiently and effectively.

In the past, State has sought a division of labor between State and DoD programming whereby DoD largely limits its activities to assistance in support of ongoing operations and efforts related to U.S. force readiness, and State takes responsibility for all other capacity building efforts as part of its broader foreign assistance responsibilities. The new section 333 authority—and its focus on longer-term capacity building—indicates that Congress supports a broader direction. With this in mind, we are working with DoD to determine how we can best marshal our respective resources to achieve our common national goals.

The legislated “concurrence” role of State in Chapter 16 of Title 10 (DoD) authorities, is the most robust statutory device for ensuring input into DoD programs (while other means of input, such as a “coordination” or “consultation” role, being less robust in this context).

- *Concurrence:* Where an authority requires the “concurrence of the Secretary of State,” State’s practice is to have the Secretary or other designated senior official approve the relevant activities prior to their being undertaken. In recent practice, this entails a signed memorandum or letter to DoD stating the principal’s concurrence on each activity or set of activities.
- *Joint Formulation—Now Joint Planning and Development:* Section 333, DoD’s new, comprehensive train and equip authority, replaced its longstanding successor authorities, section 1206 (later section 2282), but similarly requires that a much broader range of capacity building programs be “jointly planned and developed” with State, in addition to State’s concurrence. This is similar to the longstanding requirement since 2006, in section 1206, the predecessor authority, which provided that programs under that authority be jointly formulated, and concurred in. State concurrence is an essential safeguard and could be exercised at various stages of program development to ensure that the departments

are collaborating appropriately at the working level. Joint formulation—now joint planning and development—is often what actually produces an effective whole-of-government approach. By working together through a combination of formal and informal processes throughout the entire life-cycle of a program, we can direct our collective resources strategically, leveraging each other's strengths and expertise, and align our activities abroad to support a coherent strategy.

Done properly, joint planning and development requires collaborative processes throughout the planning, budgeting, implementation, and monitoring and evaluation processes. It must involve relevant stakeholders in the field and at headquarters, as only headquarters can provide the appropriate regional, global, and technical perspectives. These processes must also be tailored to each program or authority to most efficiently and expediently achieve the appropriate level of State oversight. The Department of State is committed to getting these processes right. We greatly appreciate your attention to these details. With your support, State will maintain a legislated role promoting complementarity and unity of effort in all U.S. foreign assistance, including that managed by other agencies.

Conducting the necessary review and providing concurrence on DoD's security sector assistance is no small task. Since March 2017, my Bureau, Political-Military Affairs (PM), has coordinated State concurrence for nearly 350 projects in 9 separate review actions under DoD's section 333 authority, with other regional and functional State bureaus to include INL and CT, as appropriate. The requests for section 333 concurrence have mostly been comprised of counter-narcotics activities and counter-terrorism activities, both of which were previously executed under DoD's predecessor authorities, some of which lacked the State concurrence requirement. These however represent only a fraction of the full breadth of programs that DoD will be implementing under the section 333 authority. Additionally, State reviewed and provided policy and prioritization feedback on initial FY 2018 proposal concepts during a series of DoD regional strategy reviews in July 2018.

In addition, in June 2017 alone, PM coordinated State concurrence on over 1,100 regional center activities expected to be undertaken with non-military counterparts, non-governmental organizations, and international organizations.

Until these processes are more fully fleshed out, the Department's coordination efforts include:

- Reviewing projects to identify items of concern for State stakeholders, e.g., political, policy and/or programmatic concerns;
- Determining whether any State legal restrictions prohibit or limit the assistance;
- Verifying that the host nation has an appropriate mechanism to provide relevant assurances, such as through an end-use assurance agreement for assistance being provided under section 333 and/or other DoD authorities; and if not, and facilitating the establishment of such mechanism, if necessary;
- Gathering financial data from PM, INL, CT, ISN, and appropriate regional bureaus for DoD's Congressional notifications, which must report certain foreign assistance provided to the host country during the three previous fiscal years; and,
- Addressing questions and/or areas of concern posed by State functional and regional bureaus with DoD.

As State and DoD take steps to establish a more comprehensive joint planning and development process, we hope this will include a collaborative approach to issuing strategic guidance, developing priorities, and conducting rigorous reviews of each program proposal to properly assess program viability, risks, and chances for success; potential third order effects for the country and region; expected political impact; and the extent of synchronization with other U.S. Government and third country efforts. We appreciate DoD's intent to develop a process that permits this.

To this end, as previously indicated, Secretaries Tillerson and Mattis have directed the establishment of a State-DoD SSA Steering Committee. This Committee is overseeing ongoing discussions that I co-chair with the Assistant Secretary of Defense for Strategy, Plans, and Capabilities.

As an immediate priority, the Committee is working to develop an immediate process for Fiscal Year 2018 security sector assistance planning that will permit State and DoD to validate security assistance requirements for countries that directly support this Administration's top priorities, optimize section 333 military assistance and FMF resources to effectively advance national security objectives, leverage each Department's expertise and authorities, and reinforce our respective requests to Congress. In the longer term, the intent is to strategically integrate State and DoD planning and resourcing processes for a wider range of SSA resources, in-

cluding by synchronizing budget requests and rationalizing and refining the use of SSA authorities.

Within the State Department, multiple offices have significant roles to play in the planning, development, execution, and oversight of security sector assistance. These include:

- *Bureau of Political-Military Affairs (PM)*: PM directs FMF, IMET, and PKO—meaning that it develops policy parameters for project proposals developed by DoD personnel at U.S. embassies abroad; works with DoD stakeholders to develop capability requirements; establishes priorities; determines budget trade-offs; and oversees DoD execution of the programs. It also manages State’s role in DoD security cooperation, including by managing the joint planning and development process and exercising the Secretary’s delegated authority to concur on a number of DoD programs. The FY 2017 NDAA requires State to identify a lead program coordinator for section 333, and the Secretary has designated the PM Assistant Secretary to assume that role.
- *Director of U.S. Foreign Assistance Resources (F)*: F oversees security sector assistance implementation and policy coordination for the Department of State and leads related interagency processes. F is also responsible for technical support and oversight of all SSA-related budget formulation, coordination on strategic planning, assessment, program design, partner selection procedures, performance management, monitoring and evaluation. F also exercises State’s authority to concur on 333 programs, based on recommendations from PM.
- *Bureau of International Narcotics and Law Enforcement (INL)*: INL manages State’s INCLE funding and provides policy oversight and input and ultimately foreign policy direction on DoD counter-narcotics activities, counter-transnational organized crime, and assistance to civilian security sector entities such as law enforcement and criminal justice sector institutions.
- *Bureau of International Security and Nonproliferation (ISN)*: ISN manages some NADR programs such as the Export Control and Related Border Security (EXBS) program and provides input on DoD-led Countering Weapons of Mass Destruction (CWMD) programs.
- *Bureau of Counterterrorism (CT)*: CT manages some NADR programs, notably the Department’s share of the Counterterrorism Partnerships Fund, and provides input on DoD programs, including CWMD programs.
- *Bureau of Diplomatic Security (DS)*: DS implements some NADR programs including Anti-Terrorism Assistance (ATA), and provides input on DoD counterterrorism programs. Through ATA’s NADR and Special Program for Embassy Augmentation and Response (SPEAR) programs, DS coordinates State-DoD collaboration on bilateral/ multilateral training and exercises. ATA law enforcement integration into the U.S. Special Operations Command Africa Flintlock exercise is a proven example of how to successfully promote interoperability between civilian and military security forces.
- *State Department Regional Bureaus*: Regional Bureaus provide input on programs and priorities across the spectrum of State and DoD security assistance programs in which State has a role in formulation or concurrence.
- *Bureau of Democracy, Human Rights, and Labor (DRL)*: As with the Regional Bureaus, DRL provides input by identifying the risks of human rights abuses and violations by partner forces in programs and priorities across the spectrum of State assistance and DoD assistance for which State has a concurring role. DRL leads the human rights vetting process (“Leahy vetting”).
- *Office of the Legal Adviser (L)*: In addition to its role as relates to State Department (Title 22) assistance, L also reviews all DoD section 333, 331, and other Title 10 proposals in which State has a concurrence or coordination role, including to help identify, where applicable, any relevant foreign assistance restrictions.
- *Office of Legislative Affairs (H)*: With other bureaus, H monitors and preliminarily assesses new legislative developments in the SSA realm, on a real time basis, to stay on top of that process and to mitigate adverse impact undermining institutional equities of the Secretary in order to help preserve the Secretary’s lead responsibility for the supervision and direction of such assistance.

With this structure laid out, let me walk you through how our security assistance is programmed, comparing the Department’s role in a Title 22 assistance authority, that of Foreign Military Financing, with our role in a Title 10 authority like section 333:

Both section 333 and FMF programming begin with strategic guidance to the field; Security Cooperation Offices (SCOs) and Combatant Commands (COCOMS)

then develop proposals in accordance with that guidance. It is State's hope that in the future this strategic guidance will be joint, covering both programs.

Further, both section 333 and FMF rely on interagency forums to validate concepts and/or detailed proposals. For example, for FMF, following the submission of SCOs proposals, COCOMs recommended regional recommendations, and embassies' Mission Resource Requests, PM convenes annual security assistance roundtables to discuss country- and region-specific objectives, priorities, and associated capabilities and requirements. Participants include the regional bureaus, INL, CT, DRL, combatant commands, OSD, Joint Staff, and the Defense Security Cooperation Agency (DSCA). Based on these discussions, PM and the regional bureaus develop recommended programs and allocations to be included in the Congressional Budget Justification. It is State's desire that in the future these FMF roundtables will be combined, covering both State and DoD equities authorities and programs.

Once a proposal is approved, and in State's case, the money becomes available, FMF requires justification to Congress; also all section 333 programming requires congressional notification. Both FMF and section 333 programs rely on the Foreign Military Sales (FMS) program, which the DSCA manages. Once the notification is complete, section 333 implementation can begin immediately, as it does not require the affirmative buy-in of the recipient. SFMF, however, requires the host nation recipient to sign a Letter of Offer and Agreement (LOA) with the U.S. Government, typically with DSCA, in which the recipient agrees to the purchase and numerous other provisions, including retransfer and end-use restrictions.

Aside from this question of host nation participation in the FMF process, subsequent execution of both funding streams is similar.

#### *Improving Outcomes and Efficiency of our Security Assistance*

As we work to enhance our collaboration with DoD, we are also looking at how we can most effectively utilize security assistance. In that vein, we are considering changes to the way we do business—for example, by building in more accountability and cost-sharing and other co-investment strategies.

The Fiscal Year 2018 budget request, for instance, proposes transitioning some of our FMF from grant assistance to loans. FMF loans will provide an opportunity for the U.S. Government to both promote U.S. industry and build key partners' defense capabilities, while minimizing the burden on U.S. taxpayers. Department of State planning for a partial transition from FMF grants to loans is focused on fulfilling core foreign policy and national security needs, maximizing our budgetary outcomes, and working with foreign recipients to maintain key security partnerships. To the extent that past grant FMF recipients are willing and able to continue expanding or sustaining their U.S.-origin defense capabilities through FMF loans instead of grants, the United States will be able to reduce the amount of foreign assistance needed for these purposes. Partners may have the opportunity to borrow more than they received in the past in grant assistance, allowing recipients to purchase more American-made defense equipment and services. The Department is in the process of conducting loan feasibility reviews on a country-by-country basis, considering each country's importance to U.S. national security, national budget, expected ability to fulfill the terms of a loan agreement, and likelihood of interest. The Department will keep the Committee informed of its progress in this effort.

We are also working to ensure that the assistance we do have is spent efficiently and with positive effect. Through Department-specific policy and evaluation requirements mandated by Congress, the Department of State has continued to prioritize and develop monitoring and evaluation (M&E) across sectors. State has been and remains a leader among U.S. Government agencies on developing and implementing M&E for the security assistance. M&E of these security assistance programs provides unique challenges in terms of the content of the programs, diversity of stakeholders, significant external factors, and highly challenging implementation environments.

Through the early evaluation work of the PKO-funded Global Peacekeeping Operations Initiative (GPOI) and followed by other State programs, the Department has developed a range of frameworks, tools, and best practices widely recognized as promoting effective programs, improving future plans, and, ultimately, informing our policy. While the programs cited cover a broad range of activities serving an array of foreign policy objectives, the Department continuously seeks to ensure consistency when possible. Ensuring that our efforts are complementary with DoD's nascent assessment, monitoring, and evaluation effort is a central concern for our military assistance programs.

*Conclusion*

I appreciate the opportunity to testify before you today on the key topic of security assistance. In all of our assistance, I believe the Department of State has three critical partners: our colleagues in the Department of Defense, with whom we are working continuously to implement our role in assistance; our foreign partners, with whom we work every day to build capacity, increase interoperability, and develop relationships; and, you, the U.S. Congress. Security assistance is, in the end, a tool of foreign policy, and the committee's oversight of that assistance is welcomed by the Department as an essential element of effective policy-making.

Thank you, and I look forward to your questions.

The CHAIRMAN. Thank you very much.  
Mr. Harvey?

**STATEMENT OF THOMAS H. HARVEY III, ACTING ASSISTANT  
SECRETARY OF DEFENSE FOR STRATEGY, PLANS, AND CA-  
PABILITIES, OFFICE OF THE SECRETARY OF DEFENSE, U.S.  
DEPARTMENT OF DEFENSE, WASHINGTON, DC**

Mr. HARVEY. Thank you, Mr. Chairman, Ranking Member Cardin, distinguished members of the committee. I appreciate the opportunity to appear before you here today with my colleagues from the State Department and Defense Security Cooperation Agency.

As you underscored at the outset, the Department of Defense conducts a broad range of security assistance activities globally. DoD authorities and resources in the security assistance sphere have expanded to meet new and evolving security challenges over the past 10 to 15 years, certainly since the first DoD train and equip authority, the original section 1206, was passed by Congress in 2005.

Even as DoD's direct involvement in the security assistance arena has increased, the Defense Department has sought to work closely with our State Department counterparts to identify, formulate, and implement partner security capacity building programs. The Department of Defense strongly endorses and supports the State Department's leading role in not only setting the administration's course on foreign policy, but defining the shape and purpose of our U.S. foreign assistance efforts, including security assistance initiatives.

No official outside the State Department has been a stronger proponent for reinforcing State's primacy in performing these roles and having added resources to execute them than Secretary of Defense Mattis. He recognizes, more than most, that success in addressing the Nation's threats requires an integrated team effort where DoD's and State's resource allocation processes are tightly linked and mutually reinforcing.

Most DoD security assistance programs are bounded by statutory obligations to jointly develop and plan their activities in conjunction with the State Department and to secure Secretary of State concurrence before implementing them. The Department of Defense recognizes the importance, even the essential imperative, of conducting business in this way. In our government, no department has the luxury of pursuing uncoordinated efforts, especially given finite resources and growing threats. While it may not have always been so, I would venture to say that, currently, all DoD's security assistance programs are shaped and approved at some level, and



often at multiple levels, by the State Department, from the country team to the regional function bureaus at main State, to the Secretary himself.

One factor to keep in mind, as we consider the U.S. security assistance enterprise, DoD should not replicate the functions of the State Department and vice versa. While some overlap in authorities and resources provides useful flexibility in tackling difficult security threats, the two departments cannot and should not seek to recreate or mirror each other's security assistance programs exactly. DoD and the State Department can work toward the same objectives and ends but contribute to those ends through different ways or lines of effort that reflect their distinct histories, missions, and capabilities.

Many of DoD activities have grown out of pressing operational needs identified by commanders on the ground, which complement but differ from the broader political and diplomatic imperatives that often have formed the State Department security assistance activities. Those distinctions have admittedly blurred in the margins over the years but can still be seen in the underlying rationale for core programs for each department.

In the past 2 years, DoD has worked closely with its oversight committees to reform the way we approach security assistance by consolidating authorities, combining resources, pursuing workforce reform, and improving evaluation efforts. Why is this important? Because it infuses DoD efforts with greater discipline, helping guard against mission creep, and giving us the tools to identify and jettison ineffectual projects as soon as possible. These efforts also allow DoD to speak with a more unified voice in collaborating with the State Department so that we can assure that DoD's security assistance actors adhere to guidance resulting from collective decisions made at senior levels of the two departments.

As Ambassador Kaidanow indicated, a tangible marker of the commitment to work even more closely together is represented by Secretary Mattis and Secretary Tillerson's decision and direction that the two departments form and regularly convene a security sector assistance steering committee that sets security assistance priorities in this field and synchronizes our investments to ensure that we do not duplicate efforts on one hand, nor inadvertently create gaps or seams between our programs on the other.

Finally, I would simply reiterate that DoD is committed to working productively and harmoniously with the State Department in this space. DoD has no desire nor intent to supplant State because we recognize that the multi-dimensional challenges we face where security, governance, stabilization, and development all intermingle require the full and integrated efforts of both departments if we are to succeed in achieving our security goals globally.

Thank you, Mr. Chairman. I stand by for your questions.

[Mr. Harvey's prepared statement follows:]

#### PREPARED STATEMENT OF TODD HARVEY

Thank you Chairman Corker, Ranking Member Cardin, members of the committee. I am pleased to be here today to share my thoughts on the integrated effort between the State Department and Department of Defense Security Sector Assistance (SSA) initiatives.

Building partnerships, supporting allies, and protecting national interests are essential elements of U.S. foreign policy and national security. Over the past 15 years, as DoD has increasingly sought to operationalize partnerships to focus on achieving mutual security objectives, Congress has granted the Department a number of Title 10 authorities subject to different regional, functional, or financial constraints. DoD has worked closely with the State Department to ensure that DoD and State programs are complementary and mutually reinforcing. While there is always room for improvement, both Secretaries have committed to synchronizing their two Departments' efforts to ensure the highest collective return on the investment of resources in the security cooperation (SC) arena.

#### *Importance of SSA Objectives on DoD Policy*

Speaking at the Shangri-La Dialogue this past June, Secretary Mattis emphasized that one of the Department's highest priorities is to empower countries to be even stronger contributors to their own peace and prosperity. When used effectively, SC tools emphasize the importance of enabling partners to address shared security challenges while enhancing the interoperability of allies and partners with the U.S. joint force.

After 9/11, Congress granted incremental expansions of conditions-based authorities in an effort to allow DoD to be more responsive to emerging global threats, while addressing longer-term global and regional shared security challenges. The unintended consequence was the creation of a patchwork of authorities which complicated management, application and oversight of those engagements. To remedy this challenge, the Congress enacted sweeping reforms to consolidate and restructure SC in the 2017 NDAA, allowing DoD to prioritize, address a broader range of contingencies, and achieve more strategic results. The NDAA permanently codifies a number of SC authorities, including consolidation of several train and equip authorities to better reflect real world situations; a requirement to assess, monitor, and evaluate the results of SC efforts; and consolidation of policy oversight and resource allocation under the authority of a single official at the Under Secretary level or below to enable prioritization and trade-offs. Finally, it offers an opportunity to consolidate SC program management within the Defense Security Cooperation Agency (DSCA,) to "eliminate distortions, lack of coordination, and duplication of effort in the current architecture arising from narrowly focused program management offices," per the joint explanatory statement accompanying the NDAA.

#### *DoD Implementation of Title 10 Authorities*

Policy is working with DoD Components to implement reforms along multiple lines of effort including Oversight and Resource Allocation; Workforce Development; Planning and AM&E; International Sales; and Organizational Alignment. The Deputy Secretary of Defense designated the Under Secretary of Defense (Policy) as the single oversight authority to unify SC policy oversight. Policy is in the process of issuing program guidance for the consolidated train-and-equip authority that provides clearer objectives to Geographic Combatant Commanders—a framework through which the Department may better consider trade-offs, both cross-regionally and cross-functionally. This streamlining will help DoD speak with one voice in coordinating its efforts with State Department.

The NDAA requires that, starting with the President's Budget for FY19, the Department set forth a comprehensive SC budget display that identifies and explains all SC funding and provide regular spending updates. The provision will enhance Congressional oversight of DoD SC programs and activities, including those of the Military Departments.

Realizing many of the benefits described above rests on DoD's ability to undertake workforce reform. A better-trained SC workforce will improve planning and application of authorities, which will drive new ways to engage partners to achieve more impactful results. Workforce development will benefit both Title 22 and Title 10 programs and enhance cooperation with State Department. To address the assessment, monitoring evaluation (AM&E) requirements in the NDAA, DoD is working to establish a consistent approach to AM&E to ensure SC initiatives are deliberately planned and executed and achieve strategic objectives. Assessment, monitoring, and evaluation of security cooperation programs will foster accurate and transparent reporting on the outcomes and sustainability of security cooperation, improve returns on DoD security cooperation investment, and identify and disseminate best practices and lessons learned to inform decisions on security cooperation policy, plans, programs, and resources.

We're working to implement the NDAA requirement that train-and-equip programs include appropriate human rights training and institutional capacity building. DoD intends to meet this requirement through our defense institution building

programs, which promote establishment of defense institutions that are effective, accountable, and transparent.

*State-DoD SSA Steering Committee*

This past spring, Secretary Tillerson and Secretary Mattis established an Assistant Secretary-level State-DoD SSA Steering Committee to oversee a collaborative planning process, identifying top national security priorities and synchronizing investments to maximize results.

The committee's long-term goal is to integrate planning and resourcing processes for a wide range of SSA programs, including by ensuring State and DoD's budget requests are complementary, and rationalizing and refining the use of SSA authorities. To that end, the Steering Committee will also oversee State and DoD inputs into the President's Quadrennial Review of SSA required by the FY 2017 NDAA.

For FY 2018, State and DoD developed a planning process that will facilitate joint validation of requirements to address the administration's top priorities. It will also inform DoD's planning and prioritization of Section 333 and related train-and-equip authorities. This process will enhance our ability to effectively advance national security objectives, leverage each Department's expertise and authorities, and reinforce our respective requests to Congress.

*Conclusion*

Effective SC depends on a close and collaborative relationship between the Departments of State and Defense, to mutually strengthen our partners and allies, build security globally, and respond to threats that require collective effort.

I look forward to your questions.

The CHAIRMAN. Thank you very much.  
Lieutenant General?

**STATEMENT OF LIEUTENANT GENERAL CHARLES HOOPER,  
USA, DIRECTOR, DEFENSE SECURITY COOPERATION AGENCY,  
WASHINGTON, DC**

General HOOPER. Chairman Corker, Ranking Member Cardin, and distinguished members of the committee, I am pleased to be here today to share my thoughts on the role of the Defense Security Cooperation Agency, or DSCA, in the management, execution, and reform of security cooperation.

As you know, security cooperation includes a wide range of activities such as transfers of defense articles and services, military-to-military exercises, ministerial advising, and train and equip programs using both Title 10 and Title 22 authorities to deliver a full spectrum of capabilities to our partners.

DSCA has traditionally focused on the execution of Title 22 authorized programs such as foreign military sales, or FMS, funded by partner nations themselves and foreign military financing, funded by the Department of State. As a result of the legislative mandates in the fiscal year 2017 National Defense Authorization Act, however, DSCA is now responsible for implementing broader supervision of Title 10 security cooperation programs that are funded and executed by the Department of Defense such as train and equip, humanitarian assistance, and defense institution building, to name but a few.

DSCA plays a critical role in the nexus of diplomacy, policy, and program execution working closely with our counterparts throughout DoD, in particular OSD policy, and also working with the inter-agency and especially with the Department of State colleagues in Ambassador Kaidanow's bureau and, of course, the Members of Congress and their staffs. In this role, we aim to align and integrate policy and operational requirements to provide innovative security cooperation solutions that benefit both our foreign partners and the United States.

As Ambassador Kaidanow and Mr. Harvey have noted, our programs build relationships that directly support U.S. security interests, develop allied and partner military capabilities, and provide U.S. forces with peacetime and contingency access. It is important to note, though, this access is not just geographical. It is an opportunity to build personal relationships which underpin our national security and foreign policy.

One of my main focus areas at DSCA is to ensure we continue to cultivate effective and transparent relationships not only between our Defense and State counterparts, but with partner nations, private industry, and other influencers throughout the security cooperation process.

Over the past few years, in close collaboration with OSD policy and the State Department, DSCA has begun to implement a robust set of initiatives addressing security cooperation challenges, in particular those associated with foreign military sales. Today, our partners are expecting more deliveries on accelerated timelines, and international competition in the defense trade is increasing. The majority of FMS cases are shepherded through the process relatively quickly. A small number, however, may take more time as the interagency and Congress engage in a deliberate review to ensure that the necessary statutory and policy criteria are met.

Despite this, the United States remains the global security cooperation partner of choice. We deliver not only the most effective defensive systems to our partners, but we also ensure a total package approach that includes the provision of training, maintenance, sustainment to achieve a full spectrum capability.

While improvements to the FMS process are necessary, they are not sufficient to make sure that we best utilize all of the security cooperation tools at our disposal. The fiscal year 2017 NDAA put forth a number of significant reforms to enhance flexibility, transparency, oversight, and management of programs and resources, professionalized the security cooperation workforce, and improved the alignment of security cooperation activities with defensive strategies. Together with the FMS improvement initiatives, these new authorities provide us with a unique opportunity to transform security cooperation into a more strategic U.S. national security tool.

Work on these reforms is well underway, and we must continue to harmonize our efforts across DoD, as well as the interagency. We must allow for open dialogue respecting all perspectives, while at the same time taking advantage of the momentum we have to achieve the reform mandates in a timely manner.

For the last 70 years, security cooperation has been the pillar of U.S. foreign policy. We must not, however, rest on our laurels. Today, the convergence of congressional mandates with the Department's emphasis on strengthening our partners is a call to action. We must seize this opportunity to fortify our status as the security cooperation partner of choice.

Thank you.

[General Hooper's prepared statement follows:]

## PREPARED STATEMENT OF LIEUTENANT GENERAL CHARLES W. HOOPER, USA

Thank you Chairman Corker, Ranking Member Cardin, and members of the committee. I am pleased to be here today to share my thoughts on the role of the Defense Security Cooperation Agency (DSCA) in the management, execution, and reform of Security Cooperation (SC).

The mission of DSCA is to lead the SC community—including DSCA headquarters and its subcomponents, the Implementing Agencies in the Military Departments, and the Security Cooperation Offices in over 140 U.S. embassies—in developing and executing innovative solutions that support mutual U.S. and foreign partner interests. Our programs build relationships that directly support U.S. security interests, develop allied and partner military capabilities, and provide U.S. forces with peacetime and contingency access. The Agency performs this mission by cultivating effective, efficient, and transparent relationships with SC stakeholders including the Department of State (DoS), the U.S. Congress, partner nations, industry, and other influencers throughout SC processes. Security Cooperation is a key tool of U.S. foreign policy and national security. The Departments of Defense and State share responsibility for achieving the SC mission.

*SC in Context*

SC includes a wide range of activities—such as transfers of defense articles and services, military-to-military exercises, ministerial advising, and train-and-equip programs—using both Title 10 and Title 22 U.S. Code authorities to deliver a full-spectrum of capabilities to our partners. Within that SC framework, DSCA traditionally implemented several programs under Title 10 authorities, such as Train and Equip, Humanitarian Assistance, and Defense Institution Building programs. In addition, DSCA administers Title 22 authorized programs overseen by the DoS, such as the Foreign Military Sales (FMS) and the Foreign Military Financing (FMF).

DSCA has traditionally focused on the execution of FMS, to include providing oversight for over 10,000 FMS and FMF Administrative-funded personnel across the SC community. As a result of the legislative mandates to reform SC in the Fiscal Year 2017 National Defense Authorization Act (FY 2017 NDAA), DSCA is charged by Section 382(b) of Title 10 with the execution and administration of all SC programs and activities of the Department involving the provision of defense articles, military training and other defense related services by grant, loan, cash sale or lease. DSCA now has additional duties to execute and administer military to military engagements, training with foreign forces, support operations, capacity building, and some educational and training activities to include the support for other departments and agencies of the U.S. Government that advance DoD SC objectives. I will highlight the Department's efforts to make both Title 10 and Title 22 authorities a more effective tool of our foreign policy and national security.

*FMS Process Improvements*

The SC community has worked to develop, analyze, and assess FMS planning, resourcing, and execution. Together with stakeholders across the interagency, in particular DoS, DSCA has begun to implement a robust set of initiatives aimed at addressing SC challenges, in particular those associated with FMS.

A key tool to support our foreign policy objectives, FMS can help to shape the international environment, develop interoperability with partners, improve access, and build strategic, operational, and personal partnerships. All FMS transactions, consistent with the provisions of the Arms Export Control Act of 1976, are intended to ensure that 1) each sale is of mutual benefit to both the U.S. and the partner, 2) the technology will be protected, and 3) the transfer is consistent with core U.S. values.

The majority of FMS cases are shepherded through the process relatively quickly. A small number, however, may take more time as the interagency and Congress engage in a deliberate review to ensure that the necessary statutory and policy criteria are met. Despite this, the volume of cases processed has in fact grown from a three-year average value of \$12.5 billion in Fiscal Year (FY) 2005 to \$36 billion in 2016. In FY 2016 alone, DSCA executed 1,700 new FMS cases along with approximately 4,000 modifications or amendments to existing sales. Today, our partners are expecting more deliveries on accelerated timelines at the same time that international competition in defense trade is increasing. Despite this, the United States remains the global SC partner of choice. We deliver not only the most effective defense systems to our partners, but we also ensure a “Total Package” approach that includes the provision of training, maintenance, and sustainment, to achieve full spectrum capability. That being said, there is always room for improvement. Initiatives underway, championed by DSCA, support five distinct elements of the FMS process:

- *Partner Nation.* The Geographic Combatant Commands are working with partners and allies to more clearly define their requirements up-front. This will accelerate the technology transfer and contracting decisions necessary to more rapidly deliver defense articles and services down the line.
- *Case Development.* DSCA is partnering with the Military Departments to streamline and improve the development of FMS cases to identify best practices that will result in greater efficiency, transparency, and improved resource allocation.
- *Technology Security.* DSCA is working with the technology security community to explore new approaches to provide more protection and safeguards for U.S. defense technology while benefiting industry and partner nations.
- *Foreign Policy.* Under the guidance of the Department of State, DSCA is working with interagency stakeholders early in the FMS process to flag potential concerns, such as regional stability and human rights issues, to help manage partner nation expectations and ensure arms transfer deliberations are well-informed and consistent with statutory authorities.
- *Acquisition.* DSCA, the Military Departments, and the Office of the Under Secretary of Defense for Acquisition, Technology and Logistics office are looking at ways to protect manpower within the DoD acquisition community, train acquisition professionals who use the DoD acquisition process to support FMS, and develop creative contracting strategies that support both FMS and domestic purchases.

These FMS-focused initiatives, which are now incorporated within the broader SC reform, are designed to produce a system that supports mutual U.S. and foreign partner goals.

#### *FY 2017 NDAA*

While improvements to the FMS process are necessary, they are not sufficient to make certain that we best utilize all of the tools at our disposal to address the multitude of SC challenges.

Over more than 15 years of persistent conflict, the Department's Title 10 authorized SC programs have grown and the international environment for defense arms trade has evolved. In the past, the Department was forced to navigate a patchwork of more than 100 discrete Title 10 authorities, many of which were narrowly-constrained by region or function.

To address these challenges, the Deputy Assistant Secretary of Defense for Security Cooperation has focused on improving the planning, prioritization, and synchronization of Title 10 programs. These efforts have effectively postured the SC community to address the significant reforms laid out in the FY 2017 NDAA. The FY 2017 NDAA identified SC as a core DoD mission by establishing a new chapter of Title 10. This new SC chapter is meant to enhance flexibility, transparency, oversight, and management of programs and resources; professionalize the SC workforce; and improve the alignment of SC activities with defense strategy. These new authorities provide DoD a unique opportunity to transform SC into a more strategic U.S. national security tool.

Specifically, the FY 2017 NDAA:

- consolidates policy oversight and resource allocation within the Office of the Secretary of Defense and consolidates execution and administration of Title 10 Security Cooperation programs within DSCA;
- requires the DoD to provide a consolidated budget justification and establish an Assessment, Monitoring and Evaluation (AM&E) framework to allow a more rigorous, data-driven assessment of program effectiveness; and
- mandates the DoD establish a SC workforce development program to ensure that the SC professionals all over the world have the appropriate training, education and experience to execute the mission.

#### *Comprehensive SC Reform Implementation*

Together with the Office of the Under Secretary of Defense for Policy, the Joint Staff, and the DoS, DSCA has developed an operational approach with four focus areas to implement SC reform mandated by the FY 2017 NDAA and to incorporate the Title 22 initiatives already underway. These focus areas, with the broad participation and support of the interagency, are designed to advance innovative policies and processes to address the following issues:

- Governance and Oversight to oversee SC efforts and ensure compliance with legislative and policy requirements;
- Policy Guidance to develop and issue policy to provide overarching direction for implementation of SC activities;

- Execution to define and implement changes to SC capabilities and operations; and
- Enabling Functions to perform operations required to support the execution activities.

Work on SC reform is well underway to meet current challenges and the requirements set forth in the FY 2017 NDAA.

#### *Conclusion*

Now more than ever, policy makers use SC as a critical tool to achieve our defense and foreign policy objectives. With reduced U.S. force structure and finite resources in a dynamic, rapidly evolving environment, it has become increasingly important to optimize allies' and partners' contributions to their own security and, by extension, U.S. security. The language in the FY 2017 NDAA provides the mandate to realize much needed reform to SC.

For the last 70 years Security Cooperation has been a pillar of U.S. foreign policy. We must not, however, rest on our laurels. Today, the convergence of Congressional mandates with the Department's emphasis on strengthening our partners is a call to action. We must seize this opportunity to fortify our status as the Security Cooperation partner of choice.

I welcome the Foreign Relations Committees' continued support and oversight of these ongoing initiatives. Distinguished committee members, I want to thank you again for the opportunity to appear before you today, and I look forward to your questions.

The CHAIRMAN. Thank you all for your testimony.

With that, I will turn to Senator Cardin to begin questions.

Senator CARDIN. Well, again, thank you for being here. Thank you for your service. And it is certainly encouraging to hear your conversations about how the collaborative process is working.

I want to focus, if I might, on how you are using collaborative efforts and programming to deal with advancing human rights. The Congress, at times, put conditionalities on our security assistance programs. We are pretty specific as to what we expect before the release of funds. But can you tell me specifically where your strategies are in using our security assistance to make specific advancements in human rights in the countries which we are partnering with?

Ambassador KAIDANOW. Senator, I think the way I would approach that is by saying—and again, I cannot stress this enough from my vantage point, having done this particular job for now almost a year and a half. The reason that I feel so strongly about the role of the State Department—I think my colleagues would agree, although I do not want to speak for them—is for precisely the reason you just outlined because, as I indicated in my opening remarks, we need to bring a holistic view of all of our foreign policy objectives into a discussion of any potential arms sale that we are about to make. The way we do that is, generally speaking anyway, through the State Department. That is our writ. That is our mandate.

I believe strongly—and I think my colleagues at Defense would say the same that, even they know very clearly that we must integrate human rights and those concerns into our consideration of these sales simply because it is not just the impact they will have in the recipient country, it is a function of, again, do we want to see the same threats emerge, for example, with regard to countering violent extremism or countering terrorism. You do not want to see the same problems emerge over and over again as a function of the various systems that we—

Senator CARDIN. Well, we are dealing with a lot of countries. Can you give me some specific examples of where we have specific strategies to advance human rights?

Ambassador K Aidanow. I think in almost any country that we are talking about—you raised several in your opening remarks—with all of those countries, we are very alert to how the specifics of the arms sales that we contemplate—

Senator CARDIN. So what are we doing in Nigeria concerning the Nigerian forces in the way that they conduct their campaign for civilian losses?

Ambassador K Aidanow. Without commenting on the specific sale itself, because we have not yet gone through the process of notification, I would say we are contemplating the full range of effects that we might have, again, if we pursue that sale. I believe strongly that we have had a very robust conversation with the Nigerian Government on the importance of human rights, observing human rights, and specifically in the area of concern in northeastern Nigeria. I think you have heard from the highest level of the State Department—and I can only reiterate it here—our commitment to keep doing that, to continue to have that dialogue, and it will be, as I said, featured very strongly—

Senator CARDIN. I think the sale has been noticed. I could be wrong, but I think it has.

What I am finding what works is when you have specific standards you expect them to comply with. It does not have to be announced. It does not have to be broadcast, but you have to have ways of judging progress. I have not seen that.

So I am going to ask if you would reply in writing to me—

Ambassador K Aidanow. Absolutely.

Senator CARDIN [continuing]. As to the strategies in the countries that we are dealing with, what are our objectives and the discussions that are taking place. If it has to be done in a classified setting, I am more than happy to do it in a classified setting. But I am concerned that I do not see that commitment as definitively as I want—I understand the overall issues—but as definitively as I think we need to make it. Certainly Nigeria is a country of major concern and interest.

Mr. HARVEY. Senator, could I add that from a Defense Department standpoint, as part of our NDAA reforms, we did have, for the first time, provisions in our train and equip programs that we have to incorporate human rights training for any of the forces that we actually train aground, which is a significant shift for us, not just lip service, but it has to be real training so they understand the importance of abiding by human rights standards.

Senator CARDIN. I appreciate that. There are many specific examples I hope that we will be able to share.

I want to get to one—you all mentioned section 333 and compliance with that directive from Congress. That is a minimum standard. I would hope that there is a closer relationship than just complying with the congressional mandate. Tell us what type of cooperation are we seeing in the State Department with the Department of Defense on issues such as Ukraine security assistance or the special operations counterterrorism or irregular warfare activi-



ties. Do we have that same type of close consultation and input from the State Department?

Mr. HARVEY. Senator, yes, we do. I mean, at multiple levels, from the working level up to the principals in the White House, we do have the regular and active exchanges to ensure that we have a common understanding of what the challenge is and help develop common solutions for how we approach those. So I would say that level of interaction has been sort of instituted, if you will, beyond just what has been mandated from Congress.

Ambassador KAIDANOW. I can only echo that. I think we have exceptionally close cooperation, especially on the issues that you mentioned. There is no daylight really between the two departments on those things.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Isakson?

Senator ISAKSON. Thank you, Mr. Chairman.

For Senator Cardin's reference, in Africa, through the Millennium Challenge, we have used conditions on human rights and labor law as conditions on qualifying for participation in the MCC very effectively. So your question on this is important because it should be the same thing for security and defense as well. And when you make those conditions, it makes the host country a part of the decision.

Ms. Kaidanow, section 333 of NDAA—I should know this. You referred to it. I did not. So did General Hooper a minute ago. Was that a byproduct or brought about because of what happened in Benghazi?

Ambassador KAIDANOW. No, sir. I think that the genesis of it—and again, I cannot speak to what those that put it together actually were aiming to accomplish, although I have to say that we very much stand behind it. We think it is a great effort.

The idea, I think, was to try and do what we all know has to be done now, and that is the State Department has a wide swath of funds and authorities available to it to accomplish certain things in the security arena. The Defense Department increasingly now also. In fact, we have roughly the same amount of money under management depending on how you look at it. That is an enormous sort of charge to us, if you will, to ensure that we are doing whole-of-government work. We cannot be doing State Department efforts and DoD efforts. It does not work that way. Our partners do not look at it that way, nor should they. We should be aiming to have an approach that—not just 333.

I mean, our hope, again as I said, is to broaden this, and in fact, in practice we do it for other authorities. But the idea is to bring forward a process that identifies our priorities right at the outset, which we are doing right now in the steering committee that we discussed, for a whole range of priority countries, decide what makes sense for us, whether with regard to State authorities and funds or with DoD authorities and funds, and how do we ensure that those are complementary so that we are not working at cross purposes, we are not duplicating effort, we are not doing anything, and that we are providing what we need to both for our partners but primarily for U.S. national security interests. That is the idea.

Senator ISAKSON. In your testimony, you said State should not only see that DoD concurs but is part of the formulation of the game plan. Is that correct?

Ambassador KAIDANOW. Yes. First of all, we believe State concurrence is really an essential element because it gives us that visibility and that ability to say, at the end of the day, that critical foreign policy aspects like human rights are being adequately addressed.

But I think even more than that what we want is to ensure, as we are doing with 333, that we are starting all the way at the beginning because if, you know, at the end of the day, a program comes to us that DoD has already formulated and they have gone through a long process and it is very arduous and it is not easy to do, and the combatant commanders have had their say, if they come to us at the end of all of that and we do not have a full understanding of how they got there in the first place, there may be unintended consequences. There could be things that happen that, again, from a budgetary standpoint there will be implications down the road for the State Department. To us, it seems as though the more productive way to be doing this, again, is to be looking at the outset at how do we bring all this together.

So 333 is, if you will, sort of the most robust effort we have undertaken at something this important. And I would argue it is that important. But, of course, again my colleague at DoD can speak to it as well.

Mr. HARVEY. Senator, I would agree with everything Ambassador Kaidanow said. It only makes sense to have both the State Department and DoD involved at the front end of development of any project because it is too late if we wait to throw it over the transom because we may be far afield from what the foreign policy direction would be from the State Department. So their involvement at the ground level is absolutely essential.

Just to answer your question on the origin of 333, essentially before 333, we had a multiple number of authorities related to individual strands of activity in train and equip, counter WMD, counterterrorism, counternarcotics, border control. What we recognize in the real world is those problems do not come in sort of stovepipe fashion. They overlap in many ways. And so what we did, with the help of our oversight committees, is create an authority that can address all those in combination as a collective whole, as they appear in the real world.

Senator ISAKSON. The reason I brought up the Benghazi situation—and that is a sad chapter for all of us, and I am not trying to revisit a sad chapter. But I want to make sure we do not have a second chapter sometime in the future. And when you talk about coordination and planning, do you feel like at DoD and at the Department of State that we are in a better position today for the security of our embassies across the world and have plans ready so that we can get backup help to our ambassadors, should they need it?

Ambassador KAIDANOW. Obviously, I am not the responsible individual at the State Department, but I will tell you, I mean, I feel more confident, and certainly I believe that our Department's highest leadership would tell you that this is a huge priority for them.

The Secretary starts every meeting that he convenes with upper level management in the State Department by talking about security issues.

Senator ISAKSON. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Senator Kaine?

Senator Kaine. Thank you, Mr. Chair.

And thank you to the witnesses. Your written testimony and the questions of my colleagues have been helpful on this issue of trying to figure out how to streamline, consolidate, make what we do in security assistance more effective.

I want to ask a real practical question about a concern I have right now. The results are not yet in on the referendum that was held in Kurdistan yesterday in northern Iraq about the nonbinding referendum around independence, but the likely results are going to be a very strong support expressed in that referendum.

The security assistance we currently provide to the Kurds is sizable and it is routed through the Baghdad government. I think it is probably maybe about \$2.2 billion in the last two appropriations, which are combined to Iraq for security assistance that can be used by the central government, the tribal leaders, or Kurdistan.

How might—as we are contemplating how to do security assistance, we have to deal with our own internal challenges, but also a situation like the Kurds, who have been good partners. That is going to create a potential challenge. How are State and Defense contemplating this if Baghdad reacts negatively to the referendum result and tries to block or slow down assistance passing through Baghdad to Erbil? The Kurds have been huge partners of ours in the anti-ISIS battle. Can you talk a little bit about DoD and State Department perspectives on that referendum and how that might affect security assistance in the region? And that is the only question I am going to have. So now I will just let you all tackle that one.

Ambassador Kaidanow. Thank you, Senator. It is funny because I ran into my colleague, Brett McGurk, in the parking garage just as I was coming over here, who is by far better positioned to answer some of those specific questions that you just asked.

Look, I think we have made clear that we find it unfortunate that the Kurdish authorities have chosen at this moment to undertake this particular referendum. We regard the authorities in Baghdad as being—and we regard the integrity of Iraq as being quite important.

I will defer probably the questions on what the implication of some of the security assistance issues may be until we see what the outcome of all this is. Clearly we are having a conversation. We are always having that conversation from the policy vantage point not just on that specific issue, but I will say more broadly on Iraq issues writ-large. Just this past week, I was dealing with another issue on tanks and so forth, which I will not get into in this setting, but we are happy to brief you on those things too.

You know, look, these are big issues. The Government of Iraq—we feel it is incredibly to support them in any way we can. That said, there are going to be issues related to what they can afford,

what the sustainability of some of that assistance down the road is going to be, how they apportion it, what the implications of the referendum and some of the associated other political issues may be. There are lots of questions associated with all of this. So rather than get into the minutiae of all that, I think we would be happy to give you a more full briefing if you ask for it. We would be more than pleased.

Senator Kaine. Thank you.

How about from the DoD perspective?

Mr. HARVEY. I think, Senator, I echo everything that Ambassador Kaidanow said. I would say our near-term focus is and has to remain on the counter-ISIS challenge. And so minimizing the complications and distractions from that central focus I think is our priority now from a DoD standpoint, and we can get you greater detail on sort of the implications of the vote in Kurdistan after this session, sir.

Senator Kaine. Do you believe the pendency of the referendum—could you see a need to the degree to which the pendency of the referendum tangibly harmed the anti-ISIS fight?

Mr. HARVEY. Theoretically, but I think we are working collectively as a U.S. Government to ensure that all the primary actors on the ground sort of stay focused on that primary challenge. So we will do everything we can to prevent that, and I have confidence we will be able to do that.

Senator Kaine. General Hooper, do you have anything to add on this issue?

General HOOPER. No, sir.

Senator Kaine. Okay. Thank you.

Thank you, Mr. Chair. I cede the rest of my time.

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

Senator Young?

Senator YOUNG. Thank you.

Ambassador Kaidanow, I want to ask you a number of questions about the legal authorities that inform your office's work, your work and circumscribed as well.

So to begin here, according to the Department of State's website, in addition to undertaking a legal review of each of the proposed arms transfer deals that comes before your office and third party transfers, the Political-Military Affairs Bureau also applies the conventional arms transfer policy laid out in Presidential Policy Directive 27. Is that correct?

Ambassador KAIDANOW. Yes.

Senator YOUNG. So that policy has presumably been applied to arms transfers to Saudi Arabia. Is that correct?

Ambassador KAIDANOW. Yes.

Senator YOUNG. That policy requires the administration to take into account a number of criteria. Correct?

Ambassador KAIDANOW. Absolutely.

Senator YOUNG. So I have those criteria in front of me right here. One of the criterion is that State, among other things, must take into account the, quote, human rights record of the recipient. Agreed?

Ambassador KAIDANOW. Absolutely.

Senator YOUNG. Another criterion of this policy is you say, in effect, that State must consider, quote, the likelihood that the recipient would use the arms to commit human rights abuses or serious violations of international humanitarian law or identify the United States with human rights abuses or serious violations of international humanitarian law. Agreed?

Ambassador K Aidanow. Yes.

Senator YOUNG. I will also note that section 502(b), which you are likely familiar with, of the Foreign Assistance Act of 1961 limits security assistance to a country which engages in a consistent pattern of gross violations of internationally recognized human rights unless the President certifies in writing to the Speaker of the House, to the chairman of this committee, and others that extraordinary circumstances exist.

Ambassador, has such a certification been submitted to this Congress to transfer arms to Saudi Arabia?

Ambassador K Aidanow. Well, again, it depends on, I guess, what we are talking about and what time frame and so forth. In the past, of course, we have made arms transfers to Saudi Arabia.

Senator YOUNG. I am talking about the arms transfers that have occurred in recent months during this Congress from the United States of America to Saudi Arabia.

Ambassador K Aidanow. In the past, yes, we have made some of those transfers.

Senator YOUNG. Including this most recent arms transfer. It is a yes or no question.

Ambassador K Aidanow. Yes, sir.

Senator YOUNG. All right. Thank you.

So as Acting Assistant Secretary of the Bureau of Political and Military Affairs responsible for implementing this policy, State has gone ahead, as you said, and consistent with the conventional arms transfer policy, as well as section 502(b), which I have invoked, what is State's assessment regarding Saudi Arabia's actions in Yemen? That is, has Saudi Arabia used U.S. weapons in Yemen to commit human rights abuses or serious violations of international humanitarian law? Yes or no?

Ambassador K Aidanow. Senator, we have had a chance in the past to come before the committee and the members of the staff to talk about some of this, not all of which I can discuss in this setting. But you asked the question, and I will tell you we have expressed concerns to the Saudi Government and we have had the conversation with them on many of these issues. And indeed, we are trying to address them as we contemplate any sales to Saudi Arabia.

Senator YOUNG. So you are in charge of the office that is supposed to take into account under our laws these criteria. I know it is a multifactor test, as the lawyers say. You balance the various factors against one another. So it is not a binary test. So it is possible that there were human rights violations, violations of internationally respected human rights law. And you are not foreclosing that possibility here today. Is that correct?

Ambassador K Aidanow. I think what I am saying is that we have had that conversation with the Saudis and we have had the conversation—

Senator YOUNG. Are you foreclosing it?

Ambassador KAIDANOW. Are we foreclosing—

Senator YOUNG. Are you foreclosing the possibility that human rights violations have occurred?

Ambassador KAIDANOW. No. In fact, I think the Saudis themselves have indicated that in the past that they have done some things that they find problematic and that they are trying to address some of those issues.

Senator YOUNG. Okay.

Ambassador, thank you for indulging all these questions.

On June 28 at my direction, my staff asked the Department of State for an advisory legal opinion with respect to Saudi Arabia's refusal to permit the delivery of cranes to Hodeidah, the major port in Yemen. We think that that may very well constitute a violation of customary international humanitarian law rule 55. That is the international legal provision that prohibits denying lifesaving food or medicine into an area in furtherance of war aims.

And so on September 18, almost 3 months later, my office was notified that State was not able to provide me with that advisory legal opinion. Can you explain why State has not provided me that legal opinion or anyone on this committee to my knowledge?

Ambassador KAIDANOW. I am sorry, Senator. I do not have the exact, precise rationale for why that was not provided to you in a timely way. I will have to go back and ask and bring that answer to you.

Senator YOUNG. Okay. Thank you for your indulgence. I will just note that I will be submitting a question for the record related to the excess defense articles provisions and the transfer of HUMVEEs.

Senator GARDNER. Thank you, Senator Young.

Senator Murphy?

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

Thank you all for being here today.

Let me follow up on the questions from Senator Young because I share all of his concerns. Yemen currently is arguably the worst humanitarian catastrophe in the world today, an epidemic of both famine and cholera that the country has never seen before. And let me maybe take the conversation out of the weeds a little bit and ask a simple question to either you, Ms. Kaidanow, or you, Mr. Harvey.

What clear, explainable, definable concessions have we extracted from the Saudis with respect to the conduct of this war inside Yemen since the announcement or in coordination with the announcement, of the biggest arms sale to Saudi Arabia celebrated by the very high profile visit of President Trump to Riyadh earlier this year?

Nothing has seemed to have changed there. The humanitarian catastrophe gets worse every single month. It does not get better. Senator Young and I have asked this very simple thing of the Saudis, to let these cranes that the U.S. taxpayers paid for be delivered to Hodeidah in order to more efficiently move humanitarian relief into the country. None of that has been addressed.

So what specific concessions have we gotten from the Saudis with respect to the conduct of the war in Yemen as a result of the mas-

sive military aid, and what role has State or Department of Defense played in that?

Ambassador K Aidanow. Well, first of all, let me just again emphasize that I think we are deeply committed to ensuring that the Saudis understand the importance. And the Saudis themselves have said they understand the importance of complying with the Law on Armed Conflict. It is essential and they——

Senator MURPHY. Who cares what they say?

Ambassador K Aidanow. Understood.

I think our judgment has been that engaging with them and providing them the means to actually effectuate some of that is the best way to go.

Senator MURPHY. So specific examples.

Ambassador K Aidanow. You may recall that one of the largest pieces and one of the first things that we moved towards notification after the announcement of the arms sale that you mentioned was a \$750 million training case to the Saudi armed forces. And that training case involved a large component that was training specifically on the Law of Armed Conflict. So it was not as though all we gave them was the means to pursue the conflict itself. We are trying to give them an understanding of how do you do that because it is not so much about the weapons per se as it is the way you implement and utilize the weapons. My colleagues at Defense can probably speak more to that than I can.

And in fact, we have had a group of trainers that have now gone on the ground for the first part of this training case that we notified to try and get that process underway.

So we are very alive to it. The Saudis are alive to it. I recognize that the proof is in the pudding, that they are going to have to show that those actions comport with what they say. That is what we are committed to doing with them.

Senator MURPHY. I share Senator Young's concerns here. I think that our policy in Yemen has been an epic failure, and I understand the Saudis spend a lot of money coming up here and making promises about how they are going to change the conduct of this war. They have not. And they have refused to do very simple things that could alleviate the horror that exists in Yemen today. And we as a country—these are my words, not anyone else's—are complicit in many of the worst things that are happening there.

Let me ask you a broader question. So right now, as you mentioned, the capacity is split between DoD and State, moving from a time at the beginning of the 2000s when about 80 percent of this aid came through the Department of State. Just explain to us why this capacity still needs to be split. Every military conflict that we are involved in overseas has a political root at the bottom of it. This is not the 1800s when armies march against each other and there is a peace treaty. There is a political problem at the bottom of all of these military conflicts.

So now that we are sort of in the process of winding down the two biggest conflicts in Iraq and Afghanistan, why would we not just return this capacity to the State Department? Why would we not go back to 80 percent of this capacity in the State Department? Why split it half and half with Defense and State?

Ambassador K Aidanow. Well, again, I think my colleague addressed some of this in his opening remarks.

I mean, I think the judgment has been—I cannot speak to what Congress' intention was, but I think the idea was because there are specific train and equip type issues, operational issues, and the flexibility and the speed with which a lot of this is necessary to deploy made it extant and because the nature of some of these threats seems to be, I think, both emergent and urgent and also dealt with, at least in part, through military means.

Our argument has been, along the lines of what you just said, that it all has a political component. And therefore, as we progress down this road, even if that money is allocated or those authorities are allocated to DoD, the State Department should retain an essential role at least of concurrence and, again, arguably from our vantage point and as Todd has indicated, the earlier, the better in that process frankly from a joint formulation standpoint and joint development standpoint. It makes sense for all the reasons that you articulated, and particularly understanding your concerns on Saudi Arabia, and on any issue, it makes sense for the State Department to be at the outset of that process. You can bring those concerns to the State Department. We will be responsive.

It is a holistic effort. It should be a holistic effort. There are some things DoD does better than we do, and there are some things that we do better, I would argue. And there are different purposes oftentimes for those fundings. FMF is designed to accomplish addressing long-term capability gaps on the part of our military partners overseas. Some of the authorities that DoD has are far more targeted. They need to be moved out the door quicker. They are not set up necessarily for long-term development of capability building.

We need to, though, think about all of that as we plan forward. You cannot just do the one or the other. You need to understand that entire array of authorities and then try and bring them together and particularly if we are going to face increasing resource challenges, which I think we probably will.

So that is, I think, the rationale for doing it in a way that is respectful of DoD's abilities, respectful of our particular expertise, but also brings it together in a way that makes sense for all of us and for you, I hope.

Senator MURPHY. Thank you.

Senator GARDNER. Senator Rubio?

Senator RUBIO. Thank you.

I want to focus a little bit on the international narcotics and law enforcement funding. In particular, we have seen this extraordinary rise in the production of coca, cocaine, in Colombia, and we know that is going to be transited here primarily through a land bridge through Central America but potentially through air routes, as well as through the Caribbean region. And at the heart of the challenges facing El Salvador, Guatemala, and Honduras in particular is the role that these transnational groups play on the ground, and each has struggled in its own way to confront it. I am most familiar, of the three, with the Honduran efforts.

And obviously, I also look at the Colombian model of assistance over the years as something that people have pointed to as a model of success. And in fact, in many ways, the Colombians have become



force multipliers for us. They are now on the ground in those countries in Central America providing assistance, although there is some concern about some recent decisions they have made with their own program vis-a-vis the peace process there that some attribute to the rise in cocaine production.

So my first question is just an analysis of where we are in terms of how that overlays with our policies in the region because ultimately one of the, I think, most compelling arguments is that the U.S. southern border does not really begin on the Mexican border. It starts much sooner than that in places like Guatemala and the like.

So three quick opportunities here to discuss. Number one, how would you assess the progress of those programs and where they stand today? Obviously, each country has different challenges in Guatemala, Honduras, El Salvador.

Number two, do we believe that the capacity, even the increased capacity of these nations is quickly going to be overwhelmed by the massive amount of cocaine that needs to be moved over the next number of years?

And number three, the potential to partner with the Mexican Government, who has their own concerns about instability just south of them, and how those three things play out and the interplay between the assistance we provide and our foreign policy aims for the region.

I know that is a three-part question, but they are all inter-related.

Ambassador K Aidanow. Well, I will take a quick stab at giving you an answer, although again I would have to just defer to some of my colleagues who deal both with international narcotics and law enforcement and also with the western hemisphere affairs.

But I do think we are making progress. I recognize the challenges that you have outlined. And I would also say, again, as we look at the entire array of countries that we are assisting, we are looking at all the foreign policy elements, and that involves human rights issues, other kinds of issues, governance issues, and so forth. But I do think with regard to the international narcotics effort, we are making some progress. This is another area where I would argue, again, we have authorities and funding. DoD has authority and funding. It only makes sense for us to be, again, bringing those efforts together. Section 333 actually addressed some of those authorities, not all of them but some of them. And that is another, I think, set of issues that we are now sitting down at a table trying to look at in terms of what we can do and what DoD can do, identify again some priority elements within our strategy to try and make sure that the resources, the proper resources, are addressed in those directions.

By the way, you mentioned Colombia. Just to say, I mean, one of the things that I think is under-appreciated sometimes is that we not only do security assistance writ-large, what we do is stabilization. And in support of the peace process, for example, in Colombia, the State Department is very active in terms of demining and removal of unexploded ordnance in some of the areas where the peace process has indicated they need that help. And we did a fair amount together with the Norwegian Government to put in

place a donor effort that will lend itself to that. So we are actually looking not just at the security assistance per se in terms of aiding the relevant forces on the ground, it is also in support of a larger effort at stabilization that will then create an environment, we hope, in which these things will not reproduce themselves.

Senator RUBIO. I guess the only follow-up I would have on that is one of the issues we run into, as we discuss these programs on an annual basis, is in many of these nations still the military becomes the default law enforcement organism as opposed to traditional law enforcement for a variety of different reasons.

And how would you assess where we stand in terms of capacity building for their own justice system, in essence the training and equipping of police officers and other law enforcement officials, their court system, their systems of justice? How does that generally play out in the broader—everything from prisons to prosecutors to defense attorneys for that matter? How do those things interplay and what do we do to assist in that regard?

Ambassador KAIDANOW. I cannot agree with you more. I think my INL colleague, Ambassador Bill Brownfield, would argue the same thing. I mean, this has to be a longer-term approach, and it cannot be simply military-focused. We must do what we can to build rule of law throughout the countries of concern.

I think we are making some progress, I will tell you, but it is not uniform. And I think we are going to have to work harder with them together in partnership. It is a long-term problem, and we are not there yet, that is for sure. But we recognize the importance of everything you just said.

Mr. HARVEY. Senator, excuse me. Part of that equation is also working with our defense ministry counterparts in these countries to understand the proper role of the military in a government and society led by civilians. So helping them understand sort of their proper subordination, if you will, to civilian leadership is part of that equation that DoD has programs that are dedicated to.

Senator GARDNER. Senator Booker?

Senator BOOKER. Thank you, Mr. Chairman.

Ms. Kaidanow, could I just start with something that was a bit of a surprise—the announcement that Chad has been included in the administration's travel ban? And you mentioned Chad in your testimony. The White House itself stated that Chad is—and I quote—an important, valuable counterterrorism partner of the United States. And the State Department itself in its report stated that the Chad Government continues to prioritize counterterrorism efforts at the highest level. You know Chad's role in AFRICOM. They are incredibly involved in counterterrorism efforts in the region. You talk about Flintlock in your testimony. It supports French-U.S. military deployments in the region. It has been critical in efforts against Boko Haram. Chadian troops played a major role in countering Al Qaeda's operations in Mali. They deploy over 1,000—I think about 1,400—troops.

And so I guess the specific questions I have is this designation just seems arbitrary to me. And if we have concerns about weak border security and screening capacity, clearly other countries facing similar challenges, Mali, Central African Republic, Niger, Nigeria—why are they not on the travel ban? And then Sudan—clearly

we have some significant issues. So I am hoping you can shed some light on this for me, and I am really curious if the State Department and the DoD have input into this decision.

And then finally—and again, this is just press reports from this morning about the whiplash that Chad leaders like the president are having who are so influential and such critical partners. Does this really in some ways undermine our multilateral efforts that have been so productive against Al Qaeda and Boko Haram?

Ambassador K Aidanow. Senator, I would be happy to take the question. I will be honest with you and tell you that I cannot give you a full rationale sitting here this morning, at least not in this setting. But we would be happy to give you, I think, more of the thinking on that.

I will say, though, that as you indicated in your remarks, we do think of Chad as an important partner for us on CT efforts in a variety of ways. It is certainly my hope that none of that will change. We are looking to, I think, be cooperative with Chad, and whatever requirements they can provide for us in order to ameliorate or to address some of these issues, I am quite confident they will work with us in order to try and do.

Senator Booker. So to the chairman and ranking member, you know, I have a lot of frustration when I hear responses that we will get back to you.

Senator Paul and I wrote a letter to Secretary Tillerson in June expressing our deep disappointment about the administration's decision to proceed with the sale of arms, specifically the A-29 attack aircraft to the Nigerian Government. We requested a briefing as well about the sale to help understand how this determination was made. We cited in that letter a lot of detail, a lack of progress from authorities in Abuja, about the government's investigation into the December 2015 alleged massacre by soldiers of over 300 Shiite Muslims. You mentioned this, Senator Cardin, in your remarks. I mean, it is disturbing what we are seeing. We cited the incomplete investigation into the January 2017 attack on an IDP camp in Rann by the Nigerian air force, killed over, again, 200 refugees, as well as the lack of progress in our fair investigation into the 2014 killings by the Nigerian security forces of over 600 mostly unarmed detainees, including children.

We wrote—Senator Paul and I wrote—that there continues to be additional allegations of corruption, abuse, misconduct throughout the Nigerian military. We asked in our letter that the State Department reconsider the decision to sell A-29's to Nigeria until some kind of reforms are put in place.

And so I have sort of heard this before, whether it is the questions are asked—bipartisan questions asked by my colleagues about what is going on in Yemen. I have not been assured that any of the reforms or safeguards are being put into place before these sales are made.

And so I understand that there are new reports now of military equipment granted by the United States, from MRAP vehicles provided for use against Boko Haram that are being used in the south-east and apparently to intimidate people agitating for independence.

And so I really appreciate the seeming willingness to be cooperative, but we have a role to play. And I have growing frustrations. I know I am new on this committee. I am damned near sitting in the audience here so far on the end. But this is absolutely unacceptable for our role in accordance with the Constitution.

And so I do not understand. I cannot even get a briefing on this issue, whether it is in this context or another. I am just looking for someone to give me actually information because according to the Constitution, the administration cannot continue to engage in these kind of activities without our authorization. And as Senator Murphy said, we are complicit in some of the most horrific things that are going on on the planet earth right now by regimes who are not acting in any way in accordance with our values as a country or our interests for our national security. And you even alluded to the fact that we could be creating, when it comes to terrorism, the very problem we claim to be trying to end.

And so this is absolutely unacceptable to me that we allow representative after representative to come before this committee and make promises that we are going to get information or we are going to have hearings and we get nothing in return. And I am frankly fed up. And the consequences of the lack of information right now is horrific what is going on in Sudan, what is going on in Yemen, what is going on in Nigeria. It is horrific what is going on to people who are craving freedom and looking to the United States.

And so I just want to register my absolute frustration. And the responses here—no disrespect—are unacceptable when we get talk and not even a meeting, not even a briefing that is of any substance and answers the questions from the United States Senators on both sides of the aisle.

Thank you, Mr. Chairman.

Senator CARDIN. Mr. Chairman, if I might, I just want to share Senator Booker's frustration. As ranking member, I have had to exercise my authority to call the Secretary of State to get some of this information, when I should be getting it from the people who are directly involved in making these policies. I have had less than satisfactory assurances in regards to commitments that I thought were previously made in regards to arms sales of countries.

So I would just urge our panelists who have the direct responsibility, if you believe that the legislative branch of government is part of this process, you need to do a much more effective job in communications but, more importantly, living up to the broad statements that you are making with specific progress and goals that we are achieving to prevent these types of complicities in human rights violations of other countries.

Senator GARDNER. Thank you, Senator Cardin. I think, again, it just brings us back to the point of effectively managing a multibillion effort, making sure it is organized and managed properly. So thank you.

Senator Merkley?

Senator MERKLEY. Thank you, Mr. Chairman.

Ambassador, as Secretary Tillerson reorganizes the State Department, can you confirm for the committee that there are no plans

to move the security assistance oversight function of the Bureau of Political-Military Affairs to the Department of Defense?

Ambassador KAIDANOW. Senator, not that I am aware of. But that is not to say—I mean, I do not have the full array of understandings that you are looking for, I think, with regard to what the final output of that redesign process will be. I believe the Deputy Secretary actually will be coming up to the Hill on the House side, I believe in the next day or so, to be talking about some of that.

But, I mean, the State Department regards that role as an essential one, as we have described today, and I believe, as far as I can tell anyway, that the upper levels of the State Department, including the Secretary and Deputy Secretary, still feel that way.

Senator MERKLEY. Thank you.

The administration has indicated it plans to provide lethal military assistance to the Government of Ukraine. And there is a variety of views as to whether that assistance either enables the Government of Ukraine to more effectively oppose the forces occupying the eastern portion of the nation or whether it triggers a Russian response at a higher level leading to greater bloodshed and greater support for the forces that oppose the Government of Ukraine. What is your view of this?

Ambassador KAIDANOW. Well, again, it is an active discussion, as you indicated. I think the policy has yet to be fully decided. It is something that our two departments are engaged in discussing right this minute together with the White House. And before the White House and the President make their decisions on this, I would hesitate to take a position. But I think, again, there are considerations that you have outlined and there are others as well that we have to look at in the entirety of these decisions. They are important decisions.

And by the way, just to reference what Senator Booker and the ranking member said, at any moment if you wish for a briefing on any particular issue, I am happy to provide it. I think the State Department is committed to that, as are my colleagues at DoD. And on Ukraine, I could offer the same. But I think in this setting it is a little hard to get into all of the back and forth.

I would say, again, that we believe strongly that the Ukrainians are important partners, friends of ours, and we want to be sure that their defense is adequately taken care of.

Senator MERKLEY. I will just say my experience has been extremely frustrating with the Department of State, and when you say they are committed, those are, at this point, empty words.

One of the things that occurred recently—this committee considered a bill related to the West Bank, and we were promised a briefing from the Department of State over basically the types of projects that were being undertaken both through nonprofits and through the Palestinian Authority. And the briefing was a complete fiasco. No information provided despite the fact the committee was in the middle of wrestling with how to sustain productive activities on the West Bank while sending a very strong message to the PA about their horrific policy of rewarding the families of those who commit acts of terrorism. I mean, that is just an example. And my committee members, I think, could each cite some other examples.

So it is important to follow up the philosophy you just expressed with actual action.

Turning back to the Ukraine—and, Mr. Harvey, the President of Ukraine has called for U.N. peacekeepers to be in eastern Ukraine. Is the United States supportive of that request?

Mr. HARVEY. Senator, I will have to take that question. I am not in a position to answer that right now.

Senator MERKLEY. Is there any sense for any of the three of you that that request changes the dynamic in terms of whether we provide military assistance to the Ukraine Government?

Ambassador KAIDANOW. I think, Senator, we are looking at the entire array of issues with regard to Ukraine. What we are hoping to see is fulfillment of the Minsk requirements. We are looking to be supportive of that process. As you know, we now have a special envoy appointed by the State Department, Kurt Volker, who is out there doing his level best, I think, to try and engage with his Russian counterparts and with others on these very topics. It is an issue of real concern and great interest to our Secretary, and so with regard to the policy overall, I can assure you of that. And as we contemplate whatever we will do with regard to security assistance, it will fit into that larger picture.

Senator MERKLEY. What are the forms of lethal military assistance that would best serve our goals of supporting the Ukrainian Government while not provoking, if you will, Russian escalation?

Ambassador KAIDANOW. I think that is the open question. I mean, that is what we are trying to grapple with.

Senator MERKLEY. That is the question. That is why I am asking it.

Ambassador KAIDANOW. No. I understand. We are looking at the various options, and I think what we are trying to decide again is what will serve the political purposes most adequately. I do not have an answer for you now because there is no actual decision.

Senator MERKLEY. Lieutenant General Hooper, would you like to comment on that?

General HOOPER. Senator, that is fundamentally a policy question, and I would defer to my colleagues to respond to that.

Senator MERKLEY. Well, it is a policy question in which military insights are certainly very relevant. I am sure the military side is very engaged in that, and so what are your insights?

General HOOPER. As we do with each and every case where we assess what our partners might need and what might be appropriate, we would follow the process we always do and which we have articulated from the very beginning, which is to collaborate in a transparent fashion in order to determine what is best appropriate and what will best address both our security objectives and the overall policy objectives.

Senator MERKLEY. Mr. Harvey, when are we going to get a detailed proposal of what best fulfills the administration's plans to provide lethal military support to the Government of Ukraine?

Mr. HARVEY. I think as Ambassador Kaidanow had indicated, Senator, that is an issue that is being debated at senior levels of the administration.

Senator MERKLEY. While that is being debated, when are we on the committee going to get insights from you all since we are not hearing any today?

Mr. HARVEY. I think as we are close to making a decision I think would be the appropriate time to come over and give you an update on what—

Senator MERKLEY. Any sense of the timing on that?

Mr. HARVEY. I am sorry?

Senator MERKLEY. Any sense of the timing on that?

Mr. HARVEY. I do not have that for you right now.

Senator MERKLEY. Thank you.

Senator GARDNER. Thank you, Senator Merkley.

And I will make my question quick here. Just a question on the Philippines. Could you describe to me—the appropriate witness describe to me—the assistance the United States is currently providing to the Philippines?

Ambassador KAIDANOW. We are providing an array. Actually I should probably defer to my DoD colleagues on this because they can give you a broader swath of kind of what we are doing.

But just in a general sense, again we believe strongly and I think Secretary Mattis—again, not to speak for my colleagues—and Secretary Tillerson believe that we should be supporting the Philippine Government with regard to the insurgency that they are now facing in a very, very sensitive and important place in the Philippines.

And I think, at the end of the day, we are doing what we can, again, to give them not just military support—and I want to make sure that everybody understands this—we are also looking at ways to do stabilization so that once they are able to, we hope, defeat the insurgents, they will have the means to also give the population there some prospect of greater prosperity and greater peace and prosperity, I should say, which will allow then, again, the situation to calm down over the long term. We are looking at a whole variety of things.

Senator GARDNER. Have we sent additional assistance to the Philippines recently in terms of military assistance?

General HOOPER. We are currently sending assistance to the Philippines, and the objective of that in support of our policies is to not only increase the lethality and capabilities of the Philippine military but also their ability to stabilize the situation and also assisting them in institution building so that their troops can not only stabilize the situation but ensure that the violence ceases and that civil authority and civil stability is allowed to flourish.

Senator GARDNER. And have they made additional requests for assistance regarding ISIS or related groups in Mindanao?

Mr. HARVEY. We are in discussions with the Filipino Government in that regard. Obviously the challenge in Marawi is not limited to that particular location. So we have concerns about it spreading beyond that particular engagement right now. And so we are discussing how we might best address it through additional assistance.

Senator GARDNER. Are those discussions coming from requests from the Philippines or did we proactively seek those?

Mr. HARVEY. I think you could say it is probably initiating from both sides of the recognition that it would be useful for us to cooperate in that regard.

Senator GARDNER. Thank you.

Senator CARDIN. Can I just ask one quick question?

Senator GARDNER. Yes, please, Senator Cardin.

Senator CARDIN. Just one point. I understand the policy on congressional review and disapproval and the law. Do you all believe that it is helpful in furthering the goals for the congressional review and disapproval process?

Ambassador KAIDANOW. Absolutely. We are incredibly, as I said in the opening remarks, appreciative of the congressional role, and I think it is an essential oversight function that you have clearly made your views known today. And we respect that and we look to it as a guideline for how we do some of our work.

Senator CARDIN. Mr. Harvey?

Mr. HARVEY. I would concur completely with what Ambassador Kaidanow said. It is an essential part of our policymaking to have the inputs.

Senator CARDIN. General?

General HOOPER. It is absolutely an essential part of our policy process.

Senator CARDIN [presiding]. I was hoping to hear that from you because our questions here are well intended, and we feel very passionately about the values of this country and using every opportunity we have to advance those values. And that is why you hear the passion from the members of this committee, and that is why it is important that the close relationship between the State Department and Defense be maintained. And that is, I think, the reason behind the National Defense Authorization Act amendment.

So explain to me why you would think of taking away from Congress the ability to deal with small arms, including the type of weapons that are used by snipers, particularly when there have been two highly visible small arms sales, one that was withdrawn by the administration as it relates to Turkey, the other which involves the Philippines and their extrajudicial killings of their civilian population and their drug policy? Why would you think that would be helpful to take away congressional review? Or maybe you do not think it is helpful.

Ambassador KAIDANOW. Senator, you are referencing, I think, the question of whether we transfer responsibility from State to Commerce for a specific category or several categories of weapons. And this is part of a larger effort that we have undertaken over the last, oh, 5, 6 years.

Senator CARDIN. But do these arms not affect the policy considerations we are talking about here, particularly the message we are sending?

Ambassador KAIDANOW. So I would say a couple of things. First of all, these rules have yet to be fully published, and they will be, I hope, at some point. And then there will be plenty of time for further commentary.

But I will say our belief strongly is that military-grade weapons will continue to be a function of State Department oversight. What will be at least contemplated for transfer over to Commerce would



be the kinds of weapons that are readily available, you know, again, at any retail outlet here in the United States. And so the notion that the State Department should be regulating their export overseas strikes us as not hewing to the specific purpose that the State Department is supposed to accomplish with its authority.

Senator CARDIN. So if that is true, why did we labor over the Turkish sale and cancel it?

Ambassador KAIDANOW. So I would say a couple of things.

First of all, again, the assumption that items will transfer over to the Commerce Department does not mean that there will be no process for actually evaluating those sales.

Senator CARDIN. But that evaluation will not include Congress.

Ambassador KAIDANOW. No. What I would say is that Commerce regularly comes to the State Department to ask our opinion on sales of that nature.

Senator CARDIN. But they do not come to Congress.

Ambassador KAIDANOW. You come to us, though.

Senator CARDIN. But if Commerce is making the decision, this committee loses all oversight; that is, human rights and other considerations are gone if you do not have congressional review. Commerce does not review that. Yes, they may consult with you, but you are taking us out of the equation. And all three of you said congressional review is important.

Ambassador KAIDANOW. Well, again, we believe strongly that the most important, most sensitive weapons, the ones that you would concern yourself with on a regular basis, again military-grade weapons—that is the kind of thing where the State Department should continue to exercise its controls. Other kinds of weapons—it just seems as though—again, what we are doing is we are dispersing the State Department's effort over a number of different licensing arrangements where in theory we could be focusing on the kinds of things that we all know need to be—as a sensitive set of technologies need to be more appropriately regulated.

Senator CARDIN. And I would just remind you that the people of this country probably have focused more on what happened in Washington, D.C. against peaceful protesters and the extrajudicial killings in the Philippines. They are probably more knowledgeable about that than many of the other issues we have been talking about today. And they look to their elected officials to represent their views. If we are going to have a cooperative relationship, it appears to me this is a direct affront to congressional input that you all thought was important.

Ambassador KAIDANOW. Again, Senator, we are happy to talk to you more, I think, about the categories of weapons that we are discussing and what the appropriate dividing line among those weapons are. But our strong feeling is that we want the State Department to do what we believe those regulations were intended to do, which is focus on highly sensitive technologies where either our commercial edge or our troops will be endangered overseas through the spread of those weapons.

Senator CARDIN. And sniper weapons do not fall into that category?

Ambassador KAIDANOW. Again, we can talk a little bit more in a different setting about the specifics of each of those weapons, but

I believe, you know, we have looked closely at the kinds of things we are proposing. And again, this is all still in that stage. And we are happy to talk to you more about it.

Senator CARDIN. Well, I am glad to hear that because I could be wrong about that. I am reading press accounts, not consultation with Congress, as to these decisions being made. I certainly have not been privy to any direct opportunity. I have expressed myself pretty clearly about this, but I have not seen any attempt to get the input of Members of Congress on this policy change. And considering that there are two very highly visible sales that are involved here, it does look like an end run around Congress.

Ambassador KAIDANOW. We would welcome the chance to give you a further briefing on this—you and your staff—at any moment that you want.

Senator CARDIN. Thank you.

On behalf of Chairman Corker and on behalf of myself, I thank all of the witnesses today for their testimony here today.

The record will remain open till the close of business on Monday so that members can submit questions for the record. We would ask our witnesses to promptly respond to those questions for the record.

And with that, the hearing stands adjourned.

[Whereupon, at 12:00 p.m., the hearing was adjourned.]

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## Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO THOMAS H. HARVEY AND GENERAL CHARLES HOOPER BY SENATOR BOB CORKER

### *State Department Concurrence*

*Question.* Do you believe that State Department joint development and concurrence, as described in 10 USC 333, improves Title 10 security cooperation authorities by providing a broader foreign policy context for your efforts?

Answer [Harvey]. Yes; the Defense Department supports the Department of State's leading role in not only setting the administration's course on foreign policy, but defining the shape and purpose of U.S. foreign assistance efforts. No official outside the State Department has been a stronger proponent for reinforcing State's primacy in performing these roles, and having adequate resources to execute them, than the Secretary of Defense. Secretary Mattis recognizes that success in addressing the nation's threats requires an integrated effort, where DoD's and State's resource allocation processes are tightly linked and mutually reinforcing.

*Question.* Should concurrence of the Secretary of State be the standard practice for Title 10 security cooperation activities? What should be the exceptions, if any?

Answer [Harvey]. Security cooperation encompasses many activities that primarily benefit U.S. forces, much of which requires coordination at various levels with the State Department through routine interagency processes. In cases where strong interagency coordination exists—either under the auspices of the Chief of Mission or through the National Security Council (NSC) staff—additional and affirmative concurrence by a cabinet-level official may be redundant and a source of delay. In many cases, DoD authorities to train and equip partner nation forces have grown out of pressing operational demands identified by commanders on the ground that complement, but differ from, the broader political and diplomatic imperatives that inform State Department security assistance activities. Although some overlap in authorities and resources provides useful flexibility in tackling difficult security threats, the two Departments cannot and should not seek to recreate or mirror each other's security assistance programs.

*Question.* Do you believe the requirement for Secretary of State concurrence slows down implementation of DoD assistance or interferes with operational priorities?

Answer [Hooper]. No. Our colleagues at the State Department provide a critical and deliberate review of proposed assistance activities. The State Department helps ensure DoD's proposals support the broad range of U.S. national security and foreign policy objectives. DSCA has an excellent working relationship with the State Department based on open communication and frequent dialogue. We support timely State Department concurrence and will continue to work with our teammates in DoD and the State Department to streamline our processes. We all share a desire to advance our Departments' mutual commitment to closer synchronization without adversely affecting operational momentum on the ground or slowing support to the warfighter.

Answer [Harvey]. DoD works closely with State Department counterparts to ensure that our efforts overseas support our diplomatic and national security objectives. However, not every scenario requires the high bar of concurrence. Requiring concurrence in certain cases would likely duplicate other, ongoing coordination mechanisms at the country-team level or through routine NSC staff coordination processes. There is further interagency collaboration (i.e., "coordination" or "consultation") that occurs at various levels within both departments that occurs as a matter of routine and helps facilitate an effective implementation process.

### *Role of Geographic Combatant Commands*

*Question.* What is the role of the geographic combatant commands in developing and coordinating security sector assistance programs, both regionally and in individual countries? Is there adequate communication between the COCOMs, embas-

sies, DSCA, and PM? How are the priorities of COCOMs adjudicated if they conflict with regional or country security assistance strategies?

Answer [Hooper]. The Geographic Combatant Commands (GCCs) play an essential role in developing and coordinating security sector assistance (SSA) programs. GCCs develop SSA programs that support both their Theater Campaign Plans (TCP) and the interests of our interagency and foreign partners. In doing so, they coordinate extensively with U.S. Embassies in-country, the Service components, and our foreign partners. The GCCs serve as both a catalyst and clearinghouse to facilitate requirements. With the expansion and elevated role of SSA in shaping Theater program development, the GCCs require additional dedicated staff to support efforts of integrating security cooperation (SC) across the competitive space, contingency planning, and Theater Campaign Planning. DSCA's Integrated Regional Team matrixed structure is specifically aligned with the regional GCCs and is DSCA's key organizational conduit for daily interaction with the GCCs. An example of regular, deliberate communications among GCCs, DSCA, the State Department, the Military Departments, OSD Policy, and other key stakeholders is the DSCA-led, monthly GCC Focus meetings. These meetings are a forum to report on GCC priority programs and facilitate interagency collaboration, thereby increasing visibility and transparency in identifying program challenges and opportunities.

Answer [Harvey]. The Geographic Combatant Commands (GCC) use security cooperation to develop operationally viable partnerships that will either avoid the need to commit U.S. forces or assist U.S. forces and the United States in achieving our national security objectives. This past spring, Secretary Tillerson and Secretary Mattis established an Assistant Secretary-level State-DoD Security Sector Assistance (SSA) Steering Committee to oversee a collaborative planning process that will identify top national security priorities and synchronize investments to maximize results. The SSA Committee's objective is to integrate planning and resourcing processes for a wide range of SSA programs. DoD is likewise revising security cooperation planning processes as a result of the reforms contained in the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017 to provide better oversight of expenditures of taxpayer dollars and ensure that our efforts are more closely targeted and prioritized globally in accord with U.S. national security objectives. We are working with the GCCs to enhance their role as stakeholders for security cooperation activities and ensure they are working to integrate all available security cooperation tools within their AORs.

#### *Assistance and Foreign Military*

*Question.* What is the impact of having to funnel Title 10 assistance through the same implementation pipelines as FMS?

Answer [Hooper]. Title 10 assistance relies on the same implementation "pipelines" (including use of the contracting workforce) as FMS, but the impact is minimal given the relatively small number of Title 10 cases compared to the higher volume of FMS cases. There are great efficiencies in sharing case development and contracting processes, as doing so often allows the U.S. Government to leverage existing contract vehicles and administrative personnel in the implementing agencies, which can lower both overhead and procurement costs and improve overall system responsiveness (i.e., delivery timelines). To minimize the overall impact of the combined volume of Title 10 and FMS cases on the workforce, DSCA and the implementing agencies balance the workload through sequenced program implementation. Of note, recent statutory changes provide that Title 10 Security Cooperation funds are available for obligation for up to two years, which enables further deconfliction in the acquisition processes.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO THOMAS H. HARVEY AND GENERAL CHARLES HOOPER BY SENATOR BENJAMIN L. CARDIN

#### *State Concurrence on DoD Projects*

*Question.* Various NDAA's specify the minimum level of interaction with the Department of State and the Secretary of State, such as coordination or concurrence on various DoD security assistance projects. But that is the minimum; DoD can certainly exceed that level, correct? If the Secretary of Defense wants to make sure that the Secretary of State has concurrence on ALL security assistance-related programs, such as the Ukraine Security Assistance Initiative, or the provision of funds to foreign persons and governments in support of Special Operations counterter-

rorism and irregular warfare activities, he can do that, can't he? Why shouldn't he do that?

Answer [Harvey]. DoD requires that all components work closely with their State Department counterparts to ensure that DoD efforts worldwide support the broader diplomatic and national security objectives of the United States. DoD currently exceeds the minimum levels of coordination and interaction required by law, ranging from coordination at the country-team level to routine, established NSC staff processes for the programs you mentioned. We do not believe that every DoD security cooperation authority requires the high bar of formal Secretary of State "concurrency," especially when appropriate interagency "coordination" or "consultation" is already achieved at various levels within both departments through other mechanisms.

*Question.* One of the rationales for arms sales to problematic countries is that it provides the U.S. with leverage and therefore influence. We recently saw such an instance with the withdrawal of the 1600 Sig Sauer semi-automatic pistols to the Turkish Presidential Guard. Unfortunately, such action is not the norm. Can you provide us other instances in which the U.S. has leveraged security assistance to curtail bad behavior? Does the administration take into account a country's human rights behavior before considering providing security assistance?

Answer [Harvey]. A country's human rights record is certainly an important factor the administration takes into account when considering the provision of security assistance. However, in most cases, U.S. security assistance is not of such a scale that threatening to withdraw it would reverse the policies or actions of other sovereign nations. In many cases, walking away from a security relationship over human rights or other concerns would simply remove the professionalizing influence that the U.S. military frequently exercises over partner militaries. U.S. security assistance is a key tool to incentivize other nations to work with us toward shared security objectives, and it does provide access to make the case for human rights with key leaders around the globe, but it largely does not provide us with a veto over the choices partner nations make with respect to their own domestic governance.

#### *Human Rights*

*Question.* While security assistance allows the U.S. to provide critical aid to our allies and partners around the globe, it must also be used to facilitate the growth of human rights, civil institutions, and good governance. What is DoD doing to ensure that human rights is taken into consideration when granting security assistance? How is DoD leveraging security assistance to ensure that our partners are upholding human rights and not using this assistance to damage human rights within their respective countries? Can you provide us instances or examples of the United States using this leverage to promote human rights? What mechanisms are in place to identify certain risks that security assistance poses to the goals of promoting human rights, democracy, and civil institutions? How do we mitigate these risks in the short term? In the long term?

Answer [Harvey]. DoD takes very seriously the need to encourage partner countries to prevent violations of human rights and to hold their security forces accountable for such violations; to strengthen compliance with the law of armed conflict and respect for civilian control over the military; to establish military justice systems and other mechanisms for accountability; and to prevent the use of child soldiers. DoD understands the importance of engagement with partner governments on these issues. DoD routinely provides a variety of human rights training to foreign security forces under several different authorities. The Combatant Commands also incorporate human rights training for foreign security forces in all joint operations and exercises. Commanders ensure that all operational and intelligence engagements with foreign security forces, and any engagements that involve ethical, political, military, legal, or human rights implications, contain a human rights component focusing on the responsibility of military and security forces to protect human rights.

#### *Building Partner Capacity*

*Question.* Have DoD efforts to "build partner capacity" demonstrated substantial and lasting gains by recipient countries? In which countries, and by what standards does DoD assess such gains?

Answer [Harvey]. Colombia provides an excellent case study of how the results of partner-nation political will and commitment, coupled with full U.S. interagency and congressional support, address shared transnational challenges. In January 2016, the Department issued its first policy on assessment, monitoring, and evaluation (AM&E) of security cooperation (DoD Instruction 5132.14, "Assessment, Monitoring, and Evaluation Policy for the Security Cooperation Enterprise," January 13,

2017). We are working to implement that policy, in coordination with State Department, USAID, and other stakeholders based on best practices. This AM&E framework will not only provide the Congress and taxpayers a better return on investment, but allow DoD to consider how to most effectively apply limited resources against our greatest strategic priorities.

#### *NATO Members with Russian Equipment*

*Question.* The new Russian Sanctions Act, by levying sanctions legislation Russia's defense industrial sector, has the potential to impact eastern NATO members that still rely on Russian equipment and on Russia for parts and component. Does the administration have a plan to help these countries transition away from Russian equipment? Has DoD considered offering loans or leases, in addition to FMF grants, to these countries to support their acquisition of U.S. higher-end systems?

*Answer [Harvey].* DoD considers all available tools when assessing how to meet individual partner-nation equipping needs. All of our Security Assistance/Security Cooperation activities focus on building interoperability with the United States and NATO and encourage our partners to procure U.S. and NATO interoperable systems as they seek to replace Russian equipment. The sanctions only compound the need to support our Allies in moving to replace Russian military equipment with U.S. and NATO interoperable systems.

#### *Security Assistance to Afghanistan*

*Question.* Our security assistance for Afghanistan runs primarily through the Department of Defense. The Obama administration began a process in 2013 which would have transitioned this assistance from DoD to State, as U.S. forces were scheduled to draw down from the country. With the reversal in the Obama policy as well as a new South Asia strategy by the Trump administration, I understand that this process was stopped. Where does this discussion stand? Is it the Trump administration vision that security assistance in Afghanistan will continue to sit with the Defense Department? What do we lose in terms of policy coherence by having the Defense Department administer security assistance with little role or input by the State Department?

*Answer [Harvey].* DoD has no near-term plans to transition security assistance to Afghanistan from DoD's Afghanistan Security Forces Fund (ASFF) to Department of State authorities. DoD's ASFF provided more than \$4.2 billion in fiscal year (FY) 2017 to support the Afghanistan National and Defense Security Forces (ANDSF). The FY 2018 ASFF appropriation is more than \$4.3 billion. The ASFF accounts for nearly 80 percent of the Afghanistan's total defense budget and is uniquely designed to address ANDSF needs, including police costs, salaries and incentive pay, fuel, infrastructure, and other operational support. We assess that ASFF remains the most appropriate funding source to support the ANDSF based on the magnitude of current defense requirements in Afghanistan. In addition, we assess that securing adequate funding in the Department of State budget to support ANDSF requirements could result in costly tradeoffs in the State Department's security assistance and civilian assistance accounts and other administration priorities. The Department of State has the authority to concur or not concur in all ASFF programs to ensure that activities are consistent with U.S. foreign policy.

#### *Excess Defense Articles*

*Question.* One method of providing security assistance is through the provision of Excess Defense Articles (EDA). It is unclear, however, how rational the system of EDA is; how EDA is prioritized by country, by those countries' needs, and by equipment available. What improvements do you think need to be made to the EDA program?

*Answer [Harvey].* The EDA program aligns available excess equipment with a country request based on the country's requirements. If demand (requirements) exceeds the available quantity of equipment, an interagency meeting is convened with representatives from the Defense Security Cooperation Agency (DSCA), the State Department (PM/RSAT), the Joint Staff (J-5), and the Office of the Under Secretary of Defense for Policy to determine the priority for allocation of such equipment based on U.S. foreign policy goals, U.S. national interests, and the potential for sustainability and supportability of the planned recipient country. In terms of improvements, an amendment to Section 516(f)(1) of the FAA to increase the \$7 million original acquisition dollar-value threshold for the congressional notification requirement and remove the significant military-equipment requirement from the notification requirement (or place a minimum dollar threshold on it) would significantly streamline the processing of many small-scale items. The result of the current threshold is that 85 percent of all EDA requests must be notified. For example, if

a single armored wrecker is included with a request for 50 non-armored wheeled vehicles and the total original acquisition value is \$3 million, we must present a 30-day notification before authorizing the transfer.

#### *Lease Authorities for Excess Naval Vessels*

*Question.* The provision of excess naval vessels is a powerful and important foreign policy tool; as such, for vessels of 3,000 tons displacement, an act of Congress is required for the sale or grant of such vessels to foreign recipients. Unfortunately, this process has been handicapped by the selection of recipient countries, many of which are, at best, problematic partners to the United States, or are unreliable partners and sources of instability and threats to U.S. interests. The Navy could, however, provide such vessels on a longterm lease basis, with the added benefit of the retention of U.S. title giving the U.S. authority in determining that these vessels are used in ways supportive of U.S. foreign and security interests. Are Title 10 lease authorities sufficient to conclude such leases? What policy impediments exist for such a program?

*Answer [Harvey].* Title 10 leases (10 U.S.C. 2667) are not appropriate for leases to a foreign government as Section 61 of the Arms Export Control Act explicitly states that DoD may not use 10 U.S.C. 2667 to lease any defense articles to a foreign government or international organization. Furthermore, 10 U.S.C. 7307 requires legislation to dispose of vessels over 3,000 tons displacement, including by lease. If legislation were enacted to allow for vessel leases, the leases would occur through the authority outlined in Chapter 6 of the Arms Export Control Act (22 U.S.C. 2976), which limits any lease to a term of five years. The cost of refurbishment to sail-worthiness, training, support, and sustainment (estimated at \$85-\$100 million for a sale with three years of sustainment), may be too cost prohibitive for any partner to consider without a permanent transfer, especially since Title 22 leases may be revoked at any time with limited notice.

#### *Security Cooperation Officer Perspective*

*Question.* You bring a unique perspective the job of Director of DSCA, in that you have served as a Security Cooperation Officer in the field. Understanding that you have just assumed your new position, could you share your observations of the benefits and problems of US security assistance as a former SCO, and how those insights might be used to improve the provision of security assistance, particularly the FMS process?

*Answer [Hooper].* Security Cooperation is a pillar of U.S. foreign policy. DSCA's security cooperation programs strengthen bilateral relationships between the United States and its foreign partners by enhancing military-to-military cooperation, enabling greater interoperability, contributing to shared security goals through the development of partner capabilities, and providing U.S. forces with peacetime and contingency access. Security cooperation also provides key opportunities to build personal relationships that underpin our national security and foreign policy. DSCA has identified five key challenges to expediting the FMS process: The first challenge is working with partners to define requirements. DSCA needs to work closely with partners to identify capabilities for specific mission sets. The second challenge is non-standard, non-program-of-record requests. Although these items may be an appropriate fit to meet partner capability needs and to support our industrial base, the process to meet these acquisitions is often time consuming. The third challenge is increased demand by our foreign partners for transfer of advanced technology. This demand amplifies the need for U.S. defense systems to be designed with exportability in mind. The fourth challenge is balancing the complexities of politics and foreign policy as they relate to security cooperation programs. The final challenge is supporting our defense industrial base's ability to fulfill requirements identified by foreign partners. DSCA is examining these five challenges in conjunction with others in the U.S. Government and with industry and international stakeholders, as appropriate, to determine how to address these issues and make our efforts more efficient, effective, agile, and responsive.

#### *Improving Foreign Government Procurement Processes*

*Question.* One of the reasons for delays in the FMS process is that client countries often have only a vague idea of what capability they want to buy; months can be expended in working with the various parts of a foreign government to better define what specific weapon capabilities they need and can afford, as well as what we are likely to consent to provide. Are there better ways to improve this process? Should the US provide more professional training of foreign acquisition officials in order to have a more productive relationship in the procurement process?

Answer [Hooper]. In conjunction with Geographic Combatant Commands' (GCC) staff and U.S. Embassy Security Cooperation Officers (SCOs) in-country, DSCA works with partner nations, upon their request, to inform development and refinement of their requirements early in their acquisition process. To improve this process, DoD is taking steps to use existing tools more effectively. Such tools include Expeditionary Requirements Generation Teams (ERGT), which deploy subject matter experts to augment GCC staff and SCOs in support of security cooperation planning and development, Ministry of Defense Advisor (MoDA) teams, and subject matter expert exchanges. In addition, as part of the security cooperation workforce reform, DSCA is taking steps to ensure the community is properly trained to assist partners in requirements development. DoD also offers numerous training opportunities for foreign partners in traditional classroom environments, such as the Defense Acquisition University and the Defense Institute of Security Cooperation Studies. The curriculum offered in these schoolhouses assists foreign acquisition professionals in understanding planning and resource processes, requirements generation, budgeting, acquisition, and sustainment.

*Expanded Leasing Ability*

*Question.* FMS and FMF are both effective US programs to build partner countries' military capabilities. However, both are often limited by funds available, both country funds and US grant assistance, as well as production timelines. Should the US expand its ability to lease equipment to partner countries, either to supplement the FMS and FMF process, or to provide an interim capability while their FMS purchases are being produced?

Answer [Hooper]. Chapter 6 of the Arms Export Control Act provides the authority to lease defense articles already in DoD stocks if there are compelling foreign policy and national security reasons to provide the articles via lease rather than by a sale. The lease is subject to a determination that the articles will not be needed for public use during the lease period. It is not uncommon for the United States to lease an interim capability to a foreign partner in advance of the delivery of an item being purchased through FMS. Currently, DoD does not have the authority to lease defense articles not already in DoD stocks, or to repurpose articles in DoD stocks that are intended for public use. DSCA is exploring whether an expanded lease authority would be an effective supplement to existing security cooperation authorities.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO THOMAS H. HARVEY AND GENERAL CHARLES HOOPER BY SENATOR ROBERT MENENDEZ

*Ukraine*

*Question.* The Ukraine Assistance Initiative permits the Secretary of Defense to provide up to \$300 million in FY2016 and \$350 million in FY 2017 for security assistance and intelligence support, including training, equipment, logistics support, supplies and services to military and other security forces of Ukraine. How do you plan to support Ukrainian forces who continue to face Russian aggression and occupation?

Answer [Hooper]. DCSA, in coordination with the U.S. European Command, the Department of State, and other U.S. departments and agencies, provides significant defensive capabilities to the Ukrainians. We continue to collate and finalize proposals from the subcommittees of the Multinational Joint Commission (MJC) to support Ukraine in Fiscal Year 2018. Some items include counter-artillery/mortar radars, armored vehicles, night-vision devices, optics, personal protective equipment, thermal imagers, ambulances, medical equipment and medical training, emergency response and casualty triage equipment, counter-Russian propaganda training and equipment, airport beacons, radars, and airfield equipment to bring Staro-Konstantinov to the standards of an "all-weather" airbase, maritime sonar systems, dive gear, and underwater vehicles. Furthermore, we assist in the development of institutions for the Ukrainian Armed Forces, such as military police training, forensics training, counterterrorism training, and special forces individual combat training. The National Guard assists in training Ukrainian National Guard brigades battalions forward deployed. In addition, we are assisting in developing a stronger Non-Commissioned Officer (NCO) corps, including by providing a training academy to further the education of future NCO leaders. The MJC will continue to evaluate and prioritize the Ukrainian capability gaps to ensure we provide the most effective equipment and training necessary to deter aggressive Russian actions.



Answer [Harvey]. DoD will continue to leverage the Ukraine Security Assistance Initiative (USAI) as a means of training and equipping Ukrainian forces.

#### *Lebanon*

*Question.* The administration's budget proposed slashing FMF to Lebanon. Do you see value in continuing to support the Lebanese Armed Forces? Are you concerned about increasing Hezbollah presence within the forces? What implications will this have for U.S. national security, security of our allies, and overall regional stability?

Answer [Hooper]. The Lebanese Armed Forces (LAF) is a unifying entity within Lebanon and a valuable investment that advances U.S. interests in the region. The LAF has served as a bulwark against Lebanese Hizballah (LH) influence, defeated ISIS along the Syrian border, safeguarded Lebanon's borders, and maintained security within Lebanon. The LAF continues to uphold its independence from party politics. The LAF serves as a counterbalance to LH influence, which challenges LH's efforts to improve its legitimacy within the country. A more capable LAF would allow Lebanon to exercise greater sovereignty throughout the nation.

Answer [Harvey]. DoD is exploring ways to support the Lebanese Armed Forces (LAF) in a manner consistent with our approach to shared security challenges in the U.S. Central Command area of responsibility. A reduction of Foreign Military Financing (FMF) funding available for Lebanon would require a "relook" of U.S. activities. Secretaries Tillerson and Mattis established a Security Sector Assistance (SSA) Steering Committee to review such cases and programs where a reduction in one account or another might impact broader U.S. national security interests.

#### *Bahrain*

*Question.* Last year, owing to serious concerns about human rights conditions in the country, the United States restricted the sale of weapons to Bahrain. This administration seems to have abandoned that policy. Have you seen an improvement in the human rights situation in Bahrain? Do you believe it is in the national security interest of the United States to continue using available levers to promote human rights?

Answer [Hooper]. The United States continues to monitor the situation and urge the Government of Bahrain to continue to build an inclusive society that promotes human rights and political opportunities for all parties. Promoting human rights improves stability within partner nations throughout the world, which is directly linked to the national security interests of the United States. The United States relies on all instruments of national power, including diplomatic, information, military, and economic, to change the behavior of a partner country to promote human rights.

Answer [Harvey]. Over the last year, we have noted new and continued restrictions on the existence and operation of political societies; restrictions on free expression, assembly, and association; and lack of due process in the legal system. We have repeatedly voiced concern about these and other issues and urged the Government of Bahrain, at the highest levels, to reinvigorate its reform program, make the political system more inclusive, and rebuild trust between the government and citizens. We will continue to urge the Government of Bahrain to take steps to ensure inclusive elections in 2018 and to advance reform efforts for the benefit of Bahrain's longterm security and our mutual interests in regional stability. Enhancing our security cooperation with Bahrain does not diminish the enduring emphasis we place on human-rights issues.

#### *Egypt*

*Question.* Last year, the GAO issued a report recommending increased end use monitoring of security equipment transferred to Egyptian security forces. What steps are you taking to improve monitoring, particularly in the Sinai? The same report indicated that the USG completed "some, but not all human rights vetting required by State policy before providing training or equipment to Egyptian security forces." What steps are you taking to ensure that the United States is complying with all applicable human rights vetting? How do you assess our national security gains in this context?

Answer [Hooper]. With regard to the recommendations made in the GAO report, those that relate to end-use monitoring are focused on direct commercial sales (DCS), which for compliance reporting fall under the State Department's Blue Lantern program. Those that relate to human rights are focused on the State Department's vetting process and State's INVEST system. In both of these cases, we defer to our colleagues at the State Department. With regard to Egypt and the "efense Department's Golden Sentry end-use monitoring program, inventory reports of items

transferred to Egypt and designated as “enhanced” reflect that 100 percent of those items have been accounted for as of August 2017. These reports are inclusive of all enhanced items located throughout Egypt, including those located in the Sinai.

Answer [Harvey]. The United States and Egypt have a mutual interest in countering terrorism, particularly in the Sinai, and U.S. security assistance is a tool to strengthen the Egyptian Armed Forces’ counterterrorism capacity. To help ensure that U.S.-origin equipment is deployed more effectively in accordance with U.S. legal requirements, the 2016 GAO report made five recommendations to the Department of State. The Department of State has subsequently worked with U.S. Embassy Cairo and, specifically, the Office of Military Cooperation (OMC)-Cairo to improve equipment vetting. The Government of Egypt has responded to senior Department of State and Department of Defense requests for greater access to the Sinai by approving official travel to the Multinational Force and Observers facilities, Egyptian Second Field Army Headquarters, and development projects near the Suez Canal. The Departments of State and Defense are seeking further access to areas of operational significance in the Sinai to understand better the ISIS threat and Egypt’s use of U.S.-origin equipment in Sinai counterterrorism operations. U.S. military-to-military cooperation with Egypt is critical to achieve shared security interests and an important conduit to message the importance of respect for human rights. The Departments of State and Defense strictly enforce policies and practices on appropriate end-use of U.S.-origin defense articles and training to ensure compliance with human rights standards. OMC-Cairo now maintains paper copies of International Vetting and Security Tracking (INVEST) approvals for a five-year period and waits for INVEST approval before issuing travel orders or providing funding for Egyptian forces’ participation in U.S.-funded training.

#### *Colombia*

*Question.* We have seen an alarming rise in coca production in Colombia over the past year. We have made tremendous investments into supporting Colombian security services in fighting narcotrafficking and combatting criminal networks. In fact, our joint efforts have been so successful that Colombia’s security services now train other partner forces throughout the region. Combatting international criminal networks surely requires cooperation from allies. Earlier this month the President said he “seriously considered” decertifying Colombia as a partner in the war against drugs because of this alarming rise. What implications would that have on our security assistance and cooperation with Colombia? Would such a decertification ultimately hamper the ability of the United States to collaborate with Colombian security forces with whom we work on combatting narcotraffickers?

Answer [Harvey]. Colombia is an excellent case study where partner nation commitment, together with full U.S. support, can achieve lasting results. The rise of coca production is alarming, and we will work closely with the State Department and the Congress to assess the impact the decision to decertify would have on our ability to partner with Colombia.

Answer [Hooper]. U.S. security assistance is restricted for countries determined by the President to be Major Drug Transit or Major Illicit Drug Producing that have “failed demonstrably” to take certain counternarcotics efforts. U.S.-Colombia cooperation is strong, and Colombia remains a critical partner in the region. It has been a tremendous friend on U.S. initiatives inside and outside of its borders. A “failed demonstrably” designation has the potential to undermine this relationship at large. Without a national security waiver, it would be more difficult for the United States to engage with and support Colombian security forces. This is especially true regarding U.S. support of Colombian efforts to implement the peace accord and manage its internal security, two goals that are consistent with the whole-of-government approach the United States promotes for Colombia’s counterdrug efforts. Absent a waiver, a “failed demonstrably” designation would restrict U.S. capacity to provide security assistance to Colombia. Over the last five years, Colombia has received an average of \$28.6 million in Foreign Military Financing (FMF) grants per year and an average of \$1.4 million in International Military Education and Training (IMET) funds per year. FMF has supported the UH-60 Blackhawk and fixed-wing aircraft, secure communications, maritime and riverine interdiction vessels, and a wide range of programs for the ground forces. All of these programs were instrumental for Colombia’s battle with the FARC. Halting our support would have a significant impact on the Colombian military’s ability to address the ongoing trafficking threat and post-accord security-consolidation efforts that aim to extend the reach of the Colombian Government. IMET courses focus on institutionalizing respect for human rights and the rule of law and enhancing the leadership and technical ability to protect national territory and maritime borders against transnational

threats. IMET courses include professional military education courses, language training, technical training, and enlisted and officer development courses.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO THOMAS H. HARVEY AND GENERAL CHARLES HOOPER BY SENATOR TODD YOUNG

*Question.* The Special Inspector General for Afghanistan Reconstruction (SIGAR) released their report on September 21 entitled, “Reconstructing the Afghan National Defense and Security Forces: Lessons from the U.S. Experience in Afghanistan.” This report addresses how the Department of State, Department of Defense, and others developed and executed security assistance programs in Afghanistan. The report notes that the U.S. “devoted over \$70 billion (60 percent) of its Afghanistan reconstruction funds to building the ANDSF through 2016, and continues to commit over \$4 billion per year to that effort”—yet major problems persist. The SIGAR report features 12 key findings, 11 lessons, and a number of recommendations, including recommendations for State and DoD. In light of this tremendous taxpayer investment and the national security interests at stake, I am interested to hear your response to the report and its recommendations. Have you reviewed this report, and do you have any specific reactions you would like to share with this committee?

Answer [Harvey]. OSD (Policy) worked closely with SIGAR on this report, which incorporates many of DoD’s insights gained from conducting policy oversight of the effort to develop and sustain the Afghan National Defense and Security Forces (ANDSF). As part of the President’s new South Asia Strategy, DoD is already applying some of SIGAR’s key Afghanistan-specific lessons learned and recommendations, such as expanding the train, advise, and assist (TAA) mission down to the tactical level; looking at ways to improve selection and training of advisors before they deploy; and increasing advisory capacity in Afghan National Army (ANA) military academies and training centers. In addition, the new strategy continues to place a premium on on-going efforts to protect U.S. taxpayers’ investment in the ANDSF that are consistent with other SIGAR recommendations, such as improving ANDSF oversight and accountability systems and improving technical oversight of U.S. contracts for maintenance support to ANDSF equipment.

Answer [Hooper]. I have reviewed the findings, lessons, and recommendations in the report and DSCA has addressed the areas under our purview. I want to thank SIGAR for its comprehensive and insightful work. As the Director of DSCA, I am heavily invested in the success of the security cooperation mission in Afghanistan and I am committed to improving our support continuously. The successful execution of Afghanistan Security Forces Fund program remains a significant priority. Further, the DSCA Ministry of Defense Advisor (MoDA) team works closely and consistently with the Resolute Support Mission Headquarters to review and update the MoDA training. DSCA constantly reviews the program of instruction in general, and the training vignettes in particular, for relevance to current operational conditions and mission requirements.

*Question.* Have you reviewed the transcript from the July 18, 2017 Senate Foreign Relations Committee hearing entitled, “Four Famines: Root Causes and Multilateral Action Plan”? If not, please do so.

Answer [Harvey]. Yes, I have reviewed the transcript. I agree that the welfare of the 20 million people facing starvation in these four countries is of utmost concern and importance. DoD follows these developments closely. With our interagency partners, the international community, and the host nations, we are working to address the root causes of these crises in order to improve the challenging circumstances for these populations.

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RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO THOMAS H. HARVEY AND GENERAL CHARLES HOOPER BY SENATOR ROB PORTMAN

*Value of Security Cooperation to the U.S. Military and Defense-Industrial Base*

*Question.* There has been much discussion about the impact of human rights consideration on U.S. security assistance—and rightly so—but I also think it’s important to publicly discuss the value to the U.S. military in developing close military-to-military relationships with strategic partners around the world. From an operational planning perspective, what is the benefit of having regional partners trained and equipped according to U.S. standards?

Answer [Hopper]. When partners are trained and equipped according to U.S. standards, they become more interoperable with U.S. forces. During contingencies, interoperable partners are more effective in coordinating actions with U.S. forces and, where necessary, have the capability to share equipment and ammunition during battle. Finally, partners who are trained and equipped to U.S. standards are often postured for long-term cooperative relationships with the United States, seek a steady rhythm of military-to-military engagements with the United States, and apply national funds to purchase U.S. equipment and spare parts, which facilitates a healthier U.S. defense industrial base.

Answer [Harvey]. DoD maintains generational relationships through our defense partnerships with countries globally. Because of these relationships and our global posture and presence, no other country, department or agency has the same ability to influence positively other partner nation security forces. Interoperability is key to the success of U.S. warfighters and the ability of the United States to deter, or prevail if necessary, in conflict. DoD carefully considers interoperability with our allies and partners when planning security cooperation investments and developing our own forces.

*Question.* There has been much discussion about the impact of human rights consideration on U.S. security assistance—and rightly so—but I also think it's important to publicly discuss the value to the U.S. military in developing close military-to-military relationships with strategic partners around the world. How do increased interoperability and shared tactics, techniques, and procedures (TTP) between the U.S. and regional partners impact DoD assessments about the costs and requirements of responding to contingencies around the world?

Answer [Hopper]. Today's complex security environment often requires a long-term approach with the military operating as part of a comprehensive, whole-of-government effort, which includes international partners, to facilitate unified action. Synchronizing our military actions with the many stakeholders, both interagency and multinational, is key to addressing threats initiated by adversaries to challenge regional and global security. In an era of inclusiveness with multinational partners, the United States benefits when international partners share perspectives and support, and when the United States reciprocates. Best practices include sharing plans; tactics, techniques, and procedures (TTP); and capabilities. Shared TTPs are most beneficial when the United States is operating with partners with similar equipment. When the equipment is U.S.-origin, the benefits are multifaceted. From a fiscal perspective, selling services and capabilities through FMS contributes to U.S. DoD program stability, while reducing the cost of research and development and long-term sustainment for the international partner. FMS relationships are reinforced with interactions spanning several years, and often decades, as military teams train and exercise together and the defense equipment is sustained and upgraded in tandem with the United States. FMS can therefore lead to unit cost reductions in DoD's domestic procurements. This can be realized in the form of cost sharing through cooperative development and cost savings as a result of economies of scale.

Answer [Harvey]. DoD maintains generational relationships through our defense partnerships with countries globally. Because of these relationships and our global posture and presence, no other country, department or agency has the same ability to influence positively other partner nation security forces. Interoperability is key to the success of U.S. warfighters and the ability of the United States to deter, or prevail if necessary, in conflict. DoD carefully considers interoperability with our allies and partners when planning security cooperation investments and developing our own forces.

*Question.* There has been much discussion about the impact of human rights consideration on U.S. security assistance—and rightly so—but I also think it's important to publicly discuss the value to the U.S. military in developing close military-to-military relationships with strategic partners around the world. Can you please talk about the role Foreign Military Sales can play in sustaining critical U.S. defense-industrial base capabilities, especially during gaps in production cycles for DoD contracts?

Answer [Hopper]. Foreign Military Sales (FMS) play a critical role in supporting U.S. defense-industrial base capabilities. A specific example can be found in examining the recent history of the Boeing F/A-18E/F Super Hornet and E/A-18G Growler production line. As of 2015, Boeing planned to close down the Super Hornet's St. Louis production line by 2017 after fulfilling an order of 15 Super Hornet fighter aircraft for the U.S. Navy. At that time, the Navy was addressing how it would contend with the projected strike-fighter shortfall it would face in the 2020s, but had

not made any commitments for further purchases. With fatigue issues affecting the heavily deployed current F/A-18 fleet, and delays in fielding the carrier-capable F-35C, the Navy needed options to ensure that it could sustain its robust strike-fighter capability, but Boeing would not maintain a production line solely for a small-scale aircraft buy. At that time, Australia was the only international Super Hornet FMS customer. However, Kuwait soon expressed interest in the Super Hornet as a replacement for its aging legacy F/A-18 C/D fleet. With the anticipation of a new FMS order, industry was presented the opportunity to extend the production line and demonstrate the capability to fulfill potential sales. This extension presented additional options for the U.S. Navy to sustain and enhance its fleet of currently fielded strike-fighter and electronic aircraft. The bridge that FMS for Kuwait and other potential customers has provided for the F/A-18 E/F production line has made the F/A-18 E/F a viable option to satisfy future U.S. DoD and international fighter aircraft requirements. Had the production line closed this year, as projected, after fulfilling the original U.S. DoD program requirements, Boeing would have had to divest significant strike-fighter intellectual and industrial capital, which would take years and significant investment to regenerate. Instead, in addition to new aircraft deliveries, upgrades to increase range, improve weapons and sensor capabilities, and lower detectability can now be offered to current and future partners. Additionally, further production and development of the F/A-18 E/F, for both the U.S. Navy and FMS, ensure that the U.S. fighter industrial base continues to be diversified beyond a single manufacturer or platform and realizes the cost-benefit of economies of scale by increasing number of sales.

Answer [Harvey]. Foreign Military Sales programs and all DoD security cooperation ultimately benefit the U.S. taxpayer—whether by supporting the defense industrial base or by ensuring the continued safety and security of the homeland by sharing the responsibility for pursuing global security by, with, and through our allies and partners.

#### *Lessons Learned from Ukraine Security Assistance Efforts*

Question. General Hooper, in your statement you correctly noted the ongoing challenges DSCA (Defense Security Cooperation Agency) faces in shortening the delivery timeline for security assistance provided through Foreign Military Sales (FMS) cases. Because the previous administration chose to restrict the type of assistance that could be provided to Ukraine using expedited Executive authorities, a lot of the U.S. military assistance had to be provided through statutory authorities like the Foreign Military Sales (FMS). The silver lining to this was that the inefficiencies in the FMS process were much easier to see. I'm interested in your thoughts on what additional authorities or mechanisms you think would help in streamlining this process—not just in Ukraine but around the world. There are a number of special financing mechanisms designed to help expedite funding to implement FMS cases such as the Special Defense Acquisition Fund, Third Party Financing, and others. Can you comment on the usefulness of these authorities? Are there any other particular mechanisms you find especially helpful? Are there any additional authorities you think would be helpful?

Answer [Hooper]. The Special Defense Acquisition Fund (SDAF) is an important security-cooperation authority since it remains the only authority available to the administration to purchase defense articles and services in anticipation of their future transfer. The SDAF results in faster deliveries once FMS agreements are signed, and it helps to enhance U.S. force readiness by reducing the need to divert assets from U.S. forces when urgent foreign needs arise. Since the SDAF was recapitalized in 2012, the Department of Defense, with Department of State concurrence, has used it to purchase more than \$700 million worth of defense articles and services, which have been transferred to more than 45 countries worldwide, including Afghanistan, Iraq, Lebanon, Ukraine, and Tunisia. On average, the articles and services purchased by the fund were delivered to partner nations six to twelve months faster than would have otherwise been possible. Without question, the SDAF has proven to be a useful security-cooperation authority. In 2017, however, section 114(c)(3) of title 10, U.S. Code, was amended to require that the Department of Defense purchase \$500 million worth of precision-guided munitions each fiscal year before buying any other defense articles or services. Because DoD is only able to execute about \$350 million in new buys each year, this law has precluded DoD from using the SDAF to purchase any defense articles or services other than precision-guided munitions. The administration is requesting that the law be amended in FY 2018 to allow DoD to use the SDAF to purchase other defense articles and services that may be required by our international partners in an expedited manner. Regarding additional authorities, at this time we believe we have sufficient authorities to provide assistance of the type discussed here.

*Question.* General Hooper, in your statement you correctly noted the ongoing challenges DSCA (Defense Security Cooperation Agency) faces in shortening the delivery timeline for security assistance provided through Foreign Military Sales (FMS) cases. Because the previous administration chose to restrict the type of assistance that could be provided to Ukraine using expedited Executive authorities, a lot of the U.S. military assistance had to be provided through statutory authorities like the Foreign Military Sales (FMS). The silver lining to this was that the inefficiencies in the FMS process were much easier to see. I'm interested in your thoughts on what additional authorities or mechanisms you think would be helpful in streamlining this process—not just in Ukraine but around the world. Would providing multi-year obligation authority standard in Congressional authorizations and appropriations for security assistance activities be helpful?

*Answer [Hooper].* Yes, making multi-year obligation authority standard in congressional authorizations and appropriations for security assistance activities would be very helpful. DSCA greatly appreciates the Committee's efforts and willingness to provide cross-fiscal year obligation authority. Building partner capacity and capabilities is a multi-year effort involving pre- and post-equipment delivery training that can stretch up to four years from the first obligation of funds. Providing enhanced multi-year obligation authority would increase the return on taxpayer investment by helping DoD better sequence activities in a dynamic environment.

