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# AUTHORIZATION FOR THE USE OF MILITARY FORCE AGAINST ISIL

U.S. SENATE, COMMITTEE ON FOREIGN RELATIONS

ONE HUNDRED AND THIRTEENTH CONGRESS, FIRST SESSION

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Chairman, Committee on Foreign Relations

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# **Chairman Menendez’s Opening Remarks at Hearing on “Authorization for the Use of Military Force Against ISIL”**

December 9, 2014

WASHINGTON, DC – U.S. Sen. Robert Menendez (D-NJ), Chairman of the Senate Foreign Relations Committee, delivered the below statement, as prepared for delivery, at today’s hearing titled “Authorization for the Use of Military Force Against ISIL.”

“Thank you, Secretary Kerry for being here. When you last appeared before this Committee in September you asked Congress to authorize the use of military force against ISIL. We have an AUMF that the Committee will consider later this week. Today, we are asking you to provide the Administration’s views on this text and on your strategic planning to counter ISIL along with the range of military authorities you will need to achieve your goals.

“This is the most important vote that any Member of Congress can take. It is a vote to send America’s sons and daughter into harm’s way, and we do not take that responsibility lightly. That reality demands our full attention and consideration of three issues.

“First, whether military action to counter ISIL is necessary and in the national security interest of the United States. I believe that it is – and doubt anyone would disagree. I believe that the risk of ISIL acquiring a safe haven in Iraq or Syria – or beyond – from which it can attack American interests – and at some point America itself – demands action.

“Second, we need to understand the political and military goals of this operation, how we expect to achieve them; and the time frame of this campaign. I know some may see this as limiting, but, at the end of the day, Americans will not be supportive of an authorization of an endless war. They do not want us to occupy Iraq for decades. They do not want an ISIL Recruitment AUMF allowing ISIL to claim a Jihad against Western Crusaders that enhances their ability to recruit followers who want to fight Americans. In my view, deployment of ground troops at this time would be Ground Hog Day in Iraq all over again.

“Lastly, we need to hear what authorities the Commander in Chief expects that he will need from Congress to achieve his political and military goals of defeating ISIL and closing off the region to extremists and terrorist.

“Frankly, the process we undertake today is not the one I sought. I had hoped to begin this conversation weeks ago so the entire Senate -- not just this Committee – would have time to consider a comprehensive, bipartisan AUMF. But, that did not happen, and we are today to take action. The American people expect their congressional

leaders to engage fully on this issue – to understand the mission, the parameters, and the risks.

“As I have said many times: I am not comfortable with the Administration’s reliance on the 9/11 AUMF and the 2002 Iraq AUMF. The 9/11 AUMF was adopted to counter al Qaeda in the wake of the September 11 attacks. No member could have foreseen that we would still be acting under its authority 13 years later. I do not believe that it provides the authority to pursue a new enemy in different countries under completely different circumstances than existed 13 years ago. Congress, rather than the executive, has the authority to authorize military action and to declare war for these very reasons. We are the check and the balance on executive power and – if we abandon that role – then we will have done a grave disservice to the American people.

“The text that I have presented is based on consultations with the Democratic members of this Committee and addresses the authorities we understand the White House is seeking.

“In my view, an ISIL-specific AUMF should – in broad terms -- authorize the President to use military force against ISIL and associated persons or forces – meaning individuals or organizations fighting for or on behalf of ISIL. It should limit the activities of our forces so that there will be no large-scale ground combat operations. If the President feels he needs that, he should ask for it and Congress can consider it. It should limit the authorization to three years and it should require the Administration to report to Congress every 60 days.

"As drafted, the text would limit the authorization of force by not allowing ground combat operations except as necessary for the protection or rescue of U.S. soldiers or citizen or for intelligence operations, spotters to enable airstrikes, operational planning; or other forms of advice and assistance.

“The authorization would be limited to 3 years. The President has said this will be a multi-year campaign, but – I do not believe the AUMF should be unlimited. A 3-year timeframe would allow this President – and a new President – time to assess the situation and make responsible decisions – together with the Congress – about whether and how to continue military action.

“That said, Mr. Secretary, I would like to hear what the Administration’s framework is – what you see as the U.S.-led strategy to counter ISIL.

“Let me conclude by saying – I do not believe that placing limitations in this AUMF sends a message of weakness to our enemies. This authorization is intended to provide the authority required by the Commander in Chief to do our part in this multinational effort to defeat ISIL.

“ISIL is not only an American problem, it is a global problem – and no ISIL strategy can rely on American military power alone. We need to train Iraqi Security Forces and

Kurdish Peshmerga forces; stand-up a train-and-equip program for moderate Syrian fighters; work with Coalition partners to cut off terror-financing and foreign fighter flows; and provide humanitarian aid to address the urgent, desperate situation of millions in the region whose lives have been uprooted.

“Mr. Secretary, I look forward to working with you on our mutual goal of degrading and defeating ISIL – and welcome back to the Committee.

“With that, let me turn to Senator Corker for his opening remarks.”

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Opening Statement  
Secretary of State John Kerry  
Senate Committee on Foreign Relations  
December 9, 2014

Mr. Chairman, Ranking Member Corker – Senators – good afternoon, thank you for having me back to the Foreign Relations Committee.

During my time here, we got many things right, and some things we wish we had done differently. But I think that most of us would agree — and I saw it during both parties' chairmanships, including the years Senator Lugar and I were here — that this Committee works best, and makes the greatest contribution to our foreign policy, when it addresses the most important issues on a strong, bipartisan basis.

This is one of those issues, and one of those moments, when that approach is critical.

As you know, the President is committed to engaging with this committee and your colleagues in the Senate and House of Representatives regarding a new Authorization to Use Military Force against the terrorist group known as ISIL and affiliated groups. I want to thank Chairman Menendez and the entire Committee for leading this effort in Congress and for all of the important work you have already done on this complicated and challenging issue.

I realize we may not get there overnight — and we certainly won't resolve everything and get there this afternoon. But I think we all agree that this discussion must conclude with a bipartisan vote that makes clear that this is not one party's fight against ISIL but rather that it reflects our unified determination to degrade and ultimately defeat ISIL. Our Coalition partners need to know it. The men and women of our armed forces need to know it. And ISIL's cadres of killers, rapists, and bigots need to understand it.

Toward that end, we ask you now to work closely with us on a bipartisan basis to develop language that provides a clear signal of support for our ongoing military operations against ISIL.

Our position on the text is pretty straightforward – the Authorization – or AUMF – should give the President the clear mandate and flexibility he needs to successfully prosecute the armed conflict against ISIL and affiliated forces; but the Authorization should also be limited and specific to the threat posed by that group and by forces associated with it.

I will return to the question of the AUMF in a minute, but as we embark on this important discussion, context matters. All of us want to see the United States succeed and ISIL to be defeated, and I want to bring the Committee up to date on where our campaign now stands.

Mr. Chairman, less than three months have passed since the international community came together in a Coalition whose purpose is to degrade and defeat ISIL. This past Wednesday, in Brussels, we organized and I had the privilege of chairing the first ministerial-level meeting of that Coalition. We heard Iraqi Prime Minister Abadi describe to us the effort that his leadership team is making to bring Iraqis together, strengthen their security forces, take the fight to ISIL, and improve and reform governance. We also heard General John Allen, our special envoy, review the progress that is being made in the five lines of Coalition effort: to shrink the territory controlled by ISIL, cut off its financing, block its recruitment of foreign fighters, expose the hypocrisy of its absurd religious claims, and provide humanitarian aid to the victims of its violence.

During the meeting, I was especially impressed by the leadership, activism and quite frankly, the anger toward ISIL that is being displayed by Arab and Muslim states. Governments that do not always agree on other issues are coming together in opposition to this profoundly anti-Islamic terrorist organization.

Now, to be clear: ISIL continues to commit vicious crimes and it still controls more territory than al-Qa'ida ever did. It will be years, not months, before it is defeated. But our Coalition is already making a big difference.

To date, we have launched more than 1,100 air strikes against ISIL targets. These operations have reduced ISIL's leadership, undermined its propaganda, squeezed its resources, damaged its

logistical and operational capabilities, and compelled it to disperse its forces and change its tactics. It is becoming clear that the combination of Coalition air strikes and local ground partners is a potent one. In fact, virtually every time a local Iraqi force has worked in coordination with our air cover, they've not only defeated ISIL; they've routed ISIL.

In Iraq, progress also continues in the political arena. Last week, after years of intensive efforts, the government in Baghdad reached an interim accord with the Kurdistan Regional Government on hydrocarbon exports and revenue sharing. That is good for the country's economy but even more for its unity and stability. In addition, the new Defense minister is a Sunni whose appointment was an important step towards a more inclusive government. With his leadership and that of the new Interior minister, the process of reforming the nation's security forces has a genuine chance for success.

Meanwhile, the Prime Minister is taking bold steps to improve relations with his country's neighbors – and those neighbors including Saudi Arabia, the UAE, and Turkey – have been responding. It's too early to declare a new era in regional relations, but countries that had been drifting apart are in the process of coming together. That's helpful to our Coalition and bad news for ISIL.

Beating back the threat that ISIL poses to Iraq is job #1 for our Iraqi partners and for our Coalition. But even if the government in Baghdad fulfills its responsibilities, it will still face a dire challenge because of events in Syria.

If you recall, the Coalition's decision to carry out air strikes in Syria came in response to a request from Iraq for help in defending against ISIL's brazen attack.

To date, we and our Arab partners have conducted over 500 airstrikes in Syria, targeting areas where ISIL has concentrated its fighters and on command and control nodes, finance centers, training camps, and oil refineries. Our objective is to further degrade ISIL's capabilities and to deny it the freedom of movement and resupply it had previously enjoyed.

At the same time, we will continue to build up the capabilities of the moderate opposition. And here I want to thank the Members of this Committee and many others in Congress who have so strongly supported these efforts. Our goal is to help the moderate forces stabilize areas under their control; defend civilians; empower them to go on the offensive against ISIL; and promote the conditions for a negotiated political transition.

Mr. Chairman, we all know that ISIL is a threat to America's security and interests. It poses an unacceptable danger to our personnel and facilities in Iraq and elsewhere. It seeks to destroy both the short and long term stability of the broader Middle East. And it is exacerbating a refugee crisis that has placed a terrible economic and political burden on our friends and allies in the region.

One thing is certain. ISIL will continue to spread until it is stopped. So there should be no question that we, with our partners, have a moral duty and a profound interest in stopping them.

That is where the fight against ISIL now stands. A Coalition that two-and-a-half months ago did not even exist is now taking the fight to the enemy. It was cobbled together by strong American leadership and by steady, intensive diplomacy with countries that disagree on many things, but share an aversion to extremism. I think all of you would agree: we need to summon that same determination to find common ground here in Washington.

That is why, in the hours, days, and weeks to come, we are determined to work with you first and foremost to develop an approach that can generate broad, bipartisan support, while ensuring the President has the flexibility he needs to successfully prosecute this effort.

What do we envision? Importantly – we do not think an AUMF should include a geographic limitation. We don't anticipate conducting operations in countries other than Iraq or Syria. But to the extent that ISIL poses a threat to American interests and personnel in other countries, we would not want an AUMF to constrain our ability to use appropriate force against ISIL in those locations if necessary. In our view, it would be a mistake to advertise to ISIL that there are safe havens for them outside of Iraq and Syria.

On the issue of combat operations: I know that this is hotly debated, with passionate and persuasive arguments on both sides. The President has been clear that his policy is that U.S. military forces will not be deployed to conduct ground combat operations against ISIL. That will be the responsibility of local forces because that is what our local partners and allies want, what is best for preserving our Coalition and, most importantly, what is in the best interest of the United States.

However, while we certainly believe this is the soundest policy, and while the president has been clear he's open to clarifications on the use of U.S. combat troops to be outlined in an AUMF, that does not mean we should pre-emptively bind the hands of the Commander-in-Chief — or our commanders in the field — in responding to scenarios and contingencies that are impossible to foresee.

Finally, with respect to duration, we can be sure that this confrontation will not be over quickly. We understand, however, the desire of many to avoid a completely open-ended authorization. I note that Chairman Menendez has suggested a three-year limitation; we support that proposal, subject to provisions for extension that we would be happy to discuss.

To sum up, Mr. Chairman and members of the Committee, I ask for your help and support in approving – on a bipartisan basis – an Authorization for Use of Military Force in connection with our campaign and that of our many partners to defeat a terrible and dangerous enemy.

Almost a quarter-century ago, when I was a 47-year-old Senator with a darker head of hair, President George H.W. Bush sent his Secretary of State, James Baker, to ask this Committee for the authority to respond militarily to the Iraqi invasion of Kuwait. The country was divided. Congress was divided. But this Committee drafted an authorization and it passed the Congress with a majority that the New York Times described as “decisive and bipartisan.” Armed with that mandate, Secretary Baker built the coalition that won the First Gulf War.

That was a different time and a different conflict that called for a different response. But it was also this body at its bipartisan best — and what we need from you today, to strengthen and unify our own coalition. The world will be watching what we together are willing and able to do. This is obviously not a partisan issue; it is a leadership issue. It is a test of our government's ability and our nation's ability to stand together. It is a test of our generation's resolve to build a safer and more secure world. I know every one of you wants to defeat ISIL. A bold, bipartisan mandate would strengthen our hand, and I hope we can move closer to that today.

Thank you, and now I would be pleased to respond to any questions you might have.