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BEFORE THE HOUSE FOREIGN AFFAIRS COMMITTEE
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Mr. Chairman, Ranking Member McCaul, Members:

“In recent days, neutral shipping has been attacked... By providing a deterrent against hostile actions, this transfer lowers the risk of a broader conflict. The... determination reflects United States grave concern with the growing escalation in the Gulf and its implication for the security of our friends in the region.”

These words could describe the context of the recent Emergency Certification this hearing has been convened to discuss, but they are actually from a State Department announcement from 1984. A hearing took place 35 years ago shortly after that announcement was made, similar to the one we are participating in today. At that hearing, then Under Secretary for Political Affairs, Ambassador Michael Armacost, told Congress of our “need to respond firmly and decisively to requests from the Gulf states for appropriate and justifiable security assistance.” He added that:

“The states in the area must be confident that our interests in the Gulf are sufficiently important for us to help in a crisis. The United States has to be seen as a credible partner in the search for stability and security.”

Then, as now, Iran's revolutionary government threatened international shipping in the Gulf.

Then, as now, our partners required the reassurance provided by an American demonstration of resolve. And then, as now, the Administration took steps to deter war, not to bring it closer.

On May 24th, 2019, the Department of State notified Congress that the Secretary determined that "an emergency exists which requires the immediate sale" of 22 foreign military and direct commercial sales to Saudi Arabia, the United Arab Emirates, and, in one case, Jordan. These sales included aircraft support, munitions, logistics services, unmanned intelligence, surveillance and reconnaissance platforms, training, and advisory services.

These sales and the associated emergency certification are intended to address the military need of our partners in the face of an urgent regional threat posed by Iran; promote the vitality of our bilateral relationships by reassuring our partners; and preserve strategic advantage against near-peer competitors.

A combination of factors led the Secretary to determine that the situation constituted an emergency and prompted him to make the Certification, including the significant increase in the intelligence threat streams related to Iran; the clear, provocative, and damaging actions taken by Iran's government; and the need to respond to military capability requests from our partners.

Iran is a malign actor and the leading state sponsor of terrorism. It poses conventional and asymmetric threats to our partners in the Gulf, and to U.S. equities in the region and beyond. While these facts are well-known, we have seen new, troubling and escalatory indications and warnings from the Iranian regime that have prompted an increased U.S. force posture in the region. Members of Congress were briefed on the current threat streams in greater detail in a classified setting in May. In this unclassified setting, I would note my concurrence with the

commander of the U.S. Central Command, General Kenneth F. McKenzie Jr., who late last week described the threats posed by Iran as clear, compelling, very real, and possibly imminent.

In May, the Iran-backed Houthis in Yemen publicly threatened to increase operations targeting vital military targets in the United Arab Emirates, Saudi Arabia, and Saudi-Led Coalition positions in Yemen – sites where many American citizens are present. In addition, Ambassador John Bolton described recent Iranian attacks on commercial shipping off the coast of the United Arab Emirates, recent attacks on pumping stations of the Saudi East-West Pipeline utilizing unmanned aerial vehicles, and a rocket fired into a park about a kilometer from the U.S. Embassy in Baghdad on May 19th. These malign – even provocative – actions mark a new evolution in the threat Iran poses to the security of the hundreds of thousands of Americans who live and work in the Gulf States, and to the security of the region, and our partners.

Our posture regarding Iran remains focused on assuring our partners of our commitment to enhancing their defense capabilities. This action is not intended to be an escalatory military step; instead, it is a loud and clear message to Iran that we stand by our regional partners. This set of cases demonstrate the United States’ resolve to stand with our partners and to ensure we remain their partner of choice.

In the Memorandum to Congress, the Secretary explained that “Iranian malign activity poses a fundamental threat to the stability of the Middle East and to American security at home and abroad.” He noted that “Iran’s actions have led directly to the deaths of over six hundred U.S. military personnel in Iraq, untold suffering in Syria, and significant threats to Israeli security,” and he observed that “current threat reporting indicates Iran engages in preparations for further malign activities throughout the Middle East region, including potential targeting of U.S. and allied military forces in the region.” While the law requires the Department of State to

notify Congress, Members of the Committee should understand clearly that the intended audience of this notification extends beyond Congress or even Iran.

As the 2017 National Security Strategy makes clear, we are in an era of global competition against near-peer adversaries, including Russia and China. That competition includes security and defensive relationships that have political, military, and economic ramifications. In such an environment it is crucial that the United States remain the partner of choice and be trusted as a dependable provider of defense capabilities – including materiel – to our partners.

Our National Security Strategy describes the invaluable advantages that our strong relationships with allies and partners deliver. While the United States continues to build and offer our partners with the most capable, advanced, defense technologies, we do not have a monopoly on fostering or maintaining reliable security relationships.

The National Security Strategy makes clear that the United States must compete for positive relationships around the world as China and Russia target their investments in the developing world to expand influence and gain competitive advantages against the United States.

Our adversaries, including Russia and China, have adopted deliberate, long-term strategies of trying to disrupt our partnerships by seeking to replace the United States as the credible supplier of choice. We simply cannot allow openings that our adversaries will exploit to disrupt partnerships, to reduce our regional influence, to impact our defense industrial base, and to spread chaos.

Remaining a reliable security partner to our allies and friends around the world is also in the interest and furtherance of our values. When our adversaries sell weapons of war, they do not place the same, if any, premium that we do on addressing the risk that the capabilities we

provide may contribute to abuses of human rights or violations of international humanitarian law. China does not work to expand transparency on the battlefield, and there is no Russian Conventional Arms Transfer Policy that requires action to facilitate partner efforts to reduce civilian casualties, which is a policy we have had in place since 2018.

When President Trump issued the updated Conventional Arms Transfer Policy in 2018, a centerpiece of the new Policy was its unprecedented directive that we work with partners to reduce the risk of civilian harm in their military operations. We are working on the implementation of that directive to shape future engagements, including with partners in advance of conflict situations.

Before I close, let me address a few other aspects of these sales and the emergency certification that may be of interest to you.

First, the step recently taken by the Secretary to certify an emergency has ample precedent. The statutory authority in the Arms Export Control Act has been exercised three other times in past Administrations, both Republican and Democratic. In two of those cases, it was also for sales to Saudi Arabia due to threats posted by other countries in the region. There is, however, one element of the most recent emergency notification that is new: unlike previous instances this authority has been invoked, Congress was provided with an unclassified Memorandum of Justification by the Department of State.

Second, we value deeply this Committee's and Congress' role more broadly in the review of the arms transfer process. We take pride in the depth and detail of the working relationship the Department – and the Bureau of Political Military Affairs in particular – have with the Committees in the course of this process. As the Secretary made very clear, we intend for this certification to be a one-time event for a discrete set of cases, utilizing statutory authority

provided by Congress. As such, we view the Secretary's action as an affirmation of the value that we continue to place on our engagement with you on arms transfers and broader security assistance issues.

We will continue to use the Tiered Review process, the informal review that this Committee, and its Senate counterpart, conduct of pending arms transfers, before those transfers are formally notified. In fact, since the emergency notification on May 24, 2019, the Department of State has already utilized the tiered review process for a new sale of F-16s to Bulgaria worth more than \$1.6 billion.

Third, none of these sales constitute introductions of fundamentally new capabilities to the region; none fundamentally alter the military balance of power; none are of a nature or category that Congress has not previously reviewed and supported for these partners.

Finally, many Members – indeed, many Americans – are concerned about the end use of the arms we provide overseas, including in the context of the Yemen civil war. These concerns are appropriate and we share them. From the beginning of this conflict we have maintained that a political solution is urgently needed, and supported the UN-led effort working toward that objective. In addition, we have worked with the Saudi-led Coalition over the course of its operations to reduce the occurrence of civilian casualties.

Our support in this regard has included the provision of training on targeting and the supply of more precise munitions, to mentoring and advising the Coalition on best practices to reduce civilian casualties – such as the standing up and operationalization of the Saudi Joint Incident Assessment Team – to training on international humanitarian law, and direct engagement with political leadership on this topic. While more work is undoubtedly needed, our

engagement with the Coalition has improved its ability to avoid civilian casualties in its operations.

So that is the global, steady-state picture: the need to remain engaged with partners; to ensure we, rather than near-peer adversaries, are their primary security partners; to make clear that we support our partners in the defense of their realms and the security of the regions; and to deter our shared adversaries from disrupting those objectives. Or, as Ambassador Armacost put it to Congress all those years ago,

"Our decisions were a prudent yet clear response to an escalating emergency which threatens Saudi Arabia" (and the Gulf). "They satisfied a clear military need. In addition... we sent a political signal of both reassurance and deterrence. It was a measured response which promotes regional stability and security."

Mr. Chairman, Mr. Ranking Member, Committee Members: Those were the purposes for which President Reagan certified an emergency in 1984: and, within the context of the imminent threat posed by Iran, they are the purposes for which Secretary Pompeo invoked the same authority two weeks ago.

Thank you, and I look forward to your questions.