

TRANSCRIPT

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Senator Tim Kaine
Senate Armed Services Committee

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DWG: We are right at 8:00 o'clock so we'll go ahead and get started. I'll begin by saying thank you to our guest this morning, Senator Tim Kaine, Democrat of Virginia coming to us from the Senate Armed Services Committee. Sir, we do appreciate you making the time for us this morning.

Senator, you wanted to mention something at the top and then we'll get into it.

Senator Kaine: I'll just be real quick. First, to introduce who I have with me. Ryan Culvert is my senior military advisor. He's a former Marine Harrier pilot and I'm really lucky to have him on my team. He kind of works in tandem with Nichole Parecka who is my foreign policy advisor because the armed services/foreign relations, there's such an overlap. There. Ryan's great. And then Amy Dudley is my communications director. You know Amy.

We're having a bunch of hearings in both foreign relations and armed services now, and kind of big picture, do we have a strategic doctrine? And let me just say a word about that, and then I really want to talk about the specific issues you guys want to talk about.

I like the notion of having a doctrine even if you don't always follow it. To have a doctrine that's kind of your sense of perspective on these issues, and look at issues through that lens I think is important. And I don't really think we have one right now, which isn't that hard to understand and it's not all bad, but I think it's better to have a doctrine and then make exceptions to it than to not have one.

We had a doctrine, the Truman Doctrine, you know, from March of '47 when Truman went back to a war-weary Congress and said sorry, guys, we've got to militarily engage again in Greece and Turkey to keep those nations from falling under the Soviet sphere. And that doctrine was an all-encompassing doctrine about military policy, but also

about things like the Peace Corps and the moon race and all of that through the fall of the Wall.

The end of the Bush first administration and the Clinton administration, I kind of think we were pragmatic, you know, just case by case, and there's something to be said for that because you can't write a rule to cover every situation. But the problem with just doing that is you get into kind of a reactive mode. Then you look backward and you find that you ask yourself uncomfortable questions. Why did we intervene in the Balkans and not intervene in Rwanda? And the answer to that is probably a painful one and it's not that pretty.

So having a doctrine I think is better than like just case by case.

We had a doctrine again beginning on 9/11. Kind of War on Terror became the overall doctrine. While terrorism is still very real, maybe more complicated, I think we all understand that doctrine isn't big enough for us. It doesn't fully encompass all the leverage of American power, diplomacy, trade, humanitarian aid, strength of our moral example. So we've got to have a broader doctrine than the War on Terror. I certainly think the administration gets that because they they've really invigorated diplomacy. Iran and Cuba are two great examples. But also our participation in the discussions between Colombia and the FARC which came to an interesting point yesterday.

But I think while we've realized that War on Terror isn't a big enough doctrine, I think this administration has kind of slipped back into the case by case, which makes us pretty reactive. Again, many of the decisions they made, I strongly support Cuba and Iran being two.

But we are kind of going from crisis to crisis. The President famously said once his doctrine was don't do stupid stuff. That's not a big enough doctrine. In the Catholic church we have sins of commission and sins of omission. By not doing stupid stuff you're also often not doing stuff that's stupid not to do. I think we've made some mistakes by not doing things we should have done. I think we could have really dramatically slowed the exodus of Syrian refugees had we done some kind of a humanitarian zone in northern Syria earlier in the war. I was not an original supporter of the McCain no-fly zone, but by about February of '14 after I'd been to Lebanon, I came back and said I think this is just going to get worse and worse if we don't act to implement the UN Security Council Resolution calling for cross-border delivery of humanitarian aid. And the fact that there was such a Security Council Resolution and it's not really been done destabilizes or really weakens the credibility of the institution and it's contributed to this horrible refugee crisis.

So I think that we ought to be about having these strategic hearings in both committees to look at a strategic doctrine.

The last thing I'll say and open it up is, the way I kind of look at situations these days, which is not the same as a doctrine but for me it's kind of the beginning of one. It's kind of the beginning of the frame of reference I use, is that we're sort of in a three-way

competition. Not the bipolar world of Truman, but with a U.S. bloc and a Soviet bloc, but kind of a three-way competition between democracies, authoritarians and non-states. The U.S. is a leading democracy. The democracies come in all varieties. We tend to take the democracies for granted, but frankly, democracies are showing some real frayed signs. Anti-Semitism, fiscal crises or whatever.

So we need a strategy with respect to the democracies, which is sort of a shoring up the democracy strategy. We need a strategy with respect to the authoritarians, and they also come in different stripes. North Korea, Iran, Russia, China, Turkey to some extent. We've got to have a strategy with respect to them that's kind of skillfully challenging. Sometimes compete, sometimes cooperate, sometimes confront. And then we do have to have a strategy with the non-states, whether it's ISIL or the Sinaloa Cartel. It's really about defeating the non-states. And that is really, we have to defeat them broadly defined, not just militarily, because they threaten the post-World War II sort of architecture of rules, norms, institutions, national sovereignty, which we have been such a key architect of, which have benefited the U.S. and the rest of the world, which I still think has real value. And the non-states actually pose the same existential threat to the democracies that they do to the authoritarians. So it's the one area where certainly there's an overlap kind of the Venn Diagram between what authoritarian nations are worried about and what we're worried about.

So Russia and Syria as an example. The overlap between what U.S. and Russia want is pretty small in the Venn Diagram, but stability in Syria is an area of overlap. We would define it differently; we'd probably come at it differently. But there is an overlap there. And so there are some working opportunities with authoritarian nations with respect to the non-state challenge.

Anyway, that's kind of the way I look at things. I love being on the committees that I'm on. The rap on Foreign Relations is it's not a good committee to be on for your home state politics, but in Virginia it is. One out of nine Virginians was born in another country. It was one out of a 100 when I was born, so it's dramatically different today. Everybody cares about where they're from, and in a global economy, you know, if you're from somewhere else you have connections somewhere else and that's actually really helped the state be successful.

And then obviously being on Armed Services is great in Virginia because Armed Services is to Virginia as the Ag Committee is to Kansas. I mean it is really just kind of front and center, the most kind of palpable thing that the federal government does. We just see it because of our bases and our population and the number of veterans.

So a little bit about what I'm up to and I'd love to open it up to answer questions. You can ask slowly and I'll chew a little bit while you're asking.

DWG: Let's begin with the big contract announcement of the week for the Long Range Strike Bomber. All signs so far are that we've got ourselves a gold old-fashioned secret program here. So there's a lot of uncertainty in this town in general about what's going to be happening with this acquisition program.

From your perspective, are you comfortable with the amount of knowledge you have on the requirements and the way forward and how do you feel about the cost concerns given the attention that's been paid to that this year as well?

Senator Kaine: I would say I'm not yet completely informed on this one. I tend to defer to the military in terms of the platforms that they think they need, but then I want to exert a lot of oversight about is it being done, what are the cost ramifications, et cetera. I didn't serve in the military so for me to say what's the right replacement of the B-2, you know, I'm not a guy who's going to second-guess the Pentagon very much on that.

I do want to watch for costs and how it's being done. I know that this is a big contract and I'm reading about the potential of it being challenged. These big contracts tend to be challenged. But that's not something I get into either. I'm not dictating who the contract should be awarded to and I'm not going to take sides on all of that. But we do need a replacement. We do need a replacement and the B-2 has been a very valuable platform, you know, we've got to have a replacement for it.

So I'm sure that you're going to see, I would suspect you're going to see Armed Services get into it. You've seen us do hearings recently on lessons learned from cost overruns on the carrier, lessons learned from cost overruns on other platforms, especially air and water platforms. So we've had some general hearings about lessons learned and I think you're going to start to see us have hearings on this as well. Again, not to put our thumb on the scale on the contract issuance, but to try to put some healthy pressure on the Air Force to deliver this in a way that doesn't bust the bank. And that's very much in tune with McCain's focus on acquisition reform issues, and I think they'll use this one as a good example, keeping pressure on them from the very start.

DWG: Sir, this is apropos of your introduction at yesterday's Senate Foreign Relations hearing. Anne Patterson was asked to sum up to the administration's Mid-East strategy, and the response was kind of a collection of different programs, and it seemed like maybe she was having some trouble with a pat description. Do you think that the administration has a cohesive strategy? And if they don't, is it because the situation there has evolved beyond their, in a place where they didn't think it was going to?

Senator Kaine: I don't, really think they have a cohesive strategy. Let me start off with the things the administration does in the Middle East and elsewhere that I like, but then on the strategy I don't really think it's that cohesive.

This administration has been very vigorous in pushing diplomacy and multilateral diplomacy. And that's something that was an under-exercised muscle for a while and it has been really a great part of what this administration has done, so that's really positive.

I know the President pretty well, and I view him, he's very kind of almost anti-ideological, anti-theoretical. People might think he's an ideologue. This guy is real

pragmatic and he's very suspicious of ideologies. He's very suspicious of kind of grand strategies because he thinks, you know, they're often wrong and you should be more focused on the facts on the ground. So I think there's, from the top down in this administration, kind of a built-in suspicion of grand strategies, and I think that tends to lead to the laundry list of here are all the things we're doing. Or okay, we're going to make a decision case by case.

I think that that was a very telling comment the President made on that we don't do stupid stuff. But that's not a strategy.

I kind of get it. Look, we've been at war for 15 years, so I think being a little bit suspicious of grand strategies, being a little bit wary is something that this administration and the American public I think are a little bit there, especially wary about the Middle East. But again, I think you've got to have a lens through which to look to analyze these situations and that would kind of, that would lead to kind of maybe default decisions about okay well here's how we should approach it. You can always vary off the default, if you want. Budget caps are a default now. Now we've varied off them twice in two successive two-year budgets. But it is a default that you fall back to.

I don't really think there's a clear strategy and I think the other thing is, there might have been the beginnings of a strategy with respect to kind of Arab Spring, but the consequences of the unlocking of these power relationships with the autocratic governments have been very very difficult. It was kind of like when you unlocked Yugoslavia you realized that Tito really did have kind of a beneficial effect on holding down sectarian tensions within Yugoslavia and you have all this horrible, horrible outcome in the aftermath of Tito, and you've seen the same thing in the Middle East.

DWG: What do you think has been the cause? Has it been a lack of coordination? Has it been just being reactive as opposed to be proactive? Is there something besides the pragmatism approach?

Senator Kaine: Sure there is, yeah. And look, one area where I often disagree when colleagues of mine on Foreign Relations want to bash the President on this, there's a hubris to insisting that America be engaged in everything. There's also a hubris to insist that if anything is going wrong anywhere, it's our fault.

No, the problems in the Middle East are horrible governance to begin with, and horrible governance that presses a lot of people and holds their aspirations down and they want something different. That's not the U.S.' fault. And the challenges that countries in the Middle East need to grapple with are not problems that the United States created. I think there have been some things we've done that have made them worse. I think there's some things we've not done that could have made them better. But I would still say those are at the margins. I think the real issues are problems within the governance structure in the Middle East holding down aspirations that regular people are going to have, and they have to solve those.

And I do think the White House, one element of what they want to do is they recognize the U.S. can't impose solutions but the U.S. has to try to work with and support efforts to find, people to find their own solutions. And I think that's appropriate. I think there is an anti-hubris element to the President's non-ideological posture too that's actually, that has a positive to it.

DWG: I wanted to continue on what you've been saying about we don't really have an overall sort of cohesive strategy, that don't do stupid stuff is not a strategy.

Looking forward for the future of the Democratic party on national security, given that Vice President Joe Biden has decided not to enter the race, that Hillary Clinton has sort of increasingly put distance between herself or at least drawn some distinctions between her approach and Obama's. What do you think are the key lessons that we should learn from this state of foreign policy crises over the last year that should evolve that doctrine? Who is the heir to the Obama doctrine? Is there one? Should there be one?

Senator Kaine: Again, by saying there's no strategy, remember I also said I think they've done a number of things well. So again, the commitment to diplomacy. I would say if I could summarize, somebody said summarize the Obama doctrine I would say defend yourself unilaterally, promote your values multilaterally. If you can't convince others to join with you in promoting your values, then maybe they're not so important, maybe you're looking at the situation wrong, maybe your perspective needs to change. So I think about the time the President made the decision to intervene in Libya with NATO and the Arab League, that was probably the beginning of the Obama doctrine which is we'll only do stuff like this if we can make it truly multilateral.

I actually think that's a really good thing, multilateralism is a good thing and I give the President credit for this. But again, overall kind of a strategy for U.S. engagement, I find it kind of lacking. Even though we're doing a number of things right, the overall strategy is kind of lacking.

So I guess your question is like how will it be hashed out?

I think it's going to be interesting in the presidential campaign. I think the nominee's going to be Hillary. I'm a strong supporter of hers. I think that the issues of foreign policy and America's role in the world are going to be a big part of the presidential campaign. And we'll be talking about examples. Syria or the Iran deal, but the discussion will be in a larger context. I think Secretary Clinton and the Republican nominee will each kind of have to articulate a view of what our strategic role. The world needs this as much in the 21st century as it needed it in the 20th. But the alignment of interests are different and the levers of power are different. And so the role that we'll play will be, you know, than it was in the 20th, and I think both presidential candidates are going to be pressed to lay that out.

DWG: Do you see any sort of key distinctions between the Obama administration and obviously Hillary Clinton was part of it. Do you see any key distinctions that are going

to play out, particularly with the situations that she would be likely to inherit in Syria, in Iraq, in Libya?

Senator Kaine: I'll tell you, based on what I've read rather than what I know because I don't know the inside dynamic with respect to the discussions on Syria. But I think Secretary Clinton would have been more willing to lean forward with the notion of like a humanitarian zone in northern Syria.

Once the UN Security Council passed the resolution in February of 2014, remember, Russia was vetoing all these resolutions, but then when you put one on the table about atrocities in Syria during the Olympics in Sochi, and everybody's paying attention to Russia and Putin and this is going to be his big moment, Russia couldn't be the apologist for Bashar al-Assad when everybody's looking at Russia. So they agreed to the Security Council Resolution calling for cross-border delivery of humanitarian aid in February of 2014 without the Syrian government's permission. They agreed to that. That's never really been implemented, and the only way it can be implemented, frankly, is with a little bit of military muscle. A no-fly zone and the willingness to protect citizens who came into that zone.

That would have been, you know, ask people what's the driving rationale behind what the U.S. is doing in Syria. It's really hard to answer it. If we had said in February 2014 the U.S. mission in Syria is this. We are going to enforce the UN Security Council Resolution calling for delivery of humanitarian aid to people in the worst humanitarian crisis since World War II. That's what we're going to do. We're going to do it because it needs to be done or the UN Resolutions of this kind are paper tigers. That's horrible. We're going to do it with other nations. That would have been a strategic vis-à-vis Syria that I think people could have understood and they could have even understood using military assets to make sure that we did provide that humanitarian aid. And I think Hillary was probably more likely to have been supportive of that. Again, this is based on what I've read rather than discussions I've had. But it's going to be up to her to draw, she says I'm not running for Bill Clinton's third term and I'm not running for Barack Obama's third term. I'm running for my own term. So it's going to be up to her to kind of, to paint the picture of how she's going to look at these challenging situations, but I think she will. I don't necessarily know that she's kind of outlined the doctrine yet, but I think she's probably better equipped to do it than anybody else who's run for President in a very long time.

DWG: Do you think that we are in combat in Iraq and Syria? What do you think of the administration saying we're not going to have a combat role? We're not going to have a combat mission. But we are going to conduct combat operations? Do you support any of the options that are [inaudible] like bringing [inaudible] into Iraq and embedding advisors close to the battlefield? And do you think the door has closed on [inaudible], especially the [Russian] intervention. Or maybe there's no plan for [inaudible].

Senator Kaine: We're definitely in combat. The claim that we're not, that the death of Master Sergeant Wheeler was not a death in combat, that we don't have boots on the

ground. It's just kind of foolish. We've been in combat since August 8, 2014, since we started the air campaign on Sinjar.

When it started, it truly had a defensive posture to it, because our consulate in Erbil was under imminent threat, but within a couple of weeks we weren't under any imminent threat. The administration has acknowledged that. And we've been waging an offensive war against ISIL which, in my view, really is without legal justification right now under Article 2 or under the 9/11 authorization. That's why I've been so rabid about trying to get my colleagues to do an authorization.

The authorization is more than the paper. So you've asked strategically what do I support. The authorization first sends a message to the troops that are deployed there and risking their lives that we think this is in our national interest. Right now we're, well go risk your life, we don't really want to have to vote on whether it's in our national interest. It sends the same message to allies and adversaries.

But also the authorization is where you hammer out what the strategy is. The President brings an authorization to the table. It faces tough questioning and challenging and then it gets refined and revised and all this happens in the view of the American public. So they're getting educated about what the stakes are too. Then if the vote is yeah, we need to take military action against ISIL, there's a consensus behind it and the public's been educated about what's at stake. We've not done that.

Congress is very bizarre on this. They want to bash the administration strategy, but they neither want to authorize nor stop what the administration's doing. It's so bizarre. They bash them all day but they won't authorize it and they won't stop it. It's just such an impotent response by Congress to this.

So what are the strategies now that make sense? Well we certainly have been told in the last couple of days by Secretaries Kerry, Carter and General Dunford that it is the U.S. intent now to ramp up activity against ISIL. They haven't quite described yet what that means, but that's the phrase. We're going to ramp it up.

I think the mission is easier define in Iraq. You can decide whether it's succeeding or not or whether it's likely to succeed or not, but it's easier to define. So unless and until Kurdistan says we want to be independent, the idea is to support the Iraqi central government, and especially in the Baghdad area, the Shia area, they're doing relatively well. We're partnering very well with the Kurds. I was in Erbil and watched the joint operations there and was really impressed. The challenges are in the Sunni area which felt so dispossessed under Maliki that it created a space for ISIL to really achieve. So we need to try to work in the Sunni area to enable them to kick ISIL out of their towns. They don't want to live under the rule of ISIL, but they also don't want Shia military taking over their towns and then the Shia running their towns.

So we've had some success in some parts of the Sunni area in Iraq of taking back towns from ISIL using military that's pretty heavily Shia, but then the leave-behind force, the

controlling force once the mission has been a Sunni force, and a local force, and that's important.

So the description of the mission in Iraq is relatively straightforward. The challenge is will Abbadi, certainly better than Maliki in terms of trying to create something that's an Iraq for all Iraqis, but they have huge problems with the Kurds on the oil issues, and you know, there's still significant challenges, and ultimately that's going to be probably the most key criteria to the success of all of this is if Abbadi can progressively move toward an Iraq for all, that people really see that as a sincere effort. But that's the strategy there.

In Syria, it's really difficult. I would say we have to continue to work with the one strong partner that we've had in Syria which is the Kurds. We have to do it in a way mindful of doing that. The wrong way can inflame our relationship with Turkey. Turkey's participation in the war against ISIL to close the border, to let us use Incirlik Air Force Base is really critical. So we have to be careful about that. But the Kurds have been very good partners in Northern Syria and so we need to continue to work with them.

I think you could still do the humanitarian zone. The Turks still feel that very strongly. It's kind of bad that you've got four million people who have already left Syria, but there's another nearly eight million that are internally displaced in Syria who could leave. And I think we could work that out with Russia. I don't think, if we're acting to implement a UN Security Council Resolution that Russia voted for, and we're not doing it in a way where we're, you know we're creating a safe humanitarian space whether you're fleeing Bashar al-Assad, ISIL, al-Nisrah, cholera, hunger. We're not going to ask, but we're just going to insist that it truly be safe, and militarily ensure that it is, I don't think Russia would mess with us in this. I had a long discussion about this recently with Turkish officials, and they still feel the same way.

If we don't do that I think you're going to continue to see this out-flow of refugees which is very very challenging.

DWG: Good morning. I'd like to get back to the bomber announcement this week. The Air Force said that the decision really had no focus on the industrial base. Now their top three, we have the Lockheed made F-35, Boeing made the tanker. Now we have a Northrop made bomber. Is that -- That had to play in the decision in a way to keep the industrial base strong. Does that have any influence on future contracts? How do you think that played into --

Senator Kaine: Certainly you don't get into some of the battles, I mean I wasn't around during the tanker battle, but obviously one of the tanker proponents included European EADS. So this is three American companies vying for this one. I think that probably make it a little bit easier in terms of the predictable back and forth when you get into challenges and stuff.

The industrial base issues are important, but the DoD isn't a jobs program. The DoD's primary goal is defense of the nation and they've got to have a replacement for the B-2, so I'm sure that that's the way they look at it.

I'm really mindful of the industrial base issues, obviously, because they're so critical in Virginia. And you do see, when you get into things like furloughs or budgetary uncertainty, you certainly see industrial base challenges. People deciding to take their skills and you know, go into another area.

I think the best thing we did for the industrial base this week was not was not this contract, it was doing a two-year budget. I'm a strong proponent of two-year budgets because I think they just give more certainty. We did two-year budgets when I was Mayor, we did two-year budgets when I was Governor. I think every state does two-year budgets. One of the reasons that we saw is because if we can say to our industrial base, or just the outside economy generally, you may like or not like this line item, but you at least know what to expect. It's just so much better for planning and so much better for providing the kind of certainty that you need to economic growth. I think uncertainty hurts economic growth and the key creator of uncertainty in America in the last ten years has been Congress.

So doing two two-year budgets in a row is taking a step back towards certainty. If I talked to the guys at Huntington-Engels, the shipyards in Newport News, that's what they say all the time. Give us certainty and then we can figure out how to flex all these different programs we have in terms of the training of workers to minimize the volatility of hirings and layoffs and hirings and layoffs.

So I think this was a good week for the industrial base because we did a two-year budget that lifted a lot of sequester; that recognized, okay, the VCA caps might be a default, but it was a default that was put in place in August of 2011 and we have to face are we going to live under that default or are we going to recognize the realities of October 2015. And now twice in a row we've done two-year budgets that have said well, there's a default but we don't want to live under an August of 2011 default. We want to do something that recognizes today's realities. We did it in December 2013, we're going to do it again this weekend. And I think that's actually, for the industrial base that's going to be really positive.

DWG: Currently there are 16 holds on State Department nominees, and Senators Grassley and Cotton have been public about the whole [inaudible], and Senator Cruz kind of threatened to blanket hold earlier over the Iran deal.

Given that these holds cover some pretty important people like [inaudible] of the State Department and the USAID Administrator, do you, are you more concerned, I mean granted this is a common practice. You know, place a hold, strictly for --

Senator Kaine: It's an outrageous practice, though.

DWG: Is it rising to a new disturbing level for you?

Senator Kaine: Yeah.

DWG: Do you have any words for the Senators placing the hold?

Senator Kaine: I gave a floor speech on Monday about the 70th Anniversary of Harry Truman redesigning the presidential seal. He redesigned the presidential seal 70 years ago Sunday to have the face of the eagle looking toward the olive branches of diplomacy rather than the arrows of war, which had been the previous design. And I talked a little bit about what that meant. And I talk a little bit about Congress -- I'm not sure Congress really gets the value of diplomacy. I really praise the Obama administration for doing it, but let me just tick through a few and I'm going to end on the one you asked me about.

We won't ratify the Convention on Law of the Sea. If we did, we'd have an additional lever to go after Chinese island-building, but we're not, we don't ratify Law of the Sea, so we take that lever away. We won't ratify changes to the IMF rules to give China a bigger role, so China just leaves the IMF and sets up their own development bank. A lot of Congress wanted to mess around with the Iranian diplomatic deal. Youi don't want to do diplomacy. Members of my party generally don't like trade deals. You know, we won't ratify the UN treaties on the rights of disabilities or rights of women. And something that's just a slam dunk easy one like the ExIm Bank people don't want to do. Big chunks of people don't want to do.

So you look across all these areas where the U.S. is engaging, where we should be engaging diplomatically and what you see is Congress getting in the way and there's no better example than the vacancies, a lot of these State Department vacancies. The same people who are bashing the White House for, you know, our role in the world, are the ones that are blocking having ambassadors.

We haven't had an ambassador in Norway for quite a while. Norway's one of the nations with the United States in the Arctic Council. Everybody knows the Arctic now is a really important asset because of the melting Arctic ice caps. And you know, friends of mine who in Norway are saying oh, I guess we're not important to you. That's what it says to another nation when you don't have an ambassador there. Your DCM may be fantastic, but if you haven't confirmed an ambassador the only thing they hear is we're not important to you.

So it's a very serious issue, and I can see putting a hold on somebody if they have demonstrated, if you really think that there's a serious problem that they have for the particular job for which they have been put up, then maybe put a hold on them. Although what you really should do is just try to convince your colleagues and vote no, and try to convince others to vote no. But this prospect of using holds in such a dramatic way, especially in ambassadorial posts, makes us look ridiculous around the world and it makes us look to a whole lot of countries like we don't care about them.

DWG: Let me switch a little bit. Health care, military health care. The Commission on Modernizing Benefits recommends eliminating TriCare altogether and going to this very

bad design. Congress wasn't quite comfortable with that in the MDAA and they wrote conference saying y'all will be doing it. I know that senator Thornberry started the process in his committee this week. Senator McCain seems to be very interested in it.

Do you have any thoughts as to what direction y'all might go in on reforming military health care?

Senator Kaine: I don't really on this one. This is one where I read the report of the benefit committee. They came and reported to us. And their report is a radical change in direction. This is one, and the reason we didn't do it in the MDAA is it's so significant that that is really going to take some sustained attention just on that issue to make sure we really understand it.

I think it's easier to grasp the changes that they made with respect to the pension proposal, the retirement proposal. The military has this odd system where you know, no retirement; then 20 years, full retirement. Shouldn't there be some ability to accrue partial retirement along the way? Not having that is actually kind of, it encourages people to leave after four years when maybe the best thing for them to do is to stay for ten years, but they won't. If you know you're not going to make it a 20-year career then you know, the current retirement policy actually probably chases talent away. Good mid-career talent away.

But on the health care one I really have got to kind of dig in and understand that one more and especially understand how changes to it would affect us on the kind of recruiting and talent acquisition side.

So I hope that, you know Senator McCain I think has shown a lot of seriousness about reform, acquisition reform. Reforms of benefits. I hope we kind of get into that one specifically and really dig in. The test has to be, it's got to be a fiscal test. Health care costs as they grow in the military, just like the grow in the federal budget, they start to crowd out other things and if we can control them better we should. But we really need to check this against the ability to attract and retain the best. And I don't have a strong sense right now for what is the right way to do a reform that will continue to enable us to attract and retain the best.

DWG: Another area of reform that the committee had in the conference report they want to do is the base allowance for housing. There is this argument against taking the multiple payments to married couples.

Given that the BAH has come to mean, for especially the married couples, much much more than just their housing. A lot of them use it for child care and so on. What are your thoughts on how should that be -- should it be just for housing? Or should it be refined?

Senator Kaine: I think the Commission's recommendations on that were generally pretty sound recommendations, and I recognize that you know, there's no benefit that is easy to adjust downward, and yet if you're looking at the whole spectrum of benefits and

recognizing that we do need to make reforms, I can understand why they made that recommendation.

If that housing allowance is being used now for other things, okay, should we contemplate whether we ought to have better child care or are there other things we should do. But I think that recommendation was generally sound.

DWG: Correct me if I'm not characterizing this properly, but you were part of an effort that directed and re-appropriated NASA money to fix repairs at the Wallops Island Flight Facility from the Orbital Antares launch failure. This is in light of NASA IG saying that the Space Act Agreement between Virginia Commercial Space Flight Authority and NASA said that NASA would not be liable for any commercial space flight damages performed on NASA property. I'm wondering if you could explain to me what your impetus behind this was and what kind of precedent does that set where NASA is bailing out two parties that basically failed to take the responsibility to achieve the proper insurance for themselves. Will you go to bat for Space Florida if Blue Origin blows up one of NASA's launch pads at Cape Canaveral?

Senator Kaine: I don't know. I hope that doesn't happen and if it does, we'll figure it out. But my thought on Wallops was, you know, this is a very important asset for Virginia certainly, but also for NASA. More rockets have been shot out of Wallops than out of Canaveral and Vandenberg combined. Most Virginians don't even know that, and it's because the rockets shot have not been manned. We don't think about them the same way we think of Cape Canaveral. But in terms of volume, this is the high volume site for NASA launches.

So to me, it seemed smart to get that pad back in operation as quickly as possible and to have shared responsibility. So the shared responsibility was the state and the operator and NASA together putting money. And I think the total cost of the refit is probably in about the \$20 million area. I think NASA probably ended up putting in maybe \$5 to \$6 million.

There was an allocation that was available that was more than that, it might have been about \$17 million. I'm trying to do this by memory. But I think NASA ended up doing about \$5 to \$6 million; the state and Orbital chipped in the remainder. So it was sort of a three-way partnership to do the fix. And to do the fix to get it back in shape so that it can continue to be used not only for commercial activity but for the important mission that NASA has there.

You are right, that the mistake in all this was not having good liability insurance. And I think that's a lesson that's been learned. I think the operator and the state and now NASA is insisting, I think you will likely see that being a helpful kind of learning experience.

DWG: But why shouldn't Virginia pay for the repairs then? I don't understand --

Senator Kaine: Virginia did chip in.

DWG: Why didn't they pay more? Why should NASA be paying the extra money? This is between Orbital and Virginia, right?

Senator Kaine: Yeah, so if NASA were to say hey fine, Virginia pay more, then the Virginia legislature is fooling around about whether they want to pay more or not, then the pad doesn't become available, and who does that hurt? It doesn't just hurt Virginia. It hurts NASA. With the use of that facility, again, this is something that is the best kept secret in Virginia, that we have more rocket shots than California or Florida, but we do. This is an important asset for the future of NASA and they would say it as well.

So the notion of just a shared partnership and providing this fix seemed smart to me.

DWG: At an Armed Services hearing a month or so ago you were questioning the Pentagon's policy chief Christine Wormuth about if U.S.-backed rebels in Syria came under fire from Russian or Syrian airstrikes, would the administration have the authority to defend them? She said yes. And you asked her if she would explain that. Have they gotten you any explanation? And is it sufficient?

Senator Kaine: No. Just to kind of wind it backwards, I don't think the current set of legal justifications on the table, which would be Article 2 or either of the '01 or '02 authorizations, cover the war against ISIL. So I think we are in a war that does not have a sufficient legal justification.

ISIL didn't form until 2003, so the 901 authorization basically said go after those who perpetrated the attacks on 9/11. ISIL didn't do that. Those who were around who voted for that, they didn't contemplate that it was going to be used in this way, and those of us who were not around, when we read those words we definitely don't think that it covers this. I would say there are a few exceptions, but most of us have real problems with it.

The administration, though, continues to insist that the 9/11 authorization would cover this because ISIL was a splinter group off of al-Qaida. They have their very tenuous rationale. But nobody would claim that the 9/11 authorization would be sufficient to enable us to wage war against a sovereign nation, Syria, that isn't waging war on us. Syria hasn't declared war on the United States.

I think as a tactical matter, if we have trained people in Syria to do a job and they're attacked by barrel bombs or whatever, we've got to defend them, but I just don't think there's a current legal justification to do it. So I think the White House needs a legal justification for that.

So the White House, Christine [Warmouth] and Ash Carter and others said recently yes, if our folks come under attack by Russia or Syria we will, if our trained folks come under attack we will protect them. And I've asked about the rationale, and they've used as the rationale, Article 2.

Now Article 2 gives the Commander-in-Chief the power to protect America against imminent attack without a vote of Congress, but I've never seen Article 2 used to justify using American military to protect others from attack. You know, Syrian moderates from attack. That's not what Article 2 is all about. Article 2 is to provide the Commander-in-Chief the ability to defend the nation against imminent attack, not Syrian moderates.

I believe the administration knows they're on very very thin ice on the legal authorization question. I think when, why did the White House suddenly decide in February after they had waged this war for six months to end an authorization to Congress and say, actually we would like your help on this. You know, they weren't doing it just to be nice. They were doing it because in the mutating and spreading battle against ISIL six months in, they realized this is going to take longer than we thought. ISIL now is active in Yemen, Libya, Afghanistan, Somalia, Boko Haram has pledged allegiance to ISIL, and now we sent 300 troops with a war powers letter deployed into Cameroon to fight Boko Haram.

I think as the administration is realized this thing is mutating they finally decided we really need Congress' help. So they sent that to us in February and the response has been pretty much crickets up on the Hill on it. But I don't think there is a good explanation of the legal justification or the question I asked. So no, I haven't gotten an answer that satisfies me. I think it's an indication that this legal authorization question is extremely tenuous and it's setting a very bad precedent for future presidents and congresses.

DWG: To just extend that further, does that mean the administration would not have legal authority to set up the safe zone that McCain and Hillary Clinton and others are taking about?

Senator Kaine: I think you could use the UN Security Council Resolution as your legal authority. I still think they should, if they're going to use military assets to protect it, I think it would be wise to get congressional approval for that. But there are now two UN Security Council Resolutions that call for cross-border delivery of humanitarian aid inside Syria without the Syrian government's consent or permission. So the U.S. has often acted, and other nations have too, to implement UN Security Council Resolutions. So I think from an international law standpoint, you know, you always have to ask yourself what's your domestic legal justification? Is it statutory or is it Article 2? Or is it a treaty obligation for joint defense which is a self-statutory. We've committed to joint defense of NATO nations via statute.

You have to ask yourself what's your domestic legal justification, and then what's your international justification? It's a little painful to be lectured by Vladimir Putin. You know, when he goes into Syria and he says hey, U.S. back away. I have an international law justification because I've been invited into Syria by the sovereign government in Syria. You have not.

I went to my parliament to get approved, my military action in Syria, and you have not. It's painful to be lectured by Putin about international law and sovereignty when he so willingly violated rules of sovereignty by going into the Ukraine, but that's the position we're in. We're in an extremely tenuous position.

At least in Iraq the international law justification is clear because the Iraqi government asked for our help. The domestic justification though is still very fuzzy even in Iraq because ISIL isn't al-Qaida and using the 9/11 authorization to justify it I think is very problematic. But in Syria we are in a real legal quagmire. And when the White House decided to seek an authorization in February I think they realized that.

DWG: Senator, I was wondering if you could elaborate a little bit more on the two-year deal and how it affects the industrial base. And have any members of industry come and talked to you about their thoughts on it?

Senator Kaine: Yeah. Again, my main goals in the budget, I'm on the Budget Committee. I'm a conferee. Now you guys know what being a conferee means. You go to on meeting and you say your peace and then the leaders end up hammering out the deal. But my main goal has always been from when I came to the Senate, started doing budgets again, we weren't doing them before I got here for four years, and do two-year budgets if you can because, again, it just provides more certainty.

Certainty is good for the outside world, but there's a lot of economic writing that says policy uncertainty is a drag on economic growth. If you provide more certainty you're going to help your economy. But also on the inside world, imagine the poor Pentagon planners who are supposed to be spending their time planning against the challenging threats we have. And instead, they're having to spend their time planning against, well wow, there's five different budget scenarios. Are we going to have a, you know, shutdown? Are we going to have full sequester? Are we doing to get rid of sequester? Are we going to have partial sequester? We've tied up so much wasted energy of people who have real jobs to do, trying to figure out congressional budgetary uncertainty.

So the two-year deal, again, you might like or not like the line item that you get, but you can adjust around a line item easier than adjusting around a question mark or an asterisk, so that's what the two-year deal does, it assumes -- now this is all assuming we get the appropriations bills done, but I think we will. The extra \$112 billion over two years above the budget caps I think will give us the ability to find appropriations bills.

Then, I haven't yet had conversations, this is still so new kind of with the industrial base folks, but I know what they think, especially folks like the shipyard. You know, the biggest kind of defense private sector company I deal with in Virginia is the shipyard because it's the largest private sector employer in Virginia. You go down there, and I imagine some of you have taken tours in the shipyards, and they show you this complex calendar they have of the refueling of the carriers that are in at mid-point in their life, the construction of the new carriers and the construction on the Virginia Class subs. When they start and when they finish and when the next one starts and when they have to be in dock or dry-dock and then all of that factors into the workforce. And it's always

a peak and valley exercise, but knowing where the peaks and valleys are is infinitely preferable to, well I know there's going to be peaks and valleys but I just don't know what they're going to be because I don't know what to expect budgetarily.

And if you know kind of where the peaks and valleys are, you can shift your hiring, you know. If we're going to have this many retirements this year. Well we're not going to replace the retirements this year because we know next year's going to be a lean year. It's just so much better for the planning purposes.

I know what's true about a Huntington Ingalls Shipyard with multiple projects is even more true about a small ship repairer in Hampton Roads who may have two projects a year. And the difference between having one project or two is massive for them.

So I think kind of if the Hippocratic Oath is first do no harm, then the congressional oath should be first provide as much certainty as you can. And we have been the key creator of uncertainty in the American economy, Congress has been probably for the last seven or eight years. But now by doing two two-year budgets in a row we are stepping back toward we hope to provide you some certainty.

Now I will say, it was hell getting to the two two-year budgets. We didn't get to the first two-year budget until a 16-day government shutdown. And arguably we might not have gotten to the second two-year budget had a Speaker not retired when he wasn't in danger of losing his seat or his majority. That's never happened before in U.S. history.

So you can't count on that always happening to help you produce a two-year budget, but I think we are kind of normalizing the idea of two-year budgets, and we're also normalizing the idea of okay, the sequester cap, as part of this deal you extend the sequester another two years, but what we've done is we've kind of said the sequester's kind of a default but we're showing a willingness to, okay, that's the default, but we are willing to say we're adjusting off the default to meet current needs, and now we've done that twice in a row, and I think that's going to be very very positive for the industrial, for the military industrial base, but for the economy generally.

DWG: You've been establishing yourself as a real voice in the Democratic party on national concerns. I kind of want to figure out who you lean on for advice, who you read, even if you don't interact with them. The people who make up the constellation of national [inaudible] that you refer to when you're making these positions.

And also you've been mentioned as a possible VP pick for Hillary Clinton if she wins the nomination. I wonder if that's something that interests you, or what your feeling is on that generally.

Senator Kaine: That's an easy one and then I'll do the first one. It's nice to be mentioned. I found out in '08 when I was a governor and enjoying being a governor, it was nice to be mentioned, but while I was mentioned it just never seemed likely to me so I didn't spend that much time worrying about it. I really liked my job as governor and I really love my job in the Senate.

My role model is kind of the John Warner role model who stayed in the Senate for 30 years and got a lot of good things done for Virginia.

So again, I don't mind being mentioned, and there's going to be a lot of people that are going to be mentioned. It doesn't seem likely to me, and so my focus is really going to be on this constellation of these armed services and foreign relations issues.

I did really get lucky in committee assignments. I will say I don't think of myself as an expert but I do work hard in whatever I do, and I have these two great committee assignments -- Armed Services, which matters so deeply in Virginia obviously. And then the one thing I'll just, I'd just say off the record, this matters to me as a dad. There's two of us in the Senate who have kids in the military. My son hates it when I mention that but I talk about all my kids. But that makes serving on Armed Services really cool. Not only because it's so important in Virginia, but just to be able to pick up the phone and, on these pay and benefit issues. What is it that young officers worry about these days? The housing allowance, commissary benefits, medical, retirement. I have a really cool ability to, at least within one service branch to have some dialogue in the family about some of these issues. So I love my committees.

In terms of who I pay attention to, I will say I'm an avid, and have been for probably 20 years, avid reader of the New York Review of Books which I just think in terms of very well argued, and provocative articles about current national security, international relations, defense issues, the New York Review is superb.

And then in terms of organizations, it's very broad. At any, yesterday was an example of the day, I had a long meeting with folks from the Israel Policy Forum. The first time I had sat down with them, but I really found that helpful.

I have close friends at the Carnegie Endowment for International Peace. I have close friends at Mercy Corps, kind of more over on the NGO foreign relations side. And I get great support from the Pentagon and the State Department. I think I have built up very good relations with people in the DoD and State, but I have enough outside contacts, too. The Jesuits in Latin America, because I worked as a Jesuit Missionary in Latin America. The Jesuit Order of Catholic Church is often in talking to me about issues dealing with Latin America, and especially with a Latin American Jesuit as a Pope, you know, they've got a lot of opinions in an area of the world that I care a lot about.

So it's a fairly diverse group of people. We have a lot of folks who come in to talk. And I have very good ties, just on kind of the issues of Israel. I have very good ties with J Street. I have very good ties with APAC. And neither are completely happy with me but both know that my door's open and I'm going to have interesting dialogue with them about the issues.

So I kind of feel like I have a little bit of an embarrassment of riches in terms of folks around town who I can reach out to and ask. We've also really been benefited, you guys know how Hill offices work. Not only do I have a superb staff, I mean Amy's my

communications director, but Kay [Madder] from an international relations background and people like Ryan and Nichole. But we also always have loaners who are on our team, sometimes from DoD, sometimes from State, sometimes from the CIA, people who are in these one-year fellowships where they're loaned over to Congress. And we really take advantage of their expertise.

Just as an example, I did a ton of work on the Iran deal really from the announcement of the interim negotiations in November of 2013, writing the Review Act with Corker against the President's strong objection to give Congress a role, but then advocating that my colleagues supported the deal once it was put on the table. We had a great national security team that I couldn't have done it without them, but we also had loaned staff that were helping us too. So inside the office and outside, I just have kind of an embarrassment of riches on this.

DWG: -- the Pakistani Prime Minister last week. [Inaudible].

Senator Kaine: Yeah.

DWG: And [inaudible] Pakistan [inaudible] and [inaudible] organizations like Lashkar-e-Taiba.

Senator Kaine: LET. Yeah.

DWG: [Inaudible]. What do you make of [inaudible]? Do you think [inaudible]?

Senator Kaine: I was not surprised to hear him state that in the past that was the case. I think that the evidence about ties between some aspects of the Pakistani government and LET in connection with the attack in Mumbai in 2008 is pretty hard to deny when you get into the intel and you really explore it. You know, you can question how high up the ties were and how officially they were sanctioned, but there were definitely ties. That horrible, I was in Mumbai in October of 2014 and went to the sites of the attack and talked to folks at the hotels about their employees who had been killed and others who had been killed. It was a grim, grim incident, and the connection between those attackers and at least some elements of the Pakistani government are, I just don't think that can be credibly denied.

But what about Pakistan today and what about the visit with Prime Minister Sharif? My sense from that visit and from a trip to Pakistan that I made in October of 2014 where I spent time with both the Prime Minister and General Sharif, is that you know, it's been a very very hard relationship and it was really U.S.-Pakistan and it really was at its bottom right after the death of bin Laden in 2011. But I think the arc of it is going in a better direction.

My sense is that Pakistan is now really going after enclaves of terrorists in North Waziristan and other areas. They're sincerely doing it. That those organizations are feeling tough pressure was evidenced by the fact that they blew up a school in Peshawar.

They're fighting back against the Pakistani government because they're feeling the Pakistani government cracking down on them.

When I've been in Afghanistan and I've asked like General Campbell, tell us what's going on on the Pakistani border. They would often see Pakistani kind of terrorist elements come across the border into Afghanistan to kind of hide out if Pakistan was going to crack down it would create a problem in Afghanistan. They feel like the Pakistani efforts against them are not just pushing the problem over into Afghanistan but they're trying to stop that as well.

There were huge protests against the civilian government of Prime Minister Sharif in the summer of 2014. In the past that would have been an excuse for the military to step in and take control back. General Sharif and the military did not do that. They instead played more of a policing and order function with respect to the protest but didn't use it as an excuse to seize the government back. That was a positive.

So I think from an absolute bottom point, I think the U.S.-Pakistan relationship has kind of been incrementally improving and I think the civilian military relationship in Pakistan is probably in a little bit better balance than it's been for a while. I think General Sharif has an understanding that the military is probably stronger if they don't try to engage in too many incursions over into the civilian space.

The Pakistan-India relationship is one that we still care deeply about and worry deeply about, at least in 2014. I haven't followed it as much this year, activity on the border during the kind of fighting season spiked up from what it had been before, and exactly, and also this year, it probably spiked at a level that was significant. I thought PM Modi's invitation to Prime Minister Sharif to be part of the ceremony surrounding his inauguration, that was a good start of the relationship, but haven't really seen it, those early promising signs, I don't really think they've been followed up on sufficiently either by India or Pakistan. So I hope there will be more there.

But at least with respect to some of the things that, the past connections between the Pakistani government and an organization like LET, I see them really taking the fight to terrorist organizations in a way that they haven't done for a while and we should encourage that.

DWG: Thank you, Senator. We're out of time but we do appreciate your thoughts. It's been really good, and we'd love to have you back next year.

Senator Kaine: I'll look forward to it. Thank you guys.

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