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IRAQ'S TRANSITION—THE WAY AHEAD [PART I]

HEARING

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED EIGHTH CONGRESS

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IRAQ'S TRANSITION—THE WAY AHEAD [PART I]

TUESDAY, MAY 18, 2004

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

The committee met, pursuant to notice, at 9:30 a.m. in room SD–106, Dirksen Senate Office Building, Hon. Richard G. Lugar (chairman of the committee), presiding.

Present: Senators Lugar, Hagel, Chafee, Allen, Brownback, Voinovich, Alexander, Coleman, Sununu, Biden, Sarbanes, Dodd, Feingold, Boxer, Bill Nelson, and Corzine.

OPENING STATEMENT OF SENATOR RICHARD G. LUGAR, CHAIRMAN

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee is called to order. Today, the Committee on Foreign Relations meets to continue our ongoing oversight of American policy toward Iraq. The Coalition intends to hand over sovereignty to an Iraqi government 6 weeks from tomorrow.

We're pleased to welcome Richard Armitage, Deputy Secretary of State; Paul Wolfowitz, Deputy Secretary of Defense; and Lieutenant General Walter Sharp, Director of Strategic Plans and Policy for the Joint Chiefs of Staff. We look forward to a wide-ranging discussion that further clarifies United States plans for the Iraqi transition.

This is the nineteenth hearing on Iraq the Foreign Relations Committee has held since January 2003, and the fifth in this past month. Tomorrow we will hold another hearing on Iraq that will feature several expert witnesses from outside our government. Within the substantial bounds of Congress's oversight capacity, we are attempting to illuminate United States plans, actions, and options with regard to Iraq, both for the benefit of the American people and to inform our own policymaking role.

I am convinced that the confidence and commitment demonstrated by the pronouncement of a flexible but detailed plan for Iraq is necessary for our success. With lives being lost and billions of dollars being spent in Iraq, the American people must be confident that we have carefully thought through an Iraq policy that will optimize our prospects for success. Moreover, a detailed plan is necessary to prove to our allies and to Iraqis that we have a strategy and that we are committed to making it work. If we cannot provide this clarity, we will risk the loss of support of the American people, the loss of potential contributions from our allies, and the disillusionment of Iraqis.

As the June 30 transfer of sovereignty draws closer, violent attacks on Coalition forces have increased, and power struggles between Iraqi factions have intensified. The lack of security has hampered political and economic development in key parts of Iraq. Many non-governmental aid organizations have pulled out of Iraq. Adding to the difficulties, the appalling revelations of our prisoner abuse in Iraq have repulsed Americans and hurt our reputation in the international community. In dealing with this scandal, we need to establish absolute accountability and stay true to our values without reducing our efforts to overcome terrorism.

At this critical junction, the committee and the American people need to hear directly from the administration. Are U.S. plans for building Iraq shifting to address the new realities on the ground? And have sufficient resources been identified to carry through with our plans?

The Senate confirmed Ambassador John Negroponte, to be Ambassador to Iraq, on an expedited basis to ensure that he and his team would be in place quickly. We are interested in knowing how the State Department plans to staff, house, and secure what will be one of the largest embassies in the world. Under Secretary Marc Grossman has testified that the embassy could cost more than a billion dollars, but these funds were not included in fiscal year 2005 budget request. The administration recently requested an additional $25 billion in contingency funds for Iraq and Afghanistan, but this amount does not apparently include any funding for the new embassy. Our diplomatic forces, as well as our military forces, must have what they need to succeed.

I am especially interested in details surrounding the use of the $18.4 billion provided for Iraq by the emergency supplemental signed last November 6, 2003. In this bill, Congress gave broad authority to the President to control these funds through the Office of Management and Budget. The OMB report submitted last month showed that only $2.3 billion of the $18.4 billion has been obligated by March 24, 2004. Given the urgency of reconstruction efforts in Iraq and the role that they play in a successful outcome for the United States, it is perplexing that only about 12 percent of the money has been obligated. Committee inquiries indicate that reconstruction projects have been slowed by a long bureaucratic contracting process overseen by the OMB and the Department of Defense. In addition, the OMB report lacks specificity. In many cases, the report fails to identify the agency responsible for carrying out reconstruction projects. Our committee needs to be reassured that Congress's intent is being fulfilled and that there is no unnecessary delay in reconstruction efforts.

In Iraq, we are perceived more as an occupation force by some than as a friend helping to nurture a new nation. Delays in reconstruction undercut United States credibility and increase suspicions among Iraqis who are impatient for improvements. Without tangible progress in reconstruction, Iraqis will perceive little benefit in the U.S. military presence. Achieving a transfer of sovereignty on June 30, 2004, was always going to stretch our capabilities. But since we are firmly committed to that date, we should be attempting to accelerate stabilization and reconstruction in every possible way.

We are hopeful that Ambassador Lakhdar Brahimi will be successful in his work to construct an Interim Iraqi Government. The Iraqis themselves must reach internal political consensus and balance among competing Sunni, Shia, and Kurdish factions and their thoughts. Once the new government is named, the transition to sovereignty should begin immediately. If possible, in my judgment, we should establish the United States Embassy before the June 30 transfer, and bring Ambassador Negroponte in early. Ambassador Bremer has provided extraordinary service, but, at this stage, he will begin to take on lame-duck status.

Under Secretary Grossman testified, on April 22, about the importance of engaging an Interim Iraqi Government as soon as it is selected. We cannot simply turn on the lights in the embassy on June 30 and expect everything to go well. We must be rehearsing, with Iraqi authorities and our Coalition partners, how decision-making and administrative power will be distributed and exercised. It is critical, therefore, that Ambassador Negroponte and his team be put in place at the earliest possible moment. We also should be accelerating negotiations to complete a United Nations Security Council resolution to give international legitimacy to the new Iraqi government and to define new security arrangements. In addition, the United Nations and the new interim government should consider accelerating the elections scheduled for January 2005 and December 2005 for the Transitional and Permanent Iraqi governments.

We are especially appreciative to have our witnesses with us today. Now, let me just say, as a point of personal privilege and, likewise, history, that about 19 years ago, in 1985, when I was a newly anointed Chairman of the Foreign Relations Committee, on the first occasion, Paul Wolfowitz and Rich Armitage came before the committee on that occasion to talk about the Philippines. Their testimony was farsighted and courageous. In a chapter in a book that I wrote about the situation, I stated my admiration for their testimony, for whatever it's worth, because it was remarkably prescient with regard to events that occurred throughout 1985 and the elections in February 1986 and subsequently. My admiration for these two gentlemen has remained unabated ever since. I appreciate especially your coming today at this important time for our committee, and for our colleagues, and for the American people who will witness this hearing.

Senator Biden has been delayed by train difficulties, pure and simple. He will be here, and when he arrives, I will call upon him, of course, for his opening statement and comment. And, at some stage, we will have, the committee knows, a rollcall vote at approximately 11:15. We will try to continue the hearing throughout that time. I will slip over to the floor and vote as rapidly as possible, and call upon one of my colleagues to chair the meeting so we may continue with our deliberations.

We thank the witnesses for coming. We look forward to hearing from them, first of all, in the order in which they are listed in our agenda, which would be Secretary Wolfowitz, then Secretary Armitage.

Secretary Wolfowitz, we're delighted that you are here and we would be pleased to hear your testimony.

STATEMENT OF HON. PAUL WOLFOWITZ, DEPUTY SECRETARY OF DEFENSE, U.S. DEPARTMENT OF DEFENSE; ACCOMPANIED BY: LT. GEN. WALTER L. SHARP, DIRECTOR, STRATEGIC PLANS AND POLICY, JOINT CHIEFS OF STAFF, U.S. DEPARTMENT OF DEFENSE, THE PENTAGON

Mr. WOLFOWITZ. Mr. Chairman, I'm delighted to have the opportunity to come here to talk about the very important questions that you've outlined in your opening statement. I want to thank you for the kind words that you just spoke about the role that Rich Armitage and I played some 20 years ago, not quite 20 years ago, but you were unduly modest, because you yourself played a more important role and with considerable courage, both in taking on an assignment that nobody else wanted to do, and then carrying it forward in the face of a great deal of pressure. And I think our country and the Philippine people have a lot to thank you for that great leadership.

Mr. Chairman, I have a somewhat long statement, which you can read and I would like to put in the record. I would just like to put it aside and make a few brief comments about the overall situation in Iraq.

The CHAIRMAN. Your statement will appear in the record in full, and, likewise, that of Secretary Armitage.

Mr. WOLFOWITZ. Mr. Chairman, members of the committee, the great men and women who wear the uniform of the United States have already accomplished amazing things in Iraq. They have removed a regime that was a threat to the United States and to the entire Middle East, a regime that sponsored terrorism and then developed and used weapons of mass destruction. In the process, they have also liberated a nation of 25 million talented people, most of them Muslims, from the grip of one of the most cruel and sadistic tyrants in modern history. But their work is not done. The enemy that was defeated in major combat a year ago continues to sow death and destruction in the effort to prevent the emergence of a new Iraq. They and their terrorist allies from inside and outside Iraq understand that real defeat for them will come when Iraqis achieve the ability to govern themselves in freedom and to provide for the security of their own country. That is why the enemy realizes that the next year or year and a half will be so critical, because that is the time it will take to stand up Iraqi security forces that are fully trained, equipped, and organized, and to elect a representative Iraqi government after 40 years of tyranny and abuse.

Already more than 775 American military have died in this noble cause, and many more have suffered grievous wounds. Brave civilians have been killed, as well. More than a hundred of our Coalition partners have given their lives for this cause. And by our own count, which is probably far from complete, 350 Iraqi policemen, civil defense fighters, and other security forces have given their lives for the cause of a new Iraq in the last year, and that doesn't count the thousands of Iraqis who have died fighting that evil regime for the last several decades, nor does it count the many brave Iraqi civilians who have stepped up to lead Iraq into the future and who were gunned down and murdered for that reason alone. Just this week, a second members of the Iraqi Governing Council, Izzedine Salim, was brutally assassinated, the second member of

the Iraqi Governing Council, along with that brave woman, Akila al-Hashimi, to give their lives for the cause of Iraqi freedom. We owe it to these noble Americans, to the Iraqi and Coalition partners, and, indeed, to ourselves and to the world, to finish the work that they have so nobly advanced.

Today's hearing, like many other hearings in this distinguished body, will be listened to by the entire world. In recent weeks, we have been sending many messages to the world about our shock and horror at the abuse of Iraqi prisoners, messages of regret and remorse, messages of outrage and horror, messages of American commitment to correct our mistakes, to find the truth, and to punish the guilty. It is entirely proper that we should do so. Most of all, we are sending the message that in democracies abuses are not tolerated or covered up, but revealed and punished. That is a very important message for the Iraqi people and a lesson, as well, as they seek to build a government that would be the first of this kind in the Arab world.

But it is even more important that the Iraqi people hear an additional message from this great body and from the American people, the message that we will win in Iraq, and that we are determined to win, and that we understand that winning means giving their country back to them, but also sticking with them until they have a reasonable chance to establish a government that represents them and creates security forces that can protect them.

Mr. Chairman, the enemies of a free Iraq are tough and determined killers and terrorists, but they have nothing positive to offer the Iraqi people—only fear and death and destruction. Our weapon is not fear, but hope. But it is a hope that is shared by millions of Iraqis. In the coming months, they and we will be the targets of the killers who hope to block the progress to Iraqi self-government and Iraqi self-defense. They need to know that we will stand with them as they stand up for a free Iraq.

Thank you, Mr. Chairman.

[The prepared statement of Mr. Wolfowitz follows:]

PREPARED STATEMENT OF HON. PAUL WOLFOWITZ

INTRODUCTION

Mr. Chairman and Members of the Committee:

I thank you for the opportunity to come and brief you today on the Defense Department's role in the upcoming transition to Iraqi sovereignty. I am heartened by the numerous statements from members of this Committee recognizing the importance of Operation Iraqi Freedom and the ongoing reconstruction mission in Iraq to our nation's security. Such statements send a strong message of America's resolve to those who oppose our efforts to help the Iraqi people rehabilitate their nation after 35 years of unimaginable tyranny under Saddam Hussein.

I would also like to thank the members of this Committee for their continued support to the men and women of our Armed Forces. Our prayers are with all our people currently serving in Iraq and Afghanistan. Whether members of Active Duty, Reserve, or National Guard units, these heroes embody the best ideals of our nation—serving so that others may be free—and we thank them all for the sacrifices they make.

I would also like to pay tribute to the hard work and sacrifices of all the civilians and Foreign Service officers in the Coalition Provisional Authority and various NGOs. Their tireless efforts and heroism have been vital to our mission in Iraq, and they have been as fine a group of ambassadors for this nation as we have ever sent abroad.

Finally, we also owe a sincere debt of gratitude as well to the roughly 25,000 men and women from our Coalition partners, who are serving the cause of freedom in

Iraq. This coalition is neither "illegitimate" nor "window dressing." Thirty-four of our closest friends have troops that are bravely fighting alongside us in Iraq, spearheaded by the two multinational divisions led by the British and the Poles. British, Italians, Bulgarians, Thais, Poles, Danes, Estonians, Ukrainians, and Spanish have been killed while trying to advance freedom and democracy in Iraq. Just recently, one of our smallest allies, El Salvador, has been singled out for the valor of its troops in countering the recent violence in Iraq. Most significantly, the largest partner of this Coalition is the Iraqis themselves, tens of thousands of whom are already fighting for a new Iraq. The number of Iraqi Security Forces may exaggerate their capability at this time, but not their determination to rebuild their country, as more than 300 Iraqi Security Forces have been killed in action, and close to 700 wounded.

The horrible abuses at Abu Ghraib prison have been, as Secretary Rumsfeld characterized it, a body blow for all of us. These actions are a betrayal of what thousands of Americans have risked their lives to achieve in Iraq. But these actions do not represent America, nor do they represent American values. We will uncover the truth. We will punish the guilty. And we will act to prevent such abuses from recurring in the future. The Iraqi people will see that a free democratic system functions and operates transparently. Americans are human and we make mistakes, but when we do, we work to correct them. And it was not a mistake to free the Iraqi people and the world from one of the most abusive dictators in history.

THE COALITION'S STRATEGY TO ACHIEVE VICTORY IN IRAQ: CAPACITY BUILDING

We need to continue to move forward on all fronts implementing the coalition's strategy to set conditions that will ensure a free Iraq that is stable and at peace with its neighbors. Our strategy involves three interdependent lines of operations to build indigenous Iraqi capacity and transition responsibilities from the Coalition to Iraq rapidly, but not hastily. While the lessons to be learned from the violent events of the past few weeks affect the way we pursue these three lines of operation, these are still the three key elements that will bring success in Iraq.

The *first* element involves building capable Iraqi security forces to achieve stability. Accordingly, we have redoubled our efforts to recruit, train, equip and, most importantly, mentor Iraqi security forces—Police, Iraqi Civil Defense Corps, Army, Border Police, and the Facilities Protection Service. Over the next few months our aim is to be able to certify the ability of these forces, as they become ready to assume greater responsibilities from coalition forces. Also, through technical assistance and mentoring by U.S. prosecutors, we are helping to build the capacity of the Iraqi criminal justice sector.

The *second* element involves nurturing Iraq's capacity for representative self-government, with the aim of creating a government that can assume sovereignty on behalf of the Iraqi people. June 30 is not a magical date on which the Coalition Provisional Authority (CPA) will suddenly transition all of its responsibilities to a new Iraq government. It is actually just one step, albeit a very important one, in a process. Free Iraqis have been gradually assuming responsibility for governmental functions for quite some time. Eleven Iraqi ministries already report to the Governing Council rather than the CPA. Iraq now has a functioning judiciary to provide equal justice for all. At the local and provincial levels, elected assemblies are up and running. When the Interim Government assumes sovereign authority on June 30, its most important task will be to prepare the way for elections to establish the Transitional Government in January of 2005. That government in turn facilitate the drafting of a permanent Iraqi Constitution which will pave the way for the election of a fully constitutional government at the end of 2005.

The *third* element of the strategy involves the reconstruction of Iraq's infrastructure and the restoration of essential services that are providing better lives for Iraqis and putting people back to work. Iraq has tremendous potential. Iraq has well-educated and industrious people. It has fertile land and water resources and it has abundant natural resources. Our strategy aims to put Iraq on course to realizing that potential and to setting conditions for Iraqis to prosper in the future.

IRAQ'S PROGRESS SINCE LIBERATION

The recent violence in Iraq is aimed at obstructing the progress that is being made toward building a new Iraq and to create chaos that will permit the return of the old tyranny or the imposition of a new one. Despite this assault, after 35 years of living through the nightmare of Saddam's cruelty and misrule, Iraq is slowly beginning to realize its long-suppressed potential. Given its talented people, fertile land, and natural resources, Iraq should have been a wealthy nation. Yet Iraq's economy was moribund due to state control, rampant corruption, and Saddam's misallocation of resources. Money earmarked for life-saving medicines was used to

buy means to end life. Money available to maintain Iraq's infrastructure instead maintained Saddam's palaces. Schools that should have been centers of learning became command centers and ammunition bunkers.

Today, the Iraqi economy is on the path to recovery and prosperity. Unemployment has fallen by nearly one-half over the past year. Inflation is a quarter of what it was before the war. Iraqi marketplaces are filled with consumer goods for the first time in decades. All of this is occurring despite ongoing security concerns, and before the full effect of the $18.4 billion in reconstruction grants and more than $15 billion in international aid is felt.

Iraqi essential services have also seen significant improvement in the past year. Electricity generation has surpassed prewar levels and is more evenly distributed. Iraqi schools are no longer propaganda factories for Saddam's cult of personality and Ba'ath party fascism. Health care spending in Iraq is 30 times greater than its prewar levels.

Iraqis are also experiencing unprecedented political freedoms as well. The Transitional Administrative Law, the document that will govern Iraq's transition period beginning June 30 and which was signed by all members of the Iraqi Governing Council, is the most liberal basic governance document in the Arab world, with assurances that include:

- Freedom of Religion;
- Freedom of Expression;
- Freedom of the Press; and
- Freedom of Assembly.

The TAL calls for equal rights for all citizens of Iraq regardless of ethnicity, denomination, or sex. Over ninety percent of Iraqi towns and provinces have local councils. More than half of the Iraqi population is active in community affairs, and one in five belongs to a non-governmental organization.

SECURITY IN IRAQ

Although these achievements are far from trivial, they take place against the background of continuing violence. The past month has been as costly to us as any since the liberation of Iraq a year ago. We are facing a pivotal moment in the battle for Iraq's future, making sober reflection on where we stand and where we are heading in Iraq critical.

This reflection begins with recognizing who the enemy is in Iraq. Among the groups in Fallujah the U.S. Marines have been fighting are the murderers and torturers of the Fedayeen Saddam and Mukhabarat who melted away without engaging our forces a year ago. Reports indicate that Iraqi officers of the so-called "Special Operations and Antiterrorism Branch,"—a truly Orwellian designation—also known as M–14, are responsible for planning roadway improvised explosive devices and some of the larger car bombs that have killed Iraqis, Americans, and other foreigners. Their campaign of terror and intimidation springs not from frustration with the Coalition's occupation of Iraq, but from their desire to dominate and brutalize their fellow Iraqis. Captured documents reveal that these members of Saddam's secret service were making plans for urban guerrilla warfare even before the fall of Baghdad, and took steps such as preparing explosives-laden vests for suicide attacks before the war. In order to destroy the last vestiges of Saddam's tyranny, it was always necessary that we defeat these forces. They are joined by domestic and foreign terrorists, including the notorious Abu Musab al-Zarqawi, who moved to Iraq after the fall of Afghanistan and who claims credit for personally beheading Nicholas Berg and is responsible for conducting many of the worst terrorist bombings in Iraq, and he is connected to a number of plots in Europe and possibly elsewhere.

In the Shi'a community, Muqtada al Sadr's power grab has not succeeded. A February poll by Oxford Research International showed that only one percent of Iraqis name al Sadr as the national leader they trust most. This number seems to be declining as the Shi'a clerical establishment influences their community against him. U.S. and Iraqi forces have launched numerous attacks against Sadr's gang of thugs in the past week, further limiting his efforts to intimidate his way into power.

LESSONS LEARNED AND CHALLENGES AHEAD

It is well known that no pre-war prediction will unfold perfectly, and that there will be setbacks that require adjustments in both objectives and courses of action. In war, plans are at best the basis for future changes. This Coalition has repeatedly demonstrated that it can be flexible when necessary. Examples of this flexibility include:

- Creating a new type of indigenous force (the Iraqi Civil Defense Corps) to fill the gap left by the Iraqi police service, many of whose members turned out not to be as well trained as we had supposed.
- Requesting a large amount of supplemental funds when the requirements for Iraqi reconstruction became clear.
- Responding to Iraqi demands for an earlier resumption of sovereignty by developing the idea of a transitional government that could take power before a permanent constitution is ratified.
- Dropping the "caucus plan" for selecting the transitional government, when it turned out to be unpopular with Iraqis, and substituting a two-step process involving an interim government that can take power before legislative elections.
- Revising the mechanisms for implementing the de-Ba'athification policy to address complaints that the appeals process was not working as intended, and to respond to the Sunni minority's fears of marginalization.

Similarly, events of the past month have taught us several lessons that have influenced our policy decisions. We are focusing intently on the Iraqi Security Forces, whose performance during the recent spike in combat activity has been mixed. Approximately half of the security forces stood their ground, and in Fallujah some ICDC units fought bravely and well. Iraqi commandos from the Iraqi Counter Terrorist Force were instrumental in expelling Sadr's militia from the Mukhaiyam Mosque in Karbala. However, other units, however, did not face the enemy or avoided contact altogether, and a small proportion cooperated with the enemy.

Our disappointment with the security forces has to be tempered with realism. Overall, they were not capable by themselves of deterring or withstanding the recent attacks, and that fact should not surprise us. We have been fielding Iraqi security forces as fast as we could, but we never expected Iraqi security forces to take over responsibility for Iraq's security on June 30th, much less April 5th. Our plan was—and is—for Iraqi forces to develop strength, capability, and experience under the security umbrella of the Coalition, while the Coalition retained overall security responsibilities. Recent events provide lessons we can apply to increase the impact of what we are doing.

The first lesson is the need for stronger leaders in the security forces. We will build on the leaders whose units fought and we will replace those whose units did not. We will integrate Iraqi officers with Coalition forces and we will embed Coalition officers with the Iraqi security forces. This arrangement provides liaison, which produces mutual confidence, and it also helps us develop Iraqi leadership. Similarly, we need police liaisons and specialized trainers to get down to police stations around the country to provide confidence and set the example.

Second, the Iraqi security forces need more and better equipment. We had not planned for them to be fully equipped at this point, but some police and ICDC units were outgunned in recent action, so we are reexamining the equipment requirements. We have also incurred some delays in equipping the Iraqi security forces. Part of the delay has been caused by challenges in the contracting process, and we hope those problems have been fixed. We need to make up for lost time, but any delay is unacceptable.

Third, it is clear that the members of the security forces, most of whom are Iraqi patriots, need an Iraqi rallying point. They need to understand they operate under an Iraqi chain of command, and that at the top of that chain of command is a lawfully constituted Iraqi government. The chain of command is being put in place now. A defense minister has been named, along with a commander in chief of the armed forces and a chief of staff. A new interior minister has also taken office. We need to fill in the rest of the chain, but Iraqis in the security forces can see today that there are Iraqis at the top.

The greatest factor in the mixed performance of the security forces was an intangible: fear. The enemies of a democratic future for Iraq have so terrorized the cities of central Iraq that many members of the security forces doubt that they or their families can be protected from the retribution that may follow their participation in operations alongside the Coalition. Until Iraqis are convinced that Saddam's regime has been permanently and irreversibly removed, and until a long and ghastly part of their history is put to rest and overcome, that fear will remain. Convincing them of this truth—that Saddam and the Saddamists are finished—will continue to require investments of our time and our resources and our precious men and women in uniform, to continue to build trust among the Iraqi people. That is why it is so important in this time of stress to show that our commitment to their freedom is rock-solid.

POLITICAL PROGRESS AND THE WAY AHEAD

The timing of the current violence was not entirely unexpected. President Bush warned that we could expect increased violence in the months leading up to the transition to Iraqi sovereignty. We knew that the enemies of democracy in Iraq would do everything they could to disrupt the transition to sovereignty. This expectation was confirmed when we intercepted a letter from Abu Musab Zarqawi to his Al Qaeda colleagues in Afghanistan. In this letter, Zarqawi recognized that the fast-approaching turnover of sovereignty would further weaken his cause, saying:

> With the spread of the [Iraqi] army and the police, our future is becoming frightening. The problem is you end up having an army and police connected by lineage, blood and appearance to the people of the region. How can we kill their cousins and sons and under what pretext, after the Americans start withdrawing? This is the democracy . . . we will have no pretext.

Zarqawi's letter strongly suggests that we are seeing an upsurge in violence precisely because the terrorists and extremists in Iraq believe we are winning and that their time to derail democracy in Iraq is running out. The same political situation that is driving such attacks also is a source of optimism for the Iraqi people and their Coalition partners.

The reason the enemy believes its time is running out is because Iraqis, as reflected in the Transitional Administrative Law, have established a clear way forward for drafting and ratifying a permanent constitution for Iraq and the election of a government in accordance with its terms. This political transition is scheduled to evolve over three phases:

- Phase I (June 30, 2004)—Iraqi Interim Government
- Phase II (January 2005)—Iraqi Transitional Government
- Phase III (January 2006)—Iraqi Government under Permanent Constitution

According to the timeline laid out in the TAL, the Iraqi *Interim* Government will take power on June 30. This Interim Government is being selected based on intensive consultations among Iraqis, led by Ambassador Brahimi, the UN Secretary General's Special Advisor on Iraq. Under this plan, the UN will appoint an Iraqi executive consisting of:

- A President;
- Two Deputy Presidents;
- A Prime Minister; and
- A Ministerial Cabinet.

In accordance with the TAL, the interim Government will assume full sovereignty on June 30th, And in July a national conference will be convened to select a "consultative" council. Ambassador Brahimi currently is in Iraq where he is consulting closely with Iraqis and U.S. officials to produce a list of names by the end of May.

We believe the ideas put forth by Mr. Brahimi are promising and we look forward to more details from the UN. U.S. officials remain in close contact with Mr. Brahimi, members of the Iraqi Governing Council and other Iraqis as these procedures are finalized.

This Administration has made a major effort from the start to involve the United Nations in the reconstruction of Iraq. The Coalition's ongoing efforts in Iraq have been endorsed by three Security Council Resolutions: UN Security Council Resolution 1483—passed May 22, 2003—supports the formation of the CPA and an Iraqi Interim Administration. UNSCR 1500—passed August 14, 2003—welcomed the establishment of the Governing Council. UNSCR 1511—passed October 16, 2003—authorizes a multinational force under U.S. command. All three of these resolutions were unanimously endorsed by the UN Security Council.

The Administration has worked closely with the United Nations Secretary General throughout the past year. Before his tragic murder by terrorists, UN envoy Sergio Viera de Mello was instrumental in establishing the Iraqi Governing Council. Since the tragic bombing of the UN Headquarters in Baghdad last August—which Zarqawi boasts was his doing and which was clearly aimed at driving out the UN—security for the UN has been a major challenge. However, the UN representative for Security Coordination's Office has been in Baghdad since mid-January. A UN Election Assistance Team headed by Carina Perelli continues to work with the Iraqi people to help them create the legal and institutional structures for direct national elections by the end of January 2005. And as noted, we have welcomed the pro-

posals of the new UN envoy, Lakhdar Brahimi, regarding the creation of the Iraqi Interim Government.

The Interim Government will serve until the Transitional National Assembly, or TNA, is elected in either December 2004 or January 2005. The TNA will then elect a three-person Presidency Council consisting of a President and two Deputies, who will appoint by unanimous vote the Prime Minister and, on the Prime Minister's recommendation, a Council of Ministers. The Prime Minister and Council of Ministers must obtain a vote of confidence from the TNA before taking office. Together, the TNA, the Presidency Council and the Council of Ministers will comprise the Iraqi *Transitional* Government.

In addition to being the legislature, the TNA will also draft a permanent constitution for Iraq, which will be submitted for popular ratification by October 15, 2005. Elections under this new constitution are to be held by December 15, 2005, and the newly elected government, operating under the permanent constitution, will take office by December 31, 2005.

Now, I cannot sit here today and predict the exact form of the permanent government. Iraqis will decide the exact provisions of their permanent Iraqi constitution, and who will emerge as the leaders of the new Iraq. After 35 years of totalitarian dictatorship, it is a complicated task to build new political institutions and it cannot happen overnight.

Since the liberation of Iraq a year ago, Iraqis have conducted themselves extraordinarily well for a nation so long exposed to Saddam Hussein's unique level of sadism. In a remarkably short period of time, Iraqi leaders have overcome many differences to demonstrate the arts of political compromise and their commitment to the goal of a new Iraq.

Americans of all people should understand that democracy does not guarantee specific outcomes, it opens ideas up for debate. One need only look back at our own Constitutional Convention to be reminded that with any attempt to establish rule for the people by the people, there is always a great deal of uncertainty and controversy, even after the ink has dried. We should not expect Iraqis to achieve immediately what we and the British, for example, have labored to accomplish over the course of centuries. But even an imperfect Iraqi democracy will be an enormous improvement for a country that has suffered so much over the past 35 years.

An early end to the occupation is essential to our political strategy to defeat the terrorists. A sovereign Iraqi government will be better able to marginalize its extremist opponents politically while Coalition forces defeat them militarily. As the letter from Zarqawi demonstrates, such a transformation is the worst possible scenario for those who oppose the emergence of democracy in Iraq. They fear it, and that's why they are trying so hard to derail it.

Moving ahead is important to inspire Iraqi confidence that the transition is moving forward and that their country will not be occupied indefinitely. The transfer of sovereignty will also help to create the national rallying point for the Iraqi Security Forces I alluded to earlier. But it is important also to make clear that we believe that there will continue to be an urgent need for coalition forces to remain in Iraq after June 30, as there will still be serious threats to security in Iraq. *But, on July 1, Iraq will be governed by an Iraqi government.* This is in accordance with the expressed wishes of the Iraqi people.

We will have a legal basis for continued MNF operations in Iraq. The TAL provisions relevant to security arrangements provide the appropriate framework for implementing our security strategy in Iraq after this transition. Article 59(B) of the TAL states that Iraqi armed forces will be "a principal partner in the multinational force operating in Iraq under unified command pursuant to" UNSCR 1511. Article 59(C) states that the elected Iraqi Transitional Government "shall have the authority to conclude binding international agreements regarding the activities of the multinational force," and that "nothing in this Law shall affect rights and obligations . . . under UNSCR 1511 . . . which will govern the multinational force's activities pending entry into force of those agreements." And perhaps most importantly, Article 26(C) ensures that CPA orders and regulations "shall remain in force until rescinded or amended by legislation duly enacted and having the force of law."

While it is important not to view the accomplishments in Iraq through rose-colored glasses, it is also harmful to give way to excessive pessimism. The American people need to know what their forces are accomplishing in Iraq, how the efforts of our servicemen and women are transforming the lives of 25 million Iraqis for the better, and transforming a region that has for too long accommodated despotism to the detriment of its freedom starved populations. And both our friends and our enemies in Iraq need to know that we have the will and resolve to accomplish our objectives.

They also need to know that the Defense and State Departments share the same objectives in Iraq. Today as we face the challenge of executing the transition from the Coalition Provisional Authority to a sovereign Iraqi government 45 days from now, we must also plan for U.S. representation in Iraq to be conducted by a U.S. Embassy. Fortunately, planning for this transition has been well underway within the Defense and State Departments for some time. LTG (USA, Ret.) Mick Kicklighter and Ambassador Frank Ricciardone lead Transition Teams for the two Departments, and they have worked hand in glove with the CPA and Defense and Army staffs since early January to make the transition a success. They have formed an Interagency Transition Planning Team (ITPT) and provide the State and Defense leadership for drafting an Operations Plan for the transition. Experts from 16 subject matter sectors (such as Security, Human Resources and Personnel, Facilities, Finance, Medical and Health Services, etc.) from State and Defense coordinate closely to draft the highly detailed, time-phased plan. The ITPT as a whole meets almost daily, with sector leads meeting with their teams more often as required. General Kicklighter and Ambassador Ricciardone meet several times each week to ensure that planning and implementation of the plan are on track.

CONCLUSION

When the President declared the end of major combat operations last year, he noted that "We have difficult work to do in Iraq. . . . The transition from dictatorship to democracy will take time." This prediction has turned out to be correct, although the specific nature of some of the challenges we have encountered could not have been foreseen a year ago. But it is important to remember how large the stakes are and that fortitude and steadfastness are essential for success.

Iraqis seem to understand this and are less prone to pessimism in the face of setbacks than we are half a world away. Despite all the violence and uncertainty caused by the enemies of a free Iraq, Iraqis sense dramatic improvement in their everyday lives and anticipate much more.

Iraqis recognize the challenges they face and embrace them as a revolutionary opportunity to build a free nation and to better their lives. Recently, Nesreen Berwari, the woman serving as the Iraqi Minister of Municipalities and Public Works said: "On April 9, 2003, Iraqis were offered the opportunity to begin to dream their future. Before April 9, 2003, we were not allowed to dream. We could not imagine life with the kinds of positive challenges we face today." Minister Berwari's optimism persists even though she recently survived a second assassination attempt on her life which killed her bodyguard.

There is an old Chinese saying, "May you live in interesting times." This saying is intended as a curse not a blessing. There are some days when it is tempting to view events in Iraq this way.

But overall, I think we are in fact blessed with the opportunity and the capability to help the Iraqi people to realize their goal of a stable and representative government. And with this Committee's help, we will begin to make this a reality with the transition to Iraqi sovereignty next month. Recently in Houston, seven Iraqi businessmen were fitted for artificial hands. Saddam had ordered their hands amputated, to make them scapegoats for Iraq's economic failure. As one of those businessmen said, "The age of tyrants is over, the age of good remains. God willing. Good is coming in Iraq."

The CHAIRMAN. Well, thank you very much, Secretary Wolfowitz. Secretary Armitage.

STATEMENT OF HON. RICHARD L. ARMITAGE, DEPUTY SECRETARY OF STATE, U.S. DEPARTMENT OF STATE

Mr. ARMITAGE. Thank you, Mr. Chairman and members. I'll try to respond, rather than going through my opening statement, which you've kindly submitted for the record, to the individual items you brought up, Mr. Chairman, and I'll do it very briefly.

I want to echo Paul's comments about your kind comments regarding us. It's been a pleasure to serve with you and in front of you many times, through the Philippines and other different foreign policy activities. And we're proud again to be here today.

You mentioned that you want to see things move to autonomy as rapidly as possible. Eleven of the Iraqi ministries right now are au-

tonomous, and two more this week will become autonomous. And that means their ministers make all the decisions, prepare the budgets, are responsible for all of the programs, et cetera. And the CPA folks who have been in those ministries revert to the position of senior advisor, and we will attrit these away when the ministers themselves tell us that they feel that they no longer need senior advisors. That's a story, I think, that has been untold—13 of the 25 ministries this week are autonomous.

You talked about John Negroponte. Thank you very much, and your other Senate colleagues, for being so rapid in conducting a hearing, and confirming the nomination.

Now, I understand the desire to have John out in Iraq as soon as possible, but let me explain our reason. We want to make sure that there's a clean break between Ambassador Bremer and Ambassador Negroponte. Ambassador Negroponte is not Mr. Bremer's successor. He is the first U.S. Ambassador to a sovereign Iraq, and we're trying to make that point dramatically. We also want John's expertise as we move forward to another U.N. Security Council Resolution, which I will get to. But we've tried to meet you halfway, sir. We chose, as the DCM, our ambassador to Albania, who is a decorated Vietnam combat officer. We chose him for that reason, as well as his overall leadership skills, because we wanted to send him out early. And he's there now. He's arranging the embassies. He's putting together the different political shops, governance shops, et cetera, right now. We thought it was very helpful to have someone who, frankly, spoke the same language as our military colleagues and one who has walked the walk, as well as talking the talk. Jim Jeffrey is there now. He is getting the job done for us.

You mentioned funding. We're going to need about $483 million for the fourth quarter of the fiscal year, and that is from July until September. Right now, I can lay my hands on $477 million. The $6 million that I don't quite have, I plan to get by charging other agencies for their billeting, et cetera, with the State Department. We have these cross-servicing agreements, so that's not a particular problem. We do estimate, as Marc Grossman told you, that it will be a little over a billion dollars to run an embassy for fiscal year 2005, and this money, I'm pleased to say, will be coming forward, requesting, at the beginning of the year in a supplemental, an administration-wide supplemental, a State and foreign operations supplemental.

I do want to be clear, however, the President has very kindly requested, and DOD has acceded, to continue to supply to the U.S. Embassy what we call the LOGCAP, the Logistics Civilian Augmentation Program, and security. And this, over a year, amounts to about $800 million. So when I finally come forward to you with a supplemental, then it will be, I think, somewhat less than a billion dollars to operate the embassy.

We've got three properties that are in the process of renovation. They will be completed by the 15th of June. One is a residence, which will serve as a chancery. It's inside the Green Zone. The palace, which Ambassador Bremer is in now, will be an annex. And Ambassador Negroponte will move into the residence which Ambassador Bremer now occupies.

A little bit about the UNSC. We desire to move ahead as rapidly as possible, and we've had informal consultations in New York and, most recently, with the G–8 foreign ministers here in Washington on Friday. There's not a piece of paper that we have put forward. We have gleaned and garnered all the ideas of those who are most interested. We do want to await the outcome of the Brahimi consultations. Then we would have an actual government which we would want to support in that resolution.

But we want to accomplish several other things, as well. We want to make it very clear that occupation is over. Sovereignty is Iraqis'. The assets gained from the sale of oil belong to Iraqis now. Those type things.

We also want to talk about the security arrangements moving forward. We do feel, under Security Council Resolution 1511 and other associated memoranda, we have sufficient basis to continue to operate in Iraq. However, we would want, and many of our partners are desirous of having, a further U.N. Security Council Resolution which makes this fact well known.

So I've tried to respond to several of your items. One, if I may, about funding. I said, I've got about $477 million; $196 million of that will come from the OMB fourth-quarter apportionment, $97 million of it comes from 2003 and 2004 moneys which have already been appropriated, and the $184 million remaining would be out of the so-called "one-percent funds," which, following the law, the Iraq reconstruction and redevelopment fund, up to 1 percent of the money was allowed to be used for administrative costs. So I think we've got a pretty good handle on that, and I hope you will agree with me by the end of the hearing.

So I'll stop there, sir, and look forward to questions.

[The prepared statement of Mr. Armitage follows:]

PREPARED STATEMENT OF HON. RICHARD L. ARMITAGE

Mr. Chairman, Senator Biden, Members of the Committee, it is always an honor to engage with you in a dialogue about the foreign policy challenges and opportunities facing our nation. The transition to sovereignty and democracy in Iraq is the pivotal opportunity and challenge for our nation at the moment, so I especially appreciate the chance to discuss this subject with you today.

In 44 days, the Department of State takes the lead in managing and representing U.S. interests to a sovereign Iraqi government. At this point, you have confirmed Ambassador Negroponte, who is well prepared for this work. We have selected a very capable Deputy Chief of Mission in Jim Jeffrey, our current Ambassador to Albania, who already has moved to Baghdad to smooth the transition. Nearly all of the 140 State Department staff positions have been filled, and a number of Coalition Provisional Authority (CPA) staff will stay on for a period to ensure continuity of operations. We already have a number of the 155 Locally Employed Staff the State Department will hire here in Washington for training. Combined with personnel from other U.S. Government agencies, the U.S. Mission will total up to 1,000 permanent American staff, as well as a total of approximately 500 Locally Employed Staff. Our temporary chancery will be ready by July 1st, and we have chosen a site for a permanent embassy.

Of course, the Department of Defense (DOD) will also continue to support a sizeable force in Iraq after June 30th. An Interagency Transition Planning Team, headed by Ambassador Frank Ricciardone and General Mick Kicklighter, is working out how our two agencies will work together, including how our roles, missions, resources, responsibilities, and authorities will complement and support each other. With the ongoing primacy of security concerns, this will obviously continue to be an important issue, and a top priority for Ambassador Negroponte and Lieutenant General Sanchez. Indeed, the security of our mission itself is a top priority in our transition planning; we already have 32 Diplomatic Security staff in Iraq defining and im-

plementing measures to protect our staff. A total of 48 Diplomatic Security agents will serve in the mission as of July 1st.

As for funding the U.S. Mission, we are working with CPA and DOD to project start-up and fourth quarter operating costs, as well as to develop FY 2005 requirements. For FY 2004, the costs to stand up and operate the U.S. mission are around $480 million. We believe these costs are covered by the funding available from CPA's fourth quarter operating budget, the one percent transfer of Iraq Relief and Reconstruction Funds (IRRF) available under the law, and the funding directly appropriated to the Department of State from FY 2003 and FY 2004 supplemental appropriations. Our rough estimate of FY 2005 operating costs for the new mission amount to approximately $1 billion, exclusive of capital facility costs for a new embassy compound. Of this total, State Department costs for personnel and administrative support, IT, provincial teams, and to maintain a strategic communications capability total about $112 million. The largest cost components are logistics and security contracts that are being managed by DOD. It is our expectation that DOD will continue to cover logistics and security costs until Ambassador Negroponte and his team have time to assess the actual needs and provide an estimate we can include in a 2005 supplemental request. We plan to meet the remaining FY 2005 requirements through funds requested by the Department in the FY 2005 budget, as well as potential cost allocations to other agencies, potential carryover from FY 2004, and the IRRF for any appropriate reconstruction expenses.

Overall, this transition presents both opportunities and challenges, as I noted. We have the opportunity to help secure our long-term interests in seeing a stable, peaceful, and economically vital region. At the same time, we have the challenge of helping a country emerge from decades of tyranny, divide and rule tactics, propaganda, and opprobrium. Of course, the revelations about the terrible treatment of detainees in Iraq have complicated our challenges and our opportunities.

The diplomats of the Department of State are accustomed to telling the world about the strengths of our country, and that is usually an easy task—our strengths are manifestly obvious. It is in times of trouble, however, that the world sees the strength of our system actually tested. With all eyes transfixed on the images of American soldiers abusing Iraqi prisoners at Abu Ghraib, it is one of those times.

Americans are human beings; we are not above injustice and sin. But because we are American, we can also say that we are not above the law—no one is above the law. We will hold every person who bears responsibility for the human rights violations in Iraq accountable. As President Bush has said, we will compensate those who suffered. In his meetings with Iraqis, Ambassador Bremer has expressed deep remorse and the resolve to address these violations. And while accountability for individual soldiers is necessary, that alone is insufficient. As General Abizaid has noted, we are also correcting the system that accommodated such abuses in the first place.

The Department of State is also taking measures to deal with the damage these violations have brought to our country, particularly to our efforts in Iraq. We are engaging in an open dialogue with other nations and with the news media, with a focus on the Islamic world. I want to underscore, however, that our outreach goes beyond a frank discussion of Abu Ghraib. There are hundreds of thousands of Americans around the world who are engaged every day in positive and productive actions to strengthen human rights, democracy, and open economies, to give aid to people in need of help, as well as to protect the security of this country.

I believe we all have a responsibility, as official representatives of this government, to provide a balanced picture. Personally, in the course of the past week alone, I have tried to do so in interviews with a roundtable of Arabic print media, Al-Ikhbariya TV, and Lebanon's an-Nahar newspaper. In the past few days, Secretary Powell has talked to al-Arabiya and the World Economic Forum in Jordan. As for gaining the good opinion of Iraqis and the international community about our efforts in Iraq, Ambassador Bremer and his team, along with Ambassador Blackwill, are meeting with government officials, civil leaders, clerics, tribal leaders and many others from across Iraqi society to talk about American policy and intentions and to seek input.

Ultimately, however, our overall strategy for success in Iraq will be the most persuasive proof of our good intentions. That strategy is entirely sound, even in light of shifting events on the ground: we must succeed in helping Iraq to become a stable and successful independent state with a democratic, representative government and the seeds of a strong economy. That will require progress on the political, economic, and security fronts, so allow me to turn now to the "way ahead."

The United States and coalition countries have spent the last year preparing Iraq to assume sovereignty by building up the political system, from the ground up and the top down. First, we have provided the training, advice, equipment, and facilities

to help construct local, regional, and national governing structures. Indeed, as of our last count, there are 18 governorate councils, 90 district councils, 194 city councils, and 445 neighborhood councils. At the national level, there are 11 Ministries already under direct Iraqi control; and more will be transferred in the coming weeks leading up to June 30. We will, however, continue to provide some 155 liaison officers to these Ministries after the transition. We also supported Iraqis as they drafted and adopted clearly defined principles and targets for the national government in the Transitional Administrative Law (TAL), which will be in effect as of July 1st and will stay in effect until a constitutionally-based, elected government takes office.

The Interim Iraqi Government is taking shape. At the invitation of the Iraqi Governing Council and with full U.S. support, the United Nations has played a leading role in advising and assisting Iraqis in forming this interim government and preparing for elections. Ambassador Lakhdar Brahimi, who successfully helped steer the Bonn process and political transition in Afghanistan, is continuing his broad consultations with Iraqi leaders across the country. We welcome his proposal to establish by early June an interim government led by a Prime Minister, along with a President, and two Deputy Presidents. A Council of Ministers would report to the Prime Minister. An Advisory Body, selected in July by a National Conference, would serve alongside the Executive, but with no legislative authority. We have full confidence in Ambassador Brahimi, and not just because of his demonstrated competency in this area. We also have confidence because we are working in cooperation for the same ends.

The Iraqi Interim Government (IIG) will have full sovereignty, but as spelled out in the TAL, it will serve for a limited term. The main focus of this interim government will be to take the country to an elected government in early 2005. The IIG will also take charge of the daily administration of the country, including the security and safety of the Iraqi people and continued progress in the economic recovery.

As for the economy, the Coalition Provisional Authority reports important progress. Electric power production has exceeded pre-war levels, and more to the point, is now being distributed more widely and equitably across the country. Under the previous regime, much of the distribution had been concentrated on the Baghdad and Tikrit areas. Less than half of the population had access to potable water before the war; now two-thirds has access. Wheat production in the fertile Central-South region is up by 60 percent. Oil production has surpassed prewar levels. More than 5 million children are back in school, many of them vaccinated for the first time. The port and airport are fully functional for the first time in years and the Central Bank is fully operational. Of particular significance in a country where unemployment and underemployment together may be as high as 50 percent, the CPA has helped create nearly half a million jobs. The foundation for a healthy economy is in place and our efforts will continue. The Secretary of State, through the Chief of Mission, will assume ultimate authority for all of the projects and contracts as of 1 July.

As we saw yesterday with the assassination of Iraqi Governing Council President Izzedin Saleem, security will continue to be the seminal challenge for a sovereign Iraqi government. For that reason, the TAL spells out an Iraqi desire to keep the Multi-National Force (MNF) in place, with an Iraqi security force at its core. Both the TAL and UN Security Council Resolution 1511 provide the legal framework for that ongoing presence. In addition, the TAL gives the elected transitional government the authority to conclude additional, binding international agreements relevant to the MNF. We have already begun consultations on a new UN Security Council resolution, as well, but want to be careful not to get ahead of the political process within Iraq.

We will continue to recruit and train Iraqi forces to eventually take responsibility for security, and all security assistance will continue to be under DOD authority after June 30th with the policy guidance of the Chief of Mission. I would like to express our high level of confidence in Major General David Petraeus, who will be leading the effort to train and equip the Iraqi military. He has already demonstrated, in his command of the 101st Airborne, a high degree of success and skill in this environment, and we look forward to working with him.

In addition, Ambassador Bremer, Ambassador Blackwill and their colleagues, as well as Mr. Brahimi, are also consulting widely with Iraqis on security issues, a pattern that Ambassador Negroponte and the coalition military commanders in theater will strengthen and deepen. Indeed, dialogue and cooperation with Iraqi leaders about the situations in Fallujah and Najaf has been essential in moving toward resolution in both places. In both situations, a sovereign Iraqi government would stand to inherit the same security challenges with which we are now confronted. Antipathy to the occupation may have generated some popular sympathy, but I believe

most Iraqi citizens recognize that these lawless, violent groups do not represent their interests.

The antipathy is understandable. Iraqis are a proud people who have endured a great deal of hardship. They have wanted their freedom for many years, and now they want their sovereignty. The sacrifice of brave Iraqis, such as Izzedin Saleem, is testament to the will of so many Iraqis to secure a better future. So while I recognize that there are still details to be worked out over the course of six short weeks, I believe our ability to see progress in our overall strategy for Iraq hinges on sovereignty.

I am confident that on July 1st Ambassador Negroponte will take the reins of a large Embassy, with a highly experienced Deputy Chief of Mission and an eager country team. There will be more than 100,000 U.S. forces in the country, working alongside the forces of at least 32 other nations, including Iraq. When the Ambassador calls on the Iraqi leadership, he will meet with the Prime Minister and President of a sovereign nation.

There will be much to accomplish, of course. The country will still be immersed in all the confusion of a dramatic transition: elections will need to be held; a constitution will need to be drafted; and economic reconstruction will need to continue. The U.S. commitment to a strategy of success also will continue unabated, and we will continue to define success as a democratic and prosperous Iraq, at peace within itself and with its neighbors. I appreciate the support this Committee already has given the Department of State in reaching for that success, and I look forward to discussing our strategy with you today.

The CHAIRMAN. Thank you very much, Secretary Armitage.

We'll try to have a 10-minute question round at this point. We have good attendance. I will proceed with questions.

I appreciate your response to some of the questions that I had raised in the opening statement. I'm going to ask that you respond, both of you, to questions that will be submitted for the record. We have gotten into a detailed list of questions regarding the $18.4 billion. These are too voluminous for a 10-minute question-and-answer period, but it is important that you have an opportunity to detail what is being done with the $18.4 billion, or what will be done, and what problems have occurred in terms of our bidding, contracting, and so forth.

Ambassador Brahimi will soon name Iraqi leaders. What is our plan, or what should be our plan, for Mr. Jeffrey if he is onboard in Baghdad, or for General Abizaid, General Sanchez, to visit with these people? My thought, as I've expressed in other hearings, is that it would be very helpful to have some rehearsal offstage before the curtain opens on the 1st of July, specifically about these issues of putting an Iraqi face on both governance and security, and what that means. What I suspect it may mean, in terms of many Iraqis, is that they will want to take more responsibility, and we may wish that that was the case. Clearly, in Fallujah, we have had a step forward that was very substantial in terms of both the vetting of the general and the troops. Mr. Bremer has pointed out that this should not serve as a model of how things may go elsewhere, but it certainly is interesting as an instructive, pragmatic example currently in the security area. As for governance, it's never been quite clear what sovereignty meant. And, really, as you pointed out, Secretary Armitage, 11 of the 25 ministries, as I understand it, are presently passed over and are moving, but, Mr. Bremer points out, we probably won't get to the end of the 25 list before June 30. Can either of you describe, in the security area or in the governance area, how these new leaders are coming together, so that there is at least, if not a smooth transition, some modus vivendi for people

to talk, as opposed to a public row as to who does what and push-back by the Iraqis? Would you have a go at this to begin with?

Mr. ARMITAGE. I'd be glad to, Mr. Chairman. First of all, what Ambassador Brahimi is doing is finally coming up with a list that will be winnowed down to 30 names, and his suggestion is for a President, two Vice Presidents, Prime Minister, and 26 Ministries, because it will include the Ministry of Defense, as well. He is also going around the country—he was in Irbil 2 days ago, with the late Izzedine Salim, as a matter of fact—talking with Iraqis about various lists of names, and winnowing them down. We've seen some of them. We haven't seen them all. I don't think it does any good to talk about them publicly, because what matters is not so much what I think or Paul thinks; it's what Iraqis think about those names.

Once they are named, and we hope to have that done by the end of the month of May, perhaps the first week of June—and then the TAL annex, which we have spoken about in the past, the pen is held by Mr. Pachachi, and he and his colleagues will write the TAL annex, which will document the responsibilities of the Iraqi Interim Government.

I don't expect that document to be extraordinarily voluminous, because this is not an elected government. Mr. Brahimi and Ayatollah al-Sistani and others have spoken about the need to run the day-to-day business of government, and not to be involved in long-term negotiations between the long-term agreements internationally, et cetera. So I would say that we have a month or so, roughly, to work with the Iraqi Interim Government, to make it very clear what sovereignty means. And it's not limited. They are sovereign. This will be encompassed or spoken to in the U.N. Security Council resolution.

The CHAIRMAN. Secretary Wolfowitz.

Mr. WOLFOWITZ. I don't have a lot to add to that. I agree with all of it. We view moving forward in security areas definitely as something that's going to be a partnership. So as soon as we know who our counterparts are, I think the kind of dialog that you describe is something that should take place, and hopefully before the actual date that the government takes over.

You correctly said Iraqis look forward to taking more responsibility. I think you suggested that we look forward to them taking more responsibility. That's part of this whole process.

One of the limitations, of course, is that this will not be an elected government. There will be an elected government at the end of this year, and I think Iraqis probably want this government to take more responsibility, but not too much.

To be helpful, Mr. Chairman, we have an easel chart that lists some of the specific powers and responsibilities that would flow to this interim government, according, at least, to the Transition Administrative Law, and I think it bears out what Rich Armitage said, they are very extensive administrative responsibilities. But the most important task they have is to help organize and run elections for an elected Transitional Government at the end of this year.

[The chart referred to follows:]

SELECTED POWERS AND RESPONSIBILITIES OF THE IRAQI INTERIM GOVERNMENT

- *Organize and run an election for a national legislature.*
- *Provide for the welfare and security of the Iraqi people.*
- *Formulate foreign policy and diplomatic representation.*
- *Make fiscal policy, issue currency, draw budget*
- *Formulate, and, with Coalition support, execute national security policy, including creating and maintaining armed forces.*
- *Regulate commerce and communications.*

Other Important Powers are Enumerated in the Transitional Administrative Law

The CHAIRMAN. On the point of elections, there would be some virtue, I would think, in having elections for somebody even prior to December. By that, I mean, a constitutional assembly. It might be persons with some regional powers. But it appears to me, at this point, that the legitimizing of Iraqi leadership through people voting for it—we have some votes on the board here—may be very important, despite the formality that we've been talking about, in December and January and then the following December and what have you, so that, in fact, there is a sense of sharing. If there are insurgents, if there are terrorists who don't like this situation, they're going to be shooting at Iraqis as well as Americans. There are going to be some Iraqi people up front with the supporting cast of Americans and the security and the governance situations, as opposed to the other way around. And it seems to me, without knowing precisely who the new leaders are going to be, what kind of responsibilities they have contemplated, how we could use the U.N. food rolls that the press may be more rough and ready than the fastidious work that we would like to see later on. Have either of you thought about that? And what comment do you have?

Mr. ARMITAGE. Mr. Chairman, the U.N. Representative for Electoral Processes, Carina Perelli, has been in Iraq since April, and she has been trying to set the atmosphere for these elections. The first task that she has undertaken is, again, garnering nominations from Iraqis themselves for the post of what we call Federal Election Commissioner, they would call Iraqi Election Commissioners, seven of them. And there will eventually be seven. She's winnowing down those names. They will be chosen by an international group

of experts in electoral law. There will also be three Directors General, for a total of ten people. This is the first step in getting to where you want to be and where we all want to be in late December, early January 2004/2005.

She has noted, as you have noted, that there's something contradictory about the ballot and the bullet, but she's also noted that in the spirit that she sees among the Iraqi people, that when they see that they actually are going to have a buy-in and—that means a vote, a say—that their desire for this becomes much greater than the ability of enemies to defeat them. And she has noted past U.N. experiences in Timor and other places where elections took place in an atmosphere of some violence.

There are many municipal elections and neighborhood council elections which are being held with stunning regularity, and I've got the number in this book, and I can't memorize the whole book—I think it's about 60,000 Iraqis hold some sort of elected position, some sort of position or another, not just in the Kurdish area, where you'd expect it, but throughout Iraq. And it's not a position that comes without some danger, because some of them have been assassinated, because they look like they might be leaders who could stand on a larger stage. So some of what you suggest is ongoing.

The CHAIRMAN. Let me intrude before my time is up. To what extent will the Transitional Administrative Law that has been promulgated by the Governing Council now—that suggests 25 percent participation by Iraqi women, as a minimum, the freedom-of-speech and the freedom-of-religion clauses, as well as other things that are very important, we hope, to Iraqis, and very important to us—what's going to happen to that? Is this the law as we proceed?

Mr. ARMITAGE. The so-called TAL, the Transitional Administrative Law, will be the law of the land, and it embodies a stunning array of rights never before held by the Iraqis, and it will last and cannot be amended except by a Transitional Government, which would be in place with the election of a 275-person National Assembly in January. They have the ability to amend laws. Now, I'm not going to say that it's perfect and I can guarantee you that women's rights and religious rights will be respected as we'd want them. But we've faced this in Afghanistan, we've faced it earlier this year, and we prevailed. And I believe we prevailed not because of the wisdom and the strength of our arguments, but because Iraqis hold their religion very dear, but they also hold the idea of secular government to be something very worthy. So I have some optimism we'll prevail.

Mr. WOLFOWITZ. Mr. Chairman, if I might emphasize a point you made at the end of your question, that this is a key part of winning the military battle, as well. And, in fact, page 7 of my statement, I got this quote from that notorious letter from that notorious terrorist, Mr. Zarqawi, where he says, "The problem is, you end up having an army and police connected to the people. How can we kill their cousins and sons after the Americans start withdrawing? This is the democracy. We will have no pretext." And then elsewhere he refers to that as "suffocation." It's winning for us, it's losing for them.

And, if I might add, too, the point Secretary Armitage made about elections, it was a very interesting report recently in the Guardian of London, that in some, I believe it was, 15 local elections in southern Iraq, in most of those the Islamists lost the election, and I think that tells you something, also, about what Rich said, that these are very religious people, but that doesn't mean they want a religious tyranny imposed on them.

The CHAIRMAN. Good point.

Senator Feingold.

[The prepared statement of Senator Feingold follows:]

PREPARED STATEMENT OF SENATOR RUSSELL D. FEINGOLD

First I want to thank the chairman and the ranking member for holding this important hearing, and to thank our witnesses for being here today.

It is vitally important that this committee seek out and insist on answers from the administration about just where the path of current U.S. policy is leading us in Iraq, about what additional commitments of American resources will be made to this endeavor, and about whether we have a viable political strategy in Iraq and a plan for increasing burden-sharing. I want to hear about all of these issues today. I want to hear about the implications of the sarin-filled artillery shell found over the weekend, and the murder of the President of the Iraqi Governing Council yesterday. I want to hear about where we stand in getting a transitional government in place in time for next month's transition. Most importantly, I want to hear about how U.S. policy in Iraq is affecting our capacity to protect our national security and pursue our national interests overall. So in many senses I eagerly await the testimony of our witnesses.

But there are a few things I don't want to hear today. I don't want to hear that attacks on our troops and terrible instability in Iraq are actually somehow positive indicators that we are on the right track. And I don't want to hear that reasonable estimates of the scope and scale of the U.S. commitment in terms of troops, timelines, and taxpayer dollars are utterly unknowable. We have heard all of that before, and the American people—especially the brave men and women in uniform who are making great sacrifices on the ground—deserve so much better than obfuscation or misguided, wishful thinking. The stakes are terribly high, the current indicators are deeply troubling. Getting our policy right must start with honesty about what is wrong. We cannot afford to wait another day.

Senator FEINGOLD. Thank you, Mr. Chairman.

Let me first thank all of you, and especially Secretary Armitage and Secretary Wolfowitz, for being before us today. It has always been important for you to appear before this committee as often as possible, but let me suggest that I hope this is the beginning of a pattern. The American people, as you know, are extremely irate and concerned about what is happening in Iraq, and I think I can honestly say it goes all the way across the political spectrum. There has never been a time when we need your answers and your guidance more, and I am hoping this is the beginning of a very regular opportunity to have contact with you and ask these kinds of questions.

Secretary Wolfowitz, I want to ask you again how long we can reasonably anticipate needing a substantial U.S. troop presence in Iraq. I know that you can't give me an exact timeframe. We've been through this before. But since our forces are on the ground training Iraqi security forces and, therefore, we are in an excellent position to judge their capacities and to estimate how long it will be before they can provide for their own security, I would think you would be able to give me at least a reasonable estimate. We've seen that slap-dash efforts to train and deploy Iraqi security forces can lead to dangerous failures and instability. So I guess what I want to

know is, how long will it take to properly train Iraqis such that they'll be able to provide for their own country's security? And for how long will security be primarily the responsibility of U.S. forces?

Mr. WOLFOWITZ. Senator, you know, because you've said it in your question, the course of war is simply not something one can determine. We can say, I think, with reasonable confidence, that we have a plan underway to train and equip and organize very substantial Iraqi security forces by the end of this year. We finally have the various obstacles to funding, I think, unblocked. I hope that's true. There have been some critical delays that have done harm. We have unity of command for doing this, all the five Iraqi security forces will be—training and equipping and organizing of them—will be the responsibility of a single lieutenant general, who happens to be the general who commanded for a year up in Mosul in Northern Iraq, with Iraqi security forces. In fact, it performed impressively in the fighting in the last month. So I think we're on a course to substantial Iraqi security forces by the end of this year. But I can't tell you how strong the enemy will be. I can't tell you—predict exactly how things will go. But our goal is to put responsibility in their hands as quickly as we can, and not too rapidly to create problems.

Senator FEINGOLD. So if I were to look at a memo where you're planning your goals, and the goal was stated that by the end of this year the United States will no longer be primarily responsible for the security, is that a realistic goal?

Mr. WOLFOWITZ. Senator, that's more than what I just said. What I said is, there will be substantial capable Iraqi security forces by the end of this year, we believe. That's our plan. How much they will still need help from the United States, I can't predict. We want it to be as little as possible. And I'll give you, sort of, real examples. In some of the fighting in recent weeks, Iraqi security forces have performed well, have been able to do things like going into mosques to seize weapons supplies. That's something that we would always prefer be done by Iraqis and not by Americans. In the fighting I referred to up in Mosul, where the enemy attacked the government house, the Governor, who, by the way, is a Sunni Arab, stayed there through the night, through the fighting. The police initially left, because they were outgunned. The Iraqi Civil Defense Corps stayed and fought, fought off the enemy. The police came back. Through all of it, they were in touch with General Ham, who commanded the American forces there. And I'm quite sure that the knowledge that General Ham was there to back them up if needed probably emboldened them and gave them courage. And that's the kind of arrangement we need to have.

We're in this to win, as I think you agree, and winning means having the Iraqis take as much responsibility as they possibly can, but also not putting them too far, so far out in front that they fail.

Senator FEINGOLD. Thank you, Mr. Secretary.

Let me ask a question about the transition. Let me start with Secretary Armitage. When the CPA ceases to exist, what authority will take over the implementation of the $20 billion reconstruction program that has been financed by the U.S. taxpayer? Who's going to be in charge of that? And I'd like to also hear Secretary Wolfowitz's feelings on it.

Mr. ARMITAGE. All appropriated U.S. moneys, sir, the Chief of Mission, John Negroponte, will have the responsibility for it. For Iraqi money, which will be theirs, and they'll have responsibility, and they can contract with whomever they like.

Senator FEINGOLD. So the Ambassador will be in charge of the entire $20 billion?

Mr. ARMITAGE. Correct.

Senator FEINGOLD. Secretary Wolfowitz, do you concur with that?

Mr. WOLFOWITZ. I do. I'd point out that Iraqi funds are very substantial.

Senator FEINGOLD. So the State Department will now have authority over the reconstruction funds. That's correct, isn't it?

Mr. ARMITAGE. That's correct.

Senator FEINGOLD. Secretary Armitage, when do we expect to see a new Security Council Resolution on Iraq, and what will be, in your view, the substance of the resolution?

Mr. ARMITAGE. We and our friends on the Security Council are desirous of moving forward shortly after we find the shape and the names of a new Iraqi government. We think it would be very important to have as one of the elements of the U.N. Security Council Resolution support for that Iraqi Interim Government [IIG]. Other elements which may very well find themselves in this will be end of occupation, make a declaration of sovereignty for Iraq, make it clear that Iraqi assets, particularly oil assets, belong to Iraqis and would be managed by them, discuss security, though we don't feel we need more, if you'll allow me to use the term, "international cover," and we think it's a very good thing and it'll be very helpful for many of the other Security Council Members to have a specific reference to security arrangements in Iraq during the time of the Interim Iraqi Government. Those are some of the things. There might be other elements. Everyone's got different ideas. But I'm pleased to say in the consultations informally in New York, and more recently that Secretary Powell had with the G–8, there was a pretty good comity of views. So I find everybody's within a certain box, and I think we'll be able to do this pretty well.

Senator FEINGOLD. Thank you, Mr. Secretary.

Followup to Secretary Wolfowitz, there are reports that Iraq, our troop strength in Iraq, will remain at about 135,000 troops until the end of 2005. Is that report inaccurate?

Mr. WOLFOWITZ. We don't know what it'll be. We've had changes, as you know, month by month, we have several different plans to be able to deal with the different levels that might be required. Our current level is higher than we had planned for at this time this year. I have no idea what it'll——

Senator FEINGOLD. So it could well be accurate, then.

Mr. WOLFOWITZ. It could be. It could be more, it could be less, Senator.

Senator FEINGOLD. Thank you.

Secretary Armitage, I've served, as you know, on this committee and on the Subcommittee on African Affairs for almost 12 years. One name that keeps coming up and is very familiar is the name of Victor Bout, because he appears at the center of illicit arms trafficking that has fueled devastating conflicts in Angola, Sierra Leone, Liberia, and elsewhere. Is Victor Bout, or any firm associate

with Victor Bout, providing air freight services for Coalition forces in Iraq, as the Financial Times alleged in an article published yesterday? Has the United States opposed, including Bout on an asset freeze list being compiled by the United Nations, which targets individual who were involved with the criminal regime of former Liberian President Charles Taylor? And if so, why?

Mr. ARMITAGE. As you, I have seen the name Victor Bout. I believe he's a Ukrainian arms merchant, merchant of death. I certainly hope what you suggest is not true. And as far as I'm concerned, he ought to be on any asset freeze list and anything else you can do to him.

Senator FEINGOLD. So would you followup with me on any awareness of that, that might be available from the State Department?

Mr. ARMITAGE. Of course.

Senator FEINGOLD. Mr. Secretary Wolfowitz, do you know anything about the question I just asked with regard to Mr. Bout? Has he been involved with providing air freight services for Coalition forces in Iraq?

Mr. WOLFOWITZ. I don't know more than what you and Secretary Armitage know, but I share your concern about it, and I will work with Secretary Armitage to look into it and try to fix the problem if there is one.

[The following information was subsequently provided:]

UNITED STATES DEPARTMENT OF STATE,
Washington, DC 20520, June 2, 2004.

The Honorable RUSS FEINGOLD,
Committee on Foreign Relations,
United States Senate.

DEAR SENATOR FEINGOLD:

Deputy Secretary Armitage has asked that I respond to your question of May 18 regarding the U.S. position on including Victor Bout on a UN asset freeze. We support the designation of Bout for the asset freeze in accordance with UN Security Council Resolution 1532, as well as his designation under any other applicable sanctions measures.

Resolution 1532 was adopted unanimously on March 12 to prevent former Liberian President Charles Taylor, his immediate family members, senior officials of the former Taylor regime and Taylor's close allies or associates from using misappropriated funds and property to interfere in the restoration of peace and stability of Liberia. Bout was a major supplier of arms to former Liberian President Taylor and, as noted by a recent UN experts' report, it would be possible to reactivate quickly the former weapon supply networks, a step which would have "grave implications for peace in Liberia." We believe that designating Bout as subject to the assets freeze will impair Taylor's potential access to arms, and assist in the restoration of peace in Liberia.

With regard to your question on whether Viktor Bout or any enterprise associated with Viktor Bout is providing air freight services for coalition forces in Iraq, we are researching Department of State procurement records to look at any air freight services we have contracted in this regard. Preliminary results of this research into Iraq freight contracts are negative, but we have not yet completed this effort and are sending a cable to overseas posts to be certain we have complete information. We will update you when we have completed our investigation of State records. We cannot speak for DOD/CPA, which handle the larger portion of contracting for Iraq.

In connection with our data search, however, we would like to inform you that we did identify two cases in which a freight forwarder under contract to the Department subcontracted without our prior knowledge, for freight service to destinations outside of and unconnected to Iraq, with air charter services believed to be connected with Viktor Bout. In view of this, we will send instructions to posts and Despatch Agencies overseas to ensure that contracts with freight forwarders preclude

any use of entities connected to Bout. Should you require further information, we would be happy to arrange for a classified briefing.

I hope this information is helpful to you.

Sincerely,

PAUL V. KELLY,
ASSISTANT SECRETARY,
Legislative Affairs.

Senator FEINGOLD. Thank you.

Mr. Wolfowitz, in the lead-up to the war in Iraq, I repeatedly raised questions which I felt were never satisfactorily answered about what exactly the plan was for dealing with weapons of mass destruction in Iraq. And given the number of troops we had on the ground when Baghdad fell, and the wide-scale looting that ensued, I have remained uncertain that a viable plan for securing this material ever existed. Lately, concerns about WMD in Iraq have fallen out of favor in the administration's remarks about Iraq, because, at least as far as we could tell, we've not found what was advertised. But yesterday, as you know, we learned that an artillery round containing sarin gas was employed as an IED near Baghdad International Airport. I'm wondering what this means to you, in terms of what we did and what plans we had for securing any weapons of mass destruction as we entered Iraq and entered Baghdad.

Mr. WOLFOWITZ. Well, in fact, as I think—I know we've briefed the Armed Services Committee in detail, and we had very extensive plans that transformed into what was called the Iraq Survey Group to find the weapons of mass destruction, to locate them, to make sure, to the best of our ability, they didn't leak out elsewhere. And when David Kay stepped down, one of the reasons why we felt it was very important to continue the work of the Iraq Survey Group is not only to find out what may have happened to those things, but also to secure them if they're around. And I would note, also, according to Stuart Cohen, at least, who was the national intelligence officer who prepared the NIE, that some 2,000 Iraqi officers were deliberately looting files and hard drives and so forth during the fall of Baghdad. So there was some pretty active work on their side, apparently, at trying to destroy at least records. I don't know any more than what you've read in the newspapers about this device that has been discovered. It is obviously something that we're very concerned about, and we're going to try to find out about it as much as we can.

Senator FEINGOLD. Mr. Chairman, I'm sure my time's up. Let me just conclude by saying a number of us started, in late July and early August of 2002, to raise these very questions, to ask what was the plan with regard to a possible negative reaction from the Iraqi people, and also, specifically, what was the plan with regard to securing any weapons of mass destruction. I, frankly, feel we were never given real answers to that, and I have a feeling it's because there wasn't a serious plan. And I think, at this point, we're paying a serious price for it.

But I do thank the witnesses for their answers. And, Secretary if you'd like to respond——

Mr. WOLFOWITZ. Senator, there was a serious plan I'd be happy to give you for the record, the full table of organization and the

number of people that were planned to do it. A lot of thought went into it. It may not have been perfect, but there was a lot of work done on it.

Senator FEINGOLD. Well, I wish that we had been told about these plans, because whenever we made an effort to ask about it, we were just told to trust you, and we didn't get the assurance that we needed. But I would like to receive those materials.

[The following information was subsequently provided:]

The material provided was classified. [Deleted]

Senator FEINGOLD. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Feingold.

Senator Hagel.

Senator HAGEL. Mr. Chairman, thank you. Gentlemen, welcome.

Secretary Armitage, going back to the question Senator Feingold asked regarding a new U.N. resolution, how necessary is a new U.N. resolution as we move toward June 30?

Mr. ARMITAGE. It's very desirable. It's not exactly necessary, except in political terms. I think politically this will find great favor with our major Security Council partners, both the P5 and the elected ten, and I think it makes a rather dramatic point to the Iraqi people, sir.

Senator HAGEL. Well, politically speaking, as we all know, that's the essence of the effort here. If we lose the Iraqi people, we've lost.

Mr. ARMITAGE. Exactly.

Senator HAGEL. So I would hope that there is serious work being done now on working with our allies on getting a new U.N. resolution. You can assure this committee that's being done.

Mr. ARMITAGE. I'll assure the committee, I'll assure you personally it is being done, and it's being done almost on a daily basis.

Senator HAGEL. Thank you.

What additional resources could we expect from our partners, those not now participating in the effort in Iraq, if, in fact, we were able to get a new U.N. resolution? Resources, meaning troops, meaning money, meaning training. Are we anticipating that?

Mr. ARMITAGE. Let me parse it, if I may, Senator. We would be desirous of getting greater NATO involvement, although 17 of the 26 NATO countries are on the ground with us in Iraq. There aren't large numbers of ground forces in NATO. Only the French have large ground forces. I think it's very unlikely that they may be involved.

One possible involvement for them on the ground might be if the U.N. Security Council resolution there's a call to provide forces to protect the U.N. as they go about their business of elections, et cetera, and that might be something that might find some favor.

We would be desirous of engaging NATO in greater talks, particularly about providing headquarters, perhaps where the Polish division has been, something of that nature. But I think, in candor, it's a little premature.

A new U.N. Security Council resolution could possibly encourage some of the South Asian nations to step up a little more, and that would certainly be a target of opportunity.

Senator HAGEL. What about Middle Eastern countries?

Mr. ARMITAGE. I think it's unlikely. We've had discussions recently with King Abdullah, and I went around to the gulf, who didn't specifically ask for forces, but there's a lot of neuralgia that exists in Iraq evolving around the neighbors, and I think it might be a little premature.

Senator HAGEL. Thank you.

Mr. WOLFOWITZ. Senator, I might add that we've been asking NATO for help, actually going back to December 2002—I did when I was in Brussels—and specifically said even those countries that may not support the war could contribute afterwards to reconstruction. But as Secretary Armitage said, their capacity has, unfortunately, declined substantially over the last 10 years, and even in Afghanistan, where NATO has an important role and has made a lot of commitments, they're having some trouble meeting some of their commitments, even in Afghanistan.

Senator HAGEL. Thank you. Let me take that point, Mr. Secretary, and ask about the reports, which I understand are accurate, that we will be moving 3,600 American troops from Korea into a brigade, the second division, into Iraq. Was that planned?

Mr. WOLFOWITZ. It was—let me put it this way, we have been discussing for some time with our Asian colleagues, with the Congress, the whole restructuring of the U.S. global footprint. We have already made some adjustments to our posture in Korea, in both directions. We've moved troops off of the DMZ, where, frankly, they were performing nothing except a kind of useless and, indeed, I would say, counterproductive trip-wire function. We are investing a great deal in increasing our capability to reinforce Korea, to the tune of, I believe the number is—well, it's over $10 billion of various force improvements. But it was concluded, over a year ago, that it was long overdue to reduce the strain on our Army that comes from having these continuous 1-year unaccompanied tours in Korea. So we had planned on some reductions. We need a brigade, an extra brigade, in Iraq, and, in fact, the brigade in Korea is ideally suited for that.

Senator HAGEL. My understanding is that this will mean that, for this brigade moving to Iraq from Korea, it's an additional 12-month commitment in addition to the unaccompanied 12-month commitment they have just finished. Is that right?

Mr. WOLFOWITZ. Do you know, General Sharp?

General SHARP. It will be a 12-month commitment, sir. As you know, we rotate troops into Korea on a continuous basis, so about half of them will have been in Korea already 6 months. So some of the tours will be very short, they will be 12 months; others will go up to a maximum of 23 months.

Senator HAGEL. Thank you.

So this was discussed with the Congress, the possibility of moving a combat brigade from Korea into Iraq. Is that what you just said, Mr. Secretary?

Mr. WOLFOWITZ. With the leadership of the committees, yes.

Senator HAGEL. So Senator Warner and Senator Levin were consulted on this, and they knew about it.

Mr. WOLFOWITZ. Either they or their staffs were, yes.

Senator HAGEL. They or their staffs knew about it?

Mr. WOLFOWITZ. I have been told that, yes, sir. And I consulted with several Senators.

Senator HAGEL. Thank you.

Mr. Wolfowitz, how will prisoners, detainees, be handled after the transition of government in Iraq?

Mr. ARMITAGE. May I, Senator?

Senator HAGEL. Secretary Armitage.

Mr. ARMITAGE. Right now, two classes. There are prisoners of war, and there are criminals. Criminals are handled right now by Iraqis. The management of the military prisons is that the U.S. military is working with the Ministry of Justice and, after the turnover, it is my understanding that we want, as rapidly as possible, to put those into the hands of Iraqis.

Senator HAGEL. As rapidly as possible. Do we have any idea what that means?

Mr. ARMITAGE. I don't have that, sir.

Senator HAGEL. Does anybody?

Mr. WOLFOWITZ. I don't.

Senator HAGEL. It's a fairly significant issue, as we all know. There's been a little attention brought to this issue the last few weeks, and I would have thought that this government would put some time into this, especially what we've just been through the last 2 weeks. Can someone get back to the committee with some plan?

Mr. WOLFOWITZ. We absolutely will. We agree with you on the importance of it, Senator.

[The following information was subsequently provided:]

UNITED STATES DEPARTMENT OF STATE,
Washington, DC 20520, June 18, 2004.

The Honorable CHUCK HAGEL,
Committee on Foreign Relations,
United States Senate.

DEAR SENATOR HAGEL:

I would like to follow up on an exchange between you and Deputy Secretary Armitage at the May 18 SFRC hearing on Iraq. You asked for more information on how detainees will be handled after the June 30 transition.

There are several categories of detainees currently under Coalition control, the most important of which are High-Value Detainees (HVD's) and security internees. HVD's number less than 100 and are comprised primarily of former regime officials, including Saddam Hussein. A small number of foreign fighters have also been captured. Security internees are individuals detained by coalition forces in the course of counter-insurgency operations. There are currently several thousand security internees; they comprise the majority of detainees in Iraq.

The Multinational Force (MNF-I) will have sufficient legal authority under international law to detain suspected insurgents after the June 30 transition. However, we believe that, as a matter of principle, the incarceration of Iraqis on Iraqi soil is a matter for which Iraqi government authorities should assume responsibility. Therefore, as Mr. Armitage told you in the hearing, we are working to develop a process for the orderly transfer of authority over detainees to the Iraqi government.

Both the CPA and Major General Miller are working hard in Iraq to build Iraq's capability to manage detainees, including training guard forces and putting in place judicial mechanisms to ensure internees are subject to due process. For Saddam and other senior Iraqi implicated in atrocities against the Iraqi people, we are working with the JIG to identify a suitable holding facility or, if necessary, construct one.

Our approach to working through these complexities is based on three principles. First, we need to respect Iraq's sovereignty and the inherent responsibility for its citizens. Second, those who have committed crimes against the Iraqi people or the

Coalition should face justice in an Iraqi-led process. Third, the continuing safety and security of the Iraqi people and the MNF forces is paramount.

We are engaging PM Allawi and his government to develop a coordination mechanism between the MNF and the Iraqi government officials on transferring detainee operations to Iraq based on the three principles listed above.

I hope you find this information useful. More details will take shape as we discuss transitional arrangements in the coming weeks with the newly appointed government. We will gladly keep you and your staff apprised.

Sincerely,

PAUL V. KELLY,
ASSISTANT SECRETARY,
Legislative Affairs.

Senator HAGEL. Thank you.

Secretary Wolfowitz, Secretary Armitage, you know, about the latest Washington Post stories regarding polls. Now, I don't subscribe completely to polls, but just for everyone's quick review here, last week the Washington Post reported, on a recent poll conducted by the CPA, 80 percent of Iraqis lack confidence in the CPA, 82 percent disapprove of the United States and allied militaries in Iraq; furthermore, 45 percent of those polled in Baghdad, 67 percent polled in Basra, said they backed Muqtada al-Sadr. This was before the prison abuse issue. Then there was a subsequent poll taken, as well. How concerned are you with these numbers? Do you believe these numbers?

Secretary Wolfowitz.

Mr. WOLFOWITZ. I think we are concerned about them. And, in fact, the reason why we have wanted to move toward Iraqi self-government is so that the Iraqis feel that its their people who are running their country, it's their security forces that are dealing with their country. As you say, it's hard to know the reliability of polling data, and especially in a country where people are, to put it mildly, not used to telling the truth to anyone, although it is striking how some of these polls do seem to show important things. One of them is a poll that I've seen that shows very rapidly declining approval of our forces, but pretty steady confidence in Iraqi security forces. I think it says that we're on the right track in moving as rapidly as we can to Iraqi self-government and Iraqi self-defense. We don't have an infinite amount of time, though.

Senator HAGEL. Thank you.

Secretary Armitage.

Mr. ARMITAGE. As with Paul, I'm very concerned about it. I would note, though, usually if you look at the question a little more closely, it's, "We'd like you out of here, but not now." Our forces, who are operating around Najaf anaconda-like, closed in a bit on Muqtada al-Sadr, have found the people coming out thanking them for these activities. So we're very concerned, but I think it's a more complicated picture than that poll would represent.

Senator HAGEL. Let me ask you both this. Do you believe a rising sense of nationalism in Iraq, if that's happening, is a result mainly of a target of the United States or an anti-American sense as much as anything else that may be occurring?

Mr. ARMITAGE. My understanding of Iraq historically is they've always had a good sense of themselves and their place in the region, in the world, and at one time as the center for science and

alphabets and things of that nature. So I don't think it's a direct result of this.

Senator HAGEL. Just the anti-Americanism.

Mr. ARMITAGE. The reputation of the Arab——

Senator HAGEL. You don't think is an anti-Americanism.

Mr. ARMITAGE. No, I don't. I think it's the reputation in the Arab world has historically been a very scrappy, tough people.

Senator HAGEL. Thank you.

Secretary Wolfowitz.

Mr. WOLFOWITZ. I would agree with that. And I think overwhelming numbers of them are nonetheless, whatever their feelings about our staying in Iraq, grateful that we helped them to remove a terrible dictator.

Senator HAGEL. Let me ask a question about sovereignty which you have both noted. A couple of pieces. One, what will be the role of the Department of Defense, come July 1? And the second part of that is, what, in fact—and I see your charts here—but what, in fact, is the power of this new government yet to be determined, undefined—we don't know who they are—as to security? I see, in the Washington Post this morning, a good friend of the Defense Department, Ahmed Chalabi, who is an Iraqi Governing Council member, says the Iraqi government must have exclusive and complete control over the army and all security services of Iraq, come July 1. So if you would both handle each of those parts.

Secretary Armitage.

Mr. ARMITAGE. Yes, Senator, thank you.

Iraqi forces will work for an Iraqi general, who will work for the Ministry of Defense. They will work in partnership with Coalition forces, under the unity-of-command theory, for a U.S. general. The real question that you're asking is: Can they opt out of an operation if they don't want to, or something of that nature? And the answer has to be yes.

But, if I may, this is not very unusual to us. If you can think back to a fellow you all know, by the name of Wes Clark, who in Kosovo, when told the Russians were heading for the Kosovo Airport, told his British counterpart who worked for him to go stop them. The British said, "No, I think I'll check with headquarters for guidance on that issue," and he didn't do it. So there will be a lot of management, sort of, alliance/coalition/partnership management as we go forward, but they are sovereign, and they'll be in charge of their forces.

Senator HAGEL. Thank you.

Secretary Wolfowitz.

Mr. WOLFOWITZ. I agree exactly with what Rich just said.

Senator HAGEL. OK, well, that makes it easy, thank you.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much, Senator Hagel.

We welcome now the distinguished ranking member of the committee, and we're grateful he has surmounted the obstacles presented to him this morning.

Senator BIDEN. This is a hearing on funding for Amtrak, isn't it?

All the trains out of New York, Mr. Chairman, today, were exceedingly late, and I do apologize, because it is a very important

hearing, and I appreciate you calling it and our witnesses being here.

May I have permission to make my opening statement and then to save my questions until the next round so I do not use my time for a statement at this point?

The CHAIRMAN. Please proceed.

Senator BIDEN. And I apologize, gentlemen, for not hearing your statements. You, as well, general.

OPENING STATEMENT OF SENATOR JOSEPH R. BIDEN, JR., RANKING MEMBER

Senator BIDEN. From my point of view, notwithstanding the meeting last week with the President, which I truly appreciated, I don't think things are going all that well in Iraq, notwithstanding that our people have performed miracles opening schools and hospitals and restoring some oil production and setting up local councils. But these successes, I think, have been dwarfed by two towering deficits that the administration created—a security deficit and a legitimacy deficit. And the result, I think we're losing support, as Senator Hagel suggested, although I'm not associating him with my remarks—I don't want to get him in trouble. But we're losing the support of the Iraqi people.

When I get a round of questioning, have an opportunity, I'd like to know what our strategy is to erase those deficits, the deficits in security and legitimacy, because I think both are needed to be erased in order to build a successful plan.

Success, in my judgment, and this is what I told the President, would be a stable Iraq—secure within its borders, with a representative government that doesn't threaten its neighbors or threaten us. I'm convinced that we can defeat the insurgent forces. But while military superiority is essential, I don't think, quite frankly—and I don't think you all do either—it's enough. We also need an effective political strategy. And based on a very brief briefing I got from my staff on your opening statements, although I'm sure they were necessarily truncated, my chief concern is, first, whether we have one, and my second concern is, we appear to have lost the Iraqi people.

As Senator Hagel said, 82 percent of the Iraqi people oppose our presence, although some pockets may very much want us to stay. They're in a conundrum, as the President said in a different context. He can understand why they'd chafe at occupation. They know they have to have these forces in order to prevent a civil war from occurring, but they don't like the forces being there. And only 23 percent support the Iraqi Governing Council. At the same time, as Senator Hagel pointed out, al-Sadr gets alarmingly high marks at least in two major cities. And I would suggest these numbers would be worse if this poll had been taken after the debacle at the prison.

So my question is, how do we reverse this downward dynamic? I think we have to go back to first principles. The first is, and I'm sure we agree, we can't want freedom for the Iraqi people more than the Iraqi people want it, and that's what the silent majority in Iraq seeks, I believe—freedom. I believe the polls all show, as well, that they neither want an Iranian-style theocracy, nor do they

want another strongman. But after being brutalized for three decades, they've learned to keep their heads down, that middle, that 65 to 80 percent of the people, if it's that high. It seems to me we have to create the conditions that encourage them to raise their heads. The Iraqi people must have more security in their daily lives, and they must believe that there is a legitimate plan to return sovereignty to them, and that it makes sense.

Second, it seems to me we have to square the circle between the need for significant international support for years to come, both political, economic, and security, and their growing frustration with U.S. occupation, or any occupation, for that matter. And I think that requires investing our European and Arab allies more heavily in Iraq today and working with them to prepare Iraqis to take back their country tomorrow. As it stands, the Iraqis are going to wake up on July 1, after the so-called transfer—and I'm not belittling that—of some form of some sovereignty to a group of people whom they don't know. There's going to be no single national figure. There's going to be no George Washington, there's no Madison, there's no Benjamin Franklin as part of this. And so they're going to wake up, and the bulk of the Iraqi people are not going to know the bulk of the people in this new government, although I believe it will be viewed regionally as more legitimate. They're going to see 140,000 troops, Americans, with American patches on their shoulders still patrolling the streets, and a new super-Ambassador, who they're going to suspect, I think, is going to be the one pulling the strings in a cast, as I said, of unelected and relatively unknown political figures. That's not in any way to denigrate the capacity or the integrity of those who will be chosen.

And it seems to me we have to change that dynamic. And in order to do that, the President has to articulate a single overarching goal that everybody can understand. And I think this presents a significant opportunity for the President to state a goal that everyone can rally around, and a rationale. And the goal should be that our job, and the international community's job, is to hold successful elections in November of 2005. We want a civil election and not a civil war in December 2005. And I believe these elections should be the rallying point within Iraq—and, quite frankly, outside of Iraq—to build security and legitimacy. I think it's a rationale for European leaders who know they have a great stake in success or failure in Iraq to be able to justify to their people why they're there, with an implied end date to it. Not a literal end date, an implied end date. I believe it provides a rationale as well for Arab leaders to join in the effort. I also believe that it provides a rationale for the Interim Iraqi Government to be able to speak to interlocutors to actually cooperate with this new military force, this old military force hopefully with a new face.

Because I asked the President in our meeting, I said, Mr. President, we're all just plain old politicians. Imagine if you're about to be appointed to an interim government, and you want to be a permanent, or at least an elected, official running that country 13 months from now, or 16 months now, and 82 percent of the people say, I hate the outfit that you're dealing with. What are you going to do? I'm just a plain old politician, Mr. Secretary. You ain't gonna

talk to 'em. You're not going to be seen as cooperating with them. It will guarantee your defeat.

Now, this is the only thing I probably do know more than all you guys, just plain old politics. And so we've got to provide them a rationale. Why are they going to be cooperating with, no matter what the face is, a U.S.-led and dominant U.S. presence. And I think this election process as a rationale for our staying cannot be repeated enough, in my view.

I also think it would be a strategy that the American people could understand, and could understand that there's an end date. Not a definite date, not a date to say, we're out of here by such and such, but there is a strategy that is able to be articulated that the American people are smart—and they can understand. We had a hearing here last summer after the report done by John Hamre, the former controller of the Defense Department, on the closing window of opportunity in Iraq, meaning the Iraqi people. The three of us said basically, "The window of opportunity in America is closing." In America, it's closing.

And, fellows, we're all about the same generation. Once the folks decide this ain't gonna work, I don't care how brilliant any of us are, I don't care how wonderful any plan we have is, it ain't gonna work without the informed consent of the American people.

So I think the President has an opportunity, and only the President can lead in this regard. And I would respectfully suggest the first order of business should be to form a contact group who would give those whose help we're seeking a seat at the table on the political decision. And this includes the major powers in Europe, it includes the Security Council—not as a security council—and it includes our Arab allies, who have a great deal to lose, and the incoming Iraqi government. And I respectfully suggest that the President publicly call a summit of those folks. Get on the plane, go to Europe, pick a venue, meet—he could meet with the G–8 a little bit—meet, meet, find out what the deal is, how we get them involved.

Second, the enormous logistical security requirements for elections are going to require a surge of security forces. It required that in Bosnia, it required that in Kosovo, it even, in a sense, requires that in Afghanistan. And we're not quite doing it the same way, but it required it. And the President should seek, I believe, agreement for NATO to take over multinational security forces under U.S. command. I know, fellows. You know. We go back a long way, Mr. Secretary, about 30 years—you a staffer, and me essentially a staffer, a 29-year-old United States Senator is equivalent to being a staffer, only staffers knew more in those days. And notice I said "those days."

But the point is, we know there's never been a single serious plan NATO has initiated that we haven't carried over to Brussels. Never. Never. So as that old song goes, "What's the plan, Stan?" We ought to show up.

Now, I have met with a lot of your former colleagues. I've met with a total now of seven four-stars, and I meet with them regularly in conferences. Every single one of them, reflecting various points of view in the military, believe if the President says, "This is the deal I want," sits down, hammers it out at the NAC—author-

izes you to hammer it out at the NAC—we can get a NATO-led mission. It's only going to be 3,000 to 7,000 forces over the next several months, but a NATO-led mission. That's an important, symbolic, and substantive change, in my view.

So I believe that the President should ensure this new U.N. resolution you all talked about authorizes a NATO-led security force, supports the Brahimi plan for a caretaker government and elections, endorses a senior rep to be Iraq's primary international referee in what are going to be serious disputes between July 1 and the end of January 2005, when these elections are supposed to be held. Were this to occur, I believe we might find participation with countries such as Pakistan, Morocco, India—maybe even India, although I don't know now, in light of recent election results.

And, once named, the incoming government should be invited to participate in drafting this resolution, in my humble opinion. Iraqis should see its members, not new ambassadors. And I have great respect—don't anybody in the press translate this as a knock on Ambassador Negroponte; it's not—but I don't want to see Negroponte's face, I don't want to see General Kimmitt, who's a great American—I don't want to see their faces ever again on Iraqi television. Let's see Iraqis' faces speaking the language without an accent on television. And I think we have to spare no effort to help the Iraqis field an effective security force.

I notice you said, Mr. Secretary Wolfowitz, that the Iraqi forces are gaining some confidence. Even though it's water under the bridge, I don't know why we don't have a massive effort to train Iraqis using the officers that were originally made by the French and the Germans and others. We're already doing it in Jordan—American-trained Arab forces training the Iraqis, because I think you're right, this is an essential, overwhelming need. And I think we have to spare, as I said, no effort to help the Iraqis field this force. And we should be inviting European and American-trained Arab officers to participate in that training, beyond what we've done.

And the last thing, Mr. Chairman, and I will end, the President, I think, also has to make a gesture as dramatic and consequential as the symbolic damage done when, in fact, the prison scandal broke. Mr. Chairman, I know you've heard me say this before but I believe the President should go to both these Secretaries and say, find me the remaining 100 or 200 most qualified men and women we have in the government that have any background in quasi-military-police work. Go vet every one of the 8,000 prisoners, release every damn one that's not a security risk, if there's a doubt. Be seen to be releasing them. Sit down with the interim government, ask them what plan—for permission, because we want to ask their permission, to bulldoze down that damn prison, bulldoze it to the ground. That will cause us big problems, finding room for 2,000 people somewhere. And ask them what they want to do with this symbol of tyranny. Do they want a new institution of their choice on that spot? The biggest school? A university? A hospital? What do they want? I think our gestures have to be as grand as the damage done. And I think we should state clearly that we're willing to bring American forces home once Iraqis—and you have—can handle their own security and there's a legitimate government.

So, folks, despite the fact I am very, very concerned about the state of affairs, I still think, quote, "this is winnable." But I do think it is not "staying the course." It is "changing the course" in order to be able to stay to be successful.

I apologize to my colleagues for not being here in time to make that at the beginning, and I'll hold my questions until the end.

I thank you, appreciate you listening.

The CHAIRMAN. Thank you, Senator Biden.

Senator Chafee.

Senator CHAFEE. Thank you, Mr. Chairman. Welcome, gentlemen.

Despite some of the progress we are making there and some of the positive signs, some of the generals on the ground have expressed great concern. And, in particular, an Army general who was posted in western Iraq, when asked whether he believes the United States is losing there, he said, "I think strategically we are."

And an Army colonel who was based in Baghdad, said, "Unless we ensure that we have coherency in our policy, we will lose strategically." And he went on to say, "We don't understand the war we're in."

And then a senior general went on to say, "I do not believe we had a clearly defined war strategy, end state, and exit strategy before we commenced our invasion," and that, he said, "It is doubtful we can go on much longer like this. The American people may not stand for it, and they should not."

So maybe somewhere in between what you're portraying and what they're portraying is the truth, but, nonetheless, there's cause for alarm, which I certainly hear from my constituents back in Rhode Island.

But what I'd like to ask is that—just yesterday, King Abdullah of Jordan was asked the question, "Do you see a link between the war in Iraq and the Palestinian/Israeli peace process?" And he answered, "They sort of feed off each other." The core issue in the hearts of everybody in the Middle East is the Israeli/Palestinian one. The core issue. They feed off one anther. They are related.

And what I'd like to go back to is what the President said on February 28, 2003 in a speech before the American Enterprise Institute, where he said, "Success in Iraq could also begin a new stage for Middle Eastern peace and set in motion progress toward a truly democratic Palestinian state." And he went on to say, "America will seize every opportunity in pursuit of peace, and the end of the present regime in Iraq would create such an opportunity." He said it: the end of the present regime in Iraq would create this opportunity.

And then, Secretary Wolfowitz, I'll also say, I gave you a shot in May 2003, right after the end of the war, when things were going very, very well, and I asked at a hearing, from the transcript, "It seems to me that we have thrown a rock into the pool that is the Middle East. And, just for the sake of my question, if all goes well in restoring order in Iraq, what is our strategic vision of the ripples now going out from that rock we have thrown into the pool? What is the strategic vision in the Middle East now?" And you answered, "A clean piece of canvas." You said, "I would say several things. I

think some of them hopefully will happen even perhaps before some of the other results are achieved inside Iraq. I think one of the ripples is a positive impact on the Arab/Israeli peace process, and clearly we need it. We need to move that process forward. I think we have credibility, enormous credibility, not that we did not have it before. We have it more than we did before." Those are you words from May 2003, when things were going well.

So my question is, why the paralysis—if this is so important, by your own words—why the paralysis on this important issue? As King Abdullah said, "the core issue."

Mr. WOLFOWITZ. Let me ask Rich——

Senator CHAFEE. I'll ask Secretary Wolfowitz, since I quoted him, if I could.

Mr. WOLFOWITZ. OK, but I'm going to turn to my colleague in the State Department on this issue of what you call paralysis. But I would say this. I think that, in fact, part of our problem, as we said, as those quotes make clear, I think success in Iraq will have these effects. We are not—we're not at success, to put it mildly, and we need to get there. I agree very strongly with what both the chairman and Senator Biden said on that point.

I think, if you go back to last year, when there was a bit of euphoria, I believe, in the sense that we really were getting success, I know I heard from Arab democrats that there was some sense of exhilaration in the Arab world about the prospects of change. And I don't claim to be expert enough to say it's cause and effect, but I think we—in the meeting in Sharm el Sheikh, we saw some signs of Egyptians and the Saudis stepping up to responsibilities to support the peace process. And, again, I can't say it's cause and effect, but I don't think it's helped the peace process that the enemy in Iraq has proved as resilient as it has.

And, let's be clear, that enemy includes Saddam Hussein, who was out there funding attacks on Coalition forces right up until he was captured in December. It includes No. 6 on the black list, Izzat Ibrahim al-Duri, who is still at large and still funding attacks on American and Coalition forces with money that he's salted in banks in neighboring countries. It includes the former killers, as I mentioned in my opening statement, from the so-called—the M–14 branch of the Iraqi intelligence, the so-called anti-terrorism branch. George Orwell would have used that phrase. Anti-terrorism meant that they specialized in killings, hijackings, assassinations, and bombings. Those people are still out there, they're still killing people, killing Iraqis, killing Americans. Their goal is to prevent exactly that process that, I agree with Senator Biden, we need to move forward.

If I could just——

Senator CHAFEE. If you could, I'm talking about the paralysis. And there have been so many opportunities. After Akaba, in June, there was the long 7-week cease-fire. Abu Mazen came here to the Foreign Relations Committee and begged—and he met with the President—begged us to help him on the settlements, the wall, the prisoners held without charges, "Please empower me with my people." He went back empty-handed. These are the missed opportunities. When the Geneva Accords came, in October of last year, there was a cold shoulder given to those. I believe this is what's hurting

us in Iraq, not taking the opportunities—even as the President said, taking the opportunities that are presented to us, and energizing our adversaries in Iraq.

Mr. ARMITAGE. Senator, may I? There are others who would say that what happened to Abu Mazen was that we held him too close, and that's burned him. And he became——

Senator CHAFEE. He wouldn't say that. He wouldn't say that.

Mr. ARMITAGE. Several of those who served with him when he was Prime Minister would say that, and gave us advice to be somewhat cautious. You're right, we have a 7-week window with the cease-fire. The difficulty with the cease-fire is the Palestinian Authority can have a cease-fire, but if they won't control Hamas, then it's for naught. And they're not controlling Hamas. They're not even trying to.

We thought we were on the verge of something, and it's very frustrating, almost "Perils of Pauline," the Middle East saga of a search for peace with the Sharon plan for disengagement from Gaza, where 80 percent of the people of Israel, by opinion polls, appear to be for it. But Likkud was not for it, and, hence, he was unsuccessful. We thought it was rather noteworthy for the first time since 1967 to have 21 Gaza settlements and four West Bank settlements turned over to the Palestinians. We weren't quite bullish on this, and now we're disappointed. But Mr. Sharon is making the refinements and modifications to his plan. He will eventually show them to us. We have not seen it, to my knowledge yet. Secretary Powell met at the Dead Sea with Abu Allah and Dr. Rice met with Abu Allah in Berlin. So there's—it's kind of like a duck on the water; it doesn't appear to be moving very much, but underneath there's a lot of churning going on. And we're doing a lot of it, some of the Palestinians are doing it, and certainly our Israeli allies are doing it.

Senator CHAFEE. I'd just like to go further and say there's a lot of churning going on, but, in the meantime, the days are slipping by, the months are slipping by, the tide is turning. If you believe what King Abdullah says, he's geographically located, as he said, "in between Iraq and a hard place," and he says this is "the core issue." And I think my constituents just see paralysis on this issue. And maybe if you can level with us, is it an election issue that, a certain base that you've got to be careful of? What's the truth?

Mr. ARMITAGE. Well, the affection of the President for Israel and for that democracy has nothing to do with elections. It has to do with his view that Israel as one of the great democracies in the world, perhaps the most pure democracy. However, it was our President who was the only one who spoke up about a vision of two states living side by side. He's held that vision for 2 years now, he's not shying away from it, and, hence, he has encouraged Secretary Powell to meet with Abu Allah, and Dr. Rice to meet with him, as well.

It's frustrating for us, as well as for you and your constituents, but it's most frustrating for the Palestinians who are having their houses bulldozed and for those 11 or 12 IDF soldiers who were killed last week.

Senator CHAFEE. Well, I'll conclude just by saying every visitor that I get said only the Americans can push this forward. I hear

it every time. Only the Americans. And sadly, we're not exercising that power.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Chafee.

Senator Boxer.

Senator BOXER. Thank you, Mr. Chairman.

Gentlemen, I know how hard you are working, and I know that the burdens that you bear are very heavy, but I have to say I was very disappointed in your opening statements, to be honest with you. Listening to you, one would never know what is happening in America, how people are so distraught over this. And I think if you looked at the faces of my colleagues, I've never seen us quite look this way. It's not partisanship. And I didn't get, as Senator Biden pointed out, where are you changing course? I don't hear it. And if there's one thing I want to say, it is to agree with my ranking member here, that this is the moment to do it, if ever there was a moment.

Now, the essence of our country has taken an enormous hit in the world, to the point where American business people, Mr. Secretaries, are telling me and telling us that they've never seen such a negative view of America in many, many, many years. As they put it, one put it, one very successful businessman, the American brand is being pummeled. Now, some of it, I believe, is due to a go-it-alone policy that's been perceived as arrogant, and I won't go through it all, but we've seen it over and over. And then there's the prison scandal, which has really seared the soul of America.

Now, some of the things that we saw, we have seen even worse by the terrorists, but our strength is that we're not like them, and they repel us because they have no respect for human rights. But all of us who have seen the original photos and then moving pictures, frankly, of torture—I need to ask you, Secretary Wolfowitz, in Newsday yesterday, Pentagon officials adamantly deny charges. In a New Yorker magazine article, the Defense Secretary Rumsfeld and other key officials had approved a plan to expand from Afghanistan to Iraq, a secret interrogation program that included rough treatment and sexual humiliation. Do you stand by that? Do you deny?

Mr. WOLFOWITZ. Senator Boxer, we're trying to find out what, if any, possible truth led to that story. I'm aware of nothing that would substantiate that.

Senator BOXER. So you don't deny it. You're saying you're still looking into it?

Mr. WOLFOWITZ. No, we stand by our denials. When something comes out like that, and people claim that they have sources inside that reveal something, you have to try to find out.

Senator BOXER. OK. Do you agree with Pentagon officials who basically said that those charges are wrong, that there was never a plan that was approved to expand from Afghanistan to Iraq a secret interrogation program that included rough treatment and sexual humiliation?

Mr. WOLFOWITZ. To the best of our knowledge, yes, Senator.

Senator BOXER. OK.

Mr. Wolfowitz, you spoke eloquently about your desire to help the good people of Iraq. We were all stunned by those pictures of

Abu Ghraib. And one of those pictures—I'll never forget any of them, but one of them that is haunting me is that of a beautiful Iraqi woman who is staring into the camera with dead eyes, and then, in the next shot, she is lifting her blouse, and she is exposing her nudity to the camera with the same dead eyes. Have you seen this photo, Mr. Wolfowitz?

Mr. WOLFOWITZ. No, I haven't, Senator. I've seen some of the photos. Let me explain. Secretary Rumsfeld, when this thing began, put together a considerable task force to dig into the facts to find out what had happened to make sure that we get to the bottom of this. And I would underscore that the Army had already—the reason——

Senator BOXER. Sir, if I might, I don't have time.

Mr. WOLFOWITZ. Can I just——

Senator BOXER. I only have 5 minutes left, and I would—I understand that you're looking into it, but I want to find out what you personally know. So if I might just continue to——

Mr. WOLFOWITZ. I know enough——

Senator BOXER. Mr. Chairman——

Mr. WOLFOWITZ [continuing]. To be horrified at what has happened. I have not spent the 2-hours that Secretary Rumsfeld did looking at all the photos. I will look at the one you mentioned.

Senator BOXER. Thank you. Given the Islamic rules for modest dress, even the removal of a head scarf is a major violation of faith for many Iraqi women. So the abuse that was inflicted upon these female Iraqi prisoners is not only physical abuse, but it is mental abuse.

According to a recent article written by Tracy Wilkinson, a Polk Award-winning journalist for the Los Angeles Times, quote, "One woman told her attorney she was forced to disrobe in front of male prison guards. After much coaxing, another woman described how she was raped by U.S. soldiers. Then she fainted," unquote.

Secretary Wolfowitz, have you looked into this particular claim that Iraqi women were actually raped by our soldiers?

Mr. WOLFOWITZ. Senator Boxer, we're looking into all of this. And the behavior you've described is absolutely appalling, to treat any woman that way, Muslim or otherwise, and I share your horror at it. I very strongly do. It's absolutely contrary to everything we're trying to accomplish in Iraq.

Senator BOXER. Well, I know you don't have the answers, but I would appreciate, in writing, if you could let us know how many Iraqi women have been raped in U.S. prisons.

[The following information was subsequently provided:]

Senator, we can not confirm that any women in Iraq that have been raped while in DOD custody. There have been multiple visits with the women in DOD custody by the Iraqi Governing Council and the ICRC and no allegations of rape have surfaced. There is, however, a finding in the Taguba investigation indicating that a male MP guard had sex with a female detainee. That finding was based upon a statement of a witness who did not see the actual event and did not know the identity of the woman. However, if the event is proven, given the position of authority of a guard over a detainee, a charge of rape could be sustained. The guard is currently facing court-martial on a variety of charges.

Additionally, the Taguba report states there was also a single photograph uncovered by CID where a female detainee is shown exposing her breast. The facts and circumstances surrounding that event are not known at this time.

Finally, we are aware of one incident in which a female detainee was assaulted (kissed) by male interrogator, working in concert with two other male interrogators. The detainee reported the incident to a female guard and an investigation ensued. The military personnel involved were disciplined.

Senator BOXER. And we know that many of them are disowned, then, by their families. And Secretary Rumsfeld is on the record saying restitution would be provided for the victims. And could you tell us how far along we're getting in this plan and if we're looking particularly at these women, who, as I say, are, many of them, disowned by their families?

Mr. WOLFOWITZ. I know that we are looking into how to do restitution the best possible way. There are legal issues involved, too, with respect to whether or not it might affect the trials of people that these people may have to testify against. I consider it very important to make restitution and do it as quickly as we possibly can and as generously as we possibly can.

Senator BOXER. Secretary Wolfowitz, because I'm the only woman on this committee, sometimes I will put forth a lot of these issues. And it has come to my attention, and the attention of the women Senators, that there have been reports of 129 credible cases of sexual assault against our women military by our military in Iraq, Kuwait, Afghanistan, and Bahrain. And the rules today say that a woman who is a victim of rape in our military, she's allowed to use the military hospital, but she has to pay for an abortion if she chooses to end this pregnancy of violence. And I am asking you if you would consider supporting Senator Snowe and my bill that would say if a woman in our military is sacrificing her life and she is raped, that she can—she is not forced to pay for this abortion, that the military will, in fact, pay for it.

Mr. WOLFOWITZ. I would certainly consider that, Senator.

Senator BOXER. Thank you.

Secretary Wolfowitz, in March 2003, you said the oil revenues of Iraq could bring between $50 and $100 billion over the course of the next couple of years, and you went on to say, "We're dealing with a country that can really finance its own reconstruction, and relatively soon." Do you still feel that way?

Mr. WOLFOWITZ. If I might say, first, Senator, that was in the context of a hearing on the House side that—some days after the war had already begun, and I introduced those comments by emphasizing no one can predict what the cost of the reconstruction in Iraq will be. At that moment, we fully anticipated—anticipated is too strong a word—we were very fearful that, among other things, the oil fields of Iraq might be completely destroyed, so the bill could have been much, much greater even than it's turned out to be, and that caveat is frequently omitted.

Let me note that, in the last year alone, Iraq has contributed some $21 billion in Iraqi assets to the running of the country and to the reconstruction of the country. Oil revenues are currently above target, partly because production has come back faster, also because of higher oil prices. I will get you the exact numbers for the record but I don't think, in the end, those numbers will turn out to be too far off the mark.

[The following information was subsequently provided:]

From its inception in May 2003 to 28 June 2004, the total cash inflow for the Development Fund for Iraq was $20.7 billion. The largest portion of this fund, $11.3 billion, has been drawn from Iraq's oil exports. The remaining $9.4 billion comes from repatriated Iraqi assets, Oil for Food money, and other Iraqi sources.

$14.1 billion of this has already been spent by Iraqis towards the reconstruction of their country.

Senator BOXER. So you don't think we need to put any more American dollars into Iraqi reconstruction.

Mr. WOLFOWITZ. No, in fact, I think when we came up with the request for the supplemental, and I'm working from memory here, and I hope this doesn't—if my memory is wrong, we don't go back again and say I got it wrong—but it was—the estimate of Iraqi needs for reconstruction was something like $75 billion, based on the World Bank needs assessment and other requirements that the World Bank didn't take account of, and that we said in testimony that we considered that an American contribution would on the order of the $20 billion that we requested and that it would apply initially——

Senator BOXER. So just yes or no, will we have to put more American dollars into reconstruction in Iraq, in your opinion?

Mr. WOLFOWITZ. We don't think that there will be any need for a supplemental of the enormous kind that we had last year. I would assume that there will probably be some kind of an American economic assistance program in the future, but Iraqi revenues are running——

Senator BOXER. So you're asking us for $25 billion for the military, for the troops, nothing for reconstruction, and that will be it until—we won't need any more. Is that correct?

Mr. WOLFOWITZ. First of all——

Senator BOXER. You won't have to come back——

Mr. WOLFOWITZ [continuing]. The $25 billion for the troops is—it's more complicated than—that's not the amount for this year. It's the amount to get us into early next year, when we'll be able to request a supplemental. We have, thanks to the approval of Congress, some $18.6 billion, as you know, in appropriated funds available for Iraqi reconstruction. In addition, as I had just mentioned, there's $20 billion just in the last 12 months in Iraqi funds—some of it for operating the government, some of it for reconstruction. There is some $15 billion or so from international sources that Secretary Powell raised at the Madrid Conference. And we anticipate, I think—I'm going to be careful with my numbers—very substantial Iraqi contributions——

Senator BOXER. OK.

Mr. WOLFOWITZ [continuing]. In coming years for their reconstruction.

Senator BOXER. Mr. Chairman, maybe you followed all this. I don't know exactly what they're going to ask us for. Thanks.

The CHAIRMAN. Thank you very much, Senator Boxer.

Senator Brownback.

Senator BROWNBACK. Thank you, Mr. Chairman. Gentlemen, glad to have you here.

Secretary Wolfowitz or Armitage, just in following that line, is there a chance we're going to get some money back from the U.N. Oil-for-Food Program? There's been a huge controversy about the

number of dollars, and we were tracking that, the subcommittee I was on during the time period that that was operating for those years, the billions of dollars of oil revenues that were flowing out of Iraq then that were supposed to go into food that appears as if now there were billions that were skimmed off of that, either by Saddam or people on the other end of this. Do we know where that is in its investigation? I mean, is there a chance there's going to be some substantial resources that should come back to Iraq for its reconstruction from that program?

Mr. ARMITAGE. Mr. Volcker, of course, is running the investigation for the U.N. Just as a sidebar, we have provided to the members of the committee, in an appropriate fashion, those documents which we had that might in any way refer to this.

I think there will be, at the end of the day—my view is, you will find wrongdoing, and you will find moneys. And I hope the people who were involved, as I said in the House side the other day, are hung.

But, having said that, I don't think the moneys will be substantial, in terms of billions and billions of dollars. I don't think it runs that high. But, you know, follow the trail and follow the money.

Senator BROWNBACK. Let me ask you, on this sarin gas and mustard gas issue that's come up—and I'm looking off of two news stories that I just want to quote to you of some individuals. This is the Reuters story yesterday, where David Kay is asked about this sarin-gas weapon. He says it appears to be—this is just his direct quote, "'It was probably just scavenged from one of the 125-plus ammunition storage points that still remain,' Kay said." And then the article goes on to say, "more forensic testing should determine with some confidence when it was produced." Now, he speculated that it was probably left over from the 1980's, produced either during the Iraq/Iran war or before the 1991 Gulf War. Now, that's David Kay's comments on this sarin gas that they found.

Then this is General Mark Kimmitt. This is in a FOX News story on Monday. "The Iraq Survey Group confirmed today that a 155 millimeter artillery round," which, as I understand, is a pretty good-size shell, "containing sarin nerve agent had been found." This is another quote from him, "The round had been rigged as an IED, which was discovered by a U.S. Force convoy. The round detonated before it could be rendered inoperable, which caused a very small dispersal of the agent."

Then in this same story, they're citing a senior Bush administration official, which they do not give the name of, said, "Two weeks ago, U.S. military units discovered mustard gas that was used as part of an IED. Tests conducted by the Iraq Survey Group, U.S. organizations searching for weapons of mass destruction, and others concluded the mustard gas was, 'stored improperly,' which made the gas, 'ineffective.'"

Now, we know that Iraq used sarin gas during the Iraq/Iran War. However, now Kimmitt—I'm going back to him—said "the shell belonged to a class of ordnance that Saddam's government said was destroyed before the 1991 Gulf War. Experts believe both the sarin and mustard-gas weapons date back to that time."

Here's, again, Kimmitt, "It was a weapon that we believe was stocked from the ex-regime time and thought to have been an ordi-

nary artillery shell set up to explode like an ordinary IED, and basically from the detonation of that when it exploded, it indicated that it actually had some sarin in it. It was a binary type of shell in which two chemicals held in separate sections are mixed, after firing, to produce sarin gas." And then they, quote, "Later, a former Iraqi nuclear scientist, Gazi George, is saying that Saddam stored these around the country.'

Can you react? You had this question a little bit earlier, but it appears as if there are people that are commenting on this to some extent, and I would appreciate it if you could comment on either the sarin gas or the mustard gas, to what we know has actually taken place or what's happened with those to date.

Mr. WOLFOWITZ. Senator Brownback, with your permission, I'd really like to reply for the record. It's just very important that we be precise about what we know and what we don't know, and there are some things we are still trying to find out about exactly the origin of those shells, whether it was a failure of the Iraqis to account for them or whether they were simply stray shells, and so forth. They're very key issues here, which I think would be important to give you a careful answer on.

Senator BROWNBACK. Can you answer whether or not we know if sarin gas or mustard gas has been used in the Iraqi theater within the last 2 weeks?

General SHARP. Sir, the tests that came back were field tests done by two different independent type of tests in the field. They have a good degree of reliability, but not near 100 percent. So right now, the shells and the substance are being sent back to the United States for conclusive tests back here.

Senator BROWNBACK. OK, and what did the field tests reveal?

General SHARP. That they were sarin, sir. But, again, that's not 100 percent guaranteed.

Senator BROWNBACK. And then apparently in this one article, the two soldiers are showing signs of a reaction to a chemical weapon, that they're showing symptoms similar to a mild chemical-weapons exposure. Is that correct, as well?

General SHARP. Yes, sir, that was correct. While they were transporting it back, they showed nausea and had some orientation problems. But they are well now, they have been treated, and they're back to duty.

Senator BROWNBACK. OK. Now, what about this mustard gas 2 weeks ago reported by the Iraqi Survey Group?

General SHARP. Sir, the information I have is as you have laid out, that they found it and that it's also being tested. I don't have any further information on that round.

Senator BROWNBACK. OK. Was there a field test as to whether this was mustard gas?

General SHARP. I do not know, sir.

Senator BROWNBACK. OK, now that's by the Iraqi Survey Group that was reporting that. All right, but you don't know anything further about the mustard-gas one?

General SHARP. No, sir, not the earlier one.

Senator BROWNBACK. OK. Do we—and, Secretary Wolfowitz, I'm presuming you're going to say the same answer, but I do want to ask this—do we know any of the sources of these shells? Not nec-

essarily the gas, but the sources of these shells. Do we know anything about that yet?

Mr. WOLFOWITZ. Not that I'm aware of, and that's one of the important questions to be answered.

Senator BROWNBACK. OK. There's a speculation in this article, from the Iraqi nuclear scientist, Gazi George was saying that lots of them have gone west to Syria and have been brought back with the insurgencies. And he was speculating this was a stepping up of the insurgency against the United States and against the Coalition forces. Do you have any reaction to that thought, or any that you can put forward?

Mr. WOLFOWITZ. I'd say, at the moment, that's a speculation. It's another—it's a hypothesis that certainly is something we're looking at very hard, because it would be a—if it's a systematic pattern, then it's something that would cause us very great concern, obviously.

Senator BROWNBACK. And when you have a chance, I'm sure you will be issuing statements publicly about the full nature of whether this is sarin gas or mustard gas in this last instance.

[The following information was subsequently provided:]

The sarin nerve agent was found on 15 May in a 155 millimeter artillery round which had no particular markings. The round had been rigged as an improvised explosive device (IED) along a roadside, when it was discovered prior to detonation by a U.S. military convoy. The round detonated before it was rendered inoperable, which caused a small dispersal of the agent. The other shell, found on 2 May in Baghdad, was also a 155 millimeter round configured as an IED, and it tested positive for a sulphur mustard agent. Both shells are being returned to the United States for more extensive analysis and testing. Currently, there is no evidence linking the sarin IED with the mustard IED. These projectiles could be from a proving ground or a disposal site. The projectiles may have been deliberately not declared, or misplaced among conventional projectiles that were later looted. There is no indication that the anti-Coalition forces knew these rounds were chemical projectiles or understood their proper functioning. In the 1990s, Iraq had declared sarin-filled artillery shells, but said all were destroyed before the 1991 Gulf War. Some mustard shells were also declared, but UNSCOM was unable to locate or account for 550 of those projectiles.

Senator BROWNBACK. If I could ask Secretary Armitage, when do you anticipate that Saddam Hussein will be going on trial?

Mr. ARMITAGE. I saw speculation in the press from the Iraqis that it would happen before turnover. I think that's very unlikely. This is an Iraqi determination. They are having a small debate among themselves as to whether they ought to try Saddam Hussein first, or whether they should try him in some lesser lights first. We are in—the U.S. Government, the Department of Justice—in an advisory role to them to help them get their house in order so this will stand up to international scrutiny. Beyond that, there is no time set.

Senator BROWNBACK. This year?

Mr. ARMITAGE. There is no time set.

Senator BROWNBACK. We just don't know that.

Secretary Armitage, if I could, you mentioned that you've made the trip in the region recently, and I know Secretary Powell has been over at the World Economic Forum, and I applaud all of those connections and move into the region. I've made that trip before, as well. I'm wondering how much OPEC is putting pressure back on us through gas prices because we're pushing democracy and

open societies in the region. These are generally monarchies and dictatorships that are in the region. We are clearly standing for democracy and open societies. There's clearly a rub in the region of what's taking place. Are they pushing pressure back on us through oil production?

Mr. ARMITAGE. First of all, on OPEC, sir, it's a mixed bag. The Kuwaitis, for instance, did not go along with the idea of cutting back on production. As far as I know, the Saudis, a month and a half or so ago, said they were going to cut back, and then didn't. Now they are now saying that they may increase—they've got excess capacity, they may increase it. I think—this is a personal opinion—I defer to those on the Energy Committee, but this is as much psychological as anything else, the spike in prices to $41-plus a barrel. I think there's some argument to be made for the need for more refining capacity here in the United States. But, beyond that, I'm out of my league.

The question of democracy and openness in the region is one that's moving every country in the region at varying speeds and in varying ways. Paul mentioned that even the Saudis and the Egyptians have had some rather far-reaching statements, and it's true. Other states have gone a lot farther, with women's rights, transparency, et cetera. This is why the upcoming G–8 summit at Sea Island and its promise of some discussion of greater Middle East initiative and putting some wind in the sails of those reformers of the various countries is so important.

Senator BROWNBACK. I think it's one of the most dramatic moves toward democracy I've seen in that region at any time, and I certainly applaud that.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much, Senator Brownback.

Senator Sarbanes.

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

Mr. Chairman, first of all I want to commend you and Senator Biden for these series of hearings you've been holding with respect to Iraq. I think they have really focused on important, substantive questions, and I think that's obviously a very important responsibility of this committee, and I just want to underscore my appreciation to you and the ranking member, Senator Biden, for undertaking that responsibility.

Secretary Wolfowitz—then I'm going to direct this, as well, to the other members of the panel, but let me start with you—as we look ahead and make our calculations about the path that lies ahead, it seems to me we have to have some sense of what the miscalculations were that have resulted in us confronting the situation we now have in Iraq. So the question I want to put to you—and then I'll do it to the others, as well—is, because you've been a central player in all of this, what were the miscalculations?

Mr. WOLFOWITZ. You know, Senator, when people start listing the miscalculations, they rarely bother listing all the things that we calculated on that didn't happen, and I think, in part, didn't happen because of the way in which the military campaign was conducted, which is to say with enormous speed, faster than I believe Saddam or his people believed we could advance. I think that may be a reason why we didn't face the enormous destruction of

Iraqi oil fields, for example. It may be a reason that we didn't face extensive urban fighting, as we had anticipated. Indeed, in anticipation of it, we decided on a plan that would emphasize speed over mass.

One can go back and look at many things that maybe we needed to do differently, and we are doing that. And I agree with the spirit of your question, that if we want to set the course, going forward, then it's important to figure out if we made some misjudgments in the past. And I would say one that we believe was done a bit too severely was the policy of de-Ba'athification. And that's, in fact, why Ambassador Bremer announced, just a couple of weeks ago, that we were going to look at modifying it.

I must say that as soon as we talked about modifying it, we heard very, very strong expressions, particularly from the Kurds and the Shia, that we might be abandoning them and that we might be opening the door to bringing the Ba'athists back to power. So there's always a balance to be struck.

I would say, of all the things that were underestimated, the one that almost no one that I know of predicted, with the exception of a retired Marine colonel named Gary Anderson, who wrote this in an op-ed in the Post, I believe it was April 2 of last year, was to properly estimate the resilience of the regime that had abused this country for 35 years, to properly estimate that Saddam Hussein would still be out there funding attacks on Americans until he was captured, that one of his principal deputies, Izzat Ibrahim al-Duri, would still be out there funding operations against us, that they would have hundreds of millions of dollars in bank accounts in neighboring countries to support those operations, that the old Iraqi intelligence service which had so much blood on its hands, which I believe is not reconcilable—we're not talking about an ordinary person who joined the Ba'ath Party in order to get a promotion as a teacher—those are the people we're trying to bring back in—but the real killers, who number in the thousands—were much tougher people, I think, than anyone imagined. And they are out there killing, and they are working with Mr. Zarqawi, who seems to have been associated with them from before the war. They're bringing in foreign fighters, as they did in the early stages of the war. And they may not be good in large-scale, open battle, but they seem to have a dangerous capability for urban guerrilla tactics, and that's what we're up against.

I think the great strength we have against them remains the fact that the Iraqi people don't want these people back, and if they have confidence that they can stand up against those people, they do so. In fact, they do so even when they know they may be murdered for it, as the member of the Governing Council was, just yesterday, and as police chiefs are and as security officers are. The number of Iraqis that actually will stand up and fight for their country is considerable, and I think that is where success is going to lie for us, is empowering those people more rapidly. If anything, I would say we were slow in doing it maybe in part because we thought we'd have something like peacekeeping operations instead of a continuing war.

Senator SARBANES. Secretary Armitage.

Mr. ARMITAGE. No, I look at this question—or, to answer it, Senator Sarbanes, by saying, "What would I do differently?" And the single thing I would have done differently after the splendid military victory was to more rapidly have brought in the sheikhs, tribal sheikhs. I think that—I'll speak for myself—I've felt that, with the Shia and Sunni and Kurds and Turkmen and a couple of others, and we could deal with them in that way. It was wrong, I think. I think they're a tribal society in a way that I didn't fully appreciate, and I wish that I had been involved much more in bringing the tribal sheikhs into things earlier on. I think we'd be a lot farther down the pike now.

Senator SARBANES. General.

General SHARP. Sir, as you know, as the military looks at the situation on the ground we continuously assess as to what changes need to be made based upon the circumstances that we're under. As you know, we're working very hard now to train the Iraqi security forces as a result of their performance in recent days. We're looking at leadership training and specialized training in order to be able to get the leaders and the people in the security forces to be able to stand up.

On the military side, we continue to assess the capabilities of both the Iraqi security forces and our Coalition partners and us, and to determine how to best defeat the threat that's out there. So you see us adjusting boundaries, you see us integrating some of the Iraqi security forces and military into our military forces, and vice versa.

We're standing up a new headquarters in order to be able to best work in the new environment with a strategic situation with Ambassador Negroponte going in. So we're standing up a headquarters there, with General Sanchez to work on the military and political level, and then General Metz working on the tactical and operational level. And we're sending, for example, General Petraeus back to, again, take all of the Iraqi security forces and make sure that we are focusing the efforts on those to get the Iraqis enabled to be able to take over responsibility for their own security.

Senator SARBANES. The difficulty I'm having here is, obviously, I would assume, none of you at the table calculated that we would be confronting the situation we are confronting there now. So the question becomes, what miscalculations? Let me ask a couple of specifics.

Secretary Wolfowitz, you said that they were drawing money from the surrounding countries, that they had deposits in the surrounding countries and were now calling on those resources to carry out this insurgency that's taking place, if I understood you correctly. Is that right?

Mr. WOLFOWITZ. I'm saying that Saddam and his gang have access to enormous resources, and they are using those resources to pay for hired killings.

Senator SARBANES. Now, those are coming from the surrounding countries——

Mr. WOLFOWITZ. I'm not sure where they're coming from, Senator.

Senator SARBANES. Well, what cooperation are we getting from the surrounding countries?

Mr. WOLFOWITZ. I think that——

Senator SARBANES. I see the King of Jordan said, just yesterday, that he thought Iraq needed a "strongman," as I understand it, and that that was what is now needed in the current situation, which, of course, is very much at odds, as I understand it, with what you're projecting to do.

Mr. WOLFOWITZ. Well, I would say we're getting very excellent cooperation from Jordan. We may have—I mean, it's the kind of ally which whom you can have differences of view that lead you to better policies. I think we need a lot more cooperation from Syria.

Mr. ARMITAGE. The question of Iran is a more interesting one, in a way, because, during the time of the Arbayeen, where Zarqawi was threatening to bring about civil war—publicly he threatened it—the Iranians were actually quite helpful, because they kept many of their pilgrims home, and they made fewer targets and a much more manageable situation.

At the same time, however, we find them, in the south particularly, trying to buy clerics with their money. So it's a mixed view. Kuwait has been extraordinarily helpful, as well.

Senator SARBANES. What is the legal status of the U.S. contractors operating in Iraq, the non-military people that are in there, some of them apparently doing military-type activities?

Mr. WOLFOWITZ. I'm not aware that it's different from their status as contractors for us in Kosovo or Bosnia. We make extensive use of contractors everywhere, and we are doing so in Iraq, and they operate under—if they're working for the U.S. military, they operate according to U.S. military regulations. And, of course, the status of everything in Iraq is under the overall authority of the CPA.

Senator SARBANES. So the U.S. military, in effect, has the responsibility for the conduct of the private contractors, is that correct?

Mr. WOLFOWITZ. No, those contractors that are working for us, I would—but there are many contractors that are working for CPA, or are working on their own, or working for the Iraqi Governing Council. There are contractors all over the country.

Senator SARBANES. Now, is it your view that you don't need another Status of Forces Agreement after June 30, when you transfer sovereignty, in order to ensure the legal status of American forces?

Mr. ARMITAGE. Senator Sarbanes, as a legal matter, that would be the case. As a political matter, it might be something else again. The Security Council Resolution 1511, combined with CPA Order 17 gives us the sufficient legal cover, if you will, for Status of Forces Agreements. However, it clearly—if we do move forward, as we're planning to, with a new U.N. Security Council resolution, we'd also want to put this in that resolution, as well, as an extra bit of protection.

Our view of SCR 1511 is not universally shared by our allies, sir.

Senator SARBANES. What will be the status of the private contractors after June 30, when sovereignty is transferred?

Mr. ARMITAGE. I've got to take it for the record, Senator Sarbanes. I don't know.

[The following information was subsequently provided:]

UNITED STATES DEPARTMENT OF STATE,
Washington, DC 20520, June 17, 2004.

The Honorable PAUL SARBANES,
Committee on Foreign Relations,
United States Senate.

DEAR SENATOR SARBANES,

Deputy Secretary Armitage has asked that I respond to your question of May 18, 2004 regarding the status of private [military] contractors after June 30th, when sovereignty will be transferred to the Iraqi Interim Government. First, I would like to assure you that the State Department is well aware of the concerns that contractors have for their security operations after June 30th.

At present, Coalition Provisional Authority Order 17 (attached) regulates the status of contractors. This Order is currently being reviewed to determine how it should be revised to reflect the June 30 transfer of authority. The issue regarding the status of Americans who are working in Iraq, including contractors, is currently being discussed with Iraqi Prime Minister Allawi and the Iraqi Interim Government. In all of our discussions, we are examining how best to ensure the safety and security of Americans in Iraq now, and after June 30.

When a decision has been made revising Order 17, I will be happy to convey it to you.

Sincerely,

PAUL V. KELLY,
ASSISTANT SECRETARY,
Legislative Affairs.

Enclosure: As stated.

COALITION PROVISIONAL AUTHORITY ORDER NUMBER 17

STATUS OF THE COALITION, FOREIGN LIAISON MISSIONS, THEIR PERSONNEL AND CONTRACTORS

Pursuant to my authority as head of the Coalition Provisional Authority (CPA), and under the laws and usages of war, and consistent with relevant U.N. Security Council resolutions, including Resolution 1483 (2003),

Recalling that under international law occupying powers, including their forces, personnel, property and equipment, funds and assets, are not subject to the laws or jurisdiction of the occupied territory,

Conscious that states are contributing personnel, equipment and other resources to the Coalition in order to contribute to the security and stability that will enable the relief, recovery and development of Iraq,

Noting that states are sending Foreign Liaison Mission Personnel to Iraq,

Conscious of the need to establish and confirm the status of such Coalition and Foreign Liaison Mission Personnel in respect of the CPA and the local courts,

I hereby promulgate the following:

SECTION 1—DEFINITIONS

1) "Coalition Personnel" means all non-Iraqi military and civilian personnel assigned to or under the command of the Commander, Coalition Forces, or all forces employed by a Coalition State including attached civilians, as well as all non-Iraqi military and civilian personnel assigned to, or under the direction or control of the Administrator of the CPA.

2) "Foreign Liaison Mission Personnel" means those individuals who have been issued Foreign Liaison Mission personnel identification cards by the Iraqi Ministry of Foreign Affairs under the supervision of the CPA.

3) "Legal Process" means any arrest, detention or legal proceedings in the Iraqi courts or other Iraqi bodies, whether criminal, civil, administrative or other in nature.

4) "Parent State" means the state providing Coalition Personnel as part of the Coalition in Iraq or the state providing Foreign Liaison Mission Personnel.

5) "Coalition contractors" means non-Iraqi business entities or individuals not normally resident in Iraq supplying goods and/or services to or on behalf of the Coalition Forces or the CPA under contractual arrangements.

6) "Coalition sub-contractors" means non-Iraqi business entities or individuals not normally resident in Iraq supplying goods and/or services to or on behalf of Coalition contractors and in respect of Coalition or CPA activities under contractual arrangements.

SECTION 2—COALITION AND FOREIGN LIAISON MISSION PERSONNEL

1) CPA, Coalition Forces and Foreign Liaison Mission, their property, funds and assets of shall be immune from Iraqi Legal Process.

2) All Coalition personnel and Foreign Liaison Mission personnel shall respect the "Iraqi" laws applicable to those Coalition personnel and Foreign Liaison Mission personnel in the territory of Iraq and the Regulations, Orders, Memoranda and Public Notices issued by the Administrator of the CPA.

3) Foreign Liaison Mission personnel shall be immune from Legal Process.

4) All Coalition personnel shall be subject to the exclusive jurisdiction of their Parent States and, they shall be immune from local criminal, civil, and administrative jurisdiction and from any form of arrest or detention other than by persons acting on behalf of their Parent States, except that nothing in this provision shall prevent Coalition Forces personnel from preventing acts of serious misconduct by Coalition personnel, or otherwise temporarily detaining Coalition personnel who pose a risk of injury to themselves or others, pending expeditious turnover to the appropriate authorities of the Parent State. In all such circumstances the national contingent commander of the detained person shall be notified immediately.

5) In respect of those Coalition personnel who commit an act or acts in Iraq for which there are no criminal sanctions in the Parent State, the CPA may request from the Parent State waiver of jurisdiction to try such act or acts under Iraqi law. In such cases, no Legal Process shall be commenced without the written permission of the Administrator of the CPA.

SECTION 3—CONTRACTORS

1) Coalition contractors and their sub-contractors as well as their employees not normally resident in Iraq, shall not be subject to Iraqi laws or regulations in matters relating to the terms and conditions of their contracts in relation to the Coalition Forces or the CPA. Coalition contractors and sub-contractors other than contractors and sub-contractors normally resident in Iraq shall not be subject to Iraqi laws or regulations with respect to licensing and registration of employees, businesses and corporations in relation to such contracts.

2) Coalition contractors and their sub-contractors as well as their employees not normally resident in Iraq, shall be immune from Iraqi Legal Process with respect to acts performed by them within their official activities pursuant to the terms and conditions of a contract between a contractor and Coalition Forces or the CPA and any sub-contract thereto.

3) In respect of acts or omissions of Coalition contractors and sub-contractors as well as their employees not normally resident in Iraq, which are not performed by them in the course of their official activities pursuant to the terms and conditions of a contract between them and the Coalition or the CPA, no Iraqi or CPA Legal Process shall be commenced without the written permission of the Administrator of the CPA.

SECTION 4—DURATION OF IMMUNITY FROM LEGAL PROCESS

The immunity from Legal Process provided by the present Order to Coalition personnel and Foreign Liaison Mission personnel as well as Coalition contractors, subcontractors and their employees not normally resident in Iraq operates only in respect to acts or omissions by them during the period of authority of the CPA.

SECTION 5—WAIVER OF LEGAL IMMUNITY AND JURISDICTION

1) The immunity from Legal Process of Coalition personnel, Foreign Liaison Mission personnel, Coalition contractors and their sub-contractors as well as their employees not normally resident in Iraq is not for the benefit of the individuals concerned and may be waived by the Parent State.

2) Requests to waive jurisdiction over Coalition personnel or Foreign Liaison Mission personnel shall be referred to the respective Parent State.

3) Requests to waive the immunities with respect to Coalition contractors and subcontractors and their employees not normally resident in Iraq as set forth in Section 3 of this Order shall be referred to the respective Parent State with which the contractor has contracted.

SECTION 6—CLAIMS

1) Third party claims including those for property loss or damage and for personal injury, illness or death or in respect of any other matter arising from or attributed to Coalition personnel or any persons employed by them, whether normally resident in Iraq or not and that do not arise in connection with military combat operations, shall be submitted and dealt with by the Parent State whose Coalition personnel, property, activities or other assets are alleged to have caused the claimed damage, in a manner consistent with the national laws of the Parent State.

2) Third party claims for property loss or damage and for personal injury, illness or death or in respect of any other matter arising from or attributed to Foreign Liaison Mission personnel shall be submitted and dealt with by the Parent State whose Foreign Liaison Mission personnel, property, activities or other assets are alleged to have caused the claimed damage, in a manner consistent with the national laws of the Parent State.

SECTION 7—ENTRY INTO FORCE

This Order shall enter into force on the date of signature.

L. PAUL BREMER, ADMINISTRATOR,
Coalition Provisional Authority.

Senator SARBANES. Well, that would be quite a problem, could it not? Would they still be under the rules of the U.S. military?

Mr. WOLFOWITZ. I repeat, they were under the rules of the Coalition Provisional Authority. And since that authority will transfer to the interim government, I assume they'll be under the authority of the interim government. And if there are issues about how they conduct themselves—for example, I think, obviously, one of your concerns is, what are they allowed to carry in the way of weapons? I think those will be laws and regulations written by the interim government. I think, Senator, that the policies and regulations of the Coalition Provisional Authority, which governs them now——

Senator SARBANES. One final question. Are these issues going to be worked out before the transition date? I mean, are these people just going to be left—I don't want to use the expression "high and dry"—but left with a potential serious problem on their hands? I mean, what's going to happen?

Mr. WOLFOWITZ. Senator, I believe that the laws and regulations of the CPA will remain the laws and regulations of the interim government unless further amended. And in the case of contractors, there may be some need for changes, which might be taken while the CPA is still in authority, or might be taken by the interim government.

General SHARP. And, sir, if I may——

Mr. WOLFOWITZ. It's not going to be a vacuum of law, though.

General SHARP. CPA 17, which, according to the Transitional Administrative Law, will continue after 1 July, includes the rights and the authorities and the obligations of contractors, not just military SOFA-type of requirements. So those authorities are in CPA 17 authority also, so that would continue on.

Senator SARBANES. Well, my concern has not been alleviated here, and I think it's a matter that needs to be looked into very carefully; otherwise, you're going to have things occurring, and everyone's going to say, well, we never calculated for that to happen. That wasn't part of our calculation. We have to do some tough-minded calculations here.

Thank you, Mr. Chairman.

The CHAIRMAN. Well, thank you, Senator Sarbanes.

Just to summarize, for the record, would you research—the witnesses research the answer to Senator Sarbanes question? I think you've given an answer, but it could well be that you might want to make additional comments.

Mr. ARMITAGE. Absolutely.

Mr. WOLFOWITZ. Absolutely. No, you deserve and answer, and we'll get you one, Senator.

Senator SARBANES. Thank you.

The CHAIRMAN. Thank you very much.

Senator Voinovich.

Senator VOINOVICH. Thank you, Mr. Chairman. I would like to thank you for convening this meeting.

We've been doing this now for over a year, and, at the time we started, we wanted to know, do we have a plan? Do we know what we're doing? And the American people wanted to know that we're not like a leaf meandering down a stream. And I am comforted by the testimony that we have had this morning. But my concern is that, are we really leveling with the American people? For example, we know—we were talking about troops commitments, and if we look at what we've done in Bosnia, if we look at what we've done in Kosovo, we've been there for quite some time. It seems to me that we ought to talk about what's the future going to be, and have a rough estimate about the commitment that we're going to be making, in terms of troops and the cost of it.

I was somewhat comforted by the fact that you indicate that we might not be asking for more money for reconstruction. But my constituents are interested, Are we going to put more money into reconstruction in Iraq?

The other issue that I am very concerned about is the issue of the involvement of religious leaders in Iraq, including Ayatollah al-Sistani, in terms of developing a transition plan.

I think one of the things that we may have miscalculated—you're talking about errors that you made—I think that one of the errors we made is, the militancy of Muslim fundamentalism. Several people said that—I think it was Senator Biden said 82 percent of the Iraq people would like to see us out of there. It's like that was a change. Do we really know how many of them wanted us in there? I mean, they wanted to get rid of Saddam Hussein, there's no question about that, but did they like us any more than—you know, do they want a secular Western democracy in that country? And what about Muqtada al-Sadr, 31 years old, and seems to have a great deal of support from some people—where is he getting his support? Is this an effort on his part to work with—I don't know, is he working with people up in Iran to have a Muslim type of regime where they control things? It just seems to me that there's a lot more going on over there than what we anticipated. The American people thought, and we were led to believe, we will be looked upon as liberators and that they'll be glad to have us there. But it appears to me that the sooner we get out, the happier they're going to be. And I'm just real concerned that—you know, people ask me what's going to happen come July 1, and I just tell them it's going to be a jump-ball. We're not really sure what's going to happen. We hope there are some things that are going to happen, and I just wonder if we're not being as candid as we should be with the American

people about what we're into over there. And I think they would probably feel more comforted if maybe we leveled with them a little more than maybe what we're doing right now. And I would like you to react to that.

Mr. WOLFOWITZ. Senator, I think we are being candid. We try to be candid, and things change. We had a plan that anticipated, I think, that we could proceed with an occupation regime for much longer than it turned out the Iraqis would have patience for. We had a plan that assumed we would have basically more stable security conditions than we've encountered. In response to both of those changes, we have considerably speeded up the transition to sovereignty. And I share Senator Biden's comments that I think we should put a lot of focus on successful elections. I think that's going to be one of the keys to changing the way Iraqis view us.

With respect to the security problem, we have enormously speeded up both the speed and the level of effort in equipping Iraqi security forces. I think it's—I don't remember the exact numbers, I could get them for you, some of those early polls were very striking, because they had overwhelming percentages of the Iraqis polled—I think in the neighborhood of 70-plus-percent—saying they wanted the Americans to leave, and equally large numbers wanted us to stay for at least 2 years. That's not a contradiction; it's people who genuinely welcomed us as liberators but did not want us owning their country or occupying their country. I think this label of occupying power is a very unfortunate one. It will be good, July 1, to be rid of it.

Senator VOINOVICH. Actually, some people have exploited that, and that is why this transition to turn it over to them is very, very important. Do you believe that, because we're doing that, that that's going to lessen some of the ability of people like al-Sadr to ignite folks to be against us?

Mr. WOLFOWITZ. Senator, you're absolutely right, although it is not going to be transformational on July 1. That is why Senator Biden is so correct when he says the key thing I think is going to be not when they have a sovereign appointed government, but when they have a sovereign elected government. The issue of Mr. al-Sadr, I think, is—everything that I see suggests this is a man who is very young, exploited, a very distinguished family name. Both his father and, I think, his great uncle were distinguished religious clerics and martyrs, but he's basically intimated a large part of the country by putting together gangs of young people with heavy weapons and an ability to intimidate people. And as our operation has begun to shut down those operations, what we're also seeing is a lot of Iraqis in the south, who I think were intimidated by him previously, coming out and saying, we've had enough of this lawlessness. And I'm told that AP has reported that Ayatollah al-Sistani has actually now come out publicly and said al-Sadr's forces should get out of Najaf and Karbala. That's an early report. I would be careful with it. But certainly we're hearing many reports that as Iraqis see law and order being restored, they're coming out much more openly against al-Sadr. So I think, in that case, we're dealing with a fairly thuggish individual, who, with the power of the gun, was intimidating people. I think it is, by no means, as se-

rious a problem as the much more ruthless former elements of the old regime and terrorists that we're dealing with up north.

Senator VOINOVICH. Is he getting any encouragement from Muslims in Iran?

Mr. WOLFOWITZ. My impression is that the Iranians are finding him an embarrassment. I don't know, Rich, if you would want to comment.

Mr. ARMITAGE. If I may, you used a sports analogy about a jump-ball, and I know this is not a game, it is very serious business, but if you will allow me, we've got a game plan, but we are going to have to audible from time to time. Muqtada al-Sadr is a case of an audible. This is a thug, just as Paul described. He has been unable to garner popular support, Shia support, in the south. They are turning on him. And as I said earlier, Senator Voinovich, when our forces come in with wisdom and determination carefully there, they've been welcomed by people. The situation is very complex. It is not good, but there are some signs that we ought to look at, and that is one of them.

The Iranians actually came to Baghdad, and they met with the British and they met with us to talk about Muqtada al-Sadr, because, as Paul suggests, they find him an embarrassment, and he is getting in their way.

Senator VOINOVICH. Well, has any thought been given to some type of effort to—instead of having a kind of a democracy that we're hoping for, that we'll end up with something like we have in Iran?

Mr. ARMITAGE. We've been very leery of it, very watchful of it. And we're, thus far, quite satisfied that the most important cleric, Grand Ayatollah al-Sistani, has stated that he does not want a theocracy. If there's another surprise in this area, it was the more secular nature of Iraqi society than I had initially understood, though that is in no way a suggestion they're not faithful to their beliefs.

Mr. WOLFOWITZ. In fact, Senator, I think, before you came in, I mentioned that there was a report recently of some 17 local elections in southern Iraq where the Islamists were defeated in most of those elections.

Senator VOINOVICH. I heard that, and I was, quite frankly, surprised at that. So that you believe that there is enough support for some type of secular Western type of democracy there?

Mr. WOLFOWITZ. I think, Senator, most Iraqis don't want to go back to a tyranny, even the ones who are deeply religious. And if there's a fair degree of local autonomy, it wouldn't surprise me that in some parts of Iraq you find very conservative governments with respect to issues like what kinds of images you can show on television, for example. But I don't think most Iraqis would—if they're free to vote their conscience, would want to see a government that imposes a kind of tyranny they see in Iran. They've been through 35 years of a different sort of tyranny.

Senator VOINOVICH. Well, certainly what has happened in that prison has really been ammunition for those who talk about us defiling their country.

Mr. WOLFOWITZ. Terrible ammunition. But I hope that the way in which we deal with it will be an example, that this is a country that doesn't tolerate abuse and that punishes abuse, and that hope-

fully Iraq will be the first Arab country that has the same approach to those things.

Senator VOINOVICH. I would just like to also say—you say you need this resolution from the United Nations, but you're not certain you're going to get it, and it just seems to me that one of the things—when we supported the $87 billion for Iraq, one of the conditions was that we would get support from other countries in terms of reconstruction, and we would get support from other countries in terms of reducing their debt to the country. Are we getting any—we've got some help, but it seems to me that it is not very enthusiastic.

Mr. ARMITAGE. Perhaps I misspoke. We're going to get a U.N. Security Council resolution. And the good news, from my point of view, is the consultations—the informal consultations, both in New York and, more recently, Secretary Powell's consultations with the G–8, indicate that all of our thinking is within certain acceptable bounds. So it's a matter of working out and accommodating everyone's views. So I'm absolutely positive we're going to get a U.N. Security Council resolution, without question.

Senator VOINOVICH. Again, can you repeat how much reconstruction money have we got from other countries, and how many countries have reduced their debts or eliminated them since we've made the $87 billion commitment?

Mr. ARMITAGE. The international donors, I believe came up with $13.8 billion dollars, of which about a billion has been disbursed. We are into it for $20 billion, as you've indicated, sir. All the major debtors, except for Russia, I believe, have indicated a willingness to engage in substantial debt reduction. It hasn't happened yet, but that's the status, as I know it.

Senator VOINOVICH. The question I have is that when we passed that—authorized the $87 billion, there was a requirement in there for a report. Have we ever received a report back from you yet on where we stand, in terms of that request? The report?

Mr. ARMITAGE. I don't know, and I'll find out.

Senator VOINOVICH. Well, I would like to see it, because I've asked this question several times, and I would like to see exactly how much money are we getting from our allies and how much are they cooperating with us. Because, again, you get back to the streets of Ohio, and people are saying, we are Uncle Sugar. We're over there and we're taking care of everything, and where are the rest of the people that should be interested in what happens in Iraq as we are interested in it? Where are they?"

Mr. ARMITAGE. That's the neighbors, you bet. I'll find out where it is, Senator.

[The following information was subsequently provided:]

UNITED STATES DEPARTMENT OF STATE,
Washington, DC 20520, March 11, 2004.

The Honorable GEORGE VOINOVICH
Committee on Foreign Relations,
United States Senate.

DEAR SENATOR VOINOVICH:

Pursuant to Section 2215(3)(b) of the FY 2004 Emergency Supplemental for Iraq and Afghanistan (P.L. 108–106), please find enclosed a report on Iraq and Afghanistan.

We hope you find this information useful. Please do not hesitate to contact us if we may be of assistance on this or any other issue.

Sincerely,

PAUL V. KELLY,
ASSISTANT SECRETARY,
Legislative Affairs.

Enclosures: As stated.

REPORT TO CONGRESS ON IRAQ AND AFGHANISTAN

This report is submitted pursuant to Section 2215(3)(b) of the FY 2004 Emergency Supplemental for Iraq and Afghanistan (P.L. 108–106) ("the Act"). It details:

1. "The amount of debt incurred by the Government of Saddam Hussein in Iraq, the impact forgiveness of such debt would have on reconstruction and long-term prosperity in Iraq, and the estimated amount that Iraq will pay, or that will be paid on behalf of Iraq, to a foreign country to service such debt during fiscal year 2004."
2. "The efforts of the Government of the United States to increase resources contributed by foreign countries and international organizations, including the United Nations, to the reconstruction and rehabilitation of Iraq and to increase international participation in peacekeeping and security efforts in Iraq."
3. "The manner in which the needs of people with disabilities are being addressed in the development and implementation of programs, projects and activities funded by the United States Government in Iraq and Afghanistan."
4. "The progress being made toward indicting and trying leaders of the former Iraqi regime for war crimes, genocide, and crimes against humanity."
5. "The efforts of relevant Iraqi officials and legal advisors to ensure that a new Iraqi constitution preserves religious freedom and tolerance of all faiths."

REPORT

I. IRAQ'S DEBT

Although efforts to reconcile data numbers are ongoing, we estimate Iraq's external official debt to be approximately $120 billion, virtually all of which was incurred during the period of Saddam Hussein's regime. The IMF's Macroeconomic Assessment, done in October 2003 for the Madrid Donor's conference, noted that Iraq is one of the most heavily externally indebted countries in the world. The Macroeconomic Assessment added that Iraq's fiscal situation would remain under strain for years even assuming increased oil production and domestic tax revenues and that Iraq would need "generous restructuring" of its external debt to achieve sustainability. The IMF is in the process of completing its Debt Sustainability Analysis for Iraq.

The United States has been working to encourage the international community to forgive or at least substantially reduce the large amount of debt that Iraq accumulated under Saddam Hussein. On December 5, the President named former Secretary James A. Baker III as his Special Presidential Envoy to work with the world's governments at the highest levels in seeking to restructure Iraq's official debt. In December and January, Baker traveled to Europe (France, Germany, Italy, Russia, and the UK), Asia (Japan and China), and the Gulf (Saudi Arabia, Kuwait, the UAE and Qatar), and successfully secured commitments from the leaders of these nations to provide at least substantial debt reduction for Iraq in 2004. The United States will continue to work toward the goal of debt reduction for Iraq in 2004. The exact percentage of reduction is subject to further agreement among parties.

II. INTERNATIONAL SUPPORT FOR RECONSTRUCTION AND PARTICIPATION IN PEACEKEEPING AND SECURITY

A. International Support for Reconstruction

The United States has been successful in raising support from the international community for the reconstruction and rehabilitation of Iraq. The U.S. played a major role in organizing the highly successful Madrid Donors' Conference in Octo-

ber. Representatives of 73 countries and 20 international organizations attended the meeting as well as members of the Iraqi Governing Council. The official tally of the Conference's results showed final pledges of at least $32 billion, including our own pledge of $18.4 billion in grants from the FY 04 supplemental; the highest ever obtained at an international pledging Conference.

Non-U.S. pledges, around $13 billion, will be a mixture of grants and loans to be disbursed during 2004-2007. Not included in the pledge numbers for other donors are offers of trade credits, in-kind assistance, and technical assistance (including training).

The World Bank and the United Nations Development Program have just established trust funds within an International Reconstruction Fund Facility for Iraq (IRFFI). Senior Iraqi officials, along with a U.S. Government team, will meet with other major donors in Abu Dhabi at the end of February to discuss the functioning of the trust funds and other aid coordination issues.

B. International Participation in Peacekeeping and Security

The United States has broadened international military participation in Iraq. There are now 34 countries contributing approximately 24,000 troops to the stabilization of Iraq, including two multinational divisions led by the United Kingdom and Poland. In addition, the Iraqis themselves now contribute to their own stabilization. There are over 200,000 Iraqi police, military, and civil defense forces on duty. In total, 65% of security forces in Iraq are non-U.S.

We continue to seek additional international participation in the security and stabilization of Iraq. We anticipate new contributions, including pledges by the Korean and Japanese governments to increase their current contingents that will add a total of 4,000 troops. Armenia, Tonga, and Bosnia-Herzegovina have also recently made formal offers of forces, and we are continuing discussions with seven other nations on their informal contribution offers.

IRAQ

III. ADDRESSING THE NEEDS OF PEOPLE WITH DISABILITIES

Department officials met with organizations representing the rights of the disabled during the summer of 2003. Discussions addressed the opportunity presented by reconstruction to ensure that the needs of the disabled are met in the new Iraq, both legally and in terms of infrastructure and services. These organizations reported that they had approached the Polish government with a proposal to conduct a conference in Warsaw in late 2003 that would result in a set of recommendations for the CPA. The Department forwarded this information to CPA representatives in Baghdad.

The Ministry of Human Rights in Iraq, established pursuant to CPA order and opened on February 14, 2004, is mandated to protect and promote human rights. Concerns regarding the rights of the disabled and steps necessary to safeguard them have been brought to the Minister's attention. The USAID/Mission in Iraq has adopted a formal, written policy on the rights of the disabled and has begun to implement that policy. USAID is refurbishing the Kirkuk Rehabilitation Center, which principally serves Iraqi veterans and others who have lost limbs, and has worked to accommodate disabled travelers at the Baghdad and Basrah airports.

AFGHANISTAN

Through the Leahy War Victims Fund (LWVF), the United States supports the United Nations Development Programme's Comprehensive Disabled Afghan's Program (CDAP). The program is constructing five community rehabilitation centers using ADA accessibility guidelines that will serve 1,000-1,500 persons. It also provides technical assistance to the Government of Afghanistan to meet the needs of people with disabilities. The LWVF also supports international NGOs, such as Handicap International, which provides wheelchairs and wheelchair training to disabled persons in Kandahar. USAID is completing 92 handicap-accessible schools and 220 handicap-accessible clinics, expected to be operational by June 2004.

IV. WAR CRIMES

Our policy is to see Saddam Hussein and others who committed war crimes and crimes against humanity prosecuted by Iraqis. We are working closely with the Iraqis to help them create a fair, transparent and effective process, which will stand up to international scrutiny and conform to international standards of human rights and humanitarian law. The new Iraqi Government will decide how former regime

officials currently in detention under USG or Coalition control will be tried, and how proceedings will be conducted.

Mass grave sites have been discovered all over the country; to date, approximately 263 sites have been identified, of which approximately 40 have been confirmed. Hundreds of thousands of people are missing—current estimates are that between 300,000 and one million people remain unaccounted for from the period of Saddam's regime.

The Iraqi Governing Council, with input from CPA and others, drafted the Statute creating an Iraqi Special Tribunal. Ambassador Bremer delegated to them the authority to promulgate the Statute; it was issued on December 10, 2003. We believe the Statute provides enough flexibility to achieve a fair process. Highlights of the Statute include:

- Jurisdiction over crimes of genocide, crimes against humanity, war crimes, and specified violations of Iraqi law, committed between July 17, 1968 and May 1, 2003.
- Judges, prosecutors, investigative judges, and the Administrative Director shall be Iraqi nationals; however, the Iraqi Governing Council can appoint non-Iraqi judges.
- Non-Iraqis must be appointed to serve as observers/advisors to each of the Chambers.
- Penalties that may be imposed by the Tribunal shall be those prescribed by Iraqi law.
- Rights of the accused include a presumption of innocence, entitlement to a public hearing, representation of counsel, confrontation of accusers, right against self-incrimination and right to remain silent.

V. PRESERVING RELIGIOUS FREEDOM

President Bush recently reiterated our commitment to religious freedom in Iraq, calling in a nationally televised interview for an Iraqi constitution that "recognizes minority rights and freedom of religion." Promoting an atmosphere of religious tolerance and insuring the individual right of thought, conscience, and religion in Iraq, are important elements in creating a stable environment in which democracy can flourish.

It is essential that the documents that will form the foundation of the new Iraqi government enshrine the principle of religious freedom. The November 15 agreement between the Iraqi Governing Council and the Coalition Provisional Authority established, in accordance with UNSC Resolution 1511, a timeline and program for the restoration of Iraq's governmental authority and the drafting of a permanent constitution. The agreement calls for a fundamental law (currently referred to as the Transitional Administrative Law (TAL)), which will govern Iraq until it has ratified a permanent constitution, to include a provision guaranteeing religious freedom. CPA officials have repeatedly conveyed to Iraqis involved with the TAL drafting process our expectation that the final document will contain guarantees of religious freedom in accordance with international standards and Iraq's international treaty obligations.

Mr. WOLFOWITZ. I would say there's $12 billion of Iraqi funds that have been applied to running the government and doing the reconstruction, and another $8 billion committed for the rest of this year.

Senator HAGEL [presiding]. Let me announce, for the benefit of the members here, there's a vote on. Chairman Lugar has gone to vote. He will be back, and he will continue this hearing.

Senator Dodd.

Senator DODD. Thanks, Mr. Chairman. And maybe if someone would call over and see if they would hold it up a couple of minutes so we can get a line of questioning in here.

Senator BIDEN. They've already said they would hold it a few more minutes. There's 6 minutes left.

Senator DODD. Well, thanks. And thanks to our witnesses for being here. And let me echo the comments, by the way, of Senator Sarbanes, about you, Senator Biden and Senator Lugar. These

have been tremendously helpful, these hearings, and it's exactly what the Congress should be doing. In the absence of legislating, holding oversight hearings on critical issues, both domestic and foreign, are absolutely essential, and these have been worthwhile hearings. And I want the chairman and the ranking member to know how much all of us appreciate it very, very much.

Let me begin by just expressing to you what I think is obvious, but probably needs to be stated again, and that is, anybody who ever thought this was going to be easy was deluding themselves. This is a difficult task. And so you all know that as we raise questions about these matters here, at least I think for all of us on this side of the dais, there is an appreciation of how complicated and difficult this mission is.

Second, I think, without exception, all of us want you to succeed, want the administration to succeed, want this policy to succeed, that it's critically important that the present situation we find ourselves in—and the exact description, I think, that Senator Voinovich gave is one that is not narrowly held; there are a lot of people across this country who are very, very worried about how this is progressing, what the end game is, whether or not we're going to achieve even a part of our goals here, and the growing fear that we may even be, in some ways, in a worse situation if we're not careful at the end of all of this. So I raise that point with you.

And to express what Senator Voinovich said, and it's my view, as well, one of the concerns I have is the lack of candor and transparency about what is going on. And let me, if I can, jump to this issue of the prison abuses, if I may for a minute. I'm very interested in knowing whether or not the State Department was aware of the situation at the prison. We know now that General Myers had asked CBS to delay using those photographs for several weeks. Was the State Department aware of this, Mr. Armitage?

Mr. ARMITAGE. If I may, we were aware that there were some alleged abuses, back in the January/February timetable, and Secretary Powell, as he said publicly, made this a subject of discussions with his colleagues, the principals, as well as the President.

Senator DODD. Were you briefed on it, though? Were you actually briefed on the Taguba Report?

Mr. ARMITAGE. No, we were not briefed on it, to my knowledge; we heard from the press that there were photos, about a week or so before they appeared.

Senator DODD. So were you aware that a request had been made to a major network to delay the release of those photographs?

Mr. ARMITAGE. I was aware, because the press person who told me worked for that network.

Senator DODD. The reason I raise it, we had Mr. Negroponte here, and all of us supported his nomination, and he appeared here on the 27th of April. The reports came out the following day. And I'm just curious as to why, in the interest of candor and transparency, that either in direct testimony or a response to questions, the designee to be the Ambassador to Iraq wouldn't have laid out to this committee a critical issue that was about to explode onto the public scene within 24 hours.

Mr. ARMITAGE. I don't think he knew anything about it. I don't think any of us in the Department of State had any idea what were

on the pictures. I've told you the sum of our knowledge of this, that there were some photographs.

Senator DODD. But, beyond that——

Mr. ARMITAGE. I don't think he had any inkling.

Senator DODD. Because Senator Feingold asked John Negroponte very specific question about the human rights issues, and it would have been a perfect opportunity, if not in direct testimony, to say, by the way, we've got a problem here that you ought to be aware of, whether or not he could give you the details, but certainly to lay it out to the committee would have been helpful at that point.

Mr. ARMITAGE. I say, again, I don't think he knew anything about pictures, Senator Dodd.

Senator DODD. But he knew about the prison abuse.

Mr. ARMITAGE. I'll have to find out. We, in the Department of State, knew about, and I don't know how much he was read into it as he went through his confirmation preparations.

Senator DODD. Well, wouldn't he have been briefed?

Mr. ARMITAGE. He wouldn't have been briefed in New York, sir. I don't know if he was briefed down here on it.

Mr. WOLFOWITZ. Senator, I think the whole world knew that there was prison abuse. Central Command announced the investigation, I think, January 16, and, I believe, in March—I don't know the exact date—they announced that criminal proceedings were being brought against some U.S. military personnel. The shocking part of it is when you see the pictures and you understand what is being talked about.

Senator DODD. I understand that, Mr. Secretary. I'm not trying to get down to the details. I'm just—about the candor and transparency. Now, I know when particularly a sensitive issue, like the Ambassadorship to Iraq is coming up, there's a Q&A period, and you go back and forth, and it goes to the point that Senator Voinovich is raising. This is where we begin to get ourselves in trouble. Sometimes it's not the act, it's the perjury that occurs. I'm not suggesting perjury was the case here, but it's usually being candid about what is going on, and how all matters are revealed, how they become—the public becomes aware of things. So what I'm trying to get at is whether or not John Negroponte was aware of the abuses, whether or not he had seen the photographs or not, whether or not, during the question-and-answer period of training and preparation for him to come up here, these issues were raised in any way.

Mr. ARMITAGE. I'll ask him.

Senator DODD. But you're not aware of it.

Mr. ARMITAGE. No, I'm not, sir.

Senator DODD. Let me, if I can, pick up very quickly on a question that Senator Sarbanes raised and the chairman wisely asked you to possibly amend answers, particularly with regard to contractors dealing with detainees or prisoners. How would you feel about just a direct prohibition of having contract employees involved in the interrogation of detainees and prisoners in Iraq? One of the problems, it seems to me here, is the lack of authority and direct control of some of these people. I guess there are 20,000 of them in the country. Do you have a quick response as to how you would

feel about such a prohibition against contractors being directly involved in the interrogation of detainees?

Mr. WOLFOWITZ. Senator Dodd, there are so many people trying to look into this and fix the problem, I wouldn't want to speculate. I do think it is absolutely essential—a lesson from this is not to have people involved in interrogation who aren't thoroughly trained and disciplined and know the rules and follow the rules. And if you could have a contractor that meets those qualifications, it might be better than having a less-well-trained uniformed person. But I think it absolutely brings home the importance of having disciplined, trained people doing the work.

Senator DODD. Mr. Armitage.

Mr. ARMITAGE. I don't know what the military manpower situation is, but to have this done without training and without oversight and supervision is not acceptable.

Senator DODD. Let me ask you about—there was apparently, in January of 2002, a memo from the legal counsel at the White House—Mr. Alberto Gonzalez, wrote a memo to the Department of State—wrote to the President and the Department of State, I guess—in which he says, "In my judgment, this new paradigm of terrorism renders obsolete Geneva's strict limitation on questioning of enemy prisoners, and renders quaint some of its provisions of the Geneva Accords." Were you aware of that memo?

Mr. ARMITAGE. Yes, I was aware of it as I came here today, because I saw our General Counsel look at it. I don't remember seeing it at the time, and I've heard, and I will have to check, and I think you will want to check, that that quote was disavowed, that it was in an earlier draft of a memo that was being prepared and was not in the final draft, particularly the comment about "obsolete." But you've now, or I've, adjusted my knowledge of this.

Senator DODD. Do you want to comment on what's your own reaction? I gather that the Secretary, the quote was, "hit the roof" on all of this. Now, this goes back to January 2002, more than 2 years ago. But it raises concerns on the part of many of us here that, in fact, prior to, actually, the commencement of hostilities in Iraq, that there was this preparation, a notion that we were going to sort of walk away from the rule of law. And I wonder if you might take an opportunity here, both of you, to comment on your general observations as to whether or not—whether he used the word "obsolete" or "quaint" here, and I'm not going to—if they say that's an early draft—what is your view regarding the Geneva Convention, Geneva Accords, and whether or not the United States ought to be adhering to its principles and its letter?

Mr. ARMITAGE. Whether you're talking Geneva 2 or Geneva 3, it seems to me that what separates us and allows us to listen to a higher standard is, where principle is involved, or we're deaf to expediency. And so my view is, we ought to always do the principled thing, and we ought to embrace these. They are protections for us, as well as for others.

Senator DODD. Mr. Secretary.

Mr. WOLFOWITZ. I agree with that, Senator. In fact, I think the U.S. military would view us as having a greater practical interest in the Geneva Convention than any other country because we count on them to try to protect our prisoners when they're de-

tained. I would emphasize that if we're talking about January 2002, we're in the context of post-September 11, and the issue of how you try to obtain information that could prevent a repetition of the September 11 attacks on the United States was not at all in anticipation of a war in Iraq.

Senator DODD. I appreciate that. But you can certainly appreciate the fact that this is unsettling. This wasn't a memo from some freshman law student who may have an ideological point of view; this is the counsel to the President of the United States in the White House. Were you aware of this memo?

Mr. WOLFOWITZ. No, I wasn't.

Senator DODD. Did the Department of Defense receive a similar memo?

Mr. WOLFOWITZ. I can't tell you. I can find out.

Senator DODD. I would appreciate it if you would.

[At the time of publication no response had been received.]

Senator DODD. General, do you have any quick comments on this?

General SHARP. Sir, we are 100 percent behind the Geneva Convention and the importance of it.

Senator DODD. Thank you.

Mr. Chairman, thank you.

The CHAIRMAN [presiding]. Thank you very much, Senator Dodd.

On this issue, as well as in the earlier one, if you would clarify for the record any further research you have on the counsel's memo, it is an important point, and we would appreciate your underlining that.

Senator Coleman.

Senator COLEMAN. Thank you. Thank you, Mr. Chairman. And, gentlemen, thank you for being with us today.

These are challenging times, and we appreciate your efforts. There has been a lot of discussion about the course we're on, changing courses. General Sharp, I think you described the approach that I would like to see. It's not about changing course; we need to stay on course with the transition on June 30, we need to stay on course with elections at the end of the year and the start of the next year. But we have to continue—I think these are your words—continually reassess, based on the circumstances on the ground.

Let me first just raise the issue of security. Obviously, the tragic killing of President Salim yesterday, can you talk to me a little bit about security, then, for folks on the Governing Council, American officials? Does that incident cause us to reassess circumstances on the ground and to change our course of conduct?

Mr. WOLFOWITZ. Senator, Iraq is a dangerous place. I mean, I visited in late October, and was staying in the Al Rashid Hotel, and we were rocketed. One American was killed, and four Americans and one Brit were seriously wounded. It's going to keep happening. I think this enemy we're up against believes that if Iraq gets its own government, its own security forces, they're finished, and so they're going to be doing everything they can in the coming months—not just until July 1, but at least up until elections—to try to destabilize the country sufficiently to prevent that progress from happening.

There's enormous heroism on the Iraqi side. These Governing Council members knew that they were targeted. One of their number, Akila al-Hashimi, was brutally murdered last fall, or late last summer, so they're real heroes. And, as I mentioned in my statement, some 350, by our count Iraqi security forces, police, civil defense corps have been killed fighting for a new Iraq, and my guess is the numbers are actually a lot higher. We keep very careful count, obviously, of our own numbers. I don't think we have the ability to do the same on the Iraqi side.

Senator COLEMAN. One of the——

Mr. ARMITAGE. If I may, there's—something new will be introduced on 1 July, and that is that these Iraqi forces, who have fought, in many cases, valiantly, will no longer be fighting for the occupiers, they're going to be fighting for Iraq. And I think many who are expert in the Middle East, and in Iraq particularly, have noted that this is a new situation, and it's not as if the Iraqis don't know how to fight, but they will have a little something different to fight for.

Second, on security, this is not generally what a State Department official would be talking about, but as we prepare for 140 State officers out there, we've got about 130 armored vehicles either there or on the way, we've got body armor ordered that will be there before 1 July, not normally things that State officers are having to do. But because the security situation is as it is, we have to take these precautions.

Senator COLEMAN. One of the enemies obviously still active is al-Zarqawi. Help me understand. Do we know where his dollars are coming from? Do we know where his support is coming from? Do we—kind of a multiple question here—have a sense of how he is perceived by Iraqis?

Mr. WOLFOWITZ. I think all we can say is there's money available both inside Iraq and some coming from outside. It goes to al-Zarqawi, among others. It comes from some of the same sources that fund al-Qaeda. Al-Zarqawi himself is called, I think, an al-Qaeda affiliate. I'm really not quite sure why we make these distinctions. He ran a terrorist training camp in Afghanistan, under bin Laden's direction, and then after the Operation Enduring Freedom, he fled Afghanistan, went to Iraq, has a number of ties to Iraqi intelligence, which seem to have grown thicker, although I emphasize—I should emphasize we know a lot less about these people than we would like to. They operate in great secrecy. It was a huge breakthrough when we captured Mr. Hassan Ghul, who was one of al-Zarqawi's senior lieutenants who was carrying a message from al-Zarqawi to one of his associates in Afghanistan. That's this remarkable letter that I think you've heard about and that I quoted in my testimony. We're pretty certain that al-Zarqawi has been working with former Iraqi intelligence officers and others in this fight in Fallujah, that he was probably there at least some of the time.

And, unfortunately, the fact is that it doesn't take large numbers of people, especially if some of them are willing to commit suicide, to do enormous damage.

Senator COLEMAN. Yes, about a month ago, we read the papers that Iraq was in the middle of an uprising, a civil uprising, al-Sadr

on one side, Sunnis on the other. I don't see much of that. I mean, my sense is that we're killing al-Sadr's folks, and he is not replenishing. Give me a sense of the situation in Iraq, vis-à-vis, civil uprisings. Give me a sense of that.

Mr. WOLFOWITZ. Let me make three points. No. 1, in al-Zarqawi's infamous letter, where he expresses a sense of desperation that if they can't destabilize the country before it gets its own government, they will suffer what he calls "suffocation," he identifies his principal target as being attacks on the Shia in an effort to create a Shia/Sunni civil war. And that would explain a number of the attacks we've seen, including the horrendous bombings in southern Iraq on the Ashura holiday, and they've been totally unsuccessful in creating a Sunni/Shia civil war.

No. 2, with respect to al-Sadr, we think it's a very different situation, that, in fact, as the Shia majority have come to understand, that there will be resolute action taken against him and his forces. Not only are we reducing his forces in number, but, equally importantly, we're getting more and more of the population coming out and speaking against him.

On the worrisome side, I guess I would have to put on the table that up north, particularly in Kirkuk, which is a mixed Kurdish Arab city, we have had remarkable good luck over the last year in preventing what we've always feared could be a source of real ethnic violence. It's a little troubled right now, and it's one of the situations we're looking at closely. You know, we always get—we come up here, we try to emphasize some of the positive things that are happening. We're not trying to suggest, by any means, that this is a rosy scenario, but we do think that Iraq is moving forward toward self-government and self-defense, and that's the key to winning.

Senator COLEMAN. Do I have time for one more question, Mr. Chairman?

The CHAIRMAN. Yes, you do.

Senator COLEMAN. There was a statement by Ayatollah al-Sistani recently saying it would be permissible—and this is his the statement—"permissible to demand the withdrawal of all military vestiges from the two cities and allow the tribal forces to perform their role in preserving security and order." What do you make of that statement?

Mr. ARMITAGE. We see a lot of statements attributed to Ayatollah al-Sistani, and if he made that one, I'm not sure—but we've looked at it as a not-very-veiled reference that Muqtada al-Sadr ought to get out of Najaf and Karbala, himself, and particularly stop using holy places to store weapons and to foment violence.

Senator COLEMAN. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Coleman.

Senator Biden.

Senator BIDEN. Thank you very much. The reason he's going to me, I didn't ask any questions yet. I apologize.

General, let me ask you, if I may, to begin with, and this is a serious question, and I'll put it in context, because if I just ask it, it will sound strange. I remember when General Joulwan, in the Clinton administration, was put in charge of our effort in the Balkans. And I remember being in a meeting and he was asked, and

I'm paraphrasing, do you have enough troops? And his response was, "That depends on my mission, Mr. President. So what is my mission?" President Clinton said, in effect, what do you think the mission should be? The general said, well, the mission is obviously force protection, No. 1. We have a mission to protect our own forces there. And, No. 2, do you want me, Mr. President, to go and capture the war criminals who have been indicted? Do you want me to guarantee the security of several-hundred-thousand people who have come down from the hills? Do you want me to disarm the populace? Do you want me to—and he went down the list. And he said, for all of those, I'll need *x*. And the President says, no, not all of those. So it's *x*-minus.

So what is the mission? Is the mission of our force in Iraq, does it include civilian policing of Iraqi neighborhoods? Does it include fighting street crime, preventing kidnaping, catching thieves, as well as fighting insurgents? I mean, what is our mission? What's the mission statement you all have?

General SHARP. Sir, the mission is to provide a secure and stable environment for Iraq. That encompasses several things right now. Clearly, killing terrorists and capturing terrorists. Second is working with Iraqi security forces to provide a safe environment for the people of Iraq in and among the cities. So, as you know, right now we patrol with Iraqi security forces, we train Iraqi security forces, and we are moving, in some cities, to be able to hand off a lot of that to the Iraqi security forces. So if you have to define——

Senator BIDEN. Do you have enough forces for the mission?

General SHARP. General Abizaid, General Sanchez, all the commanders on the ground—and I was there as recently as 3 weeks ago—General Myers asked this very question to all the division commanders there, and their consistent answer was, across the board, "yes," they have enough forces in order to be able to accomplish that mission, and are working hard to be able to get the security responsibilities handed off to the Iraqi security forces, and that's why you see——

Senator BIDEN. Well, who are you going to hand them off—excuse me for interrupting you—who are you going to hand them over to, general? There's no seriously trained Iraqi force now. I mean, this malarkey you guys came up with, that you've got 200,000 trained Iraqis, I mean, every single solitary expert, including your guys that we met with in Iraq, said, it's going to take 3 years to train 40,000 Iraqi military, 3 to 5 years to get up to the 79,000 Iraqi police needed. And you point out you're doing a good job now, you're going out and trying to identify leaders to lead. You know, you haven't had those folks. So you really don't have except in some places—it's spotty—some places, you have folks whom you can rely on. And that's why, it's been pointed out to me by our military, the insurgents are smart enough to go blow up the police stations and blow up the policemen and blow up people who are in line signing up to become police officers and/or join the military. I mean, you know, these guys aren't stupid. That's their target. And I'm not suggesting there are not plenty of Iraqis who want to do this. But, right now, the military I speak with—you know that old thing, I know I'm going to be asked names, and, off the record, I'm happy to give you the names. There's a number of Iraqi Americans

with families in Iraq who keep in touch with us. You know, I mean, all you've got to do is go to Detroit. And they say you still don't let your daughter out of the house, you're still not able to send her down to the corner store to get milk. You know, there is rampant crime. And all the evidence is, none of the Iraqis think that they have security. And it's not just insurgents. I mean, they're—everybody, like in Israel, is worried a bus is going to blow up.

So I want to know for example, is disarming the militias part of the mission?

General SHARP. Sir, let me——

Senator BIDEN. All militias?

General SHARP [continuing]. Talk to a couple of things. First off, to be clear, we are not going to hand off security on 1 July, writ large, across the country to the Iraqi security forces. As you point out, those security forces will not be nearly trained by 1 July. In fact, by 1 July, we'll have approximately 10 percent of the total required Iraqi police academy-trained, and another 20 percent trained by the shorter 3-week program that our military does throughout the country. We will continue the—and are continuing to accelerate the training both in Jordan and in Baghdad and in Irbil and than at the different academies across the country. There's been a recent change where we have really started focusing on training mid-level leadership, specialized training, so that Iraqis who want to take security responsibilities have the capability to be able to do that.

There is a CPA regulation out that says that you are not allowed to carry weapons without a card—you know, a weapons card. That has to be issued by the CPA or the correct authority. And as soldiers come and see people doing it, they are being arrested at doing it.

Senator BIDEN. I believe you. If I could interrupt, in the interest of time, general. And by the way, I think you know, you're on the right track. I'm not being critical of what you're trying to do. What I'm trying to get at is, seeing someone with a weapon, and arresting them, is very different than aggressively——

General SHARP. Yes, sir.

Senator BIDEN [continuing]. Going and disarming the population. What about the militias? I don't mean just al-Sadr's militia. What about the other militias that exist within the country? Is it part of the mission—I'm not saying it should or shouldn't; I want to know, though, is it part of the mission? Does a commander in the various regions in Iraq have, as a mission, to disarm the militias? Is that part of it?

General SHARP. Sir, the militias, if they are active—let me start with—we actively go out to try to find weapons caches, and work on every tip that we get from the Iraqis to be able to get at—not just if we see weapons on the street, but the number of cordons and searches, the number of raids that we do, consistently brings in a lot of different weapons across the board. We are actively trying to get at all of those different weapons out there.

Senator BIDEN. Do you have enough forces for that, general? I mean, we had 850,000 tons of open ammunition dumps that we didn't have enough soldiers to guard. So we obviously didn't have enough for the mission. I think that's right, 850,000 tons, it may

have been 900,000. We had helicopters, guys with night-vision goggles watching people go in and out, but we didn't have enough forces. Do we have enough forces now to be certain that—if there's any ammunition dumps that are still there, that we can either control them or destroy them?

General SHARP. Sir, every time we find an ammunition dump out there, we assess, No. 1, how quickly can somebody take things out of that ammunition dump? If it looks like it's the type of ammunition and weapons that could go against Coalition forces, we immediately secure them. Is that to say that they are all completely secured across the country? No, there are some that have been covered up so that they could not be stolen. But we find ammunition caches every day, and they're using our forces to be able to try to destroy those and guard those.

Senator BIDEN. Well, there are at least five major militias—the Da'wa Party, the Badr Brigade, the two Kurdish parties' militias al-Sadr's so-called army. Is it our policy, I'm not saying that we should or shouldn't, and part of the mission of Abizaid in Iraq to disarm the militias? That's my specific question for anyone to answer, including you, general. Is that part of the mission statement?

General SHARP. Sir, the mission is to not allow any of the militia forces to be able to go against the rule of law in Iraq.

Senator BIDEN. With all due respect, general, that's not an answer. The question is, do we specifically include in the mission statement the disarmament of the Da'wa Party's militia, roughly about 10,000 people, the Badr Brigade, roughly 10,000 militia—by your numbers; is that part of the mission? I'm not suggesting it has to be. Is that a mission? Is that part of the mission?

Mr. WOLFOWITZ. Senator, I think the correct interpretation of the mission statement that General Sharp just gave you is, that is not part of the mission unless it is necessary to bring them under control. And in the case of al-Sadr, it's proving to be necessary. In the case of the Kurdish militias, for example, it would give us—frankly, it would be a source of instability if we were to try to go out and forcibly disarm them. And, in fact, they have been a source of stability in many parts of the country—not one you want to rely on long-term, but the approach to those militias is to try, over time, to integrate them into new Iraqi security forces. And the real answer to disarming militias is to create an alternative security institution, and then the militias can go away.

Senator BIDEN. Just a real quick adjunct to that. Are we using the Badr Brigade or the Da'wa militia, allowing them to independently engage al-Sadr in Najaf? Now, it's one thing to integrate the militias into a U.S. command structure so that there is some cooperation. And it's another thing—and I'm not saying one's right or wrong; it's just a different thing—to essentially give a green light to one of the militias to take on another militia in Iraq. With regard to Najaf and al-Sadr, are any existing Iraqi militia engaged, given the green light, to take on al-Sadr?

Mr. WOLFOWITZ. You say engaged or given a green light. Engaged, they may do on their own. Green light means, I think, under our direction, our command, and——

Senator BIDEN. No, not command. Just say, go to it, guys, any way you want. Not our command.

Mr. WOLFOWITZ. Senator, that is precisely what we're trying to avoid, is——

Senator BIDEN. That's why I'm asking the question.

Mr. WOLFOWITZ [continuing]. We are trying to avoid it. I can't say that some—I mean, we're making a lot of—as Secretary Armitage has called them, audibles, and tactical commanders have to decide what is the best way to bring law and order, and I wouldn't want to rule out if, at some point, in order to deal with what you understand is one of our fundamental dilemmas in Najaf, which is——

Senator BIDEN. I'm truly agnostic in this. I'm just trying to get at——

Mr. WOLFOWITZ. I understand.

Senator BIDEN [continuing]. What the deal is.

Mr. WOLFOWITZ. And I'm trying to say, we're agnostic. The principle is to establish law and order in a disciplined way, and to do it without putting Coalition forces into the areas of the holy shrines in Najaf and Karbala. And that's why we're proceeding very carefully. We want Iraqis to do it as much as possible. We want regular Iraqi security forces to do it as much as possible. If some commander came and said, there's a militia force here that I would like to use, I'm sure it would be scrutinized pretty carefully, but I wouldn't rule it out as a possibility.

Senator BIDEN. Mr. Secretary, you look like you've got your uniform back on.

Mr. ARMITAGE. No, I don't dare, but just—there have been some reports of the Badr Corps, as far as I know, independently have conducted some, what I'd call, low-level operations against the Medhi army.

Senator BIDEN. Thank you.

I thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Biden.

Senator Nelson.

Senator NELSON. Senator Biden, I'm not nearly as agnostic. I think we're going to have to have more troops.

Senator BIDEN. Well, I'm not talking about the troops. I meant on the issue of whether or not we are engaging, using, and/or dealing with the militias of consequence in Iraq. That's what I meant. I wasn't making a statement. For purposes of the question, I'm agnostic on that issue. I'm not agnostic on the fact—as you may recall, I am literally the very first person here to call for significant increase in the number of American troops a year and 2 months ago.

Senator NELSON. Well, as you have been a mentor to so many of us, I agree with you on that issue. And that is a predicate to ask this question. Given the fact that we have seen, for example, when were ready to take on Fallujah, parts of the Iraq Civil Defense force melted away—I know we are going through the training; I've been to one of the training camps for the police in Jordan—but when it came time for the ICDC to perform, they suddenly vanished. That's one of the reasons that I think we're going to have to have more troops, not less troops. And I was somewhat concerned when I saw, in the London Times of yesterday, that the shift of focus seems to be from talking about forces staying in Iraq

as long as it takes to now that there's much of a focus on our forces leaving. And, specifically, the London Times is talking about that Blair and Bush are drawing up plans to speed the pullout.

Mr. Secretary Wolfowitz, do you want to comment about that?

Mr. WOLFOWITZ. I wouldn't believe everything I read in the London Times, or certainly not that one. We are looking at sustaining pretty high levels of U.S. forces, and certainly higher than we anticipated earlier, for some time. And I would add, we knew there were problems with the ICDC in Fallujah, the locally recruited one. The 36th Battalion of the ICDC, by the way, which was not a local battalion, did come to Fallujah, did do some pretty serious fighting. If you go up to Mosul, where General Petraeus' 101st Airborne Division trained ICDC, I think, more effectively than anywhere else in the country, they stood their ground and fought successfully and defended the government house in Mosul. So it's a mixed picture. What we believe is very important is that we think we know how to improve the picture in places like Mosul, from good to excellent, and in places like Fallujah, from terrible to, hopefully, at least moderate.

Senator NELSON. How did they perform in Ramadi?

Mr. WOLFOWITZ. Probably not very well.

Senator NELSON. They melted away.

Mr. WOLFOWITZ. And, in some cases, they helped the enemy. That's one of our problems.

Senator NELSON. Mr. Secretary Armitage, you know my——

Mr. WOLFOWITZ. Senator Nelson, if I might say, I mean, so everyone understands, Fallujah and Ramadi have been, since the beginning, the most difficult parts of the country with the most seriously embedded elements of the old regime there fighting us.

Senator NELSON. Mr. Secretary, you know my personal affection and respect for you. I want to pick up on a question that Senator Dodd was asking, and follow that. The media has reported that Secretary Powell expressed concern about the prison abuses to Secretary Rumsfeld. Would you pick up on that and tell us what you know?

Mr. ARMITAGE. I don't think my job is to exactly say what Secretary Powell said to any of his Cabinet colleagues. However, since he himself has said that when he was informed of these by Mr. Kellenberger, of the ICRC, and laterally he actually received a report through CPA in February, he raised these with all the principals, not just Secretary Rumsfeld, as well as with the President.

Senator NELSON. And that was when?

Mr. ARMITAGE. February.

Senator NELSON. Let me ask you, regarding Iran, Iran has been making some noise regarding the U.S. presence specifically fighting the Shi'ites. What have we communicated to and with Iran on this subject?

Mr. ARMITAGE. I think yesterday or the day before, they made some very strong noises about this, opposed to any violence to any Shia. This was the loudest noise that they've made recently. We have communicated to them, in no uncertain terms, that the solution to the question of Muqtada al-Sadr is one that doesn't need their active involvement in any way. We've also said that we are watching their activities in the south, particularly provision of

money to certain clerics who try to win favor, and we view it with disfavor, and they would be judged by their actions in the south.

Senator NELSON. Would you feel comfortable, in this setting or closed setting, of sharing with us some of the specific communications and how it's been received by Iran?

Mr. ARMITAGE. We normally, except for the time—the recent event where the Iranians came to Baghdad and had a very businesslike discussion with the British and our representative about the question of Muqtada al-Sadr. We normally communicate through the Swiss, and I'd be glad to come up and show you the tone and tenor.

Senator NELSON. And would you also, at that time—and I would welcome that—also talk to us about to what degree are we getting through to Iran that they should be stopping their nuclear program?

Mr. ARMITAGE. I'll be glad to discuss that now. We, along with our European friends, have—we have been skeptical from the beginning about their willingness to stop the nuclear program. Our European friends have been somewhat less skeptical. But, in recent months, given the difficulty that the IAEA has had in getting Iran to do what they said they'd do, ratify the additional protocol and throw open to inspection those things which need to be thrown open for inspection, and say there's a gathering feeling in Europe, that they're hiding, and they're holding something out.

Senator NELSON. You are going to be getting a letter that Senator Ensign and I are now circulating for signatures on this subject. It's addressed to the President, but I'm sure that you all will weigh in on it. And this is something that I would like to followup in detail, perhaps in a closed session. The concern of the interests of the United States being threatened by a nuclear Iran, of course, is enormous.

Could you tell us something about, Mr. Secretary, the corruption in the ministries in Iraq?

Mr. ARMITAGE. There is a lot of speculation in the very free Iraqi press about this. Anyone who's seen participating in the Governing Council is, at one time or another, as far as I can see, accused of these matters. There are some investigations which are ongoing, which I would prefer not to mention here and would refer you to IGs and others. But I think there's a lot of speculation that makes it seem that it's a lot higher than it is. Having said that, there's no question, some people have used their positions to enrich themselves or people around them have used their position to enrich themselves without, necessarily, reference to the principal.

Senator NELSON. Either you or Secretary Wolfowitz, would you care to comment about the cutting off of the payments to Mr. Chalabi?

Mr. WOLFOWITZ. That was a decision that was made in light of the process of transferring sovereignty to the Iraqi people. We felt it was no longer appropriate for us to continue funding in that fashion. There has been some very valuable intelligence that's been gathered through that process that's been very important for our forces, but we will seek to obtain that in the future through normal intelligence channels.

Senator NELSON. Mr. Chairman, thank you.

The CHAIRMAN. Thank you very much, Senator Nelson.

Senator Corzine.

Senator CORZINE. Thank you, Mr. Chairman. I appreciate the hearings you're having. I think the topics on the table are absolutely essential for us to explore.

I have to say, I'm a little out of sync with some of my colleagues. I think there is a basic question that I think needs answering, and it is, are we ready for anything that looks like a credible transfer of sovereignty on June 30? I just don't understand how we can be so bent on it, when we don't know—we're told that sovereignty would include the ability of the Iraqis to formulate foreign policy and diplomatic relationships, and then I wonder how they're going to deal with the Iranians post-June 30. I don't understand what it means to transfer sovereignty when the command and control of prisons is not yet identified, if I heard a response to Senator Hagel's questions earlier-on and questions about contracting and projects, which, at least under Secretary Armitage's comments, said would be under the control of Chief of Mission that would assume the ultimate authority for all the projects and contracts as of July 1.

Mr. ARMITAGE. For U.S.-appropriated money, sir.

Senator CORZINE. Right. Well, are the Iraqis going to be able to make that distinction and understanding with regard to how that operates, either with regard to contractors or major projects that are going on? I think a failed transfer runs grave risks for the long-run potential of success of providing a stable and democratic Iraq over a period of time. And it may be good politics to make sure that we no longer have occupying power after our name, but if it is a puppet regime or if it is ineffectual, it may end up setting a framework for failure in the long term. So I'm really troubled by it, and I make that more of as a statement than—I do have serious questions about how they formulate foreign policy and diplomatic representation in conjunction with how you're going to deal with the Iranians if they get in.

Mr. ARMITAGE. Thank you, Senator Corzine. I followed very closely your very excellent questions to my colleague, Marc Grossman, and these are clearly a follow-on to that, so you've had these concerns for some time.

You're dead right, as far as I can see, an ineffectual or faulty transition would be a disaster for us. A puppet would even be worse. The TAL annex, which is to be written bu Iraqis, is going to contain the duties and the responsibilities of this caretaker government until January 2005. It is not an elected government, which has been remarked upon by all concerned, including Ayatollah al-Sistani. And as it's not a truly representative government, it has to be somewhat careful and circumspect in what it actually does.

Ambassador Brahimi envisions that this government will run the operations day to day. What does this mean in foreign policy? They'll send out diplomatic communications. They could, in theory, establish relations with Iran over time. I'm sure they will. All the other neighbors have relationships with Iran. They make their own autonomous judgments, they run their budgets, they take their money from the oil, and they distribute it to meet their budget

needs. So in everything, I think, except the ability to make long-range, lasting agreements, which tie the hands of a legally elected or a democratically elected government, they will have full sovereignty.

Now, that's not Rich Armitage's view. This is Secretary Brahimi's view. This, I believe, is the view of the leading Iraqis who want to be sovereign, but don't want to have binding agreements in the long-run signed by somebody who's going to be there for 7 months.

Senator CORZINE. Well, it may not be treaties and long-run policies, but it is the opening for dialog that might be contradictory to establishing security and stability on the ground in southern Iraq, as we were just commenting on in another dialog. I just think my point really gets at that this transfer of sovereignty doesn't feel, to this Senator, as fleshed out in detail in a way that the American people, or at least I could convey to the people that I represent, that it has been challenged. And I don't know whether there are any contingency plans if it doesn't work. You know, is there serious thinking about what happens if a lot of these questions, which are reasonable for indefinite answers at this point, although we are only 44 days from this so-called transfer. Are we dealing with contingencies if this comes unwound?

Mr. ARMITAGE. I would—at the risk of being seen in your eyes as a wise guy, I'd say I prefer to look at this somewhat like people look at the music of Wagner; it's better than it sounds. It may be better than it sounds, particularly if the people of Iraq buy it. That's what's important, by the way.

Senator CORZINE. I couldn't agree more.

Mr. ARMITAGE. And if the leading lights in Iraq, and intellectuals and the academics, if they see it as a way forward, which dramatically makes the points that we're not occupiers, we're liberators, and as soon as they stand on their feet, we'll remove ourselves as soon as they can provide for their own security.

Regarding plan B, I guess is what we often hear, there have been a lot of speculations about what a team B might be, an expanded Iraqi Governing Council, the existing members can bring in some more to be a caretaker government. Each of these, in the words of our former Chairman of the Joint Chiefs of Staff, Hugh Shelton, "have a lot of hair on 'em." This has got the least hair on 'em. And I think we really need to try to see this thing through, particularly as we've got such a distinguished and able diplomat as Lakhdar Brahimi, backed up by the United Nations.

Senator CORZINE. May I switch gears? I think I have time for another question.

Yesterday, there was an article in the L.A. Times about a remarkable deal in Fallujah. A Fallujah Brigade now controls the city. I had a comment that, you know, I'd love to hear whether you all agree with, or don't. I know you can't believe everything in the papers. But Fallujah is, for all intents and purposes, a rebel town, complete with banners, proclaiming a great victory, and insurgents integrated into the new Fallujah Brigade. And, as we know, we haven't accomplished bringing to justice those responsible for the killing of the contractors. Is this a model? As I read in the testimony, "Indeed, dialog in cooperation with Iraqi leaders about situations in Fallujah and Najaf, it's been essential in moving toward

resolution in both places." Is this a model that we think is working? Is this something that we can look forward to, to be implemented in how we integrate militia into future security arrangements in the Iraqi forces?

Mr. WOLFOWITZ. Senator Corzine, I think it's too soon to tell, and the marines on the ground would tell you it's too soon to tell. And one hears reports like the one you described, and one hears some more positive reports—for example, what General Latif was doing just in the last 2 days. It will not be acceptable for Fallujah to become, again, a sanctuary for enemy fighters, and there are a number of red lines that the marines have laid down, and we'll have to see how that brigade performs.

If I could go back to the question you asked Secretary Armitage, I think it would help the American people a lot if you explain that July 1 is just the first step in a process, and one of the most important steps is the one Senator Biden correctly identified, which is elections. That's going to be one of the keys. I think it also helps if you think of it—at the risk of maybe—I don't mean this at all condescending—but when you're teaching a youngster to ride a bicycle, you don't keep your hand on the seat the whole time. At some point, you have to take it off. In fact, the Iraqis have been assuming a great deal of responsibility already. I think 11 ministries are under Iraqi direction. There are very talented Iraqis. Their Foreign Minister is a very impressive man—the current Foreign Minister. I don't know if he will continue in that job.

At some point, and sooner rather than later, it's important for them to make their decisions, it's important for them to feel it's their country. I agree with what I think was the thrust of Senator Biden's comments, that that will make the situation safer for our forces while they're there, and make it possible for us to leave sooner rather than later.

I think it might also help the American people to realize that we've been in a similarly uncertain process in Afghanistan since December 2001, when a virtually unknown man named Hamid Karzai was selected by the same Ambassador, Lakhdar Brahimi, to lead the Afghan transitional administration, and it's been successful—I think, remarkably successful, because that wasn't the end of the process; it was the start of a process, and that process has led to a successful constitution for Afghanistan, a process that will lead to elections in Afghanistan.

But let's be clear, I mean, democracy doesn't mean——

Senator CORZINE. It's also been very flexible with respect to a time table, too. There have been slides and slippages and movements and changes.

Mr. WOLFOWITZ. And we need to be prepared to call audibles, as Secretary Armitage said. But we also—the purpose of all of this is not to meet any timetable of ours; it's to develop confidence on the part of the Iraqis that we're not there to take over their country, we're not there to seize their oil; we will stay while they need us, but they need to step up and take responsibility. And when they do so, they will make some decisions that we don't like. You know, we have a terrific ally in South Korea, a democratic ally, that has its own views about security on the peninsula, its own views about how to deal with North Korea. We're much better off for having a

democratic ally than having some American puppet that does exactly what we say.

Senator CORZINE. I would concur with the analysis with regard to Korea. I think it took, what, 50 years, 30 years? It took——

Mr. WOLFOWITZ. It's still in—very much in the——

Senator CORZINE [continuing]. A very long time.

Mr. WOLFOWITZ [continuing]. Walking stage, but you've got to walk at some point.

The CHAIRMAN. Thank you very much, Senator Corzine.

Senator Biden and I have just a couple of questions each, and then we will conclude the hearing.

Let me ask this basic question. Many scholars who have appeared before our committee have talked about the whole proposition of whether Iraqis feel like they want to be Iraqis, as opposed to Kurds or Sunnis or Shi'ites or members of Arab tribes. And this becomes a crucial question at the point that sovereignty passes on to the Iraqi people. As we turn over more authority, as we will be doing, to Iraq, what is your own basic assumption about the nationhood status, as opposed to the worst-case scenario? In this worse-case scenario the Kurds or the Sunnis or others do not find the arrangements satisfactory, either in the interim period or in the constitutional formulation, and, as a result, want a carve-out, or want separatism, or want their own situation, and are prepared to fight about it and create if not a civil war, at least elements of instability purely by their desire to not be coopted?

Mr. ARMITAGE. This possibility certainly exists, and we're very alert to it. And during the whole discussion of federalism, we were alert to it—and federalism, which devolves power to more local communities, but one that's based not on ethnicity, but on location, is where we went. I think we're somewhat heartened that, thus far, even in the face of someone whose avowed intention was to bring about civil war—al-Zarqawi—that we haven't had it. And even in very troubled places where the Sunnis had displaced the Kurds in various cities and taken their lands under Saddam Hussein's rule, the violence that one would expect to occur after that has been somewhat lessened, partially because IOM and others have been in there working hard, but partially, I think, because most Iraqis are willing to give it a ride and see where it goes.

Mr. WOLFOWITZ. Senator Lugar, I had a—actually, it was the same day that we were in the Al Rashid Hotel when it was attacked. That evening, we had dinner with Abdel Aziz al-Hakim, the head of the SCIRI organization, the younger brother of Mohammed Baqir al-Hakim, who was brutally assassinated in Najaf last August. This was late October. And I said to him that I thought there was a lot that Iraqis might profitably learn from our Constitution about the rule of law, separation of powers, and so forth; that I thought that they had two problems that are uniquely Iraqi that we probably couldn't help them much on—one was the issue that you're alluding to, of regional separation, and the other, I said, is the role of religion. And I was, frankly, surprised when he showed enormous knowledge of our Constitution. He said, "No, I think your Constitution has the answer to one and a half of our two problems," and he proceeded to explain that the answer, in his view, to maintaining the unity of Iraq is what they call "regional fed-

eralism," federalism that's based not on a Kurdish bloc and a Sunni bloc and a Shia bloc, but, rather much more local autonomy. And I do think a key part of holding that country together is to convince Iraqis that it's not going to be held together in the old-fashioned way, it's not going to be held together by a brutal central rule from Baghdad, that people will have a great deal of local autonomy. And I think the second part is to convince them that, nonetheless, there are real benefits to being Iraqis, that there are real benefits that flow from that relationship. And a Kurdish friend of mine, who is a prominent leader in the PUK, said, some time ago, "There's no reason why I, as an Iraqi Kurd, shouldn't be able to be a leader of this country." I think the challenge is going to be to make sure that those sort of possibilities are open, and that it doesn't become a monopoly of a single group, whether it's the 65 percent Shia majority or the old Sunni Ba'athist minority or any other single group.

The CHAIRMAN. It's a very important conclusion. And I think all of our hopes are that the Iraqis will continue to counsel with us, despite the polls that have been given that they don't really care for us, and that they want us out of there. I hope, at least in this respect, that there will be some consultation, for our benefit. We want a stable, whole Iraq, and we think that they will, too. But ultimately, as we've suggested, the Iraqis are going to have to decide what they want for themselves. There's a lot of debate still to go on within the country.

Now, let's take the other side of this, that we don't have civil war, but, in fact, there is a sense of being Iraqi. The compromises are made and a degree of federalism is achieved. For some time to come, as the army is vetted and trained, as arms and equipment come to them from whatever source, there will be external dangers to this country. One of the reasons for Coalition security forces has been to make sure that no one else intruded. Well, we've tried to do this—whether it be preventing terrorists from Syria or Iran from joining the insurgency. But we also must contemplate—leaving aside terrorists—that other countries, surrounding countries, because they don't like the way things worked out in Iraq, decide to intrude, either formally or informally, covertly or overtly in the affairs of Iraq. At some point, the security situation takes on, then, a very different view. It's not simply the taking down of insurgents of unstable people in cities in Iraq, but it then becomes a question of Iraq as an area that becomes an incubator for terrorism, or a no-man's land or a nation that cannot become truly sovereign or self-determined. What sort of thought have you given to this? In other words, pinning down the worst scenario case, how does Iraq remain Iraq, at least as far as we're concerned, as opposed to someone else's playground or a target of invasion or incorporation by others? We've been through this many times, discussing the Kurds, but they're not the only group that has thought of a greater expansion that doesn't know the boundaries, or doesn't respect them in the same way that we do. What kind of planning effort or thoughts on the security side come to this issue?

Mr. WOLFOWITZ. I think—with respect to the danger of external invasion, I think this new Iraq can count on international guarantees of a kind that might not have been available in the past, and that certainly need a 400,000-man army—I shouldn't say it

doesn't—hopefully, there can be arrangements that avoid having to have a 400,000-man army to protect it from its neighbors.

With respect to what you, I think, talked about as, sort of, covert influences from outside, which is one of the problems we're dealing with today, most of those ultimately have to take the shape of an internal security threat of some kind. And I think what we're counting on is that, as Iraqis develop the capacity to provide for their own internal security, very few of them, I think, want to see Syria influencing things, or Turkey influencing things, or Iran influencing things, and certainly not doing it at the point of a gun.

The CHAIRMAN. But we trust they will have the ability to repel that, I suspect. That's axiomatic, to make sure it doesn't happen.

In the U.N. resolution that we're attempting to work with, should there perhaps be a clause that indicates that the international community would come to the rescue of Iraq in the event that there was an external effort to terminate this country or to invade it? In other words, you've mentioned that the international community would not look kindly on this. Well, that's quite true. But isn't this the time, really, to formalize what the international community is prepared to do about that? And by that, I mean the whole community, not just the United States.

Mr. ARMITAGE. I think my initial impression of that idea, Mr. Chairman, is that somewhere in the hortatory language of the—or the preparatory paragraphs, if you will, of the U.N. Security Council resolution, you could express views about territorial integrity and all of that, and the need to respect it, and how we'd view with disfavor anything against that. But in the operative paragraphs, I think you'd find it very difficult to keep the Security Council onboard with some sort of ironclad, "We will do *x* if *y* happens." I think that would actually complicate matters if we put that in one of the operative paragraphs.

The CHAIRMAN. Well, I agree it would. I'm just concerned about the fact that we have already had great difficulty with the Security Council, in terms of responsibility. And clearly if we are to attempt to move on to Iraqi sovereignty and a lesser United States role, and others have not stepped forward, despite all the invitations, it would be well to discuss this in advance.

Mr. ARMITAGE. Oh, indeed, it will be. I have no doubts that your comments will be viewed with great interest. I would note, Mr. Chairman, that, on Iraq particularly, we've had three 15–0 votes in the Security Council since our one failure prior to the war. So there's a great deal of comity of views out there on the need to get it right.

Mr. WOLFOWITZ. Mr. Chairman, it strikes me that what you're suggesting certainly should be the goal, going forward. I'm not saying tactically. I can't judge whether this next resolution will bear that load or not. But it seems to me putting that idea forward and moving toward it over time is certainly something that we ought to be trying to accomplish.

The CHAIRMAN. Perhaps Ambassador Negroponte, in both of his hats, as it turns out, might offer this counsel during the course of his work at the United Nations, prior to his going to Baghdad.

Mr. WOLFOWITZ. I might add, we're very lucky to have him.

The CHAIRMAN. I agree.

Senator Biden.

Senator BIDEN. Thank you, Mr. Chairman.

Gentlemen, I've been impressed with this hearing, more than any other that we've had, or other committees have had, at the more willingness to acknowledge things that we miscalculated. And I think that gives the American people some confidence, because obviously everybody knows things aren't going as initially planned. And that's an oversimplification, because, up to now, there has been, steady as we go, we're doing great, things are OK. It's like I said to the Secretary, I think it's like that Calypso song that was popular years ago, "Don't worry, be happy." You know, I mean, everything's fine. And you guys, today, more than any time that I recall here in the last several months, have said, well, you know, we need some changes, we miscalculated. For example, you said, Secretary Wolfowitz, you certainly are there—"We're going to be there longer, and with more forces than we thought initially," and so on.

I say that as a compliment. That's not a backhanded criticism. I want to emphasize, but I think it leads people to say, OK, you know, these guys get it. They acknowledge there's got to be some changes.

But what I don't get a sense of, because we didn't get to specifics, and maybe it exists, is, for lack of a better phrase, there seems to be a little bit of a lack of imagination right now about doing what I hope we all agree needs to be done. We've got to change the mindset here of the American people about the possibilities of success; the Iraqi people, about the genuineness of us wanting to hand it over to them in an orderly way so they can succeed; about the region, looking at our motives; about the Europeans and Asians, how they think of us. And I understand we can make a legal case that existing U.N. resolutions give us essentially a Status of Forces Agreement already, authorize us to do a number of things. But what I'd like to plumb for just a few minutes here is the use of the resolution, the purpose of the resolution, not only substantively, but diplomatically in a much larger sense. What do we want to communicate—not just factually accomplish, but strategically, in the diplomatic sense, accomplish? And it seems to me that one of the things that would be very important is to get a new U.N. resolution that specifically authorized a multinational force and, if possible, assuming we could do the preparatory work, under a command that was not specifically U.S. command, but, in fact, U.S. command. I can only think of one outfit: NATO.

It would seem to me it would be useful if we were able to, in that U.N. resolution, be able to get named, essentially, a referee, so the only major figure with whom there was any discussion was not the Iraqi acting government and Mr. Negroponte, so there's somebody else in there—I mean, and not just generically, but somebody. It would seem to me to communicate this notion, Secretary Wolfowitz, that the elections are the grail we're holding out to be accomplished, that the more detail we can put into the resolution, the longer its political legs, the better our chances of success. In raw street terms, its going to be hard for these guys to be seen to cooperate with us in order to get it right, because of the nature of—a thousand reasons—culturally, all the way from there to the specific incidents at Abu Ghraib prison, and everything in between.

And so in order to get those bigger pieces done in a resolution, it seems to me there is a practical need at various levels to give up some of the total control of the political situation and the political future of Iraq. That's why I've been toying with this thing. I've been banging it around. I know State is banging around other concepts. I suspect Defense is, as well, whether you call it an international support group, a board of directors, a contact group. But in order to do any of that, when I speak to these leaders, whether or not they're foreign ministers of our European friends and friends in the region, or the heads of state that I've had the opportunity to speak to, they all basically come back with one thing, "Well, we want a piece of the action," meaning the political decisions. They want to actually sit down general, and you actually work out a document that specifies what role they would play in Iraq. I mean, it's not generic. It's very specific. I mean, you know, you don't fly spec everything, but it's very specific. That same kind of interchange, with whomever I speak with, whether it's the Brits, the Germans, the Belgians, the French, the Italians, the Jordanians, the Egyptians. They all are looking for a chance to sit at that table and actually bang out with us, OK, here's the deal. This is the political game plan. These are the steps, these are the objectives. As opposed to being asked to sign on to a well-thought-out—arguably—plan that we've come up with that sets election dates, transition dates, you know, and so on.

And so, for example , I was told, before I came in, one of the Secretaries indicated that we've already turned over de facto sovereignty to 17, 10, 12 Iraqi ministers.

Mr. ARMITAGE. Eleven.

Senator BIDEN. Eleven. And so, for the voters, our citizens who are listening to this, by that it's kind of like turning over the Commerce Department to, you know, control of the Iraqis, turning over the HHS to whatever. I mean, we've done that in 11 of the 25 or so ministries, correct?

Mr. ARMITAGE. Yes, sir.

Senator BIDEN. I think it would have been a pretty good idea if we had sat down with some of these other folks and said, how do we want to do this?—this, sort of, international board of directors. I'm not trying to make this rocket science here, but somehow we've got to get other folks in to get our face off of it. And so on July 1, or shortly thereafter, I don't want it to be an American-led occupation force. I want it to be something else other than American-led occupation force. It will be de facto American. We're going to be the only ones that have the troops there. Even if NATO comes on, we're talking a handful, in relative terms—three, four, five, six, seven-thousand folks over several months. And I don't trust "blue helmets" going in there. I don't want to go through another Bosnia at the front end again.

So I can't come up with anything other than NATO. But I'm convinced, if we don't come up with that, it ain't gonna work if it's just us. So that's why I think we need some specific mention of some entity where there's some political power, if you will, shared in the military occupation force. Am I making any sense? Not do you agree, but do you understand what I'm trying to get at?

Mr. ARMITAGE. Yes.

Senator BIDEN. What are you thinking about along those lines?

Mr. ARMITAGE. Well, I'm listening to you very carefully, and some of the things you mention we've discussed and others have discussed, such as a P5 plus the neighbors as a contact group, for openers. One of the difficulties we've had is, Lakhdar Brahimi is working night and day to fashion this interim government, and he's not able to turn his attention to that. We've had discussions with him. Iraqis have had discussions with him. This is even more important. Or maybe you want it P5, plus neighbors, plus EU.

Senator BIDEN. Yes.

Mr. ARMITAGE. We've recently had discussions with the EU on this. So I'm not sure that any of us are off the page. We're all on the same page. Whether we're going fast enough and are imaginative enough, I don't know. We've had discussions with de Hoop Scheffer, in NATO, about this. And I would characterize him as very interested—the Secretary General—in this matter. Not ready to take it on, doesn't think the body's ready yet.

Senator BIDEN. But here's where I am.

Mr. ARMITAGE. But we don't let him walk away from it.

Senator BIDEN. Well, look, and this is—I apologize, I'll finish this in a second, Mr. Chairman. A high-ranking and by definition, the Foreign Minister is high-ranking—a Foreign Minister of one of our major NATO allies was here in recent weeks. We had a private meeting with him, and I raised NATO——

Mr. ARMITAGE. I'll do the investigative work and figure out who this was.

Senator BIDEN. You know, I mean, it's pretty obvious, but I don't want to—well, he told me, "No, no, NATO, we can't do that, we can't do that." And I said, by the way, the President of the United States gets on a plane and went to your capital and said, Mr. Leader of this country, I want this. Could he say no? And he said, "Don't do that."

The truth is, the only person that can do this now is the President. Every single solitary person, from four-stars to Under Secretaries to Secretaries, can't do it. They're going to get——

Mr. WOLFOWITZ. Not even Deputy Secretaries.

Senator BIDEN. Deputy Secretaries can't even do it.

And you are an incredibly competent person. You can't do it, because they don't want to do this, they don't want to wear the jacket, they don't want to get into the deal, but they know they're going to have to get into the deal. And so does the Defense Department support the notion of literally creating a contact group that actually oversaw the political transition? Would you support that at Defense? Or have you talked about it?

Mr. WOLFOWITZ. It's a general—let me put it this way. I certainly agree with the spirit of what you're suggesting, and we have been eager to get a larger NATO role. We'd love to see a larger NATO role. I appreciate what you said earlier on, that it may only generate three or four-thousand additional troops, but that it's symbolically important. I think it is important, by the way, on that point, for people to be realistic. I don't think anybody's going to want to put a lot of troops into Iraq and——

Senator BIDEN. Absolutely not.

Mr. WOLFOWITZ [continuing]. Until the killing stops.

Senator BIDEN. Absolutely.

Mr. WOLFOWITZ. We and the Iraqis are stuck. But I think the symbolism is important. I think, especially at this stage, we ought to be careful about deciding, ourselves, who's an appropriate contact group. The Iraqis have a lot to say about it, and——

Senator BIDEN. Well, no—by the way, you know, in the beginning I said I would include the Iraqis in determining who that should be. I don't want to——

Mr. WOLFOWITZ. I think the spirit of it, we agree. And one of the reasons—we agreed very strongly that anything that puts U.S. troops in the background instead of the foreground, that reduces the appearance that we're there as an occupying power, that reduces the appearance that we're there unilaterally, I think, improves our chances for success.

Senator BIDEN. OK, well, I'll conclude Mr. Chairman, because—and I'll followup——

Mr. WOLFOWITZ. Let me just say, you know I—I mean, more than 30 countries are there with us, and——

Senator BIDEN. No, I know.

Mr. WOLFOWITZ [continuing]. Those are the countries that really, I think, need to get pride of place in anything we do.

Senator BIDEN. Look, I don't give a damn about anybody else's pride or place anymore. The only pride I'm worried about right now is the Iraqi pride, because unless we figure out how to satisfy the Iraqi pride, we're all in deep, deep, deep, deep, deep, deep, deep trouble. And so what I mean by Iraqi pride—which is a way for me to conclude, Mr. Chairman—is that, guys, the new President, the new Prime Minister, the new Vice President, they ain't gonna want to hang out with you. They're not going to want to hang out with you. You need to give them an excuse. You need to give them a strawman. You need to give them something for them to say, something's changed here. You're still going to have the same 140,000 American troops there. They're still going to be your guys, general, and it's still going to be their job. But you've got to have an excuse. You've got to have an excuse. Take it from a plain old politician, who got elected to this place when I was 29. I may not know much, but I know politics. You gotta give 'em an excuse. No kidding. I'm not joking about this.

And so what happens here is, I think we think too much, to use a trite phrase these days, inside the box here. For example, if I could wave a wand, I'd find a NATO general who's not an American, who headed up the force in Iraq. He still has Jonesey looking over him. Jones still runs the show. He's still the Supreme Allied Commander. I'd want to see somebody in a bright, different-color uniform standing there. I don't care what country he's from. Because you've got to give these guys an excuse, fellows. If you don't—if you don't—I respectfully suggest this is not going to work. It's a little bit like when, God forbid, a woman feels a lump in her breast, she knows, God, the best thing to do is immediately go to the doctor, immediately get it checked out. Or a guy's having trouble, and they think it may be prostate cancer, he knows he should immediately get it checked out. But what do we do? Human beings go, aw, aw, it's OK. It's all right. Because if you go, you're afraid of the answer you might get. That's human nature.

Well, you know, that's where most of our friends are, our European powers; they know they've got to get in the game, but they're going to do everything to not go to the doctor, and the doc has to show up at the house and say, you need the exam. The doc, his name is Bush. He's the doc. He's going to show up on the doorstep. He's going to say, look, we need this. You need this. I'm willing to deal. Not on the essentials. I'm willing to lay out and be part of a negotiation of how we move from here. But this is a deal.

Because, for example, a question—when we talk about Iraqi forces, can Iraqi forces opt out of an operation? I don't worry about that, because I have no faith in their forces anyway. I worry when they can opt us out. Can a new Iraqi government say, whoa, boys. No, no, no, no, no. No Fallujah, no this, no that. That's a different question. I won't get into that now.

But the point I'm making is, the President has to be the doctor here, fellows. Because each of these countries know they can't afford us to lose. And I strongly recommend, for what it's worth, that you'd better figure out—I don't mean you, particularly—the administration better get together in a game plan specifically—not generically—how we're going to get other people in. And I know—I have great respect for the troops that are there, Paul, from the 29 or 30 other countries, I really do. But come home with me. Nobody knows they're there. Come with me out to Missouri, where I was last week. Nobody knows they're there. When they leave, they don't even know they left. And so we've got to get some of the big dogs in the pit, even if they just hang out. Don't do anything, just hang out. Because you've got to change the face of this.

Anyway, I appreciate your time. Thank you, Mr. Chairman. And, with your permission, gentlemen, I may just drop you—not even for the record, but I'd like to importune you on the telephone about some specifics that we haven't had a chance to get to here.

Thank you.

The CHAIRMAN. Well, thank you very much, Senator Biden.

I agree with your earlier comment about the participation of the committee members today, the interesting questions that were asked, and the important responses that we received, which have furthered our understanding. We appreciate your time and your patience. I think this was a good example of congressional oversight, and it will continue tomorrow. We look forward to another hearing on Iraq with people outside of our government who may offer us some constructive advice.

We thank you, and the hearing is adjourned.

[Whereupon, at 1:05 p.m., the committee adjourned, to reconvene at 9:30 a.m., Wednesday, May 19, 2004.]

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD

RESPONSES OF HON. RICHARD L. ARMITAGE TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RICHARD G. LUGAR

Question 1. When the Senate calls up the State Department Authorization Bill, we hope to consider amendments that would target funds for Iraq. Until then, the Administration has indicated there are unfunded requirements to run the new U.S. Embassy in Iraq. Specifically, Secretary Grossman testified he would need between $1.1 to $1.4 billion to operate the new mission.

(a) Is this estimate correct?

(b) Have you made a request for this funding to OMB?

(c) Why has OMB not included this request for the U.S. Embassy operations in the President's request to Congress for additional funds?

(d) I understand there are no reconstruction funds for agriculture costs and several other areas are short funds. Will any of the $25 billion contingency fund be available for such unfunded reconstruction costs?

(e) I note that a recent NSPD signed by the President directed the Director of OMB to make requests for necessary funding and authorities for Iraq. Have such requests been made?

(f) How is State determining the allocations to be charged to other agencies for operations in Baghdad, and how will that affect the expenditures by the U.S. Embassy Baghdad?

Answer. (a) Yes, the current estimated requirements for U.S. Mission Baghdad in FY 2005 are in that range. However, cost estimates remain subject to change due to the uncertainty of conditions in Iraq.

(b) The full estimated requirements were not included in the regular FY 2005 budget request that was submitted through OMB last February.

(c) The Administration will pursue a full FY 2005 supplemental request after Ambassador Negroponte and his team have had time to assess the actual needs and provide more precise cost estimates.

(d) The President has requested the $25 billion contingency fund to meet DOD's requirements to continue operations in Iraq. None of the funding has been requested to provide further foreign assistance to Iraq.

(e) No requests have been made by OMB for U.S. Mission funding and authorities in FY 2005 under the recent NSPD.

(f) The Administration is not considering cost sharing at this time. It is believed that cost sharing should wait until all agencies have had an opportunity to budget for these costs. In the interim, the State Department will study how best to assign separate costs while paying for U.S. Mission activities and support.

Question 2. Will Iraq continue to be a combat zone following the transition? If so, what will be our military objectives? How will this affect the role of the Ambassador and of the multinational force?

Answer. Unfortunately, we expect that Iraq will continue to face serious security problems after the June 30, 2004 transition, and the Iraqis have said publicly that their security services are not adequately prepared to maintain security in Iraq. It is likely, if unfortunate, that violence will escalate in the short-term as transition nears as terrorists seek to derail the transfer of power and undermine the efforts of the Iraqi Government. The U.S. is committed to continuing our assistance, both military and otherwise, to support the Iraqi people as they work for an independent, united, democratic, prosperous and peaceful country.

My colleagues at the Department of Defense would be better able to answer any questions regarding military objectives.

The Ambassador (Chief of Mission) and the Commander of Multinational Force Iraq will work closely together, and with the Iraqis, on political-military issues. Joint State-DOD planning is underway which recognizes that the roles, missions, resources, responsibilities and authorities of our agencies are complementary, and must work jointly toward the goal of a stable and democratic Iraq.

The security situation makes the closest partnership between the MNF-I and the Embassy all the more critical to our success. State and Defense personnel have formal joint teams in some 15 management sectors, including security, to establish the foundations of interagency teamwork at an operational level of detail. The Chief of Mission and the MNF-I commander will ensure the closest cooperation and mutual support in all their activities, in accordance with standing instructions from the President.

On July 1, the Chief of Mission will assume full responsibility for the direction, coordination, and supervision of all USG Executive Branch employees and programs in Iraq, except for those under the command of the U.S. area military commander, and those seconded to an International Organization.

The Secretary of State will be responsible for the continuous supervision and general direction of all assistance for Iraq. The Chief of Mission will provide policy direction for reconstruction projects funded by the Iraq Reconstruction and Relief Fund (IRRF). CENTCOM will take the lead on security assistance with the policy guidance of the Chief of Mission.

Question 3. Have you appointed someone to look over prisoner issues following the transition from CPA? What will be the scope of his or her authorities?

Answer. CPA, Multi-National Forces-Iraq (MNF-I) and the Iraqi Interim Government (IIG) have been working together to decide the way forward for prisoner issues following the transition. Our goal is to transfer all detainees to Iraqi authority as soon as possible, given Iraqi capacity constraints. CPA and MNF-I have been working to integrate Iraqi officials into detainee operations at all levels in the short-term, and are developing plans to build Iraqi capacity to take physical custody of the detainees in the longer term.

Within the U.S. Government, the Department of Defense will remain the lead agency for detention operations and Major General Geoffrey Miller, Deputy Commanding General for detention operations, will continue to oversee detainee issues for MNF-I.

Question 4. Would you provide a briefmg to the committee on your plans regarding this at the soonest opportunity?

Answer. As previously stated in our response to question #3, the Department of Defense will continue to be responsible for detention operations following the June 30 transition. Thus, we would refer you to our colleagues in DOD to provide a briefing on plans for detainees.

Question 5. A National Security Presidential Directive (NSPD), signed last week by President Bush, defined the roles of the State and Defense Departments in Iraq in more detail. It institutionalized some of the organizational mechanisms the Committee had been briefed previously. It institutes an Iraq Reconstruction Management Office (IRMO), whose director will be appointed by the Secretary of State . . . and a Program Management Office to provide acquisition and project management support.

(a) Has Secretary Powell or Ambassador Negroponte made these appointments yet?

(b) What more can you tell us about this organization and the people who will populate the jobs?

Answer. We are in the process of selecting a Director for IRMO. In the interim, David Nash, the current head of CPA's Program Management Office, will serve as Director of IRMO.

Under the supervision of the Secretary of State, IRMO will coordinate U.S. assistance activities in Iraq with a core staff of approximately 37. IRMO will principally develop and coordinate a strategic plan for U.S. assistance to Iraq, ensuring it remains consistent with overall U.S. policy goals. It will also coordinate implementation of the Iraq Relief and Reconstruction Fund, and prepare reports (e.g. 2207) for the Department, OMB, Congress, and others as appropriate.

The Project and Contracting Office (PCO), a temporary organization created under the Department of Defense, will operate in Baghdad under Chief of Mission authority. PCO will implement the on-going IRRF projects for which the Program Management Office (PMO) has been responsible, and undertake such other reconstruction-related activities as the Chief of Mission, IRMO, or other agencies may request. IRMO and PCO will be staffed with individuals hired in accordance with Title 5, U.S. Code, section 3161 as well as agency detailees; many of them worked in similar jobs for CPA.

Questions 6 a. and *b.* A key sentence in the NSPD states: "The Secretary of State shall be responsible for the continuous supervision and general direction for all assistance for Iraq."

a. However, in a recent hearing before the Armed Services Committee, Army contracting officials stated that once the Embassy is opened, the Chief of Mission will set priorities for contracts and requirements but the Department of Army will handle program management and contracting. This sounds confusing. Do you foresee any difficulties in this arrangement?

b. Will the State Department handle contracting hereafter for reconstruction aid in Iraq?

Answer. The Chief of Mission, through the Iraq Reconstruction Management Office, will set priorities and requirements for all USG assistance programs in Iraq. Agencies implementing projects may let their own contracts or use the services of the Project and Contracting Office to carry out the assistance goals set by the Chief of Mission. Similarly, the Project and Contracting Office will implement the ongoing IRRF projects for which the Program Management Office (PMO) have been responsible, and undertake such other reconstruction-related activities as the Chief of Mission, IRMO, or other agencies may request.

Question 6c. What will happen to contracts that have been let by CPA using other than U.S. appropriated funds, such as the DFI?

Answer. U.N. Security Council Resolution 1546 (8 June 2004) states that DFI funds shall be utilized to satisfy outstanding obligations of the DFI after the transition.

From early July 2003 to May 2004, the CPA allocated approximately $4.8 billion from the DFI for contracts relating to relief and reconstruction services. The resulting contracts will remain in full force and effect after the transition.

Question 6d. Can you comment on the continuity and transparency of the oversight mission—Inspector General functions, etc.? Who will have primary responsibility for Inspector General Oversight, how does the CPA-IG factor into the process?

Answer. The State Department Office of Inspector General, along with the Inspectors General of the Department of Defense, U.S. Agency for International Development and the Coalition Provisional Authority have been working with each other on an administration position to ensure effective continued oversight of Iraq-related activities. The State Department OIG, consistent with legislation, is responsible for oversight of all State Department Iraq-related activities and is actively engaged in initiating a number of Iraq-related projects. The CPA IG, consistent with legislation, will remain in place for six months post-June 30. The State Department OIG, as well as the other agency Inspectors General, will coordinate with CPA IG and with each other in order to ensure vigorous oversight over all Iraq-related activities of their respective agencies.

Question 6e. A key sentence in the NSPD states: "The Secretary of State shall be responsible for the continuous supervision and general direction of all assistance on Iraq."

> What approach will the State Department take to reviewing current reconstruction priorities and revising them as needed? How will they make decisions regarding updated priorities? Is there any truth to a rumor that State is holding up all new programming until it takes the reigns?

Answer. The State Department will undertake a thorough review of all reconstruction programs and priorities and will revise them as needed in consultation with Congress. The review will involve consultations with the Iraqis and the international donor community. The new Iraq Reconstruction Management Office (IRMO), one of the successors to the current Program Management Office, will play a key role in this review and will make recommendations to the Ambassador for revision of the, assistance program. The State Department is not holding up new programming. Programming has been following the spending plan revised and submitted to Congress on a quarterly basis.

Question 6f. How is the Department of State determining the allocations to be charged to other agencies for operations in Baghdad, and how will that affect the expenditures by the U.S. Embassy Baghdad?

Answer. The Administration is not considering cost sharing at this time. It is believed that cost sharing should wait until all agencies have had an opportunity to budget for these costs. In the interim, the State Department will study how best to assign separate costs while paying for U.S. Mission activities and support.

Question 7. What setbacks have there been in planning for the transition? What do you attribute them to? What did you think went better than expected? What has surprised you in developments in Iraq?

Answer. The security situation has affected our transition planning. It has raised the costs associated with many of our activities in Iraq, such as insurance, the airlift of goods and supplies due to road insecurity, and extra security measures for facilities and personnel.

The interagency coordination, especially with DOD, has gone well. We are also pleased with the number of Foreign Service officers who heeded the call to service in Iraq.

Question 8. How will differences of opinion between the new U.S. Embassy and the caretaker government be resolved?

Answer. After June 30, the United States will interact with the Government of Iraq in the same way that we would with any sovereign government around the world. Ambassador Negroponte and his team at the U.S. Embassy in Baghdad will work closely with the Iraqi Government to pursue our shared goal of a stable, unified, and democratic Iraq. Given the circumstances, it is clear that our engagement

will need to be broad-based and robust. It is in that spirit of partnership that differences of opinion, should they arise, will be discussed.

Question 9. How confident are you that free and fair elections can be held for the 250 seat National Assembly by the end of January 2005, as planned?

Answer. We expect that the elections timetable laid out in the Transitional Administrative Law (TAL) will be followed. Iraqis, working with the United Nations, have made good progress towards setting up an electoral, commission that will oversee preparations for the January 2005 elections. Of course, the security situation will present challenges. But MNF-I and Iraqi security forces are taking into account the requirement for election security so that Iraq can hold free and fair elections by January 2005.

Question 10. Are Iraqi political moderate voices emerging to lead political groups?

Answer. Iraqis of all political stripes are forming groups to advance their views. More than 200 political parties have been identified to the National Democratic Institute, the International Republican Institute, and the U.S. Government. Many of these parties have a secular, moderate outlook. There are also parties which espouse extreme views, some of which are well organized, but polling in Iraq suggests that most Iraqis do not support these groups.

Question 11. A poll conducted last week for the CPA indicates that respondents in Hillah have vastly different views from the rest of the country with respect to democracy, the TAL, how are we working with those groups to ensure they are being heard?

Answer. While we follow Iraqi public opinion polls closely, we are aware that the results of individual polls in Iraq can vary considerably. Comparisons of different polls, and comparisons of polls over time, give more confidence in our understanding of Iraqi public opinion. CPA officials, several of whom are seconded State officers, have been actively engaged with the range of political groups in Hillah to ensure that the TAL is understood and that they understand the path it lays out to representative government. We believe the people of Hiliah are committed to democracy.

Following the transfer of authority by June 30 to an Iraqi Interim Government, we expect to maintain a State Department diplomatic presence in a number of Iraq's regional centers, including Hillah, to support the new government's efforts to build democracy, establish the rule of law, and conduct elections as called for in the TAL.

Question 12. The same poll indicated that 80% of the people wanted more information about the TAL. What are we doing to address that? Are we paying attention to these polls?

Answer. We pay close attention to Iraqi public opinion polls. With respect to the TAL, since it is an Iraqi document, we believe Iraqis should take the lead in discussing its contents. We have been encouraging them to do so, and believe they are making good progress in a dialogue about their national governance.

The National Conference of Iraqi leaders and other notables, which is set to meet in July 2004 to chose the members of an Interim National Council to advise the Interim Iraqi Government, will also represent a forum in which Iraqis will discuss the TAL.

Question 13. The President two weeks ago enacted stricter sanctions toward Syria. Will that help or hurt our Mission in Iraq?

Answer. Syria has a mixed record in supporting stability and security in Iraq. While we appreciate Syrian efforts to improve border security, we believe the Syrian Government could do more. We remain deeply concerned about terrorists and other fighters entering Iraq from Syria. To date, Syria has not taken any measures in response to the sanctions.

We have a very direct dialogue with the Syrian Government regarding our concerns with their behavior. We believe that implementation of the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003 has further demonstrated the depth of our concern to the Syrian Government. We believe that Syria can contribute to international efforts in Iraq and continue to urge the Syrian government to cooperate to tighten border controls and to comply with its obligations under UN Security Council resolutions 1483 (2003) and 1546 (2004) with regard to the return of frozen Iraqi assets to the Development Fund for Iraq for the benefit of the Iraqi people.

Question 14. There have been alarming reports of Syrian and Iranian cross-border influence in Iraq. Are these foreigners welcomed by Iraqis? Are they operating on their own or are they joining forces with other Iraqi elements? What plan do the Iraqis have to address this issue following sovereign transfer?

Answer. While some Iraqis may have welcomed foreign fighters to Iraq, their presence is not welcomed by the vast majority of Iraqis. We are in contact with all of Iraq's neighbors to emphasize the need for stricter border controls to prevent the inflow of foreign fighters, terrorists and weapons and to combat smuggling. This is an important priority for the Iraqis, CPA, and Coalition forces.

We have long been concerned about the activities of some Iranian officials in Iraq. Although we have seen reports, we have little credible evidence to date of direct Iranian support to insurgent or terrorist groups attacking Coalition forces.

We have repeatedly warned the Iranian government, publicly and privately, against activities in Iraq that might be destabilizing. We will continue to ensure that the Iranian government is aware of our views and encourage it to support the establishment of a stable, free, democratic Iraq.

We have also communicated our concerns about the inflow of fighters through Syria. We are working with the Syrians to increase the density of forces along and surveillance over that border. The Syrian government understands the importance we attach to this issue, and has taken steps to improve security along its border with Iraq. By its own admission, however, Syria acknowledges that measures to date have not been completely effective.

We will continue to use Coalition military assets as appropriate to enforce border controls, while supporting the establishment of professional Iraqi security and border forces. Improving border controls is a focus of our overall effort to train and equip Iraqi security forces.

Question 15. What are we hearing through diplomatic channels from Iran and Syria with respect to their intentions as neighbors of Iraq?

Answer. We would be happy to brief you or your staff in closed session on the substance of our contacts with Iran and Syria regarding Iraq.

Some of Iran's public statements with respect to Iraq have been positive, but we remain concerned that the activities of some Iranian officials in Iraq are not consistent with statements from Tehran. We have repeatedly warned the Iranian government, publicly and privately, against activities in Iraq that might be destabilizing.

Iraqi officials, including several members of the Iraqi Governing Council, have visited Syria and have had useful meetings with President Asad and other senior officials. Syria, like Iran, maintains a diplomatic mission in Baghdad. We have encouraged Syria to take a more constructive tone in its public statements about Iraq and have noted the unhelpful language on Iraq employed by the state-run media. We maintain an ongoing dialogue with Syria on a range of Iraq issues—from the return of frozen Iraqi assets to securing Syria's long and porous border with Iraq.

We will continue to ensure that the Iranian and Syrian governments are aware of our views, understand the negative consequences of activities supporting the destabilization of Iraq, and encourage them to support the establishment of a stable, free, democratic Iraq.

Question 16. Egypt, Kuwait, and Saudi Arabia and others have language skills and resources which they have offered and which could be helpful to reconstruction in Iraq. Have we accepted such offers by neighbors to assist in Iraq?

Answer. Regional governments and firms have not only language skills and resources, they also have lower overhead, lower potential security costs, and more invaluable in-country experience than most European and American counterparts. In addition, they have cultural familiarity and local know-how. Kuwait has provided $200 million in in-kind humanitarian assistance to Iraq, such as a water pipeline that the Kuwaitis built to Basra. Kuwaiti firms are directly involved in reconstruction, including local provision of services to contractors and others. They have also provided at least $2 billion in direct support for the U.S. military, other coalition forces, and key regional allies in Operation Iraqi Freedom, such as oil for Jordan. They are paying for 88% of the U.S. military's operational fuel needs, and have shown appreciation for the idea that reconstruction depends on security. They pledged $500 million for Iraqi reconstruction, and have deposited $10 million divided equally between the UN and World Bank trust funds.

Saudi Arabia has also helped with oil for Jordan to replace Iraqi oil. For Iraq, they have provided refined petroleum products for humanitarian use. They constructed and staffed a field hospital in Baghdad. They pledged $500 million at the

Madrid Donors' Conference for Iraqi reconstruction and have offered substantial debt reduction to Iraq.

Egypt has provided diplomatic training to Iraqis and made a major investment in telecom infrastructure. In addition, they have made offers of training for Iraqi doctors, nurses, and other Iraqi civil servants, and are also exploring ways to train Iraqi police.

Other regional countries have been actively engaged in reconstruction, including Jordan (police training), UAE ($215 million pledge), Qatar ($100 million), Turkey ($50 million), Oman ($3 million), and even Iran ($5 million). Iran has also pledged an economic package, which includes credit facilities, restoration of religious sites, tourism and pilgrimage, technical and advisory services, trade, investment, market transition from the current Cost Plus Award Fee (CPAF) contract to a Firm, Fixed Price (FFP) structure. The U.S. Mission Task Order will incorporate the ability to sever portions for local competitive award for construction, commodities, and other opportunities that will directly enable commerce with the people of Iraq.

Question 17. As you know Kellogg, Brown, and Root is providing logistics support in Iraq to the Coalition Provisional Authority and to U.S. Forces via the LOGCAP III contract. The committee has been told you plan to also use KBR to support the logistical needs of the U.S. Mission in Iraq. How do you plan to control the costs?

Answer. The CPA and Department of State have taken significant action to reduce cost under the existing Task Order as well as the proposed U.S. Mission Task Order. The Department of State assigned a senior Program Manager to Baghdad responsible to work in real time with executive and management levels of the U.S. Mission to Iraq, Department of State contracting authority, and LOGCAP to ensure that only requirements of the Embassy become the responsibility of the U.S. Mission Task Order;

- The Department of Defense dedicated a full-time Defense Contract Management Agency (DCMA) office consisting of a senior military commander, senior civilian manager, an Administrative Contracting Officer (ACO), Property Manager, and Planner who are solely responsible to administer the current and follow-on Task Order;
- The Department of Defense dedicated several full-time staff members from the Defense Contract Audit Agency (DCAA) to provide oversight;
- The Coalition Provisional Authority (CPA) developed and issued a vehicle identification card that has stopped unauthorized users from obtaining fuel;
- Oversight has reduced unauthorized users of the Dining facilities (DFAC);
- The Department of Defense and the Department of State are cooperating in a proven logistics system consisting of a Requirements Review Board (RRB), Area Support Group (ASG), and Award Fee Board (AFB) that augment CONUS-based Department of State, DCMA and DCAA to continually monitor KBR performance, cost, and asset management.

As the Department of State management and administrative team assume their assignments they will undertake additional oversight measures. Once stability increases in the area, the U.S. Mission Task Order can access, and humanitarian assistance. Overall, the U.S. government has encouraged offers of help from regional countries, and is actively soliciting further regional support in a variety of areas.

RESPONSES OF HON. PAUL WOLFOWITZ TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RICHARD G. LUGAR

Updated as of June 3, 2004

Question 1a. On November 19, 2003, Admiral Nash of the CPA Program Management Office announced at a contractors convention in Crystal City, that RFPs would be issued on January 1, bids would be received on February 1 and awards be made on March 1. He stated that contractors would be expected to mobilize in a short period of time following the award of the contracts. However, reports by USAID and CPA officials in Washington and Baghdad last week indicate that the only construction work that has been done through these PMO-managed contracts were for bases to support the U.S. military. And further, that NO work has been done in the seven major reconstruction sectors through these PMO contracts.

- Why was Congress led to believe that funds we appropriated on an urgent and emergency basis last Fall would have an impact this quickly?

Answer. Reports regarding construction work being done only in bases to support the U.S. military are untrue. To date, under the major design/build contracts, we have 104 project sites where construction is occurring in the Public Works, Oil,

Transportation, Electricity, Security, and Buildings Sectors. The RFPs were issued on January 6, the bids closed on February 5, and contracts were awarded in mid-March. These contracts were solicited and awarded in a remarkably short time. The design/build contractors are already mobilized and operating in Iraq. More than 7,000 Iraqis are employed daily in work related to the 104 project sites.

Initially, we had to work to overcome early planning obstacles in developing the detail requirements for contracts, identifying eligibility requirements for prime and subcontractors, and maintaining the integrity of full and open competition for all contracts as required by Congress. As of May 26, we have obligated $3.7 billion in contracts for the reconstruction program. This puts us on schedule with the program goals at this time.

Question 1b. Were PMO cost estimates made by USAID development experts or by contractors used to working in a benign environment?

Answer. Estimates for PMO's list of 2,311 construction projects, which are funded by Iraqi Relief and Reconstruction Fund (IRRF) FY 04, were made by a team of 15 engineers who worked in the PMO in Baghdad. The estimates were made based upon data and information provided to this team by Iraqi Ministries and their CPA senior advisors. Where possible, the team experts visited officials and military units around the country to corroborate data. Due to conditions in country at the time, estimates were "burdened;" that is, they included project security, overhead, contingencies, and other costs.

Question 1c. To what extent has the slow-moving assistance affected Iraqi capabilities, particularly the security forces?

Answer. Equipment shortages—especially of body armor, Kevlar helmets, and communications equipment—contributed to the poor performance of police and Iraqi Civil Defense Corps during fighting in April, particularly in areas west and south of Baghdad and in Sadr City. Other factors, such as inadequate training and poor leadership, also affected their performance. There were some exceptions, however, and the Iraqi Civil Defense Corps (ICDC) is now reconstituting. It should be noted that when police stations were attacked by dozens of insurgents with rocket-propelled grenades (RPGs) and crew-served weapons, the police had little capability to fight back, nor should they be expected to, when facing a military-style assault. Even if they had been fully equipped, they are not military forces and were thus ill-suited to the situations they faced.

Question 1d. Has the lack of delivery of concrete assistance increased Iraqi disillusionment and anti-American sentiments?

Answer. No. There has, in fact, been concrete assistance: $5 billion in contracts have been awarded in an open competitive process. Our prime contractors have been mobilized and are operating in Iraq. To date, under the major design/build contracts, we have 104 project sites where construction is occurring in Public Works, Oil, Transportation, Electricity, Security, and Buildings Sectors. We are currently employing more than 7,000 Iraqis daily in work related to these construction contracts.

Question 2a. (Regarding use of Iraqi Funds): The April 5 Section of the 2207 Report received by Congress indicated that only $2.3 billion of the $18.4 billion we appropriated last November has been obligated. I understand that last Saturday, the Program Review Board at CPA recommended a $2 billion transfer from the Development Fund for Iraq (DFI) for a myriad of purposes, including:

- $500 m to the Joint Task Force—CJTF-7
- $125 m to a "revenue stabilization fund"
- $180 m for real property compensation claims
- $200 m for food basket/public food distribution
- $315 m for electricity sector
- $460 m for oil infrastructure rebuilding
- $65 m for agriculture infrastructure

How will CPA program this $2 billion in DFI money by the end of June if it has taken five months to move $2.3 billion in appropriated funds?

Answer. This allocation builds on the Iraqi budget initiatives described in the DFI appendix of the Section 2207 Report, dated April 5, 2004. There is no requirement to expend this $2 billion by June 30. While the execution of each of the approved program items will vary, most expenditures will occur post June 30.

Question 2b. Is it official U.S. policy and strategy approved by OMB to use the DFI before U.S. appropriations?

Answer. No. The people of Iraq face a vast array of pressing needs for infrastructure and social development projects. In sectors such as oil, electricity, and agriculture, the nation's needs clearly exceed the sector allocations of the Iraqi Relief and Reconstruction Fund (IRRF). The recent PRB allocation funded additional projects for the relief and reconstruction of Iraq and did not affect the status of individual projects funded by the IRRF.

Question 2c. Is this an effort by CPA to avert normal developmental programming process and congressional notifications?

Answer. No. The recent PRB allocation did not affect IRRF-funded projects. If it had, the Congress would have been notified, if required.

Question 2d. What will CJTF-7 be using the $500 million for? CERP?

Answer. CJTF-7 is still reviewing how this allocation will be used.

Question 2e. How are these funds being accounted for and reported on? Could you please provide for the committee a full accounting of all the DFI expenses to date?

Answer. These allocations are accounted for and reported on in the same manner as all other DFI funds. Both the PRB decisions and DFI expenditure information are available on CPA's Web site.

Question 3. Regarding oversight of the $87 billion of appropriated funds support for Iraq, what are your views on the effectiveness of Department of Defense criminal investigative support of the expenditures of U.S. appropriated funds in Iraq? Will the Defense Criminal Investigative Service maintain a presence in Iraq? If not, why not? If so, how large will the office be?

Answer. The criminal investigative support provided by the Department of Defense Office of Inspector General (OIG) has been significant since the CPA was established. A rotating team of three Special Agents from the Defense Criminal Investigative Service (DCIS), the criminal investigative arm of the OIG, is stationed in Baghdad coordinating investigative matters relating to allegations of bribery, contract irregularities, counterfeiting, embezzlement, and the sale and smuggling of illegal weapons and explosive devices. This past year, DCIS agents, working with Military Police, Iraqi police, and the CPA Ministry of Finance, broke up an Iraqi dinar counterfeiting operation and seized counterfeit currency worth more than 100 billion dinars ($50 million).

The OIG plans to maintain a presence in this area. Its current plan, contingent upon the availability of funding, is to establish a Resident Agency in Qatar or Bahrain comprised of 10 investigative and support personnel.

Question 4. What are the plans to turnover former Iraq regime non-cash assets; e.g., automobiles, boats, etc, to the Iraqi people? How and when will the Iraqi real estate that the Coalition Provisional Authority and U.S. forces have occupied be returned to the Iraqi people?

Answer. The return of non-cash assets from the previous regime has been handled thus far by the Department of the Treasury, which leads an interagency working group on this issue. After the transition to Iraqi sovereignty, the Iraqi Interim Government (IIG) will be responsible for arranging the return or sale of these assets in accordance with UN Security Council Resolution 1483. Once the IIG takes office, the United States will begin to negotiate the modalities of turning over property occupied by the CPA or Coalition forces to the Iraqi people.

Question 5. Were you aware that on March 26 this committee asked for a briefing on detainee treatment issues? Do you know why the Foreign Relations Committee was told repeatedly through the month of April that this issue could not yet be briefed?

(*a*) Will MNF-I continue to hold Iraqi prisoners after we turn over sovereignty? Under what authorities?

(*b*) Official reports from CPA indicate that 500 courts are operating in Iraq. Presumably if you have courts, you have jails in which to put the guilty parties. Are jails being run by Iraqis? Are we supervising or advising in any capacity? If so, is this a CPA or a military function, or a contractor?

Answers. (a) MNF-I will continue to hold Iraqi security detainees following turnover of sovereignty under the authority of UNSCR 1511, which is not affected by the transfer of sovereignty. These detainees have committed offenses against or pose imminent threats to Coalition forces.

(b) The Iraqi penal system is being run by Iraqis with Coalition assistance, and is separate from the MNF detention facilities. CPA personnel, both civilian and mili-

tary, are advising Iraqi judicial and penal authorities. After 30 June, these advisors will become liaison officers and work for the U.S. Ambassador. They are not contractors.

Question 6. What is the administration doing to ensure that the Ba'ath Party is not organizing clandestinely to seize power again, as it did in the 1960s? Is there a focal point of the opposition? Are Iraqis, other than exile officials, engaged on this?

Answer. It is highly unlikely that the Ba'ath Party will be able to organize clandestinely and regain power in Iraq as it did in the 1960s for at least three reasons. First, de-Ba'athification only applies to one percent of the former Ba'athists. All others will have an opportunity to participate in a more prosperous and freer Iraq than that which existed under Saddam Hussein's tyranny.

Second, of the remaining one percent of Ba'athists, we have captured or killed a majority of those who were complicit in the crimes of the previous regime. Those who have been captured will eventually be tried by Iraqi judges for their crimes against the Iraqi people. Without this leadership, it is improbable that the Ba'athists would be able to regain power.

Finally, and most importantly, the Iraqi people have made clear that they do not want to return to the era of hopelessness and fear that the Ba'ath Party represents. This is true across denominational and ethnic lines. Even in the Sunni Triangle, Coalition forces continue to receive useful intelligence from Iraqis that has enabled successful operations against the members of Saddam's intelligence and "Special Services" apparatus that continues its efforts to terrorize the Iraqi people and impose their tyranny upon them.

Question 7. What setbacks have there been in planning for the transition? To what do you attribute them? What did you think went better than expected? What has surprised you in developments in Iraq?

Answer. The security situation has hampered our ability to conduct site surveys for the proposed regional teams and impedes the facility with which we can visit the various Iraqi ministries outside the Green Zone. Ultimately, it hinders our understanding of future requirements both at the regional team locations and within the various Iraqi ministries themselves, but we are confident we will overcome the challenges.

- The level of interagency support and involvement has been exceptionally positive.
- In order to hammer out the details of the OPLAN, we have held a number of conferences and workshops in which DOD, DOS, Department of Justice (DOJ), Department of Homeland Security (DHS), the Federal Bureau of Investigation (FBI), U.S. Agency for International Development (USAID), other U.S. departments or agencies and troop-contributing nations have all participated.
- Differences in institutional philosophy and vocabulary alone could have caused this effort to fail, not to mention the competing stakeholder equities involved, but the OPLAN and the Memoranda of Agreement and Understanding reflect the willingness of all the parties to roll up their sleeves, set aside parochial differences, and make sure no detail is overlooked in standing down the CPA and standing up the U.S. Mission.
- DOD and DOS have set up transition planning teams, and particularly at the forward element in Iraq, team members are working seven days a week to make this transition as seamless as possible.
- The loss of contracts for equipment for the Iraqi Security Force cost us some time. This is now getting back on track.
- There have not been that many surprises with regard to planning for the transition, just a lot of hard, demanding work. The Iraq Transition Planning Team is working diligently to ensure that the June 30 transition from CPA to U.S. Mission will involve as few moving parts as possible, that the U.S. Mission will have the best possible personnel, logistics, contracts, etc, in place when Iraq's sovereignty is restored on 30 June.

Question 8. How confident are you that free and fair elections can be held for the 250 seat National Assembly by the end of January 2005, as planned?

Answer. We are confident that the Iraqi Interim Government will be able to hold free and fair elections as planned by the end of January 2005. Iraq's leaders have thus far been able to meet the deadlines to establishing a representative Iraqi government since the November 15 Agreement last fall, including the signing of the Transitional Administrative Law in March and the establishment of the IIG by June.

Question 9. Are Iraqi political moderate voices emerging to lead political groups?

Answer. Iraqi political moderates are emerging in leadership positions. Recently 17 local elections were held in the heavily Shi'a Dhi Qar province. In almost every case, secular parties or independents outpolled Islamist parties. Combined with recurring poil results, this strongly suggests that Iraqis want democratic moderates rather than extremists as leaders.

Question 10. A poll conducted last week for the CPA indicates that the respondents at Hillah have vastly different views from the rest of the country with respect to democracy, the TAL, how are we working with those groups to ensure they are being heard?

Answer. The results of the poll need to be treated with some caution given the small numbers sampled and the conditions under which the poll was conducted. The total number of respondents to this poll was 1,111 across Iraq. The number of people surveyed in Hillah was only 114. The reliability of the Hillah results is in doubt, however, particularly regarding questions about the Transitional Administrative Law (TAL). Nevertheless, the comprehensive range of democratic initiatives, including the women's center based in Hillah and USAID's Democracy Dialogue Activities (DDA), provide not only a flexible means to respond to such issues but also a forum for the Iraqi people to voice their concerns.

While the TAL is very important as underpinning the path to democracy for Iraq, it will expire once a new government is elected. As a result, it is likely that the Iraqi public will increasingly focus on tangible outcomes at the end of the transition process, including a permanent constitution and a democratically elected government.

Question 11. The same poll indicated that 80% of the people wanted more information about the TAL. What are we doing to address that? Are we paying attention to these polls?

Answer. We are undertaking a very intensive program to inform the Iraqi public about the TAL. This program uses a wide range of methods and approaches, including television, newspapers, distribution of booklets and leaflets, focus groups, seminars, public forums, and town hail meetings across Iraq. One example is the USAID's Democracy Dialogue Activities (DDA) program, which serves to encourage civic participation and increase Iraqis' understanding of the TAL. Over 7,000 DDA program sessions, led by more than 500 Iraqi facilitators, have already been conducted in Iraq.

Given the political environment and fear in which Iraqis lived under the previous regime, the level of civic literacy is not high in Iraq. The Iraqi people are learning about, and discussing, political concepts that many Iraqis have not experienced in their lifetime. The comprehensive program being undertaken was developed with these challenges in mind.

Questions 12 and *13.* The attacks on U.S. and Coalition forces have continued for months. Will Iraq continue to be a combat zone following the transition? If so, what will be our military objectives? How will this affect the role of the Ambassador and of the multi-national force?

Answer. Iraq will continue to be a hostile fire zone following the transition. Our military objectives will remain the establishment and maintenance of security and stability in Iraq, which will remain the mission of MNF-I, as described in UNSCR 1511. The security environment will not directly affect the role of the Ambassador, but it will clearly affect the Ambassador's ability to further U.S. national goals and objectives.

Question 14. The committee was briefed on a poll last week that suggested most Iraqis feel safe in their own neighborhoods, and that to them security did not mean attacks on Coalition forces, but rather crime—muggings, theft, lawlessness, etc.—and that they felt that the best way to bring that about was not more troops, but more police. Are we training enough police? Do we have the right assistance authorities?

Answer. Training the Iraqi police to allow them to assume full responsibility for maintaining security in Iraq is the Coalition's highest priority. Currently, there are more than 90,000 Iraqi police either on duty or in training, 29% of which has either completed training or is in training. We anticipate having the entire Iraqi police force retrained by June 2005 at the latest.

Question 15. What is your assessment of the progress of U.S. forces and political authorities in Iraq in calming the Moqtada Sadr uprising? Is [sic] To what extent is he likely to challenge the sovereign Iraqi government after June 30, 2004.

Answer. Moqtada Al-Sadr and his supporters have advocated violence against Coalition Forces and moderate Iraqis since the liberation of Iraq. But Mr. Al-Sadr has never had more than a couple thousand armed followers, and his actions in and around Najaf cannot be considered an uprising. Over the weeks that he has operated in the area, the local population has repudiated his positions and demanded his departure. There has been no Shi'a revolt in answer to his call. Moreover, many of his urban followers from Baghdad have returned home, thereby leaving him with a destructive but limited band of armed fighters. His utter lack of political and military success should be predictive of his ability to challenge the Interim Iraqi Government when it takes office this July. We do not expect him to be a political factor after Transition.

Question 16. No security arrangement or SOFA has been signed. What rights and protections will U.S. military and civilian personnel in Iraq have with respect to Iraqi laws?

Answer. In fact, the security arrangement for Coalition forces operating in Iraq *has* already been instituted. Article 59 (C) of the Transitional Administrative Law states that the elected Iraqi Transitional Government "shall have the authority to conclude binding international agreements regarding the activities of the multinational force," and that "nothing in this Law shall affect rights and obligations . . . under UNSCR 1511 . . . which will govern the multinational force's activities pending entry into force of those agreements." Article 26 (C) ensures that CPA orders and regulations "shall remain in force until rescinded or amended by legislation duly enacted and having the force of law." This includes CPA Order #17, which provides SOFA-like protections for Coalition Forces, and will stay in effect until an international agreement is negotiated with the sovereign Iraqi government.

If a civilian contractor is accused of criminal conduct in Iraq, such accusations would be handled through a complaint made to the local Iraqi Police. If the contractor was acting within the scope of his/her official employment under the terms and conditions of a contract with the Coalition forces or CCPA, then he/she would be immune from the Iraqi legal process under the terms of CPA Order #17, which remains in effect after June 30th. The parent country of the contractor maintains the right to waive this immunity, however, and if the civilian contractor outside the scope of his or her official employment, the individual would be subject to Iraqi law.

Question 17. There have been alarming reports of Syrian and Iranian cross-border influence in Iraq. Are these foreigners welcomed by Iraqis? Are they operating on their own or are they joining forces with other Iraqi elements? What plan do the Iraqis have to address this issue following sovereign transfer?

Answer. There is evidence to suggest that some of these foreign fighters have linked up with former regime elements to conduct terrorist attacks against Coalition forces and the Iraqi people. However, these foreigners are generally not welcomed by the Iraqi populace, and Coalition forces continue to receive useful intelligence regarding the activities of these foreign terrorists. Although the Iraqi Interim Government (IIG) is too new to have developed a detailed plan addressing this issue, the incoming Prime Minister of the IIG, Ayad Allawi, has indicated that he will make combating these forces a priority after the transfer to sovereignty.

Question 18. Egypt, Kuwait, Saudi Arabia and others have language skills and resources which they have offered and which could be helpful to reconstruction in Iraq. Have we accepted such offers by Arab neighbors to assist in Iraq?

Answer. We have accepted several offers of assistance from Iraq's neighbors. Jordan has been training Iraqi police for several months, and we have accepted a similar offer from Egypt. The Germans have been conducting forensic training for Iraqi police in the United Arab Emirates, and Turkey has been helping to train border police. Additionally, employees of the Central Bank of Iraq have been taking classes on modern banking in Kuwait.

Question 19. [Deleted.]

Question 20. This committee remains greatly concerned regarding the corruption surrounding the implementation of the United Nation's Oil for Food Program. In our efforts to empower Iraq ministries and turn sovereignty over to the people of Iraq, why has the CPA refused to release funds to the Iraqi Governing Council so that they may employ the U.S.-based accounting firm KPMG to conduct a local investigation? In its stead, the committee has learned that the CPA has used Iraqi funds to hire another accounting firm (Ernst & Young) to do an investigation. Why?

Answer. In furtherance of its stewardship responsibilities on behalf of the Iraqi people under international law and United Nations Security Council Resolutions, the CPA is obligated to ensure that an Iraqi entity carries out a full and independent investigation of allegations of misconduct associated with the OFF Program. As the highest public audit organization in Iraq, the Iraqi Board of Supreme Audit (BSA) is uniquely placed to provide impartial oversight of such an investigation. It is the only body under Iraqi law authorized to conduct audits of government-wide financial practice and in any event would have been obliged under its charter to investigate these matters. Under international good governance practice, such investigations of misconduct should be conducted by an independent body. In addition, the BSA is a permanent institution staffed with qualified public servants who can provide continuity of oversight. The IGC is a political, not an investigative body. Moreover, the IGC will cease to exist after June 30 and therefore is not in a position to continue to oversee the investigation.

With regard to the selection of Ernst & Young, the BSA conducted a full and open competition to select the firm. The BSA is serving as the Contracting Officer's Representative for this contract and will issue tasks to the contractor and monitor progress to ensure compliance with the terms of the contract.

RESPONSES OF HON. RICHARD L. ARMITAGE TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

Question 1. Can you elaborate on what limitations in authority the interim government will have? What powers will the interim government exercise? What powers will it NOT hold? Who will hold them?

Answer. The Iraqi Interim Government (IIG) will be the fully sovereign government of Iraq no later than June 30. Iraqis are discussing now, in the context of the Brahimi-led process, what the particular powers of the interim government will be. We expect that the Iraqi Interim Government's primary tasks will be to administer the country's day-to-day affairs, and prepare for and hold elections no later than January 31, 2005, as prescribed in the Transitional Administrative Law, for, the Transitional National Assembly. It is anticipated that the IIG will have the authority to conduct foreign relations, including establishing diplomatic relations. Indeed, the U.S. intends to re-establish diplomatic relations with Iraq soon after the transition.

Some Iraqis have said that decisions that have long-term implications should be reserved for an elected Iraqi government. Such limitations are for Iraqis to decide in the context of the ongoing consultations being led by Ambassador Brahimi. That said, we believe it is critical that economic reconstruction efforts continue and it will likely be important for the Iraqi Interim Government to have the ability to enter into at least some international agreements, including with respect to diplomatic relations, Iraq's sovereign debt, engagement with the International Financial Institutions, and international assistance. Iraq's independent central bank will manage monetary policy.

Question 2. How important is the issue of sovereignty to other members of the UN Security Council as it relates to deliberation on a new UN resolution? What specific agreements and disagreements do we have with other members on the Council on the question of sovereignty?

Answer. The issue of sovereignty was a common theme among all Security Council members "wish lists" for a new resolution, as is clearly reflected in the unanimously adopted Resolution 1546. "Sovereignty" (i.e., the new government's full governing authority and responsibility for Iraq) is one of the themes of this resolution and is reflected throughout, including in addressing the Multinational Force (MNF). As stated in the resolution, the MNF's presence in Iraq is at the request of the Interim Iraqi Government (IIG). The resolution also states that the MNF's mandate will terminate prior to the completion of the political process if requested by the Government of Iraq.

Resolution 1546 reflects consultation and cooperation with Security Council members, the Iraqis—both in Baghdad and New York—as well as with Coalition members and countries in the region.

Question 3. How likely do you think it is that Coalition forces will be asked to leave after June 30th? How certain are you of this?

Answer. We are confident that the Iraqis will not request the Multinational Force (MNF) to leave after June 30. Iraqis remain committed to holding elections by no

later than January 31, 2005, and international security-related assistance will be important in making this goal achievable. They also realize, and have said so publicly, that their security services are not adequately prepared to maintain security in Iraq.

Security is critical to the success of Iraq's political transition process. UNSCR 1546 both reaffirms the authorization for the MNF under unified command to, among other things, enable the Iraqi people to implement freely and without intimidation the timetable and program for the political process, and notes that the presence of the MNF in Iraq is at the request of the incoming Iraqi Interim Government (IIG). Annexed to the resolution is a June 5 letter from Iraqi Prime Minister Ayad Allawi requesting a new UNSCR on the MNF mandate to contribute to maintaining security in Iraq.

Both Allawi and Foreign Minister Hoshyar Zebari have publicly stated the need for the MNF remain in Iraq. In his June 3 address to the UN Security Council, Zebari said: "Since April] last year, we have been working very hard to re-establish Iraq's security, military, and police forces. However, we have yet to reach the stage of being able to maintain our own security and therefore the people of Iraq need and request the assistance of multinational forces to work closely with Iraqi forces to stabilize the situation. I stress that any premature departure of international troops would lead to chaos and the real possibility of a civil war in Iraq. This would cause a humanitarian crisis and provide a foothold for terrorists to launch their evil campaign in our country and beyond our borders. The continued presence of the multinational force will help preserve Iraq's unity, prevent regional intervention in our affairs and protect our borders at this critical stage of our reconstruction."

In addition Allawi, as recently as June 20, said: "Until our forces restore their full capability, we will remain in need of the support and backing of the friendly multinational forces and also Arab and Islamic countries."

In light of statements from Iraq's new leadership, and the continuing and increasing Iraqi-MNF security partnership, we do not foresee the Iraqis requesting the MNF to leave.

Question 4. What is the CPA's current assessment of the Iraq ministries' capacity to assume political and economic responsibilities for governing Iraq by July 1, 2004? How is the CPA helping build Iraq's national ministries in such areas as ensuring accountability, transparency, and due process?

Answer. The U.S. is confident in Iraq's ability to transition to a sovereign nation by June 30, 2004. Our advisors are working diligently with all Iraqi ministers and their staff in preparation for transition to the Iraqi Interim Government (IIG).

Our programs include building financial market structures, developing transparent budgeting and accounting arrangements, and increasing the capacity of the Ministries of Finance and Planning to manage public resources. The U.S. assists the IGC and appointed ministries and plans to offer continuous support if desired by the IIG, both political and economic, after the June 30th transition.

Questions 5 and *6.* Senate Foreign Relations staff has been told that there are plans to keep roughly 200 American and coalition partner advisors in the various Iraqi ministries.

> Please describe these plans in detail. What ministries are involved? How many per ministry? What will their roles be in each ministry? Will they have oversight? Will they answer to Iraqi or American officials?
>
> Will the presence of these individuals diminish the sense of Iraqi sovereignty? Will this be seen as just one more example of any meaningful change on June 30th by ordinary Iraqis?

Answer. Virtually all of Iraq's ministries have indicated to CPA that they will continue to require the specific subject area expertise offered to them by some 200 of the foreign "advisors" now in Iraq. The role of these ministry liaisons will be to offer a wide-range of technical assistance to Iraq's ministries. The U.S. currently intends to offer 146 American experts to Iraq's ministries. It is our hope that other governments and international organizations will plan to offer technical experts as well. The Iraqi Government alone will decide whether to avail itself of such international offers of development assistance.

The ministry liaison officers will answer to Iraqi officials, who will choose to accept or reject the assistance offered. Sovereign governments throughout the world welcome our offers of technical assistance. We expect Ministers of the Interim Iraqi Government to make clear to the Iraqi people that they will be running the affairs of their individual ministries. The substantial reduction in the number of advisors and the assumption of governing authority by the Iraqi Interim Government will signal a clear change to the Iraqi people on June 30.

Question 7. Senate Foreign Relations staff has been told that there are plans to keep roughly 200 American and coalition partner advisors in the various Iraqi ministries. How will these advisors be able to help in areas such as ensuring accountability, transparency, and due process? What oversight authority will these folks have, particularly with respect to American reconstruction funds?

Answer. The State Department currently plans to provide approximately 200 advisors (from the U.S. Government and Coalition partners) to Iraqi ministries, at their request, to provide counsel and assistance during this interim period of government. Each advisor will bring relevant experience to his or her assignment, and will work with their Iraqi counterparts to promote accountability, transparency, and due process, while helping the ministry identify and address critical priorities. The U.S. Government also provides support and advisory assistance to the Iraqi Commission on Public Integrity.

Regarding oversight over the spending of U.S. Reconstruction funds, implementing agencies will have this responsibility, not, the advisors. Advisors will, however, be consulted to ensure the appropriate prioritization of spending of U.S. reconstruction funds.

Question 8. What is the CPA's current assessment of the Iraq ministries' capacity to assume political and economic responsibilities for governing Iraq by July 1, 2004?

Answer. The U.S. is confident in Iraq's ability to transition to a sovereign nation by June 30, 2004. Our advisors are working diligently with all Iraqi ministers and their staff in preparation for transition to the Iraqi Interim Government (IIG).

Our programs include building financial market structures, developing transparent budgeting and accounting arrangements, and increasing the capacity of the Ministries of Finance and Planning to manage public resources. The U.S. assists the IGC and appointed ministries and plans to offer continuous support if desired by the IIG, both political and economic, after the June 30th transition.

Question 9. What are we doing to prepare for the January elections? On what basis will voter rolls be drawn—food ration cards [which were only given to male heads of households], a census, some other mechanism?

Answer. Preparations for the January election will be carried out by an independent Iraqi electoral commission, which the United Nations is working to set up. We are working to ensure the commissions will have sufficient financial resources and will provide security assistance to that commission to help it carry out its work.

The Iraqi electoral commission will have to decide the exact methods by which it will conduct the January 2005 elections after consultations with the Interim Iraqi Government and the United Nations. Although we are aware of various proposals to draw up voter rolls, we do not expect a census to be taken by January 2005.

Question 10. Do you agree with Ms. Perelli's assessment that we are in danger of falling off track for elections in January 2005?

Answer. As Ms. Perelli, the leader of the United Nations' electoral assistance mission to Iraq, has stressed, security will be necessary to ensure the credibility of the election process, beginning with the establishment and staffing of election administration and continuing through polling day. In particular, security will be necessary to ensure that political parties and candidates can campaign effectively, and that election officials and voters are able to safely journey to polling places and to ensure that once votes are cast they are securely transported and reported.

Ms. Perelli is currently working with Iraqi officials to help set up an Iraqi electoral commission that will prepare for the January 2005 elections. We believe that this commission will adhere to the timetable for elections laid out in the TAL. We are working to ensure the commission will have sufficient financial resources and will provide security assistance to ensure that the commission can carry out its mandate.

Question 11. How do the continuing security problems impact on elections preparation? How much improvement do we need in the security situation to permit elections? How do you plan to achieve it?

Answer. As Ms. Carina Perelli, the leader of the United Nations' electoral assistance mission to Iarq, has stressed, security will be necessary to ensure the validity of the election process, beginning with the establishment and staffing of election administration and continuing through polling day. In particular, security will be necessary to ensure that political parties and candidates can campaign effectively, and that election officials and voters are able to safely journey to polling places and to ensure that once votes are cast they are securely transported and reported.

Security is a major issue for the UN as it plans for resuming operations in Iraq. We are working with the Iraqis, the MNF, potential contributors, and the UN to develop appropriate protection capacity and procedures for UN staff. Together with the UN, the U.S. continues to solicit troop contributions for this dedicated force within the MNF. The UN is working with us to encourage contributions.

MNF-I and Iraqi planning also are taking into account the requirement for election security. I am also hopeful that the general security situation will improve before the elections as the Iraqi security forces mature. Greater security will likely mean larger numbers of voters will participate and give the election greater credibility amongst Iraqis.

Question 12. What role do you see the United Nations playing after June 30th? Specifically, what should be its responsibilities?

Answer. The President has clearly stated his commitment to support the UN's role in Iraq. UNSCR 1546 states that the UN shall play a leading role in the political process and carry out various humanitarian, legal and economic reconstruction activities "as circumstances permit." UNSCRS 1483, 1511, and 1546 clearly identify all of the activities the UN has been charged to pursue in Iraq.

The UN has made a significant contribution to the political process through the work of its Special Advisor Lakhdar Brahimi and the electoral assistance mission led by Carla Perelli, and of course through the work of the Secretary-General's late Special Representative (SRSG) Sergio de Mello before them.

Carina Perelli and the Electoral Assistance Mission of the UN are working with the Iraqi Independent Electoral Commission on elections preparations, including staff recruiting, political party formation, voter registration activities, budgeting and planning, and elections security. Together with the UN, we are committed to providing all available assistance to support the preparations for and the holding of elections scheduled to be held by no later than January 31, 2005.

With regard to the UN's other activities, it has continued to carry out limited humanitarian and reconstruction programming from outside Iraq, via national staff who are in country, since the August 19, 2003 attack on UN headquarters in Baghdad. We appreciate the efforts of the acting SRSG, Ross Mountain, and the UN Assistance Mission to Iraq (UNAMI). The UN has an important role to play in reconstruction and development in Iraq, through the UN Development Group's Trust Fund (the Fund). The United States is among the countries contributing to the Fund.

The UN has stated its intent to reestablish its international presence in Iraq. In order that it may do so, we are working with the Iraqis, the Multinational Force (MNF), potential contributors, and the UN to develop appropriate protection capacity and procedures for UN staff. Consistent with UNSCR 1546, the U.S. continues to solicit troop contributions for a dedicated unit within the MNF charged with providing security for the UN in Iraq. The UN is working with us to encourage contributions, although no specific contributions have yet been identified. I would be happy to provide details of this diplomatic outreach in a closed session.

The Secretary General has recently stated that he intends to name a new SRSG to Iraq in the near future. We welcome this and hope to see a new SRSG named as soon as possible. It is important for the UN's leading role in Iraq.

Question 13. What will we have to give to the United Nations and other major powers in order to receive their assistance?

Answer. The President has clearly stated his commitment to support the UN's role in Iraq. The Coalition Provisional Authority and the Multinational Force (MNF) provided security and other support for the important work of UN Special Adviser Lakhdar Brahimi and continues to provide similar support for the electoral assistance missions led by Carina Perelli. We are committed to support the UN as it reestablishes an international presence in Iraq to, among other things, assist the Iraqi Interim Government (IIG) in holding direct democratic elections by no later than January 31, 2005. As part of this assistance, the United States has approached several countries to contribute troops to the MNF for the specific mission of protecting the UN in Iraq. We are prepared, as appropriate, to provide these countries with the same type of support that we have provided to other members of the MNF.

More broadly, several countries, including those currently in the MNF have expressed the need for an invitation from the IIG and the UN Security Council in order to contribute troops and other security-related assistance. Iraqi Prime Minister Ayad Allawi and Foreign Minister Hoyashr Zebari have since offered such an invitation publicly, including most recently on June 20. Furthermore, the UN Security Council voted unanimously in favor of UNSCR 1546, which among other things,

calls on the international community to provide security-related assistance to the MNF and to Iraqi security services.

In addition to security-related assistance, UNSCRS 1483, 1511 and 1546 call for a central role for the United Nations, including in the political process, and for the international community to provide humanitarian and economic reconstruction assistance to Iraq.

Question 14. Do you support the naming of an international figure, reporting either to the Contact Group or to the U.N. Security Council to be Iraq's primary international partner, to help referee political disputes, and to be the international point person on elections? If not, why not?

Answer. UNSCR 1483 requests the Secretary General to appoint a Special Representative (SRSG) for Iraq whose independent responsibilities shall involve reporting regularly to the Security Council on his activities, coordinating activities of the United Nations in Iraq, coordinating among UN and international agencies engaged in humanitarian assistance and reconstruction activities in Iraq, and assisting the people of Iraq through humanitarian, political, legal and economic reconstruction.

Since UNSCR 1483, we have sponsored two additional UNSCRs—1511 and 1546—which further structure the UN's role in Iraq, particularly in the political process (e.g. elections). In addition, we have joined the international community in continuing to urge the Secretary General to name a new SRSG.

We appreciate the UN's significant contribution to the political process, despite the security situation, through the work of its Special Advisor Lakhdar Brahimi and the electoral assistance mission led by Carla Perelli, and of course through the work of the late SRSG Sergio de Mello before them.

In addition, we appreciate the efforts of the acting SRSG, Ross Mountain, and the UN Assistance Mission to Iraq (UNAMI), who, subsequent to the August 19, 2003 bombing, have had the difficult task of carrying out limited humanitarian and reconstruction programming from outside Iraq, via national staff who are in country.

We welcome the Secretary General's recently stated intent to name a new SRSG to Iraq in the near future. We hope to see a new SRSG named as soon as possible, preferably before June 30, as it is important for the UN's leading role in Iraq—both substantively and symbolically. The UN has a central role to play and we look forward to continuing to work with them to this end.

RESPONSES OF HON. PAUL WOLFOWITZ TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR JOSEPH R. BIDEN, JR.

IRAQI SECURITY FORCES

Question 1. On March 21st, Jerry Bremer signed CPA Order 67 which created a new Iraqi Ministry of Defense. The order contained the following paragraph:

"In light of the current emergency situation within Iraq, and consistent with Iraq's stated desire to join other nations in helping to maintain peace and security and fight terrorism during the transitional period pursuant to the provision of United Nations Security Council Resolution 1511, all trained elements of the Iraqi Armed Forces . . . shall at all times be under the operational control of the Commander of Coalition Forces for the purpose of conducting combined operations and providing other support in accordance with CPA Orders 22 and 28, respectively, and any future relevant CPA Orders. The interim Minister shall exercise administrative control over elements of the Iraqi Armed Forces that are under the operational control of the Commander of Coalition Forces."

1a. Order 67 includes no explanation on when the "current emergency" situation will end. After Iraqi sovereignty is restored on June 30 will the Commander of Coalition Forces continue to have operational control in Iraq? If not, who will control Iraqi security forces? When will a security agreement be worked out with the Iraqis? What do you imagine such an agreement will look like?

1b. How will disagreements between the Iraqi political or security leadership and American military leadership be brokered? For example, what happens in the event of future Fallujas should U.S. commanders order our forces to intervene but the Iraqi caretaker government objects?

Answer. After the transfer of governance authority to the Iraqi Interim Authority, the Commander of Multinational Forces Iraq (MNF-I) will have operational control of all forces under his command, as he does now. The difference is that the Iraqis will become full partners in the MNF-I. The partnership between MNF-I and the

Iraqi Ministries of Defense and Interior will be facilitated by the Ministerial Committee on National Security and includes direct coordination between the MNF-I and Iraqi ministers and commanders. Iraqi military personnel will be integrated at all levels of the MNF-I and subordinate organizations. Tactical methods will evolve to place more and more responsibility on Iraqi forces and gradually transition to Iraqi responsibility for local and then regional control. Iraqi security forces under the Iraqi Ministry of the Interior (police, Department of Border Enforcement and Facilities Protective Service) will be under the control of the Iraqi Minister in concert with local MNF-I commanders. The Secretary of Defense has said we look forward to negotiating a security agreement with the Iraqis as soon as a duly-elected Iraqi Transitional Government is in place, which is foreseen for early next year. (The anticipated Iraqi Interim Government, to take authority not later than 30 June, will not have a legislature to ratify international agreements.) The agreement will likely resemble the many other security agreements we have with other countries around the world.

Question 2. Last month Secretary Wolfowitz told the House Armed Services Committee that one of the fundamental elements for stabilizing Iraq is "building capable Iraqi security forces." You continued, "The picture there is mixed. We have lessons learned—important lessons learned from the last few weeks."

- What are the "lessons learned" that you referred to? How are these "lessons learned" being implemented?

Answer. Recent performance by Iraqi Security Forces (ISF) was mixed; some performed well and some did not. Common denominators among forces that did not perform well were:

- Lack of proper equipment
- Lack of an Iraqi leadership figure
- Having to chose between tribal loyalty and loyalty to the immature Iraqi government and security forces.
- Incomplete training
- Insufficient Coalition mentors

Factors that successful Iraqi forces had in common were:

- Completion of training programs
- Equipped with appropriate vehicles, radios, weapons and individual gear
- Close integration with Coalition forces
- Effective chains of command and leadership
- Unit cohesion developed from having worked together for some time.

Since the dramatic increase in insurgent activity in early April, many of the security forces have begun to stabilize, and numbers are on the rise once again. In general ISF units, like any other security forces, need time to work together and develop confidence in their capabilities. Many ISF units have bad limited opportunity to do so.

We have developed a series of actions designed to get the security forces on track as quickly as possible. Within the police (Iraqi Police Service (IPS)) and the border police (Department of Border Enforcement (DBE)) services we are re-training and replacing police that failed to perform and increasing the number of trained police by increasing training throughput of current training programs and opening additional academies. Initiatives within the Iraqi Civil Defense Corps (ICDC) include creating a strike platoon within each battalion, mentoring ICDC battalions through Coalition augmentation and integrating ICDC more fully into Coalition operations. With respect to the Iraqi Armed Forces (IAF), we are completing training and deployment of the initial IAP battalions and the construction of their new garrison facilities. We are employing former Iraqi officers as liaison officers to the Coalition to build a cadre of good Iraqi leadership and heavily embedding Coalition trainers as mentors. Our newest initiative is the fielding of a brigade-sized Iraqi National Task Force (INTF) in 30 days, expanding to division sized within 90 days.

Initiatives across all of the security services include providing DFI funds to get ISF on line and reconstituted, increasing hazardous duty pay and other incentive pays for security sector and increasing emergency CERP funding. Overall training and equipping priority is to the INTF, IPS, ICDC and DBE in order.

Question 3. Senators Lugar, Hagel and myself were told almost a year ago in Baghdad that it would take 5 years to train an Iraqi police force of 75,000, and 3 years to train an Iraqi army of 40,000.

a. Specifically, what is the plan to recruit and train 75,000 police and 40,000 soldiers? Who will do the training? Where? How long are the training sessions and for how many trainees at a time? How long will it take to field fully trained

police and military forces? How many international police trainers are now working with the Iraqi security forces? Who is providing them?

Answer. The endstate goal for police is 89,000, and for the Iraqi Armed Forces (IAP) it is 35,000. With respect to the IAF, there is no recruiting problem. Potential soldiers are recruited country-wide with the intent of gaining an ethnicity mix that approximates that of the four main constituencies (Shia, Sunni, Kurd, Turkoman). The first four battalions were trained at Kirkush Military Training Base and have been deployed to their garrison locations in Iraq. Training was conducted by Vinnell Corporation. Vinnell has completed training of NCO cadre, and the Jordanian Army has completed training of officer cadre; these cadre will then train the rest of the IAP under the guidance of the Office of Security Transition. The fifth battalion entered recruit training last week. These formally trained officers and NCOs then form the cadre for their new battalion and conduct basic training for new recruits at Kirkush. USCENTCOM will also employ 500 former Iraqi officers as liaisons to the Coalition to help build a cadre of good Iraqi leadership. We plan to field a total of 9 brigades (3 divisions) by early October 2004. Throughout the process, Coalition trainers will be embedded into IAF units and serve as mentors. Units are typically employed at the platoon and company level and are OPCON to the Coalition divisions in their region. Ten of these 27 battalions will become part of the Iraq National Task Force (INTF) and can be used for counter insurgency tasks, but focus is on external security. There is a possibility, with the recent emphasis on accelerating training for the 10 battalions of the INTF, that the entire IAP may not be fully operational until on or about 1 December.

With respect to the 89,000 member police force, the primary issue is not meeting this numerical goal, since there are currently 83,000 police on the rolls. Our challenge is to fill the force with properly vetted and reliable police forces. We are currently reviewing the police force. The Iraqi Ministry of the Interior has adopted policies and procedures to dismiss Iraqi Police Service (IPS) personnel with unacceptable performance records and to identify and reward those who have performed well. There is a three-tier training program consisting of a 3-week transition integration program (TIP), an 8-week formal academy training and leadership training. TIP training is taught by the local Major Subordinate Command in the region. There are currently 15 locations where the training is conducted. TIP training throughput has been increased to 2825 every 3 weeks, and we are transitioning responsibility for the conduct of much of this training to local Iraqis. Our goal is to train 43,000 by the end of December 2004. Academy training is currently conducted in Ahman, Jordan and in Baghdad. At the Jordan Academy training throughput is being increased from 1000 to 1500 per month (starts August). In Baghdad training throughput will increase from 500 to 1000 per month (starts June). We plan to have trained 36,000 trained by June 2005. Approximately 280 international police trainers from various countries are providing instruction at the Jordan Academy, and the Baghdad Public Safety Academy has about 160 U.S. military and three civilian and two UK civilian instructors.

A reconstitution plan is currently underway at Irbil Academy, where basic leadership is being taught to mid-level supervisors who will then conduct train-the-trainer classes for the remainder of police stations requiring reconstitution (Najaf, Kut, Falluja, Karbala). The first 171 leaders graduated from a 1-week course last week. (10 each will return to each police station in Karbala and Najaf). Two additional courses are scheduled. Following completion of this training, graduates will be required to sign a code of conduct. 10,000 junior, mid level and senior level police officers will be trained by December 2004 at a variety of locations based upon Irbil model.

In addition, selected IPS will participate in a $200M specialized training program. Program consists of:

- Basic Criminal Investigations—1200 IPS
- Internal Controls—200 IPS
- Intelligence—100 IPS
- Counterterrorism (CT) Emergency Response Unit and National CT—250 IPS
- CT Investigations—150 IPS
- Post Blast Investigation—144 IPS
- Drug Enforcement—200 IPS
- Police Recruitment—20 IPS

Courses are scheduled to begin at the Adnan Facility in Baghdad in mid-June. The IPS will also receive riot control training and the associated equipment for three 400-man riot control battalions.

The International Police Advisor program will provide a critical mentorship and advisory function. We have deployed 276 of a planned 500 IPAs, to Iraq but, because

of the non-permissive security environment, most of them are unable to deploy outside Baghdad to actually work in police stations.

Recruitment/Logistics/Transportation—27
CPA Ministry of Interior—IPS—36
IPA Operations Staff & Admin—28
Region I (Basra)-8*
Region II (Tikrit)—41
Region III (Mosul)—11
Region IV (Ramadi)—13
Region V (Babylon)—11
Region VI (Baghdad)—95
TDY Other Unit Cs)—4

*Approximately 90 additional IPAs are scheduled to arrive in Iraq in mid-May.

b. Given that the Iraqi police will not be capable of providing general law and order on the ground for at least a couple of years, what do we do in the meantime to provide security?

Answer. As the date approaches for the transition of authority in Iraq, efforts to build up Iraqi capacity to assume security responsibilities must continue and be further intensified to provide a foundation for Iraq's political transition. Priority of resources (including funds, trainers and equipment) has been shifted to the Iraqi Police Service (IPS) and Iraq Civil Defense Corps (ICDC) to ensure that both are fully funded, well trained and well equipped, as they will share the task of Iraq internal security.

There is currently a requirement for 89,000 Iraqi Police, based upon a 1:300 ratio of police to population. The current goal is to have the required amount of IPS personnel trained by June of 2005.

Following the 30 June transition, the IPS will report to the Ministry of the Interior (MOI), and Commander, Multi-National Forces-Iraq (CDRMNF-I), will exercise tactical control only for specific operations and will closely coordinate with the MOI for operations outside of this purview. The ICDC will provide support to the police and defend against threats to Iraq's internal security. The Iraqi Armed Forces (IAP) will provide support for internal security tasks beyond the capacity of the internal security forces and assist in performing security and stability operations at least, while Iraqi Security Forces (ISF) are under the direction of CDRNNF-I.

The current training regimen for IPS personnel is an 8-week Police Training Academy, 3-week Transition Integration Program, and 10-month field training program. The principles taught at the various training programs will continue to be assessed and reinforced by the embed advisor/mentorship program. International police advisors will continued to be crucial to the success of the continued development of the IPS.

Currently, IPS is conducting joint patrols with Coalition/U.S. forces in select areas with some success. As the rapport matures between Major Subordinate Commands and IPS leadership, we can reasonably expect this to become more effective in the near future. As IPS becomes more effective in assigned security roles and gain the confidence of the local populace; the primary role for civil security operations will transition in phases. As respective conditions are met the transition of security operations will encompass security responsibility transfer to local control, regional control and strategic overwatch by multinational forces, respectively.

Way Ahead: Continue combined operations with a phased transition to the area/regional support role for military quick reaction forces, IAF and ICDC support, and Coalition liaison or embedded advisor presence. Commander, USCENTCOM, will continue to certify the readiness of ISF, upon completion of training and maturation milestones, to conduct effective operations with minimal support from other multinational forces. In addition, mutual support across the security spectrum will remain key to the strategic vision of a secure and stable Iraq in which ISP ultimately assumes the lead role.

c. What role should the Iraqi security forces play in dealing with insurgents? Is it realistic to expect them to fight Iraqi insurgents in most cases?

[There was no response to this question at time of publication.]

d. What about the idea of engaging our allies in the Arab world to build on the police training model in Jordan to open up several regional training centers staffed by Americans, Europeans, and Arab-trained officers who would train Iraqi security forces on an urgent basis? What, if anything, is the administration doing to make this happen?

[There was no response to this question at time of publication.]

MILITIAS

Question 4. Last month, when a decision was made to go after Muqtada Al-Sadr, Coalition spokesman Dan Senor cited al-Sadr's militia, the Mahdi Army, as one of the primary reasons. And yet the Coalition has not decided to go after other militias.

- Does the CPA have a consistent policy on militias? If so, what is this policy?
- What role are these groups playing in providing security? Do we welcome their role in some instances?
- Do you have a plan to bring them under a new minister of defense and interior, or disarm and disband them? Where are you on implementing the plan?

[There was no response to this question at time of publication.]

COALITION FORCE LEVELS

Question 5. Military experts have been arguing for more troops for months of course, many since before the war even started. Force protection should always be the number one priority, but I am concerned that we're not putting enough emphasis on—or do not have enough troops on the ground to provide—security for the Iraqi people. If our mission is the stabilization of Iraq, then I can draw no other conclusion than that we do not have enough troops as evidenced by—

1. The reluctance of Iraqis to join the political process.
2. The proliferation of militias.
3. The growing number of private military contractors and the rising costs of security in reconstruction spending.
4. A surge in violence in April.
5. The inability of the Iraqi security forces to provide law and order.

a. What is the specific mission statement of our armed forces in Iraq? Does it include civilian policing—fighting crime, preventing kidnappings, catching thieves?

Answer. The Multi-National Forces-Iraq (MNF-I) conducts offensive operations to defeat remaining non-compliant forces and neutralize destabilizing influences in Iraq in order to create a secure environment In direct support of the Coalition Provisional Authority (CPA). MNF-I organizes, trains, equips, mentors and certifies credible and capable Iraqi security forces in order to transition responsibility for security from Coalition forces to Iraqi forces. Concurrently, conducts stability operations to support the establishment of government, the restoration of essential services and economic development in order to set the conditions for a transfer of sovereignty and operations to designated follow-on authorities.

Although this mission statement does not specifically include kidnappings, preventing crimes and catching thieves, the enforcement of the law as written by the CPA and enforced by MNF-I makes these implied tasks to subordinate units under MNF-I and espouse into subordinate unit missions and commanders' intent at all levels.

b. Do our commanders in the field have the forces needed to successfully carry out the civilian policing mission? Have they told you what they need to do that? Have you asked them?

Answer. Coalition forces are in a training and advisory capacity with the Iraqi Police Service (IPS), and we perform local joint patrols with them. However, the goal is not for Coalition forces to perform the police mission, but for IPS to perform that mission with our support and training. The limitations on training and equipping IPS are not related to either the number of IPS personnel or the number of trainers. We have set up training programs that put IPS personnel through a variety of general and specialized training, and have maximized the available facilities to do so. In the days of Saddam Hussein, the Iraqi police did not have the training we normally assume of police forces—they had little to no training in the gathering of evidence or other skills associated with civilian policing in the Western world. Because of that, the training requirements for IPS are extensive and we are maximizing the throughput with the available resources. Previous testimony has indicated the limited availability of military police resources, and we are maximizing the availability of what we have to perform military police missions; this does not include day-to-day civilian policing.

c. Can you provide detailed information on how many foreign troops are there in Iraq and when their deployments are scheduled to end? What commitments do we have for the future?

Answer. The Coalition currently has 24,273 soldiers from 34 nations contributing forces to Operation IRAQI FREEDOM. Unfortunately, Spain, Honduras and the Dominican Republic have elected to withdraw their forces. Once their redeployment is complete the force will drop to about 22,900.

Most nations have limited their formal commitments to 6-month intervals. Under this 6-month framework, the majority of the formal commitments will expire between December 2004 and February 2005. Two notable exceptions are the United Kingdom and Poland, who have agreed to stay as long as required.

While we have few formal commitments for the period beyond February 2005, many countries have made public and private statements that lead us to believe they will remain for the foreseeable future. However, there are two or three countries we believe may withdraw their forces if they were to have either a change in government or a terrorist attack on home territory.

The Republic of Korea has agreed to provide about 3,000 soldiers. Preparations for their deployment are ongoing. We are also examining offers for smaller sized units from Azerbaijan, Tonga and Georgia, but these have not yet resulted in formal commitments of forces.

RECONSTRUCTION AND CONTRACTING

Question 6. Recently, Stuart Bowen, the Coalition Provisional Authority's Inspector General, told Reuters that in the wake of the spate of violence directed at contractors, the security and insurance costs might be in the range of 25 percent of costs. To make matter worse, there was a disturbing recent report on the National Public Radio's "Marketplace" that indicated that up to 20 percent of our reconstruction dollars could be lost to corruption. With contractors being kidnapped and murdered, most NGOs and many contractors are either hunkering down or pulling out and reconstruction efforts are being hampered.

a. What is your best estimate for the amount of reconstruction funds that are being spent on security and lost to corruption? Are Mr. Bowen's estimates credible? What is your response to the "Marketplace" allegations?

Answer. The level of security required in Iraq is a unique aspect of moving and building there. Based on proposals submitted by contractors, security costs are estimated at 10 to 15% of construction costs. Contractors are currently in the early stages of submitting vouchers for security so the actual costs are not available at this point.

This estimating and stating of security costs is an inexact science at best until the construction is complete and the costs are paid. We are working hard to control all costs but the environment is in charge of how much it costs for security. It will change over time and the costs (percentages) could go up, stay the same or go down. Predicting security costs even based on past data from other sources may be very misleading. This information is not "knowable" in advance like the cost of cement or pipe.

Security remains a top concern. But despite the challenges, it is important to move forward with efforts to help bring essential services to the people in Iraq. We firmly believe that the construction efforts and the jobs created through the contracting process will help stabilize the country and contribute to security. Security will impact the pace and the cost of construction but it will not stop construction. Despite the security concerns, all of our contractors have personnel on the ground and are executing plans for deployment of resources to meet their obligations. With the beginning of our major construction, we have an overall PMO security contractor who will assist the Coalition in defining the security requirements for our construction contractors.

In addition, we will establish security operations centers in various locations throughout Iraq. These centers will be information nodes receiving reports and sharing security information. Our security contractor will be integrated closely with the construction contractors' security, coalition military, and Iraqi security authorities.

b. What is your response to the "Marketplace" allegations?

Answer. As for the construction funds "being lost to corruption," we are participating fully with all oversight agencies to prevent this from happening. We have auditors from the General Accounting Office, the Army Audit Agency, the Defense Contracting Audit Agency, the U.S. Department of Defense Inspector General, and the Coalition Provisional Authority Inspector General, among others, overseeing and

reviewing the entire contracting award process to ensure that our actions remain open, competitive, and transparent.

c. Who will be in charge of contracting after June 30? What role does State have now? What role will it have? What will DOD's role be in contracting post June 30?

Answer. When CPA dissolves, the United States will be represented by the Chief of Mission who will be responsible for direction, coordination, and supervision of all U.S. Government, employees, policies, and activities in country, except those under the command of an area military commander or employees of an International Organization. The Department of the Army will continue to serve as the Executing Agent, providing contracting and program management support. A temporary organization called Army Project and Contracting Office (APCO—formerly Program Management Office) within the Department of the Army has been established to provide acquisition and contract management support.

d. How much of the $18.4 billion in reconstruction funds has actually been spent in Iraq as opposed to obligated? How long will it take to spend the entire $18.4 billion? Why is it taking so long to spend this money? If any part of the problem lies with Congress, have you requested a fix?

Answer. While there were some initial delays in contracting for the various reconstruction projects, the Coalition Provisional Authority is executing these funds now.

- As of May 26, 2004, $7.6 billion (41 percent) of the $18.4 billion was committed, and $3.7 billion (20 percent) was obligated.
- Since DOD has awarded the, PMO construction contracts in March, execution has been accelerating.
- Expenditures will lag obligations. Expenditures are recorded as work is completed.
- Iraqi Relief and Reconstruction Fund (IRRF) funds are available through FY 2006, and some major projects may take that long to complete.

Initial delays were caused by:

- The requirement to submit the financial plan required by section 2207 of the Supplemental Appropriations Act for the Reconstruction of Iraq,
- The Supplemental Appropriations Act requirement that IRRF-funded contracts be awarded through full and open competition, and
- The need to definitize requirements to a level so that the contract/task order could be awarded.

We are using our normal acquisition process to ensure fair and open competition. This is a deliberative process so that we can preclude protests that would result in further delays in execution (e.g., NOUR USA LTD protest that has affected equipping the New Iraqi Army and the Iraqi Civil Defense Corps).

For those projects for which the Department of Defense is responsible for executing.

- DOD awarded 10 construction contracts to support the security, electrical, water, transportation, communications, and public buildings. These contracts were executed under an accelerated and fully open competition.

  Proposals for these solicitations were due on February 5, 2004, and all contract awards were made by March 26, 2004.

  These contracts are cost plus award fee, indefinite delivery, indefinite quantity (IDIQ) with a 2-year base period with three 1-year options.

  Projects will be executed via task order as specific requirements are prioritized. These contracts combined with the current construction contracts underway will serve as the majority of the capacity to accomplish the construction work identified in the section 2207 report.
- For the non-construction contracts,

  DOD is defming the contract requirements as quickly as possible and is issuing those contracts on a case-by-case basis based on when the items are required.

  DOD sent a special contracting team led by Brigadier General Steve Seay to Baghdad to assist in the definitization of requirements—especially those for Iraqi security forces; the ministries know what they want, but they need assistance in translating these needs into requirements for contracting purposes.

CORRUPTION

Question 7. In February, Ambassador Bremer signed CPA Order number 57 which created Inspectors General in each Iraqi ministry, which "report to the relevant

ministers and shall respond to requests or inquiries submitted by the Coalition Provisional Authority. In cases involving allegations of misconduct by the relevant minister, and Inspector General shall report to" Jerry Bremer.

a. Which requests or inquiries has the CPA made of the various IGs? Has Ambassador Bremer made any requests to investigate Iraqi ministers?

Answer. The CPA has initiated no requests to the Ministry IGs to investigate Ministers.

b. Have the IGs been tasked to look into the specific allegations contained in the Marketplace series of similar allegations?

Answer. No.

c. Can you relay to us the reporting, if any, that these Inspectors General have conveyed to the CPA?

Answer. None.

Question 8. Could you provide the committee with a detailed summary of the activities thus far of the Iraqi Commission on Public Integrity? Have the Annual Iraqi Financial Statements yet been made public?

Answer. Activities relating to the Iraqi Commission on Public Integrity can be classified into several categories:

Selection of Commissioner and Iraqi Staff.—A Commissioner has been appointed. Approximately 100 Iraqis have applied for positions in the Commission, and they are currently undergoing background investigations.

Code of Conduct and Financial Disclosure Programs.—A Code of Conduct and financial disclosure regulations have been drafted. These drafts have been briefed to the Commissioner and await his input and approval. The signing of the Code of Conduct is a condition of employment for all governmental employees. The actual Code of Conduct was developed with Iraqi involvement. The training, distribution, and tracking aspects of the Code of Conduct Program is under development in union with the Inspectors General of each ministry. The program has been set back, however, by the recent loss of the coalition program coordinator. The Financial Disclosure Project was briefed to the Commissioner. Modifications will be made to secure certain financial information so that it can not be used by criminal elements to target the governmental worker or set kidnapping ransoms and to ensure confidentiality of certain information while balancing the need for transparency. The information that will be required has been made public, but the actual rules and regulations have not been released.

Training.—Coalition subject matter experts have been building courses of action in numerous areas. An investigative training plan has been developed, and upon the transfer of funds to the International Criminal Investigation and Training Program (ICITAP), trainers will deploy to conduct high intensity training in undercover activity, including the use of electronic surveillance equipment, to detect, identify, infiltrate, and prosecute all levels of public corruption. Educational programs are being developed to train Iraqis in basic and advanced accounting and auditing techniques to enhance detection and investigation. Additional educational initiatives are directed at grade school civics education curricula. A public relations campaign is under development to encourage local citizen cooperation in the fight against corruption and to promote a sense of pride in government work by drawing upon the region's rich cultural, religious, and historical history for integrity and honesty. Training on the nature and scope of the Commission has been provided to all prosecutors, investigative and trial judges.

Investigations.—A hotline for the anonymous reporting of corrupt activity should be rolled out in 30 to 45 days. Because no Iraqi staff is in place, no investigations have begun.

Funding.—A total of $15 million in supplemental and $20 million in DFI money has been secured to stand up, equip, train, and maintain the Commission. An Anti-Corruption Working Group has been established to maximize coordination, cooperation, and training and to reduce duplication of efforts among the three pillars of the anti-corruption initiatives (i.e., the Iraqi Commission on Public Integrity, the Board of Supreme Audit, and the Inspectors General in each of the ministries). Efforts are underway to develop alternative funding sources for FY 2006 and beyond.

Security.—A safe and secure building from which to operate the Commission on Public Integrity has been located and rebuilt. Final interior refurbishing is expected to be complete in 10 days. A rapid deployment training program to investigate and prosecute criminals who threaten employees, witnesses, and judges involved in uncovering corruption will be developed by June 15th. A witness/employee protection

location has been identified and will be refurbished. This location will also be an emergency secondary base of operation in case of a destructive attack on the main site. Long term witness protection has been coordinated with the U.S. Marshals. We are attempting to purchase armored cars from neighboring countries to reduce the six-month minimum lag time between order and delivery.

Regarding whether or not Annual Iraqi Financial Statements have yet been made public: they have not been made public because they have not been prepared.

Question 9. In September 2003, Ambassador Bremer signed CPA Order number 30, which reformed employment conditions for state employees. According to the order, "Public Service Employees who fail to report to work for five consecutive days or ten days in a month, except as authorized by their senior supervisor or as a result of verifiable medical incapacitation, may be dismissed from their employment."

a. How many employees have been dismissed for reason of failure to report to work since the order was signed?

Answer. To our knowledge, no employees were fired as a result of CPA Order #30.

b. A May 13, 2004 Economist article entitled, "Without peace, reconstruction stalls" says that "the foreign ministry will not re-open until the autumn. Its 1,400 officials work for only two days a week, due to shortage of space." How is CPA order 30 reconciled with the foreign ministry's apparent two day work week?

Answer. The Economist article is wrong. The Ministry of Foreign Affairs works six days a week and is fully engaged in the hard work of reopening and restaffing Iraq's embassies abroad and formulating and articulating a new foreign policy for a new, democratic Iraq. Foreign Minister Hoshyar Zebari has endorsed a new Corporate Management Plan jointly developed by CPA and the Ministry's senior staff that establishes sound, modern management principles for the Ministry. It is true that there are space problems at the Ministry due to the looting of the main Ministry building following the liberation of Baghdad, but the renovated main headquarters building will open in a few months. Some of the more junior staff do only work part-time while the renovation is underway, but the Ministry is very actively engaged in its important tasks.

RESPONSES OF HON. RICHARD L. ARMITAGE TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED BY SENATOR RUSSELL D. FEINGLOD

Question 1. At the same time that Congress passed an $87 billion supplemental spending bill requested by the administration, primarily for Iraq, last year, Congress also created an Inspector General for the Coalition Provisional Authority to ensure that massive sums of U.S. taxpayer dollars were not lost to waste, fraud, and abuse. But only a fraction of the billions appropriated for reconstruction programs in Iraq has been obligated thus far. When Congress created the IG for the CPA, we did so because we recognized that the amount of money involved in reconstruction was so great that we needed an IG on the ground in Baghdad, not an office in Washington that viewed Iraq as one operation among hundreds that needs oversight. What will become of the CPA IG given the fact that the funds he was suppose to oversee have barely begun to be obligated? The law says that the IG's office will terminate six months after the authorities and duties of the Coalition Provisional Authority cease to exist. It seems to me that the authorities and duties, in terms of the reconstruction effort, do not cease to exist on June [30, 2004.] Will the CPA IG be subsumed into the State Department's IG office or is some other arrangement under consideration? I asked this question of Secretary Grossman last month, but I still do not have an answer, so I am trying again.

Answer. We expect the Coalition Provisional Authority's Inspector General (CPA/IG) to remain in place for six-months following June 30, 2004, and to sunset on December 31, 2004, in accordance with 3001(o) of Public Law 108–106. The State Department's Inspector General (DOS/IG) has detailed six people to the CPA/IG, both in Iraq and Washington, and is in the process of developing plans for work to be initiated after June 30, 2004, which is commensurate with expanded Iraq-related duties to be assumed by the Department.

As to the oversight responsibility for Iraq reconstruction funds, it is our understanding that each Inspector General (for the Department of State, U.S. Agency for International Development, Department of Defense and others) will acquire oversight responsibility as each parent agency acquires responsibility for programs previously under the purview of the Coalition Provisional Authority. The Secretary of

State will, however, assume responsibility for the continuous supervision and general direction of assistance for Iraq.

Question 2. As I understand it, the International Committee of the Red Cross and Red Crescent alerted senior officials at both the Department of Defense and the Department of State about alarming abuses of Iraqi prisoners directly in mid-January. Press reports indicate that the ICRC communicated concern directly to both Secretary Powell and Deputy Secretary Wolfowitz. So regardless of whether other reports made it onto the desks of the right people, the message was delivered at very high levels at that time. I would like to ask both Secretary Armitage and Secretary Wolfowitz, what action did your respective Departments take after the ICRC delivered that very troubling message?

Answer. ICRC President Kellenberger visited Washington in January and discussed detention issues with Secretary Powell, Deputy Secretary of Defense Wolfowitz and National Security Advisor Rice. Senior administration officials meet with Kellenberger every time he visits Washington, a reflection of our high regard for the International Committee of the Red Cross. In response to a question from the Secretary on detainees in Iraq, Kellenberger told the Secretary that the ICRC had concerns about the treatment of detainees in Guantanamo, Afghanistan and Iraq and mentioned that a report was being prepared on Iraq. He did not mention specifics or ask for any specific action. The ICRC provided its confidential report to CPA and U.S. military authorities in Baghdad in February 2004, covering the organization's visits to prisons in Iraq from March to November of 2003. The U.S. Mission in Geneva obtained a copy of the report and transmitted it to the Department on March 5, 2004. Secretary Powell received an internal memorandum describing the allegations of the report on March 11, 2004. He was also informed that serious investigations were taking place. The system appeared to be working and we understood that issues were being dealt with at the local level. Our colleagues in the ICRC also appeared to share the view in late March and April, both in Washington and Geneva, that the February Report was being taken seriously at the local level and that steps were being taken locally to address the concerns raised.

The Department of Defense and the Department of Justice are conducting various investigations arising from the allegations of abuse at Abu Ghraib prison and elsewhere. The Department of State has maintained a regular dialogue with the ICRC and other international organizations and NGOs at the working level regarding these issues; Secretary Powell and others ensure that the concerns the ICRC raises are carefully considered in interagency discussions.

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