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110TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
110–283

TO REQUIRE THE PRESIDENT, IN COORDINATION WITH THE SECRETARY OF STATE, THE SECRETARY OF DEFENSE, THE JOINT CHIEFS OF STAFF, AND OTHER SENIOR MILITARY LEADERS, TO DEVELOP AND TRANSMIT TO CONGRESS A COMPREHENSIVE STRATEGY FOR THE REDEPLOYMENT OF UNITED STATES ARMED FORCES IN IRAQ

REPORT

OF THE

COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H.R. 3087

[Including cost estimate of the Congressional Budget Office]

JULY 31, 2007.—Ordered to be printed.

U.S. GOVERNMENT PRINTING OFFICE
59–006 WASHINGTON : 2007

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110TH CONGRESS 1st Session | HOUSE OF REPRESENTATIVES | REPORT 110–283

TO REQUIRE THE PRESIDENT, IN COORDINATION WITH THE SECRETARY OF STATE, THE SECRETARY OF DEFENSE, THE JOINT CHIEFS OF STAFF, AND OTHER SENIOR MILITARY LEADER, TO DEVELOP AND TRANSMIT TO CONGRESS A COMPREHENSIVE STRATEGY FOR REDEPLOYMENT OF UNITED STATES ARMED FORCES IN IRAQ

JULY 31, 2007.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SKELTON, from the Committee on Armed Services, submitted the following

R E P O R T

[To accompany H.R. 3087]

[Including cost estimate of the Congressional Budget Office]*COM007*

The Committee on Armed Services, to whom was referred the bill (H.R. 3087) to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FINDINGS.

Congress finds the following:

(1) The Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243), enacted into law on October 16, 2002, authorized the President to use the Armed Forces as the President determined necessary and appropriate in order to defend the national security of the United States against the continuing threat posed by the Government of Iraq at that time.

(2) The Government of Iraq which was in power at the time the Authorization for Use of Military Force Against Iraq Resolution of 2002 was enacted into law has been removed from power and its leader indicted, tried, convicted, and executed by the new freely-elected democratic Government of Iraq.

(3) The current Government of Iraq does not pose a threat to the United States or its interests.

(4) After more than four years of valiant efforts by members of the Armed Forces and United States civilians, the Government of Iraq must now be responsible for Iraq's future course.

59–006

SEC. 2. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) nothing in this Act shall be construed as a recommendation by Congress that any particular contingency plan be exercised;

(2) it is necessary and prudent for the Department of Defense to undertake robust and comprehensive contingency planning;

(3) contingency planning for a redeployment of the Armed Forces from Iraq should address—

(A) ensuring appropriate protection for the Armed Forces in Iraq;

(B) providing appropriate protection in Iraq for United States civilians, contractors, third party nationals, and Iraqi nationals who have assisted the United States mission in Iraq;

(C) maintaining and enhancing the ability of the United States Government to eliminate and disrupt Al Qaeda and affiliated terrorist organizations; and

(D) preserving military equipment necessary to defend the national security interests of the United States; and

(4) contingency planning for a redeployment of the Armed Forces from Iraq should—

(A) describe a range of possible scenarios for such redeployment;

(B) outline multiple possible timetables for such redeployment; and

(C) describe the possible missions, and the associated projected number of members, of the Armed Forces which would remain in Iraq, including to—

(i) conduct United States military operations to protect vital United States national security interests;

(ii) conduct counterterrorism operations against Al Qaeda in Iraq and affiliated terrorist organizations;

(iii) protect the Armed Forces, United States diplomatic and military facilities, and United States civilians; and

(iv) support and equip Iraqi forces to take full responsibility for their own security.

SEC. 3. REPORTS AND CONGRESSIONAL BRIEFINGS ON THE STATUS OF PLANNING FOR THE REDEPLOYMENT OF THE ARMED FORCES FROM IRAQ.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit to the congressional defense committees a report on the status of planning for the redeployment of the Armed Forces from Iraq. The initial report and each subsequent report required by this subsection shall be submitted in unclassified form, to the maximum extent possible, but may contain a classified annex, if necessary.

(b) CONGRESSIONAL BRIEFINGS REQUIRED.—Not later than 14 days after the submission of the initial report under subsection (a), the Secretary of Defense and the Chairman of the Joint Chiefs of Staff shall meet with the congressional defense committees to brief such committees on the matters contained in the report. Not later than 14 days after the submission of each subsequent report under subsection (a), appropriate senior officials of the Department of Defense shall meet with the congressional defense committees to brief such committees on the matters contained in the report.

(c) TERMINATION OF REPORTING AND BRIEFING REQUIREMENTS.—The requirement to submit reports under subsection (a) and the requirement to provide congressional briefings under subsection (b) shall terminate on the date on which the Secretary of Defense submits to the congressional defense committees a certification in writing that the Armed Forces are no longer primarily engaged in a combat mission in Iraq.

(d) CONGRESSIONAL DEFENSE COMMITTEES DEFINED.—In this section, the term "congressional defense committees" has the meaning given the term in section 101 of title 10, United States Code.

SEC. 4. ARMED FORCES DEFINED.

In this Act, the term "Armed Forces" has the meaning given the term in section 101 of title 10, United States Code.

Amend the title so as to read:

A bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports.

PURPOSE AND BACKGROUND

The purpose of H.R. 3087, a bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports, is to provide guidance to the Department on Congress's expectations for contingency planning for redeployment of U.S. armed forces from Iraq and to establish the mechanisms necessary to allow appropriate congressional oversight of such planning to occur.

On July 12, 2007, the President delivered to Congress the Initial Benchmark Assessment Report on Iraq required by section 1314 of the U.S. Troop Readiness, Veteran's Care, Katrina Recovery, and Iraq Accountability Appropriations Act of 2007 (Public Law 110–28). That report, states that the President is pursuing a multi-pronged strategy "designed to set the conditions for U.S. troops to begin coming home, without risking a humanitarian catastrophe in Iraq, sanctuaries for international terrorist networks, or a broader regional conflict that would threaten U.S. national security interests for generations." On that same day, the House of Representatives passed legislation, H.R. 2956, Responsible Redeployment from Iraq Act, by a 223–201 vote, calling for a reduction in the number of U.S. armed forces in Iraq and a transition to a limited presence there in a safe and orderly manner. H.R. 3087 would assist in the accomplishment of these goals by facilitating a dialogue between the executive and legislative branches of government through the required provision of reports and briefings to Congress on the status of planning for redeployment. It would maximize the amount of significant information of an unclassified nature provided to Congress, while keeping sensitive classified information fully protected. H.R. 3087 would continue to require reports and briefings until such time as the U.S. armed forces in Iraq are no longer primarily engaged in a combat mission, as certified by the Secretary of Defense.

LEGISLATIVE HISTORY

H.R. 3087 was introduced on July 18, 2007, and referred to the Committee on Armed Services.

On July 27, 2007, the Committee on Armed Services held a mark-up session to consider H.R. 3087, as introduced. The committee, a quorum being present, ordered reported H.R. 3087, as amended, to the House with a favorable recommendation by a record vote of 55–2.

HEARINGS

Committee consideration of the matter contained in H.R. 3087, results from multiple hearings, including a full committee hearing on January 11, 2007 "The Way Forward in Iraq;" a full committee hearing on January 17, 2007 "Alternative Perspectives on the President's Strategy for Iraq;" a full committee hearing on January 23, 2007 "Implications of Iraq Policy on Total Force Readiness;" a full committee hearing on July 18, 2007 "Iraq: Trends and Recent

Security Developments;" and a full committee hearing on July 27, 2007 "Hearing on H.R. 3159 and H.R. 3087." The committee has also received regular briefings on the status of operations in Iraq. The committee received views on a broad range of issues relating to U.S. policy in Iraq in these hearings and briefings, including views on many of the specific issues relating to contingency planning and possible scenarios for a redeployment of forces from Iraq that are addressed in H.R. 3087 such as force protection, preservation of military equipment, counterterrorism, and training and equipping of Iraqi security forces.

SECTION-BY-SECTION ANALYSIS

The following is a section-by-section analysis of those sections of H.R. 3087, as amended, by the Committee on Armed Services.

Section 1—Findings

This section would express several findings of Congress related to the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243). This section would find that the resolution authorized the President to use force to defend U.S. national security against the continuing threat posed by the Government of Iraq at that time. This section would further state that the government that ruled Iraq at the time the resolution was passed has been removed from power; that the current Government of Iraq does not pose a threat to the United States or its interests; and that the Government of Iraq must now be responsible for Iraq's future course.

Section 2—Sense of Congress

This section would express the sense of Congress on several issues related to a redeployment of U.S. armed forces from Iraq. First, this section would express that nothing in the Act shall be construed as a congressional recommendation that any particular contingency plan be exercised. Second, it would express that it is necessary and appropriate for the Department of Defense to undertake robust and comprehensive contingency planning.

Third, this section would express the sense of Congress that contingency planning for a redeployment of the armed forces from Iraq should address force protection for those forces, U.S. civilians, contractors, third-party nationals, and Iraqi nationals who have assisted the U.S. mission in Iraq. Further, this section would express that contingency planning for a redeployment from Iraq should maintain and enhance the ability of the U.S. Government to eliminate and disrupt al Qaeda and affiliated terrorist organizations and should preserve military equipment necessary to defend the national security interests of the United States.

Finally, this section would express the sense of Congress that contingency planning for a redeployment of the U.S. armed forces from Iraq should describe a range of scenarios for such a redeployment, outline multiple timetables for such redeployment, and describe the possible missions and number of personnel required for U.S. armed forces that remain in Iraq.

Section 3—Reports and Congressional Briefings on the Status of Planning for the Redeployment of the Armed Forces from Iraq

This section would require that within 60 days of enactment and every 90 days thereafter, the Secretary of Defense submit to the congressional defense committees, a report on the status of planning for the redeployment of U.S. armed forces from Iraq. The report would be required to be unclassified to the maximum extent possible, but could contain a classified annex, if necessary. This section would also require that within 14 days of the submission of the initial report the Secretary and the Chairman of the Joint Chiefs of Staff brief the congressional defense committees on the matters contained in the initial report. Within 14 days of the submission of every required report thereafter, senior defense officials would be required to brief the congressional defense committees on the matters contained in the reports. This section would terminate the reporting requirement when the Secretary submits to the congressional defense committees a written certification that the U.S. armed forces are no longer primarily engaged in a combat mission. Finally, this section would define the term "congressional defense committees" as it is currently defined in section 101 of title 10, United States Code.

The committee expects that the reports and briefings provided pursuant to this section would not include the full operational details of contingency plans for all redeployment scenarios. However, the committee does expect that such reports and briefings will include significant substantive details on the nature and scope of the contingency plans being developed, and significant issues arising under those plans including especially those issues of concern to Congress, as outlined in this legislation.

Section 4—Armed Forces Defined

The section would define the term "Armed Forces" as it is currently defined in section 101 of title 10, United States Code.

COMMITTEE POSITION

On July 27, 2007, the Committee on Armed Services, a quorum being present, ordered reported H.R. 3087, as amended, to the House with a favorable recommendation by a record vote of 55–2.

CONGRESSIONAL BUDGET OFFICE ESTIMATE

In compliance with clause 3(c)(3) of rule XIII of the Rules of the House of Representatives, the cost estimate prepared by the Congressional Budget Office and submitted pursuant to section 402 of the Congressional Budget Act of 1974 is as follows:

JULY 31, 2007.

Hon. IKE SKELTON,
Chairman, Committee on Armed Services
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 3087, a bill to require the Secretary of Defense to submit to Congress reports on the status of planning for the redeployment of the Armed Forces from Iraq and to require the Secretary of Defense, the Chairman of the Joint

Chiefs of Staff, and appropriate senior officials of the Department of Defense to meet with Congress to brief Congress on the matters contained in the reports.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Matthew Schmit.

Sincerely,

PETER R. ORSZAG,
Director.

Congressional Budget Office Cost Estimate

H.R. 3087 would require the Administration to submit to the Congress a series of reports on plans to withdraw U.S. military forces from Iraq. The bill also would require senior Department of Defense officials to provide briefings to the Congress on that same topic. CBO estimates that H.R. 3087 would have no significant budgetary effect.

H.R. 3087 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would impose no costs on state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Schmit. This estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee generally concurs with the estimate as contained in the report of the Congressional Budget Office.

OVERSIGHT FINDINGS

With respect to clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the committee reports that the findings and recommendations of the committee, based on oversight activities pursuant to clause 2(b)(1) of rule X, are incorporated in the descriptive portions of this report.

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures.

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the bill does not authorize specific program funding.

STATEMENT OF PERFORMANCE GOALS AND OBJECTIVES

In compliance with clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the goals and objectives of H.R. 3087 are to express the sense of Congress that the Department of Defense should conduct robust contingency planning and to require communication with Congress regarding redeployment planning. Sixty days after enactment, the bill requires the Secretary of Defense to submit a report on redeployment planning, and that he and the Chairman of the Joint Chiefs of Staff brief the House and Senate Defense Committees on its contents. Every 90 days thereafter, the report must be updated and the committees must be briefed again.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds the authority for this legislation in Article I, section 8 of the United States Constitution.

EARMARKS

Pursuant to clause 9 of rule XXI, H.R. 3087, to require the President, in coordination with the Secretary of State, the Secretary of Defense, the Joint Chiefs of Staff, and other senior military leaders, to develop and transmit to Congress a comprehensive strategy for the redeployment of United States Armed Forces in Iraq, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

STATEMENT OF FEDERAL MANDATES

Pursuant to section 423 of Public Law 104–4, this legislation contains no federal mandates with respect to state, local, and tribal governments, nor with respect to the private sector. Similarly, the bill provides no unfunded federal intergovernmental mandates.

RECORD VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, a record vote was taken with respect to the committee's consideration of H.R. 3087. The record of this vote is included in this report.

The committee ordered reported H.R. 3087, as amended, to the House with a favorable recommendation by a record vote of 55–2, a quorum being present.

COMMITTEE ON ARMED SERVICES
110TH CONGRESS
ROLL CALL

Date: 07-27-07

Description: **Motion to adopt and order reported favorably, H.R. 3087, as amended**

Rep.	Ayes	Noes	Present	Rep.	Ayes	Noes	Present
Mr. Skelton	X			Mr. Hunter	X		
Mr. Spratt	X			Mr. Saxton	X		
Mr. Ortiz	X			Mr. McHugh	X		
Mr. Taylor	X			Mr. Everett	X		
Mr. Abercrombie	X			Mr. Bartlett	X		
Mr. Reyes	X			Mr. McKeon	X		
Dr. Snyder	X			Mr. Thornberry		X	
Mr. Smith	X			Mr. Jones	X		
Ms. Sanchez	X			Mr. Hayes	X		
Mr. McIntyre	X			Mrs. Davis (VA)			
Ms. Tauscher	X			Mr. Akin	X		
Mr. Brady	X			Mr. Forbes	X		
Mr. Andrews	X			Mr. Miller (FL)	X		
Mrs. Davis (CA)	X			Mr. Wilson	X		
Mr. Larsen	X			Mr. LoBiondo	X		
Mr. Cooper				Mr. Cole	X		
Mr. Marshall	X			Mr. Bishop	X		
Ms. Bordallo	X			Mr. Turner	X		
Mr. Udall	X			Mr. Kline	X		
Mr. Boren	X			Mrs. Miller (MI)	X		
Mr. Ellsworth	X			Dr. Gingrey	X		
Mrs. Boyda	X			Mr. Rogers	X		
Mr. Murphy	X			Mr. Franks		X	
Mr. Johnson	X			Mr. Shuster	X		
Ms. Shea-Porter	X			Mrs. Drake	X		
Mr. Courtney	X			Mrs. McMorris Rodgers	X		
Mr. Loebsack	X			Mr. Conaway	X		
Ms. Gillibrand	X			Mr. Davis (KY)			
Mr. Sestak							
Ms. Giffords	X						
Mr. Cummings	X						
Mr. Meek	X						
Ms. Castor	X						

Roll Call Vote Total:

55 Ayes 2 Noes Present

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

Clause 3(e) of rule XIII of the Rules of the House of Representatives requires an elaboration or description of how the reported bill proposes to repeal or amend a statute or part thereof. There were no changes in existing law made by H.R. 3087, as reported.

ADDITIONAL AND DISSENTING VIEWS

Clause 3(a) of rule XIII requires that the report include all supplemental, minority, or additional views that have been submitted. None were submitted by the time of the filing of the report.

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