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S. HRG. 110–716

THE SITUATION IN IRAQ AND AFGHANISTAN

HEARING

BEFORE THE

COMMITTEE ON ARMED SERVICES
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

SEPTEMBER 23, 2008

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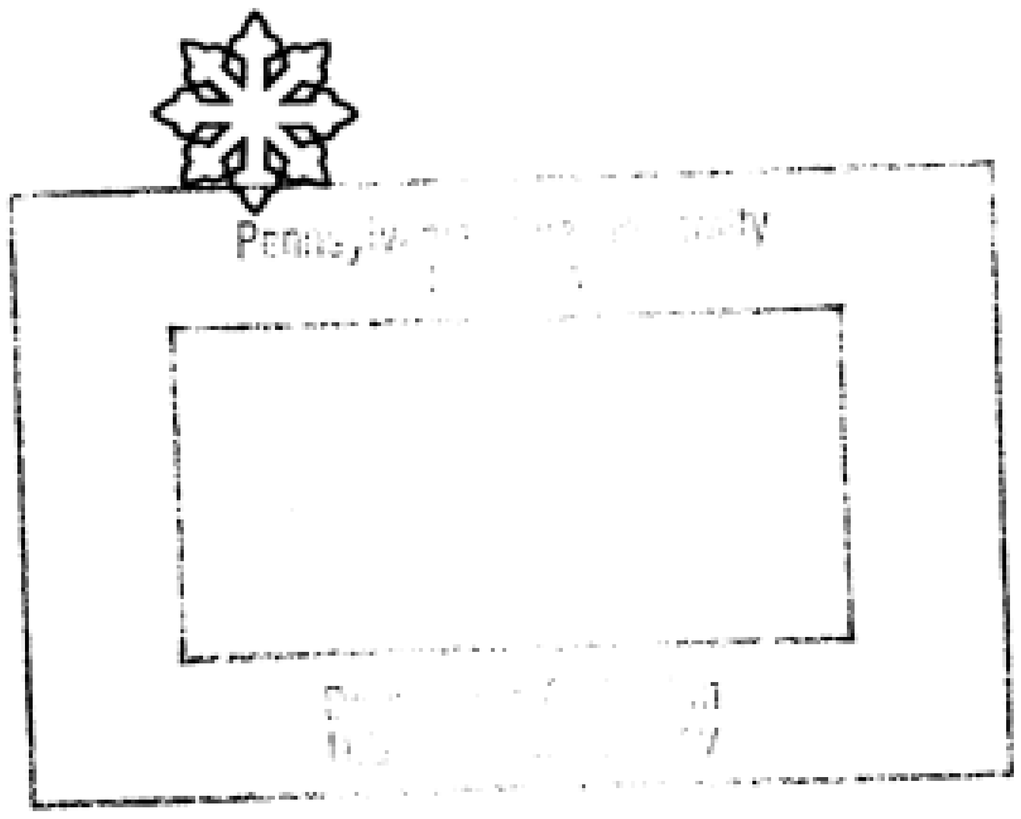

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THE SITUATION IN IRAQ AND AFGHANISTAN

TUESDAY, SEPTEMBER 23, 2008

U.S. SENATE
COMMITTEE ON ARMED SERVICES
Washington, DC.

The committee met, pursuant to notice, at 9:35 a.m. in room SD–106, Dirksen Senate Office Building, Senator Carl Levin (chairman) presiding.

Committee members present: Senators Levin, Lieberman, Bill Nelson, E. Benjamin Nelson, Pryor, Webb, McCaskill, Warner, Inhofe, Sessions, Collins, Chambliss, and Thune.

Committee staff members present: Richard D. DeBobes, staff director; and Cindy Pearson, assistant chief clerk and security manager.

Majority staff members present: Thomas K. McConnell, professional staff member; William G.P. Monahan, counsel; and William K. Sutey, professional staff member.

Minority staff members present: Michael V. Kostiw, Republican staff director; William M. Caniano, professional staff member; David G. Collins, research assistant; Paul C. Hutton IV, professional staff member; Lynn F. Rusten, professional staff member; and Robert M. Soofer, professional staff member.

Staff assistants present: Kevin A. Cronin, Jessica L. Kingston, and Ali Z. Pasha.

Committee members' assistants present: Jay Maroney, assistant to Senator Kennedy; Vance Serchuk, assistant to Senator Lieberman; Elizabeth King, assistant to Senator Reed; Christopher Caple and Caroline Tess, assistants to Senator Bill Nelson; Andrew R. Vanlandingham, assistant to Senator Ben Nelson; Jon Davey, assistant to Senator Bayh; Andrew Shapiro, assistant to Senator Clinton; M. Bradford Foley, assistant to Senator Pryor; Gordon Peterson, assistant to Senator Webb; Stephen C. Hedger, assistant to Senator McCaskill; Sandra Luff, assistant to Senator Warner; Anthony J. Lazarski, assistant to Senator Inhofe; Lenwood Landrum, assistant to Senator Sessions; Mark J. Winter, assistant to Senator Collins; Clyde A. Taylor IV, assistant to Senator Chambliss; David Hanks, assistant to Senator Cornyn; Jason Van Beek, assistant to Senator Thune; and David Brown, Brian W. Walsh, and Erskine W. Wells III, assistants to Senator Martinez.

OPENING STATEMENT OF SENATOR CARL LEVIN, CHAIRMAN

Chairman LEVIN. Today the committee receives testimony from Secretary of Defense Robert Gates and General James Cartwright, the Vice Chairman of the Joint Chiefs of Staff, on the situation in

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Iraq and Afghanistan. A warm welcome to both of you. This may be the final appearance of Secretary Gates before the committee and on behalf of all the members of the committee, Mr. Secretary, I want to extend our sincere gratitude to you for your cooperation, for your open-minded attitude, and your thoughtful approach to the duties that you have as Secretary of Defense.

Secretary Gates, the committee will be interested in your observations from your visit to Afghanistan and Iraq earlier this month. That visit included attending the change of command of Multi-National Forces-Iraq from General David Petraeus to General Raymond Odierno. We owe these two distinguished generals our appreciation for their dedication and their willingness to continue to serve our Nation. General Petraeus will take over as Commander of U.S. Central Command (CENTCOM), where his responsibilities will entail a broad perspective to balance the need of the conflicts in Iraq and Afghanistan, as well as the threats elsewhere in the region.

Since we last met, the President has announced a small troop reduction through next February or March and an open-ended presence beyond that. For some of us, that small reduction and open-endedness fails to put adequate pressure on the Iraqis to work out their political differences, which—and there is pretty much a consensus on this point—is the only hope of ending the underlying conflict.

The surge helped achieve a lower level of violence. It has not yet achieved its stated purpose, political accommodation among Iraq's leaders. The Iraqi Government has yet to adopt urgently needed legislation, including laws for the long-promised and repeatedly delayed provincial elections, hydrocarbon revenue-sharing, and constitutional amendments, including regarding the status of the increasingly volatile Kirkuk region.

In addition, the Iraqi Government continues to fail to pay for items that it should pay for. The Iraqis' failure to pay for such items continues despite Iraq's budget surplus, which is projected to approach $80 billion as a result of the soaring oil revenues, including money that comes from Americans paying high prices at the pump.

Our open-ended commitment in Iraq, which is an invitation to continued Iraqi dawdling and dependency, carries many costs: more American lives and wounded, and $10 billion, $11 billion a month beyond the $600 billion already spent.

One additional cost is the continuing shortage of troops needed to address the deteriorating security situation in Afghanistan, the central front in the war on terrorist extremism. The security of our troops and the Afghan people has worsened over the past 2 years. In June more American soldiers were killed in Afghanistan than Iraq. Improvised explosive device (IED) attacks have risen sharply in Afghanistan. The Chairman of the Joint Chiefs, Admiral Mullen, said on September 10, 2008, that he is "not convinced that we're winning . . . in Afghanistan. I'm convinced we can." He added, "Frankly, we're running out of time."

According to Admiral Mullen, the 4,500 troops for Afghanistan announced by President Bush on September 9 don't "adequately meet" the demands and needs of our commander in Afghanistan.

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General David McKiernan, Commander of the North Atlantic Treaty Organization (NATO) International Security Assistance Force (ISAF) has said that, even with those additional troops, he remains short by at least 3 more combat brigades, or potentially more than 20,000 troops once support units are included. ISAF is also short on helicopters, intelligence, surveillance, and reconnaissance (ISR) assets, and training teams for the Afghan National Army (ANA) and the Afghan National Police (ANP).

Major General Jeffrey Schloesser, the U.S. Commander of Regional Command East, the Afghanistan region that borders Pakistan's tribal areas, has said "there is no doubt that we definitely need more troops and some more resources." It is critical for the security situation that the training of these Afghan security forces be speeded up. Many more are needed to secure the border with Pakistan as well as for internal security.

The shortfall in troops in Afghanistan is also exacting a price on the Afghan people. General McKiernan said that because of shortages of troops on the ground the coalition forces are more dependent on air power, which has produced in turn an increase in civilian casualties. Afghan anger and frustration over civilian deaths threatens to undo the goodwill that our forces are building in Afghan communities.

We need to also do something that Secretary Gates has spoken of so eloquently: apply effectively America's instruments of "soft power" to the mission in Afghanistan—our economic, political, and development capabilities. In May, I visited a village near Bagram, Afghanistan, where three local community development councils, from three villages had pooled funds provided through the Afghanistan National Solidarity Program to build a school for their children. The polished new primary school was a magnificent sight, a very, very modest structure though it was. The elders that I met were proud to have given their sons and daughters a place to learn and an opportunity for a better life, and they told me that the extremists wouldn't dare attack the school because the people and communities would fight to the death to defend it.

On the Pakistan side of the border, it is unacceptable that extremist elements are finding safe haven in Pakistan's tribal regions and staging cross-border attacks from there on U.S. and coalition forces in Afghanistan. The Pakistan Government keeps promising to act to do more to eliminate these safe havens. In the meantime, it plays into the hands of the extremists and promotes their recruitment when Pakistan's media focuses on our incursions as the cause of the deaths of innocent civilians and the destruction of their homes.

Newly-elected Pakistan President Asif Zardari warned recently that Pakistan "will not tolerate the violation of our sovereignty and territorial integrity by any power in the name of combating terrorism." We must be careful not to undermine Pakistan's cooperation with our counterinsurgency efforts and unwittingly cause a spurt in the recruitment of extremists through actions of ours that are viewed widely throughout Pakistan as being disdainful of Pakistan's sovereignty, particularly when the Pakistan Government publicly condemns our efforts.

Senator Warner.

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STATEMENT OF SENATOR JOHN WARNER

Senator WARNER. Thank you, Mr. Chairman.

I'd like to start my remarks this morning with a quote by Thomas Jefferson which reflects on my high esteem for the Secretary, the work he has done and will continue to do, but as you look at the terminal phase of this current step in your career. Jefferson said: "Our duty to ourselves, to posterity, to mankind call on us by every motive which is sacred or honorable to watch over the safety of our beloved country during the troubles which agitate and convulse the world and to sacrifice to that all personal and local considerations."

Mr. Secretary, you have made a considerable sacrifice by returning to public office. I think I've had the privilege of introducing you before the Senate for four public offices, including this one. You've done that, you've made that sacrifice, together with your family. I've had the opportunity to work with every Secretary of Defense since Melvin Laird in 1969 and your performance of service matches the finest of all of them. Your decisive actions were cogently formulated. You never shot from the hip. Your voice was always firm, modest, and reassuring. You understood that in these difficult times we must forge broader bipartisan support. You have that bipartisan support on this committee, unlike I've ever seen for a previous secretary.

Your character and integrity earned utmost admiration and respect, not only here in Congress, but around the Nation.

So we thank you, sir. But there's much to be done, as the distinguished chairman stated.

I'd like to start off and again welcome you and General Cartwright. It's reassuring for Secretary Gates and I as we step down in the coming months that you and individuals like you will continue to carry on. It's very important to have that continuity.

I want to start, of course, by recognizing the courage and commitment and valor of the fighting men and women in uniform who served and are currently serving in Iraq and Afghanistan and other parts of the world. They along with their families have borne the risks, the hardships, and the sacrifices that make possible the freedom that we enjoy today. The United States is so fortunate to have great men and women who continue to volunteer—and I repeat, volunteer—to serve in uniform.

I also wish to acknowledge the courage and valor of the Iraqi and Afghan security forces and the important contributions of our coalition partners in NATO.

Further, I'd be remiss if I did not acknowledge the vital role played by the civilian employees of the Federal departments and ágencies of the U.S. Government who have deployed to Iraq and Afghanistan.

One of the hard-earned and well-known lessons of these wars was the weakness of the interagency process. You've strengthened that, Mr. Secretary, through your tireless efforts. The weakness of that process, however, has to be further strengthened to make it work. We've come a long way and created new tools for interagency coordination that were all born out of necessity. They must be expanded and institutionalized.

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With regards to Iraq, I commend the concept of the surge. I commend most heartily the courage of the forces, U.S. and Iraqi, that carried out this operation that today by any fair, pragmatic judgment has been a success. But against that success, unfortunately, is not matched a significant advancement in political reconciliation among the Iraqi Government. There we had planned the surge—I went back last night and reread what the President said in January and the concept was to provide a security arrangement within which political reconciliation could advance, and by advance I mean take major strides. In my judgment that simply has not happened. But it must happen. Let's hope the forthcoming elections are not further delayed.

Early this month the President said he'd bring home 3,400 combat forces and another Army brigade next year. I share with my colleague the chairman that we had hoped here in Congress, indeed by comments given by yourself and others earlier this year, that those force reductions would have been larger. I do hope that we can look to the future for further and larger reductions.

These reductions were made possible, less so by the meager political reconciliation, but among the Iraqi people down at the grassroots level and their efforts, and most importantly the accomplishments made by the courage of our forces in bringing about a reduction in the casualties and the incidents and a whole lot of other statistics that are very positive as it relates to the war.

I join the chairman—he mentioned it about the Iraqi funds and their use. Unfortunately, during the floor consideration of the Senate Armed Services authorization bill certain procedural steps were taken to preclude a full exploration of the issue of Iraqi funds and the extent to which they are now being put forward to pay the costs of the war and particularly the reconstruction costs.

I had an amendment. I think the chairman had an amendment. As a matter of fact, I will ask to have my amendment, which did not make it into the bill because of procedural reasons, put into the record at the appopriate location.

But I drew attention in my amendment to the very significant amount of military construction being asked for in the President's budget for installations, and it seems to me, with the hopes and expectation we're drawing down, with the extensive framework of installations we have in place, that we need the clearest of justification from the administration for future expenditures of literally billions of dollars on further construction in that country.

I also close by saying in testimony before the House Armed Services Committee earlier this month Admiral Mullen said: "Absent a broader international and interagency approach to the problems in Afghanistan, it is my professional opinion that no amount of troops and no amount of time can ever achieve all the objectives we seek in Afghanistan. Frankly, we're running out of time."

You stated last week: "We are taking a close look at our strategy in Afghanistan and I don't know whether the results of that will be a significant change in strategy or just some adjustments."

This is a very important opportunity this morning, and I commend the chairman for calling this hearing, to bring to Congress the framework of the current status in Afghanistan as well as Iraq such that we can go back home to our constituents in the coming

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months and try and do the best we can to keep the public informed and, if I may say, to the extent possible supportive. Support for the men and women of the Armed Forces carrying out the orders of the Commander in Chief is fundamental. It is essential. It's the duty of Congress to do what we can to maintain that support for those troops and these families in the face of realistic appraisals by yourself, Mr. Secretary, the chairman and others about the challenges that face us both in Iraq and in Afghanistan.

Likewise, you have it in your statement but we ask you today to give us a current assessment of the NATO commitment to the missions, including the future of NATO enlargement as it relates to several states, particularly the ones that have recently been in a combative relationship with Russia. Certainly the Georgia-Russia situation was a tragic chapter in current history and must be avoided for the future.

Lastly, I close with a subject that I've raised repeatedly throughout hearings here and that is the continued, almost unabated trade of narcotics in Afghanistan, which trade yields funds which go directly into the hands of the insurgents to buy weapons to fight our own forces and those of NATO and our allies.

So, Mr. Secretary, I close once again by saying this country is fortunate to have you in your position, as well as General Cartwright, and we thank you for your public service.

I'd like to give a minute to my colleague, Senator Inhofe, who has to depart.

[The prepared statement of Senator Warner follows:]

PREPARED STATEMENT BY SENATOR JOHN WARNER

Mr. Chairman, thank you, and I thank you for holding this important hearing on the way forward in Iraq and Afghanistan.

I join you in welcoming Secretary Gates and General Cartwright here today.

It is only appropriate to start by recognizing the commitment, courage, and valor of our fighting men and women in uniform who have served, or are currently serving in Iraq and Afghanistan. They, along with their families, have borne the risks, hardships, and sacrifices, so valiantly and selflessly.

The United States is so fortunate to have great men and women who continue to volunteer to serve in uniform.

I would also like to acknowledge the courage and valor of Iraqi and Afghan security forces and the important contributions of our coalition partners and North Atlantic Treaty Organization (NATO) allies.

Further, I would be remiss if I did not acknowledge the vital role played by the civilian employees of the Federal departments and agencies of the U.S. Government who have deployed to Iraq and Afghanistan.

One of the hard-learned and well-known lessons of these wars was weakness of the interagency process. The weaknesses of that process, however, do not reflect on the strength and exceptional service of those civilian Federal employees who deployed in harm's way.

We have come a long way and have created new tools for interagency coordination that were all born out of necessity. They must be expanded and institutionalized. The next administration must make the retooling of the interagency process a high priority.

With regards to Iraq, I commend the concept of the success of the surge and the courage of all the military forces that executed successfully the military operations.

Violence is now down to its lowest point since the spring of 2004. Civilian deaths are down, sectarian killings are down, suicide bombings are down, the number of improvised explosive device attacks is down, and normal life is returning to many communities across the country.

These reduced levels of violence in Iraq have been sustained for several months and as General Petraeus and Ambassador Crocker have reported that there now appears to be a "degree of durability" to the gains.

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Earlier this month, President Bush announced that we will bring home about 3,400 combat support forces in the next few months, plus a Marine battalion that is now serving in Anbar Province, and, in February 2009, another Army combat brigade will come home.

The courageous accomplishments of the troops made possible these reductions in forces.

I remain concerned about the disappointing pace of political reconciliation in Iraq that was a fundamental part of the surge concept. The Iraqi Government must come to agreement on holding provincial elections this year.

The committee will likely ask, as we have in the past, about the expenditure of Iraqi funds on reconstruction projects; the state of the Iraqi security forces; and progress on the Strategic Framework Agreement and the Status of Forces Agreement with the Government of Iraq.

I request consent to place a copy of an amendment I filed on the Defense Authorization Bill regarding the funding of infrastructure progress in Iraq into the record.

Now turning to Afghanistan where the security trends are not nearly as positive. The enemy we are facing in Afghanistan is growing more militarily capable and possibly more collaborative. This complex amalgam of insurgent groups is using safe havens in Pakistan to their advantage and the political situation in Pakistan further complicates this situation. The situation along the Afghan-Pakistan border and efforts to work with the Government of Pakistan to do more against extremists will be of high interest to the committee, especially after the hotel bombing in Islamabad that was reportedly planned in the tribal regions of western Pakistan.

In testimony before the House Armed Services Committee earlier this month, Admiral Mullen said: "absent a broader international and interagency approach to the problems in Afghanistan, it is my professional opinion that no amount of troops in no amount of time can ever achieve all the objectives we seek in Afghanistan. Frankly, we're running out of time." Mr. Secretary, you should be prepared to comment on that very frank and candid observation.

Secretary Gates, last week you said: "We are taking a close look at our strategy in Afghanistan and I don't know whether the results of that will be a significant change in strategy or just some adjustments." The committee will want to hear a report about progress on that review.

I remain concerned about some NATO allies' commitment to the fight in Afghanistan.

I clearly remember your testimony before the committee last February when you said: "I worry a great deal about the alliance evolving into a two-tiered alliance in which you have some allies willing to fight and die to protect people's security and others who are not."

You will be asked to give us a current assessment of NATO's commitment to the mission and, in light of the Georgia-Russia situation, and, whether or not, you think that this will make it more difficult to keep the NATO members committed in Afghanistan, let alone ask them to do more?

I have often pressed about the need to address drug trafficking in Afghanistan. The profits from that illicit trade are being used to purchase arms for the insurgents which are used against United States, NATO, Afghan, and other partnered forces. I continue to call this unconscionable. You should be prepared to address the current impact of narco-economy on the insurgency and state of coalition and Afghan counternarcotics efforts?

Secretary Gates, this is very likely your last appearance before this committee as the 22nd Secretary of Defense. You have had a remarkable career in public service and in this office.

In 1809, Thomas Jefferson wrote: "Our duty to ourselves, to posterity, and to mankind, call on us by every motive which is sacred or honorable, to watch over the safety of our beloved country during the troubles which agitate and convulse the world, and to sacrifice to that all personal and local considerations." Secretary Gates, you have done that.

I have had the opportunity to work closely with every Secretary of Defense since Melvin Laird, all were outstanding patriots.

Your recall to service, during these very trying times, was a selfless act of duty and patriotism. Your service in this office was exceptional.

Your decisive actions were cogently formulated. Your voice was always firm, modest, and reassuring.

You understood that at these difficult times you must forge broader bipartisan support.

Your character and integrity earned utmost admiration and respect in this body, around the Nation, and the world—but most importantly with the men and women in uniform.

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I am confident that my colleagues join me in thanking you for your service and for your commitment to the men and women of our Armed Forces.

Senator WARNER. Senator Inhofe.

Senator INHOFE. Not even a minute, Mr. Chairman.

Chairman LEVIN. Senator Inhofe.

Senator INHOFE. I just wanted to explain; Chairman Boxer has called a hearing where I'm the ranking member, that requires my attendance in and out of this. I hope, Mr. Chairman, though, that we'll be able to get around to the confirmations of General Fraser and Mr. Donley if at all possible.

Thank you.

Chairman LEVIN. Thank you, Senator Inhofe.

Secretary Gates, again a very warm, appreciative welcome to you, and General Cartwright, of course, but especially to you for your service, your demeanor, your willingness to consider ideas coming from various sources. It's really been a very important chapter that you've written in the very short time that you've had. So we welcome you.

STATEMENT OF HON. ROBERT M. GATES, SECRETARY OF DEFENSE

Secretary GATES. Thank you, Mr. Chairman, Senator Warner. Thank you both for your very kind comments. I would note that it was 42 years and 1 month ago that I first took the oath entering government service.

I want to thank you and the committee for inviting us to give you an update on the wars in Iraq and Afghanistan. I'd like to express at the outset gratitude to this committee and to Congress for passing legislation to enhance the benefits of the GI Bill. The Department is very pleased with the outcome and I can tell you that our men and women in uniform are deeply appreciative. Of course, this is just one example of the many ways in which you have supported our troops over past years, and on behalf of all of them I thank you.

But I'd also like to take this occasion, just echoing Senator Inhofe, to encourage the committee to act this week on the nominations of Mike Donley to be Secretary of the Air Force and General William Fraser III to be the Service's Vice Chief of Staff. The Air Force is undergoing a critical period of transition and renewal and it's vitally important that the full leadership team is in place and confirmed.

Chairman LEVIN. If I could just interrupt you right there, we will make every effort to get those confirmations completed this week.

Secretary GATES. Thank you, sir.

I visited last week with our troops, commanders, and local partners in both countries. In Iraq I was honored to pay tribute to our outgoing commander, General David Petraeus, as well as Ambassador Ryan Crocker, to whom, I might add, I gave the Department of Defense's (DOD) highest civilian award. Beyond their own brilliant individual performances, the Petraeus-Crocker team was a superb model of military-civilian partnership, one that should be studied and emulated for years to come.

Earlier this month, General Petraeus made his recommendations on the way forward in Iraq. Separate recommendations were sub-

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mitted by the Commander of the ISAF in Afghanistan, the Commander of CENTCOM, the Service Chiefs, and the chairman. Although each viewed the challenges from a different perspective, weighing different factors, all once again arrived at similar recommendations.

They've already withdrawn the five Army Brigade Combat Teams (BCTs), two Marine Battalions, and a Marine Expeditionary Unit that were sent to Iraq as part of the surge. The President announced earlier this month that approximately 8,000 troops will be withdrawn from Iraq in February without being replaced. The withdrawal of approximately 3,400 noncombat forces, including aviation personnel, explosive ordnance teams, combat and construction engineers, military police, and logistics support teams, began this month, will continue through this fall and winter, and be completed in January. In addition, a Marine battalion stationed in Anbar will return in November and another Army BCT will return by early February.

The bottom line point is that the drawdowns associated with the President's announcements of 8,000 drawing down do not wait until January or February, but in fact have begun. The continuing drawdown is possible because of the success in reducing violence and building Iraqi security capacity.

Even with fewer U.S. troops in Iraq, the positive trends of the last year have held and in some cases steadily continued in the right direction. Our casualties have been greatly reduced, even though one is still too many, and overall violence is down more than 80 percent. Recent turnover of Anbar Province to Iraqi provincial control, the 11th of 18 provinces to be turned over, highlights how much the situation has improved.

My submitted testimony has more details on some of the other positive indicators, as well as the serious challenges that remain. In short, Iraqi security forces have made great strides, political progress has been incremental but significant, and other nations of the region are increasingly engaged with Iraq.

That said, there are still problems, such as the prospect of violence in the lead-up to elections, worrisome reports about sectarian efforts to slow the assimilation of the Sons of Iraq into the Iraqi security forces, Iranian influence, the very real threat that al Qaeda continues to pose, and the possibility that Jaish al-Mahdi could return.

Before moving on to Afghanistan, I would like to make a few general comments and put the successes of the past year and a half in some context. The President has called our reduction in troop numbers a return on success. I, of course agree, but would expand on that. The changes on the ground and in our posture are reflective of a fundamental change in the nature of the conflict. In past testimony I have cautioned that no matter what you think about the origins of the war on Iraq, we must get the end-game there right.

I believe we have now entered that end-game, and our decisions today and in the months ahead will be critical to regional stability and our national security interests for years to come.

When I entered this office, the main concern was to halt and reverse the spiraling violence in order to prevent a strategic calamity

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for the United States and allow the Iraqis to make progress on the political, economic, and security fronts. Although we all have criticisms of the Iraqi Government, there can be no doubt that the situation is much different and better than it was in early 2007.

The situation, however, remains fragile. Disagreements in our country still exist over the speed of the drawdowns and whether we should adhere to hard and fast time lines or more flexible time horizons. I worry that the great progress our troops and the Iraqis have made has the potential to override the measure of caution born of uncertainty. Our military commanders do not yet believe our gains are necessarily enduring and they believe that there are still many challenges and potentials for reversals in the future.

The continuing but carefully modulated reductions the President has ordered represent, I believe, not only the right direction, but also the right course of action, especially considering planned and unplanned redeployments by some of our coalition partners. Our planned reductions are an acceptable risk today, but also provide for unforeseen circumstances in the future. They also preserve a broad range of options for the next Commander in Chief, who will make his own assessment after taking office in January.

As we proceed deeper into the end game, I would urge our Nation's leaders to implement strategies that, while reducing our presence in Iraq steadily, are cautious and flexible and take into account the advice of our senior commanders and military leaders. I would also urge our leaders to keep in mind that we should expect to be involved in Iraq for years to come, though in changing and increasingly limited ways.

Let me shift briefly to Afghanistan. There we are working with the Afghans and coalition partners to counter a classic extremist insurgency, fueled by ideology, poppy, poverty, crime, and corruption. During my recent visit to Afghanistan I reemphasized our commitment to success there, a commitment that includes increasing the size of our forces in country as well as the size and capabilities of the Afghan security forces.

I also expressed my regret and the regret of the American people for the civilians killed and injured in coalition and NATO air strikes. While no other nation in history has done more to protect the innocent, I pledge that we must and will do better.

My submitted statement details some positive developments, such as the increased commitment by our international partners on both the military and nonmilitary fronts and the announcement earlier this month to double the size of the Afghan army, which has demonstrated its effectiveness on the battlefield. The statement also outlines in more detail some of the logistical challenges we still face and are working to improve, such as ISAF shortfalls and coordination problems between military forces and civilian elements, particularly the Provincial Reconstruction Teams (PRTs).

Persistent and increasing violence, resulting from an organized insurgency, is of course our greatest concern. The President has decided to send more troops to Afghanistan in response to resurgent extremism and violence reflecting greater ambition, sophistication, and coordination.

We did not get to this point overnight, so a little historical context is useful. The mission in Afghanistan has evolved over the

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years since 2002 in both positive and negative ways. Reported insurgent activities and attacks began increasing steadily, particularly in the spring of 2006. This has been the result of increased insurgent activity, insurgent safe havens in Pakistan, and reduced military pressure on that side of the border, as well as more international and Afghan troops on the battlefield, troops that are increasingly in contact with the enemy.

In response to increased violence and the insurgent activity in 2006, in January 2007 I extended the deployment of an Army brigade and added another brigade. This last spring, the United States deployed 3,500 marines and all the number of American troops in the country increased from less than 21,000 2 years ago to more than 31,000 today.

At the NATO summit in Bucharest in April, ISAF allies and partners restated their own commitment to Afghanistan. France has added 700 troops in eastern Afghanistan. This fall, Germany will seek to increase its troop ceiling from 3,500 to 4,500. Poland is also increasing its troops by 400. The number of coalition forces, including NATO troops, has increased from about 20,000 to nearly 31,000, and it appears that this trend will continue as other allies such as the United Kingdom add more troops.

In Bucharest in April the President pledged the United States would send more troops to Afghanistan in 2009. Accordingly, we will increase U.S. troop levels in Afghanistan by deploying a Marine battalion this November and in January an Army BCT, both units that had been slated for Iraq.

As in Iraq, however, additional forces alone will not solve the problem. Security is just one aspect of the campaign alongside development and governance. We must maintain momentum, keep the international community engaged, and develop the capacity of the Afghan Government. The entirety of the NATO alliance, the European Union, nongovernmental organizations (NGOs), and other groups, our full military and civilian capabilities must be on the same page and working toward the same goal with the Afghan Government.

I am still not satisfied with the level of coordination and collaboration among the numerous partners and many moving parts associated with civilian reconstruction and development and building the capacity of the Afghan Government.

We do face committed enemies, which brings me finally to the challenge of the tribal areas of Pakistan. As in Iraq, until the insurgency is deprived of safe havens insecurity and violence will persist. We are working with Pakistan in a number of areas and I do believe that Islamabad appreciates the magnitude of the threat from the tribal areas, particularly considering the uptick in suicide bombings directed at Pakistani targets, most recently the Marriott Hotel in Islamabad.

During this time of political turmoil in Pakistan, it is especially crucial that we maintain a strong and positive relationship with the government since any deterioration could be a setback for both Pakistan and Afghanistan. The war on terror started in this region. It must end there.

Let me close by again thanking all of the members of the committee and Congress as a whole for their support for our men and

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women in uniform. I have noted on a number of occasions how positive the public response has been to those who have volunteered to serve. Our Nation's leaders across the entire political spectrum have led the way in honoring our service men and women, not just by providing the funds they need for their mission, but also by publicly declaring their support and their admiration for our troops.

I thank you for these sentiments and I thank you for your leadership during these challenging times. Thank you.

[The prepared statement of Secretary Gates follows:]

PREPARED STATEMENT BY DR. ROBERT M. GATES

Mr. Chairman, Senator Warner, members of the committee: Thank you for inviting me to give you an update on the wars in Iraq and Afghanistan. I would also express gratitude to Congress for passing legislation to enhance the benefits of the GI Bill. The Department is very pleased with the outcome, and I can tell you that our men and women in uniform are deeply appreciative. Of course, this is just one example of the many ways in which you have supported our troops these past years. On behalf of all of them, I thank you.

I would also like to take this occasion to encourage this committee to act as soon as possible on the nominations of Mike Donley to be the Secretary of the Air Force, and General William Fraser III to be the Service's Vice Chief of Staff. The Air Force is undergoing a critical period of transition and renewal, and it is vitally important that the full leadership team is in place and confirmed.

Last week I visited with our troops, commanders, and local partners in both countries. In Iraq, I was honored to pay tribute to our outgoing commander, General David Petraeus, as well as Ambassador Ryan Crocker. Beyond their own brilliant individual performances, the Petraeus-Crocker team was a superb model of military-civilian partnership, one that should be studied and emulated for years to come.

Earlier this month, General Petraeus made his recommendations on the way forward in Iraq. Separate recommendations were submitted by the Commander of the International Security Assistance Force in Afghanistan, the Commander of Central Command, the Service Chiefs, and the Chairman. Although each viewed the challenges from a different perspective, weighing different factors, all once again arrived at similar recommendations.

We have already withdrawn the five Army brigade combat teams, two Marine battalions, and the Marine expeditionary unit that were sent to Iraq as part of the surge. The President announced earlier this month that approximately 8,000 U.S. troops will be withdrawn from Iraq by February without being replaced.

The withdrawal of approximately 3,400 noncombat forces—including aviation personnel, explosive ordnance teams, combat and construction engineers, military police, and logistics support teams—began this month, continues through the fall and winter, and finishes in January. In addition, a Marine battalion stationed in Anbar will return in November, and another Army BCT will return by early February.

This continuing drawdown is possible because of the success achieved in reducing violence and building Iraqi security capacity. Even with fewer U.S. troops in Iraq, the positive trends of the last year have thus far held—and in some cases steadily continued in the right direction. U.S. troop casualties have been greatly reduced—though even one is still too many, and overall violence is down more than 80 percent. The recent turnover of Anbar province to Iraqi provincial control—the 11th of 18 provinces to be turned over—highlights how much the situation has improved.

There are other positive indicators:

- The Iraqi Army has planned and executed operations in Amarah, Baghdad, Basrah, Diyala, and Mosul—with encouraging results. Seventy percent of more than 160 Iraqi battalions are now in the lead. Their confidence level has grown with each passing month, as has ours in their ability to get the job done.
- Overall, political progress has been incremental but significant. The Iraqi parliament has passed key legislation this year. The recent return of the Sunni Iraqi Accord Front party to ministerial positions was a welcome sign of reengagement by Sunnis at the national level.

With the exception of Iran, we have seen an increasing willingness by neighboring countries to help engage with and stabilize Iraq. Bahrain, Jordan, Kuwait, the United Arab Emirates and even Syria have announced that they will send ambas-

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sadors to Baghdad. Jordan's king and Lebanon's prime minister both visited Iraq last month.

The International Monetary Fund estimates that the Iraqi economy will have 8–8½ percent real growth this year.

Despite all this, very serious challenges remain:

- Political progress remains too slow—as seen recently by the inability of the parliament to pass an election law. This means that provincial elections, which we believe will continue and enhance the process of reconciliation, will in all likelihood be pushed back until at least December. Elections also mean the possibility of increased violence.
- There have been some worrisome reports about sectarian efforts to either disrupt or slow the process of assimilation of the Sons of Iraq into the Iraqi security forces. It is a reminder that sectarian tensions still exist and have the potential to undo recent progress at the local and national level.
- Despite Iran's pledges last year to stop providing weapons, training, and funding to armed militias, evidence suggests that this support continues.
- Iraqi security forces still lack many key capabilities. Many of their operations would simply not have been possible without coalition enablers. That will remain the case for some time to come.
- The threat from al Qaeda and other militant groups has receded, but is still very real. In the last few months, we have seen a number of suicide attacks—as well as tactical shifts, such as the increased use of women. This is a reminder that al Qaeda still retains the ability to inflict mass casualties, the operational capacity to assess and change strategies, and is still trying to sow chaos and reassert itself.
- Similarly, there is the possibility that Jaish al-Mahdi could return.

On that note, I would like to make a few broader comments and put the successes of the last year and a half into some context.

The President has called our reduction in troop numbers a "return on success." I of course agree, but I might expand further. The changes on the ground and in our posture are reflective of a fundamental change in the nature of the conflict. In past testimony, I have cautioned that, no matter what you think about the origins of the war in Iraq, we must get the endgame there right. I believe we have now entered that endgame—and our decisions today and in the months ahead will be critical to regional stability and our national security interests in the next few years.

When I entered office, the main concern was to halt and reverse the spiraling violence in order to prevent a strategic calamity for the United States and allow the Iraqis to make progress on the political, economic, and security fronts. Although we all have criticisms of the Iraqi Government, there can be no doubt that the situation is much different—and far better—than it was in early 2007. The situation, however, remains fragile.

Disagreements in our country still exist over the speed of the drawdowns and whether we should adhere to hard-and-fast timelines or more flexible time horizons. I worry that the great progress our troops and the Iraqis have made has the potential to over-ride a measure of caution born of uncertainty. Our military commanders do not yet believe our gains are necessarily enduring—and they believe that there are still many challenges and the potential for reversals in the future. The continuing but carefully modulated reductions the President has ordered represent, I believe, not only the right direction but also the right course of action—especially considering planned and unplanned redeployments by some of our coalition partners. The planned reductions are an acceptable risk today, but also provide for unforeseen circumstances in the future. The reductions also preserve a broad range of options for the next Commander in Chief, who will make his own assessment after taking office in January.

As we proceed deeper into the endgame, I would urge our Nation's leaders to implement strategies that, while steadily reducing our presence in Iraq, are cautious and flexible and take into account the advice of our senior commanders and military leaders. I would also urge our leaders to keep in mind that we should expect to be involved in Iraq for many years to come, although in changing and increasingly limited ways.

Let me shift to Afghanistan. There we are working with the Afghans and coalition partners to counter a classic extremist insurgency fueled by ideology, poppy, poverty, crime, and corruption.

During my recent visit to Afghanistan, I reaffirmed our commitment to success in that country—a commitment that includes increasing the size of our forces in country as well as the size and capabilities of the Afghan security forces. I also ex-

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pressed my regret, and the regret of the American people, for the civilians killed and injured in coalition and North Atlantic Treaty Organization (NATO) airstrikes. While no other nation in history has done more to protect the innocent, I pledged that we must, and will do better.

First, some positive developments:

- The international coalition, led by NATO, is more committed than it has ever been. We see this in increased troop contributions from our partners, as well as efforts to reduce some of the caveats they place on their troops. There are also increased resources being devoted to nonmilitary efforts. Our allies deserve credit, and I thank them for their sacrifices.
- At the Paris Donors Conference in June, the international community pledged more than $20 billion in assistance to Afghanistan.
- The United Nations appointed Ambassador Kai Eide of Norway as the Special Representative of the Secretary General to the U.N. Assistance Mission in Afghanistan. Ambassador Eide has been empowered to play a greater role in coordinating international assistance to ensure aid is distributed effectively and where it is most needed.
- The Afghan National Army is more than 65,000 strong and growing. Earlier this month, the President announced an initiative to double the size of the Afghan National Army over the next 5 years.
- The Afghan National Police lag behind the army, but here, too, progress is being made. There are nearly 80,000 police assigned today. Our main challenge is increasing the competence and reliability of the force, and that requires large numbers of mentors and trainers. So far we have been unable to fill most of what is required. Nonetheless, an innovative program called Focused District Development is helping build police forces capable of serving local Afghan communities.

Before addressing the increase in violence, let me mention other problem areas:

- Despite increased NATO contributions, we are still short in several areas. More maneuver forces are required, as well as aviation assets, Provincial Reconstruction Teams (PRTs), and mentors for the Afghan army. Where Allies cannot provide more troops and equipment, they need to provide other types of support to build Afghan capacity.
- There remain questions about the efficacy of having 2 lines of command—1 for a contingent of U.S. troops training and equipping Afghan forces as part of Operation Enduring Freedom, and 1 for the Internation Security Assistance Force (ISAF) mission, which also includes nearly 14,000 American troops.
- Coordination between PRTs and ISAF needs to be improved. Civilians in PRTs report to their respective capitals—which makes it difficult to synchronize PRT activities with military actions. We are working with allies and partners to stand up a civil-military planning cell in the south to help coordinate PRTs in a more holistic fashion—both locally and regionally.
- Afghanistan's Government must improve its delivery of essential services and extend its reach by reducing corruption and promoting faster development and a stronger economy. Here we do run up against some hard realities: Afghanistan has always been a diffuse, tribal nation with few natural resources and little infrastructure. To give you some idea, total annual revenue for the government is approximately $700 million versus tens of billions in Iraq.

The persistent and increasing violence resulting from an organized insurgency is, of course, our greatest concern. With the flexibility provided by success in Iraq, the President has decided to send more troops to Afghanistan in response to resurgent extremism and violence reflecting greater ambition, sophistication, and coordination.

We did not get to this point overnight, so some historical context is useful. The mission in Afghanistan has evolved over the years—in both positive and negative ways. Reported insurgent activities and attacks have grown over the past 2½ years. In some cases, this is a result of safe havens in Pakistan and reduced military pressure on that side of the border. In others, it is the result of more international and Afghan troops on the battlefield—troops that are increasingly in contact with the enemy.

In response to increased violence and insurgent activity in 2006, in January of last year we extended the deployment of an Army brigade and added another brigade. This last spring, the United States deployed 3,500 marines. In all, the number of American troops in the country increased from less than 21,000 2 years ago to more than 31,000 today.

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At the NATO Summit in Bucharest in April, ISAF Allies and Partners restated their commitment to Afghanistan. France added 700 troops in Eastern Afghanistan. This fall, Germany will seek to increase its troop ceiling from 3,500 to 4,500. Poland is also increasing its forces by 400 troops.

The number of coalition troops—including NATO troops—increased from about 20,000 to nearly 31,000. It appears that this trend will continue—as other allies, such as the United Kingdom, add more troops.

Thanks to success in Iraq, we will increase U.S. troop levels in Afghanistan by deploying a Marine battalion this November and in January 2009 an Army brigade combat team—units that had been slated for Iraq.

As in Iraq, however, additional forces alone will not solve the problem. Security is just one aspect of the campaign, alongside development and governance. We must maintain momentum, keep the international community engaged, and develop the capacity of the Afghan Government. The entirety of the NATO alliance, the EU, NGOs, and other groups—our full military and civilian capabilities—must be on the same page and working toward the same goal with the Afghan Government. I am still not satisfied with the level of coordination and collaboration among the numerous partners and many moving parts associated with civil reconstruction and development and building the capacity of the Afghan Government.

We do face committed enemies, which brings me to the challenge of the tribal areas of Pakistan. As in Iraq, until the insurgency is deprived of safe-havens, insecurity and violence will persist. We must continue to work with the Pakistani Government to extend its authority in the tribal region and provide badly needed economic, medical, and educational assistance to Pakistani citizens there. At the same time, we continue to train and equip the paramilitary Frontier Corps and Pakistani military units so they can better secure the border area and carry out operations against militants.

We also continue to encourage the Afghans and Pakistanis to work together to secure their common border. This effort includes the establishment of more Border Coordination Centers jointly manned by ISAF, Afghan, and Pakistani troops; following up on the 2007 Joint Peace Jirga; and holding routine meetings of the Tripartite Commission.

I do believe Islamabad appreciates the magnitude of the threat from the tribal areas—particularly considering the uptick in suicide bombings directed at Pakistani targets, most recently the Marriott hotel in Islamabad. During this time of political turmoil in Pakistan, it is especially crucial that we maintain a strong and positive relationship with the government—since any deterioration would be a setback for both Pakistan and Afghanistan. The war on terror started in this region. It must end there.

One final point. Last year, Admiral Mullen noted that in Afghanistan we do what we can—while in Iraq, we do what we must. With the positive developments in Iraq, the strategic flexibility provided by ongoing troop reductions there, and the prospect of further reductions next year—I think it is possible in the months to come to do militarily what we must in both countries.

Let me close by again thanking all members of the committee—and Congress as a whole—for their support of our men and women in uniform. I have noted on a number of occasions how positive the public response has been to those who have volunteered to serve. Our Nation's leaders across the political spectrum have led the way in honoring our service men and women—not just by providing the funds they need for their mission, but also by publicly declaring their support and admiration of our troops. I share your sentiment. I thank you all for your leadership during these challenging times.

Chairman LEVIN. Thank you, Secretary Gates.

General Cartwright?

STATEMENT OF GEN. JAMES E. CARTWRIGHT, USMC, VICE CHAIRMAN, JOINT CHIEFS OF STAFF

General CARTWRIGHT. Mr. Chairman and Senator Warner, I will not do a prepared statement, but I will respond just briefly to a couple of your comments, and those are to remind all that over the past few weeks we've celebrated and remembered September 11 and the prisoner-of-war/missing-in-action remembrance, along with, on the Capitol lawn out here this weekend, a session with many of the children of the fallen. In each of those, many of you partici-

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pated. That means a lot to the soldiers, sailors, airmen, and marines that go out day-in and day-out, volunteer and sacrifice, and to the families that sacrifice.

So my thanks from them to you for that support. It is important, and I am ready for your questions.

Chairman LEVIN. Thank you, General.

Why don't we try an 8-minute first round.

Mr. Secretary, you commented on the relative commitment of our forces, our energies to Iraq compared to Afghanistan. The Chairman of the Joint Chiefs Admiral Mullen, in a statement which has been clearly and broadly quoted—you quoted it in your own testimony—said that "In Afghanistan we do what we can and in Iraq we do what we must."

Now, your testimony says that it's possible in the months to come to do militarily what we must do in both countries. It seems to me that is just simply not good enough. To say it's possible that we'll do what we must do in Afghanistan does not represent the kind of commitment of forces or resources that our commanders on the ground are asking us for. We have General McKiernan, he's requested three more Army BCTs in addition to the one that's now set to deploy in January. He said recently that "The danger is that we'll be here longer and we'll expend more resources and experience more human suffering than if we had more resources placed against this campaign sooner."

That's our commander on the ground. Why are we not responding promptly to that request from our commander on the ground in Afghanistan, given the fact that I think most people would agree that the terror threat to us from that area along that border, is probably the most existential threat that we face. It's the greatest source of the terror threat. What are we just sort of saying, well, we'll send one team in February, silent on what happens after that, when our own commander says we need at least three teams above that commitment?

Secretary GATES. First of all, the requirement for forces in Afghanistan has been evolving. To tell you the truth, when I left for Afghanistan last week, my impression was that the requirement was for a total of three BCTs, not four. These things change even while you're in the air, and that request is in the Pentagon, but has not yet come to me for the fourth BCT.

The reality is, as I indicated in my remarks, over the past 18 months between ourselves and our allies we have added over 20,000 troops to Afghanistan. I realize what the requirements of the commanders are and I have given great deference to those requirements, both in Iraq and in Afghanistan, beginning with the measures I took in Afghanistan a year ago January.

I would say there are two considerations. One, I think we need to think about how heavy a military footprint ought to have in Afghanistan and are we better off channeling resources into building and expanding the size of the ANA as quickly as possible, as opposed to a much larger western footprint in a country that has never been notoriously hospitable to foreigners, regardless of why they're there. So I think that's one question that we have to weigh and the next President will have to weigh in terms of the troop requirements, is the balance between increased Afghan capacity and

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the increased footprint, particularly of Americans, in terms of the forces that we have on the ground.

The second consideration is one that is, I think, evident to all, and that is that without changing deployment patterns, without changing length of tours, we do not have the forces to send three additional BCTs to Afghanistan at this point. My view is that those forces will become available, probably during the spring and summer of 2009. The President made a commitment in Bucharest to send more troops. That's obviously a decision that will be up to his successor.

I believe we will be able to meet that commander's requirement, but I believe we will meet it in the spring and summer of 2009 rather than immediately.

Chairman LEVIN. If we reduced our troops and our presence in Iraq more quickly, would we be able to meet the U.S. commander in Afghanistan's request more quickly?

Secretary GATES. Let me ask General Cartwright.

Chairman LEVIN. That's a very short question: If we reduced our troop presence—and that's fine, General, for you to answer it. But if we reduced our troop presence in Iraq more quickly, would we be able to meet our U.S. commander in Afghanistan's request more quickly?

General CARTWRIGHT. We would not be able to meet the entirety of that request.

Chairman LEVIN. No, could we meet part of it at least?

General CARTWRIGHT. We could meet part of it.

Chairman LEVIN. All right.

General CARTWRIGHT. The challenge is the infrastructure and the enablers and moving them.

Chairman LEVIN. At least we could meet part of his request more quickly; is that correct?

General CARTWRIGHT. Yes.

Chairman LEVIN. Secretary Gates, Pakistan's President Zardari recently warned that Pakistan "will not tolerate the violation of our sovereignty and territorial integrity by any power in the name of combating terrorism." Now, are we going to have the public support of the Pakistani Government in implementing any new comprehensive strategy going after those safe havens and preventing cross-border incursions, or are we going to face the public opposition of the Pakistani Government in carrying out whatever cross-border military actions we determine are necessary?

Secretary GATES. I think it's essential for Pakistan to be a willing partner in any strategy we have to deal with the threat coming out of the western part of Pakistan and in Afghanistan. This is the first time that Pakistan has had a fully civilian government I think in about a dozen years. It has taken some time for them to get their feet on the ground and get organized. The fact is that in recent weeks the Pakistani army has been active in the Northwest Frontier area, in the Federally Administered Tribal Area (FATA). Regardless of the effectiveness of their operations, their mere presence and willingness to fight has reduced some of the pressure on the Afghan side of the border as the Taliban and others keep more troops at home to watch their backs, as it were.

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But Pakistan has to be a part of this strategy going forward. They have to be our partner and we have to engage them in a way that makes it very helpful. I would tell you in a gratuitous bit of endorsement here that some of the bipartisan proposals here on the Hill for a multi-year economic assistance package to Pakistan I think would make a significant contribution in signaling our long-term commitment to that country, to its civilian government, and to the well-being of the Pakistani people. That in turn would significantly advance our strategic interests.

Chairman LEVIN. My question, though, is really a different one. Are we going to have the public support of President Zardari in Pakistan for any cross-border operations that we carry out? That's my question.

Secretary GATES. I don't think that they can do that. I will say to you though, that we will do what is necessary to protect our troops. But it is very important to engage the Pakistani Government, and I think that the threat that they are seeing creates, to themselves, the opportunity where we can work together and there's no necessity for us to take any actions to protect our troops along those lines.

Chairman LEVIN. I agree with you, with that. But for the President to condemn cross-border operations on our part it seems to me just undermines the efficacy of those actions, creates popular opposition, and gives the people who are training folks to attack our people, who are training terrorists, the kind of propaganda fodder that they're looking for.

It seems to me that there has to be some kind of a better relationship and an understanding than we currently have. I think that public condemnation of our cross-border activities, just works against their usefulness. For us to say, well, he can't do that, to me is totally unacceptable and undermines the usefulness to a large extent of those operations and is counterproductive. Would you agree with that?

Secretary GATES. We need his help. We need him to be a partner.

Chairman LEVIN. Senator Warner.

Senator WARNER. Just to follow on that very important line of questioning. Basically I share the chairman's concerns. I copied down what you said: "Pakistan must be a willing partner." What's your own personal assessment of this new government today and do you think over a period of time that partnership can be forged? Namely, has there been sufficient time for you to gain confidence that's likely to come about?

Secretary GATES. I actually think it will. I think we're already seeing some positive signs. Pakistan is already cooperating with us in some very important ways in terms of helping us with logistics. They have suffered several thousand casualties in this war on terror. They have captured a number of high-ranking al Qaeda and other terrorist leaders over the course of this war.

Pakistan has been a good partner in this war, and what's important is to forge an even stronger partnership with the new civilian government as we had with its predecessor. I think that the nature of the threat that we face, beginning with the assassination of the current president's wife, and now most recently the attack on the

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Marriott Hotel, makes very clear to the Pakistani Government that they face an existential threat in the western part of their country.

General CARTWRIGHT. I would just add, the relationship is improving between the Pakistanis and the Afghanis and we're starting to see some signs of that, in addition to at the tactical level an uptick in their willingness to work with us in the border control centers, to stand up a common operations center, so that we can monitor both sides of the border and both militaries can see what's going on. So we are starting to see a level of cooperation that we did not have in the past.

Senator WARNER. Well, have you had an opportunity to read the article this morning saying that the Afghans, the Pakhs, and the U.S. may be discussing the creation of a joint military task force? Were you able to read that or do you know something about it? Because that to me is one of the most encouraging signs that I have seen.

General CARTWRIGHT. I do not know about that specific instance, but the things that I just cited to you and the work that is going on across the border indicate the same type of relationship. There is an acknowledgment by both sides that they have a common threat that they're going to have to address together and addressing that singularly will not solve the problem.

Senator WARNER. Well, let me press on. The Afghan defense minister—and the Secretary apparently met with him a few times—said he proposed the idea and it was discussed last month at the meeting of military officers from the three countries. I certainly would support that effort and I think all of us would.

Is there any more gravitas to this story this morning, or is it just a little blip?

Secretary GATES. I met with Minister Wardak, as well as with President Karzai last week. This kind of a tripartite effort did not come up and was not raised by them. I did agree to a proposal by Minister Wardak for a combined or joint Afghan-U.S. investigative committee to look into and investigate civilian casualties. But that was the only similar thing that was raised.

Senator WARNER. I thank you for that. General, back to a tough question, which is distinctly the responsibility of the Chairman of the Joint Chiefs, and the Vice Chairman, yourself, and that's to constantly monitor U.S. readiness. You said forthrightly we're not ready, even if we were to reduce significantly in Iraq, to suddenly shift those forces into Pakistan. Are we to interpret that our readiness is pretty well stretched at this moment? The Secretary added that probably we could not meet the current request of the commanders in Afghanistan until spring or summer. Possibly that's when, dictated by weather considerations, the more severe fighting is likely to take place.

Let's talk about readiness. What is the state of readiness of our forces today?

General CARTWRIGHT. Senator Warner, the comments that I made were less about the physical readiness of equipment and personnel and more about changing the posture between one front and another. As we look to move forces, as Chairman Levin postulated, towards Afghanistan, if we're going to do that there are several

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challenges. We need bed-down spots for those forces, infrastructure that would support them.

Senator WARNER. You mean in country Afghanistan?

General CARTWRIGHT. In country Afghanistan, in order to put them down. In the winters the climate is harsh there, so we have to have that type of capability.

Two, that has to match up with the strategy that we would lay down for those forces. So are we to keep them in centralized enclaves or are we going to start to get them out into the country? That means that you have to have a basing construct that allows that, and the mobility and the communications that allow that. Those are two pieces.

Right now we're structured for a sequence of forces that measures infantry, Stryker BCTs, and heavy BCTs in a certain sequence. Whether that sequence fits the deployment cycle and the needs of Afghanistan, which is mountainous, hard terrain for heavy vehicles to traverse, altitude, et cetera. We have to restructure our deployment cycles, restructure our training, and put the infrastructure in place: those are the challenges that I was referring to, sir.

Senator WARNER. Can you describe to the American public today, what is your professional judgment as to the state of overall readiness of our Armed Forces, to continue to meet these contingencies in Iraq and Afghanistan, as well as to pivot if a third problem arises, unforeseen at the moment?

General CARTWRIGHT. They are well-trained, well-equipped for this fight.

Senator WARNER. What's "this fight"?

General CARTWRIGHT. This fight is a counterinsurgency, counterterrorism fight. For the broader things, a third conflict, undefined, we need more time to train them for other types of conflict. There is unique training associated with Afghanistan that we need to put in place. That takes weeks, not months. But we have to do that when we switch a force or a group from one country to the next.

Those are the readiness issues that I was trying to address. From the standpoint of the force, moving us quickly to at least 12-month tours, which is what we're on the path to do for the Army, will be a big assistance in helping us reconstitute this force, ensure that the equipment gets through the depot and gets up to the top notch that it can get up to in readiness. Those things are well in hand. Thanks to this committee and others, we're getting the resources to do this.

But if you add additional stress and take us back towards extended tours, that's going to wear on the force very quickly.

Senator WARNER. Mr. Secretary, let's turn to the posture of the strategic framework and the status of forces agreement. Every expectation was raised here in Congress that these agreements would be ready for review by the administration and perhaps some forthcoming representation to Congress from the administration as to these two agreements. Here we are, about to recess Congress in a matter of days perhaps, although we may have another session. Who knows? I'm not in the position to raise that now.

But it seems to me that the congressional input on these two agreements is absolutely essential if the American public is going to accept them. It's a joint responsibility. I realize the Executive

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Branch is tasked —the President is our chief diplomat—to negotiate these things. But then again, they impact the future use of our forces and that bears on the constitutional responsibilities of Congress.

Where are we on this?

Secretary GATES. The agreements are still under negotiation. We have had some disagreements. It's been a tough negotiation. We are now dealing with a sovereign government that feels very strongly about its sovereignty. Our negotiating team either has, or imminently will, return to Baghdad.

My understanding is that all the relevant committees of Congress, and particularly here in the Senate, have been briefed on the course of the negotiations, and it is my understanding that even when we reach an agreed text that there will be no signature of these agreements before consultation with Members of Congress.

Senator WARNER. The chairman, I believe, could speak to this better, but we have certainly followed the process. We were told that in all likelihood they would be present in July before the August recess for us to take a look at. Now, facts are facts. I'm not here blaming you or anybody else. I'm just saying point blank that if Congress is in recess or goes out sine die and suddenly these two agreements come in without any clear ability of a coordinated consultation with Congress. Now when I say coordinated, I don't mean just one or two chairmen here or a ranking there, I believe that there will be an inherent weakness in the support across this country for these agreements, and that concerns me greatly, because we're pivoting again from concentration on Iraq with our military forces into Afghanistan. We have to have as much certainty as we can as to the projected requirements for Iraq in the future in order to address the worsening situation in Afghanistan.

These agreements are central to that. So are you saying in effect that in all likelihood the culmination and the finalization of these will take place in November or December? You have to do it before the first of the year because of the expiration of the U.N. mandate.

Secretary GATES. I would hope that the agreements would be finalized within the next few weeks, quite frankly. But I had hoped that some weeks ago. It's just been a tough negotiation and, believe me, no one would have preferred anything other than to have these things done weeks ago, so there would have been ample time to do it, to have a consultation, while Congress was still in session.

But my understanding is there will be a significant effort to reach out to Members if these agreements are reached after you recess.

Senator WARNER. Well, you run the risk of having the American public of a view that somehow this was not handled properly or timely.

My time is up.

Chairman LEVIN. Let me just reiterate what Senator Warner said. There's a commitment from this administration that before the agreements are finalized that there be consultation with the leadership of Congress.

Secretary GATES. Yes, sir.

Chairman LEVIN. Whether we're in session or out of session.

Secretary GATES. Yes, sir.

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Chairman LEVIN. Okay. That's critically important. We're counting on it.

Senator Ben Nelson.

Senator BEN NELSON. Thank you, Mr. Chairman.

Mr. Secretary, you described the number of troops that the NATO allies are adding to the effort in Afghanistan. It didn't seem to me that that's a very robust addition by the other members of NATO compared to our presence there and our future presence there. But hopefully we'll see that improve as we go along.

My first question, is as you look at the largely nonregulated, lawless FATA area, is it possible for success to occur without a joint effort including Pakistan and Afghanistan, as well as the United States, and I guess NATO in some capacity? Is it even possible to be successful there unless we have all three parties to that agreement?

Secretary GATES. Senator, I think the answer to your question is no. I think that on the Pakistani side of the border we face the same situation that we have faced in Iraq and Afghanistan, and that is that military action, even if it's carried out aggressively and effectively by the Pakistani army, still needs to be accompanied by economic development, civic development, and so on. That's where perhaps NATO and the United States and others can work with the Pakistanis in terms of helping them in that regard.

Pakistan's in desperate economic straits right now and any help we could give them in terms of development there I think is critically important.

Senator BEN NELSON. I appreciate that. I think it was earlier this year that Admiral Mullen indicated he was developing a comprehensive strategy for the region. It would seem to me that comprehensive strategy should include this three-party joint effort. So I'm surprised that we're surprised to learn about the conversation apparently between the Pakistanis and the Afghanis without including us in those discussions.

Do you think it would be a good idea on our part to pick up the ball here and go back to those two countries and begin the discussion about a three-party effort?

Secretary GATES. Sure. I think there is absolutely no down side that I can see. I must say, the one area where I think this conversation, assuming it took place, may have happened, is when President Karzai was in Pakistan for the inauguration of President Zardari. That's where they may have discussed this, and we just haven't gotten a readout on it yet.

Senator BEN NELSON. But the Washington Post said Afghanistan, Pakistan, and the United States are discussing. So they have included us, perhaps without our knowledge. But they've already suggested that that's ongoing. Undoubtedly, the discussion took place when the two leaders, Pakistan and Afghanistan, were together.

Secretary GATES. I should just note, Senator, that it's not the first time that the Post would have known something I didn't know.

Senator BEN NELSON. I was trying not to say it exactly that way, but I guess that is the bottom line. Well, thank you for your response.

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In the announcement by the President to withdraw 8,000 troops from Iraq, we're going back to the pre-surge levels at some point along the way. There's been some discussion about benchmarks being achieved, but has the oil agreement benchmark been achieved? What about provincial elections? I think there's a lot of talk about potential success in Iraq and the fact that things have improved there, and no one is going to disagree with the numbers. But until you get provincial elections, until you get buy-in at the local level, is there really a chance for major success in Iraq?

Secretary GATES. I think every element in Iraq understands the importance of provincial elections. We certainly do. I think that the Council of Representatives, which has just convened, is working on getting the provincial elections law completed as quickly as possible. But every faction that I'm aware of in Iraq understands the importance of that and wants those elections, as a matter of fact.

With respect to the hydrocarbon law: there is no hydrocarbon law yet, but, as has been the case for some time now, the sharing of the revenue from the hydrocarbons still is going on throughout the country.

Senator BEN NELSON. But as long as that's ad hoc there's still uncertainty as to the stability of that sharing; isn't that true?

Secretary GATES. Sure. But the interesting thing is that the debate really is less about who's going to get what than a debate between two economic philosophies in Iraq. Is oil development, servicing and everything going to be controlled by the central government or are pieces of that going to be decentralized? It's more over this debate over how to do this going forward than it is the allocation of resources that has held up that law.

Senator BEN NELSON. How is the centralized government under al-Maliki functioning as it relates to the Sunnis in the north, where the Sons of Iraq have been established in effect by joint agreement between the Sunnis and our government, where al-Maliki is now sending Shias into the north to disarm some of the Sons of Iraq?

Secretary GATES. Prime Minister Maliki told me last week, when I was there, that he had the day before our meeting signed a paper in which he gave the directive to absorb Sons of Iraq into the Iraqi security forces. For those not going into the security forces to pick up their salaries and to continue to pay them even if they lacked professional skills until they could find work. So I think that really this last week, after some concern, I think that there was some substantial progress.

Senator BEN NELSON. Is this part of an amnesty program? Because they seem to be totally opposed to amnesty for any of the Sunnis in the north, whereas we've been willing to forgive former insurgents who joined together with the Sons of Iraq approach.

Secretary GATES. I think I have never heard the Sons of Iraq program described as an amnesty program, but I think it is a reconciliation program.

Senator BEN NELSON. At least a reconciliation.

General CARTWRIGHT. I was just going to add that we've actually started to see the movement, the absorption of the Sons of Iraq into the military and into other jobs in the public sector and private sector. So the activities of a week ago have already started to show material activity.

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Senator BEN NELSON. Which would give us some hope that reconciliation is at least a possibility, that this might be able to spread even beyond the north there.

General CARTWRIGHT. Yes, sir.

Senator BEN NELSON. What about as it might relate to the Kurds in the north?

Secretary GATES. I think one of the concerns is on the part of the Maliki Government, is that Kurdish forces are deployed outside of the traditional zone that constituted Kurdistan. While the Kurdish military units have been very helpful in places like Basra and elsewhere, I think that there is a desire to assert the authority of the central government, particularly in those areas beyond the traditional Kurdish zone. I think that a lot of the confrontation or the set-to that we're seeing between the Kurds and the central government really has to do with that.

Senator BEN NELSON. So trying to establish some sort of agreement between those two entities could in fact resolve that for the future, or is this going to be an ongoing disagreement for which there is probably no resolution?

Secretary GATES. Well, I think there is a resolution and it comes back in no small part to provincial elections. I think if we can get these provincial elections that it'll be a big step forward.

Senator BEN NELSON. Thank you, Mr. Chairman. My time has expired.

Chairman LEVIN. Thank you, Senator Nelson.

Senator McCaskill.

Senator MCCASKILL. Thank you, Mr. Chairman.

Let me first take just a minute to, since this may be the last hearing for Secretary Gates, I want to say what respect I have for you and the job you've done in terms of accountability. Not once but twice, when I doubted whether or not you would be willing to fire a top commander based on issues within their command, you exceeded my expectations both times and provided I think desperately needed accountability by placing blame at the top of the command, as opposed to what had traditionally gone on, which is trying to only provide accountability at the bottom of the ladder.

So from this United States Senator, I just want to compliment you. You have my deepest respect for your public service and for your willingness to make the very tough decisions at the very top.

Secretary GATES. Thank you, ma'am.

Senator MCCASKILL. I also want to ask you, would you disagree that the terrorist threat that we face right now is strongest in both Afghanistan and Pakistan? That is in fact where the most threat lies in terms of terrorist activity?

Secretary GATES. I think that there has been an interesting evolution of the terrorist threat being strongest in Afghanistan in 2001. By the mid-2000s al Qaeda itself was saying that Iraq had become the central front. If you ask me today, after the successes we have had against al Qaeda in Iraq, where the greatest threat to the homeland lies, I would tell you it's in western Pakistan.

Senator MCCASKILL. As we talk about Pakistan, I know there has been some previous questions about Pakistan. I am really concerned. I hang out with these Government Accountability Office (GAO) reports. I'm concerned about the money we're giving Paki-

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stan and the lack of accountability for that, especially in light of reports that they're now shooting at us. It is hard for me to reconcile us paying Pakistan for their willingness to weed our terrorism along their border and then the ultimate irony, that we might be paying them to be shooting at our helicopters.

Secretary GATES. Well, first of all, we don't have any evidence that they have shot at us or our helicopters at this point. But, that said, we are very aware of those concerns in terms of accountability. We share them. We have taken very seriously the GAO report on the coalition support funds that came out in June and are in the process if implementing the recommendations in that GAO report to try and improve accountability in this area.

Senator MCCASKILL. I just think if we're giving them $2 billion, and we've given them, obviously, billions and billions of dollars; I think we're up to $6 billion that we've given them to assist us, and obviously we're very frustrated. It feels like to me anyway, and correct me if I'm wrong, that we're frustrated over the level of assistance that they've given us in terms of these safe havens along their borders.

Secretary GATES. I think part of the problem is that part of the border has really never been well controlled by the Pakistani central government, regardless of who was in authority. I remember going up there in the 1980s when we were helping the mujahedin and that was pretty wild territory even then.

I think our concern has really been, our most immediate concern, was the peace agreements that were signed during the first months of this year, where the Pakistani military basically backed out of that area, and that alleviation of the pressure created the opportunity then for the Taliban to cross the border, and for others as well for that matter.

So we have already seen the benefits of the Pakistani army becoming active again in that area, and we are prepared to do whatever we can to help them be more effective.

Senator MCCASKILL. Let me also talk a little bit about the Commanders' Emergency Response Program (CERP) funds. I know the chairman and the ranking member have had some concerns about this, and it's been an ongoing concern of mine, the growth of this program. I understand winning the hearts and minds and I understand being able to cut red tape, but now the initial idea was that these would be small, short-term expenditures, as opposed to large ongoing programs.

In reading some of the materials on the CERP program, where we're actually building hotels and are, putting in water systems without any follow-up; and I know that the field manual talks about money as a weapon system. My concern is, Mr. Secretary, what are we doing in terms of follow-up on these expenditures of money? Who is going to take over making sure that what needs to be done; especially for these projects that are much more than $500,000 and have long-term consequences?

Is there any plan to transition this back over to the Department of State or to U.S. Agency for International Development, since really what we're talking about is coming in and trying to better do reconstruction? Obviously, our reconstruction efforts were, I think, to be kind, less than successful. Now you have undertaken

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this without any, it doesn't appear to me, real plan how we transition that over to folks who have long-term training on the follow-up on these reconstruction projects.

Secretary GATES. Well, let me offer some comments and then invite General Cartwright to comment. First of all, I know the committee is sensitive about the hotel that was started at the Baghdad International Airport. Basically, it was to try and wrest control of the airport away from Jaish al-Mahdi through giving people jobs and creating opportunities for them to do something other than shoot at us. We are not investing any more money in that. The Iraqi Government has obligated about $45 million in that hotel and so on.

But we've also tightened up the procedures. The reality is, most of the CERP money has gone to pay groups like the Sons of Iraq. I think at this point in 2008 about $280, $290 million of the CERP funds have been used to do exactly what we said, and that is get these guys to put down their weapons and pick up shovels.

We now have new controls in place. Any project that is $2 million or over I personally have to approve. There have been new procedures put in place for projects that are over $500,000. So we are trying to provide better controls and, frankly, more transparency here to Congress on how that money is being spent, specific projects, and so on.

General, do you want to comment?

General CARTWRIGHT. I would just reinforce that. As we start to rebalance towards Afghanistan, it's going to become important again, for the reasons that you cited, the original reasons that we started into the CERP program, to be able to use CERP, as you would phrase it, as a weapon to bring people from fighting against us to working and employ them, and find ways to raise the public services that are available in these small areas where the security is very low and our ability to get in there in a protected way is probably the only ability to get in there until we can get the PRTs and other types of services in there.

This is a very important program to us. I couldn't agree with you more that we have to make sure that we have the oversight in place, that it is transparent, that you can see what is being done, and that authorities are at the appropriate level.

Senator MCCASKILL. But as we pull out is there a plan? Is anybody talking about how this transitions over to either USAID or to State or preferably the Iraqi Government? Is there any kind of work being done on transitioning these projects out of our control?

General CARTWRIGHT. There is work right now with the Iraqis on them picking up their share, on trying to build inside of Iraq a coherent management system. Treasury is working very hard on this so that they can manage their resources, a tax capability, and ability to distribute resources, which is one of their biggest challenges, and we're working very hard with Treasury to support that.

Senator MCCASKILL. Thank you.

Chairman LEVIN. They haven't reimbursed us for all the investment that we put into those hotels, have they?

Secretary GATES. No, but the Iraqis have been willing to make about $280 million, I think, available, almost $300 million in CERP funds that we can obligate or we can tell them how to spend.

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Chairman LEVIN. Thank you.

Senator Thune.

Senator THUNE. Thank you, Mr. Chairman.

Mr. Secretary, General, thank you so much for service to our country during very extraordinary times. I want to, General Cartwright, start by asking you a question with regard to Iran and whether or not you think Iran is still exercising a malign influence in Iraq? Are they still equipping and training some of the Special Groups, so-called Special Groups, and other extremist groups for operations inside Iraq that are killing Americans?

Secretary GATES. I think that they continue to train. I cannot tell you that I have the smoking gun right now, and my sense right now is that the border between the two countries and the dialogue that has begun between the two countries, which we have encouraged, is giving us the best opportunity to get that under control and to get those two neighbors to start to treat each other as neighbors.

We still have very significant concerns about Iran's motives. But I would tell you that less so than in the past the flow of weapons and fighters has come down.

Senator THUNE. The overall trend is positive, but there's still some residual influence there that we need to be concerned with? Perhaps as we begin to draw down, do you see that influence there increasing over time? Once the U.S. presence is less there, will the Iranians try and step in and fill that vacuum?

Secretary GATES. We certainly worry about Special Groups and support to those Special Groups re-emerging as we change our posture in Iraq. I think that's a fair statement, and support by Iran to those special groups would be a concern.

Senator THUNE. How would you describe the latest in terms of the Iraqi army and security forces.

Secretary GATES. By us?

Senator THUNE. Well, just overall. What's their capability of the Iraqi army and police forces? That's been such a key in terms of our being able to hand off the baton, so to speak.

Secretary GATES. One, I think that they have progressed significantly. In recent conversation with their minister of defense, kind of a question of what are you most worried about, and it was the logistics infrastructure, schools for NCOs and officers, to ensure that we keep building the leadership within the organization, logistics, medical, and ISR capabilities for the military, and then transportation. Those were his top concerns. I share those concerns.

Senator THUNE. Mr. Secretary, shifting to Afghanistan for just a moment, you mentioned some of the highlights in terms of the contributions that NATO is making with regard to Afghanistan. Do you think that they're doing enough in that fight and are they addressing and removing any of the caveats that they've placed on their troops?

Secretary GATES. Well, I spent most of last year engaged in what one of my NATO colleagues referred to as megaphone diplomacy, trying to get NATO to do more. Now I look back and realize that over that period of 18 months or so they actually have increased their forces by about 10,000. So the truth is at least right now the

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forces are almost in balance, in terms of about 30,000-plus from our partners and NATO and from the U.S.

Now, the direction we're headed, that number is going to tilt I think more toward the U.S. side. I do not expect significant additional troop commitments from the Europeans. There have been some moves since the Bucharest Summit to ease or lift some of the caveats, but there are still some significant ones in place.

Senator THUNE. General, I asked the question about the Iraqi security forces. I'm also interested in knowing about the Afghan army and the national police and how well equipped they are for combat operations. That has been so essential, I think, to the success that we're starting to experience in Iraq with regard to getting the Iraqi security forces trained and ready to take the lead in more of the space there.

In terms of the Afghan army, how far away are we from having their capability at a point that they can assume more and more of the lead?

General CARTWRIGHT. I think the good news side of this story is that the ANA is an army that is willing to fight, will not back away even under strain. They want to fight for their country. They want to be in a position where they can do that. They need additional support in mobility and ISR and the enablers that are so important.

We're growing that army and it is resilient. A statistic that I received this past week would say that better than 50 percent of the combat operations are led by the ANA, and we partner with them. So we're starting from a different dynamic. They still need the enablers.

We need to grow them. Afghanistan is a significantly larger country. We have in the neighborhood of 60 to 80,000 that are well-trained and ready to go, in comparison to about 500,000 in Iraq. So we have some work to do. We've committed to doubling the size. We also have to bring up the size of the police, though, and that's going to be a harder problem. We need trainers to do that. The police also manage the border, in particular that eastern border with Pakistan, and we have to bring up the level and the quantity of police forces, ANP forces, to help us manage the border in a way that's appropriate.

Senator THUNE. Mr. Secretary, how would you characterize the level of cooperation between the two governments, between Pakistan and Afghanistan, right now? I know there's been a lot of tension in the past and it seems to me to get control of those border areas and establish a level of security it's going to require a heightened level of cooperation.

Secretary GATES. I think your characterization of the relationship in the past as being a tense one is entirely accurate. I have the impression overall, and I would say particularly from my conversation with President Karzai last week, that they are off to a very different kind of relationship. I don't believe I've ever heard President Karzai speak as positively and as warmly about the Pakistani Government as I did last week. So I hope it forms the basis for the kind of bilateral or trilateral cooperation that Senator Warner was talking about.

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Senator THUNE. Thank you very much, gentlemen, for your service.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Thune.

Senator Bill Nelson.

Senator BILL NELSON. Gentlemen, thank you for your service to our country.

Mr. Secretary, for 25 years I have been trying to protect the national security interests of the country in protecting the ranges offshore. In the early 1980s, as a young Congressman, I had to take on the then-Secretary of the Interior James Watt, who wanted to drill off the east coast of Florida in the footprint of where we're dropping the first stages of the rockets that we're launching out of the Cape Canaveral Air Force Station, as well as the solid rocket boosters that are dropped from the Space Shuttle coming out of the Kennedy Space Center. Ultimately, after two different times, was able to prevail in protecting that defense interest.

It looks like that is not going to occur this week because of all the other press of business. But here is the attempt, for those that would want to drill in the Gulf of Mexico for oil and gas in the area that we have protected by law, which is the testing and training and evaluation range, not only for the DOD, but for other agencies that have classified programs that are tested in that range.

This matter has come to you for evaluation since the standing policy is the policy issued 2 years ago by the Secretary of Defense, that a line running north and south which leaves the coast at approximately Fort Walton Beach, Eglin Air Force Base, that anything east of that line should be protected for the national security interest.

Do you want to comment on your evaluation that is underway now in the DOD?

Secretary GATES. Sure. Senator, after you called me and several other Senators called me a few weeks ago on this matter, I read Secretary Rumsfeld's decision memorandum from 2005, I believe, that prohibited drilling in these areas. In light of the interests and passage of time, I have tasked the Secretary of the Navy to evaluate the test ranges on behalf of the DOD and to make a recommendation on whether there is any reason to change the decision that Secretary Rumsfeld made in 2005. To the best of my knowledge, that Navy evaluation is just now getting underway. But until it's done and some new decision is made, the decision of 2005 stands.

Senator BILL NELSON. I'm glad that you clarified that. We're basically looking at some time down the road, a few months or so, before that would work itself through the system, since you said the evaluation has just started?

Secretary GATES. Knowing the lightning-like pace at which studies take place in the DOD, that sounds like a good estimate.

Senator BILL NELSON. The reason I bring it up, we were going to have an all-out battle here this week by the so-called Gang of Ten that were going to completely eliminate that testing and evaluation area. Of course, I was insisting at a minimum that there be a certification by the President, after consulting with the Secretary of Defense, the Secretary of Interior, and other agencies that use

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the range, such as classified agencies, that there would not be national security interests of the country harmed.

It looks like that battle is not going to occur this week, but at some point that discussion will occur, and we will look forward to your testimony at that point.

Now, let me shift to Iraq. In his book, Bob Woodward says that it wasn't only the surge that has made the conditions favorable for how you have reported, but that it was also an intelligence operation that was quite sophisticated, the Sunni Awakening, as well as the Shiite standdown. Would you comment on Mr. Woodward's assertion?

Secretary GATES. I don't think I agree with his characterization. I think that, first of all, the Sunni Awakening was enabled by the surge. The first tentative signs of it began before the surge started, but without the additional presence of the Marines in Anbar to provide security for those sheiks to go after al Qaeda in their own neighborhoods, I don't think the Sunni Awakening would have been successful.

The significant expansion of intelligence capabilities, really began about a year ago. We had 12 orbits, I think, in both Afghanistan and Iraq, actually about a year ago. We have more than doubled that as of now and we'll double it again by next year. So I think that we have had some very sophisticated operations underway, clearly enabled by intelligence. But I think that they have really developed their full force, if you will, since the surge began, perhaps not related to the surge of troops, but related to the surge in ISR.

The Shia backing off, who knows what motivated Mr. Sadr to call his people off, whether it was the prospect of significant fighting with a larger American force or internal Iraqi politics or whatever? But clearly a major change in his attitude followed the Iraqi Government's successful initiatives in Basra.

So that's the way I would interpret the situation. General?

General CARTWRIGHT. I would just add from the intelligence standpoint that at the same time the security of the sheiks and the security of the leadership in the communities and localities changed their risk calculus. They started to be willing to put even their family members at risk to support us, to give us critical intelligence on the ground, that really started to change the dynamic: Where are the IEDs? Who doesn't belong in this town and on this street? Who's in our market that doesn't belong there?

That all built. So it's a little bit of art here, but the sequence was really later than was put in the book.

Senator BILL NELSON. That would apply outside of Anbar Province as well?

General CARTWRIGHT. The Awakening in Anbar really set the pattern for us as a military to start to understand how to engage at the bottom and help grow this from the bottom and empower the locals.

Senator BILL NELSON. Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Nelson.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

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Mr. Secretary, just a quick thanks to you for the steady hand you have brought to the five-sided building over there. I appreciate your commitment on this issue of independent contractors, to try to run down exactly what is going on over there. I had a meeting with Admiral Mullen about it and we intend to pursue this from the perspective of our staff with some vigor.

Let me just start by asking you if the Pakistani Government accepts the justification under international law that we would apply for the unilateral military actions that have taken place in Pakistan?

Secretary GATES. I don't know for sure, Senator, but I would suspect from the public reaction of the government that it probably does not.

Senator WEBB. But you would agree that under international law there is a justification for the United States to conduct unilateral actions inside Pakistan of the sort that have taken place?

Secretary GATES. I am far from expert on international law. I just consider it part of my responsibilities to protect our troops.

Senator WEBB. But we're a Nation of laws and a leader in the international community in terms of the morality of what we do. Have we examined that in terms of our right under international law?

Secretary GATES. I assume that the State Department has, yes.

Senator WEBB. That was not in the calculus when the authorization was made in your presence?

Secretary GATES. The authorities that we have been granted were carefully coordinated over a protracted period of time in the interagency. So I would simply assume that in that coordination process appropriate international law was consulted by the State Department.

Senator WEBB. I'm a little surprised here because I believe there is justification under international law. I'm surprised that question hasn't been asked of you in some media forum or something like that. I believe the United Nations Charter allows us the right of self-defense in a situation where a foreign government is either unable or unwilling to take care of international terrorist activity inside its borders.

Secretary GATES. That certainly is my view and the fact that we are also operating under U.N. Charter in Afghanistan would strengthen that view in my opinion.

Senator WEBB. I would say anywhere the United Nations Charter and the right of self-defense would arguably apply. I'm trying to help you out here.

Secretary GATES. I understand.

Senator WEBB. I think that we ought to strongly clarify that in terms of the public understanding of appropriate response.

Secretary GATES. General, did you have something?

General CARTWRIGHT. I think it was unclear if you were looking for specific statute in international law.

Senator WEBB. I'd say Article 51 of the United Nations Charter, right of self-defense.

General CARTWRIGHT. Article 51 is the basis by which we are there and acting. But the right of self-defense is something that we never cede.

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Senator WEBB. In terms of international terrorism, this is really in my view the appropriate response when a government is either unable, as is probably the case in some of those border areas in Pakistan, or unwilling to take care of international terrorism inside its own borders.

Let me shift to something else. What percentage of our logistical functions in Afghanistan begin in Pakistan, roughly?

Secretary GATES. I would say that about 80 percent of dry cargo and about 40 percent of fuel come through Pakistan.

Senator WEBB. Arnaud de Bourchgrave wrote a piece about a week or 10 days ago saying that the Pakistani Government had threatened to shut down our access to those facilities in protest of the actions that were taking place along the border area.

General Cartwright, is that something that's plausible, and if that were to occur what would happen in terms of sustaining our presence inside Afghanistan?

General CARTWRIGHT. It would be challenging to sustain our presence. We have done a substantial amount of planning against a contingency like that, whether it was a complete shutdown or whether it was partial, one of the gates being closed out of protest or something like that. It is very difficult then to get to this land-locked nation in a way that would provide the quantity of resources that we need, particularly as we see ourselves growing.

We have three or four what we're calling test cases that we're running of alternative routes to get both dry bulk and fuel into the country. They started about 3 weeks ago and we're working our way through to understand rail, pipelines, customs, what would it take, are they there in a sufficient scale to allow us to do this. So we're working this one pretty hard.

We listened to that comment. We heard it more in the press than we did from the government, and there was some discussion about maybe one of the gates had closed down for a few hours. But that's the most that we've seen. But we still take this issue seriously because it could be a vulnerability.

Senator WEBB. If that were to occur, I would assume again just from reading press reports that alternate routes, a good many of them would go through areas that would require the cooperation of the Russians?

General CARTWRIGHT. Potentially, particularly the pipelines and some of the rail lines. But we're looking at that challenge.

Senator WEBB. Basically what we're seeing in reality is the larger we grow the force in Afghanistan, the more vulnerable we are strategically to the situation diplomatically that we're facing in Pakistan and in Russia?

General CARTWRIGHT. Yes, the larger the force the greater the need.

Senator WEBB. One other question. From materials that I've been reading—and as a matter of fact, there's an article in this week's Economist to this point—about Pakistani activities, there are people who are saying that Pakistan has been going after al Qaeda with some regularity, but has been very reticent about, or less enthusiastic, about going after Taliban. Do you see that distinction?

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Secretary GATES. Let me comment and then invite the General. One of the things that I think makes the Regional Command East more complex than the rest of the country and more difficult in many respects is that the problem is not just the al Qaeda, but the Haqqani network, Gulbadin Hekmatyar, and some others. Pakistan has had some long-term relationships, particularly with Hekmatyar, probably also with the Haqqani network, and they don't see these people necessarily as their enemy and they don't I think in many respects see the Taliban as their enemy.

They see some of the insurgents, they see the foreign fighters, they see al Qaeda as their enemy, and particularly if it is shown that al Qaeda was behind the Marriott bombing and so on. They also see Besmullah Khan as their enemy.

Frankly, I think one of the keys in terms of expanding our cooperation with the Pakistanis is identifying common threats if they see us taking an action, it has been against somebody they consider an enemy to them as well. So that's one avenue of approach. But they do not see some of these groups in the same way we do.

General CARTWRIGHT. I would just add that by putting this joint command in place that would allow us to share the intelligence and share particularly the ISR, so that there is visual proof or convincing evidence that someone is an adversary, will help us in that area.

Senator WEBB. Just to make your point, the Economist article indicates that only 48 percent of Pakistanis back military action against the Taliban and that the army is just as divided as the population.

Thank you, Mr. Chairman.

Chairman LEVIN. Thank you, Senator Webb.

Senator Lieberman.

Senator LIEBERMAN. Thank you, Mr. Chairman.

Thank you, Secretary Gates, General Cartwright. My guess is you will be back before us, Secretary Gates, before the end of this administration. But on the rare possibility that you're not, I want to join Senator McCaskill's thanks and praise to you. It struck me as she was talking about you that if there's ever been anybody in American public service who exemplifies the Teddy Roosevelt invocation to speak softly and carry a big stick, and in your case to wield it wisely, it is you. I thank you for all of that combination.

I want to talk first briefly about the connection between Iraq and Afghanistan and the conflict in both places. Obviously, we are drawing down our forces in Iraq because we are succeeding there. We are contemplating moving more forces, in fact we are, to Afghanistan because we found, well, that numbers matter.

I certainly take it to be the belief of our military commanders in Iraq that, though the gains we've made there are substantial, they are not, in General Petraeus's terms, irreversible, and that if we draw down too rapidly from Iraq we may lose some of the gains we've achieved there, even if we do so to send more troops to Afghanistan more quickly. Do you agree with that view?

Secretary GATES. I'll quickly answer and then ask General Cartwright. I think that they are uneasy about putting at risk the gains that have been bought at a very high price, and therefore, they know we are coming down in Iraq.

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Senator LIEBERMAN. Right.

Secretary GATES. This will be part of whatever agreement we have with the Iraqis, because the truth of the matter is they want us out, too, but not too quickly, because they don't want to see the gains jeopardized, and they still need to gain more confidence in each other and in their own army and so on. There is kind of a mutual sense that we want to see a smaller and smaller coalition-U.S. footprint, but at a pace that safeguards the gains to the extent possible that have already been achieved.

I think that this is why you got a fairly cautious recommendation from General Petraeus, that ultimately CENTCOM and the Joint Chiefs endorsed, despite their understanding and their focus on other fights, including Afghanistan. I think that there is a broad view among the most senior military that we do need to continue drawing down, we do need to continue narrowing our footprint in Iraq. We do need to be transitioning our mission to something that is very different than where we have been during the past 18 months, but we need to do it carefully.

Senator LIEBERMAN. General, before you begin let me ask you specifically, and I'm going back to something I believe Senator Ben Nelson asked about, which is you responded to the importance of the provincial elections in Iraq. Isn't it true that one of the reasons that our military commanders on the ground in Iraq don't want to see our troop presence there drawn down too quickly is that they are mindful of the importance of a secure environment when those provincial elections occur?

General CARTWRIGHT. I think that's a very accurate portrayal, and I would only add: One, we do not want to jeopardize the gains that we've made. We've paid a very high price for those gains in security and capability of the Iraqis. By the same token, we are looking at the risks that are growing to the homeland in Afghanistan. It is easy to talk about a BCT here and a BCT there. It is not that simple. Reposturing in Iraq has to be done carefully and it has to be done in mind with the idea that the Iraqis are taking certain measures under their own wings in police and military, and so moving out of the cities is important. That means we have to go to someplace new, but we have to be responsive.

Enablers are critical. Those same enablers are what is critical in Afghanistan. So while we focus on the BCTs, I would tell you the numbers and the capabilities and the limiting factors are in those enablers, and how we manage those enablers so, in Marine terminology, we don't end up with one foot on the ship and one foot on the shore is critical.

Senator LIEBERMAN. Agreed.

Let me turn to Afghanistan now. It's clear from your testimony this morning or we know that the enemy, the Taliban particularly, has both increased its numbers, is employing more lethal equipment, including IEDs that are killing our troops and the Afghans.

I wanted to ask you the extent to which we see increased Iranian support for the enemy in Afghanistan playing a part in this increased tempo by the Taliban? I know we've just talked in response to Senator Webb about the role of Pakistani support for the Taliban. How about the Iranians?

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Secretary GATES. There's some evidence of Iranian support in the west in particular. It does not seem to be significant at this point. There are some indications that they would like to expand that presence and create more problems for us. They do want to maintain a good relationship with the Afghan Government, so it's a little bit like the situation with Iraq as they weigh how much trouble can they get away with causing us and at the same time not spoil their relationship with the government.

Senator WEBB. That's well stated. So let me ask the question more generally. How do you explain the source of the increased activity and lethality of the enemy in Afghanistan? Where is it coming from?

General CARTWRIGHT. I think when we look in general terms at the character of the attacks that the forces weather out there and encounter, there is a percentage in the 30 or 40 percent that seem to be trained and equipped and come from outside the country, mostly from the Pakistan areas. There is about another 30 or 40 percent—and don't take this Marine math too technically—that are locals, so in other words they come together in a common attack. We are seeing onesies and twosies of that group of advisers from neither place, that come from outside, may have been brought in by al Qaeda or someone else, that are there and are managing the relationship between the two groups, setting them up for complex attacks.

I would add just one more thing. They are smart enough to know that they can engage us for about 20 or 30 minutes and then they must break contact because our air will get there.

Senator LIEBERMAN. Thanks. My time is ending.

Secretary Gates, let me just thank you for the initiative to increase the size of the ANA. I think that in my own trips there and talks to our military there is great respect for that army. If in fact we need more boots on the ground in Afghanistan, they obviously don't all have to be and shouldn't be American or even NATO. I think this emphasis on increasing the Afghan army is critically important, and I thank you for it.

Secretary GATES. At the end of the day, from a military standpoint the Afghan army is our exit strategy.

Senator LIEBERMAN. Correct. They're really ready. That is, they're willing. They may not all be ready, but they're willing.

Secretary GATES. They are very tough.

Senator LIEBERMAN. They're tough.

Thank you.

Thanks, Mr. Chairman.

Chairman LEVIN. Thank you very much, Senator Lieberman.

Senator Inhofe.

Senator INHOFE. Thank you, Mr. Chairman. I apologize for having been down at the EPW meeting. I'm trying to reprogram myself here so I can remember what's going on.

General Cartwright, you're the best one to get into this. Right now we are at some difficulty in our authorization bill. There's a lot of provisions in there that I was particularly interested in. One is all three of the provisions on train and equip. It was 1206, 1207, and 1208. I've had very strong feelings about that. However, we're not sure whether that's going to make it now. It is in our bill.

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Would you like to comment on the value of that expansion that we put in there?

General CARTWRIGHT. I will let the Secretary jump in on this. But this area is one that we feel very strongly is a partnership with State, that allows us to avoid conflict if we do it right, if we get at it early, to build partnership capacity, allowing nations to basically be able to defend their sovereignty and manage their borders in a way that doesn't get us to conflict.

Having those funds and having that authority with the people who are on the ground and are meeting day-in and day-out and working day-in and day-out is critical to us. This is more about the authority to do it than it is about the amount of money, as you well know. But we have found that the ability for all of the combatant commanders, not just CENTCOM, to start to be able to get out into their region and help nations help themselves is essential.

Senator INHOFE. Well, very closely related—I'm sorry.

Secretary GATES. I just wanted to say, Senator, I wanted to thank you and this committee in particular for your support of the 1206 authority. For all the nice things that have been said about the speeches I have given on the full range of national power and how do we use all the tools of national power so that kinetic action is the last choice and we have other choices before, this ability to equip our partners with the ability to protect themselves is absolutely central to a future in which we don't so often have to deploy American men and women in uniform to do this job.

This is absolutely central as part of that quiver or that arsenal of nonkinetic capabilities that make it less likely we will have to deploy American kids abroad.

Senator INHOFE. Since I'm getting the answers I want here, let me continue to roll. The CERP program, now they've changed the name here, but part of the effort of globalizing CERP so it's not just in two areas. But the concept of being able to do it and getting it done immediately, without having to go back all through the time that it takes to get things done in Washington, DC, I think is very, very valuable.

I just feel strongly about the expansion of that program in the areas where it's already allowed, as well as areas where it's not right now. Do you agree with my thoughts on that, giving the commanders in the field that authority?

Secretary GATES. Absolutely. It is so important to us. There is just a human dimension to being able to present to someone the resources to do what they need to do to improve their quality of life and actually have that tied to a uniformed person, a face that's going to be there through the whole execution of the project. It builds a level of trust. We talked a little bit earlier about intelligence, but having that relationship established allows us to understand the street-level activities that are going on around us, for which we will never be sensitive to. It's like you in your neighborhood, you know when a car is there that doesn't belong there. That kind of input, that kind of intelligence, allows us to be effective and allows them to help themselves.

Senator INHOFE. I happened to be in Baghdad when they were trying to get the electricity to homes, and people were actually going out there with wire and tying it on and all that. That was

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a good application of CERP being able to save lives. We were able to save X number of lives every day to be able to do that.

Frankly, I feel the same way about the International Military Education and Training Program. For a number of years, we treated that as if we're doing them a favor in having them come over and train with us. Our experience has been, Mr. Secretary, as you well know, once these officers come over and get trained here, they develop an allegiance that stays with us. We used to say that they couldn't do it unless they had, what was it, Article 29? Anyway, we've been able to eliminate that, to encourage them to come over. We know if we're not doing it China's going to do it.

Secretary GATES. One other point. We've talked a lot about Pakistan here. The United States is paying a heavy price for the fact that for 12 years Pakistani officers were not coming to the United States to be trained. So we have senior officers in the Pakistani army who have very close relationships here in the United States and have a very favorable view of the United States, but midlevel and junior officers, we're dealing with a whole generation of Pakistani officers who have not studied in the United States, have not developed relationships with our military, and we may pay a heavy price for that.

Senator INHOFE. That's a good testimony to use in favor of this program, because we're seeing it now down in some of the African nations, sub-Saharan Africa, where we are hopefully going to be able to help them in building five African brigades.

The last thing, and I won't belabor any of this because I know you probably covered it while I was down at the other hearing. But the surge, the success of the surge. I don't think there's anyone left out there in his or her own mind that doesn't agree that this has just been very successful.

I had occasion to be in Fallujah and some of the other areas during this time and I just look at the performance of our people, of what David Petraeus has done, and I am so thrilled with that.

I know it's more difficult in Afghanistan. When I was there I took the last trip with General Jones before he retired. Right now one of the major problems is there really isn't that central authority you can deal with like you can in other places. You have a bunch of mayors and local officials.

I don't want you to repeat anything you've already stated, but if there's anything that you have not stated yet about how to overcome that and the path forward with our NATO allies in Afghanistan, this would be an opportunity to do it.

General CARTWRIGHT. You put your finger on one of our greatest challenges, which is the separation in principle between the central Government in Afghanistan and the tribal or feudal system that is there, and trying to bring those closer together, trying to attack the enemy in a way that allows us to bring the tribal side of the equation closer to the central government and create an understanding. This is not a concept which they readily embrace. The power centers are not set up that way culturally. It is probably in my mind one of the biggest challenges for the central government to start to be able to present services and security to its population.

Secretary GATES. I think two of the long-range challenges we face in Afghanistan are, first, the fact that it's a desperately poor

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country, the fifth poorest in the world, in contrast to Iraq; and second, this is a country that in its whole history has never had a tradition of a strong central government. So trying to create an effective central government at the same time is going to require working with them and helping them strengthen the provincial and local governments in a way that they don't just become another warlord or another militia.

Senator INHOFE. My time has expired, but I want to thank both of you for your great service.

Chairman LEVIN. Thank you, Senator Inhofe.

Senator Sessions.

Senator SESSIONS. Thank you, Mr. Chairman.

Secretary Gates, I would just, before we get into this subject, have to make a comment about your deputy's comments a few days ago about the tanker competition, in which he revealed, I think for the first time, that the Boeing aircraft was 25 percent more expensive in the bid process that went on to select the best aircraft. Of course, the Northrop team's aircraft was 16 years younger and had more capability, and it appeared that the prices, from what we heard, may have been fairly close.

But this is a dramatic difference in price and I'm somewhat disappointed, I have to say, that competition has not gone on to conclusion. I just want to say that.

Secretary GATES. Can I just say, Senator Sessions, I am very disappointed also. I had believed when I moved this competition under the Under Secretary for Acquisition, Technology, and Logistics that we knew, as much of the newspaper commentary at the time said, that the timeline was going to be short, but that we ought to be able to get it done.

After we issued the request for proposal, it became clear that if we got it done at all it would be in the last few days of the administration. Part of my concern was, frankly, I didn't like the smell of approving a potentially $100 billion contract or opportunity in the last day or 2 of being on the job.

We considered an alternative. Because both planes met the technical qualifications, we considered changing the competition to one based simply on the best deal for the taxpayer, who could come up with the cheapest number for us to go forward. But after talking with a lot of folks, we realized what that meant was that after 7 years of a competition based on value, we would be changing the rules at the end of the game to one based purely on cost. So we'd be changing the rules at the end of the game.

My hope is that the next administration will move forward with this very quickly, and my advice to them would be to establish minimum military requirements—what do we need—and then what's the best deal for the taxpayer. My hope would be that this is what I would have done if we had more time. We've gotten in previous competitions with things like 800 requirements and things like that. I think it's a classic case of overcomplicating the problem, and I think that a straightforward, "does the plane meet these technical military requirements and who will provide the taxpayer with the best deal" would be the best course of action.

My hope is the next administration will move forward promptly with this.

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Senator SESSIONS. I was pleased when you said you intended to assume responsibility for it and move it forward and was disappointed when you were not. I don't know how much this may mean in terms of delay and extra cost and whether politics will infect the process. I certainly hope and believe that the Department of Justice will resist allowing that to happen.

We can talk about that some more perhaps, and I would like to do that.

What happened in Iraq was an acceptance of the tribal nature of the society, at least in a number of areas of the country where the tribes were very strong, a partnering with them because, as I think you indicated, General Cartwright, people know who the foreign al Qaeda fighters are, they got tired of them, and a partnership was reached between the United States military and the local historic leadership in these communities, and that's what made the difference in many ways, certainly in the al-Anbar Province. Would you fundamentally agree with that premise?

General CARTWRIGHT. Yes, sir, I do.

Senator SESSIONS. How are we in Afghanistan now? I think we have to be a lot more humble than we have been. This idea that we can go in and remake a country like Afghanistan, that's poor, very big area, with scattered tribal groups, that we're just going to somehow remake them and have some bureaucrat in Kabul start dictating how things are going to run in far-distant provinces—I hope we're not so committed to that that we don't see the opportunity that we found in Iraq.

Secretary Gates?

Secretary GATES. Senator, as we look at our way forward in Afghanistan, one of the things that I think we need to do is listen better to what the Afghans are saying and the Afghan leadership. We all know that the leadership has its deficiencies, but they know their people. The history of Afghanistan has been that if the Afghan people see a foreigner that they believe is trying to help them, it works out okay. If they see a foreigner that they regard as an occupier, it hasn't ever worked.

We need to make sure that our military planning and our operations are aligned with the interests of the Afghan people and that they see that they are aligned in that way. We need to work harder at doing more to avoid civilian casualties. We need to weigh the consequences of that against any potential military advantage.

As we think about how we do this going forward, I think you've put your finger on it, and frankly one of the worries that I had when I took this job was that in both Iraq and Afghanistan we were so focused on the central governments that we were moving orthogonally to their culture and to their history, and that we needed to better align ourselves with the way the country really works, and that meant paying more attention to the tribes, to the sheiks, and so on in Iraq, and then in Afghanistan.

What we have to figure out with the Afghan Government is how do you empower provincial and tribal leaders, as I suggested earlier, without creating warlords and extragovernmental militias? But clearly we have to focus more on the tribes and the provincial areas in Afghanistan, at the same time we try to build capacity for the central government.

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Senator SESSIONS. I think if those local leaders, tribal many of them, who have respect in their communities, who have been affirmed by the community as their leaders, I think we do well to see if we can partner with them and try to help them achieve their goals, which is for a better community that they live in for the most part, and help them achieve that, perhaps we can achieve the same sort of partnership we achieved in Iraq.

Is that our direction? I guess since General Petraeus was involved in this and he now has that command, do you see us moving, utilizing some of the same techniques of Iraq in Afghanistan?

Secretary GATES. I suspect so, along the lines we've just been discussing.

Senator SESSIONS. Thank you, sir.

Chairman LEVIN. Thank you, Senator Sessions.

Let's try a 5-minute second round.

First let me say how much I agree with what you have just said and what Senator Sessions just said in terms of working with the people of Afghanistan, and realizing that whenever you have a military action you have to look at not just what you might achieve, but also the unintended consequences of that action.

I think we need to do that across the board, not just in Afghanistan, but also in our operations in Pakistan. I think we have to understand that if we're going to be attacked by the Pakistani Government for what we're doing to protect our troops that there are some significant down sides and we have to try to limit that to essential operations, going after high-value targets, sticking close to the border, taking the consequences where the value to be gained or the benefit to be gained is getting a really high-value target, and avoiding some of those negative consequences in the process.

But I think Senator Sessions has put his finger on something very important in terms of Afghanistan as well as other places, and working with the Afghans.

One of the things, however, that sort of goes in the other direction in a sense in Afghanistan is that I understand, as Senator Lieberman pointed out, their national army is well respected inside of Afghanistan. It's highly motivated. They do not like the Taliban and they don't like al Qaeda. They are fighters. This is a very different situation from Iraq.

But the one question, though, is are they accepted and respected inside of Afghanistan generally, that ANA, would you say?

General CARTWRIGHT. Yes, sir. They are respected. The challenge that they have, and I won't call it a shortfall on their part, but there aren't enough of them to be where they need to be.

Chairman LEVIN. Let's go into that. That's what I really wanted to get to. Why is it going to take them 5 years to add 30,000 Afghan troops?

Secretary GATES. The goal for the force right now is 80,000. They are at about 65,000 or 66,000. The goal is to increase the size of the regular army to 122,000, with an additional 12,000 that's kind of a float that would be in training or in school at any given time.

Part of the challenge is, again in contrast to Iraq, a very substantial number of the Afghans are illiterate, for openers. So when we talk about basic training, we're talking about really basic training. It's a matter of equipping them, it's a matter of training them. I

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think that Minister Wardak would tell you that if he can accelerate that process he would.

Part of the challenge that we're going to face and where we're going to try and take the lead is the cost, the steady state cost of an army of about 122 or 134,000 is about between $2 and $2.5 billion a year. Overall Afghan Government revenues this year will be $700 million. So our view is we have a lot of partners and friends and allies around the world who do not have fighting forces in Afghanistan. We see this as an opportunity for them to get some buy-in to this U.N.-commissioned endeavor in Afghanistan by contributing to the money that would expand the ANA. If we're successful in that and if the money's available, then we may be able to accelerate the growth of that army. My impression is they do not have a problem with recruitment.

Chairman LEVIN. That's my understanding, that money's the problem. When you compare what we're spending in Iraq to what we're spending in Afghanistan, what that cost is, it is a tiny fraction. To pay our share—and I agree with you our allies have to do much more, but our share of the Afghan army—is a tiny fraction of the monthly cost of our presence in Iraq.

Secretary GATES. We've taken care to be sure to include some money in our budget for that, too.

Chairman LEVIN. I think it's critically important. They have the motivation, they have the capability. You say they're not literate, but do they not follow orders from their commanders, whether they're literate or not? I mean, is that a problem?

Secretary GATES. Sure. I mean, nobody ever questioned these guys' ability to fight.

Chairman LEVIN. I think that's the real issue.

Secretary GATES. Including the Soviets.

Chairman LEVIN. I think that is exactly the issue.

On the reconstruction issue in Iraq—and we're glad that we're not going to pay any more for those hotels at the Baghdad Airport. We are, I notice in the spending plan for the Iraqi security forces funds which we just got 2 weeks ago—this is the plan for next year. This plan includes hundreds of millions of dollars for things such as 12 new police stations, 4 national police bases, headquarters facilities for the Iraqi military. Why are we paying for those? That's the September 12 plan we just received.

Secretary GATES. I'll have to go back and look at that, Mr. Chairman.

Chairman LEVIN. Fair enough.

Thank you. My time is up.

Senator Lieberman.

Senator LIEBERMAN. Thanks, Mr. Chairman. Thanks, Senator Sessions.

I want to continue the chairman's line of questioning about the ANA, and I totally agree with what he said. Incidentally, I had the honor of having Minister Wardak, the Minister of Defense, in my office earlier this morning with General Cohn. This is a very patriotic, impressive man, both of them really, but I'm speaking about Minister Wardak here.

Also, you feel within him, the great sense of pride in the Afghan army and their commitment to restore national pride, which is

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really quite impressive; also their profound gratitude to the U.S. military and their sense of camaraderie with the U.S. military.

Secretary GATES. I want to just say one thing in that regard, Senator Lieberman, that really moves me about Minister Wardak. He is genuinely embarrassed and moved that Americans are laying down their lives for his people. I have not heard another leader in the world be as eloquent on that subject as he is, and it's in virtually every meeting I have with him.

Senator LIEBERMAN. I agree. He spoke of that today with obvious sincerity to me, and he said that they'll never be able to repay the U.S. for the commitment to their freedom and independence, but that he believes that there will be a day in the not too distant future when they will, one, repay us by being responsible for their own defense to a great degree; and second, that they will join us elsewhere in the world in peacekeeping or other missions. So we can hope for that.

Without wanting to dwell too much on the point, the sense of camaraderie is unique among all the militaries that are there. I think it's something that, without trying to speak comparatively, should just make us proud of our own military.

He said to me, not today but when I was in Afghanistan earlier in the year—it's a small, simple, human statement, but he said his soldiers tell him that it is only the American military that are prepared to share their canteens with the Afghan military. That speaks a lot about our military. It means a lot to them.

Let me just talk about this increase in the ANA. Minister Wardak said today—and General Cohn kind of backed him—that they think that because, one, there are recruits ready to come in; two, they've raised the eligibility age, I think from 28 to 35, among the Afghans; that they can meet this 134,000 goal in fact in 2 years, as opposed to 4.

If that's plausible, can we, through our resources or international resources, come up with the money in that timeframe to support that 134,000 goal? I presume that the sooner we can get them on the ground the better the security situation will be.

Secretary GATES. To the chairman's point, we do have some money in the budget for 2009 and in the supplemental for 2009 for training the ANA, and I think that there is a sufficient shared interest in accelerating that process that, as the chairman was saying, the costs are at a level that our interests would certainly be well served by finding some additional money if they can accelerate their growth.

Senator LIEBERMAN. Good. I can also appreciate very much the thought of going to countries around the world who are not prepared to send troops or more troops and asking them for financial support of the ANA. Am I correct in assuming that you are thinking there not just of our NATO allies, but perhaps going to allies in Asia and the Middle East for financial support for the ANA?

Secretary GATES. Yes, sir.

Senator LIEBERMAN. The final question I have, as you know better than I, we've had some operational difficulties when different member countries of NATO, for instance, have made contributions to the training of the Afghan police force, that they have tended to want to do the training they want to do as opposed to being part

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of a comprehensive training strategy. I'm expressing my hope, and asking you if you share it, that as we get other countries to buy into a financial commitment to the ANA that we essentially retain control, so that there is at least a unity of approach to training and we don't have a balkanized situation where every country giving money does what it thinks is best to train the Afghan army.

Secretary GATES. This has been a concern that we have had for some time, and it is that these Operational Mentoring and Liaison Teams that do a lot of this training arrive in country not fully prepared and without any consistency in terms of the kind of training they're doing. We encourage the foreign sourced omelets, we call them, to go to a training facility that we have in Hohenfels, Germany, and go through that process, to try and bring greater consistency.

I would say we've had mixed success in getting them to do that. I would say one of the biggest and most urgent of our commanders' requirements for additional troops in Afghanistan is in fact for trainers, not for fighters. I think that that'll be one of the things we work hardest on.

Senator LIEBERMAN. You will not be surprised to hear that General Cohn mentioned that.

Thank you both very much.

Thanks, Mr. Chairman; and Senator Sessions, thanks for your courtesy.

Chairman LEVIN. Thank you, Senator Lieberman.

Senator Sessions.

Senator SESSIONS. Thank you. Senator Lieberman, thank you for your commitment of time and effort in going to Afghanistan and Iraq. I know you've been there, you and Senator Inhofe both, many times, and the chairman also.

There's a little bit of a difference, I think, between what we were doing in al-Anbar and maybe what we're talking about in Iraq, it seems to me, in terms of the size of the army. The forces that volunteered and came forward and we have helped financially and militarily to be successful aren't really part of the Iraqi official army. Are there potentially such pacts or agreements or bonds and cooperative activities that could occur in Afghanistan to utilize local young people who don't like the Taliban and are willing to help fight them off if they know they have some support, but if left alone out in the country without being able to contact the Afghan army or the American army they feel pretty vulnerable?

Secretary GATES. Let me answer and then turn to General Cartwright. The President's attitude is it was the tribes that helped us win in 2002. I think there's a real interest and opportunity there that over the last several years perhaps we haven't taken full advantage of. So I know that there's an interest in figuring out, as I say, if we can do this without creating anti-government militias or creating new warlords, then absolutely that's the direction I think we need to go, in addition to strengthening the national army.

General CARTWRIGHT. That's the vector that we want to be on. I think the two cautions are: one, to focus on the local security initially with these tribes; and then second is that we have to be there and we have to stay there, "we" being the ISAF or the United

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States. But we can't come, empower them, and then leave and leave them vulnerable to attacks that may overpower them. We have to stay with them and get the security stable and allow them to become functional for their local security. If we leave too quickly, we leave them vulnerable and then it is harder to go back because we don't have their confidence any more.

Senator SESSIONS. Well, we partnered at the beginning in 2002 with the Northern Alliance, and we didn't train them.

General CARTWRIGHT. No.

Senator SESSIONS. Pretty good fighters.

General CARTWRIGHT. But we stayed with them.

Senator SESSIONS. We stayed with them. Just for perspective, if you recall, how many American troops were on the ground partnering with, approximately, the Northern Alliance when the Taliban collapsed and were defeated?

I think it's less than 10,000 or something in that range. This was a partnership that worked. It's a different problem and I can understand the problem of trying to have a central government. But I just think we need to be a little bit more modest about how quickly we can establish a central government. I have people in Alabama that are not real interested in what happens in Washington. There are probably some in Alaska and Idaho, too, and other places, probably even Virginia, that are not that interested in what happens here. It's not affecting their lives. I feel pretty strongly about that.

Now, with regard to how this country is supposed to be managed and the money and aid that we provide to it, Mr. Secretary, let's say there's a decision to be made about an irrigation system, a water system, a highway system, an electric generation system, a garbage disposal system, who is making this decision about how the money is allocated? On paper at least, who is responsible for making those allocations from our side?

Secretary GATES. Senator, you've put your finger on what I think is one of the real weaknesses of the effort in Afghanistan. We have 42 countries, hundreds of NGOs, universities, and various others, all in effect doing their own thing in Afghanistan. From the day I took this job and the first NATO meeting I went to, I said we have to do a better job of sharing information, of collaborating and working together and partnering with the Afghans in terms of these economic development and reconstruction projects, and sharing best practices—what's working, what's not working.

My hope had been when the senior U.N. representative Kai Eide was appointed, when Secretary Rice and I sat down with him here in Washington and talked about what the need was, he clearly understood that need. I'm sorry to say that, for a variety of reasons, there has not been a significant improvement in that kind of coordination and cooperation. If I had to identify one area working with the Afghans and where we need somebody in the Afghan Government who's competent and capable, who could oversee these things from the Afghan side and be a partner, and then we could get better coordination on the side of the owner countries, then I think the whole process would be significantly enhanced.

But right now, as far as I can tell it's essentially everybody doing their own thing.

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Senator SESSIONS. Well, that's the impression I've gotten. Also, I have to tell you I think there's some confusion within our government. I suppose, like Iraq, on paper at least the State Department has the primary responsibility for the reconstruction and economic development and the PRTs; is that right?

General CARTWRIGHT. Yes, sir.

Senator SESSIONS. But in truth, the American military has far more persons there and are far more able to take action because of their military training and equipment and arms, than the State Department is. Are you satisfied that that relationship is strong enough?

Secretary GATES. I think the relationship is fine. I think there is the difference in Iraq in that we're really not operating in cities and big towns and using CERP in the same way in terms of projects, as best I understand it, just because of the size of the country. I think we are less engaged in those kinds of projects in Afghanistan than we have been in Iraq.

Senator SESSIONS. Well, just maintaining coordination and a cohesive plan is very difficult and the military is so important and integral to this effort. Yet on paper at least, the State Department has the responsibility. They've made some mistakes. I don't like this idea of saying you want a secular government. I mean, that's an affront to a religious people, to say that. We've been saying we want to create secular government. What does that mean? To the average person, they hear that as eliminate God from their community and that's not what they want. So we need to be more sophisticated, I think, and sensitive to other societies that have different traditions maybe than we do. I hope that our State Department people are as engaged and committed as the men and women in the Defense Department.

Thank you.

Chairman LEVIN. Thank you, Senator Sessions.

Just a couple more questions, first, on the Afghan police. General, I think you indicated that it's important that we bring up the police or that the police be brought up to manage the border better. I'm just wondering, why is that not also the responsibility of the Afghan army?

General CARTWRIGHT. The Afghan army has a role there, but it is predominantly the police that patrol that area. We have an objective right now to increase over the next year by 52 companies the police force that manages the border and to partner with them and give them the intelligence to allow them to do that. But just in their form of government, they are the predominant force along the border.

Chairman LEVIN. Are they as motivated as the army?

General CARTWRIGHT. No.

Chairman LEVIN. I raised this issue when I was in Afghanistan and urged them—the Afghan army and the Afghan Government—to consider using the army as border control. I mean, if the police aren't as motivated, the biggest problem we have in Afghanistan, and you said it and we noticed it, is that border. So you have to use your stronger forces, it seems to me, at that border to go after the people who are penetrating that border, in some places with great ease, by the way.

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Have we suggested to the Afghan Government that they consider using the army there?

Secretary GATES. I think the tack is, one, the army is engaged with us along the border, but we don't want to tie them down on the border. Given their size, we want them to have the ability to maneuver. Two, try to bring to the Afghan border police the motivation and the skills necessary to do that job, because it is fundamentally a different kind of force. It is not a maneuver force.

Chairman LEVIN. But you say they're not as motivated. That's troubling. There's not the same fighting spirit among the police as there are among the army?

General CARTWRIGHT. The incentives, because of traffic across the border, historically have probably not been as pure as the army's. We have to work our way through that. I think that's a challenge that's in front of us. It's a cultural issue as well as a technical issue.

Chairman LEVIN. Just going back for 1 last minute to the assessment of the reduction of violence in Iraq, obviously the surge has led to a significant reduction, for which we're all grateful. The question of course is whether the purpose of the surge, which was stated to be a political reconciliation, has been achieved. We have a long way to go in terms of achieving the surge's purpose.

However, my question is something for you, Mr. Secretary. You've indicated that political reconciliation is absolutely critical to Iraq's success. I think those were your recent words. Can you tell us why you believe that? If you do believe that, as you've indicated, why is it that when the October 1 election date was not met by the Iraqis—they haven't passed the legislation—is there no apparent comment from this administration to put some pressure on the Iraqis to keep those commitments which are so critically important?

Secretary GATES. I don't know about public comments, but there certainly has been ongoing pressure to get the elections law passed and to try to make sure that the elections took place before the end of this year.

I think that the reconciliation is essential, in part because these are elements of a country that were always held together by force and that were used against each other, where the Sunnis dominated both the Kurds and the Shia, and there's a long history there and it's an ugly one. The Shia have always had a strong relationship with their brethren across the border in Iran, from a religious standpoint, even though they fought each other for 8 years. The Kurds, to the extent they could get away with it, essentially wanted to be independent of everybody in the country and kind of run their own affairs.

So getting these three principal groups to work together and to share power and to have some measure of trust in each other is essential for Iraq's future, and I would tell you that I think that making progress on that has taken longer and has been more difficult than we anticipated. I would add gratuitously, like a lot of other things.

Chairman LEVIN. You say we put pressure on them when they don't meet their own deadlines for the political reconciliation, which is essential to ending this conflict. They said October 1. They

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didn't pass the law to make those provincial elections happen. They keep dawdling and dawdling and dawdling on the elections law, which you've testified again here today are critically important to these kind of political reconciliations.

How do we put pressure on them? Where is the pressure?

Secretary GATES. The challenge that we face in Iraq is that we have politics in the country and one of the issues that has held this up is the status of Kirkuk.

Chairman LEVIN. Well, of course, but where's the pressure? You've said we put pressure on them privately. Where? How?

Secretary GATES. We tell them that this is something they need to get done.

Chairman LEVIN. Or?

Secretary GATES. We've had this discussion before.

Chairman LEVIN. I know, but it's important that this discussion continue. The Iraqis get the impression, that we're still open-ended, and that we're just going to be down to a level of troops in February which is probably a little bit larger than the level of troops we had before the surge.

Secretary GATES. Mr. Chairman, I do not think the Iraqis think this is an open-ended commitment.

Chairman LEVIN. What have we told them?

Secretary GATES. As much as anything, it's what they have told us.

Chairman LEVIN. I'm not talking about what they want. I'm talking about what we're going to do.

Secretary GATES. I think that it's inevitable that our force sizes are coming down. They know that.

Chairman LEVIN. Finally, would you say this, that one of the reasons for the reduction in violence in Iraq is that we changed our tactics, not just the increased number of troops, but that we changed our tactics, which put more of our troops out in the communities in joint combat outposts—living where they work is the way some of our commanders have put it. We've stationed our troops there. Would you agree that was one of the factors in the improved security in Iraq? General, do you?

General CARTWRIGHT. Yes, I agree.

Chairman LEVIN. Mr. Secretary, would you agree with that?

Secretary GATES. Yes.

Chairman LEVIN. I am concluded. My dear friend, do you have additional questions?

Senator WARNER. Thank you, Mr. Chairman. I would simply conclude by, one, putting into this record today the letter that you and I jointly sent to Secretary Gates on August 1st, and that regards to Iraqi dollars that are alleged to be here in the United States and how they can be put into the programs that I think you've enunciated. I believe today you've covered this subject very carefully, and I'm sorry I had to be absent for a few minutes. But I think our letter together with your response should be put in this record, because this is a question that's repeatedly asked of the chairman and me from our colleagues as we move around, and indeed when we visit our constituents. They find it almost incomprehensible.

[The information referred to follows:]

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United States Senate

COMMITTEE ON ARMED SERVICES
WASHINGTON, DC 20510-6050

August 1, 2008

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20310-1000

Dear Secretary Gates:

Administration officials have told Congress on a number of occasions that U.S. funding of large-scale reconstruction projects in Iraq has ended. On April 8, 2008, U.S. Ambassador to Iraq Ryan Crocker told the Senate Armed Services Committee that "the era of U.S.-funded major infrastructure projects is over" and that the United States is no longer "involved in the physical reconstruction business" in Iraq.

At a time when oil, Iraq's main export, has recently sold for over $140 per barrel and Americans are paying over $4 a gallon at the pump, Iraq – and not U.S. taxpayers – should be using its own revenues to pay for its reconstruction.

It is therefore difficult to understand why nearly $33 million in funds from the Commanders' Emergency Response Program (CERP) has been approved to finance a Baghdad International Airport "Economic Zone" (BEZ). According to the Defense Department's most recent CERP report and information from DoD officials, BEZ projects being paid for with CERP funds include the construction of a business hotel ($4.1 million); site preparation and preliminary design of a separate "3 star international class hotel" ($870,000); renovations to an office tower ($4.3 million); improvements to power, water, sewer and trash removal ($15 million); renovations of a "VIP" building ($169,000); and a convenience store and coffee shop ($179,000). The Government of Iraq's contribution to the BEZ projects is $44.8 million.

It appears that this use of CERP funds is inconsistent with CERP's purpose of enabling U.S. commanders in Iraq "to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi people." Equally important, it is difficult to understand why U.S. taxpayer funds should be used to pay for this major infrastructure project in Iraq which will be owned by the Iraqi Government.

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A draft Government Accountability Office (GAO) report produced at our request and provided to us on July 25th reinforces that Iraq is capable of paying for its own reconstruction.

According to the GAO report, the Iraqi Government revenues from 2005 to 2007 were an estimated $96 billion, 94 percent of which were derived from oil revenues. For 2008, it is estimated that Iraq's revenues will be between $73 billion and $86 billion, primarily due to high oil prices, and Iraq's budget surplus could be as high as $52.3 billion. The report also finds that the Government of Iraq continues to struggle to apply its growing revenues to much needed capital investment projects, spending just 28 percent of its $12.2 billion capital investment budget in 2007.

In light of these findings, we request that you promptly seek from the Government of Iraq full reimbursement of the U.S. costs associated with the development and construction of the BEZ and take measures to ensure that future CERP funds are not used for large reconstruction projects such as this. The Government of Iraq must assume responsibility for financing these large-scale reconstruction projects.

Please notify us whether the U.S. will seek full reimbursement for these costs.

Sincerely,

John Warner

Carl Levin

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THE SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

SEP 8 2008

The Honorable John Warner
Ranking Minority Member
Senate Armed Services Committee
United States Senate
Washington, DC 20510

Dear Senator Warner:

Thank you for your letter with Senator Levin regarding the Commander's Emergency Response Program (CERP) in Iraq. I am grateful for your long-standing support of this critical program.

As we have discussed previously, the projects at the Baghdad International Airport (BIAP) cited in your letter were started under different circumstances than the ones currently faced. In the fall of 2007, while attacks on Coalition troops and Iraqi citizens began to decline, security gains were far more tenuous. Control of the civilian side of BIAP had only recently been taken from the Jaysh al-Madhi (JAM). Under these very difficult conditions, CERP-funded projects sought to secure Coalition gains by providing employment, building public confidence, and undermining JAM efforts to re-infiltrate the airport.

I agree that times have since changed. Security conditions on the ground have improved, and so has Iraq's ability to fund key projects. The Government of Iraq (GoI) has assumed the bulk of reconstruction funding responsibility, highlighted by the recently passed $22.3 billion Iraqi supplemental budget. Building on the initial investment at BIAP, the GoI has committed to invest an additional $45 million in the area. Moreover, the GoI recently provided $270 million for Iraqi CERP (I-CERP) funds.

Going forward, CERP remains a vital tool for commanders in the field, allowing them to respond quickly and effectively to hold the areas we have cleared and to reinforce the successes we have had to date. To address the changed environment, I have directed that an internal review be undertaken of CERP reporting and administration procedures. The review team will seek ideas and discuss with your staff suggestions for the future.

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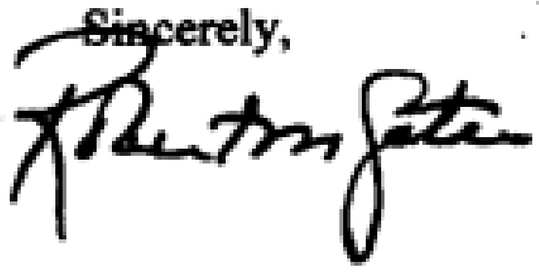
Accordingly, I do not believe it necessary or justifiable to request that the Iraqi government provide reimbursement for this project. I remain confident that with the additional management controls under consideration, CERP will continue to provide our combat commanders with flexible solutions to address the fast-changing circumstances of today's battlefield. An identical letter has been sent to Chairman Levin.

Sincerely,



Senator WARNER. Separately, I'm putting in the record an amendment which today I discussed with you. We were not able to get it in the bill, but it directs your attention to the substantial military construction part of our bill and the amount of funds that the administration is requesting and I think if our bill gets through will be authorized in new construction funds in Iraq. Specifically, we had in mind to put in a framework whereby each of those items could be reexamined by you to determine if in fact U.S. dollars are needed and whether or not Iraqi dollars can be expended, because after these many years that we've been in this country—and all of us have visited on a number of occasions on our oversight trips—the amount of construction that we have put in refurbishment, is enormous. As we drawdown, it's difficult to say to our colleagues we need to continue to build more over and above what we have in place now.

So we thank you, Mr. Secretary, for appearing here today; and I think we've had a full hearing, Mr. Chairman.

[The information referred to follows:]

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AMENDMENT NO. _____ Calendar No. _____

Purpose: To ensure that future military construction projects in Iraq satisfy certain requirements.

IN THE SENATE OF THE UNITED STATES—110th Cong., 2d Sess.

S. 3001

AMENDMENT No. 5289

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By Warner

To: S. 3001

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AMENDMENT intended to be proposed by Mr. WARNER

Viz:

At the end of subtitle B of title XXIX, add the following:

SEC. 2914. LIMITATION ON MILITARY CONSTRUCTION PROJECTS IN IRAQ PENDING CERTIFICATION OF SATISFACTION OF CERTAIN REQUIREMENTS.

(a) NOTICE AND WAIT.—A military construction project described in subsection (b) may not be commenced

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until the date that is 21 days after the date on which the Secretary of Defense submits to the congressional defense committees the certifications on the project described in subsection (c).

(b) COVERED MILITARY CONSTRUCTION PROJECTS.—A military construction project described in this subsection is any military construction project as follows:

(1) A military construction project authorized by section 2901(b).

(2) A military construction project in Iraq that is first authorized by an Act enacted after the date of the enactment of this Act or for which funds are first appropriated in an Act enacted after the date of the enactment of this Act.

(c) CERTIFICATIONS.—

(1) IN GENERAL.—The certifications on a military construction project for purposes of subsection (a) shall include each of the following:

(A) A certification that the project is not intended to provide for the permanent stationing of United States forces in Iraq.

(B) A certification that the project is required to satisfy an urgent temporary require-

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ment in support of current United States military operations.

(C) A certification that the project is for the use of United States forces in Iraq.

(D) A certification that no reasonable alternative facility or installation will satisfy the requirements to be satisfied by the project.

(E) A certification that a written request for funding the project was submitted to Iraq, and that the Government of Iraq has considered the request.

(2) CORRESPONDENCE.—If the Government of Iraq has submitted to the United States a written response to a request for the funding of a military construction project described by subsection (b) at the time of the submittal of the certifications on the project under subsection (a), the certification on the project under paragraph (1)(E) shall also include copies of the request and response.

Chairman LEVIN. Senator Warner, in terms of that amendment's language, I wonder if we could just ask the Secretary, not to respond now, but whether he would take a look at that proposed structure and, even though it's not going to be part of our bill for the reasons that Secretary Warner discussed, whether you would consider following that kind of structure. I'm not asking you to commit to that, but——

Senator WARNER. No, but I think I'd appreciate that.

I had tried to get it here and I couldn't get it here this morning, because it follows the Secretary's response about the CERP program. You've drawn it down to 200,000 you're going to look at each one; is that correct?

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Secretary GATES. $2 million for me, $500,000 at lower levels.

Senator WARNER. Correct. Well, it's the same type of concept applying to CERP that we apply to the military construction budget.

Chairman LEVIN. If you could just take a look at that, Mr. Secretary, we'd appreciate it.

Senator WARNER. We'd appreciate that.

[The information referred to follows:]

I understand and agree with the intent of Senator Warner's proposed amendment: however, we are already implementing the intent of the draft language. The U.S. military is not seeking permanent bases in Iraq. Restrictions on the use of military construction funds for permanent facilities in Iraq already exist. A determination that no reasonable alternative facility or installation will satisfy requirements and confirmation that the project is for use by U.S. forces in Iraq are required prior to initialing all military construction projects in Iraq. Certification of urgent need is already required for operation and maintenance-funded construction projects.

As always, we will continue to look for opportunities to increase Government of Iraq (GOI) spending on projects in Iraq. Recent examples include handing over the costs of police infrastructure, Iraqi force generation, and the Sons of Iraq program. In addition, revised guidance for the Commanders' Emergency Response Program will require the Commander, Multi-National Corps-Iraq to certify that projects greater than $750,000 are linked to a cost-sharing arrangement with the GOI where feasible. However, it is important that U.S. commanders retain the ability to satisfy operations support requirements and to fully fund projects that are in the U.S. interest but may not match GOI priorities.

Chairman LEVIN. Because many members, as Senator Warner has pointed out, of this committee have done more than just express interest. They've offered amendments. We've adopted amendments along this line.

I think the only disappointing note that I felt or saw in your face was when Senator Lieberman said that this might not be your last visit to this committee. I'm not sure if he knows something that we don't know. We do expect that this will be the last one unless something unusual happens, and I think we all feel very strongly that you have really made a major contribution to the relationship between Congress and this administration in terms of openness and in terms of confidence. You've represented and done a wonderful job in terms of your relationship with our troops. General, I know you have for a long time as well. We just want to congratulate you, Secretary Gates, for that service. Thank you. For how many years now? You say you were sworn in 40——

Secretary GATES. 42 years ago.

Chairman LEVIN. 42 years ago. You don't have a clock running backwards as well as forward that you carry around with you?

Secretary GATES. Let the record show 118 days.

Senator WARNER. Was that when you went into the Air Force?

Secretary GATES. When I was first recruited by CIA.

Senator WARNER. Prior to then you were in public service?

Secretary GATES. The Air Force came later.

Senator WARNER. Oh, it came later.

Chairman LEVIN. We congratulate you on your long service. There will be other ways in which you're going to be asked to serve, I'm sure. You don't have to react to that.

Senator WARNER. One further question. In my opening comments I addressed my continuous concern, as you have the same level of concern, about the narcotics in Afghanistan. That is simply undermining much of the progress that the Afghan Government is trying

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to make and it does provide a source for dollars to be utilized by the enemy, diverse as they are, against our forces.

Just a brief response of what you're working on there. I know you've tried hard to cut that back.

Secretary GATES. We are trying to get the alliance, to get ISAF, to get the North Atlantic Council to agree, to get our allies to agree, to make counternarcotics, particularly in terms of going after the drug labs and kingpins, a part of the mission of ISAF. Right now it's not, and we're running into some flack and I'm not sure whether we'll be successful.

Governance makes a huge difference in Afghanistan, the local governance. The reality is that in all but seven provinces, there is essentially no poppy growing or it's at very, very low levels. That's the good news, and the other piece of good news is the U.N. says that the number of hectares that are under poppy cultivation are down about 19 percent year on year. That's another piece of good news.

The bad news is that the poppy growing in the seven provinces where it's still going on more than meets world demand.

Senator WARNER. Absolutely, that's the problem. Well, gentlemen, because I know, General, this has to bother you and those particularly in the chain of command directing our forces, because you're asking us to go into harm's way knowing that some of the weapons used against them are derivative of this poppy trade. That's just something that the American people cannot comprehend and will not accept.

Thank you, Mr. Chairman.

Chairman LEVIN. Mr. Secretary, you put your finger right on it. It's not part of our mission, getting rid of particularly these labs. They know where they're at. There's no reason it shouldn't be part of our mission except for local opposition in Afghanistan. When I asked President Karzai about this issue, he said just tell us where they are; we'll get rid of them. Well, I'm afraid I'm skeptical about that statement. I have a lot of respect in many ways for President Karzai, but I'm very skeptical that he says just tell us where they are and we'll go and get them, when we know where they are, but it's not part of our mission to destroy them. I'm talking about the labs. I'm not talking about spraying crops. We're just talking about labs where this process is centralized. I agree with you, it's long overdue that that is part of our mission.

We thank you both for this presentation this morning and for your responses. Secretary Gates, we wish you again all the best.

Secretary GATES. Thank you, Mr. Chairman.

Chairman LEVIN. We'll stand adjourned.

[Questions for the record with answers supplied follow:]

QUESTION SUBMITTED BY SENATOR MARK PRYOR

MAJOR WEAPONS SYSTEMS

1. Senator PRYOR. Secretary Gates, on June 3, we had a full committee hearing on Department of Defense (DOD) acquisitions of major weapons systems. It was reported by the Government Accountability Office that the current portfolio of 95 Major Defense Acquisition Programs (MDAPs) has experienced a cost growth of $295 billion. What plans or strategy have you implemented within the DOD that responds to the challenges of noted cost and schedule growth in budgetary acquisition levels caused by unrealistic cost and schedule estimates; unreasonable perform-

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ance expectations; use of immature technologies; changes to program requirements; and reductions in production quantities and funding levels?

Secretary GATES. The Department has implemented numerous initiatives focused on controlling cost and schedule growth. They are captured in the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L)) Strategic Goals Implementation Plan. Strategic Thrust 2 of that plan describes how the Department will responsibly spend every single tax dollar. The USD(AT&L) tracks and monitors those initiatives, including the following:

Competitive Prototyping: Successful implementation of competitive prototyping will inform us on the realism of requirements, mature technology before final development phases, and significantly improve our cost estimates.

Technology Readiness Assessments (TRA): TRAs are intended to ensure technology is appropriately mature at each sequential phase of development and that the Department budgets adequate funds for necessary technology maturation.

Incentive Policies: Careful, aggressive use of profit and contract incentives is critical to the program manager's efforts to control costs, incentivize performance, and ensure disciplined behavior by industry.

Enhanced Acquisition Decision Memorandum (ADM): ADMs now specify the requirements document and its date and prohibit changes to program requirements. The ADMs also require full program funding.

Configuration Steering Boards (CSB): CSBs will review requirements and technical configuration changes, which have the potential to result in significant increases to program cost and schedule.

Independent Cost Estimates: We intend to ensure all programs are properly priced and budgeted by requiring programs to develop independent cost estimates prior to program initiation. Independent cost estimates are to be fully considered during any MDAP's milestone review and realistic cost estimates and schedule projections are to be adopted.

Materiel Development Decision (MDD): The Department intends to establish the MDD as the formal entry point into the acquisition process. The MDD will assess potential materiel solutions and is mandatory for all programs.

Life Cycle Management (LCM): By integrating LCM principles into the acquisition and sustainment processes, we will increase system readiness while lowering total life cycle costs.

For program managers, there is a renewed emphasis on accountability and tenure agreements so that program managers will remain with their programs longer. Signed Program Management Agreements (PMAs) establish a "contract" between a program manager and acquisition and requirements/resource officials setting expectations for cost, schedule, and performance. The PMA must be reaccomplished if conditions change.

The Department is engaging with industry continuously. That dialogue occurs not only on a program-by-program basis where industry holds a contract, but we also communicate with industrial associations that involve many contractors. For example, we send liaison representatives to the National Defense Industrial Association's Industrial Committee on Program Management (ICPM). The ICPM is working on topics of interest to both industry and government, for example the use of new Program Startup Workshops and improved application of Earned Value Management Systems.

In addition, the USD(AT&L) writes weekly AT&L notes to the broadest possible DOD acquisition team audience. These notes convey principles and lessons seeking to change the acquisition community culture and develop better practices. These efforts to influence the broadest possible audience in the DOD acquisition community represent critical efforts to produce lasting, enduring improvements.

These polices will be institutionalized in the forthcoming update to DOD Instruction 5000.02. It will take time to show the impact of these policies, but lasting change starts with good common-sense policies that are measurable, enforceable, and widely accepted.

QUESTIONS SUBMITTED BY SENATOR MEL MARTINEZ

CONTRACTOR LIABILITIES

2. Senator MARTINEZ. Secretary Gates, Lt. Col. Dominic "Rocky" Baragona died on May 19, 2003, in a tractor trailer accident in Iraq near the Kuwaiti border. This accident was all the more tragic because Lieutenant Colonel Baragona had fought

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in the invasion of Iraq, survived while serving honorably, and was returning home to his family. Lieutenant Colonel Baragona was an outstanding officer, a West Point graduate, and his loss will be keenly felt both by the Army and his family. His parents are my constituents and Rocky's residence was my State, Florida.

The tractor trailer truck, owned by Kuwait & Gulf Link Transport Company (KGL), a Kuwaiti multinational firm, careened across a highway and struck Rocky's Humvee, killing him.

KGL is a large Kuwaiti company, organized under Kuwaiti law and doing business across the Middle East. Its business includes the execution of substantial contracts with the Army. After Lieutenant Colonel Baragona's death, the Army conducted an AR15–6 and determined in the accident investigation report that KGL's negligence caused the traffic accident that killed Lieutenant Colonel Baragona. The Army required that KGL certify that it had purchased third-party liability insurance for just this sort of accident.

Please explain how the Army assists families of U.S. service personnel access to the insurance purchased for their benefit and please fully explain how the Army otherwise assists family members of service personnel killed by contractors.

Secretary GATES. The Army assigns a trained Casualty Assistance Officer (CAO) to the surviving family of every soldier who dies while on active duty. The CAOs helps the family with all aspects of casualty assistance, to include applications for all Government benefits, settling claims for funeral expenses and the Servicemembers' Group Life Insurance, obtaining copies of all DOD-conducted death investigations, and coordinating for any specialized assistance requirements such as bereavement support, legal assistance, or financial counseling.

The National Defense Authorization Act of 2006 requires that the Services provide military legal assistance to surviving families who need help with issues related to settling the decedent's estate, such as probating an estate, drafting new wills, transference of property, et cetera. However, this assistance is limited to basic matters of the nature described above. Military attorneys cannot represent surviving families with matters that must be adjudicated by the civil court system, such as wrongful death suits or tort actions. When surviving families have need for the services of a civilian attorney, the military legal assistance office can assist the family in locating a qualified civilian attorney, who often may agree to work pro bono or at a reduced rate for military families.

3. Senator MARTINEZ. Secretary Gates, in *Baragona* v. *KGL* the court found that the Kuwaiti company should pay Rocky's family nearly $5 million, but now KGL has appeared in court to argue that the court does not have jurisdiction over KGL because it is a Kuwaiti company.

Contractors, including foreign contractors, play an important part in the success of the U.S. military but it's important that the contractors act responsibly and conform to the contracting requirements of the DOD, which has extensive regulations, the Defense Federal Acquisition Regulation Supplement (DFARS), designed to promote contractor accountability and DOD policy interests. For example, the DFARS requires that both foreign and domestic contractors carry insurance for accidental death or injury to third parties in order to protect American service personnel, third parties, and the United States Government.

If the Army requires the purchase of this insurance by all of its trucking contractors, foreign and domestic, but the foreign contractors are able to assert that they shouldn't have to compensate accidental death or injury claims because of their lack of presence in the United States, what is the point of requiring the purchase of the insurance?

Secretary GATES. Contractors that use automobiles (or trucks) in the performance of their contracts are required by the Federal Acquisition Regulation (FAR), Subsection 28.307–2, Liability, to have automobile liability insurance. The point of requiring the contractor to purchase this type of insurance is to protect the interests of the United States Government. The requirement for liability insurance applies to contractor performance in the United States and overseas. KGL's question about the jurisdiction of the United States District Court for the Northern District of Georgia Atlanta Division does not question the use of liability insurance; it only questions the jurisdiction of the court. KGL's assertion about jurisdiction does not affect the use of liability insurance in Federal Government contracts.

4. Senator MARTINEZ. Secretary Gates, does this not defeat the important DOD policy considerations at interest in the DFARS provisions that require insurance?

Secretary GATES. Contractors under contract with the DOD are required to carry the appropriate insurance, as specified in the contract. The requirement for liability insurance applies to contractor performance in the United States and overseas. In

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the case *Baragona* v. *KGL,* KGL does not question the inclusion of insurance but the jurisdiction of the United States District Court for the Northern District of Georgia, Atlanta Division. KGL's assertions about jurisdiction do not affect the use of liability insurance provisions in Federal Government contracts.

5. Senator MARTINEZ. Secretary Gates, shouldn't the assertion of this defense affect the ability of the contractor to receive future contracts from the United States Government as it involves the responsibility of the contractor?

Secretary GATES. Contracts shall be awarded to responsible prospective contractors only, pursuant to FAR 9.103. To be determined responsible, a contractor must meet various criteria including a satisfactory performance record and a satisfactory record of integrity. In addition, if a contracting officer becomes aware of a situation that requires investigation in accordance with FAR 9.4, the contracting officer must refer the matter to a suspending and debarring official for that official's consideration. Possible causes for debarment and suspension are listed in FAR 9.4 and include the contractor's commission of an offense indicating a lack of business integrity or honesty that would seriously and directly affect the present responsibility of the contractor.

6. Senator MARTINEZ. Secretary Gates, in the case of an accidental death how does a family find out if a contractor has insurance, as is required?

Secretary GATES. Any interested party may obtain a copy of the contract through the Freedom of Information Act to determine what type of insurance is required under the contract. In addition, when a proper request is filed in a private litigation such as *Baragona* v. *KGL,* the government will make available nonprivileged documents and testimony to the parties.

7. Senator MARTINEZ. Secretary Gates, is the Army able to facilitate a resolution in this kind of case?

Secretary GATES. This case (*Baragona* v. *KGL*) is a tort action brought by the parents of Lieutenant Colonel Dominic F. Baragona seeking damages arising from the death of their son, who was killed in an automobile accident in Iraq while serving as an officer in the United States Army. The defendants are KGL and Mahmoud Muhammed Hessain Serour. The accident occurred when the Army Humvee in which Lieutenant General Baragona was a passenger collided with a truck owned by KGL and driven by Mr. Serour, a KGL employee. The United States Army (Army) is not a party to this court action; therefore, we must remain neutral. The Army's role in private litigation is to make available nonprivileged documents and testimony to the parties when they file a proper request. Both parties to this litigation have made such requests and the Army has provided documents in accordance with law and regulation.

8. Senator MARTINEZ. Secretary Gates, a Status of Forces Agreement (SOFA) should protect the families of service personnel killed or injured by negligence just as the SOFA between the United States and the Federal Republic of Germany protected service families posted in Germany during the Cold War. There have been cases of accidental death or injury to U.S. personnel that have left the families with nowhere to turn because the accident happened in Iraq and was caused by foreign DOD contractors that claim that a U.S. court has no jurisdiction over them.

In *Baragona* v. *KGL* the court found that KGL should pay Lieutenant Colonel Baragona's family nearly $5 million but now KGL has appeared in court to argue that the court does not have jurisdiction over KGL because it is a Kuwaiti company.

In *Lessin* v. *First Kuwait Trading and Contracting Company* a U.S. serviceman who was severely injured by a Kuwaiti subcontractor sued the Kuwaiti company and the prime contractor, which was KBR. KBR said contractually the liability was on the Kuwaiti company, which then argued it couldn't be sued because it was located in Kuwait and the case was dismissed. The serviceman was left out in the cold.

Is it contemplated that the U.S.-Iraq SOFA now being negotiated will protect U.S. servicemembers' families in cases of accidental death or injury caused by traffic accidents involving foreign contractors once the SOFA is implemented? If so, please explain how the SOFA will protect them.

Secretary GATES. No. The current draft of the SOFA does not address matters relating to accidental death or injury caused by traffic accidents involving non-U.S. DOD contractors.

9. Senator MARTINEZ. Secretary Gates, how does the Army plan to address those servicemembers killed or injured before the implementation of the SOFA?

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Secretary GATES. Such matters are beyond the scope of the SOFA. Where servicemembers are killed or injured in Iraq by non-U.S. DOD contractors, the servicemember or his/her family is free to pursue available remedies in the civil courts.

[Whereupon, at 12:20 p.m., the committee adjourned.]

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S. HRG. 110–716

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HEARING

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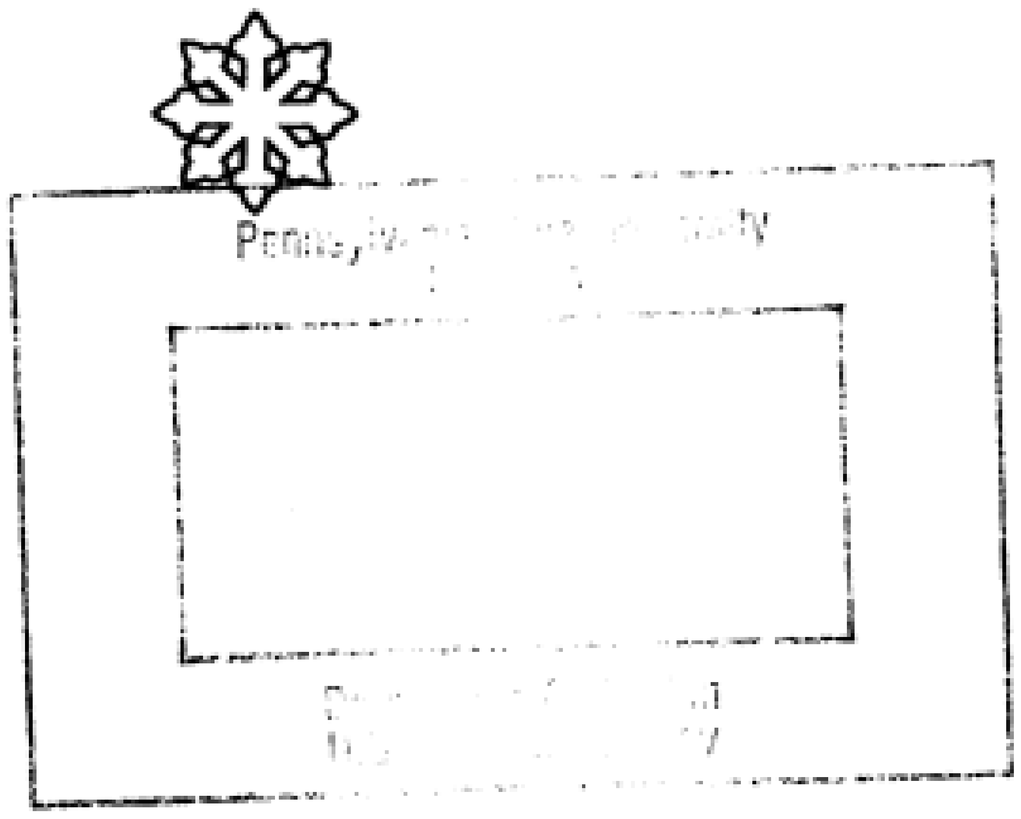
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

SEPTEMBER 23, 2008

Printed for the use of the Committee on Armed Services



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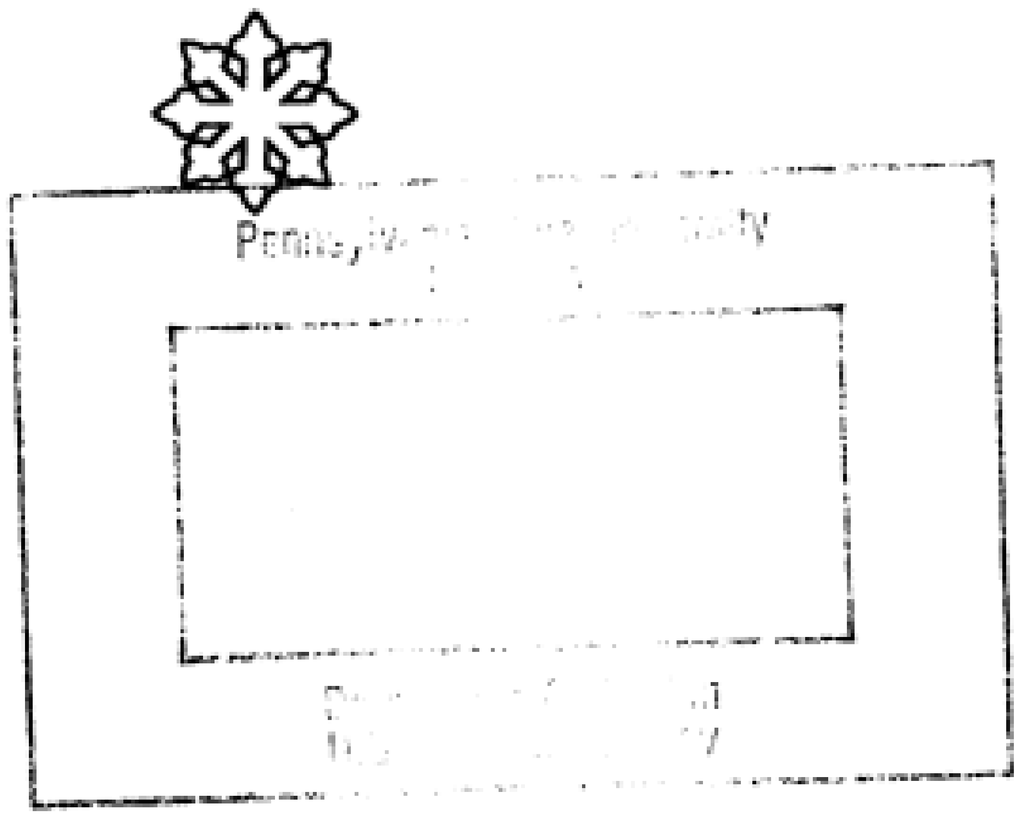

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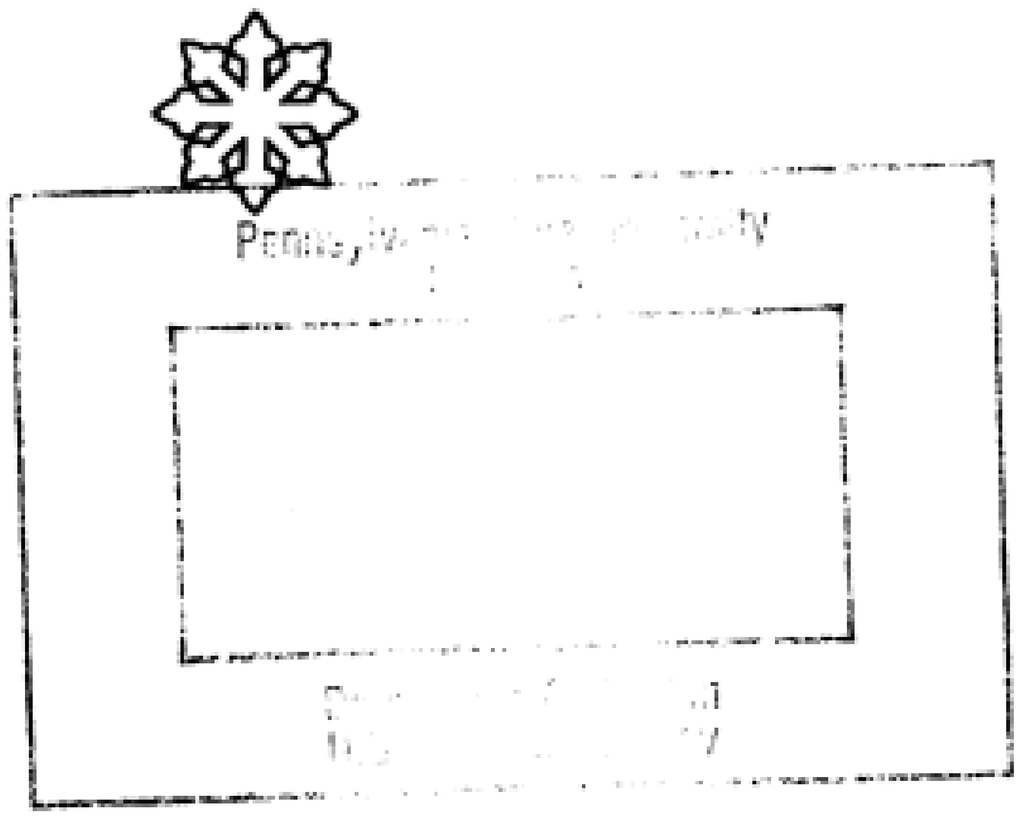

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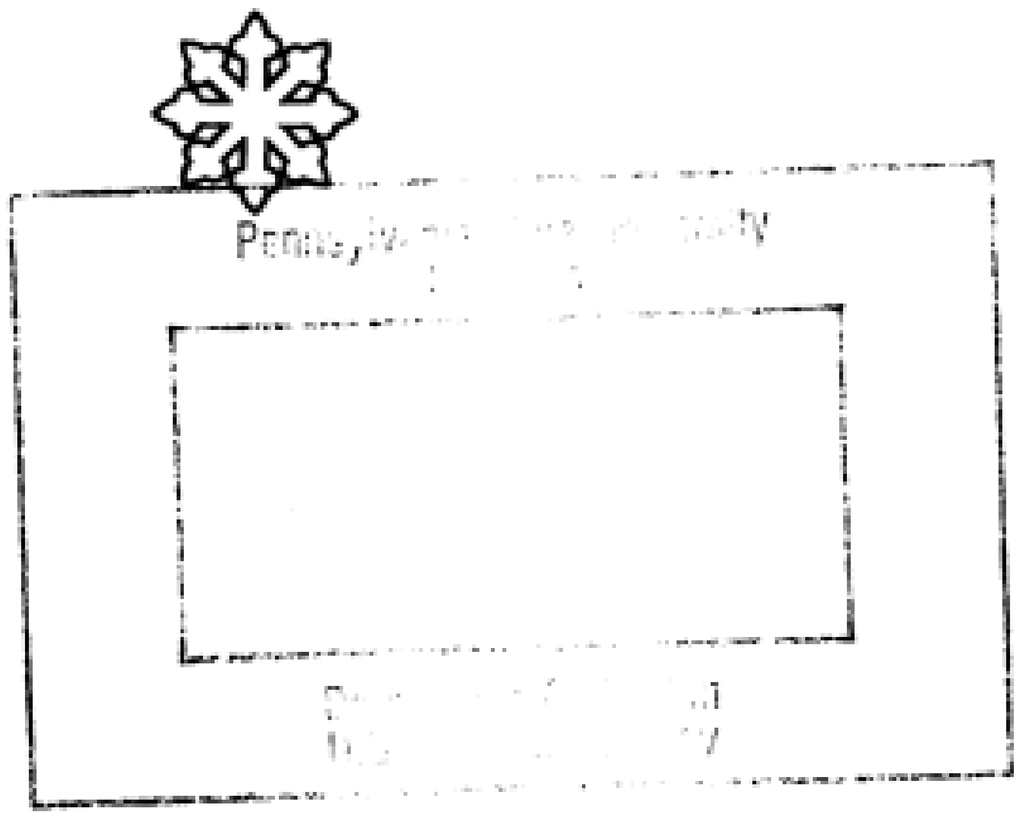

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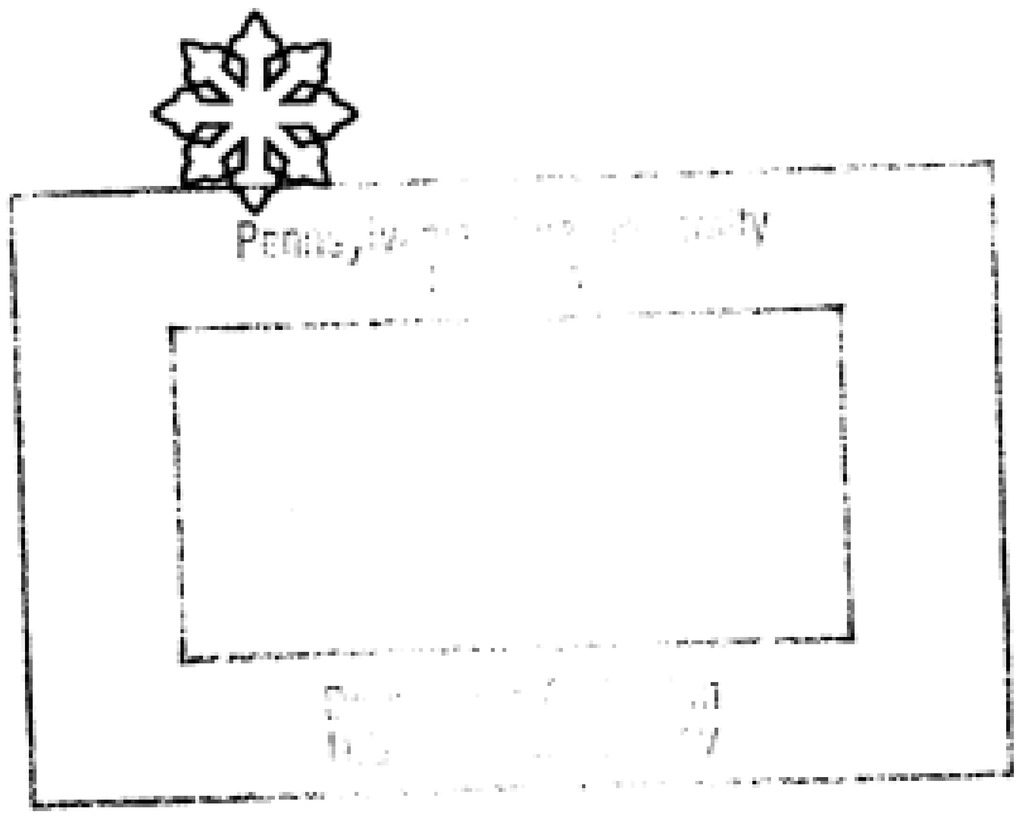

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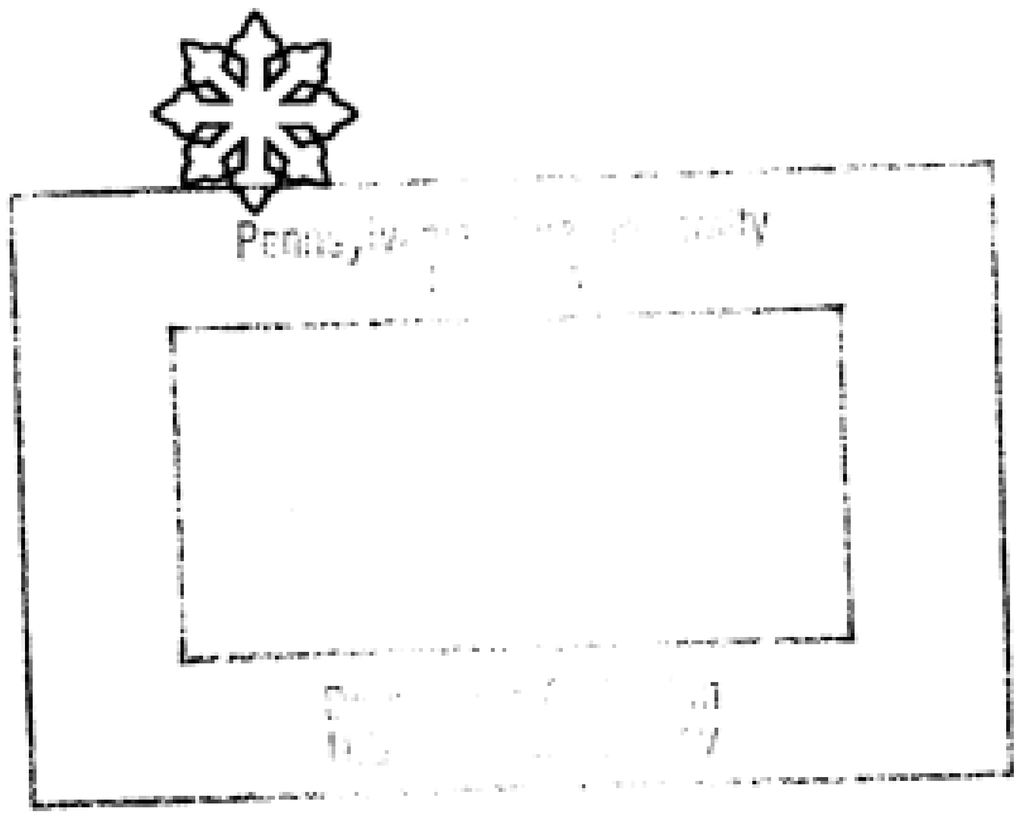

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