

108TH CONGRESS }
1st Session

HOUSE OF REPRESENTATIVES

{ REPT. 108-289
Part 2

REQUESTING THE PRESIDENT TO TRANSMIT TO THE
HOUSE OF REPRESENTATIVES THE REPORT PRE-
PARED FOR THE JOINT CHIEFS OF STAFF ENTI-
TLED "OPERATION IRAQI FREEDOM STRATEGIC
LESSONS LEARNED" AND DOCUMENTS IN HIS POS-
SESSION ON THE RECONSTRUCTION AND SECU-
RITY OF POST-WAR IRAQ

ADVERSE REPORT
OF THE
COMMITTEE ON ARMED SERVICES
HOUSE OF REPRESENTATIVES

ON

H. RES. 364

together with

ADDITIONAL AND DISSENTING VIEWS



OCTOBER 2, 2003.—Referred to the House Calendar and ordered to be
printed.

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ONE HUNDRED EIGHTH CONGRESS

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CONTENTS

	Page
Purpose and Background	1
Executive Communication	2
Legislative History	3
Committee Position	3
Committee Cost Estimate	3
Oversight Findings	3
Constitutional Authority Statement	3
Statement of Federal Mandates	3
Record Votes	4
Additional and Dissenting Views:	
Dissenting views of Marty Meehan	6
Additional views of Madeleine Z. Bordallo	8

REQUESTING THE PRESIDENT TO TRANSMIT TO THE HOUSE OF REPRESENTATIVES THE REPORT PREPARED FOR THE JOINT CHIEFS OF STAFF ENTITLED "OPERATION IRAQI FREEDOM STRATEGIC LESSONS LEARNED" AND DOCUMENTS IN HIS POSSESSION ON THE RECONSTRUCTION AND SECURITY OF POST-WAR IRAQ

OCTOBER 2, 2003.—Referred to the House Calendar and ordered to be printed

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

ADVERSE REPORT

together with

ADDITIONAL AND DISSENTING VIEWS

[To accompany H. Res. 364]

The Committee on Armed Services, to whom was referred the resolution (H. Res. 364) of inquiry requesting the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled "Operation Iraqi Freedom Strategic Lessons Learned" and documents in his possession on the reconstruction and security of post-war Iraq, having considered the same, report adversely thereon without amendment and recommend that the resolution not be agreed to.

PURPOSE AND BACKGROUND

House Resolution 364 requests the President to transmit to the House of Representatives not later than 14 days after the date of adoption of this resolution the report prepared for the Joint Chiefs of Staff entitled, "Operation Iraqi Freedom Strategic Lessons Learned," and documents in his possession on the reconstruction and security of post-war Iraq.

H. Res. 364 is a resolution of inquiry, which pursuant to clause 7 of rule XIII of the Rules of the House of Representatives directs the committee to act on the resolution within 14 legislative days, or a privileged motion to discharge the committee is in order. H. Res. 364 was introduced and referred to the Committees on Armed Services and International Relations on September 9, 2003. The

resolution was ordered reported adversely by the Committee on International Relations on September 25, 2003, and the Committee on Armed Services on September 30, 2003.

Under the rules and precedents of the House, a resolution of inquiry is one of the means by which the House may request information from the President of the United States or the head of one of the executive departments. It is a simple resolution making a direct request or demand of the President or head of an executive department to furnish the House of Representatives with specific factual information in the possession of the executive branch. It is not used to request opinions or to require an investigation on a subject.

On September 9, 2003, Representative Wexler of Florida introduced H. Res. 364, a resolution of inquiry requesting the President to transmit to the House of Representatives the report and other documents relating to the reconstruction and security of post-war Iraq.

The Joint Staff has informed the committee that the "report" in question is actually a briefing that is incomplete and still in draft form. According to the Joint Staff, the findings in this presentation will form the basis of a more complete written report that will be issued at a later date. Chairman of the Joint Chiefs of Staff General Richard Myers provided a letter to the committee stating that once it is complete, the report will be provided to the committee.

Because the document in question is incomplete and has not been reviewed, and General Myers committed to providing a report once it is complete, the committee ordered the resolution to be reported adversely.

EXECUTIVE COMMUNICATION

DEPARTMENT OF DEFENSE,
JOINT CHIEFS OF STAFF,
Washington, DC, September 25, 2003.

Hon. DUNCAN L. HUNTER,
*Chairman, Committee on Armed Services,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: I am writing to you concerning H. Res. 364, which I understand is a resolution of inquiry requesting certain documents from the President. The resolution by its text requests the President to forward to the House a report prepared for the Joint Staff entitled "Operation Iraqi Freedom Strategic Lesson Learned."

The specific document requested is still in draft form. It is being prepared as a briefing to be followed up by a complete written report at a later date. My intention is to ensure this report is as complete and comprehensive as possible. Copies will be provided to your committee as soon as each is completed.

I will continue to work with your committee to ensure that Congress is completely informed on this and other important issues.

Sincerely,

RICHARD B. MYERS,
Chairman of the Joint Chiefs of Staff.

LEGISLATIVE HISTORY

H. Res. 364 was introduced on September 9, 2003, and referred to the Committees on Armed Services and International Relations. The resolution was reported adversely by the Committee on International Relations on September 25, 2003 by a record vote of 24 ayes to 20 noes.

On September 30, 2003, the Committee on Armed Services held a mark-up session to consider H. Res. 364. The committee reported adversely the resolution by a record vote of 29 ayes to 22 noes.

COMMITTEE POSITION

On September 30, 2003, the Committee on Armed Services met in open session and reported adversely the resolution H. Res. 364 to the House by a record vote of 29 ayes to 22 noes, a quorum being present.

COMMITTEE COST ESTIMATE

Pursuant to clause 3(d) of rule XIII of the Rules of the House of Representatives, the committee estimates the costs of implementing the resolution would be minimal. The Congressional Budget Office did not provide a cost estimate for the resolution.

OVERSIGHT FINDINGS

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

With respect to clause 3(c)(2) of rule XIII of the Rules of the House of Representatives and section 308(a)(1) of the Congressional Budget Act of 1974, this legislation does not include any new spending or credit authority, nor does it provide for any increase or decrease in tax revenues or expenditures.

With respect to clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, performance goals and objectives cannot be explained, because the resolution does not require any new funding.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 3(d)(1) of rule XIII of the Rules of the House of Representatives, the committee finds that the rule does not apply because H. Res. 364 is not a bill or joint resolution that may be enacted into law.

STATEMENT OF FEDERAL MANDATES

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

RECORD VOTES

In accordance with clause 3(b) of rule XIII of the Rules of the House of Representatives, the committee sets forth the following record vote that occurred during the committee's consideration of H. Res. 364.

COMMITTEE ON ARMED SERVICES
108TH CONGRESS
ROLL CALL

Motion to Report Adversely
H. Res. 364

Date: 09/30/03
Offered by: Weldon

Voice Vote Ayes Nays

Rep.	Aye	Nay	Present	Rep.	Aye	Nay	Present
Mr. Hunter	X			Mr. Skelton		X	
Mr. Weldon	X			Mr. Spratt		X	
Mr. Hefley	X			Mr. Ortiz		X	
Mr. Saxton	X			Mr. Evans		X	
Mr. McHugh	X			Mr. Taylor		X	
Mr. Everett	X			Mr. Abercrombie		X	
Mr. Bartlett	X			Mr. Meehan		X	
Mr. McKeon	X			Mr. Reyes			
Mr. Thornberry				Dr. Snyder		X	
Mr. Hostettler	X			Mr. Turner (TX)			
Mr. Jones	X			Mr. Smith			
Mr. Ryun (KS)	X			Ms. Sanchez		X	
Mr. Gibbons	X			Mr. McIntyre		X	
Mr. Hayes	X			Mr. Rodriguez		X	
Mrs. Wilson (NM)	X			Ms. Tauscher		X	
Mr. Calvert	X			Mr. Brady		X	
Mr. Simmons				Mr. Hill		X	
Mrs. Davis (VA)	X			Mr. Larson (CT)		X	
Mr. Schrock	X			Ms. Davis (CA)		X	
Mr. Akin	X			Mr. Langevin		X	
Mr. Forbes	X			Mr. Israel		X	
Mr. Miller (FL)	X			Mr. Larsen (WA)		X	
Mr. Wilson (SC)	X			Mr. Cooper		X	
Mr. LoBiondo	X			Mr. Marshall			
Mr. Cole	X			Mr. Meek			
Mr. Bradley	X			Ms. Bordallo			
Mr. Bishop	X			Mr. Alexander		X	
Mr. Turner (OH)				Mr. Ryan (OH)		X	
Mr. Kline	X						
Mrs. Miller (MI)							
Dr. Gingrey	X						
Mr. Rogers	X						
Mr. Franks	X						

Roll Call Vote Total:

29 Aye 22 Nay Present

DISSENTING VIEW OF REPRESENTATIVE MARTY MEEHAN

I disagree with the decision to report House Resolution 364 adversely. This resolution would ask the President to send to the House of Representatives a report prepared by the Joint Chiefs of Staff that has been widely reported in the press entitled Operation Iraqi Freedom, Strategic Lessons Learned. These are documents about the reconstruction and security of postwar Iraq, and it hardly seems unreasonable to ask the Bush administration to share them with Congress as we consider whether to approve an additional \$87 billion for this effort and what, if any, legislative modifications should be made to the postwar plan.

This report was compiled by the Chairman of the Joint Chiefs of Staff with interviews from senior U.S. military officials, including Army General Tommy Franks, people who are uniquely qualified to provide insights into the problems that have beset the administration's postwar planning for Iraq.

Congress has a right and responsibility to be informed as to exactly what planning was done—or not done—for postwar Iraq. I voted for the resolution authorizing the use of force in Iraq a year ago. At the time, I maintained that the challenge was not so much in the military mission in Iraq, but rather how to deal with the aftermath of the war.

Nobody can seriously doubt that the world is a better place without Saddam Hussein in power. But the evidence is clear that if we are not careful, and if we do not ask questions, if we do not have inquiries, we risk turning Iraq into a breeding ground for terrorism.

The question we face now is, how can we fix the problems with the stabilization and reconstruction campaign before more damage is done? There is good reason to think that this report, if made public, would help us to answer that question, because it looks at the planning for the war and its aftermath through interviews with senior military officials.

I cannot understand why the Committee on Armed Services would not get a copy before we decide how to handle the administration's request for yet another \$87 billion to secure and rebuild Iraq.

With everything we know now about the absence of intelligence on weapons of mass destruction and the failure to plan for a significant resistance, I do not think the administration is in any position now to ask us to trust them to give us the information that we need. All of us on the Committee on Armed Services have a responsibility to the Republic, to the Constitution, to get to the bottom of the Administration's planning on Iraq and what went wrong.

The committee needs the report now, before we make any decisions about another \$87 billion as we are cutting back, this admin-

istration, cutting back on health care for Americans, cutting back on veterans' services, \$1.8 billion to make sure that we meet our commitment to veterans across this country, cutting back on Head Start and other programs. We ought to know what this report says before we move further.

I am disappointed that the Committee on Armed Services did not report this resolution out favorably. I do not know why the information in this report should be withheld from Congress and from the public. The Bush administration does not seem to be interested in getting to the bottom of the problems in Iraq if they think it would not reflect favorably on the planning they did before the war. This is understandable, but Members of Congress have a responsibility to make sure that the Bush administration is not allowed to hide the truth at the expense of better decisions, including the decision before us on the Iraq supplemental.

MARTY MEEHAN.

ADDITIONAL VIEWS OF REPRESENTATIVE MADELEINE Z.
BORDALLO

The responsibility of the House Armed Services Committee to ensure civilian oversight of the military does not end when war begins. The United States wins wars not only because of the professionalism of our fighting force, but also because of the objective control we place upon the military.

Given this responsibility, I support the repeated requests made by the Ranking Member, Congressman Ike Skelton to obtain a copy of the final draft report prepared for the Joint Chiefs of Staff titled "Operation Iraqi Freedom Strategic Lessons Learned," and the overt measure to achieve this offered by Congressman Robert Wexler.

This request must not prejudice the willingness of the Pentagon to put down on paper frank assessments on their successes and failures in the conduct of war. The "lesson learned" from Vietnam is that the Department of Defense must be open with the American people on its assessments of the war from its onset. Being upfront regarding the difficulty of war removes false expectation about its duration and outcome.

Our committee is uniquely capable of taking the lessons learned from Iraq and by authorizing legislation, ensuring the implementation of those lessons for the future. I believe one such lesson may be that the political anathema associated with the responsibility of "nation building" may have caught the Department of Defense off guard when they were then assigned that task. Another lesson may be that the responsibility for post war planning should be shared at the earliest of stages with other government agencies such as the Department of State, to ensure that we are ready for the challenge.

Concealing failure lessens our appreciation of our success. Operation Iraqi Freedom had many successes. It demonstrated the resolve of our nation to remove a tyrant who posed a threat security in the Middle East and the continued welfare of the Iraqi people. It demonstrated the best in our service men and women and now we must do our best in supporting them.

Our review of this document will not lessen our support for the task of rebuilding Iraq, to which we have committed ourselves. Rather, it will deepen our appreciation of the difficulties presented by the task at hand. I therefore support the favorable reporting of the resolution and regret that we will not be able to have a broader discussion of its merits afforded to us by considering the resolution on the House floor.

MADELEINE Z. BORDALLO.