

*John Warner*

AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: Relating to Iraq.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

**H. R. 1585**

**AMENDMENT No. 2208**

To :

By *Warner - Lugar*

To: \_\_\_\_\_

*H.R. 1585*

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AMENDMENT intended to be proposed by *SEN WARNER & MR LUGAR*

Viz:

1 At the end of title XV, add the following:

2 **Subtitle D—Iraq**

3 **SEC. 1541. FINDINGS.**

4 Congress makes the following findings:

5 (1) The United States has vital national secu-  
6 rity interests in Iraq and the Middle East region.

7 (2) These vital interests include the prevention  
8 of Iraq or any piece of its territory from being used  
9 as a safe haven or training ground for terrorists or

1 as a repository or assembly point for weapons of  
2 mass destruction; the prevention of acts of violence  
3 and disorder that upset wider regional stability, un-  
4 dermining friendly governments, expanding refugee  
5 flows, impairing the international shipping lanes in  
6 the Persian Gulf, or destroying key oil production or  
7 transportation facilities; the prevention of Iranian  
8 domination of or aggression toward nations or areas  
9 of the Middle East, which would have potentially se-  
10 rious consequences for weapons proliferation, ter-  
11 rorism, the security of Israel, and the stability of  
12 friendly governments; and the protection of U.S.  
13 credibility in the region and throughout the world.

14 (3) On January 10, 2007, the President an-  
15 nounced the “New Way forward” (hereinafter known  
16 as “the President’s strategy”), which consists of  
17 four basic elements: political, regional, economic,  
18 and military.

19 (4) The central component of the military ele-  
20 ment of the President’s strategy is an increased em-  
21 phasis on population security with augmented Iraqi  
22 and Coalition force levels in Baghdad and elsewhere.  
23 This element required the deployment of five addi-  
24 tional U.S. brigade combat teams, with the fifth bri-

1       gade combat team having been deployed and having  
2       become operational in June 2007.

3           (5) It is widely recognized that there is no pure-  
4       ly military solution to the situation in Iraq. The  
5       Iraqi leaders must, as a unified government, reach  
6       political settlements in order to achieve reconcili-  
7       ation, for their failure to do so greatly contributes  
8       to the violence and disorder in Iraq.

9           (6) The viability of the President's strategy  
10       within Iraq depends upon: 1) military success at re-  
11       ducing violence and instability in Iraq to a degree  
12       that creates greater political normalcy to conclude  
13       political compromises; 2) the willingness of Iraqi  
14       leaders to subordinate their personal, tribal, and sec-  
15       tarian loyalties and agendas to allow for meaningful  
16       and lasting compromises on key questions of eco-  
17       nomic and political power, such as the equitable dis-  
18       tribution of hydrocarbon resources, the enactment of  
19       a de-baathification policy, the enactment of provin-  
20       cial election law, the completion of the Constitutional  
21       review process, and the settlement of the Kirkuk  
22       question; and 3) the ability of these potential com-  
23       promises to achieve a sufficient level of national rec-  
24       onciliation to sustain a stable, unified government,  
25       security forces loyal to that government, and a cohe-

1       sive society despite the continuing risk of terrorism  
2       or sectarian violence.

3           (7) According to the Initial Benchmark Assess-  
4       ment Report, issued on July 12, 2007, under the re-  
5       quirements of the Emergency Supplemental Appro-  
6       priations Act (Public Law 110-28), enacted May 25,  
7       2007, the Administration has scored satisfactory  
8       progress toward 8 of 18 benchmarks, but unsatisfac-  
9       tory or mixed progress is being marked in 10 others.  
10      Specifically, in the Security sector, while the report  
11      grades “satisfactory progress toward providing three  
12      trained and ready Iraqi brigades to support Bagh-  
13      dad operations, “the Iraqi Government has made  
14      unsatisfactory progress toward increasing the num-  
15      ber of Iraqi Security Forces units capable of oper-  
16      ating independently”, and has not made satisfactory  
17      progress “in ensuring that Iraqi Security Forces are  
18      providing even-handed enforcement of the law...”

19           (8) The Administration’s Initial Benchmark As-  
20      sessment Report of July 12, 2007, indicates clearly  
21      that none of the benchmarks set forth in P.L 110-  
22      28, nor those milestones recommended by the bipar-  
23      tisan Iraq Study Group in December 2006 in the  
24      areas of national reconciliation, security and govern-  
25      ance have been reached in their entirety.

1           (9) Sectarian agendas, heightened by current  
2 power struggles and the memory of the oppressive  
3 rule of Saddam Hussein, have generated fear, dis-  
4 trust, and hatred in many parts of Iraq leading to  
5 ethnic cleansing, violence, sabotage, economic dis-  
6 crimination, and uncompromising political agendas  
7 that have hindered attempts to achieve political rec-  
8 onciliation.

9           (10) Many leaders of the Iraqi government and  
10 sectarian factions have not demonstrated a commit-  
11 ment to the concept of a pluralist government; nor  
12 have they demonstrated the ability to control many  
13 sub-factions within their sects.

14           (11) The difficulty of achieving short-term po-  
15 litical accommodation in Iraq has been complicated  
16 by absenteeism in Parliament, personal feuds among  
17 leaders, factional boycotts, and the demands of mak-  
18 ing policy by consensus in a fragmented society.

19           (12) Though some Iraqi military and security  
20 units have achieved a commendable, professional de-  
21 gree of capability and have performed courageously  
22 in combat, a measure of sectarian loyalties, agenda,  
23 and corruption still afflict the Iraqi security services.

24           (13) Given continuing high levels of violence in  
25 Iraq and few manifestations of political compromise

1 among Iraq's factions, the optimal outcome in Iraq  
2 of a unified, pluralist, democratic government that is  
3 able to police itself, protect its borders, and achieve  
4 economic development is not likely to be achieved in  
5 the near future.

6 (14) American military and diplomatic strategy  
7 in Iraq must adjust to the reality that sectarian fac-  
8 tionalism is not likely to abate anytime soon and  
9 probably cannot be controlled from the top.

10 (15) The U.S. military's capacity to interpose  
11 itself indefinitely between sectarian factions in Iraq  
12 is limited by the high tempo of deployments to Iraq  
13 during four and a half years of conflict have im-  
14 pacted the overall readiness of our armed forces,  
15 complicated the all-volunteer policy of recruitment,  
16 and strained the quality of life for military families.

17 (16) The extended Iraq deployments have po-  
18 tential consequences for U.S. abilities to respond to  
19 other national security threats, including challenges  
20 in Afghanistan.

21 (17) The safety and security of our military  
22 forces, as well as our credibility in the region require  
23 that any military withdrawal or redeployment from  
24 Iraq be carefully planned and executed.

1           (18) Some level of American military presence  
2           in or near Iraq would improve prospects that the  
3           United States could respond to terrorist threats,  
4           protect petroleum flows, help deter a regional war,  
5           and reassure friendly governments of America's com-  
6           mitment to Middle East security.

7           (19) Our military planners and diplomats must  
8           have as much time as possible to develop and imple-  
9           ment the elements of any follow-on policy to the  
10          President's strategy, including securing the coopera-  
11          tion of the Iraqi government and key states in the  
12          region and establishing the logistics to support a re-  
13          sidual or temporary American military presence.

14          (20) A poorly-planned or precipitous withdrawal  
15          from Iraq could compound the risks of a wider re-  
16          gional conflict stimulated by Sunni-Shia tensions,  
17          damage U.S. credibility among regional allies, expose  
18          Iraqis who have worked with the Coalition to ret-  
19          ribution, increase the magnitude of destabilizing ref-  
20          ugee flows, undercut economic and development  
21          projects currently underway in Iraq, and signal that  
22          the United States was abandoning efforts to prevent  
23          Iraqi territory from being used as a terrorist base.

24          (21) The December 2006 report issued by the  
25          Iraq Study Group advocated a comprehensive strat-

1       egy that includes “new and enhanced diplomatic and  
2       political efforts in Iraq and the region, and a change  
3       in the primary mission of U.S. forces in Iraq that  
4       will enable the United States to begin to move its  
5       combat forces out of Iraq responsibly;”

6           (22) A new strategy should reference the rec-  
7       ommendations of the Iraq Study Group, which con-  
8       sulted nearly 200 leading officials and experts, in-  
9       cluding senior members of the Government of Iraq,  
10      the United States Government, and key coalition  
11      partners and received advice from more than 50 dis-  
12      tinguished scholars and experts from a variety of  
13      fields who conducted working groups in the areas of  
14      economy and reconstruction, military and security,  
15      political development, and the strategic environment  
16      in Iraq and the Middle East.

17           (23) The long term importance of Iraq and the  
18      Middle East to American economic and national se-  
19      curity requires that our policy in Iraq be militarily  
20      sustainable and that it command the greatest degree  
21      of public and Congressional support possible.

22           (24) The report of the Iraq Study Group  
23      opened with a letter from the co-chairs, James A.  
24      Baker, III and Lee H. Hamilton, which states “Our  
25      political leaders must build a bipartisan approach to

1 bring a responsible conclusion to what is now a  
2 lengthy and costly war. Our country deserves a de-  
3 bate that prizes substance over rhetoric, and a policy  
4 that is adequately funded and sustainable. The  
5 President and Congress must work together. Our  
6 leaders must be candid and forthright with the  
7 American people in order to win their support”.

8 **SEC. 1542. REPORTING AND PLANNING REQUIREMENTS.**

9 (a) The President shall require the Director of Na-  
10 tional Intelligence to review and update, as required, the  
11 National Intelligence Estimate (NIE) titled “Prospects for  
12 Iraq’s Stability: A Challenging Road Ahead”, dated Janu-  
13 ary 2007, not later than September 4, 2007. The updated  
14 NIE shall include an assessment specifically of the con-  
15 sequences of the various courses of action reducing U.S.  
16 forces in Iraq on the future of Iraq, the Middle East re-  
17 gion, U.S. national interests, and U.S. partners and allies.

18 (b) The President, in close coordination with the <sup>Secretary of Def</sup>  
19 Joint Chiefs of Staff, <sup>and</sup> ~~and~~ other senior military leaders, <sup>and State,</sup>  
20 shall, as a matter of prudence, consider all options and  
21 initiate planning to:

22 (1) transition U.S. combat forces from policing  
23 the civil strife or sectarian violence in Iraq;

24 (2) redeploy or reallocate those forces in a re-  
25 sponsible manner as conditions permit;

1           (3) refocus U.S. military operations on main-  
2           taining the territorial integrity of Iraq, denying  
3           international terrorists a safe haven, conducting  
4           counterterrorism operations against al Qaeda in Iraq  
5           and its associates, protecting U.S. forces and facili-  
6           ties, and training and equipping Iraqi forces to take  
7           full responsibility for their own security; and

8           (4) address the findings of the Independent As-  
9           sessment of the Iraqi Security Forces as provided by  
10          PL 110-28 to include decision points for the rede-  
11          ployment of U.S. forces from Iraq that are based  
12          upon the readiness of Iraqi Security Forces.

13          (c) The aforementioned plans shall be presented to  
14          Congress, in a format determined by the Administration,  
15          not later than October 16, 2007, and shall be accompanied  
16          by the results from modeling and simulation efforts by ap-  
17          propriate departments and agencies of the U.S. govern-  
18          ment that address the consequences of the courses of ac-  
19          tion proposed and analyzed. The results of that modeling  
20          and simulation shall be made available to Congress.

21          (d) We recommend that the President and the Ad-  
22          ministration design plans to be executable beginning not  
23          later than December 31, 2007.

24          **SEC. 1543. AUTHORIZATION OF THE USE OF FORCE.**

25          Findings:

1           (1) In the Emergency Supplemental Appropria-  
2           tions Act (Public Law 110-28), enacted May 25,  
3           2007, the Congress enacted broad legislation, part of  
4           which originated in the Senate, and the President  
5           signed the legislation which specifically mandated  
6           that the President take the following actions:

7                   (A) “The President shall submit an initial  
8                   report, in classified and unclassified format, to  
9                   the Congress, not later than July 15, 2007, as-  
10                  sessing the status of each of the specific bench-  
11                  marks established above, and declaring, in his  
12                  judgment, whether satisfactory progress toward  
13                  meeting these benchmarks is, or is not, being  
14                  achieved”.

15                  (B) “The President, having consulted with  
16                  the Secretary of State, The Secretary of De-  
17                  fense, The Commander, Multi-National Forces-  
18                  Iraq, the United States Ambassador to Iraq,  
19                  and the Commander of U.S. Central Command,  
20                  will prepare the report and submit the report to  
21                  Congress”.

22                  (C) “If the President’s assessment of any  
23                  of the specific benchmarks established above is  
24                  unsatisfactory, the President shall include in  
25                  that report a description of such revisions to

1 the political, economic, regional, and military  
2 components of the strategy, as announced by  
3 the President on January 10, 2007. In addi-  
4 tion, the President shall include in the report,  
5 the advisability of implementing such aspects of  
6 the bipartisan Iraq Study Group, as he deems  
7 appropriate”.

8 (D) “The President shall submit a second  
9 report to the Congress, not later than Sep-  
10 tember 15, 2007, following the same procedures  
11 and criteria, outlined above”.

12 (E) “Prior to the submission of the Presi-  
13 dent’s second report on September 15, 2007,  
14 and at a time to be agreed upon by the leader-  
15 ship of the Congress and the Administration,  
16 the United States Ambassador to Iraq and the  
17 Commander, Multi-National Forces Iraq will be  
18 made available to testify in open and closed ses-  
19 sions before the relevant committees of the Con-  
20 gress”.

21 (F) The Department of Defense “will com-  
22 mission an independent, private-sector entity,  
23 which operates as a 501(c)(3), with recognized  
24 credentials and expertise in military affairs, to

1           prepare an independent report assessing the fol-  
2           lowing:

3                   (i) The readiness of the Iraqi Security  
4                   Forces (ISF) to assume responsibility for  
5                   maintaining the territorial integrity of  
6                   Iraq, denying international terrorists a  
7                   safe haven, and bringing greater security  
8                   to Iraq's 18 provinces in the next 12-18  
9                   months, and bringing an end to sectarian  
10                  violence to achieve national reconciliation;

11                   (ii) The training, equipping, com-  
12                   mand, control and intelligence capabilities,  
13                   and logistics capacity of the ISF;

14                   (iii) The likelihood that, given the  
15                   ISF's record of preparedness to date, fol-  
16                   lowing years of training and equipping by  
17                   U.S. forces, the continued support of U.S.  
18                   troops will contribute to the readiness of  
19                   the ISF to fulfill the missions outlined in  
20                   subparagraph (A)".

21                   (iv) It is anticipated that the "Inde-  
22                   pendent Report on the Iraqi Security  
23                   Forces," will, in whole or in part, be avail-  
24                   able before September 5, 2007.

1 (2) Two successive reports by the President, a  
 2 report from the U.S. Ambassador to Iraq, a report  
 3 from the Commander of Multinational Forces—Iraq,  
 4 and the Independent Assessment of the Iraqi Security  
 5 Forces, thereby provide a comprehensive body of  
 6 information ~~upon~~ available to the American public  
 7 and to the Congress, upon which they can establish  
 8 opinions and evaluate decisions on the future course  
 9 of U.S. involvement in Iraq and the surrounding re-  
 10 gion.

11 (3) Therefore, as part of his September 15,  
 12 2007, report, Congress expects that the President  
 13 will submit to Congress a proposal to revise Public  
 14 Law 107-243.

15 **SEC. 1544. STATUS OF FORCES AGREEMENT.**

16 The President shall direct the Secretary of State, in  
 17 conjunction with the Secretary of Defense, to initiate ne-  
 18 gotiations with the Government of Iraq on a Status of  
 19 Forces Agreement with a goal to complete work not later  
 20 than 120 days after enactment of this Act.

21 **SEC. 1545. SENSE OF CONGRESS ON DIPLOMATIC EFFORTS**  
 22 **IN IRAQ AND THE MIDDLE EAST.**

23 (a) Findings

24 (1) The Iraq Study Group recommended a dip-  
 25 lomatic offensive, stating “all key issues in the Mid-

*The findings that supported H.J. Res. 114, Public Law 107-243, which was enacted in 2002 and which authorized the President to use the armed forces of the United States against Iraq, require review and revision.*

1 dle East – the Arab-Israeli conflict, Iraq, Iran, the  
2 need for political and economic reforms, and extre-  
3 mism and terrorism, are inextricably linked”. The  
4 report stressed that diplomacy aimed at solving key  
5 regional issues would “help marginalize extremists  
6 and terrorists, promote U.S. values and interests,  
7 and improve America’s global image”.

8 (2) Members of the Gulf Cooperation Council-  
9 Plus-Two issued a joint statement on January 16,  
10 2007, reflecting “their collective desire to prevent  
11 Iraq from becoming a battleground for regional  
12 international powers and urged all to help end sec-  
13 tarian violence in Iraq”.

14 (3) The Bush Administration supported and  
15 participated in the March 10, 2007, regional con-  
16 ference in Baghdad and the follow-up regional con-  
17 ference held in Egypt on May 3 and 4, 2007, and  
18 that conference produced three working groups: one  
19 chaired by Syria on Border Security, a second  
20 chaired by Jordan on Refugees, and a third by Tur-  
21 key on Fuels and Energy.

22 (4) The redeployment of U.S. troops from Iraq  
23 to other locations in the Middle East, would require  
24 the cooperation of regional governments.

1           (5) A revision of U.S. military policy in Iraq  
2           could increase the chances of stimulating greater  
3           economic and diplomatic assistance for Iraq from  
4           multi-lateral organizations and European allies, who  
5           have sought to limit their association with an un-  
6           popular war.

7           (6) Regional players, including— Saudi Arabia,  
8           Jordan, Egypt, Turkey, the Gulf States, and others  
9           have substantial concerns about Iran's disruptive  
10          agenda in the region that converge with U.S. inter-  
11          ests.

12          (7) All states in the region, including Iran and  
13          Syria have some interest in preventing political tur-  
14          moil and refugee flows from emanating from Iraq or  
15          the break-up of Iraq into sectarian regions.

16          (8) All nations that depend on oil imports, par-  
17          ticularly those who are dependent on Persian Gulf  
18          oil, have a strong economic and security interest in  
19          maintaining stability in the Gulf region.

20          (b) It is the Sense of Congress that the United States  
21          Government should work vigorously with like-minded gov-  
22          ernments, including the Iraqi government, to establish a  
23          predictable and regular multi-lateral diplomatic forum re-  
24          lated to Iraq that meets frequently and is open to all par-  
25          ties in the Middle East.

1           (c) Such a forum could be based on the existing struc-  
2 ture of the May 2007 foreign ministers conference at  
3 Sharm el-Sheikh in Egypt that plans to reassemble in  
4 Istanbul at a date to be determined, or it could be initiated  
5 with a new structure.

6           (d) U.S. goals in advancing the forum should include  
7 promoting international support for reconciliation in Iraq,  
8 dealing with refugee flows emanating from Iraq, pro-  
9 tecting the territorial integrity of Iraq, advancing Iraqi  
10 economic development, and containing any conflict that  
11 might spread from Iraq.

12          (e) The United States should work with other nations  
13 at the forum to promote transparency of national interests  
14 and actions so that the risks for neighboring states of pur-  
15 suing armed aggression or destructive sectarian agendas  
16 are heightened and all parties avoid miscalculations that  
17 could lead to conflict.

18          (f) In the context of a drawdown of American forces  
19 in Iraq, the United States should attempt to secure con-  
20 tributions of resources or military personnel for inter-  
21 national efforts to stabilize Iraq's borders.

22          (g) Although focused on a multi-lateral approach to  
23 issues related to Iraq, the United States should encourage  
24 opportunities to discuss other regional concerns and to fa-

1 cilitate bilateral contacts between those in attendance,  
2 when appropriate.

3 (h) As the United States attempts to establish a more  
4 sustainable policy in Iraq, our government should launch  
5 a broader diplomatic offensive in the region aimed at re-  
6 pairing alliances, assuring regional governments of our  
7 staying power in the Middle East, enlisting greater help  
8 international help in combating terrorism, stabilizing oil  
9 prices, and making progress in resolving the Arab-Israeli  
10 conflict.