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United States Senate

COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510-6225

February 6, 2008

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, D.C. 20301

Dear Secretaries Rice and Gates:

On January 14, 2008, the Defense Security Cooperation Agency formally notified the Committee on Foreign Relations of the Department of the Air Force's intent to sell the Government of Saudi Arabia an estimated $123 million worth of Joint Direct Attack Munitions (JDAM) tail kits, bomb components, mission planning, aircraft integration, publications and technical manuals, spare and repair parts, support equipment, contractor engineering and technical support, and other related items. Once Congress has received formal notification of an arms sale pursuant to section 36(b) of the Arms Export Control Act (22 USC 2776(b)), there would normally be only a few additional statutory reports required on this sale after the formal 30-day notification expires. We believe that it is important to define a set of milestones after the formal notification period has expired to keep this Committee fully and currently informed regarding the execution of the Saudi JDAM FMS contract.

This should not be difficult to achieve. We worked together on a similar matter in 2006 regarding the sale of F-16 aircraft and associated weapons systems to Pakistan. We sent the Administration a letter laying out various aspects of that sale which resulted in very useful assurances and a commitment to continued consultation with the Committee well after formal notification. We send you this letter in keeping with that same precedent for cooperation between our branches.

The JDAM notification preceded the special briefing we were pleased to attend on January 29, 2008, on aspects related to this sale. During that briefing Assistant Secretary of Defense for International Security Affairs Mary Beth Long offered an open commitment to us to keep us informed regarding the JDAM sale, albeit on an informal basis. To assist your Departments in determining how best to proceed in this regard, and to provide a degree of assurance greater than that allowed by informal, general briefings on the overall sale, we request that you provide the following written assurances to us:

(1) That you will furnish the Committee with the final Letter of Offer and Acceptance (LOA) for the Saudi JDAM sale, i.e., that it will be briefed and shown to the Committee after it has been signed by both the United States and Saudi Arabia. We have not seen its text, and we realize that some

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part of the LOA remains to be negotiated, but given the significance of this sale, we believe it important that the Committee see and understand the commitments undertaken in the LOA;

(2) That you will furnish to the Committee any Memoranda of Understanding or Letters of Intent associated with the JDAM notification;

(3) That prior to the actual delivery of any items under the JDAM notification, you will obtain written assurances from relevant Saudi Arabian officials regarding the security and end use monitoring (EUM) arrangements that must be followed by the Government of Saudi Arabia and the Royal Saudi Air Force for the JDAM sale, and that you will share those with the Committee;

(4) That you will provide the Committee with regular briefings (at least annually) on all security and EUM arrangements agreed for the JDAM sale, in particular those reflected in the final LOA;

(5) That if any aspects of this sale as described to us on January 29 should undergo alteration, the Chairman and Ranking Member (as opposed to the full Committee) will be promptly informed and consulted regarding the implications of such developments.

Thank you for your attention to these concerns. It is our hope and belief that we can work together to foster greater cooperation with a trusted ally, while at the same time keeping the Committee fully and currently informed regarding this significant sale.

Sincerely,

Richard G. Lugar
Ranking Member

Joseph R. Biden, Jr.
Chairman

JOSEPH R. BIDEN, JR., DELAWARE, CHAIRMAN

[illegible] J. DODD, CONNECTICUT
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ANTONY [illegible]
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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

February 19, 2008

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense Pentagon
Washington, DC 20301-1000

Dear Secretary Gates:

I understand that you are reviewing another list of officer promotions and are considering whether or not to include Brigadier General Silvanus Taco Gilbert of the Air Force on that list. Based on my understanding of the case, I strongly urge you to give this officer a chance at promotion.

The board that recommended him for promotion thoroughly reviewed his record and compared him to his peers. They found him a suitable and desirable candidate for a Major General position. Unless you believe that process was compromised, their judgment should be taken seriously. In addition, his distinguished service in three Major General level positions argues that he should at least be allowed the chance to hold the rank, given that he has been doing the work.

I would also urge caution in attempting to predict what will happen should his name come to the Senate for consideration. After 35 years in the Senate, even I would not be willing to make such a prediction. Considering his long record of honorable service, Brigadier Gilbert should have the opportunity for promotion and to publicly defend himself, if necessary. We cannot predict the outcome, but the process and opportunity are truly important.

Sincerely,

Joseph R. Biden, Jr.
Chairman

Cc: The Honorable Carl Levin

OSD 02384-08
2/20/2008 3:34:23 PM

CHRISTOPHER S. BOND
MISSOURI

United States Senate

WASHINGTON, DC 20510–2503

June 2, 2008

The Honorable Robert Gates
Secretary of Defense
The Pentagon
Washington, DC 20301

Dear Mr. Secretary:

Recently, you brought attention to a critical issue – ensuring that our troops in the field have the equipment they need. We share your concern that the Department of Defense (DoD) bureaucracy is slow to respond to warfighter needs and inordinately focuses on funding technologies to fight future wars instead of the wars our soldiers are fighting today.

You should be aware of a program that could be immediately valuable to our troops in Iraq and Afghanistan but has not received support from DoD. The Tactical Concealed Video System (TCVS) program is a persistent surveillance asset first brought to DoD's attention in mid-2005. It is manufactured by Sentrus Government Systems Division, Inc. TCVS is a compact, covert, persistent video and sensor surveillance system used to monitor insurgent-frequented "micro-terrain" that is not accessible to either tower-mounted or tactical unmanned aerial systems.

It appears to us that the program has floundered due to mismanagement and lack of support. We first became concerned when we had difficulty getting clear program updates from the Marine Corps and when we received no explanation for an almost yearlong delay in giving the contractor supplemental funds Congress provided to accelerate improvements to the system. Our concerns grew when we read the internal report and TCVS case study prepared by Mr. Franz Gayl on 14, February, 2008. The report – while not a complete Inspector General review – raised disturbing questions, adding to our list of unanswered questions about TCVS. These include the possibility of deliberate delays due to preferences for existing, slow moving programs and other forms of mismanagement that should be investigated.

DoD extended an IDIQ contract, valued at $313 million to Sentrus in July 2005, but seemed to move very slowly in acquiring the capability, despite requests for this type of system from commanders in Iraq. The lack of interest from procurement officials in the TCVS system also contradicts the comments of General Petraeus, in testimony to numerous Congressional committees, that one of his top priorities is to provide persistent surveillance assets. In addition, we understand that the senior leadership of II MEF has expressed great interest in acquiring more persistent surveillance systems and specifically asked for TCVS for the 24th Marine Expeditionary Unit (MEU) in Afghanistan.

OSD 07290-08

Unfortunately, like requests for TCVS in 2005, 2006, and 2007, that urgent request appears to be stalled and no alternatives are being offered.

The TCVS program has been providing operational systems for the last 30 months, but very few have been sent to the front lines. Unless there is a good alternative, we cannot understand this at a time when Marines in theater are subjected to IED and other hostile attacks that could be prevented if sufficient ground surveillance systems were available. If there is another system that is thought to work better, we would like to know about it. Again, our requests for information over the past two years have been ignored or inadequately handled.

We understand that Marine Corps Systems Command has instructed Sentrus, to curtail its activities and terminate the TCVS Program in Iraq on June 30, 2008. According to Marine Corps officials, the primary reason for halting this critical surveillance system is an alleged decrease in IED attacks. This does not make sense to us as we understood that those attacks actually spiked in April 2008 to one of the highest levels in recent months. While the number of attacks in a given month may fluctuate, the fact that anti-American forces have significant IED capabilities, means we must provide adequate defensive systems.

There is a real disconnect between what we are hearing from leaders in the field about the need for persistent surveillance and the value of TCVS and the lack of action within the bureaucracy back home. We know that you have established a new Task Force to focus on intelligence, surveillance, and reconnaissance needs. We would appreciate hearing from you or the Task Force regarding how persistent surveillance capability can be provided to our war fighters quickly and effectively. If TCVS is not the right solution, either interim or long-term, please explain why and what efforts are underway to provide a better solution. In addition, we hope you will take a closer look at how the program has been handled so that lessons learned can help us get our warfighters the tools and protection they need without delay.

Thank you for all of your work on behalf of those on the front lines. We look forward to working with you to meet the persistent surveillance need and hope you will be able to get back to us with your findings as soon as possible.

Sincerely,

Christopher S. Bond
United States Senator

Joseph R. Biden, Jr.
United States Senator

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

June 4, 2008

The Honorable Condoleezza Rice
Secretary of State
Washington, DC

The Honorable Robert M. Gates
Secretary of Defense
Washington, DC

Dear Secretary Rice and Secretary Gates:

We write regarding the two agreements that the Administration is negotiating with Iraq. The Committee held a hearing on these two agreements on April 10, during which Administration witnesses told the Committee that the Executive Branch would consult closely with Congress "throughout the entire process."

Thus far, the Administration has not followed through on this commitment. Members submitted questions following the April hearing, many of which remain unanswered. During a May 21st briefing of staff -- the first since the April hearing -- Administration officials indicated that the negotiations have been progressing, but that Iraq has proposed significant changes to the form of the agreements. Administration officials also indicated that Iraq may be reluctant to grant some of the authorities the United States now has by virtue of the U.N. Security Council Resolution, which are required for U.S. operations. The hearing and staff briefings have provided scant detail on what these agreements will contain, despite clear bipartisan expressions at the hearing that our Committee and the Congress as a whole expected the Administration to be fully transparent about its intentions and the progress of deliberations.

The Administration is attempting to conclude a long-term agreement that will provide a "security arrangement" to a strategically important country in which 140,000 U.S. troops and tens of thousands of civilian contractors currently are stationed. Even under many withdrawal scenarios, we may have a substantial number of troops in Iraq for an extended period of time. Our troops will continue to face an extraordinarily complex environment that could include contingencies ranging from ethnic strife and internal territorial disputes to terrorist attacks, foreign incursions, or even coup attempts. Regardless of election outcomes in November, the Congress will be responsible for supporting our troops and diplomats and the missions to which they will be committed under such agreements. The Constitutional and legal implications of these potentially sweeping arrangements remain an issue of deep concern to many in Congress. Even without the appeals expressed at our April hearing, it should be apparent to the Administration that Congress requires much more detailed consultations than have been forthcoming thus far.

Furthermore, the question of whether Congress or the Senate must approve these agreements remains an open issue, and will not be resolved until the agreements are concluded.

OSD 07335-08

In this regard, however, we note that both the House and Senate Appropriations Committees included language barring implementation of these agreements in the supplemental appropriations legislation. While these restrictions may not be in the version the President will sign, this activity indicates a level of discomfort in Congress that will not abate on its own.

Indeed, the Foreign Relations Committee is being asked to consider legislation at its next business meeting that would prohibit the entry into force and the implementation of any such agreement containing a security assurance that is not approved by Congress. Some colleagues have indicated their intention to amend the defense authorization bill with similar language. All this could make it more difficult to conclude successfully an agreement with the full weight and force of the United States Government behind it.

The prospects for lasting success of status of forces talks and other aspects of Iraq policy in the final months of this Administration will be enhanced by the full participation of the Foreign Relations Committee and Congress. We therefore urge you to provide substantive answers to all outstanding questions-for-the-record, to personally appear before the Committee in closed session, to share the text of the most recent draft agreements, and to commit to providing the Committee with the text of the final draft agreement before it is concluded with the government of Iraq. Thank you for your consideration.

Sincerely,

Richard G. Lugar

Joseph R. Biden, Jr.

Chuck Hagel

John F. Kerry

JOSEPH R. BIDEN, JR.
DELAWARE

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United States Senate

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ON CRIME AND DRUGS
CHAIRMAN

FOREIGN RELATIONS COMMITTEE
CHAIRMAN

CAUCUS ON INTERNATIONAL
NARCOTICS CONTROL
CHAIRMAN

CONGRESSIONAL INTERNATIONAL
ANTI-PIRACY CAUCUS
CO-CHAIRMAN

ANTI-METH CAUCUS
CO-CHAIRMAN

July 21, 2008

The Honorable Robert M. Gates
Secretary
U.S. Department of Defense
Defense Advanced Research Projects Agency- Defense Sciences Office
3701 North Fairfax Drive
Arlington, VA 22203-1714

Dear Secretary Gates,

I am pleased to inform you that the Clean Energy Research and Education Institute has recently applied for a Surface Catalysts for Energy grant through the Defense Advance Research Projects Agency (DARPA).

The Clean Energy Research and Education Institute (CEREI) seeks to ensure energy independence for our nation and protect and preserve the environment by developing cutting edge and cost-effective green energy technologies. CEREI aims to address the complex environmental challenges that are associated with the greenhouse gas emissions that contribute to global warming and climate change. They believe that solutions to these issues require developing environmentally-friendly energy sources. Cost effective fuel cell technologies for automotive applications that will aid in reducing greenhouse gas emissions from our nation's transportation sector and research investigations ranging from hydrogen fuel and bio-fuel cells, solar hydrogen energy and advanced energetic materials are among the objectives that CEREI hopes to accomplish through long-term research endeavors. Their education program strives to prepare students, research scientists and engineers with the tools to sustain our present energy needs.

Please keep us informed of the progress of this grant application as it is of interest to our office. Should you have any questions, please contact my Projects Assistant, Elizabeth Hunger in my Wilmington office at (302) 573-6345.

Sincerely,

Joseph R. Biden, Jr.
United States Senator

OSD 09888-08

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MILFORD, DELAWARE 19963–1440
(302) 424–8090

201 RUSSELL SENATE OFFICE BUILDING
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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

February 16, 2007

The Honorable Robert Gates
Secretary of Defense
The Pentagon
Washington, D.C.

Dear Mr. Secretary:

I write concerning the situation in Somalia.

The Committee on Foreign Relations, as the Senate committee vested by the Standing Rules of the Senate with oversight of American foreign policy, including interventions abroad and U.S. military assistance activities worldwide, is following developments in Somalia closely. Last week, the Subcommittee on African Affairs conducted a hearing on the situation there, and I expect that additional hearings will be held in the coming months as circumstances warrant.

As part of this continuing oversight activity, I write to request a classified briefing from the Department of Defense, for the professional staff of the Committee and appropriately cleared staff of Committee members, regarding recent U.S. military activities in Somalia, including attacks on U.S. terror suspects in January 2007. The staff contact is Heather Flynn, who may be reached at 202-224-4651.

I appreciate your attention to this request.

Sincerely,

Joseph R. Biden Jr.
Chairman

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3/6/2007 3:39:58 PM

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510–6225

February 28, 2007

The Honorable Robert M. Gates
Secretary of Defense
The Pentagon
Washington, DC 20301-1000

Dear Mr. Secretary:

Enclosed is a copy of S. 594, the Cluster Munitions Civilian Protection Act of 2007, introduced by Senator Feinstein on February 14, 2007. The Committee would appreciate having comments on this bill from the Department of Defense. I have also requested that the Department of State comment on this bill.

Sincerely,

Joseph R. Biden, Jr.
Chairman

Enclosure

OSD 03630-07

3/8/2007 11:27:29 AM

Congress of the United States

Washington, DC 20515

May 8, 2007

The Honorable Condoleezza Rice
Secretary of State
Department of State
Washington, DC 20520

The Honorable Robert M. Gates
Secretary of Defense
The Pentagon
Washington, DC 20301-1000

Dear Madam Secretary and Mr. Secretary:

We understand that your Departments are developing a proposal to allow a private United States company (Northern General Leasing LLC, through Hillwood Development Company, LLC), to purchase U.S.-origin F-5 fighter aircraft from Norway, which aircraft are to be used by Lockheed Martin Corporation to train foreign pilots (initially from the United Arab Emirates, or UAE) in the United States pursuant to Foreign Military Sales (FMS) contracts with the Department of Defense. The proposal requires exceptions and departures from longstanding U.S. Government policies, including the traditional prohibition on re-transfer to private ownership of significant military equipment, such as fighter aircraft, sold by the U.S. Government to foreign governments. We are deeply troubled by this proposal and firmly believe that you should revise it, preferably to accord with established policies and procedures. Specifically, we have the following concerns:

1. We do not understand why the United States Air Force would want to abrogate its traditional role in training foreign militaries to fly U.S. fighter aircraft. If a major reason for the sale of advanced U.S. weapons systems is to ensure interoperability with allies and potential coalition partners, then it would seem that training those partners should be a core function for U.S. forces. We would appreciate an authoritative statement of how far this out-sourcing trend will go and, equally, where it will stop.

2. We similarly do not understand how the Air Force would assure safe and effective procedures on a day-to-day basis. The draft contract that was shared with the Committee speaks of "periodic scheduled and unscheduled oversight of all...training operations," requires forwarding of daily and weekly flying schedules to Air Force quality assurance evaluators, as well as a maintenance operations plan, and provides for the possibility of Air Force safety inspections. Yet, the documentation we have received does not appear to assure Air Force supervision or control, once the Air Force has approved the course syllabi and a collision avoidance handbook and certified the training site as ready for training. Rather, the draft contract specifies that quality assurance evaluators have no power to order any remedial actions and leaves all operational determinations (such as of airworthiness) to the contractor unless the contracting officer intervenes. We believe that if this operation is to proceed, the day-to-day Air

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Force role in it should be greater and the contractor's obligations should be set forth in a manner that is enforceable under the relevant laws of the United States, including the Arms Export Control Act.

3. The enforceability of the proposed FMS contract with Lockheed Martin Corporation remains inadequate, in our view. We infer that the U.S. Government could, in the event of non-compliance, institute a civil process in U.S. District Court in which it would ask the Court to issue an injunction against the contractor to compel compliance with the contract. Since the initiative has been designed as an FMS contract, however, there appears to be no basis under the Arms Export Control Act to assess criminal or civil penalties for any violation. Perhaps contract ineligibility proceedings could be threatened under Department of Defense regulations, but we doubt that this step would be taken. These options could take years to effect, moreover, which would make them impractical if the objective were to correct the manner in which the training program was being conducted on an urgent basis, possibly so as to avoid a danger to public safety. We believe that a more prudent approach would be to require a technical assistance agreement (TAA) under the International Traffic in Arms Regulations that would include detailed provisos, as appropriate, specifying the obligations of each party. Although one can make the case that a TAA is not required in this instance, the Government has a higher burden to assure enforceability when the training is by a private person, involving assets owned by a private person whose ownership of the assets has been facilitated by an exception to policy. Normally, commercial technical assistance under the statute is carried out with an export license issued under section 38 of the Arms Export Control Act, the enforcement of which is assured by criminal and civil penalties. We urge you to use this mechanism so as to make such training by a private entity more clearly subject to established supervision and enforcement procedures.

4. Our concern about enforcement is tied closely to a concern about liability. We all hope to avoid accidents, and that is why we favor clear requirements and stringent enforcement. But we know that in the real world, accidents do happen. The Department of State has proposed that the UAE "assume all liability" and indemnify and hold harmless the United States and the private contractor (in this case, Lockheed Martin Corporation) for any loss or liability that might arise in connection with the proposed training program. References to UAE liability in an earlier draft of the FMS contract with Lockheed Martin Corporation have been deleted in the most recent version, and the provisions on liability and insurance that are included by reference appear to be more relevant to aircraft procurement or transportation than to a flight training program. If the UAE (or another country in future cases) does not agree to assume all liability, who will take responsibility for third-party claims, which might result from accidents that occur in relation to the proposed training? Would the United States find itself responsible for liability incurred by Lockheed Martin Corporation in such circumstances? Moreover, how enforceable is an assumption of liability if it is contained only in a Letter of Offer and Acceptance (LOA)? Do officials who agree to an LOA even have the

authority to commit their governments in this manner? We recommend that the question of UAE liability be handled in an international agreement, rather than in an LOA. We recommend also that the extent of contractor or U.S. Government liability be stated more clearly than has been done in the proposed FMS contract.

In summary, we believe fighter aircraft training in the United States should be conducted by the U.S. Armed Forces, using equipment owned and maintained by the United States. When the U.S. Government deviates from that standard, there remains an essential obligation to protect the public safety and ensure adequate legal protections for the United States and its citizens. We do not believe that the measures in the notifications you propose to submit to Congress meet that obligation, and we strongly encourage you to revise the proposal in a manner that would gain our support.

Sincerely,

Richard G. Lugar
Ranking Member
Committee on Foreign Relations

Joseph R. Biden, Jr.
Chairman
Committee on Foreign Relations

Ileana Ros-Lehtinen
Ranking Member
Committee on Foreign Affairs

Tom Lantos
Chairman
Committee on Foreign Affairs

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510–6225

May 23, 2007

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense
Pentagon
Washington, DC 20301-1000

Dear Secretary Gates:

I strongly support your decision to make Mine Resistant Ambush Protected (MRAP) vehicles the military's top acquisition priority. With roadside bombs responsible for seventy percent of U.S. deaths and casualties in Iraq, fielding a vehicle that offers four to five times the protection of a heavily armed humvee – and thus reduces deaths and casualties by two-thirds – must be a national priority. I applaud your leadership in this effort.

We must have a clear understanding of exactly how many Mine Resistant vehicles the military needs. I understand that the Army now has a team in Iraq evaluating the possibility of replacing all of their humvees (HMMWVs) with MRAPs. That would require increasing MRAP production from 7,774 – which Congress is on track to fully fund – to as many as 23,000 vehicles by February 2008. That will require a massive funding and production effort. I respectfully request that, no later than June 15, you provide Congress a clear statement of how many MRAPs are needed, what it would cost to produce them by February 2008, and what obstacles exist to production.

I am also deeply troubled by information that came to light this week which suggests that the military leadership ignored an urgent request from commanders in Iraq for 1,169 MRAPs in February 2005. It was not until more than a year later, in May 2006, that the military acted on a second request, and then for only 185 vehicles. How is it possible that with our nation at war, with more than 130,000 Americans in danger, with roadside bombs destroying a growing number of lives and limbs, we were so slow to act to protect our troops? I hope you will make clear your personal interest in getting answers and provide them to Congress.

In particular, I would like answers to the questions that follow. What did the data show regarding the causes of American casualties and deaths in Iraq in 2004 and 2005? Were improvised explosive devices a significant threat? What technology existed at the time to protect against this threat? What were the obstacles to producing and deploying it? Was consideration given to a plan to overcome any production obstacles and if so, was it pursued and if not, why not? Was a decision made to deploy additional humvees with better side and undercarriage armor instead of MRAPs? If so, did Marine commanders in Washington believe that up-armored M-1114s could be effective against improvised explosive devices (IEDs) and, in the words of the

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February, 2005 request for MRAPs "Protect the crew from IED/mine threat through integrated V-shaped monocoque hull designed specifically to disperse explosive blast and fragmentary effects?" With regard to the February 2005 request, by whom was it considered and what was its disposition? Did it ever reach the Marine Corps Requirements Oversight Council? If not, where in the chain did it stop?

Last, I wish to call your attention to another vehicle that may provide needed protection against explosively formed penetrators (EFPs), the shaped charges that hit vehicles from the side. We must make sure that this is not another MRAP story that falls through the cracks. Last week, I learned about a vehicle that came out of the "Ballistic Protection Experiment" and is now commercially referred to as the Bull. The Bull was funded by the Joint Improvised Explosive Device Defeat Organization through the Army's Rapid Equipping Force to demonstrate that technology exists that can defeat both EFPs and IEDs. The vehicle has the necessary armor system fully integrated on a truck chassis. I understand that this vehicle is intended to be a complement to the MRAP program and its size would make it ideal for an urban environment. The vehicle also has the ability to carry cargo, which may make it suitable for some supply routes. In addition, the technology can be added to other vehicles if needed. It is my understanding that this program was successfully tested at Aberdeen. If this is accurate, I urge you to include the Bull in your evaluation of new vehicles needed for Iraq and inform Congress if additional funding is required for these vehicles as well. I also hope that you will consider it as an answer to another Urgent Universal Need Statement submitted by Marines in January of this year for such protection on at least 3,400 MRAPs.

Mr. Secretary, thank you for your personal leadership on this issue. I know you share my conviction that so long as we have a single soldier on the front lines in Iraq, or anywhere else, it is this country's most sacred responsibility to protect him.

Sincerely,

Joseph R. Biden, Jr.
Chairman

cc: General James T. Conway, Commandant of the United States Marine Corps
General George William Casey, Jr., Chief of Staff of the United States Army

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

June 13, 2007

The Honorable Robert M. Gates
Secretary of Defense
The Pentagon
Washington, DC 20301-1000

Dear Secretary Gates:

The Subcommittee on Transatlantic Relations of the NATO Parliamentary Assembly (PA) will visit Washington between July 9 and 11, 2007. The delegation would like to meet with you to discuss a range of important security issues facing NATO, particularly the fight against radical fundamentalism, Afghanistan, and the future role of the Alliance. The date and time of the meeting could be adjusted to accommodate your schedule.

The delegation will include approximately 20-25 parliamentarians from NATO member countries and the Parliamentary Assembly's associate countries. Among the group will be the chairpersons of several Defense and Security committees from NATO member countries. A meeting would provide you with an excellent opportunity to engage with these senior lawmakers from key allied nations.

The delegation has meetings scheduled with Members of the U.S. Congress and senior officials from the Department of State. The group is also requesting meetings with the Chairman of the Joint Chiefs of Staff and the Under Secretary of Defense for Policy, Ambassador Eric S. Edelman.

As head of the U.S. Senate delegation to the NATO PA, I would be grateful if you could facilitate this request. If you are unable to meet with the Committee personally, I would be grateful if you could designate your deputy to meet the group. Mr. Steffen Sachs, Director of the NATO PA's Political Committee will be contacting your office shortly to follow up on this letter. Your staff may also contact him directly at:

Steffen Sachs
Director, Political Committee
NATO Parliamentary Assembly
Phone: +32-2-513 2865
Fax: +32-2-514 1847
Email: SSachs@nato-pa.int

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The Committee program in Washington is being coordinated by Ms. Julia Reed, Secretary of the U.S. Senate Delegation. She will be pleased to answer any questions and can be reached at (202) 224-3047.

Sincerely,

Joe Biden

Joseph R. Biden, Jr.
Chairman

United States Senate

WASHINGTON, DC 20510

June 28, 2007

The Honorable Robert M. Gates
Secretary of Defense
The Pentagon
Washington, D.C. 20350

Dear Mr. Secretary:

We are concerned that the Department is failing to respond to urgent warfighter requirements because of unconscionable bureaucratic delays in Washington. In some cases, these delays have literally resulted in the death and injury of U.S. forces and innocent foreign nationals. We urge that you investigate the warfighter support efforts by the Army, Marine Corps, and Joint Rapid Acquisition Cell during the past four years to determine if such delays are systemic and continue to put American personnel at unnecessary risk.

For example, a commanding general in Iraq submitted an Urgent Universal Needs Statement (UUNS) for 1,169 Mine Resistant Ambush Protected vehicles (MRAPs) in February 2005; no action was taken until another urgent request was made in May 2006. It has taken another full year to get the MRAPs tested and on contract. This delay forced American marines and soldiers to continue to rely upon humvees that are vulnerable to Improvised Explosive Devices (IEDs). Had this request been handled on a priority basis, hundreds of MRAPs could have been deployed as early as July 2005. From July 2005 through May 2007, Brookings Institution data indicate that 927 Americans lost their lives in Iraq as a result of IEDs. If MRAPs can prevent sixty-seven to eighty percent of those fatalities, then 621 to 742 Americans would still be alive today and many times that number would have avoided serious injuries.

Similarly, unwarranted delay occurred in the case of a request, repeatedly made since 2003, for commercially available laser dazzlers. In light of the operational urgency expressed by commanders, we are troubled that it took 18 months for a commercial product to arrive at the front. We understand that data collected in preparation for one request for dazzlers showed that in a six-month period, up to 50 innocent Iraqi deaths and approximately 130 serious injuries were attributed to U.S. forces lacking a humane non-lethal tool like dazzlers. Even more surprising is that a request from marine operators was denied at the same time that other U.S. forces in Iraq were using the exact same dazzler.

In another instance, efforts to improve persistent surveillance capabilities in the field using commercially-off-the-shelf technology were ignored. Commanding generals in Iraq repeatedly (and urgently) requested increased numbers of the Tactical Concealed Video System (TCVS) and the Scan Eagle Unmanned Arial System -- most recently, TCVS in late 2006 and Scan Eagle in July 2006. To our knowledge, no new Scan Eagles have been delivered to date and no action has been taken to procure TCVS, despite the provision of funding from Congress specifically aimed at enhancing and fielding that system.

We believe an intensive review of urgent needs statements and the timing of action on them will show delays and refusals based on a combination of bureaucratic inertia and vested interests in established programs. Such a review will also show the successes of the Joint Rapid Acquisition Cell, the Rapid Equipping Force, and the Marine Corp Systems Command. Both the

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successes and failures of recent history must be better understood so that we can quickly improve the procurement system, while American forces are still engaged in combat.

We greatly appreciate your personal attention to speeding MRAP acquisition. We are concerned, however, that MRAPs are not the only life-saving technology not being fielded quickly. While we have some ideas for fixing these processes, we believe that an internal review and the recommendations that flow from it will ensure remedial action. We stand ready to assist with any measures that may require legislative action, but we are hopeful that most of the necessary changes can be made internally -- and quickly.

We look forward to working with you to ensure that Americans under fire get the best equipment and support this nation can provide. If we can answer any questions about our concerns, please let us know or have your staff contact our staff (James Pitchford with Senator Bond and Erin Logan with Senator Biden).

Sincerely,

Joseph R. Biden, Jr.

Christopher S. Bond

cc: General James T. Conway, Commandant of the United States Marine Corps
General George William Casey, Jr., Chief of Staff of the United States Army

JOSEPH R. BIDEN, JR.
DELAWARE

United States Senate

WASHINGTON, DC 20510-0802

September 4, 2007

The Honorable Robert M. Gates
Secretary of Defense
1000 Defense
Pentagon
Washington, DC 20301-1000

Dear Secretary Gates:

I am very concerned with reported delays in the effort to fund and send to Iraq as many Mine Resistant Ambush Protected (MRAP) vehicles as possible, as quickly as possible. As you know, roadside bombs are responsible for seventy percent of U.S. deaths and casualties in Iraq and MRAPs could reduce American deaths and casualties by two-thirds or more. While you have said the MRAP is your top priority, in a time of war, it must be more. It must be a national priority. I hope that by drawing your attention to the issues below, you and the President will be able to make the changes necessary to protect our men and women in Iraq.

First, I cannot understand why the amended wartime budget request for MRAPs falls far below the needs of the commanders in Iraq. The amended request was for a total of $5.8 billion in Fiscal Year 2008 to purchase 8,000 MRAPs. Those 8,000 vehicles would all be delivered to the military by the early spring of 2008. While I am pleased that the Administration is acknowledging the true cost of those vehicles, it ignores the larger needs in Iraq. President Bush repeatedly says that the judgment of commanders in the field is paramount, yet Lieutenant General Odierno asked three months ago to replace all of his up-armored humvees (HMMWVs) with MRAPs. An additional 15,000 vehicles – above the 8,000 for which you have budgeted -- would be needed to meet the General's request. Based on current cost estimates, that would require $22.5 billion. Even if we determine that only 10,000 more vehicles can be built in Fiscal Year 2008, that would still require approximately $15 billion. In my experience, these sums are far too large to reprogram from other military accounts.

I know that Army leaders and Secretary Young have said that an evaluation of the real Army requirement would occur in September and October. That could be too late. My staff has visited several MRAP producers, who told them that there are a few long-lead items that must be ordered three to six months before production of a vehicle can occur. Absent placing additional orders between September and November, the producers will be forced to stop work in March or April when the last of the original 8,000 vehicles will be delivered. In my judgment, the Administration should request and Congress should provide funding in September that, at a minimum, allows manufacturers to secure these long-lead items. This will require significant funding above the $5.8 billion. I expect that only one wartime supplemental funding bill will be passed between now and next February. That bill and the regular defense appropriations bill are the only opportunities for the military to get the funding in time to continue producing MRAPs in

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the spring of 2008. As you know, I have offered an amendment to the defense authorization bill to fully fund 15,000 additional MRAPs; I will offer that same amendment to the wartime supplemental and the defense appropriations bill if need be, but I cannot understand why the Administration is not at least asking for some portion of the necessary funds.

Second, it is unacceptable that while the government will have 3,000 MRAPs by the end of the year, it only will be able to deliver 1,500 of them to Iraq. A lack of adequate airlift is causing transportation delays. While I understand that much larger numbers of vehicles can be sent by sea, the additional three to four weeks it takes to get them there must be our last resort. I urge you to closely examine all of the nation's airlift assets, including the Civil Reserve Air Fleet and leasing arrangements, to increase the airlift capacity and get more MRAPs into Iraq faster. Keeping 1,500 completed MRAPs from those who desperately need them is not acceptable if there is any way to accelerate transportation. We simply can and must do better.

Third, I continue to be perplexed by the slow response to the need for Explosively Formed Penetrator, or EFP, protection. Press reports indicate that EFPs are now responsible for five to thirty percent of American fatalities in Iraq. In March of last year, the "Ballistic Protection Experiment" produced a vehicle capable of defeating EFPs. Similarly, by April of last year, the Army Research Lab had developed Frag-Kit-6, also capable of defeating EFPs. We must not let the perfect be the enemy of the good. These technologies need to be fielded now so that we can get ahead of the enemy. In addition, several MRAP manufacturers believe their vehicles can accommodate additional protective armor or already provide a degree of EFP protection. We should test these claims as soon as possible. Waiting until the end of the year for an ideal solution to go into theater is simply too long.

Mr. Secretary, thank you for your personal leadership on this issue. I bring these issues to your attention because I share your much quoted belief that, "For every month we delay, scores of young Americans are going to die." While neither of us can predict when this war will end, as long as we have a single soldier on the front lines in Iraq, or anywhere else, it is this country's most sacred responsibility to protect him.

Sincerely,

Joseph R. Biden, Jr.
United States Senator

cc: The Honorable John Young, Acting Under Secretary of Defense for Acquisition, Technology, and Logistics; Director, Defense Research and Engineering; and Director, MRAP Task Force
General James T. Conway, Commandant of the United States Marine Corps
General George William Casey, Jr., Chief of Staff of the United States Army

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United States Senate

COMMITTEE ON FOREIGN RELATIONS

WASHINGTON, DC 20510-6225

December 4, 2007

The Honorable Robert M. Gates
Secretary of Defense
The Pentagon
Washington, DC 20301-1155

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
Washington, DC 20520

Dear Mr. Secretary and Madam Secretary:

I write to raise a specific concern regarding the arms sales that are proposed to be made pursuant to the Gulf Security Dialogue. This letter is a supplement to the letter from Senator Lugar and me requesting further information pursuant to section 36(b)(1) of the Arms Export Control Act.

The particular concern that prompts this letter relates to the practice, in some countries, of demanding offsets from U.S. firms that sell arms, even under the Foreign Military Sales program. I know that the United States opposes all offsets, and does not demand offsets of foreign suppliers, but such U.S. opposition has had little influence on the demands imposed by other countries. Given that the impetus for the Gulf Security Dialogue arms sales is a focused American concern for the security of countries in that region, demands for offsets seem especially inappropriate; I hope that you will make a special effort to convince countries not to demand them in this case.

My concern in this regard is heightened by the particularly aggressive approach to offsets of the United Arab Emirates (UAE). The UAE, which would be the buyer in two of the six Gulf Security Dialogue cases that have been submitted informally to Congress so far, typically requires a foreign seller to invest in a project run by a special UAE company set up for that purpose. In one recent case, the project was long-term leases of Airbus aircraft by a UAE leasing firm. The seller puts up the money, perhaps as much as 60% of the arms purchase price. Only if the assets procured with that money make enough profit to repay the loan does the seller gets its money back. If those profits are not realized, the seller instead gets shares in the UAE entity, which it can then try to sell. In the case with which we are familiar, the UAE entity was a stock company with some shares available for public purchase, but with large blocks of shares owned by UAE royal families and officials, as well as British Aerospace (BAE), which had helped to set up the special UAE company.

If the proposed Gulf Security Dialogue arms sales to the UAE go forward with offsets similar to those seen in the past, U.S. industry could be coerced into providing billions of dollars in loans to the UAE, to be repaid only if the projects funded by those loans, be they aircraft leases or real estate developments or something else, realize sufficient profits for UAE investors.

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U.S. firms may view this as just the cost of doing business with the UAE, but I suspect that all the customers for such systems as PAC-3 missile defense, including the United States, will end up paying a share of that burden. I urge you to intervene personally at least in the PAC-3 case, given its size and its importance to the national security of both the UAE and the United States, to make that sale free of offsets and their attendant economic distortions.

I look forward to continuing to work with you to promote regional security and U.S. national security in the Gulf region.

Sincerely,

Joseph R. Biden, Jr.
Chairman

JOSEPH R. BIDEN, Jr., DELAWARE, CHAIRMAN

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United States Senate

COMMITTEE ON FOREIGN RELATIONS
WASHINGTON, DC 20510-6225

December 4, 2007

The Honorable Robert M. Gates
Secretary of Defense
The Pentagon
Washington, DC 20301-1155

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
Washington, DC 20520

Dear Mr. Secretary and Madam Secretary:

We write regarding the U.S. arms sales that are proposed as part of the Gulf Security Dialogue. For the past ten months, the Committee has asked for a coherent explanation of the military justification for this ever-changing package of arms sales. We waited patiently for several months while officials from your Departments wrestled with concerns raised by officials of our regional ally Israel, as we had warned at the start would be necessary. Our Committee held two classified briefings for members, which unfortunately did not allay concerns raised by members on both sides of the aisle. Now your Departments have begun the notification process, which will shortly leave Congress the Hobson's choice of acceding to arms sales despite its concerns or introducing resolutions of disapproval that are sure to upset U.S. relations with the States seeking those arms.

We understand and support the objective of buttressing the capabilities of friendly states in the region, so long as it is understood that neither the agreement to any of these sales nor any previous action of Congress provides any authority to the Executive branch to go to war with Iran. We have yet to be told, however, how that general purpose translates into the specific package of arms sales now being proposed, or how countries in the region will most likely contingencies if these arms are provided. The details of one proposed sale were changed just before initiation of the approval process. The two cases notified most recently, moreover, were submitted without the customary sharing of the details of the proposed sales before initiation of the approval process. These actions are eroding the comity between our branches of government that is vital to pursuing an effective foreign policy.

We continue to seek information from officials of your Departments, so that our Committee and the Senate as a whole can reach informed and responsible judgments regarding each arms sale proposed in the Gulf Security Dialogue. The Committee will willingly host a third briefing for members, if necessary, so long as that briefing can be structured to address our questions and concerns. Given the limited time that is available for Congress to act under section 36(b) of the Arms Export Control Act, however, we must also use the formal powers the law gives us.

Section 36(b)(1) gives the Committee on Foreign Relations of the Senate the authority to request additional information on a proposed Foreign Military Sales arms transfer. It provides

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that "the President shall, upon the request of such Committee..., transmit promptly...a statement setting forth, to the extent specified in such request" sixteen types of information listed in the statute. We hereby request that you provide this statement for each of the six Gulf Security Dialogue cases for which informal notification has been sent to our Committee, addressing all the categories specified in the law and guided by the direction provided below. (Under Executive Order 11958 of January 18, 1977, this function was delegated to the Secretary of Defense, in consultation with the Secretary of State.)

- In addressing item (D), please include a discussion of the current military balance in the region, the strengths and weaknesses of Iran's military forces, its access to modern military equipment, its ability to pay for such equipment, what equipment Iran is likely to build or acquire in light of projected U.S. arms sales in the region, and how the military balance will be affected by those developments.
- In addressing item (E), please set forth the military contingencies that the country to which the sale is proposed to be made is preparing to face, how it expects to respond to such contingencies, and how the proposed arms sale will affect the manner in which the country receiving those weapons can respond to the above contingencies. Please include a discussion of the extent to which the country plans to operate in conjunction with U.S. forces or with other forces in the region.
- In addressing item (H), please include not only those contingencies already discussed in item (E), but also any other contingencies that U.S. military planners in CENTCOM and the J-5 office of the Joint Staff believe are realistic concerns. Rather than describing what the country receiving the weapons expects to achieve, please provide the views of U.S. military planners regarding U.S. objectives for that country's military forces and how the proposed sale will help achieve those objectives.
- Item (I) affords an opportunity to discuss the need for bilateral and multilateral military cooperation in the Gulf region. Please set forth U.S. objectives in that regard, current achievements and shortfalls in the region, particularly as they relate to intra-GCC military integration, whether and how the proposed arms sale will help meet those U.S. objectives, and the extent of bilateral and multilateral information-sharing and combined operations that you expect will be achieved in the various military contingencies that the weapons are intended to address.
- In relation to item (L), please address whether and, if so, to what extent the United States has provided security assurances since 1979 that are still observed, be they binding or nonbinding, to any country that would receive arms pursuant to the Gulf Security Dialogue.
- In addressing item (M), for proposed sales to a country that intends to require offsets from a U.S. company, please discuss the nature and extent of offsets typically required by that country, whether such offsets are clearly related to the arms sale in question or are simply a way to force foreign companies to invest in the country's unrelated ventures, the extent to which leading figures in the country will gain financially from offsets provided by the U.S. company or companies, and what steps the United States Government has taken to discourage the requirement of offsets in Gulf Security Dialogue arms sales, in light of the regional security improvements that such sales are intended to foster.

We look forward to working with you to address the six pending Gulf Security Dialogue arms sale cases, as well as those which will follow, in an efficient and responsible manner. We are confident that this can be done. We urge you, in this regard, to avoid sending the formal notifications for these cases at a time when Congress may be out of session for significant portions of the subsequent 30-day period that the Arms Export Control Act provides for the consideration of resolutions of disapproval. While we have no knowledge of any plans for such resolutions to be introduced, we believe that it would be unwise to give the appearance of using the calendar to limit Congress's ability to act on these sales. Both comity and efficiency will best be served if care is taken to address the concerns of members of our Committee before any formal notifications are submitted.

Sincerely,

Richard G. Lugar
Ranking Minority Member

Joseph R. Biden, Jr.
Chairman