**United States Department of State**

*Washington, D.C. 20520*

APR 0 3 2007

Dear Mr. Chairman:

This is in response to your March 12 letter regarding your previous letters to Dr. Rice in her capacities as Assistant to the President for National Security Affairs and as Secretary of State. Your letter raises a number of issues including: intelligence regarding Iraqi efforts to obtain uranium from Niger, the appointment of Ambassador Richard Jones, the composition of certain international delegations, needle exchange programs to prevent the spread of HIV/AIDS, and the request for testimony of Ambassador Tim Carney at a February 6, 2007 House Committee on Oversight and Government Reform hearing on Iraq reconstruction.

With regard to your concerns about the reliability of intelligence indicating that Iraq attempted to procure uranium from Africa, please find enclosed a copy of an April 29, 2003 letter from the Department of State to you which addresses this issue. The Department of State was asked to respond to your March 17, 2003 letter to the President on this matter and did so on his behalf. You may also recall that you wrote to Secretary of State Powell on July 21, 2003 regarding this and other intelligence issues associated with Iraq, referencing both your March 17 letter to the President and the Department's April 29 reply. Attached is a copy of the Department's September 25, 2003 reply to that letter. As you know, the Commission on the Capabilities of the United States regarding Weapons of Mass Destruction exhaustively investigated the issues surrounding the intelligence on alleged Iraqi efforts to obtain uranium from Niger, including the status of the information at the time of the President's January 2003 State of the Union address. I refer you to the Commission's public report at pages 76-79 for its detailed findings on this subject.

The Honorable
Henry A. Waxman, Chairman,
Committee on Oversight and Government Reform,
House of Representatives.

After a thorough search of our database, we have found no record of your February 17, 2005 letter regarding the appointment of Ambassador Richard Jones as special coordinator for Iraq. Our records reflect that you have sent 49 individual letters to the Department of State since 2003, 21 of which have been addressed to Secretary Rice during her tenure. All of your letters to the Department received through mid-March of this year, with the exception of the February 17, 2005 letter, have received a response, and in the overwhelming majority of cases, a formal written response. Written responses to your February 21, 2007 letter requesting an earmark for the MERC program and your February 27 District Office fax-note forwarding a constituent matter involving Croatia are forthcoming. As discussed with your Committee staff, the extensive document requests in your separate March 20, 21, and 22, 2007 letters are being processed.

Although we have no record of your letter concerning Ambassador Jones, we note that the issue of the involvement of U.S. Embassy Kuwait personnel in the matter of fuel imports to Iraq was explored during Ambassador Jones' July 2005 confirmation hearing as U.S. Ambassador to Israel. Please find enclosed the questions for the record on this subject from Senator Obama and the answers from Ambassador Jones. As you will note, Ambassador Jones was not the subject of a criminal investigation, and he was confirmed by unanimous consent by the United States Senate on July 29, 2005.

With regard to your inquiry about U.S. delegations to international telecommunications conferences, your August 1, 2005 letter requested a search of information dating back to 1996. In order to manage the substantial number of requests for documents and information requiring considerable research that the Department receives each year, the Department often requires that Congressional requests of this nature come from the chair of a committee or subcommittee of jurisdiction rather than from individual Members. This policy long pre-dates the current Administration. At the time your August 1 letter was received, we viewed your specific request in this context and decided in this case that a formal request from the Committee Chairman was needed. Department records note that your Committee staff was apprised of this orally at the time and acknowledged this decision.

Given your continued interest in international telecommunications conferences, enclosed is a chart showing the number of conferences since

FY 1996 for which the accreditation included private sector advisers. As you will note, there are four multilateral organizations which combined hold anywhere from 30 to 50 conferences a year. The International Telecommunications Union sponsors the majority of these meetings, holding 42 in FY 2005, 29 in FY 2006 and 11 in FY 2007 to date. The Inter-American Telecommunication Commission referenced in your letter holds six conferences on average per year.

The procedure for accreditation is standardized. The substantive lead Bureau in the Department of State or the lead U.S. Government agency (e.g. Commerce, Treasury, etc.) proposes the composition of the delegation for a specific meeting. The White House Liaison office is included in the clearance process and coordinates with the White House. Participation by a private sector representative in a certain conference does not imply an automatic invitation to any future conference. A wide variety of factors is considered before accrediting a private sector representative for any particular meeting including technical expertise, diversity of industry, familiarity with and support for current policy, and experience in dealing with the issues to be addressed. A variety of Executive Branch entities with an interest (which, depending on the circumstances can include a variety of federal agencies, their White House liaisons, and the White House) are consulted to identify those individuals whose interest, experience and expertise would most effectively advance U.S. interests, including advancing U.S. policy on the subject of the conference, which is of course set by the incumbent Administration. Every delegate must be a U.S. citizen. The size of the delegation may be limited by the conference itself.

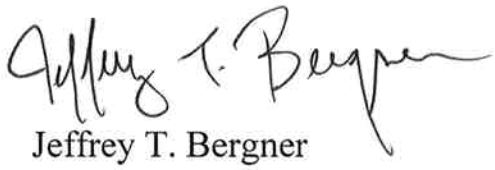
Contrary to your assertion, the Department responded to your March 2, 2005 letter regarding needle exchange programs and their potential for use in combating HIV/AIDS on April 15, 2005. A copy of that reply is enclosed. Representative Cummings, who cosigned the inquiry with you, received an identical response. Following standard procedure, these letters were delivered by courier to your respective offices. Moreover, you sent a subsequent letter on this topic on June 24, 2005, and a copy of the Department's September 26, 2005 response is enclosed as well. We also note the exchange of correspondence between you and the Global AIDS Coordinator on a wide range of HIV/AIDS related issues.

Finally, the Department was unable to accommodate the Committee's request for Ambassador Carney to testify on February 6, 2007 because

Mr. Carney was in Baghdad, serving as Coordinator for Economic Transition in Iraq. The Department offered Ambassador David Satterfield, the Coordinator for Iraq and Senior Adviser to the Secretary, as a witness. In addition to his overall responsibility for Iraq policy, Ambassador Satterfield has extensive field experience in Iraq, having served previously as the Deputy Chief of Mission in Baghdad. Committee staff was informed of this offer in advance of the hearing. The Committee declined to accept Ambassador Satterfield.

I hope this response clarifies the points raised in your letter.

Sincerely,



Jeffrey T. Bergner
Assistant Secretary
Legislative Affairs

Enclosure:
As stated.

NP

United States Department of State

Washington, D.C. 20520

APR 29 2003

Dear Mr. Waxman:

This is in response to your March 17 letter to the President outlining your concerns about the reliability of evidence purporting that Iraq attempted to procure uranium from Africa. The White House has asked the Department of State to respond on behalf of the President.

Beginning in late 2001, the United States obtained information through several channels, including U.S. intelligence sources and overt sources, reporting that Iraq had attempted to procure uranium from Africa. In addition, two Western European allies informed us of similar reporting from their own intelligence services. As you know, the UK made this information public in its September 2002 dossier on "Iraq's Weapons of Mass Destruction." The other Western European ally relayed the information to us privately and said, while it did not believe any uranium had been shipped to Iraq, it believed Iraq had sought to purchase uranium from Niger. We sought several times to determine the basis for the latter assessment, and whether it was based on independent evidence not otherwise available to the U.S. Not until March 4 did we learn that in fact the second Western European government had based its assessment on the evidence already available to the U.S. that was subsequently discredited.

Based on what appeared at the time to be multiple sources for the information in question, we acted in good faith in providing the information earlier this year to the International Atomic Energy Agency inspectors responsible for verifying Iraq's claims regarding its nuclear program. In similar good faith, the December 19 State Department fact sheet that illustrated omissions from the December 7 Iraqi declaration to the UN Security Council included a summary reference to the reported uranium procurement attempt. The December 19 fact sheet was a product developed jointly by the CIA and the State Department.

The Honorable
Henry A. Waxman,
Committee on Government Reform,
House of Representatives.

H20030407=020

We hope this information is helpful. Please let us know if we can be of further assistance.

Sincerely,

Paul V. Kelly

Paul V. Kelly
Assistant Secretary
Legislative Affairs

NP

**United States Department of State**

*Washington, D.C. 20520*

*www.state.gov*

SEP 25 2003

Dear Mr. Waxman:

This is in response to your July 21 letter to Secretary Powell on the State Department's December 19, 2002, Fact Sheet entitled "Illustrative Examples of Omissions From the Iraqi Declaration to the United Nations Security Council."

Your letter focused on how the Fact Sheet was drafted. The Public Affairs Bureau prepared the Fact Sheet based on information obtained from other Bureaus of the State Department. The Under Secretary of State for Arms Control and International Security Affairs, John R. Bolton, did not play a role in the creation of this document. Both the NSC staff and the CIA were consulted. In cabling the Fact Sheet around the world, the Department of State did drop the mention of Niger, as requested by the CIA. However, the CIA did approve a more general reference to Iraqi attempts to acquire uranium from abroad, an assertion which was consistent with the view of most Intelligence Community agencies as expressed in the October 2002 National Intelligence Estimate. That estimate noted that reports indicated that Iraq had also sought uranium ore from Somalia and possibly the Democratic Republic of Congo. Finally, the Department provided the International Atomic Energy Agency with the 17 pages of purported Niger-Iraq uranium-related documents after normal intelligence-clearance processing had been completed.

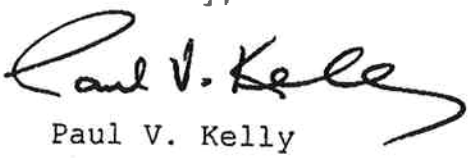
Let me emphasize that the purpose of the Fact Sheet was to highlight Iraq's repeated failure to provide the UN Security Council with the answers it demanded on its weapons of mass destruction programs. As you recall, UN Security Council Resolution 1441 provided Iraq with one final opportunity to submit a final declaration of its weapons of mass destruction programs that was "currently accurate, full and complete." Iraq failed to take this opportunity.

The Honorable,
Henry A. Waxman,
Committee on Government Reform,
House of Representatives.

H20030730-002

We hope this information is helpful. Please do not hesitate to contact us if we can be of further assistance on this or any other matter.

Sincerely,



Paul V. Kelly
Assistant Secretary
Legislative Affairs

# Senator Obama Questions for Richard H. Jones

## Questions:

1) When you were interviewed by government investigators in August 2004 (and at any subsequent time), were you asked about overpricing under the KBR fuel contract?

2) Were you asked about the effort to recompete the Altanmia subcontract in late 2003?

3) Were you asked about your December 2, 2003, e-mail?

4) Were you asked about actions taken by your staff in response to that e-mail?

5) Were you asked about the involvement of any embassy personnel with the Altanmia subcontract?

## Response:

I did meet with an interagency panel in this time frame to discuss my involvement in the procurement of humanitarian fuels for the benefit of the Iraqi people. The conversation covered a broad range of topics concerning KBR matters, including those you raise. I was queried about my December 2 internal CPA e-mail, and about my CPA staff's reaction as well as a number of related topics. In this regard, we also discussed pricing issues, the effort to recompete the al-Tanmia subcontract in late '03 (which I learned about after my e-mail was sent) and any possible involvement of Embassy Kuwait personnel in that effort. I answered all questions to the best of my ability, truthfully and completely. I will be happy to discuss this matter further with you at your convenience.

**Sen. Obama's Second Set of Questions for Ambassador Richard H. Jones**

In your response to the questions I submitted to you on July 28, 2005, you stated the following: "I did meet with an interagency panel in this time frame to discuss my involvement in the procurement of humanitarian fuels for the benefit of the Iraqi people. The conversation covered a broad range of topics concerning KBR matters, including those you raise. I was queried about my December 2 internal CPA e-mail, and about my CPA staff's reaction as well as a number of related topics. In this regard, we also discussed pricing issues, the effort to recompete the al-Tanmia subcontract in late '03 (which I learned about after my e-mail was sent) and any possible involvement of Embassy Kuwait personnel in that effort. I answered all questions to the best of my ability, truthfully and completely. I will be happy to discuss this matter further with you at your convenience."

1) On what date(s) did you meet with government investigators looking into the KBR fuel contract?

a) How long did each meeting last?
b) Who was present at each meeting and what was their affiliation?
c) Were you represented by counsel at the meeting(s)?

Answer: There was one meeting in early August, 2004. I think it was around the 10th of the month, but I don't recall the exact date. Nor do I recall the names of the individuals present; I do recall that State and Justice were represented. I'm not sure about other agencies. There were about five people there besides me. I was not represented by counsel.

2) For each meeting with government investigators, please provide a summary of what questions were asked of you on the following topics and what answers you provided:

a) Overpricing under the KBR fuel contract.
b) Efforts to recompete the Altanmia subcontract in late 2003.
c) Your December 2, 2003, e-mail regarding Altanmia.
d) Actions taken by your staff in response to your December 2, 2003 e-mail.
e) The involvement of any embassy personnel with the Altanmia subcontract?

Answer: Although I believe that we discussed all the issues above, I can not recall specific questions. My recollection is that I provided information on these topics as follows:

a) I explained that I did not learn of the overpricing issue until the press reported the outcome of the DCAA audit of KBR. I believe that this was after I sent the December 2, 2003 e-mail.

b) The e-mail chain makes clear that I did not learn about KBR efforts to re-compete the al-Tanmia subcontract until after I sent the December 2, 2003 e-mail. This shows that my e-mail was directed at discussions that KBR was conducting with al-Tanmia regarding deliveries of fuel for December under the existing contract (which it had negotiated with al-Tanmia in May, 2003 without any involvement whatsoever of the Embassy).

c) I sent this e-mail in my capacity as Deputy Administrator of CPA after receiving word that KBR's discussions with al-Tanmia regarding deliveries of fuel for December had collapsed. Gas lines were already forming in Baghdad and throughout the country; Ambassador Bremer had determined that we needed to increase fuel imports immediately. We had already explored the possibility of increasing imports through Turkey, the only other option available at that time, and determined that this would not work due to extreme congestion at the sole border crossing between Iraq and Turkey. This meant that Kuwait was our only choice. The previous day I had been assured that KBR was close to reaching agreement with al-Tanmia on fuel deliveries. The CPA employee working on the issue had used this to justify his departure on leave. When I learned that the talks had broken down, I sent the December 2 e-mail to his back-up to galvanize him in action to make sure that the talks were resumed and concluded as quickly as possible in order to prevent the fuel-supply situation inside Iraq from deteriorating further. Please recall that when I wrote the December 2 e-mail CPA was acting as the governing authority of Iraq. All of our actions were being taken on behalf of the Iraqi people and we were using Iraqi funds. Ambassador Bremer had determined that these imports were critically needed; KBR was acting as our agent in procuring them. It had sub-contracted this responsibility to al-Tanmia many months before and we could not understand why it was not procuring more fuel under that subcontract in the face of the critical need in Iraq. In short, the e-mail was written by a disgruntled customer upset by KBRs inexplicable reluctance, from our perspective, to supply our critical needs.

d) My recollection is that I soon received a brief e-mail reply from the recipient explaining that things were not as bad as had been depicted by the report that had prompted my e-mail and implying that increased deliveries should begin shortly. Satisfied that the issue was receiving proper attention, I turned to other crises.

e) Embassy Kuwait personnel were not involved in any way in the negotiation of the subcontract with al-Tanmia. In fact, we did not even know that KBR was involved in the procurement of fuel for Iraq or that the subcontract existed until the Kuwaiti government notified us that al-Tanmia had complained to it that KBR was not honoring its terms. I believe that this was in late June or early July, 2003.

3) You stated that you were asked about "a broad range of topics concerning KBR matters." What other topics were you asked about by government investigators?

Answer: In addition to the above topics I was also asked about allegations of corruption against KBR employees and the Embassy's response to them. I explained that a member of my Embassy staff did receive such allegations and that upon receiving them he promptly informed me. I immediately responded by instructing him to inform DCAA at once. This was done and DCAA soon initiated its audit of KBR.

4) During your meeting(s) with government investigators, were you ever told that you were or are a subject or target of their investigation? Have you independently learned that you were or are a subject or target of a government investigation?

Answer: I have never been told that I was either a subject or target of an investigation. My understanding at the time was that the purpose of the August meeting was to determine whether an investigation was warranted. I have never been informed that an investigation was initiated.

5) During your meeting(s) with government investigators, were you ever told that other embassy personnel were or are a subject or target of their investigation? Have you independently learned that other embassy personnel were or are a subject or target of a government investigation?

Answer: The answer to both questions is no.

6) To which individuals did you send your December 2, 2003, e-mail regarding Altanmia?

Answer: I recall sending this e-mail to an officer within CPA who was filling in for the action officer who was absent. I may have copied others, but do not recall. See also my answer to question 2 c).

7) An e-mail sent to you on December 3, 2003, at 10:23 a.m. included the following statement: "KBR as I write this is holding a meeting with local companies asking them to bid on this tender. As KBR has been told repeatedly, al-Tanmia is the [Government of Kuwait's] sole source provider … Somebody better get these jokers at KBR under control." Who wrote this e-mail?

Answer: This e-mail was sent by an officer substituting for an absent action officer. The author of this e-mail was misinformed. Al-Tanmia was <u>not</u> the Government of Kuwait's "sole source provider". This misunderstanding was corrected soon after the e-mail was sent when the action officer returned. To my knowledge no action was taken by Embassy Kuwait or CPA with regard to KBRs effort to re-compete the subcontract.

8) When and how did you first learn of the effort to recompete the Altanmia subcontract?

Answer: I believe that I first learned of this effort from the e-mail referenced in question 7.

Number of International Telecommunications Conferences
for Which the Accreditation Included Private Sector Advisers

| | FY1996 | FY1997 | FY1998 | FY1999 | FY2000 | FY2001 | FY2002 | FY2003 | FY2004 | FY2005 | FY2006 | FY2007 (to date) |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ITU (International Telecommunications Union) | 22 | 17 | 24 | 24 | 25 | 34 | 29 | 30 | 28 | 42 | 29 | 11 |
| APEC/TEL (Telecommunications and Information Working Group of the Asia-Pacific Economic Cooperation) | Unknown (no records available) | | | | | 1 | 2 | 1 | 2 | 2 | 1 | 1 |
| OAS/CITEL (Inter-American Telecommunication Commission of the Organization of American States) | 5 | 7 | 7 | 6 | 5 | 6 | 7 | 4 | 6 | 6 | 7 | 2 |
| OECD (ICCP, TSIP, WPIE, WPISP) (The Organization for Economic Cooperation and Development's Committee for Information and Communications Policy and its Working Groups) | 5 | 3 | 4 | 2 | 6 | 6 | 7 | 2 | 3 | 1 | 5 | 3 |
| **Total** | **32** | **27** | **35** | **32** | **36** | **47** | **45** | **37** | **39** | **51** | **42** | **17** |

GAC

**United States Department of State**
*Washington, D.C. 20520*

APR 15 2005

Dear Mr. Waxman:

This is in response to your letter of March 2 regarding needle exchange programs and their potential for use in combating HIV/AIDS. We apologize for the significant delay in responding to your letter and we trust that you will have seen the results of the United Nations Commission on Narcotic Drugs, whose 48th session, convened last month, prompted your letter.

As you know, the President's historic $15 billion Emergency Plan for AIDS Relief targets 15 focus countries around the world, which together make up a little over half of all global HIV/AIDS infections. As you reference in your letter, the recent inclusion of Vietnam in the list of 15 focus countries brings more attention to the issue of substance abuse and HIV/AIDS. Substance abuse contributes to the spread of HIV in two ways: first, mind-altering substances, including alcohol and non-injected illicit drugs, can lead to an increase in high-risk behaviors; and second, when drugs are injected using shared drug paraphernalia, the risk of direct transmission of blood-borne pathogens increases.

The Office of the U.S. Global AIDS Coordinator follows federal legislation regarding use of federal funds for substance abuse programs, including regulations around needle exchange programs. Therefore, the Emergency Plan will not support needle exchange programs.

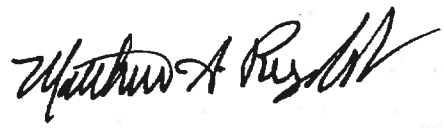
The Emergency Plan will work to reduce addiction and to provide compassionate care for those suffering from addiction as part of programs to combat HIV/AIDS. Support will be given to community-based outreach, expanded care for HIV-infected drug users, voluntary HIV counseling and testing, health education and medical care and advice, and establishing linkages for transition away from drug use.

The Honorable
Henry A. Waxman,
House of Representatives.

H2005 0308=002

Thank you for your ongoing interest in the President's Emergency Plan for AIDS Relief. We look forward to continuing our dialogue on these issues that are critical to turning the tide of the global HIV/AIDS pandemic. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,



Matthew A. Reynolds
Acting Assistant Secretary
Legislative Affairs

H013 9/26/2005 13:54

GAC

**United States Department of State**

*Washington, D.C. 20520*

JUL 26 2005

Dear Mr. Waxman:

Thank you for your letter of June 24 regarding the reference to syringe exchange programs in the United Nations' document on HIV prevention, "Intensifying HIV Prevention." We regret the delay in our response.

During the June 2005 meeting of the Program Coordination Board for the Joint United Nations Program on HIV/AIDS, or UNAIDS, language referencing syringe exchange programs was not removed from the UNAIDS document. The fact that this language was not removed does not indicate that the United States has changed its policy on syringe/needle exchange programs. The United States signed on to the UNAIDS prevention strategy noting that: "the United States [cannot] fund needle and syringe programs because such programs are inconsistent with current United States law and policy, and . . . that [the United States] cannot be expected to fund activities inconsistent with its own national laws and policies."

Substance abuse of any kind, particularly injecting drug use, is a problem that cannot be ignored. Given the evidence for substance abuse treatment as an HIV prevention tool, the Office of the U.S. Global AIDS Coordinator is exploring at this time substance abuse treatment programs as they would relate to the President's Emergency Plan for AIDS Relief.

Thank you for your continued interest in the Emergency Plan. Please do not hesitate to contact us if we can be of further assistance.

Sincerely,

Matthew A. Reynolds

Matthew A. Reynolds
Acting Assistant Secretary
Legislative Affairs

The Honorable
Henry A. Waxman,
House of Representatives.

420050628-013