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RTUZYUW RUEHGBA0136 0851734-UUUU--RUEKNMA.
ZNR UUUUU ZZH
R 251734Z MAR 04
FM CPA BAGHDAD
TO RUEKJCS/SECDEF WASHDC 0280
RUEHC/SECSTATE WASHDC 0288
RHEHNSC/WHITE HOUSE NSC WASHDC 0273

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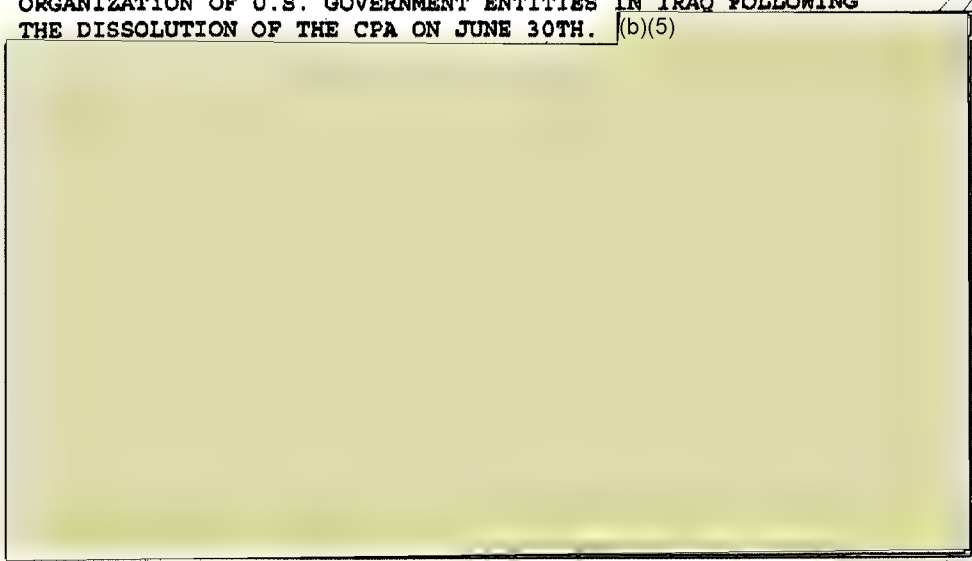
UNCLAS BAGHDAD 000136

FROM THE ADMINISTRATOR TO THE SECRETARY AND U/S GREENE

E.O. 12958: N/A
TAGS: AMGT, PREL, PGOV, IZ

SUBJECT: CPA 803: UNITED STATES GOVERNMENT OPERATIONS IN
IRAQ FOLLOWING DISSOLUTION OF COALITION PROVISIONAL
AUTHORITY

1. SUMMARY. MEETINGS IN BAGHDAD BETWEEN MEMBERS OF THE
IRAQI TRANSITION TEAM (INCLUDING AMBASSADORS FRANK
RICCIARDONE AND JOHN HOLZMAN, AND LTG (RET.) MICK
KICKLIGHTER) AND COALITION PROVISIONAL AUTHORITY (CPA)
OFFICIALS HAVE RESULTED IN RECOMMENDATIONS FOR
CONSIDERATION BY THE DEPARTMENT OF STATE, ON A PROPOSED
ORGANIZATION OF U.S. GOVERNMENT ENTITIES IN IRAQ FOLLOWING
THE DISSOLUTION OF THE CPA ON JUNE 30TH. (b)(5)



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2. LEGAL FRAMEWORK. THE FOLLOWING LEGISLATIVE PROVISIONS ARE KEY TO THE REORGANIZATION OF U.S. GOVERNMENT ENTITIES IN IRAQ FOR THE PURPOSE OF CONTINUING RELIEF AND RECONSTRUCTION ACTIVITIES:

A. PURSUANT TO A PROVISIO IN THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR DEFENSE AND FOR RECONSTRUCTION IN IRAQ AND AFGHANISTAN, 2004, "UP TO 10 PERCENT OF (IRAQ RELIEF AND RECONSTRUCTION FUND (IRRF) APPROPRIATIONS) THAT ARE OBLIGATED, MANAGED, OR ADMINISTERED BY AN AGENCY OF THE U.S. GOVERNMENT, OTHER THAN THE COALITION PROVISIONAL AUTHORITY, SHALL BE AVAILABLE TO SUCH AGENCY TO FULLY PAY FOR ITS ADMINISTRATIVE EXPENSES."

B. PURSUANT TO SECTION 2208 OF THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, REFERENCES TO THE CPA (INCLUDING THE REFERENCE QUOTED ABOVE) "SHALL BE DEEMED TO INCLUDE ANY SUCCESSOR UNITED STATES GOVERNMENT ENTITY WITH THE SAME OR SUBSTANTIALLY THE SAME AUTHORITIES AND RESPONSIBILITIES" AS THE CPA.

C. TITLE 5, UNITED STATES CODE, SECTION 3161 CONFERS FLEXIBLE HIRING AUTHORITY TO "TEMPORARY ORGANIZATIONS" ESTABLISHED BY LAW OR EXECUTIVE ORDER FOR A SPECIFIC TERM NOT IN EXCESS OF AN INITIAL PERIOD OF THREE YEARS, EXTENDABLE FOR UP TO AN ADDITIONAL TWO YEARS. UNDER THIS PROVISION, SUCH ORGANIZATIONS ALSO MAY RECEIVE DETAILS OF EMPLOYEES FROM OTHER U.S. GOVERNMENT AGENCIES ON A NONREIMBURSABLE BASIS, AND ACCEPT VOLUNTARY SERVICES. (b)(5)

D. A U.S. GOVERNMENT ENTITY THAT ASSUMES THE SAME OR SUBSTANTIALLY THE SAME AUTHORITIES AND RESPONSIBILITIES AS THE CPA FOLLOWING CPA'S DISSOLUTION WOULD BE ELIGIBLE TO RECEIVE THE REMAINING BALANCE OF THE APPROPRIATION FOR "OPERATING EXPENSES OF THE COALITION PROVISIONAL AUTHORITY" AND A TRANSFER OF UP TO 1 PERCENT OF THE IRRF.

E. UNDER A PROVISIO IN THE EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT, THE APPROPRIATION OF FUNDS FOR CPA'S OPERATING EXPENSES "SHALL NOT BE CONSTRUED TO LIMIT OR OTHERWISE AFFECT THE ABILITY OF THE DEPARTMENT OF DEFENSE TO FURNISH ASSISTANCE AND SERVICES, AND ANY OTHER SUPPORT" TO THE CPA.

F. AS DESCRIBED BELOW, THE PROPOSED CONCEPT FOR ORGANIZING

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U.S. GOVERNMENT ENTITIES IN IRAQ FOLLOWING THE DISSOLUTION OF THE CPA WOULD IMPLEMENT THESE PROVISIONS OF LAW IN A MANNER THAT BEST ENSURES APPROPRIATE AND UNINTERRUPTED OVERSIGHT, FUNDING AND ADMINISTRATION OF RELIEF AND RECONSTRUCTION ACTIVITIES IN IRAQ AS WE TRANSITION TO THE POST-OCCUPATION PHASE.

3. PROPOSED ORGANIZATION OF U.S. GOVERNMENT ENTITIES IN IRAQ FOLLOWING CPA'S DISSOLUTION.

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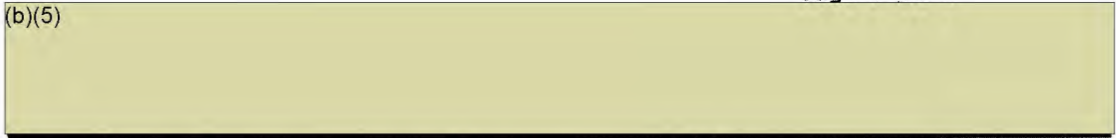
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ACTION

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