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S. 3322 – Building Civilian Capabilities for Stabilization & Reconstruction

PEP BRIEFING NOTE

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A Partnership for Effective Peacekeeping (PEP) Publication

The PEP is a non-partisan policy working group that brings together the humanitarian, human rights, peace and security, think tank, and academic communities in support of greater peace operations capacity. The PEP promotes public policy solutions to improve national and international peacekeeping infrastructure, and works to build the political will to support such policies by: providing an open forum for discussion of peace operations issues; serving as an information resource for media and policymakers; and engaging in educational efforts that facilitate greater understanding of peace operations. The PEP does not exclusively support any one particular solution for the capacity problems that prevent effective peacekeeping operations. Rather, the PEP facilitates the exploration of all potential pragmatic and achievable solutions in a candid and 'outside the box' atmosphere.

Introduction

On May 26, 2006, Senator Richard Lugar, Chair of the Senate Committee on Foreign Relations, with Senators Biden, Hagel, Alexander and Warner, introduced S. 3322, a bill intended to build civilian capabilities for stabilization and reconstruction (S&R) operations. S. 3322 passed the Senate on the same day by unanimous consent, and takes the place of S. 209, a 2005 bill for the same purpose. There are few significant differences between S. 209 and S. 3322 in terms of legislative content. Most differences relate to the changed circumstances more than one year later—for instance, S/CRS has been created and is operational.

Section 2, 3, and 4 – Findings, Purpose, and Sense of Congress

The purpose of the legislation is to provide for the continued development, as a core mission of the State Department and the U.S. Agency for International Development, of an effective civilian response capability to carry out S&R activities in countries at risk of, in, or in transition from conflict. The Sense of Congress contains some of the same language as S. 209, while other language has been updated to reflect recent developments.

Section 5 – Authority to Provide Assistance for S&R Operations

This section of the bill amends Chapter 1 of part III of the Foreign Assistance Act of 1961 to allow the President, in cases of national interest, to assist countries in or transitioning from conflict. The Authorization of Funding has changed. The amount currently authorized for funding an S&R response is \$75 million, while previously it was \$100 million. Furthermore, S. 3322 sets aside (in FY2007) \$25 million of the \$75 million for expenses related to the development, training, and operations of a Response Readiness Corps of civilian experts for S&R operations. The funding is authorized to be replenished each fiscal year as necessary.

Section 6 – Authorization of the Office of the Coordinator for Reconstruction and Stabilization (S/CRS)

This section of the bill has changed somewhat, since S. 209 envisioned an office for S&R activities, while S. 3322 authorizes the existing office (S/CRS) that the State Department has already created by amending the State Department Basic Authorities Act of 1956. The head of S/CRS is the Coordinator for Reconstruction and Stabilization, and the bill makes this position subject to Senate confirmation. The section outlines the functions of S/CRS, and these largely follow what S/CRS has promulgated with regards to its mission (see PEP Briefing Note on S/CRS). Finally, the bill authorizes the President to designate the Coordinator, or another person, as coordinator of the U.S. response to an S&R crisis.

Section 7 – Response Readiness Corps

This section amends the State Department Basic Authorities Act of 1956 to authorize a Response Readiness Corps and a Response Readiness Reserve.

The section authorizes the creation of a Response Readiness Corps of 250 full-time individuals to participate in a U.S. response to an S&R crisis in a country in or transitioning from conflict. These individuals shall be trained, compensated appropriately, and available for S&R duties. When not deployed for S&R duties, they are available for other assignment in service to the U.S. The authorization

for 250 individuals is above any other authorization for personnel at the State Department or the U.S. Agency for International Development. The section authorizes the creation of a Response Readiness Reserve Duty Personnel, a roster of individuals within and outside the federal government who are trained and available for S&R activities, and at least 500 of who are not current employees of the U.S. government. The reserve component will augment the Response Readiness Corps. The bill requests a report on the efforts to establish a Response Corps and Reserve.

Section 8 – S&R Training and Education

This section of the bill amends the Foreign Service Act of 1980 to establish a S&R curriculum at the Foreign Service Institute, the National Defense University, and the U.S. Army War College, and discusses certain subjects that should be included in the curriculum. The language is largely unchanged from S. 209 to S. 3322.

Section 9 – Service Related to S&R

This section specifies that service in S&R activities and education and training in S&R operations should be considered favorably for promotion, that at least 10% of State Department and U.S. Agency for International Development employees are members of the Response Corps or have been trained in S&R operations, and that other incentives and benefits should be created regarding S&R involvement. The language is largely unchanged from S. 209 to S. 3322.

Section 10 – Authorities Related to Personnel

For S&R operations, the section authorizes the use of contractors (under specific guidelines), the use of experts and consultants, and allows the Secretary of State to accept details or assignments from other parts of the U.S. government or state and local governments on a reimbursable basis. The section also deals with compensation for federal employees involved in S&R activities. It specifies that retirement benefits should not be adversely impacted by service in an S&R operation, allows extension of benefits and compensatory time for those serving in S&R operations, and authorizes the compensation of all federal employees serving in S&R operations without regard to premium pay caps, subject to certain limitations. Finally, the section authorizes the acceptance of volunteers for S&R activities and specifies liabilities and supervision of such.

Section 11 – Authorization of Appropriation

This section authorizes \$80 million for personnel, education, training, equipment, and travel costs for the purposes of carrying out S&R activities authorized by the legislation. This is the same total amount as S. 209 provided for the same purpose, except that S. 209 specified \$8 million for establishment of S/CRS (no longer needed, obviously).

Conclusion

This legislation is a critical step in building greater civilian capabilities within the U.S. government for participation in S&R activities. Although one of the critical needs now is funding for S/CRS and S&R activities, authorization of such funding is a welcome step in the right direction.

It takes away one objection that Congressional appropriators have offered, which is that S/CRS and S&R activities were not authorized by Congress. Furthermore, it provides far greater clarity on how the U.S. government can effectively prepare itself for S&R operations. This should also answer another concern of Congressional appropriators, who have said that S/CRS activities and plans specifically, and U.S. government activities and plans for S&R in general, were too vague to be funded.

This legislation is indicative that at least part of Congress understands the critical gap facing the U.S. government as it tries to address serious national security concerns. Weakness on the civilian side of the U.S. government S&R response places a burden on the U.S. military. The burden is not financial, but is rather a burden of jobs not well-suited for the military and largely unwanted by the military. The involvement of Senator John Warner, Chair of the Senate Armed Services Committee, is reflective of this last concern.

The passage of S. 3322 by unanimous consent lays out a challenge for Senate appropriators, made all the more important by the failure of House appropriators to fund any civilian S&R capabilities. If the U.S. government is to successfully participate in S&R operations, whether by itself or more usefully in cooperation with others, Congress must provide the necessary funding to achieve success in this crucial national security area.