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Peacekeeping and Conflict Transitions: Background and Congressional Action on Civilian Capabilities

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Summary

The State Department's new Office of the Coordinator for Reconstruction and Stabilization (S/CRS) is intended to address longstanding concerns, both within Congress and the broader foreign policy community, over the perceived lack of the appropriate capabilities and processes to deal with transitions from conflict to sustainable stability. These capabilities and procedures include adequate planning mechanisms for stabilization and reconstruction operations, efficient interagency coordination structures and procedures in carrying out such tasks, and appropriate civilian personnel for many of the non-military tasks required. Effectively distributing resources among the various executive branch actors, maintaining clear lines of authority and jurisdiction, and balancing short- and long-term objectives are major challenges for designing, planning, and conducting post-conflict operations.

Established in July 2004, S/CRS is establishing the basic concepts, mechanisms, and capabilities necessary to carry out such operations. Currently working with a staff of under 40, most detailed from other agencies, S/CRS has taken steps to monitor and plan for potential conflicts, to develop the first phase of a rapid-response crisis management capability, to improve interagency and international coordination, to develop interagency training exercises, and to help State Department regional bureaus develop concepts and proposals for preventive action.

The first session of the 109th Congress has moved cautiously in funding S/CRS and its activities. It provided \$7.7 million of the requested \$17.2 million in FY2005 supplemental appropriations requested by the Administration (H.R. 1268, P.L. 109-13). The Administration's FY2006 budget request included \$24.1 million for the creation of 54 new S/CRS positions and the establishment of a 100-person ready-response cadre. The House Appropriations Committee report earmarked \$7.7 million for S/CRS, allowing 33 new positions, in State Department appropriations (H.R. 2862, H.Rept. 109-118), but the conference version (H.Rept. 109-272, P.L. 109-108) did not designate specific funding, leaving the decision on the funding level up to the State Department. Congress turned down the Administration's FY2006 request for \$100 million in foreign operations appropriations funds for a Conflict Response Fund, but did provide transfer authority for purposes of the fund in the FY2006 Department of Defense authorization act (Section 1207, H.R. 1815, P.L. 109-163).

For FY2007, the Administration has requested \$9.5 million in State Department funds for S/CRS activities and foreign operations appropriations of \$75 million for the Conflict Response Fund (CRF). Thus far in 2006, neither the House nor the Senate Appropriations Committee has funded the CRF. The full Senate has yet to act. On May 26, 2006, the Senate passed S. 3322, which would give statutory status to S/CRS, making the position of Coordinator subject to Senate advice and consent. It would also authorize the creation of a civilian Response Readiness Corps, consisting of active duty and reserve components. Regarding funding, it would authorize \$80 million for activities all purposes of the Act (including support of S/CRS and the active duty component), as well as \$75 million for a conflict response fund, a third of which is intended to establish the reserve component.

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Peacekeeping and Conflict Transitions: Background and Congressional Action on Civilian Capabilities

Introduction

President Bush's pledge, articulated in his February 2, 2005, State of the Union address, "to build and preserve a community of free and independent nations, with governments that answer to their citizens, and reflect their own cultures" casts the once-discredited concept of building or rebuilding government institutions, economies, and civic cultures in a new light. During the 1990s, many policymakers considered the establishment of new institutions in troubled countries to be an overly expensive, if not futile exercise. The use of U.S. military forces for such activities, particularly in the first half of the decade, was troubling to many Members. Now, however, the Bush Administration, in response to concerns about the threats posed by weak and fragile states, has reframed both U.S. security and international development policy and undertaken dramatic corresponding changes in U.S. governmental structures and practices. These changes, it argues will enable the United States to perform such tasks more efficiently and at a lesser cost, particularly in transitions from conflict and in post-conflict situations.

A key component of these changes is the establishment and reinforcement of new civilian structures and forces. Recently, the Bush Administration has made new civilian entities a prominent feature in two new initiatives: the National Security Presidential Directive 44 (NSPD-44) of December 2005 on the management of interagency reconstruction and stabilization operations and the "transformational diplomacy" reorganization of State Department personnel and practices.

These initiatives are intended to enhance the United States' ability to function effectively on the world scene in the post-9/11 environment. In that environment, according to Secretary of State Condoleezza Rice's January 2006 remarks introducing transformational diplomacy, the greatest threats to U.S. security often emerge within states that are either too weak to police their domain or lack the political will or capacity to do so. To deal with that environment, Secretary Rice outlined a new U.S. foreign policy strategy focusing on the "intersections of diplomacy, democracy promotion, economic reconstruction and military security" and involving extensive changes in government to carry that strategy out.¹ State-

¹ Remarks at Georgetown School of Foreign Service, January 18, 2006. Available at [<http://www.state.gov/secretary/rm/2006/59306.htm>]. This theme was reiterated by Stephen Krasner, director of Policy Planning at the State Department. Remarks at the Center for Global Development, January 20, 2006. Available at [<http://www.cgdev.org/doc/>

building (or nation-building as it is often called) is at the center of this strategy. Both initiatives reinforced the important role that the Bush Administration has given the new State Department Office of the Coordinator for Reconstruction and Stabilization (S/CRS) in policymaking and implementation dealing with conflict transitions and weak and fragile states.

The 109th Congress faces a number of issues regarding the strengthening of civilian capabilities for peacekeeping and post-conflict operations. This report will provide background on these issues and track Congressional proposals and action related to them.

The first is whether to fund fully and put into permanent law the State Department Office of the Coordinator for Reconstruction and Stabilization (S/CRS) and its operations. Created in mid-2004, S/CRS was tasked with designing, and in some cases establishing, the new structures within the State Department and elsewhere that would allow civilian agencies to develop effective policies, processes, and personnel to build stable and democratic states.

The second issue is whether to authorize and fund two new mechanisms that would “operationalize” the State Department, i.e., transform it from an institution devoted to diplomacy to one that would effect change through “on-the-ground” personnel and programs dedicated to promoting security and stability in transitions from conflict and post-conflict situations.

Background

Evolving Perceptions of Post-Conflict Needs²

The creation of S/CRS in July 2004 responded to increasing calls for the improvement of U.S. civilian capabilities to plan and carry out post-conflict state-building operations. Several factors have combined since 9/11 to substantively change views on desirability and relative costs of such operations, as well as on the need to create new and improve existing civilian institutions to carry them out. Foremost among these factors is the widespread perception since 9/11 that global instability directly threatens U.S. security and that it is a vital U.S. interest to transform weak and failing states into stable, democratic ones. Related to this is the expectation that responding to the threat of instability will require the United States and the international community to intervene periodically in foreign conflicts with

¹ (...continued)
event%20docs/Krasner%20Transcript.pdf].

² Parts of this Background section and the following section on S/CRS are drawn from a now archived CRS Report RS22031, *Peacekeeping and Post-Conflict Capabilities*” *The State Department’s Office for Reconstruction and Stabilization*, by Nina M. Serafino and Martin A. Weiss. This report is available from the author.

“peacekeeping”³ and “stabilization” forces at about the same intensive pace as it has done since the early 1990s. Because that pace has stressed the U.S. military, many policymakers believe that the United States must create and enhance civilian capabilities to carry out the peacebuilding tasks that are widely viewed as necessary for stability and reconstruction in fragile, conflict-prone, and post-conflict states. Finally, numerous analyses distilling the past decade and a half of experience with multifaceted peacekeeping and peacebuilding operations have raised hopes that rapid, comprehensive, and improved peacebuilding efforts can significantly raise the possibilities of achieving sustainable peace.

Post-conflict operations are complex undertakings, usually involving the participation of several United Nations departments and U.N. system agencies, the international financial institutions and a plethora of non-governmental humanitarian and development organizations, as well as the military and other departments or ministries of the United States and other nations.⁴ The United States developed its contributions to the earliest international “peacekeeping” operations of the 1990s on an *ad hoc* basis, with little interagency planning and coordination, and often with the U.S. military in the lead. The military was called upon to perform such missions not only for its extensive resources but also because no other U.S. government agency could match the military’s superior planning and organizational capabilities. In addition, because of its manpower, the military carried out most of the U.S. humanitarian and nation-building contribution, even though some believed that civilians might be better suited to carry out such tasks, especially those involving cooperation with humanitarian NGOs.

³ “Peacekeeping” is a broad, generic, and often imprecise term to describe the many activities that the United Nations and other international organizations, and sometimes *ad hoc* coalitions of nations or individual nations, undertake to promote, maintain, enforce, or enhance the possibilities for peace. These activities range from providing election observers, recreating police or civil defense forces for the new governments of those countries, organizing and providing security for humanitarian relief efforts, and monitoring and enforcing cease-fires and other arrangements designed to separate parties recently in conflict. (Many of these activities are often also referred to as “nation-building”; a better term, some analysts suggest, is “state-building.”) As used here, the term encompasses both “peace enforcement” operations, sent to enforce an international mandate to establish peace, and “peacebuilding” activities. Peacebuilding activities, usually undertaken in a post-conflict environment, are designed to strengthen peace and prevent the resumption or spread of conflict, including disarmament and demobilization of warring parties, repatriation of refugees, reform and strengthening of government institutions, election-monitoring, and promotion of political participation and human rights.

⁴ The term “post-conflict reconstruction and stabilization” is broad but is usually understood to encompass tasks and missions to promote security and encourage stable, democratic governance and economic growth following major hostilities. In the past, many of the “stabilization” activities were loosely labeled “peacekeeping.” (See footnote 1.) Reconstruction involves repairing (in some cases creating) the infrastructure necessary to support long-term economic growth and development. This infrastructure can be physical (e.g., roads and schools), or institutional (e.g., legal and tax systems) For additional background on various aspects of post-conflict reconstruction and assistance, see CRS Issue Brief IB94040, *Peacekeeping and Related Stability Operations: Issues of U.S. Military Involvement*, by Nina M. Serafino; and CRS Issue Brief IB90103, *United Nations Peacekeeping: Issues for Congress*, by Marjorie Ann Browne.

During the 1990s, many analysts began to perceive the need to improve and increase civilian contributions to peacekeeping operations, especially for those activities related to planning and conducting operations and to establishing a secure environment. An important Clinton Administration initiative was the May 1997 Presidential Decision Directive (PDD) 56, entitled *The Clinton Administration's Policy on Managing Complex Contingency Operations*. According to the white paper explaining it, PDD 56 sought to address interagency planning and coordination problems through new planning and implementing mechanisms.⁵ Due to what some analysts describe as internal bureaucratic resistance, PDD 56's provisions were never formally implemented, although some of its practices were informally adopted. (In December 2005, President Bush issued National Security Presidential Directive (NSPD) 44, which replaced PDD-56. For more information, see below.) The Clinton Administration also attempted to remedy the shortage of one critical nation-building tool, international civilian police forces, through PDD 71, which a white paper describes as outlining policy guidelines for strengthening criminal justice systems in support of peace operations.⁶ While never implemented by the Clinton Administration, PDD 71 has been partially put into force by the Bush Administration.⁷

Improvements in the provision of social and economic assistance are also viewed as crucial to successful outcomes. Post-conflict populations need "safety net" and poverty alleviation programs, as well as technical assistance and advice on monetary and fiscal policy and debt management in order to create an environment conducive to democratization and economic growth.⁸ While the popular image of U.S. post-conflict assistance is the post-World War II Marshall Plan, through which the United States provided the foreign assistance needed for Europe's post-conflict reconstruction, multilateral institutions became increasingly important during the 1990s, when small, regional conflicts proliferated following the collapse of the Soviet Union. International organizations such as the World Bank and the International Monetary Fund now play crucial roles, working with the U.S. government to provide economic assistance and technical advice on rebuilding post-conflict economies. (Nevertheless, although the United States has provided some funding for economic reconstruction multilaterally for the recent Afghanistan and Iraq operations, most U.S. funding for post-conflict operations is provided bilaterally.) Many analysts now judge that multilateral assistance is more effective

⁵ *The Clinton Administration's Policy on Managing Complex Contingency Operations: Presidential Decision Directive*. May 1997. [<http://www.fas.org/irp/offdocs/pdd56.htm>].

⁶ U.S. *Text: The Clinton Administration White Paper on Peace Operations*. February 24, 2000 [<http://www.fas.org/irp/offdocs/pdd/pdd-71-4.htm>], hereafter referred to as PDD-71 White Paper; and U.S. *Text: Summary of Presidential Decision Directive 71*, [<http://www.fas.org/irp/offdocs/pdd/pdd-71-1.htm>].

⁷ See CRS Report RL32321, *Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions*, by Nina M. Serafino.

⁸ Collier, Paul and Hoeffler, Anke "Aid, Policy and Growth in Post-Conflict Societies," *World Bank Working Paper*, Oct. 2002.

for the recipient country than bilateral aid for two reasons.⁹ First, disbursing funds multilaterally through U.N. agencies or international organizations gives greater assurance that it will reach recipients than providing aid bilaterally with direct payments to individual governments or non-governmental organizations (NGOs). In addition, analysts find that bilateral aid is more likely to be apportioned according to the donor's foreign policy priorities rather than the economic needs of the recipient country.¹⁰

For many analysts and policymakers, the ongoing Iraq operation illustrates a U.S. government need for new planning and coordination arrangements that would provide a leadership role for civilians in post-conflict phases of military operations and new civilian capabilities to augment and relieve the military as soon as possible, and greater international coordination. The perception of a continuing need for such operations, and the perceived inefficiencies of the still largely *ad hoc* U.S. responses have reinvigorated calls for planning and coordination reform. The Bush Administration's reluctance to use military forces for nation-building tasks and the extreme stresses placed on the military by combat roles in Iraq and Afghanistan have pushed those calls in a new direction, to the development of adequate civilian capabilities to perform those tasks.

Calls for Change and Initial Responses

The perception that international terrorism can exploit weak, unstable states has convinced many policymakers of the need to strengthen U.S. and international capabilities to foster security, good governance and economic development, especially in post-conflict situations. The 9/11 Commission and the Commission on Weak States and U.S. National Security¹¹ have judged weak states, as well as unsuccessful post-conflict transitions, to pose a threat to U.S. security. Such states often experience economic strife and political instability that make them vulnerable to drug trafficking, human trafficking and other criminal enterprises, and to linkage with non-state terrorist groups (such as the links between the previous Taliban government in Afghanistan and the Al Qaeda terrorist network). Weak states also are unprepared to handle major public health issues, such as HIV/AIDS, that can generate political and economic instability.¹² These commissions argued for assistance to the governments of weak states and of post-conflict transitions regimes

⁹ Milner, Helen, "Why Multilateralism? Foreign Aid and Domestic Principal Agent Problems," available at [<http://www.wcfia.harvard.edu/seminars/pegroup/milner.pdf>], and Schiavo-Campo, S., "Financing and Aid Arrangements In Post-Conflict Situations," *World Bank Working Paper*, May 2003.

¹⁰ Alesina, Alberto and Dollar, David, "Who Gives Foreign Aid to Whom and Why?" *NBER Working Paper No. w6612*, Jun. 1998.

¹¹ *The 9/11 Commission Report: Final Report of the National Commission on Terrorist Attacks upon the United States*, New York: W.W. Norton and Company, 2004, and *On the Brink: A Report of the Commission on Weak States and US National Security*, sponsored by the Center for Global Development, May 2004.

¹² Prins, Gwyn, "AIDS and Global Security," *International Affairs*, vol. 80, Issue 5, 2004.

to help them control their territories, meet their citizens' basic needs, and create legitimate governments based on effective, transparent institutions.

These and other studies recognize a need to enhance U.S. government structures and capabilities for conducting post-conflict operations.¹³ Although differing in several respects, the studies largely agree on five points: (1) the current *ad hoc* system needs to be replaced with a permanent mechanism for developing contingency plans and procedures for joint civil-military operations led by civilians; (2) mechanisms to rapidly deploy U.S. civilian government and government-contracted personnel need to be put in place; (3) preventive action needs to be considered; (4) the U.S. government needs to enhance multinational capabilities to carry out post-conflict security tasks and to better coordinate international aid; and (5) flexible funding arrangements are needed to deal with such situations. In addition, some urge substantial amounts of funding for flexible U.S. and international accounts.¹⁴

Some analysts have questioned the utility of S/CRS and of the rationale that underlines its creation and the adoption of the transformational diplomacy strategy more broadly. Two think-tank studies published in January 2006 dispute the concept that weak and failed states are per se among the most significant threats to the United States. They point out that weak states are not the only locations where terrorists have found recruits or sought safe-haven as they have exploited discontent and operated in developed countries as well. A report of the Center for Global Development states that many factors beyond the weakness or lack of government institutions — demographic, political, religious, cultural, and geographic — contribute to the development of terrorism.¹⁵ As a result, an emphasis on weak and failed states can lead the United States to give short shrift to more tangible threats and to areas of greater U.S. interest. The CATO Institute study worries that Secretary

¹³ The reports are (1) *Play to Win: The Final Report of the Bi-partisan Commission on Post-Conflict Reconstruction*, Center for Strategic and International Studies (CSIS) and the Association of the U.S. Army (AUSA), 2003 (a book-length version was published in mid-2004, *Winning the Peace: An American Strategy for Post-Conflict Reconstruction*, Robert C. Orr, ed.); (2) Clark A. Murdock, Michèle A. Flournoy, Christopher A. Williams, and Kurt M. Campbell, principal authors. *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era Phase I Report*, CSIS, Mar. 2004; (3) Hans Binnendijk and Stuart Johnson, eds. *Transforming for Stabilization and Reconstruction Operations*, National Defense University Center for Technology and National Security Policy, Apr. 2004, (4) *On the Brink: Weak States and US National Security*, Center for Global Development, May 2004; Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics. *Defense Science Board 2004 Summer Study on Transition to and From Hostilities*, Dec. 2004; and *In the Wake of War: Improving U.S. Post-Conflict Capabilities*, Washington, D.C.: Council on Foreign Relations, Report of an Independent Task Force, July 2005.

¹⁴ The July 2005 Council on Foreign Relations report recommends the establishment of a conflict response fund of \$500 million, a five-fold increase over the amount requested by the Bush Administration for FY2006. In addition, the report recommends establishing a new \$1 billion standing multilateral reconstruction trust fund under the auspices of the Group of Eight industrialized nations. This trust fund would be modeled on existing post-conflict trust funds located at the United Nations and the World Bank.

¹⁵ Patrick Stewart. *Weak States and Global Threats: Assessing Evidence of "Spillovers."* Working Paper No. 73, Center for Global Development, January 2006.

Rice's focus on promoting "responsible sovereignty" as an underpinning of transformational diplomacy may provide potential justification for eroding the current international norm of respect for national sovereignty, leading the United States into fruitless interventions.¹⁶ In addition, some analysts are skeptical that the problems of weak and failed states can be most dealt with through military and political interventions aimed at creating viable government institutions. The effectiveness of past efforts is a subject of debate, with differing views on the criteria for and the number of successes, draws, and failures, as is the best means to achieve success.

President Bush's Directive to Promote Interagency Coordination.

In response to proposals to clarify and institutionalize the responsibilities for conflict response and related for stabilization and reconstruction activities, on December 7, 2005, President Bush issued a presidential directive intended to improve conflict-response coordination among executive branch agencies. This document, National Security Presidential Directive (NSPD) 44, is entitled "Management of Interagency Efforts Concerning Reconstruction and Stabilization." NSPD-44 supersedes PDD-56 (referred to above).

Under NSPD-44, the Secretary of State has the lead responsibility for, "and may direct the Coordinator for Reconstruction and Stabilization to assist the Secretary" in developing a civilian response for conflict situations and related reconstruction and stabilization activities, including the development of "a strong civilian response capability." The Secretary of State is also responsible for, and may delegate to the Coordinator, coordination of the interagency processes to identify states at risk, to lead interagency planning to prevent or mitigate conflict, and to develop detailed contingency plans for stabilization and reconstruction operations, as well as for identifying appropriate issues for resolution or action through the National Security Council interagency process as outlined in President Bush's first National Security Policy Directive (NSPD-1, "Organization of the National Security Council System," signed February 1, 2001). In addition, NSPD-44 establishes a Policy Coordination Committee (NSC/PPC) for Reconstruction and Stabilization Operations.¹⁷

¹⁶ Justin Logan and Christopher Preble. *Failed States and Flawed Logic: The Case against a Standing Nation-Building Office*. CATO Policy Analysis Paper No. 560, Cato Institute, January 11, 2006. The authors make substantial reference to a Fall 2004 paper by Stephen Krasner, State Department Director of Policy Planning, that challenged the conventional sovereignty norms. Krasner argues that these norms are outmoded and an obstacle to dealing with the international threats caused by weak and unstable states. He argues for granting international acceptance to new norms of shared-sovereignty (more than one country) or international trusteeships following successful interventions, Stephen Krasner, "Sharing Sovereignty," *International Security*, Vol. 28, No. 4, Spring 2004, pp. 5-43.

¹⁷ NSPD-1 established 17 NSC/PPCs to "be the main day-to-day fora for interagency coordination of national security policy," providing policy analysis for more senior committees (the NSC Principals Committee and the NSC Deputies Committee) and ensuring timely responses to presidential decisions. Membership on the NSC/PCC is to consist of representatives from the departments of State, Defense, Justice and the Treasury, and the Office of Management and Budget, the offices of the President and Vice President, the Central Intelligence Agency, the Joint Chiefs of Staff, and the NSC. Representatives
(continued...)

Under NSPD-44, the Secretary of State is also responsible for coordinating stabilization and reconstruction efforts with the Secretary of Defense “to ensure harmonization with any planned or ongoing U.S. military operations across the spectrum of conflict” and to integrate stabilization and reconstruction contingency plans with military contingency plans. NSPD-44 leaves it up to those secretaries to develop a framework for coordinating S&R activities and military operations as appropriate. It specifies that lead and supporting responsibilities for individual operations will be established using the NSC mechanism outlined in NSPD-1.

Proposals for New Civilian Forces. In its FY2006 budget request, the Bush Administration’s budget proposed funding for S/CRS to establish a 100-person ready-response cadre of government employees. A prominent feature of several of the recent reports on stabilization and reconstruction operations was a recommendation to develop rapidly-deployable civilian forces to undertake state-building functions, particularly those related to rule of law, even before hostilities had ceased. Many analysts view the early deployment of rule of law personnel as essential to providing security from the outset of an operation, which they argue will enhance the possibilities for long-term stability and democracy in an intervened or post-conflict country. Many view the development of civilian groups to do so as permitting the earlier withdrawal of military personnel than would otherwise be possible.

Six recent studies have endorsed the creation of cohesive, rapidly-deployable units of civilian experts for stabilization and reconstruction operations.¹⁸

- The November 2003 report of the National Defense University (NDU) recommended the concurrent deployment of civilian “stabilization and reconstruction” personnel with combat forces, in order to expedite the transfer of nation-building responsibilities to civilians. The report recommends the creation of a standing interagency stabilization and reconstruction team within the government, and the development of an “on-call” civilian crisis management corps of medical, legal, language, and law enforcement personnel from state and local governments and the private sector.¹⁹
- The March 2004 report of the Center for Strategic and International Studies (CSIS) recommended the establishment of an Agency for Stability Operations reporting directly to the Secretary of State. The

¹⁷ (...continued)

from the Departments of Agriculture and Commerce, and the Office of the U.S. Trade Representative, are to participate when issues pertain to their responsibilities.

¹⁸ An earlier recommendation was contained in the Clinton Administration’s 2000 PDD-71 on strengthening criminal justice systems in peace operations, which identified such an initiative as a high priority according to the PDD 71 White Paper. That white paper states that PDD 71 instructed that “programs must be developed that enable the U.S. to respond quickly to help establish rudimentary judicial and penal capacity during peace operations and complex contingencies.” *PDD-71 White Paper, op.cit.*, p 6.

¹⁹ *Transforming for Stabilization and Reconstruction Operations, op.cit.*

agency would be responsible for preparing for such operations, as well as the management and deployment of Civilian Stability Operations Corps of 200-300 U.S. government civilians, who are organized, trained and equipped for conducting such operations, and of a Civilian Stability Operations Reserve of an unspecified number of non-government civilians with related expertise who would be on-call for rapid deployment.²⁰

- The April 2004 report of the U.S. Institute of Peace on the rule of law component of building civilian capacity recommends the creation of a reserve corps as well as of a separate office in the Office of the Secretary of State that would have authority to recruit, deploy, and manage constabulary police units, judges, attorneys, and other legal professionals.²¹
- A U.S. Institute of Peace analyst has recommended the creation of a “U.S. Stability Force” comprised of (1) robust military forces, (2) civilian constabulary units, (3) civilian police, and (4) rule of law professionals (lawyers, judges, and corrections experts) that would deploy concurrently in order to provide the needed security from the outset.²²
- The Defense Science Board 2004 Summer Study on transitions from hostilities recommends that the Department of State “develop and maintain a portfolio of detailed and adaptable plans and capabilities for the civilian roles in reconstruction operations” and that it “prepare, deploy, and lead the civil components of the reconstruction missions....” The study finds that the civilian police, judges, civil administrators, and technical advisors are needed to help build new institutions after a military intervention.²³

The establishment of such a corps would be a substantial change from current practices. The United States deploys Civilian Police (contracted separately for each operation) to international peacekeeping and stabilization operations through the State Department’s CivPol program, run by the Bureau of International Narcotics and Law Enforcement (INL). The United States currently deploys other rule of law personnel, with experience in justice and corrections systems, through Department of Justice contracts, funded by INL. (The State Department’s civilian police program

²⁰ *Beyond Goldwater-Nichols: Defense Reform for a New Strategic Era, Phase 1 Report*, op.cit. See pp 64-65.

²¹ Robert M. Perito, Michael Dziedzic and Beth C. DeGrasse, *Building Civilian Capacity for U.S. Stability Operations*. Washington, D.C.: United States Institute of Peace, Special Report 118, April 2004.

²² Robert M. Perito, *Where is the Lone Ranger When We Need Him? America’s Search for a Postconflict Stability Force*. Washington, D.C.: United States Institute of Peace Press, 2004. See pp 323-337 for an extensive discussion of this proposal.

²³ *Transition to and From Hostilities*, op.cit., p 58.

requests contractors to identify such personnel in an effort to create a capability within the CivPol to deploy them.)

To many analysts, however, the current system does not provide the full range of necessary personnel in a timely manner. A major shortage if the role of the military is to shift at the end of major combat operations from combat to providing perimeter security is the lack of constabulary units which would take responsibility for internal security, either military or civilian. The availability of personnel for rapid deployment may well depend on the arrangements under which they are recruited. If, as with the U.S. military reserve component, law enforcement and rule of law personnel are to commit to deploy immediately when called, they may require the type of benefits (e.g., pension, salaries for regular training) such as members of the U.S. military reserve component receive. Some also argue the need for improvements in the U.S. CivPol system.²⁴

S/CRS' Mission and Activities

Mandates and Endorsements

Congress first endorsed the creation of S/CRS in 2004 as part of the Consolidated Appropriations Act for FY2005 (H.R. 4818, P.L. 108-447, signed into law December 8, 2004). Section 408, Division D defined six responsibilities for the office, the first five of which respond to the first need — to create a readily-deployable crisis response mechanism — stated above. As legislated by P.L. 108-447, S/CRS' functions are (1) to catalogue and monitor the non-military resources and capabilities of executive branch agencies, state and local governments, and private and non-profit organizations “that are available to address crises in countries or regions that are in, or are in transition from, conflict or civil strife”; (2) to determine the appropriate non-military U.S. response to those crises, “including but not limited to demobilization, policy, human rights monitoring, and public information efforts”; (3) to plan that response; (4) to coordinate the development of interagency contingency plans for that response; (5) to coordinate the training of civilian personnel to perform stabilization and reconstruction activities in response to crises in such countries or regions”; and (6) to monitor political and economic instability worldwide to anticipate the need for U.S. and international assistance.

At a speech given to the International Republican Institute on May 18, 2005, President Bush stressed the importance of S/CRS and said that the needs perceived during the start-up of U.S. operations in Afghanistan and Iraq influenced the office's development.²⁵ His national security policy directive on the management of

²⁴ For more discussion on issues regarding CivPols, constabulary police, and rule of law personnel, see CRS Report RL32321, *Policing in Peacekeeping and Related Stability Operations: Problems and Proposed Solutions*, by Nina M. Serafino.

²⁵ “Many fine civilian workers from almost every department of the government volunteered to serve in Iraq,” noted the President. “But the process of recruiting and staffing the Coalition Provisional Authority was lengthy and difficult.” Remarks by the President at (continued...)

interagency reconstruction and stabilization operations (NSPD-44), enacted several months later, underscored the important role conferred on S/CRS but somewhat expanded its activities beyond those conferred by the Congressional mandate. As mentioned in the discussion of NSPD-44, above, the Secretary of State may delegate to S/CRS her responsibilities in the identification of conflict areas and coordination of conflict prevention and mitigation planning, but also in identifying issues for action through the National Security Council and in developing a civilian response capability.

The U.S. military is supportive of S/CRS' creation and its mission. In his prepared statement for testimony before the Armed Services committees in February 2005, General Richard B. Myers, Chairman of the Joint Chiefs of Staff, cited the creation of S/CRS as "an important step" in helping "post-conflict nations achieve peace, democracy, and a sustainable market economy." "In the future, provided this office is given appropriate resources, it will synchronize military and civilian efforts and ensure an integrated national approach is applied to post-combat peacekeeping, reconstruction and stability operations," according to General Myers.²⁶

Despite some Congressional reservations concerning funding for the office and its activities, S/CRS has also received an endorsement from a task force headed by two former Members. The June 2005 report of the Congressionally-mandated Task Force on the United Nations, chaired by former Speaker of the House of Representatives Newt Gingrich and former Senate Majority Leader George Mitchell, recommended that the United States strengthen S/CRS and that Congress should provide it with the necessary resources to coordinate with the United Nations.²⁷

Current Activities²⁸

S/CRS is currently comprised of 37 individuals from the State Department and on detail from other U.S. government agencies. Since its establishment in July 2004, the office has developed the concepts and mechanisms to carry out the bulk of its mandate. Among areas in which it lists accomplishments are:

Monitoring and Planning for Potential Conflicts. To monitor potential crises, S/CRS asked the National Intelligence Council (NIC) to provide it twice a year with a list of weak states most susceptible to crisis, from which S/CRS chooses one or more as test cases to prepare contingency plans for possible interventions. S/CRS is also working with the USAID Office of Conflict Management and

²⁵ (...continued)

International Republican Institute Dinner, Office of the White House, May 18, 2005.

²⁶ Posture Statement of General Richard B. Myers, USAF, Chairman of the Joint Chiefs of Staff, before the 109th Congress. Senate Armed Services Committee, Feb. 17, 2005, p. 31, as posted on the Senate Armed Services Committee website.

²⁷ American Interests and U.N. Reform: Report of the Task Force on the United Nations. Washington, D.C.: United States Institute of Peace, June 2005, p. 25.

²⁸ Information in this section was provided by various officials of S/CRS in periodic interviews and consultations.

Mitigation, which is developing techniques for preparing highly-detailed assessments of current and impending conflicts.

During 2005, S/CRS worked with the U.S. military's Joint Forces Command (JFCOM) to develop a common civilian-military planning model for stabilization and reconstruction operations. It also worked to develop specific strategic-level contingency plans to set goals for addressing possible deteriorating situations in Haiti and Sudan, and for a post-Fidel Castro Cuba. It is currently working on developing concepts and personnel to carry out operational level planning.

Developing a Rapid-Response Capability. S/CRS is taking the first steps in the lengthy process of creating integrated and coherent groups of crisis-response personnel. Its concepts for such groups have been evolving over time.

In late 2005, S/CRS began with the establishment of an Active Response Corps of volunteers from the State Department. These volunteers would be able to leave their jobs immediately in order to deploy with military forces at the beginning of an intervention in order to assume stabilization responsibilities, freeing up military personnel for other tasks. The State Department intends that this response corps eventually will number 100. As of summer 2006, S/CRS had 10 trained and equipped ARC volunteers, some of whom have been deployed to Sudan; S/CRS plans to increase the number to 30 by the end of the year.²⁹ The members undertook their first large-scale exercise with the U.S. Southern Command (SOUTHCOM) in March 2006.

S/CRS has also begun work for two other groups of crisis-response personnel. S/CRS is compiling a database of possible members for a 200 Standby-Corps of federal, state, and local government personnel with solid experience in crisis situations. It is also reviewing two studies which provide recommendations regarding possible models for a S&R Civilian Response Corps of retired government personnel, personnel from state and local governments, private for-profit companies and non-profit NGOs, to carry out rule of law, civil administration, and reconstruction activities.

Outside Reviews: Institute for Defense Analysis (IDA) and BearingPoint Inc. Recommendations. The first study was commissioned in 2004 on behalf of S/CRS by the Joint Forces Command (JFCOM) from the Institute for Defense Analysis (IDA). Entitled *Joint Interagency Evaluation: Manning A Civil Reconstruction and Stabilization Response Capability*, the study contemplates a rule of law reserve of 6,000, including police units and judicial teams, and a 2,500 person reserve of experts in other specialties, according to the study's director at IDA.³⁰

²⁹ U.S. Department of State. *Fact Sheet: State Department Stands Up Active Response Corps*. August 23, 2006. [<http://www.state.gov/s/crs/rls/71038.htm>]

³⁰ Scott Feil, speaking at a CRS workshop on May 25, 2006. His remarks are recorded on an abbreviated audio version of the workshop: CRS Audio Brief MM70096, *Civilian Forces for Stabilization and Reconstruction: U.S. Proposals and International Experience*, Although, according to Mr. Feil, the report has been released for distribution, a copy has (continued...)

A second study, released in May 2006, was prepared by BearingPoint, Inc. It contemplates an initial force of 3,568, apparently designed to an approximate size specified in advance by S/CRS of 3,000 reservists by FY2009, with an initial emphasis on rule of law in FY2007 and additional personnel to be added over the next three years in stages, a scheme with which BearingPoint concurred. Organizationally, the civilian reserve would be created as a new executive agency, and its director would report to the S/CRS coordinator.

As contemplated by the BearingPoint recommendation, the reserve roster would begin in FY2007 with 655 reservists, of which 639 would be rule of law personnel (159 constabulary police, 445 other civilian police, and 35 judges, attorneys, court staff and prison personnel). There would be an additional 45 program management and administrative support personnel for a total of 700. In FY2008, 813 reservists would be added (including additional police and other rule of law personnel as well as personnel specializing in basic (non-humanitarian) services and critical infrastructure), as well as 285 people for program management and support. In FY2009, 1,532 reservists would be added, with more added in previous categories as well as new personnel for building government institutions and democracy, for a total of 3,000 reservists. In addition, 218 people would be added for program management and administrative support, bringing the total to 548 in this area. Of the 3,000 reservists, 2,260 or a bit under two thirds, would be rule of law personnel (including 512 constabulary police and 1,445 other civilian police) as of FY2009. The study observed that the suggested figure of 3,000 reservists on the roster “is a fraction of what will ultimately be needed to fulfill the program’s mission,”³¹ and that the size of the roster must evolve over time.

The training regime envisioned by BearingPoint contemplates initial baseline training through distance learning courses, some 8 to 19 days of orientation and 4 to 6 days of annual training. Leadership training for 5% of the force would last 3 days. Before deployments, reservists would receive pre-deployment training of one to two weeks, depending on need. In-mission training would also be provided as needed.

³⁰ (...continued)

yet to be made available to CRS. A written summary of the workshop is contained in RL 33647, *A Civilian Reserve for Stabilization and Reconstruction Abroad: Summary of a Workshop on U.S. Proposals and International Experiences and Related Issues for Congress*.

³¹ BearingPoint, Inc. *Management Study for Establishing and Managing a Civilian Reserve*. Prepared for the U.S. Department of State, Office of the Coordinator for Reconstruction and Stabilization. May 30, 2006. Except as otherwise noted, information cited here from the BearingPoint study can be found on the following pages: information of roster size and composition, pp. 4-14 to 4-38, 7-1; on organizational position, p. 6-3; on training, pp. 5-20 to 5-33, 6-11, 6-12; on deployment length, pp. 5-41 to 5-43; on costs, pp. 7-7 to 7-12; on legislation, pp. 8-23 to 8-26.

Benefits would be a “key issue” for many potential reservists as they judge the total compensation package, according to BearingPoint. The firm recommended certain benefits — particularly medical and other forms of insurance, as desirable.³²

Deployments would include a 30-to-90-day preparation period, including the completion of pre-deployment training, screening and processing, as well as allowing time to get personnel affairs in order. The in-country tour itself would last a maximum of 12 months.

BearingPoint calculated that the costs of creating, sustaining and managing its recommended reserve roster from FY2007 to FY2010, indicating that they were higher than anticipated. According to Bearing Points calculations, these costs would be some \$70.6 million in FY2007, \$97.2 million in FY2008, \$160 million in FY2009, and \$33.5 million in FY2010. Because start-up costs such as recruitment are high, costs for the first three years would be higher than the fourth year, FY2010, and per reservist costs would decrease each year even as the number of reservists was increasing. Actual per reservist costs of the start-up phases would decrease each year, from \$100,849 in FY2007 to \$9,440 in FY2010.

Recognizing that the costs for its recommended reserve may be considered high, BearingPoint offered three other, less expensive, plans. Under the first two, costs could be reduced to about \$25 million in FY2007, \$45 million in FY2008, and \$75 million in FY2009. Under BearingPoint’s first, and recommended, alternate plan, savings would be achieved by delaying enrollments, while maintaining the emphasis on the recruitment and formation of police forces. Under the second plan, savings would be achieved by enrolling functional specialists instead of police (with their costlier equipment requirements) through FY2009. Under a third plan, unspecified savings could be achieved by postponing equipment purchases until FY2009.

Deployment costs were figured separately. BearingPoint calculated deployment costs on a per person basis for three scenarios which varied in distance from the United States, degree of stability, and operation tempo. For deployments of close to 900 members of the civilian reserve for a year, total costs ranged from \$300 million to over \$500 million, including personnel, training, equipment, logistics, and administrative costs.

Legislation needed, according to Bearing Point, is included in already introduced bills, with the addition of the creation of a Civilian Reserve classification in the Foreign Service and the extension of federal benefits to employees who are employed intermittently and regardless of traditional time in service requirements. According to the BearingPoint study, some provisions of existing law need to be extended beyond their original intent, including provisions in the Servicemember

³² These include several varieties of insurance — medical, life, accidental death and dismemberment, and short-term and long-term disability — as well as disability retirement, workers’ compensation, a death gratuity, a retirement plan, paid leave, overtime pay, direct payroll deposit, an employee assistance pro gram, housing and food allowances, family support programs, and casualty assistance. (pp. 4-55, 4-56) It listed other benefits - such as dental insurance and a legal assistance program, as also desirable.

Civilian Relief Act of 2003, which extends certain protections in legal cases and in cases regarding mortgages, credits and debts, evictions from rental property and foreclosures on servicemembers' real and personal property.

Developing Interagency Training Exercises. To address the need for greater interagency, particularly civil-military, planning and coordination, S/CRS is working with the military to develop, among other things, civilian-military training exercises for stabilization and reconstruction operations. S/CRS was a sponsor of a civilian-military exercise by the Center for Stabilization and Reconstruction Studies (CSRS) at the Naval Post-Graduate School and is worked with SOUTHCOM to develop its March 2006 exercise.

Other Activities. In three other areas necessary to carrying out Congress' mandates, S/CRS has also taken a role. First, it has begun to develop ties with other international participants to coordinate and enhance civilian capabilities for stabilization and reconstruction activities. To better plan and carry out response efforts, S/CRS is developing a system to collect, analyze, and transmit "lessons learned." S/CRS also is seeking to help State Department regional bureaus (which have the lead on preventive activities) to develop concepts and proposals for preventive action.

Bush Administration FY2005 and FY2006 Funding Requests and Congressional Action in 2005

FY2005 and FY2006 Appropriations

The Bush Administration requested \$41.5 million in FY2005 and FY2006 funds to establish S/CRS and to fund initial operations. For FY2005, Congress appropriated \$7.7 million of the \$9.4 million the Administration requested in FY2005 supplemental funds for start-up costs. (H.R. 1268, P.L. 109-13, the FY2005 Emergency Supplemental Appropriations for Defense, the Global War on Terror, and Tsunami Relief Act, signed May 11, 2005. The office was established too late to be included in the February 2004 regular budget request for FY2005.) Congress did not, however, provide the \$7.5 million that the Administration requested in FY2005 supplemental funds for the initial development of a rapid response cadres of State Department personnel and the design of a training program and civil-military exercises. The Bush Administration's FY2006 budget request included \$24.1 million for the S/CRS operations, including the creation of 54 new positions in the S/CRS office and the establishment of a 100-person "ready-response" cadre within the Department of State. The conference version of the State Department funding legislation did not designate specific funding for S/CRS, leaving the decision on the funding level up to the State Department. (Appropriations for Science, State, Justice, Commerce and Related Agencies for FY2006, H.R. 2862, P.L. 109-108, signed into law November 22, 2005.)³³

³³ The House Appropriations Committee noted in the report accompanying its version of (continued...)

In addition, in the FY2006 budget request for foreign operations, the Administration asked for the creation of a \$100 million no-year contingency Conflict Response Fund that would be administered by S/CRS and could be used “to prevent or respond to conflict or civil strife in foreign countries or regions, or to enable transition from such strife.” This amount has been requested several times previously in annual budget and supplemental appropriations requests. The conference version of the Foreign Operations Appropriations Act for FY2006 (H.R. 3057, P.L. 109-102, signed into law November 14, 2005) provided no funding for this purpose. In their statement regarding the Conflict Response Fund, the conferees requested the State Department to provide the appropriations committees “with a comprehensive, disciplined and coherent strategy detailing how the Office of the Coordinator for Reconstruction and Stabilization will coordinate United States Government-wide efforts to respond to international post-conflict contingencies” prior to the submission of the FY2007 budget request. An authorization to provide additional assistance to S/CRS activities through a transfer from DOD funds was contained in the Department of Defense FY2006 Authorization Act (P.L. 109-163), see below. The purposes of the transfer authority resemble those of the Conflict Response Fund, although that term is not used.

State Department allocations for S/CRS expenses totaled \$536,000 in FY2004, according to the State Department’s FY2006 Congressional Budget Justification document, and \$2.766 million in FY2005 and an estimated \$9.374 million in FY2006, according to the State Department’s FY2007 Congressional Budget Justification document.

Authorization Legislation Introduced in 2005

Department of Defense FY2006 Authorization Act (P.L. 109-163, H.R. 1815/S. 1042). Section 1207 of the conference version of the Department of Defense FY2006 Authorization Act (H.R. 1815, H.Rept 109-360, P.L. 109-163; signed into law January 6, 2006) authorizes the Secretary of Defense to provide the Secretary of State with up to \$100 million in services, defense articles and funding for reconstruction, security, or stabilization assistance to a foreign country per fiscal year for FY2006 and FY2007. The assistance is subject to the provisions of Foreign Assistance Act, the Arms Export Control Act, and any law making appropriations to carry out such acts. The provision requires that the Secretary of Defense notify armed services, foreign affairs, and appropriations committees of both chambers at the time the authority is exercised. The original provision contained in a floor amendment to the Senate version of the bill, S. 1042, offered by Senator James Inhofe and adopted by the Senate on November 8, 2005, would have provided twice that amount, i.e., \$200 million per year. (The Section 1207 authority is in addition to the Section 1209 authority to provide defense articles and defense services to the military and other security forces of Iraq and Afghanistan.)

³³ (...continued)

the bill that it, H.Rept. 109-118, that it was recommending \$7.7 million to fund 33 new S/CRS positions.

The conferees' explanatory statement reiterates the approving statement regarding S/CRS and DOD's support of and cooperation with S/CRS that was originally expressed in the Senate Armed Services' Committee report accompanying the FY2006 DOD authorization bill (S. 1042, S.Rept. 109-69, May 17, 2005). It also repeats the Senate Committee's urging that DOD continue and deepen its coordination with the State Department "on planning for and participating in post-conflict stability operations and reconstruction efforts." In addition, the conferees state that they view this provision "as a temporary authority to provide additional resources, if needed, to the Department of State until S/CRS is fully stood up and adequately resourced." The conferees caution that they are not inclined to continue appropriating DOD funds in order to enable the Department of State to "fulfill its statutory authorities."

Section 360 of the conference report directs the Secretary of Defense to report to congressional defense committees by February 1, 2007, on joint field training and experimentation conducted regarding stability, security, transition, and reconstruction operations during FY2005-FY2006, including a description of the participation of other departments and agencies and of allied and coalition partners.

Foreign Affairs Authorization Act for FY2006-FY2007 (S. 600). On March 10, 2005, the Senate Foreign Relations Committee reported an authorization bill (S. 600) for foreign relations and for the conduct of foreign affairs. This bill would authorize \$24 million to be appropriated for S/CRS for FY2006. Sections 701-711 incorporate a slightly modified version of the Lugar-Biden Stabilization and Reconstruction bill of 2004 (S. 2127, 108th Congress) and the version of that bill reintroduced on January 31, 2005 as S. 209. Senate floor action took place on April 5 and 6, 2005, but the bill was returned to the Senate calendar on April 26, 2005, and no further action occurred. The House version, H.R. 2601, as introduced and sent to the floor on June 9, 2005, contains no new S/CRS funding. (For further information on H.R. 2601, see below.)

(On March 17, 2005, Representative David Dreier introduced H.R. 1361, the International Security Enhancement Act of 2005. This bill is similar to S. 600 but would provide S/CRS with additional authority for preventive action that is not included in S. 600. If enacted, H.R. 1361 would allow the president, acting through S/CRS, to authorize the deployment to a country likely to enter into conflict or civil strife in addition to countries emerging from conflict.)

The S/CRS provisions of S. 600 would serve four functions. They would

- Create a statutory basis for S/CRS and its functions, and provide the Senate with power over the appointment of the S/CRS head;
- Provide authority and funding for the creation of a Readiness Response Corps of active duty government personnel and contractors;
- Provide broad authority for conducting post-conflict response operations, and

- Provide authority for the establishment of an emergency fund to conduct such operations.

Make the Office of the Coordinator Permanent Law. The provisions of Section 706 would codify the existence of S/CRS by amending Title 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651 et. seq.), which, among other functions, provides for the establishment of the higher level positions within the Department of State. Section 706 states that the Coordinator should have the rank and status of Ambassador-at-Large, and be appointed by the Secretary “by and with the advice and consent of the Senate,” giving Congress power over the appointment. (Although the advise and consent power is generally invoked for positions of Assistant Secretary and higher, in an analogous entry in 1998, Congress added the position of Coordinator for Counterterrorism through P.L. 105-277, Section 2301. The Coordinator for Counterterrorism also holds the rank of Ambassador-at-large and is appointed with the advice and consent of the Senate.) Section 706 also would assign 10 specific functions to S/CRS, which could have the effect of clarifying its relationship to other executive departments and agencies.³⁴ The codification would also prevent the dismantling of the office without the legislative consent of Congress.

Provide Authority and Funding for a Readiness Response Corps. The Corps is to consist of two parts — an active duty component and a reserve component. The active duty component would be comprised of two groups with an indeterminate total: the first group would contain up to 250 people who are

³⁴ These functions are: (1) “Monitoring, in coordination with relevant bureaus within the Department of State, political and economic instability worldwide to anticipate the need for mobilizing United States and international assistance for the stabilization and reconstruction of countries or regions that are in, or are in transition from, conflict or civil strife”; (2) “Assessing the various types of stabilization and reconstruction crises that could occur and cataloging and monitoring the non-military resources and capabilities of Executive agencies that are available to address such crises”; (3) “Planning to address requirements, such as demobilization, policing, human rights monitoring, and public information, that commonly arise in stabilization and reconstruction crises”; (4) “Coordinating with relevant Executive agencies (as that term is defined in section 105 of title 5, United States Code) to develop interagency contingency plans to mobilize and deploy civilian personnel to address the various types of such crises”; (5) “Entering into appropriate arrangements with other Executive agencies to carry out activities under this section and the Reconstruction and Stabilization Civilian Management Act of 2005”; (6) “Identifying personnel in State and local governments and in the private sector who are available to participate in the Response Readiness Corps or the Response Readiness Reserve ... or to otherwise participate in or contribute to stabilization and reconstruction activities”; (7) “Ensuring that training of civilian personnel to perform such stabilization and reconstruction activities is adequate and, as appropriate, includes security training that involves exercises and simulations with the Armed Forces, including the regional commands”; (8) “Sharing information and coordinating plans for stabilization and reconstruction activities with the United Nations and its specialized agencies, the North Atlantic Treaty Organization, nongovernmental organizations, and other foreign national and international organizations”; (9) “Coordinating plans and procedures for joint civilian-military operations with respect to stabilization and reconstruction activities”; and (10) “Maintaining the capacity to field on short notice an evaluation team to undertake on-site needs assessment.”

specifically recruited, hired and trained to serve in the active duty corps, and the second would be comprised of as many others as the Secretary of State, in consultation with the AID Administrator, would designate from the ranks of State and USAID personnel. The reserve component, again of no definitive size, would be comprised of two sets of volunteers, trained and available as needed, whose names are placed on a reserve roster. The first group would be personnel from the State Department (including foreign service nationals), USAID, other executive agencies, and the legislative and judicial branches. A second group of at least 500 names would be listed on the reserve roster; these could be retired Federal Government employees, contractor personnel, nongovernmental organization personnel, and State and local government personnel with the appropriate training and skills. No more than 100 people at a time could be contracted under personal services contracts for a stabilization and reconstruction operation, except that experts and consultants could be employed for up to 60 days without regard to other requirements for employment to assist in stabilization and reconstruction. Members of executive agencies, uniformed services, and employees of State and local government could be employed on a reimbursable or non-reimbursable basis to assist with the work. Within three years of enactment of this provision into law, at least 10 percent of State Department and USAID employees in the United States would have to be either (1) members of, (2) trained to undertake the activities of, or (3) identified for potential deployment in support of the Response Readiness Corps.

Provide Broad Authority for Conducting Post-Conflict Response Operations. Section 705 would amend the Foreign Assistance Act of 1961, as amended (FAA) by providing broad authority for the President to furnish assistance through U.S. civilian agencies or non-Federal employees for the stabilization and reconstruction of a country or region in or in transition from conflict or civil strife. The assistance could be provided notwithstanding any other provision of law except the provision of FAA Section 614(a)(3), which requires the President to consult with and provide a written policy justification to the House Committee on Foreign Affairs (now International Relations), the Senate Committee on Foreign Relations, and the Appropriations committee of each chamber. Section 705 would also waive the percentage and dollar limitations on U.S. government drawdowns of commodities and services for unforeseen emergencies contained in FAA Section 552(c)(2) and on the transfer between accounts contained in FAA Section 610 and on the use of funds and foreign services authorized under the FAA Arms Export Control Act, as well as sales authorized under the latter, as provided for by FAA Section 614.

Provide Authority for the Establishment of an Emergency Fund. Section 705 would also authorize the establishment of a \$100 million fund, as well as its automatic replenishment each fiscal year, for stabilization and reconstruction activities. Funds could be spent without regard to any provision of law except FAA Section 614(a)(3). (The 108th Congress turned down five Administration requests for the creation of a \$100 million emergency crisis response fund, as now proposed in S. 209 and S. 600. Conferees on the FY2005 consolidated appropriations bill, P.L. 108-447/H.R. 4818 deleted a Senate provision for \$20 million in a no-year money, State Department Crisis Response Fund. Congress has long resisted the provision of “blank check” pots of money as an abdication of constitutional appropriation and oversight powers. Nevertheless, Congress has provided for such a mechanism in the

case of the automatically replenishable Emergency Refugee and Migration Assistance or ERMA emergency relief account.)

Sense of Congress Provisions on Further Governmental Reorganization. Among the seven Sense of Congress statements contained in the proposed legislation, two concern the reorganization of the U.S. government to better plan for and conduct stabilization and reconstruction operations. One states that the President should establish a new National Security Council directorate to oversee the development of interagency contingency plans and procedures for such operations. The other states that the president should establish a standing committee, to be chaired by the Assistant to the President for National Security Affairs, to ensure the appropriate coordination of stabilization and reconstruction policy development and implementation. Members of the committee would include the heads of the State Department, USAID, and the departments of Labor, Commerce, Justice, the Treasury, Agriculture, and Defense, and other agencies as appropriate.

Expand Permitted Police Training. U.S. assistance to train foreign police forces is substantially circumscribed by Section 660 of the Foreign Assistance Act of 1961, as amended (codified as Section 2420 of Title 22 of the U.S. Code). Section 660 prohibits U.S. assistance to train foreign police with certain exceptions. In 1974, Congress enacted the prohibition, with limited exemptions for certain assistance by the Drug Enforcement Administration and the Federal Bureau of Investigation, in reaction to reports of U.S. police trainers acquiescing or participating in human rights abuses abroad. Five further exemptions were added beginning in 1985 - one of them, added in 2000, permits police training “with respect to assistance provided to reconstitute civilian police authority and capability in the post-conflict restoration of host nation infrastructure” and to provide professional training in international recognized standards of human rights, the rule of law, anti-corruption, and the promotion of civilian police roles that support democracy. S. 600 proposes three new exemptions which would facilitate training for post-conflict needs: assistance to combat corruption through good governance programs (FAA Section 133), to combat trafficking in persons, and for “constabularies or comparable law enforcement authorities in support of developing capabilities for and deployment to peace operations.”

Foreign Relations Authorization Act for FY2006 and FY2007 (H.R. 2601). H.R. 2601, which would authorize FY2006 and FY2007 State Department funding, contained no authorization for FY2006 for S/CRS when reported by the House International Relations Committee on July 13, 2005. In floor action on July 19, the House approved an amendment sponsored by Representative Dreier which would authorize the establishment of an Active Response Corps to carry out stabilization and reconstruction activities in foreign countries or regions that are in, are in transition from, or are likely to enter into conflict or civil strife. No specific funding was authorized for the Corps. The bill was received in the Senate on July 22, 2005. No further action has occurred.

FY2007 Bush Administration Request and Congressional Action in 2006

The Bush Administration has requested \$9.456 million in State Department funding for S/CRS activities in FY2007. In addition, it has requested \$75 million in foreign operations funding for a Conflict Response Fund. The stated purpose of the fund, as stated in the FY2007 Congressional Budget Justification document, is to provide funding for the “start-up of operations during the first four months of an intervention ... and will allow rapid deployment of teams to develop and refine estimates, establish operations, and initiate critical programs.”

Of the proposed Conflict Response Fund, some \$5 million is intended to support deployments of rapid-response personnel within the State Department and other civilian agencies, “including security costs and in-country transport associated with deploying 50 personnel in a medium-threat environment for up to eleven months....” Part of the fund would also be used to begin implementing plans for a Civilian Reserve Corps. The budget justification document estimated the FY2007 cost of this reserve at \$25 million.

Appropriations Legislation for FY2007

State Department appropriations are contained in the Science, State, Justice, and Commerce (SSJC) appropriations bill in the House and in the combined State-Foreign Operations (S-FO) appropriations bill in the Senate. State Department appropriations contain funding for S/CRS operations. The House Appropriations Committee (HAC) reported its SSJC appropriation (H.R. 5672) on June 22, 2006, with a note of approval for S/CRS in its accompanying report and support for new S/CRS positions (H.Rept. 109-520):

The Committee strongly supports the work of the Office of the Coordinator for Reconstruction and Stabilization. The Committee understands that this office will be the central entity to plan and coordinate United States Government civilian activities in pre- and post-conflict environments, and to coordinate the U.S. government reaction to complex contingencies. Further, the Committee understands that this office would improve operational response time in the areas of reconstruction, stabilization, and humanitarian assistance. The recommendation supports new positions for the Office.

The Committee’s bill does not set a specific budget amount for S/CRS nor set a number on the new positions that it is funding.

The Senate Appropriations Committee (SAC) reported its combined State Department and Foreign Operations (S-FO) appropriation on June 29, 2006, as a substitute for the House Foreign Operations appropriation (H.R. 5522). The combined Senate bill contains funding for the State Department offices, including S/CRS; it also contains the foreign operations appropriations accounts where the Conflict Reserve Fund (CRF) request would be funded if Congress granted it. The Senate bill does not make any specific provisions for S/CRS in its State Department appropriations. And, like the House version of H.R. 5522, passed June 9, 2006, the SAC version of the bill, passed July 10, 2006, does not contain CRF funding.

Committee Report Language Regarding the Conflict Response Fund. In reporting its version of the bill on May 25, 2006, the HAC stated, in its accompanying report (H.Rept. 109-486) that:

While the Committee recognizes the need for quick disbursement of funding for international crises, the Administration has for the past four years failed to provide, upon request, the necessary documentation detailing the proposed expenditure of these funds. In lieu of a comprehensive strategy, detailing how the Office of the Coordinator for Reconstruction and Stabilization will utilize these funds to respond to international crises and post-conflict contingencies, the Committee believes it has no choice but to deny this request. The Committee urges the Administration to take into account the Committee's view when formulating its fiscal year 2008 budget request.

The SAC language (S. Rept. 109-277) similarly denies funding on the grounds that the State Department has not provided adequate information on the uses of the fund, particularly planning functions of S/CRS and the establishment of a Civilian Response Corps:

During the Committee's review of the request, State Department officials cited studies and analysis conducted by the staff of the Office of the Coordinator for Reconstruction and Stabilization as evidence of that organization's value to the interagency planning process. Although the Committee repeatedly requested access to these studies, specifically those reported to have contained long term planning for peacekeeping, training and development programs in Sudan, no such documents were presented. The State Department requested funding for the establishment of a new Civilian Reserve Corps, which in theory would be capable of deploying to a conflict or post-war environment to aid in civilian administrations and coordination. The State Department is currently reviewing the legislative authorities, manning requirement, and operational concepts related to establishing such a capability, and these studies may produce a more defensible request for funding as part of a future budget request.

Authorization Legislation Introduced in 2006

Reconstruction and Stabilization Civilian Management Act of 2006 (S. 3322). This act would provide for the continued development of an effective expert civilian response capability to carry out stabilization and reconstruction activities as a core mission of the State Department and USAID. These activities could be carried out in a country or region at risk of, in, or in transition from conflict or civil strife. This bill is very similar to Title VII of S. 600, above. The sections regarding the provision of statutory authority to S/CRS and the creation of a civilian Response Readiness Corps are virtually the same. One significant difference is that S. 3322 does not limit the number of contractors to 100.

The amounts and purposes of authorized funding are somewhat different. Like Section 705 of S. 600, S. 3322 would provide authority for the establishment of an emergency conflict response fund that automatically would be replenished yearly to be used for stabilization and reconstruction responses to crises in countries and regions at risk of, in, or in transition from conflict or civil strife. (See above for details on the fund.) S. 3322 would authorize \$75 million as an initial payment to

that fund (instead of \$100 million), of which \$25 million may be made available in FY2007 for expenses related to the development, training, and operations of the Response Readiness Corps. The bill would also authorize \$80 million for FY2007 for personnel, education and training, equipment, and travel costs for purposes of carrying out all provisions of the Act. As explained in Mr. Lugar's statement on the Senate floor on May 26, 2006, the latter amount is intended for the operations of S/CRS and the active duty component of the Response Readiness Corps, including training, education, and travel.

Unlike Title VII of S. 600, S. 3322 does not contain Sense of Congress provisions on further governmental reorganization nor authority to expand the types of police training currently allowed by law.

S. 3322 was introduced in the Senate May 26, 2006, and approved without amendment by unanimous consent the same day. It was received by the House on June 6, 2006, and referred to the House International Relations Committee. No further action has occurred.

Table 1. FY2006 Civilian Capabilities Funding

Legislation	S/CRS	S&R Corps	Conflict Response Fund
Appropriations P.L. 109-108, H.R. 2862 <i>Appropriations for Science, the Department of State and Commerce for FY2006</i>	House: \$7.7 million Conference: No earmark.	None	None
Appropriations P.L. 109-102, H.R. 3057 <i>Foreign Operations Appropriations Act for FY2006</i>	House: None Senate: \$24 million Conference: None	None	House: Secretary of State may transfer up to \$100 million among State Department accounts and to other federal agencies to carry out reconstruction and stabilization assistance. Senate: Appropriates \$24 million in new funds for the fund. Conference: Does not provide funding or transfer authority.
Authorization P.L. 109-163, H.R. 1815 <i>Department of Defense FY2006 Authorization Act</i>	None	None	Senate: Authority to transfer to the Secretary of State up to \$200 million in services, defense articles, and funding for reconstruction, security, or stabilization assistance. Conference: Authority up to \$100 million for above purposes. NOTE: Although this provision is not labeled "Conflict Response Fund," it addresses the same needs.
Authorization/ S. 600 <i>Foreign Affairs Authorization Act for FY2006 and FY2007</i>	Senate: \$24.1 million	None	Senate: \$100 million
Authorization/H. R. 2601 <i>Foreign Relations Authorization Act for FY2006 and FY2007</i>	None	House: Authorized establishment of an Active Response Corps. No funding authorized.	None