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14. ABSTRACT

Following the September 11, 2001 terrorist attacks, the Executive Branch determined gaps existed with the traditional Security Assistance authorities, which hindered the United States' ability to address certain counterterrorism and stability operations funding, capacity and capability shortfalls of key partner nations. To address these shortfalls, a new set of DoD USC Title 10 BPC authorities, which eventually became known as Security Cooperation (SC) programs, were developed by DoD and DoS, enacted in legislation by Congress, and signed into law by the President starting in 2006. Unlike their Security Assistance counterparts, Security Cooperation programs were appropriated (i.e. funded) through the DoD budget, managed by DoD and were designed to be more agile to directly support the Geographic Combatant Commander's responsibilities to conduct BPC in support of national security objectives. Some programs included legislative provisions, known as "dual-key" that required the Secretary of State's concurrence on military training and equipping programs approved by DoD (typically by the Secretary of Defense, himself). The National Defense Authorization Act (NDAA) Section 1206 Global Train & Equip program, established in 2006, has become the flagship DoD authority for dual-key. From the outset of their enactment, Security Cooperation programs, epitomized by Section 1206, generated substantial controversy within Congress, the Executive Branch, and various foreign relations and armed services academia. Despite notable counterterrorism successes in Yemen, Pakistan, Trans-Sahara Africa, and the Philippines-Malaysia-Indonesia tri-border region, Section 1206 and dual-key have become a source of friction between DoD and DoS within the overall debate over the "militarization of foreign policy." Even with the rigorous debate that Section 1206 and dual-key mechanisms have generated with regards to roles and missions between DoD and DoS, this essay will seek to demonstrate they have produced substantial benefits to the advancement of U.S. National Security Policy.

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Dean of Academic Affairs

**SECURITY COOPERATION, SECURITY ASSISTANCE AND BUILDING PARTNER
CAPACITY: PAST, PRESENT AND RECOMMENDATIONS FOR IMPROVEMENT TO
ENHANCE FUTURE INTERAGENCY COLLABORATION**

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**Joint Forces Staff College
Joint and Combined Warfighting School
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Seminar #11**

A paper submitted to the faculty of the Joint and Combined Warfighting School in partial satisfaction of the requirements for Joint Professional Military Education Phase II.

The contents of this paper reflect our writing team's original views and are not necessarily endorsed by the Joint Forces Staff College or the Department of Defense.

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“I am a great believer that strength and diplomacy go together; it is never one or the other. Today foreign policy is a unified diplomatic, military, and intelligence effort that must be tightly integrated – a team approach.”¹

George P. Shultz, Former Secretary of State (1982-1989), 13 Apr 1998.

“Since the end of the Cold War, the political and military issues have become so complicated and inextricably linked it is absolutely imperative that the State Department and Department of Defense have a close working relationship.”²

William J. Perry, Former Secretary of Defense (1994-1997), 09 Mar 1998

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Introduction

The United States has been in the business of Building Partner Capacity (BPC) of nations and allies for over sixty years to include significant efforts during World War Two, the Korean War, the Vietnam War, and throughout the Cold War in Europe. Current DoS United States Code (USC) Title 22 Security Assistance authorities (see Appendix A for Terms & Definitions used throughout the essay) like Foreign Military Financing (FMF), Foreign Military Sales (FMS), and International Military Education & Training (IMET) authorities eventually evolved from the initial forays into formalizing BPC efforts legislatively in the 1960s.

Following the September 11, 2001 terrorist attacks, the Bush Administration determined gaps existed with the traditional Security Assistance authorities, which hindered the United States' ability to address certain counterterrorism and stability operations funding, capacity and capability shortfalls of key partner nations. To address these shortfalls, a new set of DoD USC Title 10 BPC authorities, which eventually became known as Security Cooperation (SC) programs, were developed by DoD and DoS, enacted in legislation by Congress, and signed into law by the President starting in 2006. Unlike their Security Assistance counterparts, Security Cooperation programs were appropriated (i.e. funded) through the DoD budget, managed by DoD and were designed to be more agile to directly support the Geographic Combatant Commander's responsibilities to conduct BPC in support of national security objectives as directed initially in Security Cooperation Guidance and later in the Guidance for the Employment of the Force (GEF)³. Some programs included legislative provisions, known as "dual-key" that required the Secretary of State's concurrence on military training and equipping programs approved by DoD (typically by the Secretary of Defense, himself). The National Defense Authorization Act (NDAA) Section 1206 Global Train & Equip program, established in 2006, has become the flagship DoD authority for dual-key. From the outset of their enactment, Security Cooperation programs, epitomized by Section 1206, generated substantial controversy within

Congress, the Executive Branch, and various foreign relations and armed services academia. Despite notable counterterrorism successes in Yemen, Pakistan, Trans-Sahara Africa, and the Philippines-Malaysia-Indonesia tri-border region, Section 1206 and dual-key have become a source of friction between DoD and DoS within the overall debate over the “militarization of foreign policy.”

Even with the rigorous debate that Section 1206 and dual-key mechanisms have generated with regards to roles and missions between DoD and DoS, this essay will seek to demonstrate they have produced substantial benefits to the advancement of U.S. National Security Policy through the following discussion. First, this essay will review the evolution of BPC activities from their inception in the 1940s to pre-September 11th 2001 so as to properly frame the context of the current situation. Next, it will examine the creation and implementation of Section 1206 to include a discussion of the benefits it has achieved through the dual-key mechanism that underscore the necessity for its prudent expansion into all aspects of Security Assistance & Cooperation activities. The positive reviews garnered from the Government Accountability Office (GAO) and combined DoD & DoS Inspector General’s (IG) Office evaluations of Section 1206 and dual-key as well as the FY 2010 House Armed Services Committee NDAA Report will be discussed. Lastly, this essay will review the SecDef’s proposed BPC Shared Responsibilities Pooled Resource (SRPR) fund and discuss how this proposal could establish a mutually beneficial architecture for enhanced collaboration between DoD and DoS in future of SA and SC activities.

History of U.S. Building Partner Capacity Efforts (World War Two – September 2001)

The United States has been in the business of Building Partner Capacity (BPC) of nations and allies for over sixty years to include significant efforts during World War Two, the Korean War, the Vietnam War, and throughout the Cold War in Europe. SecDef Gates emphasized this point:

Helping other countries better defend themselves or fight beside us – by providing equipment, training, or other forms of support – is something the United States has been doing in various ways for nearly three-quarters of a century. It dates back to the period before America

entered World War II, when Winston Churchill famously said, “give us the tools, and we will finish the job.”⁴

In the 1960s, these BPC activities were codified legislatively under the Foreign Assistance Act (FAA), which provided for the creation of Security Assistance (SA) authorities. These authorities which eventually evolved into current authorities such as Foreign Military Financing (FMF) and International Military Education & Training (IMET) (more comprehensive list in Appendix B), were appropriated through the DoS budget. Following bilateral negotiations between the United States and partner nation, these authorities provide program budget lines for the training, educating and equipping of those partner militaries. They employed a model whereby DoD personnel assigned to U.S. embassies abroad proposed (with Chief of Mission approval) assistance programs/budgets to improve the capabilities and capacity of these militaries to include their professionalization. DoD (specifically the Combatant Commands, Services, the Joint Staff, and the Office of the Secretary of Defense) then assessed and made recommendations on those proposals with the Department of State (DoS) providing the final decision on the program selections to include funding level and composition. Subsequently, the DoS forwarded the approved programs to the Department of Defense (DoD) for execution and implementation. Proposals, once approved by DoS during a current fiscal year would typically not be implemented until approximately three fiscal years in the future.

Following the September 2001 terrorist attacks, pursuing BPC activities designed to directly enhance a partner nation’s military counterterrorism and military stability operations capability and capacity assumed a more urgent priority to the United States. However, the pre-9/11 Security Assistance architecture, which relied on a slower process, were relooked at with a view toward them not being sufficiently agile to address critical partner nation counterterrorism deficiencies that might suddenly arise within the traditional three year planning cycle. In the mid-2000s, DoD officials developed a proposal for a “Global Train and Equip” authority to increase U.S. support for foreign military and security forces to disrupt terrorist networks, to build the capacity of legitimate states to

provide security within their sovereign territory to prevent terrorists from establishing footholds, and to build the capacity of partner nations to participate in U.N., regional and U.S. coalition military missions.⁵ Under-Secretary of Defense for Policy Flournoy discussed this concept in a June 2010 speech:

Nearly five years ago, the Defense Department obtained authorities enabling the military to provide training and equipment to countries with urgent security needs. This expansion of authority and funding was very helpful, adding much-needed flexibility to a creaky and slow-moving system⁶. (USDP Michele Flournoy, Thursday, June 10, 2010)

The creation of the Section 1206 Global Train & Equip Authority in the FY 2006 NDAA⁷ (subsequently revised in the FY07, FY09 & FY10 NDAAs) would culminate several years of effort by the White House and DoD to establish new Security Cooperation authorities that could meet the burgeoning need for enhancing the counterterrorism and military stability operations capacity of partner nations.

Post-September 11, 2001 Evolution of BPC – Section 1206 & Dual-Key

Following the September 11, 2001 terrorist attacks, the Bush Administration determined gaps existed with the traditional Security Assistance authorities, which hindered the United States' ability to address certain counterterrorism and stability operations funding, capacity and capability shortfalls of key partner nations. In particular, certain Geographic Combatant Commands were unable to meet their theater security mandate to build those counterterrorism and stability operations capacities as assigned initially in Security Cooperation Guidance and later in the Guidance for the Employment of Forces (GEF), which were critical to the United States' national security objectives. To address these shortfalls, a new set of BPC authorities, known as Security Cooperation (SC) programs, were enacted in legislation by Congress and signed into law by the President of which the NDAA Section 1206 Global Train & Equip authority was the most notable. In February 2010, SecDef explained the need and purpose of Section 1206 and similar Security Cooperation authorities (comprehensive list in Appendix B):

To respond to the most pressing needs, nearly five years ago the defense department obtained authorities that enable the military to respond to unforeseen threats and opportunities by providing training and equipment to other countries with urgent security needs. These new tools came with an important innovation. Their use requires the concurrence of both the Secretary of Defense and the Secretary of State in what is called a “dual key” decision-making process.⁸

It was legislated in Section 1206 for the program to be authorized and appropriated through the DoD budget and managed by DoD. However, it also contained a unique legislative provisions, known as “dual-key” that required the Secretary of State’s concurrence on military training and equipping programs approved by DoD (typically by the Secretary of Defense, himself).

Section 1206 and Dual Key Effectiveness

The Section 1206 program, of which the dual-key mechanism is a unique feature, has enhanced collaboration between DoD and DoS because it produced significantly greater coordination both in the field between the embassy/Chief of Mission and COCOM staff/COCOM Commander and in Washington, DC between the policy decision makers at DoD & DoS, providing the SecDef with a new authority to train and equip partner nation militaries to improve either their counterterrorism or military stability operations support capability. A major factor in Section 1206’s improvement of interagency collaboration, Dual-key also ensured DoS perspectives/inputs have been incorporated into DoD BPC activities thereby improving overall Whole-of-Government (WOG) efforts.

Since its inception in 2006, the Section 1206 program has been evaluated several times. The combined DoD & DoS Inspector General (IG) Report (2009) and Government Accountability Office (GAO) Report (2010) are the most recent and relevant evaluations since they were conducted after the program had reached a level of operational maturity and interviewed USG personnel at all levels of DoD & DoS, both in the field and in Washington, D.C. Considered by the USG to be a neutral and independent assessment organization, the GAO’s evaluation possessed inherent credibility. The combined DoD & DoS IG team’s assessment attained similar buy-in since both departments’ IG offices jointly conducted the evaluation and had equal input into drafting the final report. Both reports

issued generally positive evaluations on the Section 1206 program to include very strong endorsements about the interagency collaboration they engendered. The IG Report specifically highlighted:

The synergy achieved by combining the geographical perspectives and resources of country teams (country and combatant commands (regional) in Section 1206 planning and implementation is a unique strength...The Under Secretary of Defense (Policy), in coordination with the Department of State, has developed a well-structured project selection process that includes vetting procedures...Section 1206 projects evaluated were effective in building partner nation capacity for counterterrorism and military or stability operations...Section 1206 leverages the expertise of both Departments of Defense and State. As such, Section 1206 is an excellent tool for providing corollary benefits to Chiefs of Mission.⁹

In summary, the IG report evaluated that (1) DoD & DoS conducted the Section 1206 program in compliance with the law; (2) that cooperation between the departments was effective; and (3) a strength of the program is the combination of perspectives and resources of ambassadors and COCOMs.¹⁰

The April 2010 GAO provided additional positive endorsements of Section 1206 and the dual-key mechanism:

The Section 1206 program is generally distinct from other programs...DOD has demonstrated that most approved Section 1206 projects address U.S. military priorities and urgent and emergent counterterrorism and stabilization needs identified by DOD combatant commanders. Further, Section 1206 projects have done so more quickly than other programs could have – sometimes within a year, whereas FMF project can take up to 3 years to plan.¹¹

Additionally, they concluded that (1) Section 1206 has generally been consistent with U.S. strategic priorities relating to combating terrorism and addressing instability; (2) program has generally been in alignment with U.S. counterterrorism priorities; (3) and that most Section 1206 counterterrorism resources have been directed to countries the U.S. intelligence community has identified as priorities for the CT effort.¹² Finally, the GAO report positively endorsed the dual-key mechanism because it addressed three key practices for interagency collaboration GAO had identified in a previous report.¹³

Lastly, Congress weighed in directly on the value of Section 1206 and dual-key when the House Armed Services Committee (HASC) commented positively on the program. In their FY10 NDAA report, they commented that “the committee regards the historical execution of this authority

favorably and concludes that it is an important aspect of a combatant commander's theater engagement strategy. The committee recognizes that it has become an important tool for building partner capacity and security cooperation.”¹⁴

Section 1206 and Dual-Key Have Spurred an Improvement in Congressional Collaboration

However, one other key, unnoticed, unexpected and unreported benefit has been the increased collaboration, integration and coordination among the eight congressional oversight committees (see Appendix A for detail list of the committees). Prior to the implementation of dual key security cooperation programs, BPC discussions with the committees were frequently conducted in isolation from each other with authorizers often separated from appropriators, armed services staffers fragmented from foreign relations/affairs staffers, and Senate committees separated from House committees. This resulted in a disjointedness that both hindered the integration of legislative action on BPC issues and exasperated the Executive Branch (DoD & DoS in particular) in attempting to propose BPC legislative solutions and execute BPC programs. With the advent of dual-key, the committees' awareness of their peer BPC activities and interactions with the Executive Branch increased to the point where they began coordinating/integrating their respective legislative actions and even hosting joint briefings (i.e. cross-committee meetings where multiple committees participated) on BPC issues with the Executive Branch. In other words, similar to the much desired “Whole of Government” (i.e. Executive Branch) objective, the dual key legislation produced a “Whole of Congress” effect whereby committee members and staffers, who previously may have seldom interacted with their counterparts on other committees, now worked more closely on BPC issues.¹⁵ This has produced the following improvements between the Executive and Legislative Branches: (1) increased efficiency; (2) improved the dialogue and understanding of each others' points of views; and (3) better oversight of BPC activities by the Legislative Branch to include more responsive action/replies to their inquiries.

Section 1206 and Dual-Key in Action: The U.S. BPC Response to the Yemen Al Qaeda Crisis

A recent and relevant example of the strengthened interagency collaboration, produced by the Section 1206 Global Train & Equip authority, occurred in the immediate aftermath of the December 25, 2009 failed airline bombing attempt by a Nigerian Al Qaeda in the Arabian Peninsula (AQAP) operative who was trained in Yemen. DoD and DoS personnel at the U.S. Embassy in Yemen and Central Command (CENTCOM) along with departmental personnel in D.C. closely collaborated to rapidly produce a comprehensive counterterrorism train & equip package for building the capacity of the Yemen Armed Forces. The package was approved by SecDef and SecState within two months after the incident to address this urgent and emergent threat to U.S. national security. No other Security Assistance authority could have (or did) reacted as swiftly. Furthermore, the enhanced coordination between the departments and ensured the package was informed by DoS (both Chief of Mission and Main State Regional & Pol-Mil bureaus) to ensure its balance with respect to U.S. national security objectives.

Refuting the Arguments against Section 1206 & Dual Key

From the outset of its enactment, Section 1206 generated substantial controversy within Congress, the Executive Branch, and various foreign relations and armed services academia. It has frequently been labeled as the leading example of the “militarization of foreign policy,” which has overridden the DoS-DoD balance. Such views first appeared in the SFRC Report on COCOM & Embassy Activities, which was published in December 2006, less than a year after the Section 1206 authority was established by Congress. The below excerpt from the report highlights the concern before any relevant Security Cooperation activity had commenced.

Such bleeding of civilian responsibilities overseas from civilian to military agencies risks weakening the Secretary of State’s primacy in setting the agenda for U.S. relations with foreign countries and the Secretary of Defense’s focus on war fighting...As the role of the military expands, particularly in the area of foreign assistance, embassy officials in some countries question whether the Department of Defense will chafe under the constraints of State Department leadership and work for still more authority and funding.¹⁶

These reactions continue today. As Laura A. Hill and Gordon Adams (a well-respected Professor in the U.S. Foreign Policy Program at American University)¹⁷ asserted in an article from May 2010:

Providing some of the funding through DoD committees and with one key in the pocket of the Secretary of Defense would distort the decision making on when, where, and for what purposes such funding should be applied... Traditional train and equip missions, such as those done through foreign military financing, balance these two facts by being funded as foreign assistance, overseen by the Department of State, and implemented by the Department of Defense. Creating funding outside this arrangement and moving to a “dual key” would undermine this balance. No amount of consultation or even concurrence requirements outweighs that resources and personnel bring to policy debates.¹⁸

Other documents such as the Integrating 21st Century Development and Security Assistance¹⁹ (published in January 2008 by the Center for Strategic & International Studies) report, A Foreign Affairs Budget for the Future²⁰ report (published in October 2008 by The American Academy of Diplomacy and Stimson Center), and the article Pentagon Military Aid Role Grows²¹ advance similar narratives. All of these articles/reports article make common arguments in opposition of Security Cooperation authorities like Section 1206 and the dual-key mechanism. Unfortunately, they assert hypothetical disadvantages for Security Cooperation authorities, but never provide any concrete supporting details or examples of how their suppositions have come to (or are coming to) fruition. However, in assessing fault with Section 1206, dual-key, and Security Cooperation authorities, they must also carry the burden to prove their case with facts. Instead, they (1) relied on statements, which are not grounded in any established facts, but effectively serve to evoke strong emotions about the accelerated demise of DoS responsibilities and authorities in a manner that has not been proven. They (2) also ignored the positive, concrete successes that Security Cooperation authorities have produced. Next, in their articles they (3) failed to address/consider independent evaluations, such as those conducted by the GAO & DoD/DoS IG offices, which positively endorsed Section 1206 and dual-key. Instead, they focused on the bureaucratic/organizational disagreements that revolve around beltway funding, authority, and status while ignoring practical questions such as “are these security cooperation

authorities producing any success in obtaining national security objectives?” The authors (4) warn that Section 1206 reduces Congress’ ability to execute their constitutional oversight duties, but are incorrect in this regard since the authority’s legislation mandates oversight by eight committees (see Appendix A) who in fact, vigorously exercise their prerogative for notification briefings for each train & equip program approved by SecDef. They (5) claimed that Section 1206 programs endanger human rights efforts within those partner nations, but failed to account for the governing legislation that requires the authority to “observe and respect human rights, fundamental freedoms, and the legitimate civilian authority within that country,”²² which is accomplished through DoD & DoS adherence to the Leahy Amendment²³ as well as DoD’s implementation of a human rights and respect for civilian authority training to every partner nation military unit receiving a Section 1206 assistance²⁴. Finally, these authors (6) overlooked the outstanding interagency collaboration and coordination between DoD & DoS, both in the field and in Washington, D.C., that has taken root and grown since the inception of the Security Cooperation authorities, the dual-key ones in particular. This improved interagency collaboration could not easily have been developed without the impetus imparted by Section 1206. The authors argued that Section 1206 and dual key erode the necessary balance between DoD & DoS, but as the GAO and DoD/DoS IG reports emphasize, in practice, they have actually had the reverse effect and have enhanced interagency collaboration.

Expand Dual-Key and Make Section 1206 Permanent

Given the benefits of increased interagency collaboration highlighted in the GAO, DoD & DoS IG and FY10 NDAA HASC reports, the Executive and Legislative Branches should expand the dual-key mechanism to other, Security Assistance and Security Cooperation authorities. Although a detailed discussion of which authorities is beyond the scope of this essay, as a starting point, DoD & DoS could limit the list of authorities to those that involve building partner capacity of military forces since both departments have equity in these endeavors.

Following rigorous evaluation by the GAO, IG offices, and HASC, the Section 1206 authority has demonstrated its uniqueness and utility to addressing critical counterterrorism and military stability operations capabilities gaps of our partner nations. Furthermore, it has done so in a manner that has enhanced interagency collaboration from the field to Washington, D.C. and ensured valuable DoS insight is incorporated into DoD Security Cooperation activities while promoting human rights and civilian leadership authority over the military within partner nations and preserving congressional oversight and transparency at home. Consequently, Section 1206 and/or a follow-on program of similar type and scope should be made permanent authorities in the Title 10 United States Code.

Improving Future Interagency BPC Efforts – Shared Responsibility Pooled Resource Fund

The previous section reviewed current BPC Security Cooperation efforts and legislation and discussed how they have improved overall BPC interagency collaboration between DoD & DoS. It also proposed some recommendations about ways to further refine these efforts to continue that improvement.

In December 2009, SecDef introduced a revolutionary proposal, known as the Shared Responsibility Pooled Resource Fund (SRPR), to transform the future of BPC while maintaining the best aspects of the current Security Cooperation authorities (namely the dual-key mechanism). Based on a United Kingdom model, the SRPR would consist of three separate pools of funds dedicated to specific activities: Security Capacity Building, Reconstruction & Stabilization, and Conflict Prevention. In February 2010, SecDef discussed the memorandum he sent to SecState in December 2009 outlining the SRPR proposal:

Last year, I sent Secretary Clinton one proposal I see as a starting point of discussion for the way ahead. It would involve pooled funds set up for security capacity building, stabilization, and conflict prevention. Both the state and defense departments would contribute to these funds, and no project could move forward without the approval of both agencies. What I found compelling about this approach is that it would actually incentivize collaboration between different agencies of our government, unlike the existing structure and processes left

over from the Cold War, which often conspire to hinder true whole-of-government approaches.²⁵

On the same topic, the Under-Secretary of Defense for Policy provided her thoughts on the goal of the SRPR where she explained that the proposal was a creative way to break through current BPC authorities impasses, which required only minor adjustments to implement.²⁶ Each pool would have an Executive Agent called a “process secretariat” that would manage the function required for its operation (nominally DoD for Security Capacity Building, DoS for Stabilization, and USAID for Conflict Prevention – USAID). The SRPR would retain the dual-key feature in the three pools as it is considered one of the best aspects of Security Cooperation programs.

Section 1206...[has] catalyzed interagency collaboration in the field with programs often facilitating joint efforts by COCOM and Embassy staffs. In the case of Section 1206, the policy requirement for both the Chief of Mission and Combatant Commander to endorse projects prior to review in Washington, DC further incentivized collaboration. The pooled approach would retain the concept of joint formulation and would include USAID in projects funded by the conflict prevention and stabilization pools.²⁷

In addition to the planned funding amounts from each organization, they could also contribute follow-on funding as needed.

The SRPR proposal is still under review within the Executive and Legislative Branches. For the SRPR to advance, Congress will have to incorporate this legislation into the NDAA and defense appropriations bills as well as the DoS Foreign Operations authorization and appropriations bills. Given the shared responsibilities, Congress would likely implement legislation that maintains eight oversight committees, similar to Section 1206. The “Whole-of-Congress” progress and collaboration built during the development and operation of the Section 1206 authority and dual-key can serve to “prep the legislative battlefield” for a potential development of SRPR.

Arguments by Opponents of the Shared Responsibilities Pooled Resources Fund

Similar to other articles, opponents of the SRPR proposal disagreed using the same types of arguments they previously employed against Section 1206 and dual-key. For example, Paul Clayman in Defense News wrote in April 2010:

Though innovative, “pooled resources, shared responsibilities” is an inappropriate construct for conducting America’s foreign policy. For the first time, it would grant the secretary of defense a veto over foreign policy decisions made by the secretary of state. That, in turn, would misalign the roles of the Defense Department in policymaking and the contribution of security assistance to America’s delicate diplomatic balance.²⁸

Laura Hall and Gordon Adams also noted:

Gates’ shared pools proposals provide the mirage of easy money but would come with too many strings. The Secretary of State should remain the lead on foreign policy activities and maintaining control of funding ensures she, and her successors, can exercise that authority. The larger problem with these proposals is the continued perception that the role of diplomatic and development activities is supporting military operations.²⁹

These authors did not propose any novel and effective recommendations that took into account the significant improvements to interagency collaboration that the SRPR’s forerunner, Section 1206 and dual key, produced. Instead, they appear to support turning back the clock towards the BPC framework that existed from the Cold War to the 1990s. Given the dramatic events that have shaped events since September 11, 2001, it is implausible and unfeasible to return to the “good old days” and even if it were possible, such a course of action would undoubtedly undermine the substantial DoD-DoS interagency collaboration that has been built through the implementation of Section 1206 and dual-key.

Furthermore, after five years of operation, given these authors’ arguments, there should be plenty of specific examples of how Section 1206 and dual-key activities negatively impacted U.S. national security objectives for them to cite in support their assertions. However, such examples were not provided, and their absence profoundly undermines those arguments.

The SRPR Fund – A Good Next Step in Improved BPC Interagency Collaboration

Implementing the SRPR Fund is a logical next step in the path towards improving interagency collaboration on Building Partner Capacity issues. Three separate reports (GAO, DoD & DoS IG, and FY10 HASC reports) from independent evaluators, all asserted the benefits of both, the Section 1206 authority and dual-key mechanisms in support of BPC/Security Cooperation activities, especially given their significant improvement to interagency collaboration. Conversely, opponents have been unable to cite similar types of reports or concrete examples for why dual-key mechanisms and Section 1206 should not be continued and its potential successor, the SRPR fund, should not be implemented. SecDef Gates, in discussing his several decades of experiences in these types of debates during his career, explained:

Those authorities and programs – and the role of the defense department in foreign assistance writ large – have stirred debates within the government and with the congress as well...Nonetheless, in my view, it is time to move beyond the ideological debates and bureaucratic squabbles that have characterized the issue of building partner capacity in years past, and move forward with a set of solutions that can address what will be a persistent and enduring challenge.³⁰

The Section 1206 authority and dual-key mechanism have proven that they enhance interagency collaboration in the pursuit of Security Cooperation activities. The SRPR fund proposal builds upon these successes and has tremendous potential to further incentivize and institutionalize interagency collaboration/coordination between DoD & DoS, which could transcend the “roles and missions” disagreement that has simmered between the two departments.

Conclusion

The United States has been in the business of Building Partner Capacity (BPC) of nations and allies for over sixty years to include significant efforts during World War Two, the Korean War, the Vietnam War, and throughout the Cold War in Europe. Following the September 2001 terrorist attacks, pursuing BPC activities designed to directly enhance a partner nation’s military counterterrorism and military stability operations capability and capacity assumed a more urgent priority to the United

States. The creation of the Section 1206 Global Train & Equip Authority, which contained a dual-key mechanism, culminated several years of effort by the White House and DoD to establish new Security Cooperation authorities that could meet the burgeoning need for enhancing the counterterrorism and military stability operations capacity of partner nations.

After nearly five years of operation by Section 1206 and dual-key which included evaluations by the GAO, DoD & DoS IG offices and HASC that underscored the benefits of increased interagency collaboration, the Executive and Legislative Branches should expand the dual-key mechanism to other, Security Assistance and Security Cooperation authorities. Additionally, these same reports demonstrated the Section 1206 authority's uniqueness and utility to addressing critical counterterrorism and military stability operations capabilities gaps of our partner nations in a manner that emphasizes interagency, Whole-of-Government solutions. Section 1206 and/or a follow-on program of similar type and scope should be made permanent authorities in the Title 10 USC.

Following the groundwork laid by Section 1206 and dual-key, implementing the Shared Responsibilities Pooled Resources Fund proposal is a logical next step in the path towards improving interagency collaboration on Building Partner Capacity issues. The SRPR fund proposal builds upon these successes and has tremendous potential to further incentivize and institutionalize interagency collaboration/coordination between DoD & DoS. Ultimately and most importantly, the SRPR could synergize DoD & DoS efforts across the Development, Diplomacy, and Defense spectrum and revolutionize the Whole-of-Government approach to how both departments conduct BPC activities.

Appendix A – Key Terms & Definitions

1. Security Assistance – those traditional train, educate and equip authorities and activities, which fall under United States Code Title 22, designed to assist a partner nation to meet what it perceives as its own national security requirements within the context of a larger United States National Security Policy framework. These activities are typically executed by DoD military forces. *Term defined by authors for the purpose of this only as several differing definitions are currently in use, but is informed by the HASC FY10 NDAA Report.*
2. Security Cooperation – those train, educate and equip activities and authorities, which fall under United States Code Title 10, that represent SecDef’s assessment of a Combatant Commander’s need to build certain capacities in partner nations to satisfy specific theater security requirements generated through a DoD-led assessment of the U.S. national security needs. *Term defined by authors for the purpose of this only as several differing definitions are currently in use, but is informed by the HASC FY10 NDAA Report.*
3. Building Partner Capacity – the total range and scope of train, educate and equip activities that encompass Security Assistance and Security Cooperation authorities. *Term defined by authors as no formal definition exists.*
4. Dual Key – term that describes the legislative mechanism codified in certain authorities that mandate DoD & DoS collaboration on BPC activities to ensure a whole-of-government balance to support and enhance national security policy. *Term defined by authors as no formal definition exists.*
5. Foreign Assistance Act (FAA) of 1961 – The basic law providing the authority and the general rules for the conduct of foreign assistance grant activities/programs by the USG. Published as 22 U.S.C. Sec. 2151 et seq.³¹
6. Foreign Military Sales (FMS) System – Government-government sales of US defense equipment, services, and training. Responsible arms sales further national security and foreign policy objectives by enabling allies and friends to better defend themselves, by establishing long-term relationships between US forces and militaries of friends & allies that convey US values, and by developing the relationships and interoperability necessary for coalition building and operations.
7. Dual Key Oversight Committees – House Armed Services Committee (HASC), House Appropriations Committee – Defense (HAC-D), House Foreign Affairs Committee (HFAC), House Appropriations Committee – Foreign Operations (HAC-FO), Senate Armed Services Committee (SASC), Senate Appropriations Committee – Defense (SAC-D), Senate Foreign Relations Committee (SFRC), Senate Appropriations Committee – Foreign Operations (SAC-FO).

Appendix B – Key Security Cooperation & Security Assistance Authorities

DoD (United States Code Title 10) Security Cooperation Programs & Authorities

1. NDA Section 1206 Global Train & Equip Authority - Build capacity of foreign military forces through provision of training & equip to conduct CT ops or participate in, or support, military & stabilization ops in which US forces are participating. A dual key program that requires Chief of Mission & Combatant Commander concurrence in the field and SecDef and SecState concurrence in Washington, DC.
2. NDA Section 1208 Military Operations to Combat Terrorism - Provides for support to foreign forces, irregular forces, or groups engaged in supporting or facilitating ongoing military ops by US SPECOPS forces to combat terrorism. SOCOM submits requests.
3. Commander's Emergency Response Program (CERP) – Enables local commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the indigenous population.³²
4. Combatant Commander Initiative Fund (CCIF) - Allows CJCS to fund COCOM contingency requirements to include urgent & unanticipated humanitarian relief and reconstruction assistance. COCOMs submit requests.
5. Pakistan Counterinsurgency Fund / Pakistan Counterinsurgency Capabilities Fund (PCF/PCCF) - Assists Government of Pakistan in building the capabilities of Pakistan security forces to conduct counterinsurgency (COIN) operations. Funds provided to DoD for FY09. For FY10, funds provided to State with pass through to DoD. A dual key program.
6. DoD Counternarcotics (Section 1033) Authority - Provides non-reimbursable support to foreign security forces to stop the flow of illegal drugs. It is used to provide support for counterdrug activities of federal, state, local & foreign government law enforcement agencies. COCOMs submit requests.
7. Coalition Support Fund (CSF) including Coalition Readiness Support Program (CRSP) - Provides DoD O&M funds to reimburse key cooperating nations for logistical & military support provided to US military ops in connection with military action in Iraq, AFG & other OCO. Coalition Readiness Support Program (CRSP) provision authorizes the loan of supplies/equipment on a non-reimbursable basis. COCOMs submit requests.
8. Acquisition Cross-Servicing Agreement (ASCA) - Provides logistics support, supplies, and services on a reciprocal basis. COCOMs submit requests.
9. Lift & Sustain Authority - Allows for logistical support and services (to include transportation) to coalition forces participating in combined operations with US forces.
10. Regional Defense Counterterrorism Fellowship Program (CTFP) – Provides Education & training to international students in support of US efforts to combat terrorism. The goals of the CT Fellowship are to provide tailored education & training to international partners in OCO in order to build their CT capacities & capabilities and create a global community of CT experts and practioners who share values and a common language in combating terrorism.

11. Overseas Humanitarian Disaster & Civic Aid (OHDACA) Authority - Provides fund to support projects addressing humanitarian needs of international civilian populations. It is also available for the transportation of (non-lethal) excess supplies and non-lethal relief supplies as well as foreign disaster assistance. COCOMs submit requests.

12. Joint Combined Education & Training (JCET) - Special Operations Forces (SOF) unit training conducted overseas to maintain SOF readiness and train friendly foreign forces. COCOMs submit requests.

DoS (United States Code Title 22) Security Assistance Programs & Authorities

1. Foreign Military Financing (FMF) Authority - Provides grant and/or loan dollars to specific countries which can be used for Foreign Military Sales (FMS) purchases (articles, services, training, and design & construction services) or can be used for Direct Commercial Sales (DCS) with DSCA approval.

2. International Military Education & Training (IMET) Authority – That component of the U.S. security assistance program which provides training to selected foreign military and defense associated civilian personnel on a grant basis. Training is provided at U.S. military facilities and with U.S. Armed Forces in the U.S. and overseas, and through the use of Mobile Training Teams. Training also may be provided by contract technicians, contractors (including instruction at civilian institutions), or by correspondence courses. The IMET Program is authorized by the FAA.

3. Peacekeeping Operations (PKO) Authority – Promotes human rights, democracy, regional security, and facilitating humanitarian response. Promotes increased involvement in conflict resolution, multilateral peace operations and sanctions enforcement; and leveraging fair share contributions to peacekeeping efforts from those countries with greater potential to pay, while facilitating increased participation of poorer countries with resource constraints

4. International Narcotics Control & Law Enforcement (INCLE) - Provides support to reduce and stop the flow of illegal drugs into the US and to minimize the impact of international crime on the US and its citizens. INCLE can be used to train partner nation law enforcement organizations.

5. Global Peace Operations Initiative (GPOI) - Provides grant monies to increase the capacity of countries to deploy to international peace support operations. GPOI addresses gaps in global peacekeeping capacity by training 75,000 peace support troops worldwide, with an emphasis on Africa & building African command HQ capability

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¹¹ U.S. Government Accountability Office. *DOD and State Need to Improve Sustainment Planning and Monitoring and Evaluation for Section 1206 and 1207 Assistance Programs*. GAO-10-431. (Washington, DC: Government Accountability Office, April 15, 2010), 3-6.

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¹⁴ U.S. Congress. House of Representatives. *National Defense Authorization Act for Fiscal Year 2010 – Report of the Committee on Armed Services, House of Representatives on H.R. 2647 together with Additional and Supplemental Views*. 111th Cong. 1st sess., 2009, Report 111-166, 411-412. From the HASC Report:

The committee regards the historical execution of this authority favorably and concludes that it is an important aspect of a combatant commander's theater engagement strategy. The committee recognizes that it has become an important tool for building partner capacity and security cooperation...The committee has come to see a distinction between traditional foreign assistance-related authorities designed to assist a foreign country to meet what it perceives as its own national security requirements within the context of a larger United States foreign policy framework, and this new type of authority, which generally represents the Secretary of Defense's assessment of a combatant commander's need to build certain capacities in partner nations to satisfy specific theater security requirements...This fundamental distinction of purpose between requirements generated on behalf of the foreign nation (consistent with U.S. policy), and requirements generated through a Department of Defense-led assessment of the United States' national security needs is significant.

¹⁵ U.S. Department of Defense. *Memorandum for Secretary of State: Options for Remodeling Security Sector Assistance Authorities*, by Robert M. Gates, Secretary of Defense. OSD 13826-09. U.S. Department of Defense. Washington, D.C., DEC 15 2009, http://www.washingtonpost.com/wp-srv/nation/documents/Gates_to_Clinton_121509.pdf, 6.

¹⁶ Senate Committee on Foreign Relations, *Embassies as Command Posts in the Anti-Terror Campaign – A Report to Members of the Committee on Foreign Relations, United States Senate*. 109th Cong. 2nd sess., 2006, S. Rep. 109-52, 2.

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articles on defense and national security policy, the defense policy process, and national security budgets. He appears regularly in the media and has testified numerous times before the Congress on defense spending and national security issues, blogs regularly for [Capital Gains and Games](#), National Journal, and [Budget Insight](#). <http://www.stimson.org/experts/gordon-adams/> (accessed 10 November 2010).

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²⁰ Boyatt, Thomas, Ambassador. *A Foreign Affairs Budget for the Future – Fixing the Crisis in Diplomatic Readiness*. (Washington, DC: The American Academy of Diplomacy. Stimson Center. Una Chapman Fox Foundation, October 2008), 4, 22-24.

²¹ Isacson, Adam. “The Pentagon’s Military Aid Role Grows.” *Just the Facts: A Civilian’s Guide to U.S. Defense and Security Assistance to Latin America and the Caribbean*, <http://justf.org/blog/2010/01/26/pentagons-military-aid-role-grows> (accessed 26 January 2010).

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In addition to the Leahy Amendment, the Section 1206 program must also evaluate the eligibility of partner nations to receive train & equip assistance packages against other legislative requirements such as the Child Soldiers Prevention Act of 2008, Trafficking in Persons worldwide annual assessment report by country (issued by the State Dept), and Budget Transparency reports by country.

²⁴ Ibid, 5. Every partner nation unit which receives Section 1206 assistance shall receive a training in human rights and respect for civilian authority (over the military) that is conducted by the Defense Institute of International Legal Studies (DIILS).

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Last December, Secretary Gates proposed one possible way ahead. Drawing on a model employed by the United Kingdom, he suggested a “pooled resources” approach that shares funding and responsibility across departments. These pooled funds would be used for urgent programs that cut across traditional DoD and State mission areas... This is hardly a panacea, but it’s a creative way to break through some of the current impasses. It doesn’t require massive change – just relatively minor adjustments.

²⁷ U.S. Department of Defense. *Memorandum for Secretary of State: Options for Remodeling Security Sector Assistance Authorities*, by Robert M. Gates, Secretary of Defense. OSD 13826-09. U.S. Department of Defense. Washington, D.C., DEC 15 2009, http://www.washingtonpost.com/wp-srv/nation/documents/Gates_to_Clinton_121509.pdf, 3.

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