

108TH CONGRESS
2D SESSION

H. R. 4185

To improve the coordination of the Federal Government in identifying and responding to weak or failing countries that endanger international security or stability, to improve the coordination and conduct of pre-conflict stabilization operations and post-conflict reconstruction operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 2004

Mr. DREIER introduced the following bill; which was referred to the Committee on International Relations, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To improve the coordination of the Federal Government in identifying and responding to weak or failing countries that endanger international security or stability, to improve the coordination and conduct of pre-conflict stabilization operations and post-conflict reconstruction operations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

2 (a) **SHORT TITLE.**—This Act may be cited as the
3 “International Security Enhancement Act of 2004”.

4 (b) **TABLE OF CONTENTS.**—The table of contents for
5 this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. Findings.

TITLE I—DEPARTMENT OF STATE REFORM

Sec. 101. Office of Overseas Contingencies and Stabilization and Undersecretary of State for Overseas Contingencies and Stabilization.

Sec. 102. Identification of weak or failing countries and categorization of country according to level of risk.

Sec. 103. Emergency Stabilization Operations Support Fund.

TITLE II—DEPARTMENT OF DEFENSE REFORM

Sec. 201. Regional joint interagency task forces for post-conflict reconstruction operations.

TITLE III—NATIONAL SECURITY COUNCIL REFORM

Sec. 301. Joint Task Force for Stabilization, Reconstruction, and Contingency Operations Coordination.

TITLE IV—MISCELLANEOUS PROVISIONS

Sec. 401. Rules of construction.

Sec. 402. Sense of Congress.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) The United States is engaged in a Global
9 War on Terrorism, in which threats to the security
10 of the United States often originate in weak or fail-
11 ing countries.

12 (2) The National Security Strategy of the
13 United States states that “the United States and
14 countries cooperating with us must not allow the ter-
15 rorists to develop new home bases”.

1 (3) It is in the interests of the United States
2 to develop a comprehensive framework to monitor
3 weak or failing countries and prepare to deal effec-
4 tively with these countries before they become immi-
5 nent threats to the people of the United States.

6 (4) The Department of State is uniquely
7 equipped to communicate with other United States
8 agencies and international organizations to plan for
9 pre-conflict stabilization operations and post-conflict
10 reconstruction operations in weak or failing coun-
11 tries, both as an alternative to military intervention
12 and as a successor to military conflict, if such con-
13 flict becomes unavoidable.

14 (5) Since the end of World War II, the United
15 States has participated in reconstruction and democ-
16 racy-building efforts in Germany, Japan, Somalia,
17 Haiti, Bosnia and Herzegovina, Kosovo, Afghani-
18 stan, and Iraq, and the knowledge and experience of
19 United States agencies, in cooperation with inter-
20 national organizations, was critical to successfully
21 providing security and humanitarian relief and es-
22 tablishing the rule of law in these countries and re-
23 gions.

24 (6) The ability of the Department of Defense,
25 the Department of State, the National Security

1 Council, and various international organizations to
 2 coordinate and cooperate effectively to deal with
 3 emerging threats is essential for enhancing the abil-
 4 ity of the United States and its allies to win the
 5 Global War on Terrorism

6 (7) A 2003 report from the RAND Corporation
 7 states “post-conflict stabilization and reconstruction
 8 with the objective of promoting a transition to de-
 9 mocracy appear to be the inescapable responsibility
 10 of the world’s only superpower. Therefore . . . the
 11 United States ought to make the smaller long-term
 12 investments in its own institutional capacity to con-
 13 duct such operations”.

14 **TITLE I—DEPARTMENT OF**
 15 **STATE REFORM**

16 **SEC. 101. OFFICE OF OVERSEAS CONTINGENCIES AND STA-**
 17 **BILIZATION AND UNDERSECRETARY OF**
 18 **STATE FOR OVERSEAS CONTINGENCIES AND**
 19 **STABILIZATION.**

20 (a) ESTABLISHMENT.—The State Department Basic
 21 Authorities Act of 1956 is amended by adding after sec-
 22 tion 58 (22 U.S.C. 2730) the following new section:

23 **“SEC. 59. OVERSEAS CONTINGENCIES AND STABILIZATION.**

24 **“(a) OFFICE OF OVERSEAS CONTINGENCIES AND**
 25 **STABILIZATION.—**

1 “(1) ESTABLISHMENT OF OFFICE.—The Sec-
2 retary shall establish within the Department of State
3 an Office of Overseas Contingencies and Stabiliza-
4 tion.

5 “(2) PURPOSE OF OFFICE.—The Office shall
6 have primary responsibility for planning and admin-
7 istering non-military aspects of overseas contingency
8 operations, including pre-conflict stabilization oper-
9 ations and post-conflict reconstruction operations, in
10 countries categorized pursuant to section 60 as
11 countries of impending risk or countries of imme-
12 diate risk.

13 “(3) HEAD OF OFFICE.—The head of the Office
14 shall be the Undersecretary for Overseas Contin-
15 gencies and Stabilization. The President shall ap-
16 point the Undersecretary, by and with the advice
17 and consent of the Senate.

18 “(b) ORGANIZATION OF OFFICE.—

19 “(1) THREE BUREAUS.—The Office shall be or-
20 ganized into three bureaus, as follows:

21 “(A) The Bureau of Contingency Planning.

22 “(B) The Bureau of Contingency Training.

23 “(C) The Bureau of Contingency Coordi-
24 nation.

1 “(2) HEAD OF BUREAUS.—The head of each
2 bureau shall be an Assistant Secretary. The Presi-
3 dent shall appoint the Assistant Secretaries, by and
4 with the advice and consent of the Senate.

5 “(c) BUREAU OF CONTINGENCY PLANNING.—The
6 Bureau of Contingency Planning shall be responsible for—

7 “(1) coordinating with the intelligence commu-
8 nity, as defined in section 3(4) of the National Secu-
9 rity Act of 1947 (50 U.S.C. 401a(4)), in the identi-
10 fication of countries as weak or failing under section
11 60;

12 “(2) monitoring political and economic develop-
13 ments in such countries;

14 “(3) preparing pre-conflict stabilization oper-
15 ations to address the dangers specified in section
16 60(a)(1) associated with such countries; and

17 “(4) preparing post-conflict reconstruction oper-
18 ations, including operations relating to civil and po-
19 litical affairs, for countries in which the United
20 States participates or may participate in a pre-con-
21 flict stabilization operation or a post-conflict recon-
22 struction operation.

23 “(d) BUREAU OF CONTINGENCY TRAINING.—The
24 Bureau of Contingency Training shall be responsible for—

1 “(1) training members of the Federal Govern-
2 ment for overseas pre-conflict stabilization oper-
3 ations and post-conflict reconstruction operations in
4 weak or failing countries identified under section 60;

5 “(2) administering the International Contingency
6 Training Center established under subsection
7 (f); and

8 “(3) administering the Civilian Overseas Con-
9 tingency Force established under section (g) and
10 maintaining the International Contingency Personnel
11 Database established under subsection (h).

12 “(e) BUREAU OF CONTINGENCY COORDINATION.—
13 The Bureau of Contingency Coordination shall serve as
14 the permanent liaison between the Office and—

15 “(1) the Department of Defense and other rel-
16 evant departments;

17 “(2) the Central Intelligence Agency and other
18 relevant elements of the intelligence community;

19 “(3) the United Nations and the North Atlantic
20 Treaty Organization and other relevant international
21 governmental organizations; and

22 “(4) relevant non-governmental organizations.

23 “(f) INTERNATIONAL CONTINGENCY TRAINING CEN-
24 TER.—

1 “(1) ESTABLISHMENT.—The Undersecretary
2 shall establish within the Bureau of Contingency
3 Training an International Contingency Training
4 Center.

5 “(2) DUTIES.—The Center shall be responsible
6 for—

7 “(A) conducting inter-agency training, in-
8 cluding training related to inter-agency deci-
9 sion-making, operational planning, and execu-
10 tion simulations, for mid-level Government offi-
11 cials and managers to prepare these officials
12 and managers to address complex overseas con-
13 tingencies, including pre-conflict stabilization
14 operations and post-conflict reconstruction op-
15 erations;

16 “(B) conducting advanced training related
17 to pre-conflict stabilization operations and post-
18 conflict reconstruction operations for members
19 of the Civilian Overseas Contingency Force;

20 “(C) conducting pre-deployment training
21 related to pre-conflict stabilization operations
22 and post-conflict reconstruction operations for
23 civilians and military-civil affairs personnel;

24 “(D) conducting exercises related to pre-
25 conflict stabilization operations and post-con-

1 flict reconstruction operations for United States
2 and international experts;

3 “(E) developing a uniform set of operating
4 procedures for pre-conflict stabilization oper-
5 ations and post-conflict reconstruction oper-
6 ations; and

7 “(F) conducting on-going evaluations and
8 after-action reviews of pre-conflict stabilization
9 operations and post-conflict reconstruction op-
10 erations.

11 “(3) LOCATION.—

12 “(A) DETERMINATION BY UNDERSECRE-
13 TARY.—The Center shall be located at a site
14 the Undersecretary determines to be appro-
15 priate to allow the Center to properly carry out
16 the duties specified in paragraph (2).

17 “(B) MILITARY AND OTHER FACILITIES.—
18 In making the determination under subpara-
19 graph (A), the Undersecretary shall consider
20 military installations and other existing Govern-
21 ment facilities that satisfy the needs of the Cen-
22 ter.

23 “(C) REPORT.—Not later than one year
24 from the date of the enactment of the Inter-
25 national Security Enhancement Act of 2004,

1 the Undersecretary shall submit to the appro-
2 priate congressional committees a report recom-
3 mending a site for the location of the Center.

4 “(4) SUPPORT.—The Assistant Secretary for
5 Contingency Training shall provide the Center with
6 such staff and resources as the Assistant Secretary
7 considers necessary and appropriate to allow the
8 Center to properly carry out the duties specified in
9 paragraph (2).

10 “(g) CIVILIAN OVERSEAS CONTINGENCY FORCE.—

11 “(1) ESTABLISHMENT AND PURPOSE.—The
12 Undersecretary shall establish within the Bureau of
13 Contingency Training a Civilian Overseas Contingency
14 Force intended to provide a ready source of
15 volunteers who can provide in-country assistance in
16 support of pre-conflict stabilization operations and
17 post-conflict reconstruction operations carried out by
18 the Office in countries categorized pursuant to section
19 60 as countries of impending risk or countries
20 of immediate risk.

21 “(2) AUTHORITY.—

22 “(A) COUNTRY OF IMPENDING RISK.—The
23 President, acting through the Undersecretary,
24 may authorize the deployment of members of
25 the Force to a country of impending risk if the

1 President determines that such deployment is
2 likely to—

3 “(i) prevent the country from satis-
4 fying any of the criteria specified in section
5 60(a)(1), if the country does not satisfy
6 any of the criteria at the time of the ap-
7 pointment of a Special Coordinator under
8 section 60(g) for the country; or

9 “(ii) assist the country to end its sat-
10 isfaction of any of the criteria and reduce
11 the likelihood that the country will be con-
12 sidered a national security priority by the
13 President, if the country satisfies any of
14 the criteria at the time of the appointment

15 “(B) COUNTRY OF IMMEDIATE RISK.—The
16 President, acting through the Undersecretary,
17 may authorize the deployment of members of
18 the Force to a country of immediate risk if the
19 President determines that such deployment is
20 likely to—

21 “(i) assist the country to end its satis-
22 faction of any of the criteria specified in
23 section 60(a)(1); and

24 “(ii) allow the President to remove the
25 country from the list of countries the

1 President considers to be a national secu-
2 rity priority.

3 “(3) COMPOSITION.—

4 “(A) VOLUNTEERS.—The Force shall be
5 composed of volunteers selected by the Under-
6 secretary, and may include—

7 “(i) individuals who are Federal em-
8 ployees or former employees of the execu-
9 tive, legislative, or judicial branches;

10 “(ii) individuals who are retired or
11 former members of the uniformed services;

12 “(iii) individuals from the United
13 States or foreign academic community;

14 “(iv) individuals from United States
15 or foreign non-governmental organizations;
16 and

17 “(v) such other individuals from the
18 United States or foreign countries as the
19 Undersecretary considers necessary and
20 appropriate to satisfy the needs of the
21 Force under this subsection.

22 “(B) RELEVANT EXPERTISE OR EXPERI-
23 ENCE REQUIRED.—Volunteers selected under
24 subparagraph (A) shall possess expertise in or
25 experience related to pre-conflict stabilization

1 operations and post-conflict reconstruction op-
2 erations, including individuals who possess ex-
3 pertise or experience as—

4 “(i) members of the judiciary;

5 “(ii) members of a police force;

6 “(iii) health workers;

7 “(iv) penal officers;

8 “(v) civil planners or administrators;

9 “(vi) attorneys;

10 “(vii) constitutional experts;

11 “(viii) civil engineers;

12 “(ix) construction workers; or

13 “(x) members of the financial services
14 sector.

15 “(4) ADVANCED TRAINING.—The Assistant Sec-
16 retary for Contingency Training shall utilize the
17 International Contingency Training Center to pro-
18 vide members of the Force with such advanced
19 training in pre-conflict stabilization operations and
20 post-conflict reconstruction operations as the Assist-
21 ant Secretary considers necessary and appropriate to
22 maintain the operational readiness of the Force.

23 “(5) LIMITATION ON DEPLOYMENT.—

24 “(A) LIMITATION.—A member of the
25 Force may not be deployed to one or more

1 countries of impending risk or countries of im-
2 mediate risk for more than 365 days during
3 any two-year period, as calculated from the date
4 of the initial deployment of the member to any
5 such country, unless the member consents to a
6 longer deployment.

7 “(B) TREATMENT OF ADVANCED TRAIN-
8 ING.—Training provided to a member of the
9 Force under paragraph (4) shall not be counted
10 for purposes of applying the limitation on de-
11 ployment described in subparagraph (A).

12 “(6) COMPENSATION.—Although members of
13 the Force are volunteers, the Undersecretary shall
14 compensate members of the Force during periods of
15 training and deployment in accordance with—

16 “(A) the appropriate salary class for the
17 Foreign Service, as set forth in sections 402
18 and 403 of the Foreign Service Act of 1980 (22
19 U.S.C. 3962 and 3963); or

20 “(B) the relevant authority under sections
21 3101 and 3392 of title 5, United States Code.

22 “(7) EXTENSION OF CERTAIN FOREIGN SERV-
23 ICE BENEFITS.—The Undersecretary may extend to
24 any member of the Force who is deployed in support
25 of a pre-conflict stabilization operation or a post-

1 conflict reconstruction operation the benefits or
2 privileges set forth in sections 412, 413, 704, and
3 901 of the Foreign Service Act of 1980 (22 U.S.C.
4 3972, 3973, 4024, and 4081) to the same extent
5 and in the same manner that such benefits and
6 privileges are extended to members of the Foreign
7 Service.

8 “(8) EMPLOYMENT AND REEMPLOYMENT
9 RIGHTS.—Members of the Force shall be treated as
10 members of the uniformed services, as defined in
11 section 4303(16) of title 38, United States Code, for
12 purposes of employment and reemployment rights
13 under subchapters I and II of chapter 43 of such
14 title.

15 “(9) NON-FORCE PERSONNEL.—

16 “(A) CONTRACTING AUTHORITY.—The Un-
17 dersecretary may procure the services of indi-
18 viduals or organizations by contract to assist
19 the Office in any pre-conflict stabilization oper-
20 ation or post-conflict reconstruction operation
21 in which the Office may be involved. Individuals
22 performing services related to such assistance
23 shall not by virtue of such performance be con-
24 sidered employees of the United States for pur-
25 poses of any law administered by the Office of

1 Personnel Management (except that the Under-
2 secretary may determine the applicability to
3 such individuals of any law administered by the
4 Undersecretary concerning such performance by
5 such individuals).

6 “(B) EXPERTS AND CONSULTANTS.—In
7 the event of a pre-conflict stabilization oper-
8 ation or a post-conflict reconstruction operation
9 in which the Office is involved, and to the ex-
10 tent necessary to obtain without undue delay
11 necessary services considered by the Undersec-
12 retary to be relevant to the success of such op-
13 eration, the Undersecretary may procure the
14 services of experts and consultants under sec-
15 tion 3109 of title 5, United States Code.

16 “(C) AUTHORITY TO ACCEPT AND ASSIGN
17 DETAILS.—The Undersecretary may accept de-
18 tails or assignments of employees of the execu-
19 tive, legislative, or judicial branches, members
20 of the uniformed services, and employees of
21 State or local governments on a reimbursable or
22 nonreimbursable basis in order to satisfy the
23 needs of the Office. The assignment of an em-
24 ployee of a State or local government under this

1 subsection shall be consistent with subchapter
2 VI of chapter 33 of title 5, United States Code.

3 “(D) ACCEPTANCE OF UNPAID VOLUNTEER
4 SERVICES.—In the event of a pre-conflict sta-
5 bilization operation or a post-conflict recon-
6 struction operation in which the Office is in-
7 volved, the Undersecretary may accept the serv-
8 ices of certain individuals to assist the Office in
9 the administration of such operations without
10 regard to section 1342 of title 31, United
11 States Code. Individuals providing such services
12 shall be uncompensated.

13 “(10) SUPERVISION AND TREATMENT OF
14 FORCE AND NON-FORCE PERSONNEL.—

15 “(A) SUPERVISION.—The Undersecretary
16 shall—

17 “(i) ensure that members of the Force
18 and non-Force personnel under paragraph
19 (9) are notified of the scope of the services
20 accepted pursuant to such paragraph;

21 “(ii) supervise the non-Force per-
22 sonnel to the same extent as Federal em-
23 ployees performing similar services; and

24 “(iii) ensure that a non-Force indi-
25 vidual has appropriate credentials or is

1 otherwise qualified to perform in the ca-
2 pacity for which the services of such indi-
3 vidual are accepted.

4 “(B) APPLICABILITY OF PROVISIONS RE-
5 LATING TO FEDERAL EMPLOYEES.—Members of
6 the Force or non-Force personnel under para-
7 graph (9) who are not Federal employees shall
8 not be considered as Federal employees by rea-
9 son of the performance of services, except for
10 the purposes of the following provisions of the
11 United States Code:

12 “(i) Chapter 81 of title 5, relating to
13 compensation for work-related injuries.

14 “(ii) Chapter 171 of title 28, relating
15 to tort claims.

16 “(iii) Chapter 11 of title 18, relating
17 to conflicts of interest.

18 “(11) DATABASE OF CIVILIAN VOLUNTEERS
19 AND OTHER INDIVIDUALS.—The Undersecretary
20 shall establish within the Bureau a database of
21 members of the Force and such other non-Force in-
22 dividuals with relevant experience or expertise re-
23 lated to pre-conflict stabilization operations and
24 post-conflict reconstruction operations as the Under-
25 secretary determines necessary and appropriate to

1 satisfy the needs of the Force under this sub-
2 section.”.

3 (b) NUMBER OF UNDERSECRETARIES AND ASSIST-
4 ANT SECRETARIES.—

5 (1) STATE DEPARTMENT BASIC AUTHORITIES
6 ACT OF 1956.—Section 1 of the State Department
7 Basic Authorities Act of 1956 (22 U.S.C. 2651a) is
8 amended—

9 (A) in subsection (b)(1), relating to the
10 number of Under Secretaries, by striking “6”
11 and inserting “7”; and

12 (B) in subsection (c)(1), relating to the
13 number of Assistant Secretaries, by striking
14 “24” and inserting “27”.

15 (2) TITLE 5, UNITED STATES CODE.—Title 5,
16 United States Code, is amended—

17 (A) in section 5314, relating to compensa-
18 tion at level III of the Executive Schedule, by
19 striking “(6)” in the item relating to Under
20 Secretaries of State and inserting “(7)”; and

21 (B) in section 5315, relating to compensa-
22 tion at level IV of the Executive Schedule, by
23 striking “(24)” in the item relating to Assistant
24 Secretaries of State and inserting “(27)”.

1 **SEC. 102. IDENTIFICATION OF WEAK OR FAILING COUN-**
 2 **TRIES AND CATEGORIZATION OF COUNTRY**
 3 **ACCORDING TO LEVEL OF RISK.**

4 The State Department Basic Authorities Act of 1956
 5 is further amended by adding after section 59, as added
 6 by section 101, the following new section:

7 **“SEC. 60. IDENTIFICATION OF WEAK OR FAILING COUN-**
 8 **TRIES AND CATEGORIZATION OF COUNTRY**
 9 **ACCORDING TO LEVEL OF RISK.**

10 “(a) WEAK OR FAILING COUNTRY.—

11 “(1) IDENTIFICATION.—The Undersecretary for
 12 Overseas Contingencies and Stabilization shall iden-
 13 tify a country as a weak or failing country if the
 14 Undersecretary determines that the country endan-
 15 gers or is likely to endanger—

16 “(A) the population of such country;

17 “(B) the security or stability of neigh-
 18 boring countries;

19 “(C) United States national security;

20 “(D) success in the Global War on Ter-
 21 rorism; or

22 “(E) United States or international efforts
 23 towards the non-proliferation of weapons of
 24 mass destruction.

25 “(2) DEFINITION.—For purposes of this sec-
 26 tion, the term ‘weak or failing country’ means a

1 country identified by the Undersecretary under para-
2 graph (1).

3 “(b) CATEGORIZATION.—

4 “(1) INCREASING LEVELS OF RISK.—The Un-
5 dersecretary shall categorize a weak or failing coun-
6 try into one of three risk categories, each of which
7 corresponds to an increasing level of risk relative to
8 the preceding category, as follows:

9 “(A) Country of risk.

10 “(B) Country of impending risk.

11 “(C) Country of immediate risk.

12 “(2) COUNTRY OF RISK.—The Undersecretary
13 shall categorize a weak or failing country as a coun-
14 try of risk if the Undersecretary determines that the
15 country is likely to satisfy one or more of the criteria
16 specified in subsection (a)(1) within two to five years
17 after the date of the categorization.

18 “(3) COUNTRY OF IMPENDING RISK.—The Un-
19 dersecretary shall categorize a weak or failing coun-
20 try as a country of impending risk if the Undersec-
21 retary determines that the country—

22 “(A) is likely to satisfy one or more of the
23 criteria specified in subsection (a)(1) within two
24 years after the date of the categorization; or

1 “(B) satisfies one or more of the criteria at
2 the time of the categorization, but the Presi-
3 dent, after consultation with the National Secu-
4 rity Council, does not consider the country to be
5 a national security priority.

6 “(4) COUNTRY OF IMMEDIATE RISK.—The Un-
7 dersecretary shall categorize a weak or failing coun-
8 try as a country of immediate risk if—

9 “(A) the Undersecretary determines that
10 the country satisfies one or more of the criteria
11 specified in subsection (a)(1) at the time of the
12 categorization; and

13 “(B) the President, after consultation with
14 the National Security Council, considers the
15 country to be a national security priority.

16 “(5) PROMPT NOTICE OF CERTAIN CAT-
17 EGORIZATIONS.—Not later than 30 days after the
18 initial categorization of a weak or failing country as
19 a country of impending risk or a country of imme-
20 diate risk, the Undersecretary shall notify the Presi-
21 dent and the appropriate congressional committees
22 of the categorization.

23 “(c) BASIS FOR CATEGORIZATION.—

24 “(1) REVIEW.—The Assistant Secretary for
25 Contingency Planning shall conduct—

1 “(A) an annual review of each weak or
2 failing country categorized as a country of risk;

3 “(B) a biannual review of each weak or
4 failing country categorized as a country of im-
5 pending risk; and

6 “(C) a quarterly review of each weak or
7 failing country categorized as a country of im-
8 mediate risk.

9 “(2) REPORT.—Not later than 30 days after
10 the completion of each review under paragraph (1),
11 the Undersecretary shall submit to the appropriate
12 congressional committees a report containing the re-
13 sults of the review and such other information as the
14 Undersecretary considers appropriate to support the
15 categorization of the weak or failing country under
16 subsection (b).

17 “(d) ADDITIONAL MONITORING.—

18 “(1) POLITICAL AND ECONOMIC DEVELOP-
19 MENTS.—The Assistant Secretary for Contingency
20 Planning shall monitor political and economic devel-
21 opments in each weak or failing country categorized
22 as a country of risk, a country of impending risk, or
23 a country of immediate risk.

24 “(2) FOCUS OF ATTENTION.—With respect to a
25 weak or failing country categorized as a country of

1 impending risk or a country of immediate risk, the
2 Assistant Secretary shall pay particular attention to
3 political and economic developments that are likely
4 to necessitate—

5 “(A) an adjustment in plans for pre-con-
6 flict stabilization operations and post-conflict
7 reconstruction operations for the country under
8 subsection (f); or

9 “(B) an adjustment in the level of risk of
10 the country under subsection (b).

11 “(e) REVIEW OF FOREIGN ASSISTANCE AND DIPLO-
12 MATIC EFFORTS.—

13 “(1) INITIAL REVIEW REQUIRED.—Not later
14 than 30 days after the initial categorization of a
15 weak or failing country as a country of risk, country
16 of impending risk, or a country of immediate risk,
17 the Assistant Secretary for Contingency Planning
18 shall conduct a review of the amount of foreign as-
19 sistance provided to the country and any diplomatic
20 efforts undertaken with regard to the country.

21 “(2) PERIODIC UPDATES.—The Assistant Sec-
22 retary shall update each review conducted under
23 paragraph (1)—

24 “(A) not less than once every two years for
25 each weak or failing country that is categorized

1 as a country of risk for two or more consecutive
2 years;

3 “(B) not less than once every year for each
4 weak or failing country that is categorized as a
5 country of impending risk for two or more con-
6 secutive years; and

7 “(C) not less than once every six months
8 for each weak or failing country that is cat-
9 egorized as a country of immediate risk.

10 “(3) FOLLOW-UP REPORT.—Not later than 30
11 days after completing each review conducted or up-
12 dated under this subsection regarding a weak or fail-
13 ing country categorized as a country of risk, a coun-
14 try of impending risk, or a country of immediate
15 risk, and based on the review, the Undersecretary
16 shall submit to the appropriate congressional com-
17 mittees a report containing such recommendations
18 for further action regarding the country, including
19 relating to foreign assistance and diplomatic efforts,
20 as the Undersecretary considers appropriate to—

21 “(A) reduce the likelihood that the country
22 will ever satisfy any of the criteria specified in
23 subsection (a)(1), if the country does not satisfy
24 any of the criteria at the time of the submission
25 of the report;

1 “(B) assist the country to end its satisfac-
2 tion of any of the criteria and reduce the likeli-
3 hood that the country will be considered a na-
4 tional security priority by the President or allow
5 the President to remove the country from the
6 list of countries the President considers to be a
7 national security priority, if the country satis-
8 fies any of the criteria at the time of the sub-
9 mission of the report; and

10 “(C) allow the Undersecretary to reduce or
11 remove the categorization of the country under
12 subsection (b) and remove the identification of
13 the country as a weak or failing country.

14 “(f) PLANS FOR PRE-CONFLICT STABILIZATION OP-
15 ERATIONS AND POST-CONFLICT RECONSTRUCTION OPER-
16 ATIONS.—The Assistant Secretary for Contingency Plan-
17 ning shall require the preparation of plans for pre-conflict
18 stabilization operations and post-conflict reconstruction
19 operations for each weak or failing country categorized as
20 a country of impending risk or a country of immediate
21 risk.

22 “(g) SPECIAL COORDINATOR FOR COUNTRIES OF IM-
23 PENDING RISK.—

24 “(1) APPOINTMENT.—Not later than 15 days
25 after the categorization of a weak or failing country

1 as a country of impending risk, the President shall
2 appoint an acting Special Coordinator for each such
3 country.

4 “(2) FORMALIZATION.—As soon as practicable
5 after the appointment of an acting Special Coordi-
6 nator under paragraph (1), the President shall re-
7 quest that the acting Special Coordinator be for-
8 mally appointed as a Special Coordinator. The Spe-
9 cial Coordinator shall be appointed by and with the
10 advice and consent of the Senate, and shall have the
11 rank and status of Ambassador-at-Large.

12 “(3) DUTIES.—The Special Coordinator for a
13 country shall serve as the lead executive branch offi-
14 cial responsible for coordinating pre-conflict sta-
15 bilization operations and post-conflict reconstruction
16 operations with regard to the country, intended to—

17 “(A) prevent the country from satisfying
18 any of the criteria specified in subsection
19 (a)(1), if the country does not satisfy any of the
20 criteria at the time of the appointment; or

21 “(B) assist the country to end its satisfac-
22 tion of any of the criteria and reduce the likeli-
23 hood that the country will be considered a na-
24 tional security priority by the President, if the

1 country satisfies any of the criteria at the time
2 of the appointment.

3 “(4) QUALIFICATIONS.—A person appointed as
4 a Special Coordinator shall—

5 “(A) be a senior member of the Foreign
6 Service who possesses expertise with respect to
7 the country categorized as a country of impend-
8 ing risk; or

9 “(B) be a member of the Office of Over-
10 seas Contingencies and Stabilization with exper-
11 tise in the operations and administration of the
12 Office.

13 “(5) WAIVER.—The President may waive the
14 qualification requirements under paragraph (4) if
15 the President determines that the waiver is in the
16 national security interests of the United States.

17 “(6) SUPPORT.—The Undersecretary shall pro-
18 vide each Special Coordinator with such staff and
19 resources as the Undersecretary considers necessary
20 and appropriate to allow the Special Coordinator to
21 properly carry out the duties specified in paragraph
22 (3).

23 “(h) DIRECTOR OF OPERATIONS FOR COUNTRIES OF
24 IMMEDIATE RISK AND RELATED COUNTRIES.—

1 “(1) APPOINTMENT.—Not later than 15 days
2 after the categorization of a weak or failing country
3 as a country of immediate risk, the President shall
4 appoint an acting Director of Operations for each
5 such country.

6 “(2) FORMALIZATION.—As soon as practicable
7 after the appointment of an acting Director of Oper-
8 ations under paragraph (1), the President shall re-
9 quest that the acting Director of Operations be for-
10 mally appointed as a Director of Operations. The
11 Director of Operations shall be appointed by and
12 with the advice and consent of the Senate, and shall
13 have the rank and status of Ambassador-at-Large.

14 “(3) APPOINTMENT OF EMERGENCY ACTING DI-
15 RECTOR OF OPERATIONS.—

16 “(A) EMERGENCY APPOINTMENT FOR RE-
17 LATED COUNTRIES.—The Undersecretary shall
18 appoint an emergency acting Director of Oper-
19 ations for a country or a weak or failing coun-
20 try not categorized as a country of immediate
21 risk if—

22 “(i) the United States undertakes a
23 military or non-military intervention oper-
24 ation in the country; or

1 “(ii) the Undersecretary determines
2 that a military or non-military intervention
3 operation is imminent.

4 “(B) TIME FOR EMERGENCY APPOINT-
5 MENT.—The Undersecretary shall appoint the
6 emergency acting Director of Operations for a
7 country or such weak or failing country—

8 “(i) as soon as practicable after the
9 initiation of a military or non-military
10 intervention operation in the country; or

11 “(ii) in the case of a determination
12 under subparagraph (A)(ii), as soon as
13 practicable after making the determina-
14 tion, but not later than the first day after
15 the initiation of such intervention oper-
16 ation.

17 “(C) NOTIFICATION TO CONGRESS.—Not
18 later than seven days after the appointment of
19 an emergency acting Director of Operations
20 under paragraph (3), the Undersecretary shall
21 notify the appropriate congressional committees
22 of the designation.

23 “(D) FORMALIZATION.—As soon as prac-
24 ticable after the appointment of an emergency
25 acting Director of Operations under paragraph

1 (3), the President shall request that the emer-
2 gency acting Director of Operations be formally
3 appointed as a Director of Operations.

4 “(4) DUTIES.—The Director of Operations for
5 a country shall serve as the lead executive branch of-
6 ficial responsible for coordinating pre-conflict sta-
7 bilization operations and post-conflict reconstruction
8 operations with regard to the country, intended to—

9 “(A) assist the country to end its satisfac-
10 tion of any of the criteria specified in sub-
11 section (a)(1); and

12 “(B) allow the President to remove the
13 country from the list of countries the President
14 considers to be a national security priority.

15 “(5) REGULAR APPEARANCE BEFORE CON-
16 GRESS.—To the maximum extent practicable, the
17 Director of Operations shall appear regularly before
18 the appropriate congressional committees to provide
19 updates regarding pre-conflict stabilization oper-
20 ations or post-conflict reconstruction operations, in-
21 tended to—

22 “(A) assist the country to end its satisfac-
23 tion of any of the criteria specified in sub-
24 section (a)(1); and

1 “(B) allow the President to remove the
2 country from the list of countries the President
3 considers to be a national security priority.

4 “(6) QUALIFICATIONS.—A person appointed as
5 a Director of Operations shall—

6 “(A) be a senior or former member of the
7 Foreign Service who possesses expertise with
8 respect to the country; or

9 “(B) be a senior or former member of the
10 Senior Executive Service who possesses exper-
11 tise with respect to the country.

12 “(7) WAIVER.—The President may waive the
13 qualification requirements under paragraph (6) if
14 the President determines that the waiver is in the
15 national security interests of the United States.

16 “(8) SUPPORT.—The Undersecretary shall pro-
17 vide each Director of Operations with such staff and
18 resources as the Undersecretary considers necessary
19 and appropriate to allow the Director of Operations
20 to properly carry out the duties specified in para-
21 graph (4).

22 “(i) TRANSITIONAL COUNTRIES.—

23 “(1) INCREASE IN LEVEL OF RISK.—The Spe-
24 cial Coordinator for a country of impending risk
25 shall assume the title of Director of Operations for

1 that country if that country is subsequently cat-
2 egorized as a country of immediate risk.

3 “(2) DECREASE IN LEVEL OF RISK.—

4 “(A) COUNTRY OF IMMEDIATE RISK TO
5 COUNTRY OF IMPENDING RISK.—The Director
6 of Operations for a country of immediate risk
7 shall assume the title of Special Coordinator for
8 that country if that country is subsequently cat-
9 egorized as a country of impending risk.

10 “(B) COUNTRY OF IMMEDIATE OR IM-
11 PENDING RISK TO COUNTRY OF RISK OR NON-
12 CATEGORIZED COUNTRY.—The Director of Op-
13 erations for a country of immediate risk or a
14 Special Coordinator for a country of impending
15 risk may retain such title if—

16 “(i) that country is subsequently cat-
17 egorized as a country of risk or that coun-
18 try is subsequently removed from risk cat-
19 egorization; and

20 “(ii) the President determines that re-
21 tention of the Director of Operations or
22 Special Coordinator is in the national secu-
23 rity interests of the United States.

24 “(j) RESIGNATION AND REPLACEMENT.—If a Special
25 Coordinator or a Director of Operations resigns, the Presi-

1 dent shall, not later than 15 days from the date of such
2 resignation, appoint a replacement acting Special Coordi-
3 nator or replacement acting Director of Operations in ac-
4 cordance with subsections (g) or (h), as the case may be.

5 “(k) EMERGENCY ASSISTANCE.—Pursuant to section
6 452 of the Foreign Assistance Act of 1961 (22 U.S.C.
7 2151 et seq.), the Undersecretary shall use emergency fi-
8 nancial assistance furnished from the Department of State
9 Emergency Stabilization Operations Support Fund to
10 carry out pre-conflict stabilization operations in countries
11 of impending risk or countries of immediate risk.

12 “(l) CLASSIFIED INFORMATION.—

13 “(1) CATEGORIZATION OF COUNTRY.—The Un-
14 dersecretary may treat as classified information the
15 categorization under subsection (b) of a weak or fail-
16 ing country if the Undersecretary determines that
17 such treatment is in the national security interests
18 of the United States.

19 “(2) EMERGENCY ACTING DIRECTOR OF OPER-
20 ATIONS.—The Undersecretary may treat as classi-
21 fied information the appointment under subsection
22 (h)(3) of an emergency acting Director of Oper-
23 ations if the Undersecretary determines that such
24 treatment is in the national security interests of the
25 United States.

1 “(3) REPORTS.—Any report required by this
2 section may be submitted to the appropriate con-
3 gressional committees in whole or in part in classi-
4 fied form.

5 “(m) REFERENCE.—

6 “(1) SPECIAL COORDINATOR.—Any reference in
7 this section to a Special Coordinator includes an act-
8 ing Special Coordinator.

9 “(2) DIRECTOR OF OPERATIONS.—Any ref-
10 erence in this section to a Director of Operations in-
11 cludes an acting Director of Operations and an
12 emergency acting Director of Operations.

13 “(n) DEFINITION.—The term ‘appropriate congres-
14 sional committees’ means the Committee on International
15 Relations of the House of Representatives and the Com-
16 mittee on Foreign Relations of the Senate.”.

17 **SEC. 103. EMERGENCY STABILIZATION OPERATIONS SUP-**
18 **PORT FUND.**

19 The Foreign Assistance Act of 1961 is amended by
20 adding after section 451 (22 U.S.C. 2261) the following
21 new section:

22 **“SEC. 452. EMERGENCY STABILIZATION OPERATIONS SUP-**
23 **PORT FUND.**

24 “(a) ESTABLISHMENT AND FUNDING.—There is es-
25 tablished in the Treasury an account to be known as the

1 ‘Department of State Emergency Stabilization Operations
2 Support Fund’ (in this section referred to as the ‘Fund’).
3 The Fund shall consist of amounts appropriated to the
4 Fund. Amounts in the Fund are available without further
5 appropriation and until expended to carry out this section.

6 “(b) EMERGENCY ASSISTANCE AND COORDINA-
7 TION.—The President, acting through the Undersecretary
8 of State for Overseas Contingencies and Stabilization, is
9 authorized to use amounts in the Fund to furnish emer-
10 gency financial assistance to the Office of Overseas Con-
11 tingencies and Stabilization of the Department of State,
12 for use with respect to a country categorized under section
13 60 of the State Department Basic Authorities Act of 1956
14 as a country of impending risk or a country of immediate
15 risk.

16 “(c) USE OF EMERGENCY ASSISTANCE FOR PRE-
17 CONFLICT STABILIZATION OPERATIONS.—

18 “(1) COUNTRY OF IMPENDING RISK.—The Spe-
19 cial Coordinator for a country of impending risk, ap-
20 pointed pursuant to section 60(g) of the State De-
21 partment Basic Authorities Act of 1956, shall use
22 the emergency financial assistance furnished under
23 subsection (b) to carry out pre-conflict stabilization
24 operations with respect to a country of impending
25 risk, intended to—

1 “(A) prevent the country from satisfying
2 any of the criteria specified in section 60(a)(1)
3 of the State Department Basic Authorities Act
4 of 1956, if the country does not satisfy any of
5 the criteria at the time of the appointment of
6 the Special Coordinator for the country; or

7 “(B) assist the country to end its satisfac-
8 tion of any of the criteria and reduce the likeli-
9 hood that the country will be considered a na-
10 tional security priority by the President, if the
11 country satisfies any of the criteria at the time
12 of the appointment.

13 “(2) COUNTRY OF IMMEDIATE RISK.—The Di-
14 rector of Operations for a country of immediate risk,
15 appointed pursuant to section 60(h) of the State De-
16 partment Basic Authorities Act of 1956, shall use
17 the emergency financial assistance furnished under
18 subsection (b) to carry out pre-conflict stabilization
19 operations with respect to a country of immediate
20 risk, intended to—

21 “(A) assist the country to end its satisfac-
22 tion of any of the criteria specified in section
23 60(a)(1) of the State Department Basic Au-
24 thorities Act of 1956; and

1 “(B) allow the President to remove the
2 country from the list of countries the President
3 considers to be a national security priority.

4 “(d) REPORT.—The President shall submit to the
5 Committee on International Relations of the House of
6 Representatives and the Committee on Foreign Relations
7 of the Senate an annual report covering the previous year
8 and containing—

9 “(1) an identification of the countries of im-
10 pending risk and the countries of immediate risk for
11 which amounts from the Fund have been expended;

12 “(2) a specification of the amounts of emer-
13 gency financial assistance so expended;

14 “(3) an explanation of how or in what manner
15 the emergency financial assistance was used;

16 “(4) an evaluation of the effectiveness of the
17 emergency financial assistance in helping the Office
18 of Overseas Contingencies and Stabilization carry
19 out the stabilization operations specified in sub-
20 section (c) with respect to countries of impending
21 risk and countries of immediate risk; and

22 “(5) such other information as the President
23 considers necessary and appropriate.

24 “(e) LIMITATION ON USE OF EMERGENCY ASSIST-
25 ANCE.—Emergency financial assistance made furnished

1 under this section may not be used for post-conflict recon-
2 struction operations in any country.”.

3 **TITLE II—DEPARTMENT OF**
4 **DEFENSE REFORM**

5 **SEC. 201. REGIONAL JOINT INTERAGENCY TASK FORCES**
6 **FOR POST-CONFLICT RECONSTRUCTION OP-**
7 **ERATIONS.**

8 (a) IN GENERAL.—Chapter 6 of title 10, United
9 States Code, is amended by inserting after section 164 the
10 following new section:

11 **“§ 164a. Joint interagency task forces for post-con-**
12 **flict reconstruction operations**

13 “(a) ESTABLISHMENT.—(1) Whenever the com-
14 mander of a regional combatant command, at the direction
15 of the President or Secretary of Defense, begins planning
16 for a contingency operation that has been or may be di-
17 rected by the President or Secretary of Defense, the com-
18 mander shall establish, within the staff of the combatant
19 command, a joint interagency task force to prepare for
20 any post-conflict reconstruction operations that may result
21 from that contingency operation.

22 “(2) Subject to the direction of the President and
23 Secretary of Defense, and except as otherwise specified by
24 the commander of the command, the head of any task
25 force established under paragraph (1) shall be the deputy

1 commander of the combatant command. If the deputy
2 commander is not the head of the task force, the head
3 of the task force shall be a general or flag officer on active
4 duty who is assigned to the combatant command.

5 “(b) FUNCTIONS.—A task force established under
6 this section with respect to a contingency operation shall
7 assist the combatant commander in planning, before, dur-
8 ing, and after the combatant command is involved in com-
9 bat operations, for post-conflict reconstruction operations
10 in order to facilitate as smooth a transition as possible
11 from the conflict phase to the post-conflict reconstruction
12 phase of the operation.

13 “(c) AGENCY REPRESENTATIVES.—(1) Whenever the
14 commander of a combatant command establishes a task
15 force under this section, the commander, subject to such
16 procedures as may be established by the Secretary of De-
17 fense, shall request the heads of the departments and
18 agencies specified in paragraph (2) to assign an appro-
19 priate representative or representatives to the task force.
20 Upon receiving such a request, the head of a department
21 or agency shall promptly assign a representative or rep-
22 resentatives to the task force.

23 “(2) Paragraph (1) applies to the following:

24 “(A) The Department of State, including the
25 Office of Overseas Contingencies and Stabilization.

1 “(B) The Department of Commerce.

2 “(C) The Department of the Treasury.

3 “(D) The Federal Bureau of Investigation.

4 “(E) The Central Intelligence Agency.

5 “(F) Any other relevant Government agency, as
6 determined by the combatant commander, subject to
7 the approval of the Secretary of Defense.”.

8 (b) CLERICAL AMENDMENT.—The table of sections
9 at the beginning of such chapter is amended by adding
10 at the end the following new item:

“164a. Joint interagency task forces for post-conflict reconstruction operations.”.

11 **TITLE III—NATIONAL SECURITY**
12 **COUNCIL REFORM**

13 **SEC. 301. JOINT TASK FORCE FOR STABILIZATION, RECON-**
14 **STRUCTION, AND CONTINGENCY OPER-**
15 **ATIONS COORDINATION.**

16 (a) ESTABLISHMENT.—There is established in the
17 Executive Office of the President a task force to be known
18 as the “Joint Task Force for Stabilization, Reconstruc-
19 tion, and Contingency Operations Coordination” (in this
20 section referred to as the “Joint Task Force”). The Joint
21 Task Force shall be headed by the Assistant to the Presi-
22 dent for National Security Affairs or a designee of the
23 Assistant.

1 (b) MISSION.—The mission of the Joint Task Force
2 is to ensure proper and complete coordination between
3 Federal agencies before, during, and after instances in
4 which the United States participates in—

5 (1) pre-conflict stabilization operations in a for-
6 eign country;

7 (2) contingency operations, as defined in section
8 101(13) of title 10, United States Code, in a foreign
9 country; and

10 (3) post-conflict reconstruction operations, in a
11 foreign country.

12 (c) ORGANIZATION.—The Joint Task Force shall be
13 comprised of the following:

14 (1) DIRECTOR OR ACTING DIRECTOR OF OPER-
15 ATIONS.—Each Director or Acting Director of Oper-
16 ations, appointed under section 60 of the State De-
17 partment Basic Authorities Act of 1956, as added
18 by section 102.

19 (2) DEPUTY COMMANDER OF THE COMBATANT
20 COMMAND.—A deputy commander of the combatant
21 command of the joint interagency task force for
22 post-conflict reconstruction operations, established
23 under section 164a of title 10, United States Code,
24 as added by section 201, for each country in which
25 such operations are conducted.

1 (3) **ADDITIONAL OFFICIALS.**—Such additional
2 officials of the executive branch as the Assistant to
3 the President for National Security Affairs or a des-
4 ignee of the Assistant determines to be appropriate.

5 (d) **MEETINGS.**—

6 (1) **IN GENERAL.**—The Joint Task Force shall
7 meet as such times and in such places as the Assist-
8 ant to the President for National Security Affairs or
9 a designee of the Assistant directs.

10 (2) **MANDATORY MEETINGS.**—In the case of a
11 pre-conflict stabilization operation, a contingency op-
12 eration, or a post-conflict reconstruction operation,
13 the Joint Task Force shall meet as soon as prac-
14 ticable after the initiation of such operation.

15 **TITLE IV—MISCELLANEOUS** 16 **PROVISIONS**

17 **SEC. 401. RULES OF CONSTRUCTION.**

18 (a) **NATIONAL SECURITY STRATEGY.**—Nothing in
19 this Act shall be construed to encourage or discourage an
20 increase or decrease in foreign interventions or military
21 or non-military operations by the United States, or to en-
22 dorse any particular national security strategy or policy.

23 (b) **AUTHORITY OF THE PRESIDENT.**—Nothing in
24 this Act shall be construed to limit the authority of the
25 President to undertake any military or non-military oper-

1 ation that the President considers necessary to protect the
2 national security interests of the United States.

3 **SEC. 402. SENSE OF CONGRESS.**

4 It is the sense of Congress that—

5 (1) funds appropriated to carry out the amend-
6 ments made by this Act should be offset, to the
7 greatest extent practicable, by reductions in redun-
8 dant or duplicative functions and foreign assistance
9 programs of the Department of State; and

10 (2) increased staff levels required by the
11 amendments made by this Act should be offset, to
12 the greatest extent practicable, by—

13 (A) the transfer of staff within the Depart-
14 ment of State; and

15 (B) the elimination of redundant functions
16 of the Department of State that arise as a re-
17 sult of the amendments made by this Act.

○