

Pentagon Can Now Fund Foreign Militaries

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Defense Secretary Pushed for New Powers to Better Deal With Emergencies

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Congress has granted unusual authority for the Pentagon to spend as much as \$200 million of its own budget to aid foreign militaries, a break with the traditional practice of channeling foreign military assistance through the State Department.

The move, included in a little-noticed provision of the 2006 National Defense Authorization Act passed last month, marks a legislative victory for Defense Secretary Donald H. Rumsfeld, who pushed hard for the new powers to deal with emergency situations.

But it has drawn warnings from foreign policy specialists inside and outside the government, who say it could lead to growth of a separate military assistance effort not subject to the same constraints applied to foreign aid programs that are administered by the State Department. Such constraints are meant to ensure that aid recipients meet certain standards, including respect for human rights and protection of legitimate civilian authorities.

"It's important that diplomats remain the ones to make the decisions about U.S. foreign assistance," said George Withers, a senior fellow at the Washington Office on Latin America and a former staff member on the House Armed Services Committee. "They can ensure such decisions are taken in the broader context of U.S. foreign policy."

Many lawmakers, too, were initially cool to Rumsfeld's request. The Armed Services committees in both the House and Senate declined to write the provision into their original defense authorization bills, citing concerns about a lack of jurisdiction and an absence of detail about where the money would be spent.

But the Pentagon pressed its case, with senior commanders joining top officials in weighing in with reluctant members.

"This was the most heavily lobbied we've been by the Pentagon in the several years I've been here," said one Senate staff member. "They really, really wanted this."

Secretary of State Condoleezza Rice also threw her support behind the measure, overruling lower-ranking staff members who had argued that existing laws were sufficient and who had cautioned against granting the Pentagon such flexibility, department officials said. She

joined Rumsfeld last summer in a letter to Congress urging passage of the legislation.

The initiative addresses an issue that both the Pentagon and the State Department have identified as crucial in fighting terrorism and bolstering stability abroad — namely, “building partnership capacity” in Africa and other developing regions.

Administration officials complain that attempts to provide such security assistance, especially in crisis situations, have often been hampered by a patchwork of legal restrictions and by a division of responsibilities among U.S. government departments. Improving security in a failing foreign nation, for instance, might involve drawing on the Pentagon for military training, the State Department for police training, the Department of Homeland Security for border protection and the Treasury Department for financial enforcement. Cobbling such pieces together can take many months, officials say.

After striking out with the Armed Services committees, Pentagon officials found an ally in Sen. James M. Inhofe (R-Okla.), who has a particular interest in Africa. Inhofe agreed to propose the new authority on the Senate floor as an amendment to the Defense Authorization Act. To ensure compliance with existing foreign aid rules, language was included saying that funds for the missions would be transferred from the Pentagon to the State Department before being expended and would be subject to limitations of the Foreign Assistance Act.

These conditions were dropped in a later Senate-House conference. But other conditions were added still reflecting congressional reservations.

The final version — Section 1206 of the authorization act — says the Pentagon can provide training, equipment and supplies “to build the capacity” of foreign militaries to conduct counterterrorist operations or join with U.S. forces in stability operations. But the section also stipulates that orders for such aid must originate with the president, and it requires the Pentagon to work closely with the State Department in formulating and implementing the assistance.

This new authority cannot be used to provide any assistance banned by other U.S. laws, the provision adds. Further, the measure grants less money than initially requested — \$200 million instead of \$750 million. And it expires after two years, far short of the open-ended mandate that Rumsfeld had sought.

“We’re calling it a pilot program,” said Sen. John W. Warner (R-Va.), chairman of the Armed Services Committee. “But I think it’ll prove its worth.”

Defense officials say they are pleased with the outcome. “It’s a very good start,” said Jeffrey Nadaner, deputy assistant secretary of defense for stability operations. “For the Congress, which hasn’t done this before, we think it’s a bold, cooperative move.”

Reaction at the upper levels of the State Department also has been positive. Under a separate provision approved with the train-and-equip measure, the department is getting \$200 million from the Pentagon to bolster a new Reconstruction and Stabilization Office for coordinating civilian assistance. This provision stirred its own controversy among lawmakers, who as a matter of principle have opposed shifting Pentagon funds to the State Department.

Having gained this much, the Pentagon and State Department are now setting their sights on a more ambitious overhaul of foreign assistance rules.

“In the longer run, we need to have our assistance structured in a way that will give us even broader flexibility,” said Philip Zelikow, the State Department’s counselor. “The president and his advisers must be able to devise a program that can allocate money as needed among whatever agencies have the skill sets to deliver the capabilities, whether State, Defense, Justice or other government agencies.”

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