



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

The Honorable Al Gore
President of the Senate
Washington, D.C. 20510

Dear Mr. President:

The Department of Defense proposes the enclosed draft bill, "Consolidation of Authorities Relating to Department of Defense Regional Centers For Security Studies." This proposal is part of the departmental legislative program for the Second Session of the 106th Congress and we urge its enactment. The Office of Management and Budget advises that there is no objection, from the standpoint of the Administration's program, to the presentation of this initiative for your consideration and the consideration of the Congress.

Purpose of the Legislation

This is a proposal for streamlining the management of our regional centers for strategic studies in various parts of the world. Currently, these centers are authorized under various provisions of the law throughout title 10 and various authorization and appropriation acts. This initiative would streamline that set of laws into one provision that would provide a uniform and consistent authority for all our centers.

The proposal would consolidate and streamline existing authority to waive reimbursement of certain costs, and to authorize the employment and compensation of Regional Center directors, faculty, and staff at competitive rates. It also would expand the authority to pay travel expenses of foreign participants who attend Regional Center activities, and provide new authority for Regional Centers to accept contributions in much the same way as the United States Military Academy has such authority (10 U.S.C. 4356). The proposal would ensure that all the centers are treated equally with the same authorities irrespective of the region involved. This is vitally important to show a consistent treatment of our friends and allies who participate in these centers. Each Nation would know that its participants are treated the same as participants who attend similar centers sponsored by the United States throughout the world.

The enactment of this provision further would confirm the authority of the Secretary of Defense to manage all the centers. They now are managed through various unified commands in the field that are supported by their service executive agents in the Pentagon. This system has evolved with the various programs being developed through different sponsorships through the past few years. The inconsistency in the current legislative authorities governing these centers, however, complicates an overall efficient management of the programs. Accordingly, the proposed management structure as authorized by this bill would provide the Department's newly-created Management Review Board, co-chaired by the Assistant Secretary of Defense (International Security Affairs) and the Director of the Joint Staff, or their designee, and members from the



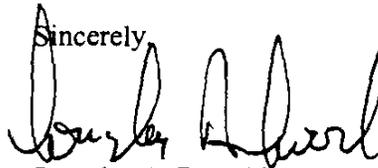
Comptroller, Program Analysis and Evaluation, General Counsel, Joint Staff and the Services, a single set of parameters to coordinate and oversee the various activities of these Regional Centers. The proposal also would give the Regional Commanders-in-Chief (CINC's) improved tools to promote regional security cooperation and stability, consistent with U.S. national security and foreign policy interests, throughout the world. Enactment of this legislation also would provide the Congress with a more efficient framework for its oversight functions.

Implementation of this provision within the Department may include a delegation of gift acceptance authority. If this occurs, the Department would issuance guidance addressing the criteria to be used in determining whether the acceptance of gifts and contributions on behalf of the Regional Centers authorized under this provision would reflect unfavorably on the ability to carry out the mission of the Centers in a fair and objective manner.

Cost and Budget Data

There will be no increase in the budgetary requirements of the Department within the next five years. This proposal is to consolidate current authorities and provide no new spending authority. No additional resources are needed to implement these changes and as the proposed management scheme matures, we expect to realize greater efficiencies in the management of these critical national security resources.

Sincerely,

A handwritten signature in black ink, appearing to read "Douglas A. Dworkin". The signature is written in a cursive, flowing style.

Douglas A. Dworkin
Acting General Counsel

Enclosure
As Stated



GENERAL COUNSEL

GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
1600 DEFENSE PENTAGON
WASHINGTON, D. C. 20301-1600

The Honorable J. Dennis Hastert
Speaker of the House of Representatives
Washington, D.C. 20515

Dear Mr. Speaker:

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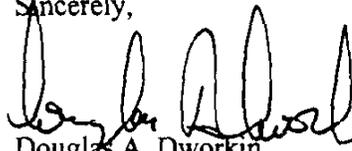
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Douglas A. Dworkin
Acting General Counsel

Enclosure
As Stated

**SEC. ____ . CONSOLIDATION OF AUTHORITIES RELATING TO DEPARTMENT OF
DEFENSE REGIONAL CENTERS FOR SECURITY STUDIES.**

1 (a) IN GENERAL.—Chapter 6 of title 10, United States Code, is amended by adding at the
2 end the following new section:

3 **"§ 169. Regional Centers for Security Studies**

4 "(a) STATEMENT OF POLICY.—Under the authority of the Secretary of Defense, Regional
5 Centers for Security Studies serve as fora for bilateral and multilateral communication and
6 military and civilian exchanges. Such Regional Centers shall use, as the Secretary deems
7 appropriate, professional military education, civilian defense education, and related academic and
8 other activities to pursue such communication and exchanges.

9 "(b) ACCEPTANCE OF GIFTS AND CONTRIBUTIONS.—The Secretary may accept, hold,
10 administer, and use gifts and contributions of money, personal property (including loans of
11 property), and services. Such gifts and contributions shall be utilized for the purpose of
12 defraying the costs or enhancing the operations of one or more of the Regional Centers. The
13 gifts and contributions may be used to pay all reasonable expenses in connection with the
14 conveyance or transfer of any such gifts. Contributions of money and proceeds from the sale of
15 property accepted by the Secretary under this subsection shall be credited to funds available for
16 the operation or support of the Center or Centers intended to benefit from such contribution and
17 shall remain available until expended.

18 "(c) LIMITATION.—The Secretary may not accept a gift or donation under the provisions
19 of subsection (b) if the acceptance of the gift or donation would compromise or appear to
20 compromise—

21 "(1) the ability of the Department of Defense, any employee of the

1 Department, or the members of the armed forces to carry out any responsibility or
2 duty of the Department in a fair and objective manner; or

3 “(2) the integrity of any program of the Department of Defense or of any
4 person involved in such a program.

5 “(d) CRITERIA FOR ACCEPTANCE.—The Secretary shall prescribe written guidance setting
6 forth the criteria to be used in determining whether the acceptance of a foreign gift or donation
7 would have a result described in subsection (c).

8 “(e) ADMINISTRATION.—The Secretary may take the following actions in furtherance of
9 the mission of Regional Centers operated under this section:

10 “(1) EMPLOYMENT AND COMPENSATION OF FACULTY AND STAFF.—The Secretary
11 may employ such civilian directors, faculty and staff members for Regional Centers
12 operated under this section as he determines necessary. Notwithstanding the provisions
13 of title 5, civilian members of the faculty and staff shall be employed under salary
14 schedules as prescribed by the Secretary.

15 “(2) WAIVER OF TUITION AND RELATED COSTS.—The Secretary may waive
16 reimbursement of the cost of conferences, seminars, courses of instruction or similar
17 educational activities of such Regional Centers for foreign participants, if the Secretary
18 determines that attendance of such personnel without reimbursement is in the national
19 security interests of the United States.

20 “(3) PAYMENT OF EXPENSES.—In addition to waiver of reimbursement of costs
21 described in paragraph (2), the Secretary of Defense may pay the travel, subsistence, and
22 similar personal expenses of foreign participants in connection with the attendance of
23 such personnel at conferences, seminars, courses of instruction, or similar educational

1 activities of such Regional Centers, if the Secretary determines that payment of such
2 expenses is in the national security interest of the United States.

3 "(f) REPORT TO CONGRESS.—The Secretary shall report annually to the appropriate
4 Committees of Congress on the status, objectives, operations and international participation of
5 the Regional Centers.

6 "(g) DEFINITIONS.—In this section:

7 "(1) The term 'foreign participant' means any uniformed member of the armed
8 forces of a foreign nation; any civilian employee of a foreign government, or any other
9 person who is not a national of the United States, deemed by the Secretary, after
10 consultation with the Secretary of State, to be an appropriate participant in the activities
11 of such Regional Centers.

12 "(2) The term 'appropriate committees of Congress' means the Committees on
13 Armed Services of the Senate and of the House of Representatives.

14 "(3) The term 'contribution' means a contribution, gift or donation of funds,
15 materials (including research materials), property or services (including lecture services
16 and faculty services) from any source foreign or domestic, to include a foreign
17 government, business entity, foundation or other charitable organization, or an individual,
18 but does not include a contribution made pursuant to chapter 138 of this title."

19 (h) CONFORMING AMENDMENTS.—(1) Section 1306 of the National Defense
20 Authorization Act for Fiscal Year 1995, (Public Law 103-337; 108 Stat. 2892) is repealed.

21 (2) Section 1065 of the National Defense Authorization Act for Fiscal Year 1997,
22 (Public Law 104-201; 110 Stat. 2653) is amended by striking subsections (a) and (b):

23 (3) Section 1595 of title 10, United States Code, is amended—

1 (A) in subsection (b), by striking paragraphs (3) and (5);

2 (B) by redesignating subparagraph (b)(4) as subparagraph (b)(3); and

3 (c) by striking subsection (e).

4 (4) Section 2611 of such title 10 is repealed.

5 (i) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 6 of
6 such title 10 is amended, by inserting after the item relating to section 168, the following new
7 item:

8 "169. Regional Centers for Security Studies."

9 (2) The table of sections for chapter 155 of such title 10 is amended by striking the item
10 relating to section 2611.

Sectional Analysis

This is a proposal for streamlining the management of our regional centers for strategic studies in various parts of the world. Currently, these centers are authorized under various provisions of the law throughout title 10 and various authorization and appropriation acts. This initiative would streamline that set of laws into one provision that would provide a uniform and consistent authority for all our centers.

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To accomplish the above, the proposal would repeal or amend authorities regarding the George C. Marshall European Center for Security Studies, the Asia-Pacific Center for Security Studies, and the Center for Hemispheric Defense Studies. The instant revision to these currently inconsistent authorities would provide a single new provision that would apply to all the regional centers, to include the recently established Africa Center for Strategic Studies and Near East/South Asia Center for Security Studies.

The enactment of the proposal would confirm the authority of the Secretary of Defense to manage all the centers. They now are managed through various unified commands in the field that are supported by their service executive agents in the Pentagon. This system has developed with the various programs being developed through different sponsorships through the past few years. The inconsistency in the current legislative authorities governing these centers, however, complicates an overall efficient management of the programs. Accordingly, the proposed management structure as authorized by this bill would provide the Department's newly-created Management Review Board, co-chaired by the Assistant Secretary of Defense (International Security Affairs) and the Director of the Joint Staff, or their designee, and members from the Comptroller, Program Analysis and Evaluation, General Counsel, Joint Staff and the Services, a single set of parameters to coordinate and oversee the various activities of these Regional Centers. The proposal also would give the Regional CINC's improved tools to promote regional security cooperation and stability, consistent with U.S. national security and foreign policy interests, throughout the world. Enactment of this legislation also would provide the Congress with a more efficient framework for its oversight functions.

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criteria to be used in determining whether the acceptance of gifts and contributions on behalf of the Regional Centers authorized under this provision would reflect unfavorably on the ability to carry out the mission of the Centers in a fair and objective manner.

There will be no increase in the budgetary requirements of the Department within the next five years. This proposal is to consolidate authorities and provide no new spending authorities. No additional resources are needed to implement these changes and as the proposed management scheme matures, we expect to realize greater efficiencies in the management of these critical national security resources.