SEC. 1217. MODIFICATION OF AUTHORITY RELATING TO UNITED STATES PARTICIPATION IN MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.

Section 2350m of title 10, United States Code, is amended by adding at the end the following new subsection:

"(g) TREATMENT OF CERTAIN CANDIDATE ENTITIES PENDING APPROVAL AS MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.—An entity shall be considered to be a multinational military center of excellence for the purposes of this section (notwithstanding that it has not been accredited and approved as described in subsection (f)) if—

"(1) the entity—

"(A) is sponsored by one or more nations for purposes of accreditation and approval under subsection (f);

"(B) has made a formal request to the Supreme Allied Commander-Transformation for approval for its concept as a multinational military center of excellence; and

"(C) has notified the North Atlantic Treaty Organization that it intends to subject itself to the accreditation and approval process for multinational military centers of excellence as described in subsection (f); and

"(2) the Military Committee of the North Atlantic Treaty Organization has not made a final decision on accreditation and approval of the entity as described in subsection (f).".

Section-by-Section Analysis

This proposal would amend section 2350m of title 10, United States Code (relating to United States participation in multinational military centers of excellence), to permit the United States to participate in such centers once a formal request has been made to the North Atlantic

Treaty Organization (NATO) for approval. Under current law, the United States cannot participate until NATO has made its final approval of the center.

Specifically, the proposal would add a new subsection (g) to section 2350m, which would provide that an entity sponsored by one or more nations that has made a formal request to the Supreme Allied Commander-Transformation for approval for its concept as a center of excellence and intends to subject itself to the NATO accreditation and approval process for centers of excellence shall be considered a "multinational military center of excellence" until NATO has made a final decision on the entity's accreditation and approval.

This provision is necessary so the United States can expend funds to establish or help establish a NATO center of excellence. Currently, section 2350m limits U.S. participation to centers that have completed the NATO accreditation process, which severely limits the U.S.' ability to influence the development and direction of the organization and secure positions of influence within the entity.

Currently, section 2350m permits the Secretary of Defense, with the concurrence of the Secretary of State, to authorize members of the armed services and civilian employees of the Department of Defense to participate in multinational military centers of excellence. The section also authorizes the U.S. to pay its share of operating expenses of such centers; pay the expense (but not the salaries) of military and civilian Department of Defense personnel at such centers; and use Department of Defense facilities and equipment in support of such centers.

By its terms, section 2350m limits this permission to centers which have completed the NATO accreditation and approval process. Presently, there are 16 NATO centers of excellence and 3 more centers pending accreditation and approval. (See NATO, Centres of Excellence, https://transnet.act.nato.int/WISE/COE/Individual/COELinks/COE/Individual/COELinks). Of the 16 approved centers, the United States is a participant in eight centers as a founding, contributing, or supporting nation.

The United States currently contributes 36 personnel to eight of the centers of excellence: Cooperative Cyber Defense; Combined Joint Operations from the Sea; Command & Control, Defense against Terrorism; Joint Air Power Competence Center; Military Engineering; Counter-Improvised Explosive Devices; and Joint Chemical Biological, Radiological & Nuclear Defense. The United States is also actively seeking authority to join three other centers (Human Intelligence; Military Medicine; and Explosive Ordnance Disposal) and has been formally invited to participate in two additional centers (Modeling and Simulation, Military Police).

The United States can profit at a very low cost by helping to mold these centers of excellence, made up of our allies from our most important alliance, NATO.

Budgetary Implications: We estimate that, as a result of this legislation, the United States would accelerate its ability to participate in the "founding" of one NATO Center of Excellence each year over the period fiscal year (FY) 2013-2017. We estimate participation would average two billets, at an annual cost per billet of $80,000 per year ($30,000 for the annual cost share and $50,000 for various support costs including schools and transportation), for $160,000 per year, for a total of $800,000 over the period FY 2013-2017.

RESOURCE REQUIREMENTS ($MILLIONS)

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017	Appropriation from	Budget Activity	Dash-1 Line Item
Army	+.016	+.016	+.016	+.016	+.016	O&M Army	04	441*
Total	+.016	+.016	+.016	+.016	+.016			

* International military headquarters

Changes to Existing Law: This proposal would make the following changes to section 2350m of title 10, United States Code:

§ 2350m. Participation in multinational military centers of excellence

(a) PARTICIPATION AUTHORIZED.—The Secretary of Defense may, with the concurrence of the Secretary of State, authorize the participation of members of the armed forces and Department of Defense civilian personnel in any multinational military center of excellence for purposes of—

(1) enhancing the ability of military forces and civilian personnel of the nations participating in such center to engage in joint exercises or coalition or international military operations; or

(2) improving interoperability between the armed forces and the military forces of friendly foreign nations.

(b) MEMORANDUM OF UNDERSTANDING.—(1) The participation of members of the armed forces or Department of Defense civilian personnel in a multinational military center of excellence under subsection (a) shall be in accordance with the terms of one or more memoranda of understanding entered into by the Secretary of Defense, with the concurrence of the Secretary of State, and the foreign nation or nations concerned.

(2) If Department of Defense facilities, equipment, or funds are used to support a multinational military center of excellence under subsection (a), the memoranda of understanding under paragraph (1) with respect to that center shall provide details of any cost-sharing arrangement or other funding arrangement.

(c) AVAILABILITY OF APPROPRIATED FUNDS.—(1) Funds appropriated to the Department of Defense for operation and maintenance are available as follows:

(A) To pay the United States share of the operating expenses of any multinational military center of excellence in which the United States participates under this section.

(B) To pay the costs of the participation of members of the armed forces and Department of Defense civilian personnel in multinational military centers of excellence under this section, including the costs of expenses of such participants.

(2) No funds may be used under this section to fund the pay or salaries of members of the armed forces and Department of Defense civilian personnel who participate in multinational military centers of excellence under this section.

(d) USE OF DEPARTMENT OF DEFENSE FACILITIES AND EQUIPMENT.—Facilities and equipment of the Department of Defense may be used for purposes of the support of multinational military centers of excellence under this section that are hosted by the Department.

(e) ANNUAL REPORTS ON USE OF AUTHORITY.—(1) Not later than October 31, 2009, and annually thereafter, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the use of the authority in this section during the preceding fiscal year.

(2) Each report required by paragraph (1) shall include, for the fiscal year covered by such report, the following:

(A) A detailed description of the participation of the Department of Defense, and of members of the armed forces and civilian personnel of the Department, in multinational military centers of excellence under the authority of this section.

(B) For each multinational military center of excellence in which the Department of Defense, or members of the armed forces or civilian personnel of the Department, so participated—

(i) a description of such multinational military center of excellence;

(ii) a description of the activities participated in by the Department, or by members of the armed forces or civilian personnel of the Department; and

(iii) a statement of the costs of the Department for such participation, including—

(I) a statement of the United States share of the expenses of such center and a statement of the percentage of the United States share of the expenses of such center to the total expenses of such center; and

(II) a statement of the amount of such costs (including a separate statement of the amount of costs paid for under the authority of this section by category of costs).

(f) MULTINATIONAL MILITARY CENTER OF EXCELLENCE DEFINED.—In this section, the term "multinational military center of excellence" means an entity sponsored by one or more nations that is accredited and approved by the Military Committee of the North Atlantic Treaty Organization (NATO) as offering recognized expertise and experience to personnel participating in the activities of such entity for the benefit of NATO by providing such personnel opportunities to—

(1) enhance education and training;

(2) improve interoperability and capabilities;

(3) assist in the development of doctrine; and

(4) validate concepts through experimentation.

(g) TREATMENT OF CERTAIN CANDIDATE ENTITIES PENDING APPROVAL AS MULTINATIONAL MILITARY CENTERS OF EXCELLENCE.—An entity shall be considered to be a multinational military center of excellence for the purposes of this section (notwithstanding that it has not been accredited and approved as described in subsection (f)) if—

(1) the entity—

(A) is sponsored by one or more nations for purposes of accreditation and approval under subsection (f);

(B) has made a formal request to the Supreme Allied Commander-Transformation for approval for its concept as a multinational military center of excellence; and

(C) has notified the North Atlantic Treaty Organization that it intends to subject itself to the accreditation and approval process for multinational military centers of excellence as described in subsection (f); and

(2) the Military Committee of the North Atlantic Treaty Organization has not made a final decision on accreditation and approval of the entity as described in subsection (f).