SEC. 1201. EXTENSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) INCREASE IN ANNUAL AMOUNT OF SUPPORT THAT MAY BE PROVIDED—Subsection (a) of section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005 (Public Law 108-375; 118 Stat. 2086), as most recently amended by section 1202(a) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111-84; 123 Stat. 2511), is amended by striking "$40,000,000" and inserting "$50,000,000".

(b) EXTENSION OF TERMINATION PROVISION.—Subsection (h) of such section is amended by striking "2013" and inserting "2017".

(c) CLARIFICATION.—Subsection (g) of such section is amended—

(1) by striking "each fiscal year" and inserting "any fiscal year"; and

(2) by striking "pursuant to title XV of this Act" and inserting "for that fiscal year".

Section-by-Section Analysis

Section 1208 of the Ronald W. Reagan National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2005 (Pub. L. 108-375) provided authority ("Section 1208 authority") for the Secretary of Defense to support foreign forces, irregular forces, groups, or individuals, totaling $25 million annually through 2007, for such recipients engaged in facilitating or acting in support of operations conducted by U.S. Special Operations Forces. Section 1202 of the NDAA for FY 2008 (Pub. L. 110-181) extended this authority through FY 2010 and made a number of changes in regard to required reporting requirements. Section 1208 of the NDAA for FY 2009 (Pub. L. 110-417) further extended the authority through FY 2013, increased the annual funding limit to $35 million, changed the title to reflect support to Special (vice "Military") Operations, and added the requirement for Chief of Mission concurrence in operations. Section 1202 of the NDAA for FY 2010 (Pub. L. 111-84) increased the annual funding limit to $40 million and modified reporting requirements. Section 1201 of the House-passed NDAA for FY 2011 (H.R. 5136 of the 111th Congress) would increase the funding limit from $40 million to $50 million. The Senate Armed Services Committee included no similar provisions in its version of the NDAA for FY2011, S. 3454, reported June 4, 2010.

This proposal would increase the annual funding limit to $50 million and would extend the expiration date to FY 2017 for Section 1208 authority. This proposal would provide

authority only; there is no associated funding or appropriation line. The Secretary of Defense would exercise this authority and operations would be funded through the U.S. Special Operations Command with Operations and Maintenance funds in accordance with the procedures established by the Secretary of Defense on March 29, 2005.

The application of Section 1208 authority continues to be a critical asset to Special Operations that has led to the elimination or capture of key terrorist operatives and the disruption of their facilitation networks. In FY 2010, more than 95 percent of the $40 million authority was programmed for ongoing operations; for FY 2011 and beyond, overall requirements are expected to increase. Despite the ongoing drawdown of conventional forces in Iraq, there is potential for Special Operations Forces (SOF) to remain in Iraq beyond the FY 2011 deadline; SOF elements will require Section 1208 authority to support continued operations there at levels consistent with FY 2010 (steady-state). Elsewhere, requirements will increase. In Afghanistan, the FY 2010 program increased from $4.6 million to $9.8 million and operations currently in staffing could result in an increase exceeding $5 million for FY 2011. Outside of Afghanistan and Iraq, the program increased from $15 million to $25 million during FY 2010. It is conceivable that requirements will exceed $45 million for FY 2011. With this growth in the program, an increase to $50 million is required to support ongoing operations while maintaining a minimal acceptable level of flexibility. Continuity of the authority must be addressed. Under current legislation, the authority terminates in FY 2013. The nature of Special Operations supported by Section 1208 authority requires continuity and must be extended during the FY 2012 legislative process through FY 2017. This extension will cover contemplated operations in the near term to facilitate the strategic and operational goals within the ambit of Section 1208 authority.

Budget Implications: The table below details resource requirements and proposed offsets associated with this proposal.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2012	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**FY 2017**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
SOCOM	50.0	50.0	50.0	50.0	50.0	50.0	OCO O&M,DW	01	1PL2
Total	50.0	50.0	50.0	50.0	50.0	50.0	OCO O&M,DW	01	1PL2

Changes to Existing Law: This section would make the following changes to section 1208 of the Ronald W. Reagan National Defense Authorization Act for Fiscal Year 2005, as amended:

SEC. 1208. SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the relevant Chief of Mission, expend up to ~~$40,000,000~~ $50,000,000 during any fiscal year during which this subsection is in effect to provide support to foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by United States special operations forces to combat terrorism.

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(g) ANNUAL LIMITATION.—Support may be provided under subsection (a) during ~~each~~ any fiscal year during which subsection (a) is in effect only from funds made available for operations and maintenance ~~pursuant to title XV of this Act~~ for that fiscal year.

(h) PERIOD OF AUTHORITY.—The authority under subsection (a) is in effect during each of fiscal years 2007 through ~~2013~~ 2017.