SEC ___. EXTENSION OF AUTHORITY TO CONDUCT ACTIVITIES TO ENHANCE THE CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.

Section 1204(h) of the National Defense Authorization Act for Fiscal Year 2014 (Public Law 113-66; 127 Stat. 897; 10 U.S.C. 401 note) is amended by striking "September 30, 2019" and inserting "September 30, 2021".

[Please note: The "Changes to Existing Law" section below sets out in red-line format how the legislative text above would amend existing law.]

Section-by-Section Analysis

This proposal would extend the Department's authority to provide Weapons of Mass Destruction (WMD) defense and response preparedness training and equipment to military and civilian organizations of key international partners, such as those bordering Syria, through September 30, 2021. The authority has wide-ranging application and has been previously used to provide relavent assistance to Iraqi, Lebanese, Morocan, Kenyan, and Turkish personnel, among others. It resides under section 1204 of the National Defense Authoritzation Act for Fiscal Year 2014 (FY14 NDAA) and has an expiration date of September 30, 2019.

The FY14 NDAA was enacted on December 26, 2013. The program carried out under section 1204 of that Act enables long-term partner engagements of 5 years to ensure the development of comprehensive, whole-of-government, and durable capabilities for their own and their neighbors' benefit. There are currently twenty eight countries where Department of Defense (DoD) requirements exists. If the section 1204 authority were to expire on September 30, 2019, DoD would need to terminate those currently authorized activities in certain critically affected countries, such as Albania and the Ukraine. It would also be constrained in providing CWMD assistance to only first responders via alternate authorities. It is therefore crucial for the proposal to secure an extension prior to the FY18 NDAA to prevent lapses in program planning.

Due to the potential for expanding the assistance to other countries in accordance with subsection (b) of section 1204, numerous Geographic Combatant Commands (CCMDs) have expressed a strong interest in exercising section 1204 authorities in their regions. Specifically, four CCMDs have made initial requests for twelve countries. Given the timelines involved in planning and coordinating the training and equipping activities authorized in section 1204, DoD is unable to accommodate any of these requests prior to the current expiration date.

Extending the authority would allow DoD to fully implement the engagements currently planned under section 1204. It would also allow DoD to accommodate the additional requests it has received to exercise that authority.

As on-going events in the Levant demonstrate, the need for the DoD to provide rapid, effective training and equipping support to U.S. allies and partners can arise with little or no notice. Having an existing program that is prepared and experienced at providing that support ensures that the U.S. is prepared to respond quickly and effectively to mitigate any situation that occurs.

This proposal has been coordinated with the Office of the Deputy Assistant Secretary of Defense for Countering Weapons of Mass Destruction, the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics, and the State Department Bureau of International Security and Nonproliferation (ISN), Office of WMD Terrorism, Foreign Consequence Management Program.

Budgetary Implications: The resources reflected in the table below are funded within the FY 2017 President's Budget.

RESOURCE REQUIREMENTS ($ MILLIONS)								
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
DTRA	4.153	4.232	4.313	4.395	4.397	Operation and Maintenance, Defense-wide	04	240

Changes to Existing Law: This proposal would make the following change to the National Defense Authoritzation Act for Fiscal Year 2014:

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2014

SEC. 1204. AUTHORITY TO CONDUCT ACTIVITIES TO ENHANCE THE CAPABILITY OF FOREIGN COUNTRIES TO RESPOND TO INCIDENTS INVOLVING WEAPONS OF MASS DESTRUCTION.

(a) AUTHORITY.—The Secretary of Defense may, with the concurrence of the Secretary of State, provide assistance to the military and civilian first responder organizations of countries that share a border with Syria in order to enhance the capability of such countries to respond effectively to potential incidents involving weapons of mass destruction in Syria and the surrounding region.

(b) AVAILABILITY OF AUTHORITY FOR OTHER COUNTRIES.—

(1) IN GENERAL.—If the Secretary of Defense determines, with the concurrence of the Secretary of State, that the Department of Defense should provide the assistance authorized in subsection (a) to countries other than the countries described in subsection (a), the Secretary of Defense may provide such assistance to such other countries.

(2) LIMITATION.—The Secretary of Defense may not provide assistance under paragraph (1) until the Secretary provides written notification to the congressional

defense committees of the Secretary's intention to provide such assistance, together with an explanation of the scope of the assistance and the reasons for providing the assistance.

(c) AUTHORIZED ELEMENTS.—Assistance provided under this section may include training, equipment, and supplies.

(d) AVAILABILITY OF FUNDS.—

(1) FUNDS AVAILABLE.—Amounts for assistance under this section in a fiscal year shall be derived from amounts authorized to be appropriated for the Department of Defense Operation and Maintenance, Defense-wide, and available for the Defense Threat Reduction Agency for such fiscal year.

(2) AVAILABILITY ACROSS FISCAL YEARS.—Amounts available under paragraph (1) may be available for assistance that begins in a fiscal year and ends in the next fiscal year.

(e) NOTICE TO CONGRESS ON CERTAIN ASSISTANCE.—If the amount of assistance to be provided under this section in a fiscal year is anticipated to exceed $4,000,000, the Secretary of Defense shall notify the congressional defense committees in writing of that fact.

(f) INTERAGENCY COORDINATION.—In carrying out this section, the Secretary of Defense shall comply with all applicable requirements for coordination and consultation within the Executive Branch.

(g) REPORTS.—

(1) IN GENERAL.—Not later than 90 days after the authority in subsection (a) is first exercised and 60 days after the end of any fiscal year in which the authority under this section is exercised, the Secretary of Defense shall submit to the appropriate committees of Congress a report setting forth the following:

(A) A list of the countries to which the assistance has been or is being provided under the authority in this section, and a description of the assistance provided to each country under such authority.

(B) A description of how such assistance advances the national security interests of the United States and is consistent with broader United States national security policy and strategy in each country provided assistance and within the applicable region.

(C) The amount of funds used to provide such assistance to each country during the fiscal year covered by the report.

(D) Any other matters the Secretary of Defense considers appropriate.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.— In this subsection, the term "appropriate committees of Congress" means –

(A) the Committee on Armed Services, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, and the Committee on Appropriations of the House of Representatives.

(h) EXPIRATION.—The authority to provide assistance under this section may not be exercised after September 30, ~~**2019**~~ **2021.**