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

Subsection (h) 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 1274 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92; 129 Stat. XXXX), is further amended by striking "2017" and inserting "2019".

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

Section-by-Section Analysis

Section 1208 of the Fiscal Year (FY) 2005 National Defense Authorization Act (NDAA) authorized the Secretary of Defense (SecDef) to expend up to a certain amount annually in Operation and Maintenance (O&M) funds made available under Title XV of the Act (Overseas Contingency Operations) to support foreign forces, irregular forces, groups, or individuals engaged in facilitating or acting in support of combating terrorism operations conducted by U.S. Special Operations Forces (USSOF). This proposal would extend the authority through FY 2019.

When first enacted, section 1208 authorized the SecDef to expend up to $25 million annually through FY 2007. The NDAA for FY 2008 extended section 1208 authority through FY 2010 and modified the reporting requirements. The NDAA for FY 2009 further extended the authority through FY 2013, increased the annual funding limit to $35 million, clarified the congressional notification requirement, changed the title to reflect support to "Special" (rather than "Military") Operations, and added the requirement for Chief of Mission concurrence. The NDAA for FY 2010 increased the annual funding limit to $40 million and further modified the notification and annual reporting requirements. The NDAA for FY 2011 increased the annual funding limit to $45 million. The NDAA for FY 2012 further extended the authority through FY 2015, increased the annual funding limit to $50 million, struck the requirement to fund support only with Overseas Contingency Operations O&M appropriations, and directed the SecDef to provide a report on future authorities required by USSOF. The NDAA for FY 2015 further extended the authority through FY 2017 and increased the annual funding limit to $75 million. Section 8134 of the Consolidated and Further Continuing Appropriations Act, 2015 (PL 113-235) directed that the defense committees be notified 15 days prior to initiating support or expanding support under section 1208.

The Secretary of Defense exercises this authority and operations are funded through the U.S. Special Operations Command (USSOCOM) with O&M funds in accordance with the

procedures established by the Secretary of Defense on March 29, 2005, as further implemented by USSOCOM regulation.

The application of section 1208 authority continues to be indispensable to Special Operations forces in volatile regions from Southwest Asia across the Middle East region to the African continent where terrorist networks have blossomed and continue to strike or threaten U.S. personnel, facilities, and interests. Section 1208 authority provides the only means by which USSOF can provide critical enabling support so as to leverage successfully the unique access, placement, language, ethnicity, and skill sets of willing partners (both national and irregular forces) to achieve the desired effects against the enemy. This is particularly important as the terrorist networks have expanded their reach into geographic havens where USSOF has limited access and host nations are financially, politically, or militarily unable to confront the burgeoning threat effectively.

Reflecting this trend, requirements for use of section 1208 authority increased dramatically over the past several years, forcing DoD to prioritize among programs to remain within the previous $50 million cap. The cap increase enacted in the NDAA for FY 2015 (to $75 million) was critical in meeting increased operational demand while retaining a measure of operational flexibility to meet emerging requirements through FY 2015 and into FY 2016. Congress correctly recognized the high potential for continued growth of the program and increased the cap to $85 million in the FY 2016 NDAA that will allow for enhanced flexibility to address emerging threats.

During FY 2015, USSOCOM initiated an assessment process for all ongoing section 1208 programs. The assessments – written by the executing USSOF HQ, coordinated with the relevant combatant command and USSOCOM, with a copy furnished to OSD – are designed to ensure that ongoing programs remain focused on definitive combating terrorism goals and objectives, and to address the strategic and operational planning considerations of a future off-ramp of section 1208 support. With the first round of assessments nearing completion, initial feedback indicates that successful programs achieve tactical success in 12-24 months and tend to endure for as long as the threat exists and SecDef-approved operational authority to address that threat is in place. Reasons for programs being off-ramped have included that the operational authority terminated, turmoil or unrest restricted USSOF access to the partner force, or operations evolved to a point where use of section 1208 authority was no longer appropriate. From a historical/statistical perspective, programs that were approved over the last three years will continue well past the current FY 2017 expiration date. As such, an extension of the authority through FY 2019 during the 2017 legislative cycle is necessary to ensure continuity of the authority and to ensure that the authority remains to enable carrying on the fight.

Budget Implications: The resources reflected in the table below are funded within the FY 2017 President's Overseas Contingency Operations (OCO) Budget request

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
SOCOM	85.0	85.0	85.0			Operation and Maintenance, Defense-Wide OCO	01	1PL2	012413BB
Total	85.0	85.0	85.0						

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

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

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(h) PERIOD OF AUTHORITY.—The authority under subsection (a) is in effect during each of fiscal years 2005 through ~~2017~~ 2019.