SEC. 1211. EXTENSION AND EXPANSION OF AUTHORITY FOR SUPPORT OF SPECIAL OPERATIONS TO COMBAT TERRORISM.

(a) INCREASE IN ANNUAL AMOUNT OF SUPPORT THAT MAY BE PROVIDED.—

(1) INCREASE IN AMOUNT.—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 1203(a) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1621), is further amended by striking "$50,000,000" and inserting "$75,000,000".

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect on October 1, 2014.

(b) EXTENSION.—Subsection (h) of such section, as most recently amended by section 1203(c) of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81; 125 Stat. 1621), is further amended by striking "2015" and inserting "2020".

Section-by-Section Analysis

This proposal would extend Section 1208 authority through fiscal year (FY) 2020 and increase the annual funding limit to $75,000,000.

Section 1208 of the Ronald W. Reagan National Defense Authorization Act (NDAA) for FY 2005 provided authority for the Secretary of Defense to expend up to $25 million from funds made available for operations and maintenance (O&M) pursuant to title XV of the NDAA for FY 2005 during each of FYs 2005 through 2007, to support foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing military operations by U.S. Special Operations Forces (USSOF) to combat terrorism.

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 Ike Skelton NDAA for FY 2011 increased the annual funding limit to $45 million. The NDAA for FY 2012 (P. L. 112-81) further extended the authority through FY 2015,

increased the annual funding limit to $50 million, struck the requirement to fund support only with title XV [O&M] appropriations, and directed the Secretary of Defense to provide a report on future authorities required by USSOF.

Section 1208 provides authority only; there is no associated funding or appropriation line. Instead, operations are funded through the United States 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.

Section 1208 authority has proven to be indispensable to USSOF in Iraq and Afghanistan as well as other volatile regions where terrorists have expanded their networks and continue to strike or threaten U.S. personnel, facilities, and interests. Section 1208 programs that enable USSOF to work directly with partners to conduct operations to combat terrorism are a low-cost, faster return on investment alternative to large-scale capacity-building programs that take years to achieve results. Section 1208 authority provides the means by which USSOF gains access to denied areas by employing partners and surrogates in lieu of U.S. combat forces. This is particularly important as we reduce our presence in Afghanistan and apply greater focus on other terrorist safe havens while maintaining low visibility in those regions. Our continued emphasis on small-footprint operations will place greater importance on the need for authorities and appropriations that enable us to work directly with partner forces to execute our counterterrorism operations and deny enemies sanctuary. Reflecting this trend, the requirements for funds to be used under Section 1208 authority have increased steadily in recent years and are expected to continue along this trend. With the approval of four new Section 1208 programs in FY 2013, there is minimal headroom remaining for contingency requirements. Planned FY 2014 demand for Section 1208 support to geographic combatant commanders' requirements is expected to exceed the $50 million authorized funding limit. Increasing the authority to $75,000,000 is critical to meeting ongoing operational demand while providing the flexibility to meet emerging requirements.

USSOF combating terrorism operations supported by authorized Section 1208 programs are normally three to five years or more in duration. Under current law, Section 1208 authority is due to expire at the end of FY 2015. Extension of the authority through FY 2020 during this legislative cycle is necessary to ensure continuity of the authority and continued support to current and future requirements.

Budget Implications: This proposal would not increase the overall budget requirements of the Department of Defense. This proposal seeks to continue and extend Section 1208 authorization for expenditure of funds through FY 2020.

RESOURCE REQUIREMENTS ($MILLIONS)								
	FY 2015	**FY 2016**	**FY 2017**	**FY 2018**	**FY 2019**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
USSOCOM	$75	-	-	-	-	OCO O&M, DW	01	1PL2
Total	$75	-	-	-	-	OCO O&M, DW	01	1PL2

Changes to Existing Law: This section would make the following changes to section 1208 of the Ronald Reagan National Defense Authorization Act for FY 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 ~~$50,000,000~~ $75,000,000 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.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) NOTIFICATION.—

(1) IN GENERAL.—Upon using the authority provided in subsection (a) to make funds available for support of an approved military operation or changing the scope or funding level of any support for such an operation, the Secretary of Defense shall notify the congressional defense committees expeditiously, and in any event within 48 hours, of the use of such authority with respect to that operation. Any such notification shall be in writing.

(2) CONTENT.—Notifications required under this subsection shall include the following information:

(A) The type of support provided or to be provided to United States special operations forces.

(B) The type of support provided or to be provided to the recipient of the funds.

(C) The amount obligated under the authority to provide support.

(d) LIMITATION ON DELEGATION.—The authority of the Secretary of Defense to make funds available under subsection (a) for support of a military operation may not be delegated.

(e) INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(f) ANNUAL REPORT.—

(1) REPORT REQUIRED.—Not later than 120 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year.

(2) MATTERS TO BE INCLUDED.—Each report required by paragraph (1) shall include the following information:

(A) A description of supported operations.

(B) A summary of operations.

(C) The type of recipients that received support, identified by authorized category (foreign forces, irregular forces, groups, or individuals).

(D) The total amount obligated in the previous fiscal year, including budget details.

(E) The total amount obligated in prior fiscal years.

(F) The intended duration of support.

(G) A description of support or training provided to the recipients of support.

(H) A value assessment of the operational support provided.

(g) ANNUAL LIMITATION.—Support may be provided under subsection (a) during any fiscal year during which subsection (a) is in effect only from funds made available for operations and maintenance for that fiscal year.

(h) PERIOD OF AUTHORITY.——The authority under subsection (a) is in effect during each of fiscal years 2005 through ~~2015~~ 2020.