Descriptive Title

SEC. ___. 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 1201 of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4385), is amended by striking "$45,000,000" and inserting "$50,000,000".

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

Legislative Language

(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-by-Section Analysis

This proposal would increase the annual funding limit to $50 million for Section 1208 authority. 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.

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 NDAA for FY 2011 (Pub. L. 111-383) increased the annual funding limit to $45 million.

Section-by-Section analysis

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 would 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 2014. The nature of Special Operations supported by Section 1208 authority requires continuity and must be extended during the FY 2013 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 the Section 1208 authority.

Budget Implications

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

RESOURCE REQUIREMENTS ($MILLIONS)								
	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	OCO O&M,DW	01	1PL2
Total	50.0	50.0	50.0	50.0	50.0	OCO O&M,DW	01	1PL2

Unified Legislative Budget (ULB) Proposal Number: Not applicable.

Priorities

Department of Defense Priority: ***Prevail in Today's Wars***—Modifying Section 1208 authority as proposed supports the Defense Strategic Priority to prevail in today's wars. Indigenous enablers funded by Section 1208 authority continue to be key to facilitating operational and strategic successes, mitigating risk to U.S. forces while minimizing collateral damage. Amending Section 1208 as proposed also supports the Defense Strategic Priority to prepare for a wide range of contingencies. As our adversaries' options for irregular, conventional and strategic capabilities increase, so must our capability to apply indigenous regular and irregular forces increase, especially in fragile and/or failed states.

USSOCOM Priority: This proposal must be enacted this legislative cycle to enable greater operational success. It is number one of the three proposals submitted by U.S. Special Operations Command this year.

Justification for Resubmitted Proposal

Justification for Resubmitted Proposal: This proposal is a resubmission of an extension and increase in authority, but the current proposal but has not been rejected by Congress. This proposal was previously submitted for FY 2009 (Legislative Proposal #60) and FY 2010 (Legislative Proposal #062) and FY 2011 (Legislative Proposal #136). As noted above in the sectional analysis, in each of those years either the extension and/or the increase in authority was granted; however legislative authority as outlined in this proposal remains an operational requirement.

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Proposal contact information

Changes to existing law

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 ~~$45,000,000~~ $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.

Strike deletions

Underline additions

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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.