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# Proposed Train and Equip Authorities for Syria: In Brief

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## Summary

The FY2015 continuing appropriations resolution (H.J.Res. 124, P.L. 113-164, CR), enacted on September 19, 2014, authorizes the Department of Defense through December 11, 2014, or until the passage of a FY2015 national defense authorization act (NDAA), to provide overt assistance, including training, equipment, supplies, and sustainment, to vetted members of the Syrian opposition and other vetted Syrians for select purposes.

The CR provision was enacted in response to President Obama's request for authority to begin such a program as part of U.S. efforts to combat the Islamic State and other terrorist organizations in Syria and to set the conditions for a negotiated settlement to Syria's civil war.

The current CR does not include any dedicated funding for this activity but authorizes DOD to submit reprogramming requests to the four congressional defense committees to transfer funds made available by the act. DOD submitted the first such reprogramming request for approximately \$225 million in November 2014.

In order to continue any related programs beyond the expiration of the CR, Congress would have to extend the authority or include an amended version of it in new legislation. The version of the FY2015 NDAA proposed by defense authorizing committee leaders on December 2 (House Rules Committee Print 113-58, House Amendment to the Text of H.R. 3979, hereafter H.R. 3979) would amend and extend the authority granted in the CR until December 31, 2016.

Notably, H.R. 3979 and its accompanying explanatory statement would further specify the types of assistance to be provided, expand reporting requirements, include human rights and rule of law commitment vetting requirements, authorize the provision of assistance to third countries for the purposes of the program, and create a broad waiver authority for the President relative to the assistance program, subject to a 30 day congressional notification period.

This report reviews the authority granted in the CR and explores similarities and differences among the CR authority, the President's requests, and the recently proposed version of the FY2015 NDAA (H.R. 3979).

For more information on the Islamic State crisis and U.S. policy, see CRS Report R43612, *The "Islamic State" Crisis and U.S. Policy*, by Kenneth Katzman et al., and CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by Christopher M. Blanchard.

For analysis of proposals related to the Authorization for the Use of Military Force relative to the Islamic State, see CRS Report R43760, *A New Authorization for Use of Military Force Against the Islamic State: Comparison of Current Proposals in Brief*, by Matthew C. Weed.

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## Introduction

Congress and the President have debated proposals for the provision of U.S. assistance to the Syrian opposition since the outbreak of the Syrian uprising in 2011. Members of Congress have articulated varying views on the potential purposes, scope, risks, and rewards of such assistance. The executive branch, with the support of Congress, has provided overt non-lethal assistance to unarmed and armed groups in Syria, in addition to providing humanitarian assistance in Syria and in neighboring countries. U.S. assistance and weaponry also reportedly has been provided to select Syrian opposition groups under covert action authorities.<sup>1</sup> Until mid-2014, President Obama and some Members of Congress were opposed to the overt provision of U.S. military training or equipment to opposition forces reportedly in part because of concerns about its effectiveness.

The President's stance was altered by the failure in early 2014 of United Nations-backed negotiations aimed at ending the Syrian civil war and the mid-2014 offensive in Iraq by the extremist group known as the Islamic State (IS, also known as ISIL or ISIS). In the Administration's June 2014 amended request for war funding, President Obama requested authority and funding from Congress to begin a so-called "train and equip" program for vetted Syrians for the following purposes:

defending the Syrian people from attacks by the Syrian regime, facilitating the provision of essential services, and stabilizing territory controlled by the opposition;

defending the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria; and,

promoting the conditions for a negotiated settlement to end the conflict in Syria.

The President amended the request in September to reflect new goals for combatting the Islamic State.

As enacted, H.J.Res. 124 (P.L. 113-164, "the CR") contains a temporary authorization for the training and equipping of vetted Syrians that differs from the Administration's June and September requests. The CR's provisions expire no later than December 11, 2014.

The version of the FY2015 NDAA proposed on December 2 by defense authorization committee leaders (House Rules Committee Print 113-58, House Amendment to the Text of H.R. 3979, hereafter H.R. 3979) has similarities and differences with the CR and the Administration's earlier requests. Like the CR, H.R. 3979 would authorize assistance for vetted Syrians for:

1) Defending the Syrian people from attacks by the Islamic State of Iraq and the Levant (ISIL), and securing territory controlled by the Syrian opposition.

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<sup>1</sup> Secretary of Defense Chuck Hagel said in a September 2013 hearing before the Senate Foreign Relations Committee that the Administration was taking steps to provide arms to some Syrian rebels under covert action authorities. Secretary Hagel said, "it was June of this year that the president made the decision to support lethal assistance to the opposition. As you all know, we have been very supportive with hundreds of millions of dollars of nonlethal assistance.... This is, as you know, a covert action. And, as Secretary Kerry noted, probably to [go] into much more detail would—would require a closed or classified hearing."

(2) Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria.

(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria.

However, relative to the authority enacted in the CR, H.R. 3979 would:

- Further specify the types of assistance to be provided, to include stipends and construction of training and other facilities.
- Add human rights and rule of law commitment vetting requirements for program participants.
- Add criteria to notification and progress reporting requirements to provide further metrics for program evaluation.
- Authorize assistance to third countries for program-related purposes.
- End (“sunset”) the authority on December 31, 2016, and limit related reprogramming requests to OCO-designated Defense funds available from October 1, 2014, through December 31, 2016.
- Create a waiver authority for the President to waive any other provisions of law that would otherwise restrict the provision of assistance authorized for the Syria program, provided that the President notifies Congress 30-days in advance.

Congress is considering these and other proposed revisions to the current temporary “train and equip” authority as part of its consideration of the FY2015 National Defense Authorization Act and other proposed funding measures for the remainder of FY2015.

### **Chronology of “Train and Equip” Proposals**

- In 2013, legislation was introduced in both houses of Congress (H.R. 1327, S. 617, and S. 960) and considered by the Senate Foreign Relations Committee (S. 960) that would have provided authority to provide training and assistance to armed elements of the Syrian opposition, subject to certain conditions.
- In June 2014, the Senate Armed Services Committee reported its version of the FY2015 defense authorization bill, S. 2410, which would have provided a comparable, conditional authority, and, later that month, the Obama Administration requested related so-called “train and equip” authority and funding as part of its Overseas Contingency Operations (OCO) request to Congress for FY2015.
- Senate Appropriations Committee members debated and approved a version of “train and equip” authority for Syrians in July 2014 in their reported version of the FY2015 defense appropriations bill (H.R. 4870 RS). The Senate Appropriations Committee considered and rejected a proposed amendment to strip the authority and related funding from the bill. The House-enacted version of the bill does not include such authority.
- In September, the Obama Administration revised its OCO request to Congress to reflect its new goal of “degrading and defeating” the “Islamic State” organization in Iraq and Syria.
- On September 15, Representative Howard “Buck” McKeon, who is Chairman of the House Armed Services Committee, introduced an amendment (hereinafter the McKeon Amendment) to the FY2015 continuing resolution (H.J.Res. 124) that represented a counterproposal to the President’s revised request for assistance authority. The House adopted the amendment (H.Amdt. 1141) by a vote of 273 to 156 on September 17, and the Senate enacted the amended bill by a vote of 78 to 22 on September 18. The amendment text is included as Section 149 of H.J.Res. 124/P.L. 113-164.
- On December 2, the House Rules Committee released a proposed version of the FY2015 NDAA negotiated by House and Senate defense authorizing committee leaders (H.R. 3979). House and Senate Members are expected to consider the proposed legislation prior to December 11, 2014.

## Policy Questions and Potential Implications

Members of Congress may wish to consider a number of basic policy questions when considering H.R. 3979's proposed extension and modification of the "train and equip" authority authorized under the CR:

- For what purposes, if any, should the United States train and equip Syrians? How might the short and long term goals of the United States and those of Syrians align or conflict?
- What should the content of any such U.S. training and equipment be? What, if anything, should not be provided? How might the "train and equip" mission expand in size, geographic scope, or cost depending on different scenarios? What risks might such expansion pose?
- Who should receive such U.S. training and assistance? How should they be identified and vetted? What criteria should Congress insist upon for the vetting of participants?
- How much training and equipment will be sufficient to accomplish stated U.S. objectives or achieve the stated purposes of authorizing language? How much might this level of effort cost and how long might it take to reach these goals?
- How should such a program be funded? Through base budget funding or overseas contingency operations funding? How long should authority for such a program be available and on what terms? What effects might an expanded duration or cost for such a program have on other defense or foreign assistance priorities? Is there sufficient public support for a potentially longstanding commitment?
- How should Congress conduct oversight of such a program? Should advance notification of assistance be provided to congressional committees or Congress as a whole or after-the-fact notification at certain intervals? How should success be defined and assessed? Which committees should be involved in reviewing program reporting and spending notifications?
- How might existing legislation restricting the provision of U.S. assistance abroad for terrorism, human rights, and other purposes restrict the ability of the executive branch to carry out newly authorized programs for vetted Syrians? Under what circumstances might waivers of such legislation be necessary? How might the executive branch's use of any waiver provisions provided affect perceptions of U.S. foreign policy abroad or the effectiveness of U.S. assistance in Syria and in other places?
- What assistance should be provided to third countries in relation to a Syria train and equip program if any? What limits or reporting requirements, if any should be included?
- How effective have other "train and equip" programs been in other contexts? What lessons learned from those efforts should be applied to a Syria-related effort?

## Political-Military Context

Current political-military conditions in Syria may pose challenges for U.S. efforts to train and equip vetted Syrians for U.S.-defined purposes. Most armed opposition groups have sought U.S. and other third-party assistance since the outbreak of conflict for the expressed purpose of toppling the government of Bashar al Asad and replacing it with various Islamist or secular alternatives. The CR provision and H.R. 3979 would not authorize assistance for this purpose and identify the Islamic State organization rather than the Syrian government as the entity from which Syrians should be protected. Assistance may support the defense of territory under opposition control, but assistance to support offensive operations by U.S.-trained forces would not be explicitly authorized.

President Obama has suggested that U.S. engagement will remain focused “narrowly” on assisting Syrians in combatting the Islamic State, while continuing “to look for opportunities” to support a political resolution to Syria’s conflict.<sup>2</sup> In an interview with London-based newspaper *Al Sharq Al Awsat*, U.S. anti-IS coalition leader General John Allen reportedly responded to a question about whether Syrian units being trained to fight the Islamic State would be “those who will later fight the regime’s armed forces” by saying:

No. What we would like to see is for the FSA and the forces that we will ultimately generate, train and equip to become the credible force that the Assad government ultimately has to acknowledge and recognize. There is not going to be a military solution here [in Syria]. We have to create so much credibility within the moderate Syrian opposition at a political level ... that they earn their spot at the table when the time comes for the political solution. Now, there could be FSA elements that ultimately clash with the regime, that may well be the case, as they seek to defend themselves and those areas that they dominate and as they seek to defend their families and their ways of life ... it could be an outcome. But the intent is not to create a field force to liberate Damascus—that is not the intent. The intent is that in the political outcome, they [the moderate Syrian opposition] must be a prominent—perhaps the preeminent voice—at the table to ultimately contribute to the political outcome that we seek.<sup>3</sup>

Some Syrian political and military opposition forces appear to resent such a narrow focus and some have indicated they may insist on broader support for their anti-Asad goals as a condition of working with a U.S.-backed coalition against the Islamic State.

Nevertheless, the CR provision and H.R. 3979 envision the use of U.S. training and equipment to promote undefined “conditions for a negotiated settlement to end the conflict in Syria.” Most parties assume such a settlement would include some changes to the leadership or structure of the Syrian government. Administration officials have not publicly described mechanisms under consideration for ensuring that U.S. training and assistance is used for congressionally defined purposes and not for others. It is not clear how the Administration intends to direct types and amounts of assistance in order to achieve discrete security-related goals along with the inherently political goal of promoting conditions conducive to a negotiated conflict settlement. Insofar as

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<sup>2</sup> The President said, “our attitude towards Asad continues to be that you know, through his actions, through using chemical weapons on his own people, dropping barrel bombs that killed innocent children that he—he has foregone legitimacy. But when it comes to our policy and the coalition that we’re putting together, our focus specifically is on ISIL. It’s narrowly on ISIL.” President Obama interview with NBC News Meet the Press, September 6, 2014.

<sup>3</sup> Min al Oraibi, “Exclusive: General Allen discusses coalition plans for defeating ISIS as regional tour starts,” *Al Sharq al Awsat* (UK), October 25, 2014.

this political goal may be dependent on variables outside of U.S. control, it may be more difficult to assess whether given levels and types of assistance are “enough” to achieve it.

## **Measuring “Effectiveness”**

As in past cases involving the provision of U.S. security assistance, different observers may define “success” and “effectiveness” differently based on their perspectives and priorities about the proper purposes and scope of assistance. For example, in the current Syria case observers differ over whether a training program should train and equip vetted fighters to offensively attack Islamic State forces or pro-Asad forces or whether it should focus on enabling Syrians to better defend against Islamic State or government attacks.

There are no direct recent analogues to the type of overt and broadly defined “train and equip” program for vetted Syrians authorized under the CR and proposed for extension under H.R. 3979. Most current “train and equip” authorities are far more limited in scope and funding, and targeted to government security forces. Independent evaluations of some recent U.S. security assistance programs suggest that even when measured against broadly stated purposes and objectives, these types of programs can face significant difficulties in implementation or show questionable results.<sup>4</sup>

Programs with some partial similarities in context and content to the Syria program authorized under the CR include the following:

- Congress debated and imposed limits on the purposes and scope of covert U.S. assistance programs to so-called resistance movements in Angola, Afghanistan, Cambodia, and Nicaragua during the 1980s and early 1990s.<sup>5</sup> While these efforts occurred in similarly complex conflict settings, they were perceived to be part of a global U.S.-Soviet confrontation of the Cold War. Their relative successes and failures remain the subject of ongoing study and debate.
- In 1998, Congress authorized the drawdown of Department of Defense goods and services for Iraqi opposition groups, but did not authorize sustained or direct U.S. training or the transfer of weaponry.<sup>6</sup> A subsequent Department of Defense training program for so-called Free Iraqi Forces in early 2003 trained a small number of recruits to facilitate U.S. civil-military operations in Iraq.<sup>7</sup>

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<sup>4</sup> See the work of the Special Inspectors General for Afghanistan and Iraq Reconstruction on respective efforts to train and equip security forces in those countries. See also, RAND, “How Successful Are U.S. Efforts to Build Capacity in Developing Countries? A Framework to Assess the Global Train and Equip ‘1206’ Program,” Jennifer D. P. Moroney, Beth Grill, Joe Hogler, Lianne Kennedy-Boudali, Christopher Paul, Prepared for the Office of the Secretary of Defense, 2011.

<sup>5</sup> See Raymond Copson and Robert Sutter, “Support for Third World Resistance Movements: Changing Priorities,” in Congressional Research Service, *Congress and Foreign Policy*, 1990, p. 77-107.

<sup>6</sup> The Iraq Liberation Act (P.L. 105-338, October 31, 1998) gave President Clinton the authority to provide up to \$97 million worth of defense articles and services to designated Iraqi opposition groups. A designation procedure and criteria for identifying eligible groups was also prescribed by the act in Section 5, stating that only those organizations that (1) include a broad spectrum of Iraqi individuals, groups, or both, opposed to the Saddam Hussein regime; and (2) are committed to democratic values, to respect for human rights, to peaceful relations with Iraq’s neighbors, to maintaining Iraq’s territorial integrity, and to fostering cooperation among democratic opponents of the Saddam Hussein regime” would be eligible for such assistance.

<sup>7</sup> See Army Maj. Gen. David Barno, Briefing on Free Iraqi Forces, Department of Defense, March 14, 2003.

- The Sudan Peace Act (P.L. 107-245, October 21, 2002) authorized President George W. Bush “to provide increased assistance to the areas of Sudan that are not controlled by the Government of Sudan to prepare the population for peace and democratic governance, including support for civil administration, communications infrastructure, education, health, and agriculture.” In support of these purposes, the act authorized to be appropriated \$100 million in fiscal years 2003, 2004, and 2005 “to remain available until expended.” Some recipients of U.S. assistance authorized by the act held both civilian and military leadership positions in the South Sudanese opposition.
- The U.S. government has provided overt training and equipment to Palestinian security forces for strictly defined purposes using foreign affairs authorities and funds, but participants in those programs are members of official Palestinian Authority security bodies rather than individuals unaffiliated or not currently affiliated with official government institutions.<sup>8</sup>
- The Obama Administration notified Congress of a drawdown of up to \$25 million in U.S. government goods and services for Libyan forces in 2011, but Congress did not act to expressly authorize U.S. military engagement in a “train and equip” program for Libyan opposition members.

Members of Congress may want to consider some of the policy questions that were debated during consideration of these programs and efforts in any upcoming debate about the purposes, scope, and duration of the new “train and equip” assistance program for vetted Syrians. In particular, Members of Congress may wish to consider:<sup>9</sup>

- the net effects of the introduction of outside arms and training in previous cases on the prospects for conflict settlement, the duration and intensity of violence, U.S. national security goals, and humanitarian conditions;
- the potential tradeoffs and dilemmas associated with the pursuit of specific short-term security or counterterrorism objectives alongside longer term political goals and the promotion of human rights and democratic governance;
- the challenges U.S. policy makers have faced in ensuring the reliability and integrity of recipients of U.S. assistance in past cases and the implications of those challenges for efforts to design vetting and oversight measures;
- the contributions of past cases to debates about the roles and responsibilities of the executive branch and Congress in defining the purposes, terms, scope, and duration of U.S. security assistance abroad; and,
- the regional security and global strategic implications of the provision, modulation, and termination of U.S. training and equipment in analogous cases.

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<sup>8</sup> See CRS Report RS22967, *U.S. Foreign Aid to the Palestinians*, by Jim Zanotti.

<sup>9</sup> For a fuller discussion of similar thematic questions that can be applied to Syria and other cases where the United States may seek to partner with non-state entities, see Larry Hanauer and Stephanie Pezard, *Security Cooperation Amidst Political Uncertainty: An Agenda for Future Research*, RAND International Security and Defense Policy Center, WR-1052-IRD, July 2014.

## Elements of the Debate

### Does the President “need” authority from Congress to provide “train and equip” assistance?

The “train and equip” authority granted in H.J.Res. 124 (P.L. 113-164, “the CR”) is set to expire by December 11, 2014, at the latest. According to the Administration and the House Armed Services Committee, there are no other existing legal authorities that would allow such overt “train and equip” assistance to be provided to non-government actors in Syria in the current context.<sup>10</sup> Therefore, in order to continue any related programs beyond the expiration of the CR, Congress would have to extend the authority or include an amended version of it in new legislation.

Almost all existing Department of Defense authorities to provide overt security assistance to U.S. partners abroad require that such assistance be provided on a government-to-government basis. Exceptions include activities authorized by Section 1208 of the FY2005 National Defense Authorization Act (P.L. 108-375) as amended, which authorizes the provision of up to \$50 million in U.S. assistance to “foreign forces, irregular forces, groups, or individuals” that assist or facilitate U.S.-led counterterrorism-related special operations. An existing authority such as Section 1208 would require U.S. leadership of operations and would not provide corresponding funding authority sufficient to support the scope of activities envisioned under the Administration’s request.

As discussed below, the Administration’s stated purposes for the requested authority extend beyond strict counterterrorism purposes. Moreover, given the range of public views on the Syria conflict, and the fact that the authority is without precedent in the Syria context and may have profound implications for regional and global security, the executive branch may desire broad congressional support for its plans.

With regard to the provision of nonlethal assistance, including to armed groups, the State Department sought and obtained new authority notwithstanding other provisions of law restricting the provision of U.S. assistance in Syria and to Syrians. Section 7041(i) of Division K of the FY2014 Consolidated Appropriations Act (H.R. 3547/P.L. 113-76) significantly expanded the Administration’s authority to provide nonlethal assistance in Syria for certain purposes using the Economic Support Fund (ESF) account. Such assistance had been restricted by a series of preexisting provisions of law (including some terrorism-related provisions) that required the President to assert emergency and contingency authorities to provide such assistance to the Syrian opposition and communities in Syria. The Administration is seeking a further expansion of this

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<sup>10</sup> Prior to the passage of H.J.Res. 124, Secretary of Defense Chuck Hagel told the Senate Armed Services Committee on September 16, 2014 that the Department of Defense did not have the authority to conduct a “train and equip” mission for vetted Syrians. On September 15, Representative Mac Thornberry presented a statement from House Armed Services Committee Chairman Howard “Buck” McKeon, the author of the McKeon Amendment, before the House Rules Committee. Thornberry said that, according to McKeon, the provision of specific authority in response to the President’s request was necessary, because “none of the existing Department of Defense authorities in law fit the conditions requested by the President—to “train and equip” non-government entities fighting in non-U.S. led operations.”

notwithstanding authority as part of its amended November 2014 request for OCO funds to combat the Islamic State organization.

## **Is a broader waiver authority required?**

It is unclear whether further authorization beyond that enacted in H.J.Res. 124 and proposed for extension in H.R. 3979 may be required for the purposes of the proposed “train and equip” program for Syrians. The inclusion of a broad waiver authority in the proposed version of H.R. 3979 (Section 1209 (j)) suggests that the Administration and some congressional leaders envision instances where such broader authority may be required. The Administration has not publicly commented on what circumstances might require such a waiver provision, what existing legislation might need to be waived, or how the use of such a waiver in the context of the planned Syria program might affect other U.S. programs and priorities overseas.

## **What are the differences between the enacted authority, the proposed FY2015 NDAA, the President’s requests, and other proposals?**

The authority enacted in the CR, the proposed FY2015 NDAA (H.R. 3979), the President’s requests, and other proposals previously considered in Congress would authorize and fund assistance to vetted Syrian opposition elements and other vetted Syrians for different purposes and on different terms (see **Table 1** below). The most substantive differences relate to:

- the scope of authorities granted/sought;
- the stated purposes of assistance;
- sunset provisions for the authority;
- limits on the availability or sources of funds to carry out any granted authorities;
- definitions of vetting requirements;
- required interagency processes;
- terms related to authorization for the use of military force; and
- terms for the notification and reporting of oversight information to Congress.

### **Scope of Authority**

The Administration requested authority from Congress in September 2014 “to provide assistance, including the provision of defense articles and defense services, to, appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups or individuals.” The CR authorizes the Secretary of Defense, in coordination with the Secretary of State, “to provide assistance, including training, equipment, supplies, and sustainment” to the same entities.

H.R. 3979 would further specify that “stipends and construction of training and associated facilities” would be included. The Joint Explanatory Statement issued with H.R. 3979 also defines sustainment:

sustainment, at a minimum, includes the provision of logistics, intelligence, communications, and other enabling support necessary to maintain operations in support of the mission; supply of food, fuel, arms, munitions, and equipment; maintenance of equipment; and repair and renovation of facilities.

Secretary of Defense Chuck Hagel told the Senate Armed Services Committee on September 16, 2014, that the Administration seeks to provide a “package of assistance” that would “initially... consist of small arms, vehicles, and basic equipment like communications, as well as tactical and strategic training.” According to Secretary Hagel, “As these forces prove their effectiveness on the battlefield, we would be prepared to provide increasingly sophisticated types of assistance to the most trusted commanders and capable forces.”

The Administration submitted its first reprogramming request for \$225 million to support this program on November 10. The requests proposed that the funds would be used for

infrastructure and facilities work, leasing cost, construction of firing ranges, force protection, training and support, stipends, transportation, base operations, and life support. A portion of the funds will be use for the acquisition of long lead time supplies, equipment, arms, ammunition, and other support items... .

## **Possible Restrictions**

An amendment adopted as part of the House-passed version of the FY2015 defense appropriations bill (H.R. 4870) would prohibit the use of funds made available in the act to “transfer man-portable air defense systems (MANPADS) to any entity in Syria.”

Other proposals previously introduced and considered also sought to define the types of assistance that could be provided and to place conditions or restrictions on the transfer of certain weapons systems to Syrians (S. 960, H.R. 1327).

## **Stated Purposes of U.S. Assistance**

Programs designed for different purposes may present different potential risks and rewards. An assistance program explicitly intended not only to defend Syrians from attack, but also to assist in the stabilization of and provision of essential services in territory under opposition control may be of much broader scope, cost, or duration than a program intended to defend Syrians from attack by one specified group and/or secure territory under opposition control. Moreover, the scope of opposition-held territory may conceivably expand or contract to include more or less of Syria than at present, with follow-on effects for potential costs to the United States.

Following the enactment of the CR by Congress, some Syrian opposition forces and their U.S. supporters have stated their preference for a broader scope of U.S. assistance and military intervention. However, other Syrian groups may reject deeper U.S. involvement and prefer that the United States focus any assistance on toppling the Asad government rather than pursuing counterterrorism, security, stability, and/or quality of life concerns.

In light of these dynamics, Members of Congress may wish to consider whether to broaden or further limit the purposes of U.S. assistance as stated in the current CR and the H.R. 3979 proposal by modifying language addressing the topics below.

### **Defending Syrian Civilians from Attacks**

As noted above (see “Introduction”) the Administration’s September 2014 request for authority envisioned a broader protection purpose for U.S. assistance relative to the CR and H.R. 3979. Specifically, the Administration requested authority to provide assistance to vetted Syrians in order to defend Syrian civilians against attacks by two potential adversaries—the Islamic State *and* the government of Bashar al Asad, though without explicitly prioritizing assistance for protection from one adversary vs. the other. President Obama and Administration officials have since indicated that U.S. assistance will be provided in line with a so-called “ISIL-first strategy,” and press reports citing unnamed U.S. officials indicate that defensive rather than offensive training and equipment is to be provided under the program.<sup>11</sup> The CR and H.R. 3979 do not specify the kinds of attacks that Syrians should be trained or equipped to defend against.

### **“Securing” vs. “Stabilizing” Opposition-held Territory and Facilitating the Provision of Essential Services**

The CR and H.R. 3979 state a more limited purpose for assistance with regard to opposition-controlled territory than the Administration’s original requests. Like the CR and unlike the President’s proposal, H.R. 3979 would not authorize assistance to “stabilize” opposition-held territory or to facilitate the provision of essential services. Instead it would authorize assistance for “securing territory controlled by the opposition.” Both “stabilizing” territory and facilitating the provision of services in opposition-held areas could be interpreted as longer-term, costlier, and more involved commitments than “securing” territory.

### **Promoting the Conditions for a Negotiated Settlement to End the Conflict in Syria**

The CR, H.R. 3979, and the President’s proposals include the same goal of providing assistance that will promote conditions for a negotiated settlement to end the conflict in Syria. However, none of these proposals or pieces of legislation defines those conditions. In broad terms, the Administration argues that pressure must be brought to bear on the government of Bashar al Asad in order to convince its leaders to negotiate a settlement to the conflict that would result in their departure from office. Administration officials have not publicly described the precise nature of such intended pressure, the specific terms of its application, or potential measures of its success in achieving its related strategic ends. The Administration’s requests, the CR, and H.R. 3979 do not explicitly state that the departure of Bashar al Asad or members of his government is an essential condition for a negotiated settlement.

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<sup>11</sup> Rajiv Chandrasekaran, “Syrians to be trained to defend territory, not take ground from jihadists, officials say,” *Washington Post*, October 22, 2014.

## **Sunset Provisions**

The authority granted in the CR will expire on December 11, 2014, or upon the enactment of the FY2015 National Defense Authorization Act (NDAA), whichever is earlier. H.R. 3979 includes a “sunset” provision specifying that the new authority would be available until December 31, 2016. In addition Congress also must determine the amount and source of funding available for FY2015 (see “Implications of Different Funding Sources and Directives” below) in either another continuing resolution or enactment of a full-year FY2015 defense appropriations act.

The relative length of the authorization could be interpreted as a signal of relative congressional support for the Administration’s plan to train vetted Syrians over a period of multiple years. The annualized target for the current program is 5,400 personnel, meaning that a two-year program might conservatively produce double that number or less.

The Administration’s June 2014 request sought “train and equip” authority for vetted Syrians through December 31, 2018. The SASC-reported version of the FY2015 NDAA would have provided such authority through that date.

## **Implications of Different Funding Sources and Directives**

Like the CR, H.R. 3979 would not place a dollar limit on the cost of the authorized program. Instead, it would authorize the Department of Defense to submit reprogramming requests to the four congressional defense committees to re-direct funds from any OCO-designated Department of Defense accounts, including both Operation and Maintenance and Procurement accounts, to support the “train and equip” program. To obtain funds, the Department of Defense must submit reprogramming requests that in turn must be approved in writing by the four congressional defense committees (Armed Services and Appropriations) under Department of Defense regulations. Thus, H.J.Res. 124 and H.R. 3979 provide the four congressional defense committees an opportunity to approve or disapprove particular proposals.

Whether a separate source of funding is available for train and equip efforts or funds for the program are drawn from within existing accounts may signal the level of congressional support for the program and have implications for the Administration’s continued commitment to it. In its initial request in June 2014, the Administration presented the Syria “train and equip” program as a component of its broader request for \$4 billion in OCO-designated Department of Defense Operation and Maintenance funds for a new “Counterterrorism Partnerships Fund” category within the Operation and maintenance (O&M), Defense-wide account. Unlike other O&M funds, however, these funds would be available to be obligated for three years rather than one year. The Administration’s budget justification material suggested that \$500 million would be allocated for an assistance program for vetted Syrians, for which specific authority was sought.

In its version of the FY2015 defense appropriations bill (H.R. 4870, reported in July 2014, the Senate Appropriations Committee set a \$500 million cap on the Syria-specific “train and equip” program to be drawn from the OCO-designated “Operation and Maintenance, Defense-wide” account. Unlike the Administration’s original proposal, this funding structure could require the Department of Defense to make trade-off decisions concerning the new train and equip program relative to other priorities under that specific account.

The Administration's September 2014 request for authority did not seek specific funding and did not make reference to any specific spending limit, although Administration officials signaled that \$500 million remained its estimate for the initial cost of the program. It sought authority for the Department of Defense to use any OCO-designated Operation and Maintenance funds for any of the services or defense agencies made available by H.J.Res. 124 or any other act enacted during the period of the authority in order to implement the proposed program. This provision would require trade-offs within existing resources but would permit DOD to draw on a larger pool of funds for the program. The Administration's request would not have required reprogramming requests to congressional defense committees.

As noted above, the Administration submitted an initial \$225 million reprogramming request in relation to the Syria program in November 2014.

## **Definitions of Vetting Requirements**

H.R. 3979 would add a provision requiring participants be vetted for their commitment to promoting human rights and the rule of law. The CR authority did not include specific human rights vetting requirements.

Like the CR, H.R. 3979 also defines "appropriately vetted" to mean that, "at a minimum" the executive branch will conduct assessments of proposed recipients' associations with: "terrorist groups, Shia militias aligned with or supporting the Government of Syria, and groups associated with the Government of Iran. Such groups include, but are not limited to, the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusrah, Ahrar al Sham, and other al-Qaeda related groups, and Hezbollah."

The Administration's June and September 2014 requests envisioned vetting of Syrians, but did not include definitions of vetting procedures or vetting criteria. Presumably, this would give the Department of Defense additional leeway in selecting participants.

SASC- and SAC-reported versions of the FY2015 defense authorization and appropriations bills include more expansive vetting criteria than H.J.Res. 124.

- The SASC-reported NDAA would have required vetting to preclude the involvement of U.S.-designated terrorists and would authorize assistance to individuals who reject terrorism; support U.S. counterterrorism and nonproliferation efforts; oppose sectarian violence and revenge killings; seek "a peaceful, pluralistic, and democratic Syria that respects the human rights and fundamental freedoms of all its citizens"; and are committed to civilian rule, civilian control of the military, and the rule of law.
- Similarly, the SAC-reported defense appropriations bill would exclude designated terrorists and require that vetting assess recipients' commitment to the rule of law, opposition to sectarian violence, and commitment to a peaceful and democratic Syria under civilian rule. The SAC-reported bill also would require the Syria program's compliance with Section 8056 of the bill, which prohibits the provision of assistance to "members of a unit of a foreign security force if the Secretary of Defense has credible information that the unit has committed a gross violation of human rights." The prohibition could be waived under

“extraordinary” circumstances, but would require detailed reporting to the congressional defense and appropriations committees.

## **Required Interagency Process**

In line with the Administration’s September 2014 request, H.R. 3979, like the CR, would grant authority to the Secretary of Defense to carry out authorized activities to provide assistance to vetted Syrians for stated purposes.

Whereas the CR and H.R. 3979 require the Secretary of Defense to *coordinate* with the Secretary of State in implementation and reporting to Congress, the Administration’s request would have required the *concurrence* (i.e., approval) of the Secretary of State for the use of the proposed authority. Coordination is presumably a less constraining direction than concurrence. In other more limited train and equip authorities for government security forces, Congress has typically required “concurrence” rather than “coordination” of programs. Nevertheless, in practice, the Secretary of Defense might seek and obtain the concurrence of the Secretary of State and other leading officials prior to the initiation of the authorized program.

The SASC- and SAC-reported versions of the FY2015 defense authorization and appropriations bills also would require the concurrence of the Secretary of State.

## **Advance Notification and Reporting of Oversight Information to Congress**

Relative to the CR, H.R. 3979 would further expand required reporting to Congress in advance of the use of “train and equip” authority and once such authority is in use. Like the CR, H.R. 3979 requires *15-day advance notice* of the intended provision of authorized assistance and the submission of implementation plans and an overarching strategy describing how the assistance program relates to other U.S. objectives and activities. The four congressional defense committees also would receive reprogramming requests in advance that would have to be approved according to DOD regulations.

H.R. 3979 would add additional criteria to current notification and progress reporting requirements. It would require reporting on sustainment and support activities in the context of the overall strategy as well as progress reporting on the command and control of supported individuals and groups, descriptions of sustainment and construction activities, periodic and aggregate spending totals by authorized purpose, and assessments of the effectiveness of trained personnel and activities relative to authorized purposes and required plans and notifications to Congress.

Like the CR, H.R. 3979 would require the Administration to report to Congress on procedures and criteria for vetting at least 15 days prior to the first provision of authorized assistance. It further would require reporting every 90 days on the progress of authorized assistance, to include any changes in program operations (which presumably would include changes to vetting procedures) and any misuse of U.S. assistance. Under H.R. 3979, the House and Senate Committees on Armed Services, Foreign Affairs/Relations, Intelligence, and Appropriations would receive the implementation plan, presidential strategy, and progress reports.

## **Terms Related to Authorization for the Use of Military Force**

For analysis of proposals related to the Authorization for the Use of Military Force relative to the Islamic State, see CRS Report R43760, *A New Authorization for Use of Military Force Against the Islamic State: Comparison of Current Proposals in Brief*, by Matthew C. Weed.

Because the Obama Administration argues that it already has constitutional and statutory authority for the use of force in Iraq and Syria (e.g., the President's commander in chief and foreign affairs powers under the Constitution, and the 2001 and 2002 Authorizations for the Use of Military Force against Al Qaeda and in Iraq, or AUMFs),<sup>12</sup> as of October, it had not requested additional authorization for the use of force in support of its plans to degrade and destroy the Islamic State organization or other terrorist entities in those countries. Several Members of Congress have introduced proposals to authorize the use of military force against the Islamic State, and the Obama Administration has said it would welcome specific authorization from Congress but believes that the President already has the authority he needs.

Like the CR, H.R. 3979 states that nothing in its terms should be construed to constitute a statutory authorization for the introduction of U.S. Armed Forces into "hostilities" or circumstances that could be considered "hostilities" as defined pursuant to the War Powers Resolution.<sup>13</sup> A similar formulation is included in the SAC-reported version of the FY2015 defense appropriations bill. During the 2011 debate over the authorization of U.S. military operations in Libya, the Obama Administration argued that U.S. military operations did not constitute "hostilities" for specific reasons. Some Members of Congress disagreed with the Administration's arguments.

The House-passed version of the FY2015 defense appropriations bill states "Nothing in this Act shall be construed as authorizing the use of force against Syria or Iran."

Related provisions in these bills and others are described in more detail in the table below.

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<sup>12</sup> See Letters from the President to the Speaker of the House of Representatives and the President Pro Tempore of the Senate, War Powers Resolution Regarding Syria and Iraq, September 23, 2014.

<sup>13</sup> See CRS Report R42699, *The War Powers Resolution: After Thirty-Eight Years*, by Richard F. Grimmett; and CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by Jennifer K. Elsea and Matthew C. Weed.

**Table I. Comparison of Select “Train and Equip” Proposals for Vetted Syrians**

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Authority	Secretary of Defense with concurrence of Secretary of State authorized “to provide equipment, supplies, training, and defense services to assist vetted elements of the Syrian opposition”	None	“Notwithstanding any other provision of law,” Secretary of Defense authorized, with concurrence of Secretary of State, “to provide assistance, including the provision of defense articles and defense services, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups or individuals”	Secretary of Defense authorized, with concurrence of Secretary of State, “to provide assistance, including the provision of defense articles and defense services, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups or individuals”	Secretary of Defense authorized, with concurrence of Secretary of State, “to provide assistance, including the provision of defense articles and defense services, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups or individuals”	Secretary of Defense authorized “in coordination with the Secretary of State to provide assistance, including training, equipment, supplies, and sustainment, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups and individuals”	Secretary of Defense is authorized, “in coordination with the Secretary of State, to provide assistance, including training, equipment, supplies, stipends, construction of training and associated facilities, and sustainment, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups and individuals”
Interagency Process	“The Secretary of Defense shall obtain the concurrence of the Secretary of State before providing assistance” pursuant to authority.	None.	Authority requires “concurrence” of Secretary of State.	Authority requires “concurrence” of Secretary of State.	Authority requires “concurrence” of Secretary of State.	Authority requires “coordination with the Secretary of State” in general terms and on submission of required assistance plan and required progress reports.	Authority requires “coordination with the Secretary of State” in general terms and on submission of required assistance plan and required progress reports.

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Purpose	<p>“(1) Defending the Syrian people from attacks by the Syrian regime.</p> <p>(2) Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria.</p> <p>(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria.”</p>	None	<p>“(1) Defending the Syrian people from attacks by the Syrian regime, facilitating the provision of essential services, and stabilizing territory controlled by the opposition;</p> <p>(2) Defending the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria; and</p> <p>(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria.”</p>	<p>“(1) Defending the Syrian people from attacks by the Syrian regime, facilitating the provision of essential services, and stabilizing territory controlled by the opposition;</p> <p>(2) Protecting the United States, its friends and allies, and the Syrian people from threats posed by terrorists in Syria;</p> <p>(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria.”</p>	<p>“(1) Defending the Syrian people from attacks by the Islamic State of Iraq and the Levant and the Syrian regime, facilitating the provision of essential services, and stabilizing territory controlled by the opposition;</p> <p>(2) Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria;</p> <p>(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria”</p>	<p>“(1) Defending the Syrian people from attacks by the Islamic State of Iraq and the Levant (ISIL), and securing territory controlled by the opposition;</p> <p>(2) Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria;</p> <p>(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria.”</p>	<p>“(1) Defending the Syrian people from attacks by the Islamic State of Iraq and the Levant (ISIL), and securing territory controlled by the Syrian opposition.</p> <p>(2) Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria.</p> <p>(3) Promoting the conditions for a negotiated settlement to end the conflict in Syria.”</p>

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Vetting Definitions	Defines vetted elements as “units of the Free Syrian Army and the Supreme Military Council, and other Syrian forces, groups, or individuals opposed to the Syrian regime” determined by the USG not to be U.S. designated terrorists; and who reject terrorism, support counterterrorism and nonproliferation efforts; oppose sectarian violence and revenge killings; seek “a peaceful, pluralistic, and democratic Syria that respects the human rights and fundamental freedoms of all its citizens,” and are committed to civilian rule, civilian control of the military, and the rule of law.	None	None	“the term ‘appropriately vetted’ as used in this section shall be construed to mean, at a minimum, assessments of possible recipients for associations with terrorist groups, commitment to the rule of law, opposition to sectarian violence, commitment to a peaceful and democratic Syria under civilian rule, and compliance with section 8056 of this Act.”	None	“the term ‘appropriately vetted’ means, with respect to elements of the Syrian opposition and other Syrian groups and individuals, at a minimum, assessments of such elements, groups, and individuals for associations with terrorist groups, Shia militias aligned with or supporting the Government of Syria, and groups associated with the Government of Iran, Such groups include, but are not limited to, the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusra, Ahrar al Sham, and other al-Qaeda related groups, and Hezbollah.”	<p>“The term “appropriately vetted” means, with respect to elements of the Syrian opposition and other Syrian groups and individuals, at a minimum—</p> <p>(A) assessments of such elements, groups, and individuals for associations with terrorist groups, Shia militias aligned with or supporting the Government of Syria, and groups associated with the Government of Iran. Such groups include, but are not limited to, the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusra, Ahrar al Sham, other al-Qaeda related groups, and Hezbollah; and,</p> <p>(B) a commitment from such elements, groups, and individuals to promoting the respect for human rights and the rule of law.”</p>

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Conditions on Eligible Defense Articles or Services	None	Section 10010. None of the funds made available by this Act may be obligated or expended to transfer man-portable air defense systems (MANPADS) to any entity in Syria.	None	None	None	Requires reporting 15 days prior to transfer on plans for end-use monitoring and, inter alia, details on intended “types of training, equipment, and supplies to be provided”	Requires reporting 15 days prior to transfer on plans for end-use monitoring and, inter alia, details on intended “types of training, equipment, and supplies to be provided”
Sunset Provisions	December 31, 2018	None	December 31, 2018	The earlier of passage of FY2015 NDAA or September 30, 2015	The earlier of passage of FY2015 NDAA or September 30, 2015.	The earlier of CR end date or passage of FY2015 NDAA.	December 31, 2016
Funding Source	NA	None	OCO-designated ‘Operation and Maintenance, Counterterrorism Partnerships Fund’ proposed account	OCO-designated ‘Operation and Maintenance, Defense-wide’ Account	Any OCO-designated Department of Defense Operation and Maintenance funds made available by H.J.Res.124 or any other act.	Authorizes reprogramming of any OCO-designated Department of Defense funds made available pursuant to H.J.Res.124	Authorizes reprogramming of any OCO-designated Department of Defense funds made available “beginning on October 1, 2014, and ending on December 31, 2016,”
Availability of Funds	NA	None	Three-year Funding	One-year Funding	One-year Funding	Varies by Source Account	Varies by Source Account

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Spending Amount Limit	None	None	None. Notional \$500 million figure in text accompanying Counterterrorism Partnerships Fund/Syria Regional Stabilization Initiative request.	\$500 million cap, drawn from within OCO-designated 'Operation and Maintenance, Defense-wide' Account	None	No \$ cap in legislation. Depends on reprogrammings approved by four congressional defense committees.	No \$ cap in legislation. Depends on reprogrammings approved by four congressional defense committees.
Foreign Contributions	Authorizes acceptance of contributions from and provision of assistance to foreign governments.  Foreign contributions may be used "until expended."	None	Authorizes acceptance of contributions from and provision of assistance to foreign governments.  Foreign contributions may be used "until expended."	Authorizes acceptance of contributions, including in-kind assistance, from foreign governments.  Requires notification of congressional defense committees prior to obligation of foreign contributions.	Authorizes acceptance of contributions, including in-kind assistance, from foreign governments.  Requires notification of congressional defense committees prior to obligation of foreign contributions.	Authorizes acceptance and retention of contributions, including in-kind assistance, from foreign governments.  Requires notification of congressional defense committees prior to obligation of foreign contributions.  Requires contributions to be OCO-designated	Authorizes acceptance and retention of contributions, including in-kind assistance, from foreign governments.  Requires notification of congressional defense committees prior to obligation of foreign contributions.  Requires contributions to be Operations and Maintenance account-designated
BCA Exemption	None	None	Yes	Yes	Yes	Yes	None

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Statements re: Authorization for the Use of Military Force	None.	Section 9013: prohibits the use of funds made available by the act “with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.)”	None	Not to be “construed to constitute a specific statutory authorization” for introduction of the United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances, in accordance with section 8(a)(1) of the War Powers Resolution”	None	Not to be “construed to constitute a specific statutory authorization for the introduction of the United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.”	<p>“Nothing in this section shall be construed to constitute a specific statutory authorization for the introduction of United States Armed Forces into hostilities or into situations wherein hostilities are clearly indicated by the circumstances.”</p> <p>“Nothing in this section supersedes or alters the continuing obligations of the President to report to Congress pursuant to section 4 of the War Powers Resolution (50 U.S.C. 1543) regarding the use of United States Armed Forces abroad.”</p>

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Notification Requirements	Requires notice of assistance provided and foreign contributions accepted to “appropriate committees of Congress” defined as Armed Services, Appropriations, and Foreign Relations/Affairs Committees.	None	None	15 days prior to initiating a program to transfer defense articles or provide defense services as authorized by this section, the Secretary of Defense shall provide the congressional defense committees with a report describing the details and objectives of such program, including the goals of the program, a concept of operations, the amount of assistance to be provided, the cooperation of partner nations, the number of United States Armed Forces personnel involved, and other relevant details.	15 days prior to initiating a program to transfer defense articles or provide defense services as authorized by this section, the Secretary of Defense shall provide the congressional defense committees with a report describing the details and objectives of such program, including the goals of the program, a concept of operations, the amount of assistance to be provided, the cooperation of partner nations, the number of United States Armed Forces personnel involved, and other relevant details.	15 days prior to providing authorized assistance “to vetted recipients for the first time” the Secretary of Defense “in coordination with the Secretary of State” shall submit a report describing the assistance plan, vetting requirements and procedures; and end-use monitoring plans.  Requires the President to submit a report to appropriate congressional committees and House and Senate leadership on “how such assistance fits within a larger regional strategy,” to include reporting on goals and objectives, concept of operations, roles and contributions of partners, and the number of U.S. Armed Forces personnel deployed.	15 days prior to providing authorized assistance the Secretary of Defense “in coordination with the Secretary of State” shall submit a report describing the assistance plan, vetting requirements and procedures; and end-use monitoring plans.  Requires the President to submit a report to appropriate congressional committees and House and Senate leadership on “how such assistance fits within a larger regional strategy,” to include reporting on goals and objectives, concept of operations, roles and contributions of partners, the number of U.S. Armed Forces personnel deployed, and additional military support and sustainment activities.

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Program Oversight Reporting Requirements	None	None	None	None	None	90 days after the submission of assistance plan by Secretary of Defense and each 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall provide a “progress report” to appropriate congressional committees and House and Senate leadership, to include changes in plan, groups receiving assistance, recruitment and retention, misuse or loss of equipment, and assessment of effectiveness.	90 days after the submission of assistance plan by Secretary of Defense and each 90 days thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall provide a “progress report” to appropriate congressional committees and House and Senate leadership, to include changes in plan, groups receiving assistance, recruitment and retention, misuse or loss of equipment, command and control, descriptions of sustainment and construction activities, periodic and aggregate spending totals by authorized purpose, and assessments of the effectiveness of trained personnel and activities relative to authorized purposes and required plans and notifications to Congress.

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Appropriate Congressional Committees Defined	House and Senate Committees on Armed Services, Foreign Affairs/Relations, and Appropriations	None	None	Refers to congressional defense committees	Refers to congressional defense committees	House and Senate Committees on Armed Services, Foreign Affairs/Relations, Intelligence, and Appropriations.	House and Senate Committees on Armed Services, Foreign Affairs/Relations, Intelligence, and Appropriations
Waiver Authority	None	None	None	None	None	None	“For purposes of the provision of assistance pursuant to subsection (a), the President may waive any provision of law if the President determines that such provision of law would (but for the waiver) impede national security objectives of the United States by prohibiting, restricting, delaying, or otherwise limiting the provision of such assistance. Such waiver shall not take effect until 30 days after the date on which the President notifies the appropriate congressional committees of such determination and the provision of law to be waived.”

	<b>Senate Armed Services Committee-Reported FY2015 NDAA (Section 1209 of S. 2410)</b>	<b>House-Passed FY2015 Defense Appropriation (H.R. 4870)</b>	<b>FY2015 OCO Request</b>	<b>Senate Appropriations Committee-Reported FY2015 Defense Appropriations (Section 9015 of H.R. 4870)</b>	<b>Revised Administration Request for CR</b>	<b>H.J.Res. 124 / P.L. 113-164</b>	<b>Proposed Conference Report on FY2015 NDAA (Section 1209 of H.R. 3979)</b>
Authority to Provide Assistance to Third Countries	The Secretary may provide assistance to third countries for purposes of the provision of training and equipment under subsection (a).	None.	None.	None.	None.	None.	The Secretary may provide assistance to third countries for purposes of the provision of assistance authorized under this section.

**Source:** Legislative Information Service, Administration requests to Congress, House Rules Committee website.

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