



CRS Report for Congress

Section 1206 of the National Defense Authorization Act for FY2006: A Fact Sheet on Department of Defense Authority to Train and Equip Foreign Military Forces

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Summary

Section 1206 of the National Defense Authorization Act (NDAA) for Fiscal Year 2006 provides the Secretary of Defense with authority to train and equip foreign military forces. Thus far, the Department of Defense (DOD) has used Section 1206 authority primarily to provide counterterrorism support. Section 1206 obligations totaled some \$100 million in FY2006 and \$279 million in FY2007. Obligations for FY2008 total almost \$25 million as of May 20, 2008. Funds may only be obligated with the concurrence of the Secretary of State. This authority expires at the end of FY2008.

Section 1206 of the National Defense Authorization Act (NDAA) for Fiscal Year 2006 (P.L. 109-163) provides the Secretary of Defense with a new authority to train and equip foreign military forces. This is the first major DOD authority to be used expressly for the purpose of training the national military forces of foreign countries. Generally, DOD has trained and equipped foreign military forces through State Department programs. The Bush Administration requested this “Global Train and Equip” authority because DOD viewed the planning and implementation processes under which similar State Department security assistance is provided as too slow and cumbersome.¹

¹ State Department programs under which foreign military forces are trained are the International Military Education and Training (IMET) and the Expanded IMET (E-IMET) programs. Equipment is provided to foreign governments through the State Department Foreign Military Sales/Foreign Military Financing (FMS/FMF) programs. According to DOD, this “traditional security assistance takes three to four years from concept to execution,” while “Global Train and Equip authority allows a response to emergent threats or opportunities in six months or less.” U.S. Department of Defense, *Fiscal Year 2009 Budget Request Summary Justification*, February 4, 2008, p. 103. Hereafter referred to as *FY2009 DOD Summary Justification*.

Section 1206 provides the Secretary of Defense with authority to train and equip foreign military forces for two purposes. One is to enable such forces to perform counterterrorism operations. Nearly all Section 1206 assistance to date has been counterterrorism training and equipment. Most of the equipment and virtually all of the training to date have been provided by contractors, according to information provided by DOD officials. The other purpose is to enable foreign military forces to participate in or to support military and stability operations in which U.S. armed forces participate. (DOD does not use this authority in relation to operations in Iraq and Afghanistan, however, according to DOD officials.) Congress turned down the Administration's request in 2007 to expand Section 1206 authority to include authority to train and equip foreign police forces (see below).

Funding Provisions and Annual Obligations. Section 1206 of the FY2006 NDAA authorized spending of up to \$200 million per year for FY2006 and FY2007. Section 1206 of the John Warner National Defense Authorization Act for Fiscal Year 2007 (P.L. 109-364) amended the original legislation to raise the limit to \$300 million and extend the authority through FY2008.

Section 1206 programs are funded from the DOD operations and maintenance account. During the first two years of the program, DOD transferred funds from lower-priority missions to fund activities under Section 1206, according to the Office of the Secretary of Defense/Policy (OSD/P). In FY2008, Congress authorized \$300 million for Section 1206 in the Consolidated Appropriations Act of 2008 (P.L. 110-161.) FY2008.

The table below provides information on Section 1206 FY2006 and FY2007 programs approved by the DOD and the Department of State. It is compiled from information provided by OSD/P as of May 20, 2008. Total program obligations for FY2006 were \$100.1 million, and for FY2007 were \$279.5 million.

FY2008 obligations are in progress. Thus far, according to OSD/P, approved obligations for FY2008 total \$24.8 million for projects in Azerbaijan, Bahrain, Georgia, Lebanon, and the Philippines. Other obligations are pending.

Conditions. Section 1206 of the FY2006 NDAA requires that programs conducted under its authority observe and respect human rights, fundamental freedoms, and the "legitimate civilian authority within that country." The authority may not be used to provide any *type* of assistance that is otherwise prohibited by any provision of law. It also may not be used to provide assistance to any *country* that is otherwise prohibited from receiving such assistance under any other provision of law. The legislation also requires a 15-day advance notification to the congressional defense, foreign affairs, and appropriations committees before initiating each program. This notification must specify, among other things, the program country, budget, and completion date, as well as the source and planned expenditure of funds.

Joint DOD-State Department Approval Process. As modified by the FY2007 John Warner NDAA, Section 1206 authority permits the Secretary of Defense to provide such support with the "concurrence" of the Secretary of State. According to DOD and State Department officials, that term has been interpreted to mean the Secretary of State's approval.

Section 1206 requires both secretaries to jointly formulate any program and coordinate in its implementation. Their respective agencies have developed an extensive joint review process that some officials see as a potential model for other assistance programs. According to DOD, Section 1206 programs are developed under a “dual-key” authority (i.e., with the approval of both DOD and Department of State officials). U.S. embassies and the military combatant commands are encouraged to jointly formulate programs, and both parties “must approve each program explicitly in writing”² before the proposal is submitted to DOD and State Department staff in Washington, D.C., for their concurrence and, ultimately, the approval of the Secretaries of Defense and State.³

February 2008 Request for Expanded Authority. In its FY2009 budget request of February 4, 2008, the Administration asked for \$500 million in appropriations for Section 1206 capacity-building purposes. Three days later, DOD submitted, as part of its proposed NDAA for FY2009, a request to amend Title 10 Chapter 20 by adding a new section to permit the Secretary of Defense to authorize, with the concurrence of the Secretary of State, programs to build a foreign country’s national military and other forces. These other forces would include “gendarmerie, constabulary, internal defense, infrastructure protection, civil defense, homeland defense, coast guard, border protection, and counterterrorism forces....” The proposal would authorize DOD to use or to transfer to the State Department and other federal agencies up to \$750 million annually. (Section 1301, Building the Partnership Capacity of Foreign Military and Other Security Forces, of the proposed legislation, accessible through [<http://www.dod.mil/dodgc/olc>]). DOD and the State Department would jointly formulate programs; the Secretaries of Defense and State would jointly coordinate implementation.

The February 2008 request for expanded authority is similar to the Building Global Partnerships Act that the Administration proposed in May 2007. A major difference is that the 2007 proposed legislation would have waived any restrictions elsewhere in law applicable to assistance for military and security forces. This year’s Administration proposal would specifically bar the provision of assistance prohibited elsewhere in law unless the President or the Secretary of State waived applicable restrictions.

Current Congressional Action. Both the House Armed Services Committee (HASC) and the Senate Armed Services Committee (SASC) included provisions on Section 1206 authority in their reported versions of the FY2009 NDAA, but neither would make the authority permanent law. The HASC version would extend current authority for two years through FY2010. (Section 1206, H.R. 5658, H.Rept. 110-652 reported May 16, 2008.) The SASC version would extend Section 1206 authority for three years through FY2011 and increase the funding limit to \$400 million per fiscal year. It would also expand the types of security forces eligible to be trained and equipped under Section 1206 authority to include coast guard, border protection, and other security forces whose primary mission is counterterrorism operations, subject to the restriction of Title 22 U.S.C. 2420. (Section 1204, S. 3001, S.Rept. 110-335, reported May 12, 2008.)

² *FY2009 DOD Summary Justification*, p. 103.

³ Email from the OSD/P, May 20, 2007.

Table 1. Section 1206 Funding: FY2006 and FY2007 Obligations
(\$ U.S. millions, current)

Recipient	Program	FY2006	FY2007	Totals
Africa				
Chad	Light Infantry Rapid Reaction Force Establishment		6.0	8.0
	Tactical Airlift Capacity Training		1.7	
	Tactical Communications Interoperability Aid		0.3	
Djibouti	Maritime Domain Awareness, Response, Interdiction, and Coastal Security Enhancement		8.0	8.0
Mauritania	Light Infantry Rapid Reaction Force Establishment		4.5	4.5
Chad, Mauritania, Nigeria and Senegal	Civil-Military Operations Training in Support of the TransSahara Counterterrorism Program		3.4	3.4
Djibouti, Ethiopia, Kenya, Tanzania	East Africa Regional Security Initiative		14.2	14.2
Nigeria and Sao Tome and Principe	Gulf of Guinea Regional Maritime Awareness Capability Aid	6.8		6.8
Chad and Nigeria	Multinational Information-sharing Network Aid	6.2		6.2
Various (Algeria, Niger, Chad, Morocco, Senegal, Mauritania, Nigeria, and Mali)	Partner Nation Intelligence Capability Aid		1.1	1.1
Various (Algeria, Benin, Cameroon, Cape Verde, Republic of the Congo, Gabon, Ghana, Gambia, Guinea, Liberia, Morocco, Mozambique, Senegal, Sierra Leone, and Sao Tome and Principe)	Maritime Domain Awareness and Territorial Water Threat Response Capability Establishment		5.7	5.7
Total Africa		13.0	44.9	57.9
Greater Europe				
Albania	Counterterrorism Capability Aid	—	6.7	6.7
Georgia	Counterterrorism Capability Aid	—	6.5	6.5
Kazakhstan	Coalition Counterterrorism and Stability Operations Capacity Aid	—	19.3	19.3

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Recipient	Program	FY2006	FY2007	Totals
Macedonia	Counterterrorism Capability Aid	—	3.0	3.0
Ukraine	Counterterrorism Capability Aid	—	12.0	12.0
Total Greater Europe		—	47.5	47.5
Asia and the Pacific				
Indonesia	Integrated Maritime Surveillance System	18.4		47.1
	Eastern Fleet Regional Command Center	—	3.8	
	Eastern Fleet Maritime Domain Awareness	—	7.3	
	Celebes Sea and Malacca Strait Network	—	6.1	
	Coastal Surveillance Stations	—	11.5	
Malaysia	Eastern Sabah Maritime Domain Awareness Radars	—	13.6	16.3
	CENTRIX Stations	—	0.5	
	Strait of Malacca Maritime Domain Awareness Support	—	2.2	
Philippines	Maritime Train and Equip for Interdiction Purposes	—	2.9	15.5
	High Frequency Radios for Coast Watch South	—	1.8	
	Maritime Interdiction Capability	—	6.4	
	Interdiction and Offensive Capabilities Improvement (of UH-1 aircraft)	—	4.4	
Sri Lanka	Maritime Security Train and Equip for Interdiction Purposes	10.9	—	18.3
	Aircraft Command and Control Integration	—	6.0	
	Maritime Security and Navy Interdiction Capability	—	1.4	
Thailand	Strategic Sea Lanes Security (Initially funded at \$19.0 million, this program was cancelled after the Thai coup; contracted patrol boats were redirected to Bahrain.)	—	—	0.0
Total Asia and the Pacific		29.3	67.9	97.2

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Recipient	Program	FY2006	FY2007	Totals
Middle East and South Asia				
Bahrain	Patrol Boats	5.3	—	29.8
	Coastal Patrol Capability Development	—	24.5	
	Defense Force Counterintelligence Analysis Center Development	—	0.04	
Lebanon	Military Assistance to Lebanese Armed Forces	10.5	30.6	41.1
Pakistan	Border Area Train and Equip and Marines Train and Equip Aid	23.3	5.7	37.1
	Enhance Shared Maritime Domain Awareness and Cooperative Maritime Security Aid	—	8.1	
Yemen	Cross Border Security and Counterterrorism Aid	4.3	—	30.3
	Yemeni Special Operations Capacity Development (to enhance border security)	—	26.0	
Total Middle East and South Asia		43.4	94.9	138.3
Western Hemisphere				
Dominican Republic, Jamaica, Bahamas, Honduras, and Nicaragua	Caribbean Basin Maritime Security Aid (radios and boats)	—	23.3	23.3
Dominican Republic and Panama	Joint Maritime Counterterrorism Capability Aid	14.4	—	14.4
Mexico	Counterterrorism Capability Aid	—	1.0	1.0
Total Western Hemisphere		14.4	24.3	38.7
Totals		100.1	279.5^a	379.6^a

Source: Department of Defense figures made available to CRS as of May 20, 2008.

a. Totals may not add due to rounding.