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# Train and Equip Program for Syria: Authorities, Funding, and Issues for Congress

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## Summary

In 2014, Congress for the first time provided the President with authority and funds to overtly train and lethally equip vetted members of the Syrian opposition for select purposes. These purposes include supporting U.S. efforts to combat the Islamic State and other terrorist organizations in Syria and setting the conditions for a negotiated settlement to Syria's civil war. The FY2015 National Defense Authorization Act (NDAA, P.L. 113-291) and the FY2015 Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235) provided that up to \$500 million could be transferred from the newly-established Counterterrorism Partnerships Fund (CTPF) to train and equip such Syrian forces. Additional funding could be provided from other sources for the Syrian Train and Equip Program, including from foreign contributions, subject to the approval of the congressional defense committees.

As of June 2015, the defense committees have approved the transfer of \$500 million in FY2015 CTPF funds for the program and an additional \$80 million in Defense Working Capital Funds for related U.S. government operations. Several hundred U.S. military training personnel and a similar number of support personnel have deployed in support of the program. According to Administration officials, the intention is for the program to field a force of approximately 3,000 vetted Syrians in 2015 and 5,400 others per year in 2016 and, if authorized, in 2017. The authority provided in the FY2015 NDAA expires after December 31, 2016.

In FY2016, the Administration is requesting \$600 million in a new, separate Syria Train and Equip account that, if authorized and appropriated as requested, would not require advance notification and approval by the four defense committees.

Current debate over the program—as expressed in congressional consideration of proposed FY2016 defense authorization and appropriations legislation (H.R. 2685, H.R. 1735, S. 1376) centers on:

- The amounts, alignment, and terms associated with FY2016 funding for the program.
- The extent and type of U.S. support or protection, if any, that may be provided to Syrian trainees upon their return to Syria, especially in the event of attack by pro-Asad or other forces in Syria.
- The size, scope, and effectiveness of the Syria Train and Equip Program as currently implemented; its purposes relative to overarching U.S. strategy toward Syria; and its integration with U.S.-led coalition efforts to combat the Islamic State organization.
- The content and scope of requested strategy and reporting requirements.

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 (name redacted) et al., and CRS Report RL33487, *Armed Conflict in Syria: Overview and U.S. Response*, coordinated by (name redacted). 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: Issues and Current Proposals in Brief*, by (name redacted).

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## **FY2016 Syria Train and Equip Proposals**

Proposed FY2016 defense authorization and appropriations legislation under consideration in Congress as of June 2015 (H.R. 2685, H.R. 1735, S. 1376) would not dramatically change the scope, scale, purposes, resources, or terms of the Syria Train and Equip program as it was originally authorized by Congress and as it is currently being implemented by the Administration. Nevertheless, Congress is considering FY2016 proposals that would extend and/or amend existing authorities, modify reporting requirements, and appropriate new funds in ways that illustrate several key policy issues related to the program and to broader debates about U.S. foreign policy and strategy toward the conflict in Syria. For example:

- Proposed reporting and certification requirements in the House and Senate versions of the FY2016 National Defense Authorization Act (NDAA, H.R. 1735, S. 1376) would require the Administration to report to Congress on the potential provision of U.S. support and protection to program participants upon their return to Syria from training locations outside of the country. Some supporters of the program and advocates of a more robust anti-Asad strategy for the United States argue that the United States should be prepared and willing to protect U.S. trainees from potential attacks from pro-Asad forces and extremist groups through defensive fire, air cover, intelligence and/or resupply. Critics of deeper U.S. involvement in the Syria conflict argue that such protection may entail confrontation and armed conflict between U.S. forces and the Syrian government or other actors, with unpredictable consequences.
- Proposed restrictions in the House-enrolled FY2016 NDAA (H.R. 1735) on the provision of U.S. assistance to those found to have misused U.S. assistance reflect some Members' concerns for ensuring that U.S. assistance supports only those purposes that Congress set out for the program in FY2015 legislation. Specifically, some Members of Congress seek to ensure that U.S. assistance is used by U.S.-trained Syrians to combat the Islamic State and not to overthrow the government of Bashar al Asad or for other purposes. Administration officials insist that trainees and beneficiaries are receiving assistance to enable them first and foremost to protect civilians, opposition-held areas, and themselves from the forces of the Islamic State. Administration officials have said that forces misusing or redirecting U.S. assistance for their own purposes would not receive further U.S. support. Nevertheless, some ambiguity exists in the relationship between the stated purposes of authorized U.S. assistance and Syrian trainees' intentions toward Asad, raising questions among some Members of Congress about how U.S. assistance might ultimately be used by recipients.
- Proposed new reporting requirements in the House-enrolled FY2016 NDAA would require the Administration to report on the feasibility and potential costs of operations to establish so-called safe zones or no-fly zones in areas of Syria. This proposed change, while not involving the train and equip program directly, may reflect preferences expressed by some Syrian opposition activists and their U.S. supporters—including some Members of Congress—for a broader scope and scale of U.S. assistance under the train and equip program and/or for parallel U.S. military intervention to protect Syrian civilians. However, other Syrian groups and U.S. observers may reject deeper U.S. involvement.

The potential effects of various FY2016 proposals are analyzed in more detail below in sections corresponding to current policy questions. **Table 1** below reproduces the language enacted in the FY2015 NDAA (P.L. 113-291) and the Consolidated and Further Continuing Appropriations Act, 2015 (P.L. 113-235) alongside FY2016 defense legislative proposals under congressional consideration as of June 2015 (H.R. 2685, H.R. 1735, S. 1376). **Table A-1** in the **Appendix** reproduces enacted FY2015 NDAA and appropriations language alongside the President's evolving 2014 requests for authority and funds for the program.

## Background and Current Policy Questions

### What decisions did Congress and the President take to create the Syria Train and Equip Program?

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 was provided to select Syrian opposition groups under covert action authorities.<sup>1</sup> Through mid-2014, President Obama and some Members of Congress opposed the overt provision of U.S. military training or equipment to opposition forces reportedly in part because of concerns about its effectiveness and possible unintended consequences. Some Members have opposed the new train and equip program since that time for these reasons.

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 an overt "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 2014 to reflect additional goals for combatting the Islamic State.

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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 described lethal assistance program and said, "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."

The FY2015 Continuing Resolution (P.L. 113-164, “the FY2015 CR”) contained temporary authorization for the training and equipping of vetted Syrians that differed from the Administration’s requests and expired on December 11, 2014.

The FY2015 NDAA (Sections 1209, 1510, and 1534 of Division A of P.L. 113-291) and the Consolidated and Further Continuing Appropriations Act, 2015 (‘Counterterrorism Partnership Fund’ and Section 9016 of P.L. 113-235) provided further authority and funding guidance for the program. Like the FY2015 CR, these acts authorized the provision of U.S. assistance to vetted Syrians by the Department of Defense (DOD) in coordination with the State Department for the following purposes:

- 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.
- (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.

In setting these conditions, Congress rejected the Administration’s request for explicit authority to train and equip Syrians to defend Syrian civilians from Syrian government forces. Authority for training for such defensive action may be implied by the phrases referring to “securing territory” and promoting conditions for a negotiated settlement to the wider conflict.

Relative to the authority enacted in the FY2015 CR, the FY2015 full-year appropriations and NDAA:

- Expanded the types of assistance to be provided from training and equipment to include stipends and construction of training and other facilities.
- Added vetting requirements for program participants to include commitment to human rights, rule of law, and “a peaceful and democratic Syria.”
- Required 15-day advance notifications of a detailed plan before funds can be obligated, and continued to require approval by the four congressional defense committees of individual reprogramming requests.
- Added criteria to notification and progress reporting requirements to provide further metrics for program evaluation.
- Authorized assistance to third countries for program-related purposes.
- Stated that while the Syrian program may draw on FY2015 CTPF funds that are available for two years, during execution, FY2015 funds are to be transferred to individual Operation and Maintenance (O&M) accounts that are available for one-year.
- Ended (provided for the “sunset” of) the authority on December 31, 2016, and limited related funds to FY2015 monies and reprogramming requests to OCO-designated Defense funds available from October 1, 2014, through September 30, 2016.

- Permitted 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.

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

- 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 “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 submitted an informal revision of 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 informal revision. The House adopted the amendment (H.Amdt. 1141) by a vote of 273 to 156 on September 17, and the Senate passed the amended bill by a vote of 78 to 22 on September 18. The amendment text was included as Section 149 of H.J.Res. 124/P.L. 113-164.
- FY2015 Department of Defense appropriations, which included funds and authorities for the Department of Defense to train and equip vetted Syrians, were enacted in H.R. 83. On December 11, the House agreed to the final version of H.R. 83 by a vote 219-206. This version was agreed to by the Senate two days later, by a vote of 56-40. President Obama signed H.R. 83 into law (P.L. 113-235) on December 16, 2014.
- The FY2015 NDAA (H.R. 3979) also included authorities for the Department of Defense to train and equip vetted Syrians. On December 4, the House adopted the final version of the NDAA by a vote of 300-119. The Senate agreed to the House version on December 12, 2014, by a vote of 89-11. President Obama signed the bill into law P.L. 113-291 on December 19, 2014.

## **How has the executive branch implemented the Syria Train and Equip Program to date?**

As of June 2015, several hundred U.S. military training personnel and a similar number of support personnel have deployed in support of the Syria Train and Equip Program. According to Administration officials, the program intends to field a force of approximately 3,000 vetted Syrians in 2015 and 5,400 others per year in 2016 and, if authorized, in 2017. Congressional defense committees approved initial funding for the program in late 2014, and approved related transfers and further funding in early 2015.<sup>2</sup>

<sup>2</sup> See U.S. Department of Defense Comptroller, Implemented Reprogramming Actions - FY2015, Actions 15-02-PA, 15-10-PA, and 15-07-IR. Available at: [<http://comptroller.defense.gov/BudgetExecution/ReprogrammingFY2015.aspx>]



According to U.S. officials, program implementers have engaged with different Syrian groups in order to identify potential recruits for the program and worked with partner governments for assistance in vetting participants (see “Vetting Definitions” in **Table 1** below). Press reports citing unnamed U.S. officials suggested that fighting in Syria and uncertainties among Syrian opposition members and their regional backers about the program’s purpose and about the general level of U.S. support for anti-Asad efforts delayed the program to some extent.<sup>3</sup>

Nevertheless, as of late March 2015, U.S. officials reportedly had identified more than 2,000 planned participants and vetted 400 of them. Training began for the first batch of 90 recruits in early May.<sup>4</sup> U.S. officials have declined to publicly identify locations where training may take place, but Turkish officials have stated that training activities related to the program are underway in Turkey.<sup>5</sup> Various press reports also claim that Jordan, Saudi Arabia, and Qatar have agreed to host program activities. The United Kingdom has announced its intention to support the U.S. training program by sending 75 training personnel to participate.

### **Congressional Action**

The Administration’s FY2016 defense appropriations request seeks \$600 million in additional U.S. funding for the program. The House and Senate versions of the FY2016 National Defense Authorization Act (H.R. 1735 and S. 1376) would authorize that level of funding on different terms (see “Funding Source” in **Table 1**), and would create new reporting and certification requirements relative to the provision of U.S. support to U.S.-trained fighters in the event of their attack by pro-Asad or Islamic State forces (see “What degree of post-training support or protection should the U.S. government provide to Syrian trainees and on what terms?” below). As noted above, some Members of Congress seek to ensure that the Administration clearly determines and communicates the types of support it is prepared to provide to program participants after their return to Syria.

### **What other U.S. government efforts complement the Syria Train and Equip Program?**

The State Department has sought new and used existing authorities to provide nonlethal assistance, including to armed groups, notwithstanding other provisions of law restricting the provision of U.S. assistance in Syria and to Syrians. As of March 2015, the United States had allocated “nearly \$400 million in assistance that supports the Syrian opposition since the start of the revolution.”<sup>6</sup> This total includes more than \$30 million in assistance reprogrammed in March 2015 in order to provide non-lethal equipment, vehicles, and supplies to “moderate” armed Syrian opposition forces in Syria in parallel to the DOD-led train and equip program. Vetting procedures

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<sup>3</sup> Dasha Afanasieva, Warren Strobel and Phil Stewart, “Set to begin, U.S. plan for Syrian rebels already mired in doubt,” Reuters, April 27, 2015; and, W.J. Hennigan and Patrick J. McDonnell, “\$500-million program to train anti-Islamic State fighters appears stalled,” Los Angeles Times, May 4, 2015.

<sup>4</sup> Briefing by Secretary of Defense Ashton Carter and CJCS General Martin E. Dempsey, May 7, 2015.

<sup>5</sup> Turkish Foreign Minister Ahmet Davutoğlu quoted in “Training programs starts for Syrian opposition in Turkey, UK offers support,” *Daily Sabah* Online (Istanbul), June 5, 2015.

<sup>6</sup> Office of the State Department Spokesperson, New Non-Lethal Assistance for the Syrian Opposition, March 13, 2015.

for these transfers have not been publicly described in detail by State Department officials and it is unclear how or whether they differ from vetting used for the DOD train and equip program.

- Section 7041(i) of Division K of the FY2014 Consolidated Appropriations Act (P.L. 113-76) significantly expanded the Administration’s authority to provide nonlethal assistance in Syria for certain purposes<sup>7</sup> using the Economic Support Fund (ESF) account. Section 7041(h) of Division J of the FY2015 appropriations act (P.L. 113-235) extends this notwithstanding authority to FY2015 ESF funds, subject to an update of a required strategy document. 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. Such restrictions continue to limit the provision of certain types of non-lethal assistance to armed opposition groups from foreign assistance accounts.
- As of June 9, the draft House Appropriations Committee version of the FY2016 State and Foreign Operations Appropriations Act would again extend the notwithstanding authority to FY2016 ESF funds.<sup>8</sup>
- The Administration sought a broad expansion of the limited notwithstanding authority granted in the FY2014 appropriations act as part of its amended November 2014 request for OCO funds to combat the Islamic State organization. That request was not granted, possibly signaling some congressional desire to maintain limitations on the ease of providing U.S. assistance in Syria or to Syrians without specific congressional approval or oversight.

## **Should the authorized purposes of U.S. assistance be modified?**

Legislation enacted by Congress to date does not explicitly authorize the provision of U.S. assistance for this purpose and explicitly identifies the Islamic State organization rather than the Syrian government as the entity from which Syrians should be trained and equipped to protect themselves. U.S. assistance may aid vetted Syrians in providing for the defense of territory under opposition control from unspecified adversaries and in “promoting the conditions for a negotiated settlement to end the conflict in Syria.” Most observers assume a negotiated settlement to the conflict would include some changes to the leadership or structure of the Syrian government.

Developments in the conflict in Syria, including the continued use of indiscriminate aerial attacks by pro-Asad forces on opposition-held areas and allegations of attacks by pro-Asad forces using chemicals as a weapon of war, have shaped congressional debate over the purposes and scope of the train and equip program since early 2015. During this period, some Syrian opposition activists and their U.S. supporters—including some Members of Congress—have stated their preference

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<sup>7</sup> Those purposes are: to “(A) establish governance in Syria that is representative, inclusive, and accountable; (B) develop and implement political processes that are democratic, transparent, and adhere to the rule of law; (C) further the legitimacy of the Syrian opposition through cross-border programs; (D) develop civil society and an independent media in Syria; (E) promote economic development in Syria; (F) document, investigate, and prosecute human rights violations in Syria, including through transitional justice programs and support for nongovernmental organizations; and (G) counter extremist ideologies.”

<sup>8</sup> Available at: [<http://appropriations.house.gov/uploadedfiles/bills-114hr-sc-ap-fy2016-stateforop-subcommitteedraft.pdf>]

for a broader scope of U.S. assistance and/or U.S. military intervention to protect civilians or establish so-called safe zones or no-fly zones. However, other Syrian groups may reject deeper U.S. involvement or prefer that the United States focus any assistance on toppling the Asad government rather than pursuing counterterrorism, humanitarian, security, or regional stability concerns.

Looking ahead, political-military conditions in Syria may continue to 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. However, as of June 2015, Congress has not directly authorized U.S. assistance to support offensive, regime-change oriented anti-Asad operations by U.S.-trained forces.

### **Congressional Action**

The FY2016 defense authorization and appropriations legislation under congressional consideration as of June 2015 would not further define “conditions for a negotiated settlement,” nor would it modify the purposes of U.S. assistance that were stated in enacted FY2015 legislation. Specifically, the FY2016 proposals would not expand or restrict the stated purposes of U.S. assistance (see below) with regard to training Syrians for offensive anti-Asad operations or explicitly authorize such operations by U.S. military forces.

The following sections review legislative and policy developments related to the purposes of Syria Train and Equip Program assistance stated in enacted FY2015 legislation.

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

The Administration’s September 2014 request for authority envisioned a broader protection purpose for U.S. assistance relative to the purposes defined in enacted FY2015 legislation. The purposes stated in the enacted FY2015 legislation authorize assistance to assist vetted Syrians in defending against attacks by the Islamic State organization and do not mention the Asad government in this context. They also do not specify the types of attacks Syrians are to be assisted in defending against.

President Obama and Administration officials have indicated that U.S. assistance will be provided in line with a so-called “ISIL-first strategy,” but also will permit program participants to defend against attacks by pro-Asad forces. Overall, press reports citing unnamed U.S. officials indicate that defensive rather than offensive training and equipment is to be provided under the program.<sup>9</sup>

Section 1228 of the House-enrolled FY2016 NDAA (H.R. 1735) would require the President to report to Congress to assess the potential effectiveness of and requirements for the establishment of safe zones or a no-fly zone in Syria. In March 2015, Chairman of the Joint Chiefs of Staff General Martin Dempsey told the Senate Foreign Relations Committee that U.S. officials had

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<sup>9</sup> Rajiv Chandrasekaran, “Syrians to be trained to defend territory, not take ground from jihadists, officials say,” *Washington Post*, October 22, 2014.

held “two rounds of discussion with our Turkish counterparts” about these types of proposals and that DOD and military planners were “continuing to develop that option, should it be asked for.”<sup>10</sup>

### **“Securing” Opposition-held Territory**

Enacted FY2015 legislation states a more limited purpose for U.S. assistance with regard to opposition-controlled territory in Syria than the Administration’s original requests. Contrary to the President’s proposals, Congress did not authorize assistance to “stabilize” opposition-held territory or to facilitate the provision of essential services. Instead Congress authorized 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. It is possible that the Administration may seek to use State Department funds to achieve stabilization objectives in parallel with the DOD-led train and equip program.

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

Enacted FY2015 legislation identifies promoting conditions for a negotiated settlement to end the conflict in Syria as a purpose of U.S. assistance but does not define or specify such conditions. As noted above, proposed FY2016 legislation under consideration as of June 2015 also would not further define such conditions or explicitly authorize new related U.S. policy steps. 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 might or might not result in their departure from office. Administration officials have not publicly described the precise nature of any such pressure that the United States intends to use, the specific terms of its potential application, or how Congress and the public might measure the potential success of such pressure in achieving related strategic ends.

The Administration’s requests for the Syria Train and Equip Program and enacted FY2015 legislation (P.L. 113-291 and P.L. 113-235) do not explicitly state that the departure of Bashar al Asad or members of his government is an essential condition for a negotiated settlement to the conflict in Syria. Proposed FY2016 legislation under consideration as of June 2015 also does not state such a condition. On March 26, 2015, U.S. Central Command (CENTCOM) Commander General Lloyd Austin told the Senate Armed Services Committee that “we will discontinue providing support to those forces if they vector off and do things that we haven’t designed them to do initially and asked them to focus on initially.”<sup>11</sup>

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<sup>10</sup> Testimony of Gen. Martin Dempsey before Senate Foreign Relations Committee, March 11, 2015.

<sup>11</sup> Gen. Austin testimony before the Senate Armed Services Committee, March 26, 2015.

## **What degree of post-training support or protection should the U.S. government provide to Syrian trainees and on what terms?**

### **Congressional Action**

House and Senate versions of FY2016 defense authorization legislation would require specific Administration reporting on the requirements for and provision of support and/or protection to U.S. trained Syrians upon their return to Syria. In general, enacted FY2015 legislation provided for the delivery of such support to U.S. trainees and required regular reporting on the amounts and types of support delivered. Proposed FY2016 changes to FY2015 provisions would require the Administration to be more specific about what support or protection may be required and will be provided to trainees upon their return to Syria.

- Section 1208 of the Senate Armed Services Committee-reported version of the FY2016 NDAA (S. 1376) would require a report “setting forth a detailed description of the military support the Secretary considers it necessary to provide to recipients of assistance under” the program “upon their return to Syria.” According to the proposed bill, “Covered potential support may include: (1) Logistical support; (2) Defensive supportive fire; (3) Intelligence; (4) Medical support; and, (5) Any other support the Secretary considers appropriate for purposes of the report.”
- Section 1225 (C) of the of the House-enrolled FY2016 NDAA (H.R. 1735) would amend the underlying program authority in Section 1209 of the FY2015 NDAA to make approval of future program funding contingent on a new certification that:

a required amount of support, including support provided by United States Armed Forces and enablers, has been or will be provided by the United States to the elements of the Syrian opposition that are to be trained and equipped under this section to ensure that such elements are able to defend themselves from attacks by ISIL and Government of Syria forces consistent with the purposes [of the program]

### **Defense Department Position**

Defense Department officials have stated that the main focus of U.S. efforts to combat the Islamic State remains on operations in Iraq, and they have acknowledged ongoing consideration of what types of post-training support to provide Syrian participants in the train and equip program. On May 7, Secretary of Defense Carter said, that if trainees “are contested by regime forces, again, we would have some responsibility to help them. We have not decided yet in detail how we would exercise that responsibility, but we have acknowledged that we have that responsibility.”<sup>12</sup>

Some advocates of a more broadly confrontational U.S. posture toward the Asad government and other supporters of the train and equip program argue that the United States should be prepared to provide substantial direct assistance to U.S. trainees upon their return to Syria, including protection in the event that trainees are attacked by pro-Asad forces, Islamic State forces, or other extremists. Some critics of the program suggest that the use of U.S. assistance for operations

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<sup>12</sup> Briefing by Secretary of Defense Ashton Carter and CJCS General Martin E. Dempsey, May 7, 2015.

against forces other than the Islamic State in Syria would constitute misuse of U.S. assistance, and one proposed FY2016 provision would prohibit the delivery of future assistance to entities found guilty of misuse.<sup>13</sup>

In March 2015, Chairman of the Joint Chiefs of Staff General Martin Dempsey said that providing some protective support to U.S. trainees made practical sense, because, in his view, “it is key to the success of the new Syrian forces that they will have a degree of protection,” and “we’re not going to be able to recruit men into that force unless we agree to support them at some level.”<sup>14</sup> U.S. Central Command (CENTCOM) Commander General Lloyd Austin also has said in congressional testimony that he has recommended certain types of U.S. support during Administration policy discussions.

## **What other terms and restrictions limit U.S. assistance under the Syria Train and Equip Program?**

### **Vetting**

Proposed FY2016 legislation under consideration as of June 2015 would not modify the vetting requirements or criteria established by enacted FY2015 legislation for the Syria Train and Equip Program. The proposed House defense appropriations act (H.R. 2685) would restate the FY2015 vetting requirements and criteria (see “Vetting Definitions” in **Table 1** below).

### **Restrictions on Man-Portable Air Defense Systems (MANPADs)**

The House proposed FY2016 defense appropriations act (H.R. 2685) includes an identical prohibition to that included in the FY2015 NDAA (P.L. 113-235) that prohibits the use of funds made available in the act for the procurement or transfer of man-portable air defense systems (MANPADS) as part of the Syria train and equip program.<sup>15</sup>

This restriction reflects concerns that these systems could fall into the hands of other parties and threaten civilian aircraft, allied military aircraft, and U.S. aircraft conducting air strikes in support of Syrian opposition groups.

Other proposals introduced and considered in the 113<sup>th</sup> Congress 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).

### **Potential Usage Restrictions on Delivery of Future Assistance**

As noted above, one FY2016 proposal seeks to ensure that U.S. assistance is used only in support of congressionally endorsed purposes. Section 1504 (b) of the House-enrolled FY2016 NDAA (H.R. 1735) would state that funds authorized for the program “may not be provided to any

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<sup>13</sup> Julian Pecquet, “Congress sends mixed messages on toppling Assad,” *Al Monitor*, May 15, 2015.

<sup>14</sup> Testimony of Gen. Martin Dempsey before Senate Foreign Relations Committee, March 11, 2015.

<sup>15</sup> The FY2015 NDAA provision was itself a reworded version of an amendment adopted as part of the House-passed version of the FY2015 defense appropriations bill (H.Amdt. 914 to H.R. 4870).

recipient that the Secretary of Defense has reported, pursuant to a quarterly progress report submitted pursuant to Section 1209 of the National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291; 128 Stat. 3541), as having misused provided training and equipment.” Section 1209(d) of P.L. 113-291 requires DOD to report on “any misuse or loss of provided training and equipment and how such misuse or loss is being mitigated.” The term “misuse” is not defined in enacted FY2015 legislation or in FY2016 proposals under consideration as of June 2015. The Administration has not publicly defined what it would consider misuse of U.S. training or equipment beyond the use of such assistance for attacks on civilians, human rights abuses, or engagement in terrorism.

## **What congressional notification and reporting of oversight information is required?**

Relative to the enacted FY2015 legislation, the proposed FY2016 legislation would modify some of the existing notification and reporting requirements related to the program and would require reporting on related policy issues such as the protection of U.S. trainees and the potential establishment of so-called safe zones or no-fly zones in areas of Syria. As noted above and in **Table 1** below, proposed FY2016 legislation includes, inter alia:

- Section 1208 of the Senate Armed Services Committee-reported version of the FY2016 NDAA (S. 1376) would require a new report “setting forth a detailed description of the military support the Secretary considers it necessary to provide to recipients of assistance under” the program “upon their return to Syria.” According to the proposed bill, “Covered potential support may include: (1) Logistical support; (2) Defensive supportive fire; (3) Intelligence; (4) Medical support; and, (5) Any other support the Secretary considers appropriate for purposes of the report.”
- Section 1225 (C) of the of the House-enrolled FY2016 NDAA (H.R. 1735) would amend the underlying program authority in Section 1209 of the FY2015 NDAA to make approval of future program funding newly contingent on certification that:

a required amount of support, including support provided by United States Armed Forces and enablers, has been or will be provided by the United States to the elements of the Syrian opposition that are to be trained and equipped under this section to ensure that such elements are able to defend themselves from attacks by ISIL and Government of Syria forces consistent with the purposes [of the program]
- Section 1228 of the House-enrolled FY2016 NDAA (H.R. 1735) would require the President to provide a new report to Congress assessing the potential effectiveness of and requirements for the establishment of safe zones or a no-fly zone in Syria.
- Section 1225 of the House-enrolled FY2016 NDAA (H.R. 1735) would amend Section 1209 (f) of the FY2015 NDAA (P.L. 113-291) to require reprogramming requests for obligation of FY2016 funds.

Enacted FY2015 legislation 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 receive reprogramming requests for FY2015 funds in advance that must be approved according to DOD regulations.

P.L. 113-291 added additional criteria to notification and progress reporting requirements. It requires reporting on sustainment and support activities in the context of the overall Syria 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.

Enacted FY2015 legislation required 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 requires 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 P.L. 113-291, the House and Senate Committees on Armed Services, Foreign Affairs/Relations, Intelligence, and Appropriations receive the implementation plan, presidential strategy, and progress reports.

## **What “sunset” provisions and funding expiration dates are applicable?**

Proposed FY2016 legislation would include different “sunset” dates for authorized and appropriated funds. The proposed House and Senate FY2016 NDAs would authorize the appropriation to a Syria Train and Equip Fund account of OCO-designated O&M funds that would remain available until September 30, 2016. The proposed House defense authorization act (H.R. 2685) would appropriate OCO-designated O&M funds to a Syria Train and Equip Fund account that would remain available through September 30, 2017.

The FY2015 NDAA (P.L. 113-291) includes a “sunset” date of December 31, 2016 for the underlying Syria Train and Equip Program authorities. While the program authority contained in the FY2015 Consolidated and Continuing Appropriations Act (P.L. 113-235) sunsets at an earlier date—September 30, 2015—FY2015 funds for the program drawn from the CTPF are available for two years (Section 1510, P.L. 113-291).

The relative length of the authorization and availability of funds could be interpreted as a signal of relative congressional support for the Administration’s plan to train vetted Syrians over a period of three years. The Administration originally requested a sunset date of December 31, 2018 for the program.<sup>16</sup>

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<sup>16</sup> The Senate Armed Services Committee included this 2018 date in its report on its version of the FY2015 NDAA.



**Table I. Comparison of Enacted FY2015 Legislation and FY2016 Proposals for Syrian Train and Equip Program**

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Authority</b>	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”  (See separate vetting provision below)	Secretary of Defense is authorized, “in coordination with the Secretary of State, to provide assistance, including training, equipment, supplies, sustainment and stipends, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups or individuals”  (See separate vetting provision below)	Would not modify authority specified in enacted FY2015 legislation.	Would not modify authority specified in enacted FY2015 legislation.	Would authorize Secretary of Defense “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”
<b>Interagency Process</b>	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.	Would not modify process specified in enacted FY2015 legislation.	Would not modify process specified in enacted FY2015 legislation.	Would require “coordination with the Secretary of State” in general terms.

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Purposes</b>	<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>	<p>“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>Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria; and</p> <p>Promoting the conditions for a negotiated settlement to end the conflict in Syria”</p>	<p>Would not modify purposes specified in enacted FY2015 legislation.</p>	<p>Would not modify purposes specified in enacted FY2015 legislation.</p>	<p>Would restate FY2015 purposes of assistance:</p> <p>“Defending the Syrian people from attacks by the Islamic State of Iraq and the Levant, and securing territory controlled by the Syrian opposition;</p> <p>Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria; and</p> <p>Promoting the conditions for a negotiated settlement to end the conflict in Syria”</p>

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Vetting Definitions</b>	<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>	<p>“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 including the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusra, Ahrar al Sham, other al-Qaeda related groups, Hezbollah, or Shia militias supporting the Governments of Syria or Iran; and for commitment to the rule of law and a peaceful and democratic Syria”</p>	<p>Would not modify vetting definitions specified in enacted FY2015 legislation.</p>	<p>Would not modify vetting definitions specified in enacted FY2015 legislation.</p>	<p>Would state, as in FY2015, that “the term ‘appropriately vetted’ shall be construed to mean, at a minimum, assessments of possible recipients for associations with terrorist groups including the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusra, Ahrar al Sham, other al-Qaeda related groups, Hezbollah, or Shia militias supporting the Governments of Syria or Iran; and for commitment to the rule of law and a peaceful and democratic Syria”</p>

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Conditions on Eligible Defense Articles or Services</b>	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”	States that “none of the funds used pursuant to this authority shall be used for the procurement or transfer of man portable air defense systems”	Section 1504(b) would state that funds authorized to be appropriated for the program “may not be provided to any recipient that the Secretary of Defense has reported, pursuant to a quarterly progress report submitted pursuant to section 1209 of the National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291; 128 Stat. 3541), as having misused provided training and equipment.”	Would not modify conditions specified in enacted FY2015 legislation.	Would state, as in FY2015, that “none of the funds used pursuant to this authority shall be used for the procurement or transfer of man-portable air-defense systems”
<b>Sunset Provisions</b>	December 31, 2016  (Sec. 1209, Authority to provide assistance to Vetted Syrian opposition.  Sec. 1510 makes FY2015 CTPF funds available for two years.)	September 30, 2015  (Sec. 9016 permitting up to \$500 million of CTPF funds to be used for Syria train and equip)	September 30, 2016  Section 1504 would authorize O&M funds to be appropriated “for Fiscal Year 2016” for accounts specified in the table in Section 4302, including the Syria Train and Equip Fund.	September 30, 2016  Section 1505 would authorize O&M funds to be appropriated “for Fiscal Year 2016” for accounts specified in the table in Section 4302, including the Syria Train and Equip Fund.	September 30, 2017

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Funding Source</b>	Authorizes reprogramming of any OCO-designated Department of Defense funds made available “beginning on October 1, 2014, and ending on December 31, 2016” to any operation and maintenance account (Sec. 1534).	Says that “up to \$500,000,000 of funds appropriated for the Counterterrorism Partnerships Fund may be used for activities authorized by this section.”  Designates funds made available pursuant to the authority as OCO funds.	Would authorize appropriation of \$531.45 million for “Syria Train and Equip Fund” among OCO designated funds.  Would realign \$42.75 million in requested funds to Air Force O&M  Would realign \$25.8 million in requested funds to Army O&M	Would authorize appropriation of \$600 million for “Syria Train and Equip Fund” among OCO designated funds.	Would appropriate \$600 million in O&M funding for “Syria Train and Equip Fund”  Designates funds made available pursuant to the authority as OCO funds.
<b>Availability of Funds</b>	Varies by life of funds of account to which funds are transferred.	Varies by life of funds of account to which funds are transferred.	September 30, 2016  Section 1504 would authorize O&M funds to be appropriated “for Fiscal Year 2016” for accounts specified in the table in Section 4302, including the Syria Train and Equip Fund.	September 30, 2016  Section 1505 would authorize O&M funds to be appropriated “for Fiscal Year 2016” for accounts specified in the table in Section 4302, including the Syria Train and Equip Fund.	Funds appropriated by the act for the Syria Train and Equip Fund would remain available until September 30, 2017.  Funds credited to the Fund from foreign contributions may remain available until expended and used for the Fund’s specified purposes.

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Spending Amount Limit</b>	No \$ cap in legislation. Depends on reprogrammings approved by four congressional defense committees.	From CTPF fund, up to \$500 million may be used. No other \$ cap in legislation.	Would authorize appropriation of a specific amount, but would not cap foreign contributions.  Would not modify transfer authorities established in FY2015.	Would authorize appropriation of a specific amount, but would not cap foreign contributions.  Would not modify transfer authorities established in FY2015.	Would appropriate a specific amount, but would not cap foreign contributions.  Would not modify transfer authorities established in FY2015.
<b>Foreign Contributions</b>	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	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.	Would not modify authorities established in enacted FY2015 legislation.	Would not modify authorities established in enacted FY2015 legislation.	Would provide for the “acceptance and retention of contributions, including in-kind assistance, from foreign governments.”
<b>BCA Exemption</b>	Yes	Yes	Yes	Yes	Yes

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Statements re: Authorization for the Use of Military Force in Syria</b>	<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>	<p>Section 9014 states: “None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).”</p>	None.	<p>Section 1208 would state:</p> <p>“Nothing in this section shall be construed to constitute an authorization for the use of force in Syria.”</p>	<p>‘Syria Train and Equip Fund’ section would state:</p> <p>“nothing in this section shall 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, in accordance with section 8(a)(1) of the War Powers Resolution.”</p>

FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)	FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)	FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)	FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)	FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685
<p><b>Statements re: Authorization for the Use of Military Force (continued)</b></p>	<p>Section 9016 states “nothing in this section shall 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, in accordance with section 8(a)(1) of the War Powers Resolution”</p>			<p>Section 9018 would state:</p> <p>“None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).”</p>



	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Notification Requirements</b>	<p>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.</p> <p>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.</p>	<p>Directs President and Secretary of Defense to “comply with the reporting requirements in section 149(b)(1), (b)(2), (c), and (d) of the Continuing Appropriations Resolution, 2015 (P.L. 113-164).”</p>	<p>Would amend Section 1209 (f) of P.L. 113-291 to require reprogramming requests for obligation of FY2016 funds and to further require that such requests be accompanied by a report updating the comprehensive strategy required by P.L. 113-291; certification that required U.S. forces have been established to implement the strategy and required support “has been or will be” provided to trainees; and a detailed description of the relationship between the funds proposed for reprogramming and transfer and the objectives of related U.S. strategy.</p> <p>Would apply these requirements to any related post-enacted FY2015 request.</p>	<p>Would not modify requirements established in enacted FY2015 legislation.</p>	<p>Would not create new program-specific notification requirements.</p> <p>Notification requirements established for FY2015 funds would continue to apply to FY2015 funds.</p> <p>Regular notification procedures for FY2016 funds would apply to FY2016 funds.</p>

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Program Oversight Reporting Requirements</b>	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.	Directs President and Secretary of Defense to “comply with the reporting requirements in section 149(b)(1), (b)(2), (c), and (d) of the Continuing Appropriations Resolution, 2015 (P.L. 113-164).”	Would require a new “comprehensive strategy for Syria and Iraq” 30 days after the enactment of the act to the “appropriate congressional committees.”  Section 1228 would require a new report to assess the potential effectiveness of and requirements for the establishment of safe zones or a no-fly zone in Syria.	Would require a new report “setting forth a detailed description of the military support the Secretary considers it necessary to provide to recipients of assistance under” the program “upon their return to Syria” as authorized by Section 1209 of P.L. 113-291.  According to Section 1208 of the proposed bill,  “Covered potential support may include: (1) Logistical support. (2) Defensive supportive fire. (3) Intelligence. (4) Medical support. (5) Any other support the Secretary considers appropriate for purposes of the report.”	Would not create new program-specific reporting requirements.

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Appropriate Congressional Committees Defined</b>	House and Senate Committees on Armed Services, Foreign Affairs/Relations, Intelligence, and Appropriations	Refers to P.L. 113-164 for reporting requirements, implying endorsement of definition of appropriate committees.	House and Senate Committees on Armed Services, Foreign Affairs/Relations, Intelligence, and Appropriations  Section 1228 would require report on safe zones/no-fly zones to be submitted to congressional defense committees and Foreign Affairs/Relations.	Would require report to be submitted to "congressional defense committees."	None specified.

	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>	<b>FY2016 House-Enrolled NDAA (Section 1225 of H.R. 1735)</b>	<b>FY2016 Senate Armed Services Committee Reported NDAA (Section 1208 of S. 1376)</b>	<b>FY2016 House Appropriations Committee Reported Defense Appropriations Act, H.R. 2685</b>
<b>Waiver Authority</b>	“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.”	None.	Would not modify relevant waiver provision in enacted FY2015 legislation.	Would not modify relevant waiver provision in enacted FY2015 legislation.	Would not modify relevant waiver provision in enacted FY2015 legislation.
<b>Authority to Provide Assistance to Third Countries</b>	The Secretary may provide assistance to third countries for purposes of the provision of assistance authorized under this section.	None.	Would not modify authority in enacted FY2015 legislation.	Would not modify authority in enacted FY2015 legislation.	Would state that “the Secretary may provide assistance to third countries for purposes of the provision of assistance authorized under this heading”

**Sources:** Legislative Information Service/Congress.gov; and, House Appropriations Committee website, June 2015.

## General Oversight Questions and Policy Issues

Members of Congress have considered several basic policy and oversight questions in relation to the creation, modification, and funding of the Syria Train and Equip Program. These include:

- 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? With what implications for the potential success of any U.S. support program?
- Who should receive such U.S. training and assistance? Who should not? Why? With what implications for U.S. policy goals in Syria or more broadly? What vetting process has been established that complies with the criteria in the law? How effective is this process?
- How much and what types of training and equipment will be sufficient to accomplish stated U.S. objectives or achieve the stated purposes of authorizing language?
- What support or protection, if any, should the United States provide to trainees upon their return to Syria? On what terms, on what authority, at what cost, and with what potential implications for U.S. policy toward Syria and more broadly?
- How might the “train and equip” mission expand in size, geographic scope, depending on different scenarios? What risks might such expansion pose? 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-designated (OCO) funds not subject to budget caps? How long should authority for such a program be available and on what terms? What reporting or notification requirements should apply?
- How might this program affect other defense or foreign assistance priorities? Is there sufficient public support for a potentially long-standing commitment?
- Will DOD exercise its waiver authority to exempt this program from terrorism, human rights, and other constraints in U.S. law? 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 contributions should be expected or required of foreign partners if any?
- What conditions might potential partners and trainees place on participation and support for the program? With what implications for its potential success and for U.S. policy toward Syria?
- 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? How should success in the Syria case be defined and assessed?

## **Aligning Purposes and Objectives, Anticipating Contingencies, and Projecting Costs**

Programs designed to achieve different purposes may present different potential policy risks and rewards and may entail different material and financial costs. Members of Congress, Administration officials, Syrians, and other observers continue to debate the purposes, scope, scale, costs, and implications of the currently authorized Syria Train and Equip Program and proposals for its modification. Proposals that call for Syrians civilians and trainees to be defended from attack or for U.S. 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 the currently authorized program. As events in Syria during 2015 have illustrated, 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, benefits, risks, or rewards for the United States.

Reporting requirements included in P.L. 113-291 require DOD to report on program spending totals by authorized purpose and to provide assessments of the effectiveness of trained personnel and activities relative to authorized purposes. Modifications proposed in the House-enrolled FY2016 NDAA H.R. 1735 would require updated reporting on U.S. strategy, new reporting on the integration of U.S. strategy in Iraq and Syria, and the identification of requirements established to ensure that assistance provided in the Syria Train and Equip Program achieves the purposes set out in the FY2015 NDAA.

### **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. Other observers differ over whether U.S. assistance and training, if provided without a guarantee of force protection after the fact, can effectively achieve U.S. objectives.

There are no direct recent analogues to the type of overt and broadly defined “train and equip” program for vetted Syrians authorized by Congress. Most “train and equip” authorities have been far more limited in scope and funding, and targeted to government security forces. The train and equip authorities granted in P.L. 113-291 and P.L. 113-235 are unique because, in the view of the Obama Administration and some in Congress, there were no other existing legal authorities that allowed such overt “train and equip” assistance to be provided to non-government actors in Syria in the prevailing context.<sup>17</sup> Pre-existing Department of Defense (DOD) authorities to provide

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<sup>17</sup> Prior to the passage of the FY2015 CR that contained the original authorization for the train and equip program, 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.”

overt security assistance to U.S. partners abroad required that such assistance be provided on a government-to-government basis.<sup>18</sup> U.S. sanctions on Syria and restrictions on U.S. engagement with terrorist-designated entities fighting in Syria also limited the executive branch's ability to provide such assistance.

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, including the far larger and longer-lasting efforts to train Iraq and Afghan security forces over the past decade.<sup>19</sup>

Programs with some partial similarities in context and content to the Syria program 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>20</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>21</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>22</sup>
- 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

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<sup>18</sup> 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 have provided corresponding funding authority sufficient to support the scope of activities envisioned under the Administration’s request for the Syria program. The Administration’s proposed purposes for the requested Syria authority also extended beyond strict counterterrorism purposes.

<sup>19</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. See also discussion in CRS Report RL33110, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*, by (name redacted)

<sup>20</sup> See Raymond Copson and Robert Sutter, “Support for Third World Resistance Movements: Changing Priorities,” in Congressional Research Service, Congress and Foreign Policy, 1990, pp. 77-107.

<sup>21</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>22</sup> See Army Maj. Gen. David Barno, Briefing on Free Iraqi Forces, Department of Defense, March 14, 2003.

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>23</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.

The provision of overt assistance to non-governmental groups poses particular challenges. Members of Congress may wish to consider some of the policy questions that were debated during consideration of these efforts when conducting oversight of the train and equip assistance program for vetted Syrians. In particular, Members of Congress may wish to consider:<sup>24</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 relative roles and responsibilities of the Department of Defense, the Department of State, and other U.S. government agencies in carrying out different programs;
- the challenges U.S. policymakers 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>23</sup> See CRS Report RS22967, *U.S. Foreign Aid to the Palestinians*, by (name redacted).

<sup>24</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.



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

Debate over the potential provision of support and/or protection to U.S. forces in Syria should they come under attack by pro-Asad or other forces has raised new questions about U.S. policy and the authorities under which such support or protection might be authorized. In testimony before the Senate Foreign Relations Committee in March 2015, Secretary of Defense Carter stated that the Administration had not made its own legal determination as to whether it believes it has authority to use military force against the Syrian government in furtherance of the authorized purposes of the Syria Train and Equip Program. In response to a question from Senator Bob Corker, Secretary Carter said that he shared the Senator's understanding that neither the Administration's Islamic State AUMF proposal nor the 2001 AUMF would provide "clear-cut authority" for such a use of force.<sup>25</sup>

The Obama Administration argues that it already has constitutional and statutory authority for the use of force in Iraq and Syria for certain purposes (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>26</sup> but it has committed to engaging Congress for additional authorization for the use of force in support of military operations against the Islamic State organization in those countries. The 113<sup>th</sup> Congress considered some proposals to authorize or restrict the use of military force against the Islamic State, and, in early 2015, the Obama Administration submitted proposed Islamic State AUMF language to the 114<sup>th</sup> Congress for its consideration.

Enacted FY2015 legislation relating to the Syria Train and Equip Program (P.L. 113-291 and P.L. 113-235) 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>27</sup> Some of the proposed FY2016 defense authorization and appropriations legislation under consideration in Congress as of June 2015 would make similar statements relative to Syria (see "Statements re: Authorization for the Use of Military Force in Syria" in **Table 1**).

For further 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: Issues and Current Proposals in Brief*, by (name redacted).

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<sup>25</sup> Transcript of Senate Foreign Relations Committee hearing, March 11, 2015.

<sup>26</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>27</sup> See CRS Report R42699, *The War Powers Resolution: Concepts and Practice*, by (name redacted); and CRS Report RL31133, *Declarations of War and Authorizations for the Use of Military Force: Historical Background and Legal Implications*, by (name redacted) and (name redacted). 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.

## **Appendix. Comparison of Administration FY2015 Requests and FY2015 Enacted Legislation**

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 enacted FY2015 defense authorization and appropriation acts authorize DOD in coordination with the State Department to provide “assistance, including training, equipment, supplies, stipends, construction of training and associated facilities,<sup>28</sup> and sustainment,<sup>29</sup> to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups and individuals.”

The following table compares the Administration’s 2014 requests for authority and funding with enacted FY2015 legislation.

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<sup>28</sup> P.L. 113-235 did not explicitly authorize the use of appropriated funds for construction purposes.

<sup>29</sup> The Joint Explanatory Statement issued with P.L. 113-291 defines sustainment as follows: “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.”

**Table A-I. Comparison of FY2015 Requests and Enacted Laws on “Train and Equip” Program for Vetted Syrians**

	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113-164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Authority</b>	“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 “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”  (See separate vetting provision below)	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”  (See separate vetting provision below)	Secretary of Defense is authorized, “in coordination with the Secretary of State, to provide assistance, including training, equipment, supplies, sustainment and stipends, to appropriately vetted elements of the Syrian opposition and other appropriately vetted Syrian groups or individuals”  (See separate vetting provision below)
<b>Interagency Process</b>	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.	Authority requires “coordination with the Secretary of State” in general terms.

	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113- 164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Purposes</b>	<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 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>	<p>“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>Protecting the United States, its friends and allies, and the Syrian people from the threats posed by terrorists in Syria; and</p> <p>Promoting the conditions for a negotiated settlement to end the conflict in Syria”</p>

	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113- 164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Vetting Definitions</b>	None	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 Nusrat, Ahrar al Sham, and other al-Qaeda related groups, and Hezbollah.”	“The term “appropriately vetted” means, with respect to elements of the Syrian opposition and other Syrian groups and individuals, at a minimum—  (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 Nusrat, Ahrar al Sham, other al-Qaeda related groups, and Hezbollah; and,  (B) a commitment from such elements, groups, and individuals to promoting the respect for human rights and the rule of law.”	“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 including the Islamic State of Iraq and the Levant (ISIL), Jabhat al Nusrat, Ahrar al Sham, other al-Qaeda related groups, Hezbollah, or Shia militias supporting the Governments of Syria or Iran; and for commitment to the rule of law and a peaceful and democratic Syria”
<b>Conditions on Eligible Defense Articles or Services</b>	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”	States that “none of the funds used pursuant to this authority shall be used for the procurement or transfer of man portable air defense systems.”

	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113-164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Sunset Provisions</b>	December 31, 2018	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  (Sec. 1209, Authority to provide assistance to Vetted Syrian opposition.  Sec. 1510 makes FY2015 CTPF funds available for two years.)	September 30, 2015  (Sec. 9016 permitting up to \$500 million of CTPF funds to be used for Syria train and equip)
<b>Funding Source</b>	OCO-designated 'Operation and Maintenance, Counterterrorism Partnerships Fund' proposed 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" to any operation and maintenance account (Sec. 1534).	Says that "up to \$500,000,000 of funds appropriated for the Counterterrorism Partnerships Fund may be used for activities authorized by this section."  Designates funds made available pursuant to the authority as OCO funds.
<b>Availability of Funds</b>	Three-year Funding	One-year Funding	Varies by life of funds of account to which funds are transferred.	Varies by life of funds of account to which funds are transferred.	Varies by life of funds of account to which funds are transferred.
<b>Spending Amount Limit</b>	None.  Notional \$500 million figure in text accompanying Counterterrorism Partnerships Fund/Syria Regional Stabilization Initiative request.	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.	From CTPF fund, up to \$500 million may be used. No other \$ cap in legislation.

	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113- 164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Foreign Contributions</b>	<p>Authorizes acceptance of contributions from and provision of assistance to foreign governments.</p> <p>Foreign contributions may be used “until expended.”</p>	<p>Authorizes acceptance of contributions, including in-kind assistance, from foreign governments.</p> <p>Requires notification of congressional defense committees prior to obligation of foreign contributions.</p>	<p>Authorizes acceptance and retention of contributions, including in-kind assistance, from foreign governments.</p> <p>Requires notification of congressional defense committees prior to obligation of foreign contributions.</p> <p>Requires contributions to be OCO-designated</p>	<p>Authorizes acceptance and retention of contributions, including in-kind assistance, from foreign governments.</p> <p>Requires notification of congressional defense committees prior to obligation of foreign contributions.</p> <p>Requires contributions to be Operations and Maintenance account-designated</p>	<p>Authorizes acceptance and retention of contributions, including in-kind assistance, from foreign governments.</p> <p>Requires notification of congressional defense committees prior to obligation of foreign contributions.</p>
<b>BCA Exemption</b>	Yes	Yes	Yes	Yes	Yes

	FY2015 OCO Request – June 2014	Revised Administration Request for CR – September 2015	FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113- 164)	FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)	FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)
<b>Statements re: Authorization for the Use of Military Force</b>	None	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>	<p>Section 9014 states: “None of the funds made available by this Act may be used with respect to Syria in contravention of the War Powers Resolution (50 U.S.C. 1541 et seq.), including for the introduction of United States armed or military forces into hostilities in Syria, into situations in Syria where imminent involvement in hostilities is clearly indicated by the circumstances, or into Syrian territory, airspace, or waters while equipped for combat, in contravention of the congressional consultation and reporting requirements of sections 3 and 4 of that law (50 U.S.C. 1542 and 1543).”</p> <p>Section 9016 states “nothing in this section shall 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, in accordance with section 8(a)(1) of the War Powers Resolution”</p>



	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113- 164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Notification Requirements</b>	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 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.	Directs President and Secretary of Defense to “comply with the reporting requirements in section 149(b)(1), (b)(2), (c), and (d) of the Continuing Appropriations Resolution, 2015 (Public Law 113-164).”

	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113- 164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Program Oversight Reporting Requirements</b>	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.	Directs President and Secretary of Defense to “comply with the reporting requirements in section 149(b)(1), (b)(2), (c), and (d) of the Continuing Appropriations Resolution, 2015 (Public Law 113–164).”
<b>Appropriate Congressional Committees Defined</b>	None	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	Refers to P.L. 113-164 for reporting requirements, implying endorsement of definition of appropriate committees.

	<b>FY2015 OCO Request – June 2014</b>	<b>Revised Administration Request for CR – September 2015</b>	<b>FY2015 CR (Section 149 of H.J.Res. 124/P.L. 113- 164)</b>	<b>FY2015 NDAA (Section 1209 of H.R. 3979, P.L. 113-291)</b>	<b>FY2015 Consolidated Appropriations Act (Section 9016 of H.R. 83, P.L. 113-235)</b>
<b>Waiver Authority</b>	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.”	None.
<b>Authority to Provide Assistance to Third Countries</b>	None.	None.	None.	The Secretary may provide assistance to third countries for purposes of the provision of assistance authorized under this section.	None.

**Source:** Legislative Information Service, Administration requests to Congress.

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