

# Security Cooperation and the FY2017 National Defense Authorization Act (NDAA)

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## Introduction

Provisions in the FY2017 National Defense Authorization Act (NDAA) have elevated [ongoing debates](#) over [U.S. security sector assistance](#) to foreign countries—and raised questions over whether the policy architecture is suited to meet current and emerging requirements. The State Department has historically served as the lead agency for overarching policy in this area, with primary security assistance authorities outlined in Title 22 (Foreign Relations) of the *U.S. Code*. Over time, Congress has granted the Department of Defense (DOD) new mechanisms under Title 10 (Armed Services) to engage in ["security cooperation"](#) with foreign military forces and other security forces—now recognized as one of DOD's priority [tools](#) for executing its national security responsibilities.

Incremental adjustments to DOD's Title 10 authorities have resulted in a ["patchwork"](#) of some 80 or more provisions. Congress enacted many of these to respond to emerging needs, but imposed limits on their scope, application, and duration, based on country-specific concerns. [For more than a decade](#), DOD's authorities (and funding) have grown with its counterterrorism responsibilities, involvement in overseas contingency operations, evolving national security priorities, and efforts to counter asymmetrical threats. Some view today's mix of provisions as an [obstacle](#) to effective planning and execution of DOD objectives. Some also view the patchwork as problematic for State Department

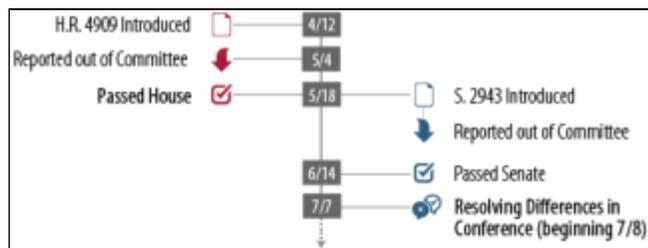
coordination of foreign policy as well as for congressional oversight.

## FY2017 NDAA Proposals

In April, [DOD submitted to Congress](#) 10 proposals (approved through an interagency process) to consolidate, modify, or codify several existing authorities in a new chapter 16 within Title 10 of the *U.S. Code*, entitled "Security Cooperation." DOD also proposed consolidating congressional reporting requirements and repealing five obsolete or duplicative authorities.

The House and Senate responded to DOD's proposals in different ways (see [Figure 1](#)). The House-passed version of the NDAA, [H.R. 4909](#), would incorporate into a new chapter only those DOD proposals that make no or minor changes to existing authorities. The Senate-passed version, [S. 2943](#), would build on DOD's proposals incorporating all but one into a new chapter.

Figure 1. FY2017 NDAA: Bill Status Overview



**Source:** Congress.gov.

In addition, [S. 2943](#) innovations to expand or modify others include

- a multipurpose authority to provide training and equipment to foreign forces, which some consider duplicative with State Department programs, particularly Foreign Military Financing;
- a permanent authority for U.S. general purpose forces to train with foreign forces; and
- an expanded authority for foreign security sector training and education, similar to and, in the view of some, possibly duplicative of the State Department's International Military Education and Training program.

Drawing from DOD's proposals, but with some modification, [S. 2943](#) would also expand authority to provide operational support (logistics support, supplies, and services) to foreign countries, to include "friendly" countries engaged in operations in which the United States is not a participant.

Furthermore, [S. 2943](#) proposes several interrelated measures that seek to help DOD better align its programs and funding with current and emerging strategic requirements, while minimizing issues associated with the execution of security cooperation activities. These include

- centralized strategic policy responsibility within the Office of the Secretary of Defense;
- required assessment, monitoring, and evaluation of DOD security cooperation programs and activities;
- development of a professional workforce in support of DOD security cooperation programs and activities;
- issuance of joint DOD and State Department policy, planning, and implementation mechanisms;
- required annual reporting on DOD security cooperation programs, activities, performance, and budget; and
- redirected funding (more than \$2 billion in FY2017 authorized funds) into a new Security Cooperation Enhancement Fund (see [Figure 2](#)).

Figure 2. Proposed FY2017 Transfers to the SCEF



**Source:** CRS analysis of [S. 2943](#).

**Note:** OCO refers to Overseas Contingency Operations funds.

## Outlook

The FY2017 NDAA has emerged as a [flashpoint](#) in a broader debate over the role of DOD in security cooperation. This [debate](#), which has been featured in [recent hearings](#), is shaped by those who believe that enhancing the DOD "toolkit" for security cooperation engagement is necessary for accomplishing U.S. strategic objectives, on the one hand, and those who caution against the perceived "militarization" of U.S. foreign policy, on the other. It is also informed by those in the military who were originally [reluctant to embrace](#) more security cooperation responsibilities, but, shaken by DOD's arguably mixed track record to build partner security capacity, recognize the need for improvement.

Some reform provisions in the FY2017 NDAA have broad appeal. [S. 2943](#)'s [proposed](#) "security cooperation workforce development program" and new requirements to rationalize security cooperation budgets and enhance accountability are widely viewed as novel approaches. Efforts to include human rights training and defense institution building as essential components of security cooperation programming are also highly favored. Nevertheless, [news coverage](#) of the FY2017 NDAA reflects contentious views on the respective roles of DOD and the State Department in the formulation and approval of security cooperation efforts.

In its June 7 [Statement of Administration Policy \(SAP\)](#), the Obama Administration welcomed some of [S. 2943](#)'s provisions on security cooperation, including its incorporation of most of DOD's requested proposals. The Administration, however, cautioned against the risk of unintended harm to current security cooperation and force readiness efforts, as well as to the State Department's lead role in security sector assistance and foreign policy. Where mechanisms already exist or were proposed in DOD's FY2017 reform package, the Administration expressed a desire to maintain State Department oversight mechanisms, including Secretary of State concurrence or joint formulation of programs with DOD. Some Members have [publicly expressed](#) similar sentiments. Another debate centers on the feasibility of implementing the Senate's provisions within required timeframes.

On July 8, the FY2017 NDAA went to conference amid pressure from various stakeholders to reconcile disparate viewpoints on security cooperation reform. While some observers may still oppose efforts to codify or expand DOD authorities over concerns they duplicate Title 22 authorities, others appear conditionally to accept [S. 2943](#)'s framework as a baseline for reform. Policymakers may also soon focus on whether or how FY2017 Defense Appropriations bills ([H.R. 5293/S. 3000](#)) would align DOD resources with NDAA reform proposals. [Broader efforts](#) to review [U.S. security sector assistance](#) and [explore](#) models of interagency collaboration and alternative budgeting mechanisms, including transfer authorities between DOD and the State Department, may persist beyond the FY2017 NDAA debate.