



# Global Security Contingency Fund: Summary and Issue Overview

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## Summary

The FY2012 National Defense Authorization Act (P.L. 112-81), Section 1207, created a new Global Security Contingency Fund (GSCF) as a four-year pilot project to be jointly administered and funded by the Department of Defense (DOD) and the State Department. The purpose of the fund is to carry out security and counterterrorism training, and rule of law programs. (There also are three one-year transitional authorities for assistance to Africa and Yemen.) The GSCF is placed under the State Department budget. Although decisions are to be jointly made by the Secretaries of State and Defense, the mandated mechanism puts the Secretary of State in the lead.

The GSCF is seen as an important step in improving U.S. efforts to enable foreign military and security forces to better combat terrorism and other threats. It incorporates features of previous legislation and reflects recommendations to address multiple deficiencies in current national security structures and practices. Many hope that it will provide a model for interagency cooperation on security assistance that will overcome the disadvantages of the current system of agency-centric budgets and efforts.

Despite Administration requests for GSCF appropriations in the FY2012 and FY2013 budgets, Congress has appropriated no new funding to the account. In the FY2012 omnibus appropriations act (P.L. 112-74), Congress permitted DOD and the State Department to transfer up to the \$250 million from specified accounts, with a limit of \$200 million from DOD and \$50 million from State. The FY2012 NDAA authorized higher limits with the condition that State contribute not less than 20% and DOD not more than 80% for each activity. For FY2013, under the Continuing Appropriations Resolution, 2013 (H.J.Res. 117, P.L. 112-175), there is no GSCF funding because while the resolution provides for appropriations to continue (at the FY2012 level plus 0.612%) through March 27, 2013, it does not provide for a continuation of GSCF transfer authority.

The Administration has taken steps to program FY2012 funds. In mid-2012, it notified Congress that it would initiate programs for Yemen and East Africa under the “transitional” (Section 1207(n), P.L. 112-81) authority with authorized funding up to \$75 million each. These are being implemented. Later in the year, the Administration transferred \$44.8 million to the GSCF for programs under the core GSCF legislation, which provided for country selection by the Administration in the course of the fiscal year. The Secretary of State has designated seven countries as eligible for this assistance: Nigeria, the Philippines, Bangladesh, Libya, Hungary, Romania, and Slovakia. The Administration must notify congressional committees with detailed program plans before the programs can begin.

Issues include whether the State Department has the ability and capacity to lead GSCF activities; possible drawbacks for DOD; the desirability of providing DOD with authority to train non-military security forces, including law enforcement; and the potential effectiveness of GSCF programs in the absence of a strategy for security assistance.

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## Introduction

At the Obama Administration's request, in December 2011 Congress enacted into law a new, joint State Department and Department of Defense (DOD) Global Security Contingency Fund (GSCF) to assist countries with urgent security and stabilization needs. The Administration proposed the GSCF with its FY2012 budget submission as a "pilot project" for State and the DOD to jointly fund and plan security-related assistance.<sup>1</sup> Its stated purpose was to enable the United States to better "address rapidly changing, transnational, asymmetric threats, and emergent opportunities."<sup>2</sup> "Pooled" DOD and State Department funds would be used to develop interagency responses to build the security capacity of foreign states, to prevent conflict, and to stabilize countries in conflict or emerging from conflict.

Congress, demonstrating its interest in the experiment, provided GSCF authority as Section 1207<sup>3</sup> of the FY2012 National Defense Authorization Act (P.L. 112-81) for four fiscal years rather than the three years requested.<sup>4</sup> As enacted, Section 1207 also contains two transitional authorities for counterterrorism operations in Africa and one for Yemen, all expiring at the end of FY2012.

Many see the GSCF as an innovative first step in addressing problems inherent in the current agency-based budgeting and program development systems. Although some view the GSCF primarily as a means to transfer funds from DOD to the State Department, with its relatively smaller budget, others look to it as a possible means to foster more timely, coherent, and effective U.S. government responses to emerging threats and opportunities and to provide an impetus for improving interagency coordination in security and stabilization missions.

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<sup>1</sup> Its origin was a broader mechanism proposed by former Secretary of Defense Robert M. Gates to Secretary of State Hillary Clinton in 2009 to create a joint State-DOD "pool" of funds to build the security capacity of foreign states to prevent conflict and stabilize countries in conflict or emerging from conflict. In public *fora*, Gates advocated the pooled fund concept as a means to "incentivize collaboration between different agencies of our government." Office of the Assistant Secretary of Defense (Public Affairs) Speechwriters Office, "Remarks as Delivered by Secretary of Defense Robert M. Gates, The Nixon Center's Distinguished Service Award, The Nixon Center, Washington, D.C.," press release, February 24, 2011 [http://www.usgic.org/USCLCdocs/Secretary%10of%20Defense%20Gates%20-%20Nixon%20Center.pdf].

<sup>2</sup> State Department FY2012 Congressional Budget Justification (CBJ), February 2011, p. 161.

<sup>3</sup> This Section 1207 is not the controversial Section 1207 Security and Stabilization Assistance provision of the National Defense Authorization Act of FY2006 (P.L. 109-163), as amended that authorized the Secretary of Defense to transfer up to \$100 million per fiscal year in defense articles, services, training or other support for reconstruction, stabilization, and security activities abroad. That authority expired in FY2010.

<sup>4</sup> The final legislation retains the basic concept and fundamental elements of the Administration request, but incorporates compromises regarding differing uses, restrictions, and funding amounts among the Administration, House, and Senate versions of the bill. The House version was contained in Section 1204 of H.R. 1540, the FY2012 National Defense Authorization Act (NDAA), as passed by the House May 26, 2011. The identical measure was incorporated as Section 924 in H.R. 2583, the Foreign Relations Authorization Act for FY2012, as passed by the House Foreign Affairs Committee on July 21, 2011. The Senate Armed Service Committee (SASC) incorporated its proposal as Section 1207 of S. 1253, the version of the FY2012 NDAA that SASC reported to the Senate on June 22, 2011 (S.Rept. 112-26). (See Appendix B for the text.) Earlier, SASC had incorporated the Administration's proposal, submitted to Congress on May 6, in its courtesy version of the FY2012 NDAA, S. 981, Section 1214, introduced May 12, 2011.

This report provides basic information on the GSCF legislation. It starts with a brief discussion of the conceptual origins of the legislation and then summarizes the legislation's provisions. It concludes with a short analysis of salient issues.

## Origins of the GSCF Concept

Although the GSCF was proposed as a means to secure flexible funding for emerging needs, the GSCF concept has its origins in long-standing perceptions that multiple deficiencies in current national security structures and practices have undermined U.S. efforts abroad. A core problem is the U.S. government's current agency-centric national security system that inhibits rational budgeting and planning for national security efforts that require contributions from multiple agencies. Analysts have long proposed changes to address deficiencies along the following lines:<sup>5</sup>

- *Provide the State Department with a flexible funding account to respond to emerging needs and crises situations.* For many years, the George W. Bush Administration repeatedly sought a State Department emergency response fund that would facilitate immediate responses to crises and emerging threats. Congress denied such requests several times, but in 2005 it authorized DOD to transfer up to \$100 million of its own funds to the State Department for such purposes. (Section 1207 of the FY2006 NDAA, P.L. 109-163, as amended.) This "Section 1207" authority expired at the end of FY2010. Congress established a U.S. Agency for International Development account, the Complex Crises Fund in FY2011 for similar purposes, with a \$50 million appropriation in FY2011 and \$xx in FY2012, but has not made a similar account available to the State Department.
- *Develop mechanisms to promote greater interagency cooperation in planning security and stabilization programs.* Analysts point to many problems inherent in programming by individual agencies. Because agencies usually do not consult or coordinate with others when planning programs, there is unnecessary duplication and overlap. And because agencies conduct programs targeted at the issues that fall under their purview, there are often serious gaps. Of particular concern are the "governance gaps," i.e., the formulation of security assistance programs to train and equip military forces without components to improve the ability of government institutions to manage those forces. The goal of greater interagency cooperation is to develop coherent security and stabilization programs that address all elements of a problem.
- *Clarify and rationalize security roles and missions.* The appropriate division of labor between the State Department and DOD, especially for security assistance, is a matter of debate. Since military assistance first became a significant component of U.S.

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<sup>5</sup> These proposals are contained in a variety of reports by government agencies as well as non-governmental defense and foreign affairs research organization. See, for example, U.S. Department of State and United States Agency for International Development, *The Quadrennial Diplomacy and Development Review (QDDR)*, Washington, D.C., December 2010, p. 203; Gordon Adams and Rebecca Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, Henry L. Stimson Center, Washington, DC, March 2011, p. 34; Project on National Security Reform, *Turning Ideas Into Action*, September 2009, p. 219; RAND and the American Academy of Diplomacy, *Integrating Instruments of Power and Influence: Lessons Learned and Best Practices, Report of a Panel of Senior Practitioners*, 2008, pp. 22-23; Center for Strategic and International Studies, *Integrating 21<sup>st</sup> Century Development and Security Assistance*, 2007, p. 38. For a CRS overview of the unified budget issue, see CRS Report R42133, *Building Civilian Interagency Capacity for Missions Abroad: Key Proposals and Issues for Congress*, by Nina M. Serafino, Catherine Dale, and Pat Towell, pp. 52-56, hereafter referred to as CRS Report R42133.

foreign policy after World War II, oversight of those programs has always been vested in a civilian, usually the Secretary of State. In 1961, Congress made the Secretary of State responsible, by law, for “the continuous supervision and general direction” of that assistance.<sup>6</sup> Beginning in the 1980s, however, Congress has called on DOD to contribute its manpower and funding to an increasingly broad range of national security efforts under new DOD authorities. After the terrorist attacks on the United States of September 11, 2001 (9/11), DOD requested and Congress approved multiple new DOD authorities. Some fill gaps when civilian funding and personnel are not available. Others, DOD argues, provide a means to address critical needs in an effort to protect U.S. troops and minimize U.S. military operations. The goal is to reach agreement on an appropriate model for post -9/11 civil-military activities and missions, either by strengthening the State Department’s ability to lead, by creating a new system of shared responsibility, or by strengthening the State Department’s lead while also encouraging greater sharing of responsibility in order to enhance collaboration among all agencies involved in security sector assistance.

- *Create a “unified” budget system for national security missions along functional rather than agency lines.* For over a decade, analysts have urged the U.S. government to consolidate budgets for national security activities. In particular, they have recommended that the White House present Congress annually with either a unified national security budget or a series of unified budgets for a specific multi-agency national security activity, such as counterterrorism or security assistance. The goal is to rationalize government-wide resource allocation and promote due consideration of the tradeoffs involved in allocating those resources. Unified budgets are also recommended as a means to provide greater transparency and accountability in U.S. government spending, and facilitate congressional oversight of national security programs.

The Obama Administration presented the GSCF as a means to identify potential difficulties when combining State Department and DOD funds and to test the possibilities for combining agency expertise and efforts to conduct security activities. If successful, the GSCF is seen as a possible precedent for a broader interagency funding and efforts.

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<sup>6</sup> The Foreign Assistance Act, as amended, Section 622(c) (P.L. 85-195, 22 U.S.C. 2382), provides that the Secretary of State, under the direction of the President, “shall be responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs ... to the end that such programs are effectively integrated both at home and abroad and the foreign policy of the United States is best served thereby.” Section 623 establishes the role of the Secretary of Defense regarding security assistance provided under the FAA, giving him primary responsibility for (1) the determination of military end-item requirements; (2) the procurement of military equipment in a manner which permits its integration with service programs; (3) the supervision of end-item use by the recipient countries; (4) the supervision of the training of foreign military and related civilian personnel; (5) the movement and delivery of military end-items; and (6) within the Department of Defense, the performance of any other functions with respect to the furnishing of military assistance, education and training....” The Secretary of Defense is also charged with responsibility for determining “priorities in the procurement, delivery, and allocation of military equipment....” The term military assistance has gradually replaced by the more generic term “security assistance.” There are no standard U.S. government definitions for either military assistance or security assistance.

## Basic Provisions

### Uses and Approval Processes

Assistance may be provided under the three-year GSCF authority for three purposes, as detailed below. Assistance “may include the provision of equipment, supplies, and training.” (GSCF funds are available to either the Secretary of State or the Secretary of Defense for such assistance.) The first two of these purposes—security and counterterrorism training, and coalition support—are nearly identical to those of the Global Train and Equip authority provided by Section 1206 of the FY2006 NDAA, P.L. 109-163, as amended, with two exceptions. For Section 1206 programs, the Secretary of Defense is in the lead.<sup>7</sup> In addition, Section 1206 may only be used to assist military forces and maritime security forces, not the full range of security forces permitted by Section 1207.

### Security and Counterterrorism Training

Section 1207 (b)(1)(A) authorizes the use of the GSCF “to enhance the capabilities of military forces and other security forces responsible for conducting border and maritime security, internal security, and counterterrorism operations, as well as the government agencies responsible for such forces.” Recipient countries would be designated by the Secretary of State with the concurrence, i.e., approval, of the Secretary of Defense. Programs to provide this support would be jointly formulated by the Secretary of State and the Secretary of Defense, and approved by the Secretary of State, with the concurrence of the Secretary of Defense before implementation.

### Coalition Support

Section 1207 (b)(1)(B) permits GSCF assistance to national military forces and other specified security forces to enable them to “participate in or support military, stability, or peace support operations consistent with United States foreign policy and national security interests.” Just as with security and counterterrorism training assistance, recipient countries would be designated by the Secretary of State with the concurrence of the Secretary of Defense. These programs are also jointly formulated by the Secretary of State and the Secretary of Defense, and approved by the Secretary of State, with the concurrence of the Secretary of Defense, before implementation.

### Justice Sector, Rule of Law, and Stabilization Assistance

Section 1207(b)(2) authorizes using the GSCF to assist the justice sector (including law enforcement and prisons), and to conduct rule of law programs and stabilization efforts “where the Secretary of State, in consultation with the Secretary of Defense, determines that conflict or instability in a region challenges the existing capability of civilian providers to deliver such assistance.” The Secretary of State also designates recipients of this type of assistance and implements activities with the *concurrence* of the Secretary of Defense. However, unlike the preceding types of assistance where the Secretaries of State and Defense would jointly formulate

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<sup>7</sup> See CRS Report RS22855, *Security Assistance Reform: “Section 1206” Background and Issues for Congress*, by Nina M. Serafino.

programs, the Secretary of State formulates these programs in *consultation* with the Secretary of Defense. State and DOD staff will determine an appropriate consultation mechanism.

### **Transitional Authorities for Horn of Africa Counterterrorism and Peacekeeping and Yemen Counterterrorism**

In addition to the GSCF authority requested by the Administration, Section 1207(n) establishes three new transitional authorities that would permit the Secretary of Defense, with the concurrence of the Secretary of State, to assist counterterrorism and peacekeeping efforts in Africa during FY2012. Assistance may include the provision of equipment, supplies, and training, as well as assistance for minor military construction, for the following purposes:

- “To enhance the capacity of the national military forces, security agencies serving a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al-Qaeda, al-Qaeda affiliates, and al Shabaab”;
- “To enhance the capacity of national military forces participating in the African Union Mission in Somalia to conduct the counterterrorism operations described” above; and
- “To enhance the ability of the Yemen Ministry of Interior Counter Terrorism Forces to conduct counter-terrorism operations against al-Qaeda in the Arabian Peninsula and its affiliates.”

### **Funding Provisions and Expiration**

The FY2012 NDAA establishes a GSCF account “on the books of the Treasury of the United States”; the FY2012 omnibus appropriations act (P.L. 112-74)<sup>8</sup> specifies that this account has been placed under the State Department. FY2012 authorization and appropriations amounts for the GSCF differ greatly, with an authorized limit of \$350 million in the FY2012 NDAA, and a limit of \$250 million in the appropriations act (i.e., \$100 million less than the authorized amount). In FY2013 and future fiscal years, the total amount authorized for expenditure may not exceed \$300 million.<sup>9</sup>

Despite the State Department’s request for a \$50 million appropriation, the FY2012 appropriations act provided no new money for the fund, but permits DOD and the State Department to transfer up to the \$250 million from other accounts, with a limit of \$200 from DOD and \$50 million from State. Under the FY2012 NDAA, monies may be transferred from the GSCF to the “agency or account determined to be the most appropriate to facilitate” assistance. (No official is specified as responsible for the determination.) GSCF authority expires on September 30, 2015, but amounts appropriated or transferred before that date for programs already in progress would remain available until the programs are completed.

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<sup>8</sup> Consolidated Appropriations Act, P.L. 112-74, signed into law December 23, 2011.

<sup>9</sup> The authorization act (FY2012 NDAA, P.L. 112-81) also provides the Secretary of State with the authority (under section 635(d) of the Foreign Assistance Act of 1961, as amended) to accept contributions in the form of “money, funds, property, and services.” Any amounts in the fund would be available until expended. GSCF monies could be used for necessary administrative expenses.



## **DOD-State Proportional Limitation**

The authorization bill provides that the contribution of the Secretary of State to an activity shall not be less than 20% of the total amount required for that activity, and the contribution of the Secretary of Defense shall not be more than 80%.

## **DOD FY2012 Funding**

Complementing the P.L. 112-74 appropriations act authority for DOD to transfer funds to the GSCF, the P.L. 112-81 authorizing legislation provided DOD with a new transfer authority of up to \$200 million per fiscal year,<sup>10</sup> permitting DOD to transfer funds from its defense-wide operation and maintenance account to the GSCF. The appropriations act required the Secretary of Defense to notify the congressional defense committees in writing 30 days before making the transfer, providing the source of the funds and a detailed justification, execution plan, and timeline for each proposed project.

## **State Department FY2012 Funding**

Just as with DOD, the P.L. 112-74 appropriations act provided no new monies for the State Department contribution to the fund. Instead, this act permits the State Department to transfer up to \$50 million from funds appropriated in three accounts (i.e., International Narcotics Control and Law Enforcement [INCLE], Foreign Military Financing [FMF], and Pakistan Counterinsurgency Capability Fund [PCCF]) or any other transfer authority available to the Secretary of State.<sup>11</sup>

## **FY2013 Funding**

Thus far, there is no FY2013 GSCF funding. In its FY2013 budget submission, the State Department requested a \$25 million GSCF appropriation. DOD did not request an appropriation or any new transfer authority. For FY2013, under the Continuing Appropriations Resolution, 2013 (H.J.Res. 117, P.L. 112-175), there is no GSCF funding. While the resolution provides for appropriations to continue (at the FY2012 level plus 0.612%) through March 27, 2013, it does not provide for a continuation of GSCF transfer authority.

## **Transitional Authorities' FY2012 Funding**

Of the \$350 million Congress authorized for the GSCF in FY2012, up to \$150 million could be used for two specified purposes: (1) \$75 million to enhance “the ability of the Yemen Ministry of Interior Counterterrorism Forces to conduct counterterrorism operations against al-Qaeda in the

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<sup>10</sup> This transfer authority is provided “in accordance with established procedures for reprogramming under section 1001 of this Act (P.L. 112-81) and successor provisions of law.” Section 1001 places a number of restrictions on reprogrammings, which can total no more than \$4 billion and must be made from a lower to a higher priority program. Section 1001 also provides that the amount transferred is consider to increase the amount authorized for the account to which it is transferred. Transfer authority is also provided by Division A of the Consolidated Appropriations Act, P.L. 112-74, Department of Defense Appropriations Act, 2012, Section 8089.

<sup>11</sup> Division I, Department of State, Foreign Operations, and Related Programs Appropriations Act, 2012, Title VIII, Overseas Contingency Operations, Section 8004.

Arabian Peninsula and its affiliates” and (2) an additional \$75 million to support counterterrorism operations in East Africa. Uses permitted in East Africa were to enhance “the capacity of the national military forces, security agencies serving a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al-Qaeda, al-Qaeda affiliates, and al Shabaab” and for enhancing the capacity “of national military forces participating in the African Union Mission in Somalia to conduct counterterrorism operations” against those same forces.

## **Limitations, Conditions, and Exemptions**

Congress provided GSCF authority notwithstanding any other provision of law, with two exceptions. These are the Foreign Assistance Act of 1961, as amended (FAA) (P.L. 85-195) Section 620A prohibition on assistance to governments supporting international terrorism and the FAA Section 620J prohibition on assistance to foreign security forces for which the Secretary of State has determined there is credible evidence of gross violations of human rights (the “Leahy Amendment.” The legislation makes clear that the three-year GSCF authorization is not intended to replace other legislation.<sup>12</sup> GSCF programs are required to include elements to promote the observance of and respect for human rights and fundamental freedoms, as well as respect for legitimate civilian authority.

The notwithstanding provision does not extend to the transitional authorities. Two limitations apply to the transitional authorities. Funding cannot be used “to provide any type of assistance that is otherwise prohibited by any provision of law.” It also cannot be used to provide a country with assistance that it is otherwise prohibited from receiving by any other provision of law.

## **Congressional Oversight**

Reporting requirements are extensive, but not unusual. There are four separate reporting requirements, one in the appropriations legislation before funds are transferred and three in the authorization legislation, one for a report before programs are initiated, one when guidance is issued, and one an annual report.

The appropriations legislation requires the State Department to notify the appropriations committees 15 days prior to making any transfers from the INCLE, FMF, and PCCF accounts to the GSCF in accordance with regular notification procedures, including a detailed justification, implementation plan, and timeline for each proposed project, but is not subject to prior consultation with the appropriations committees. It requires DOD to notify the congressional defense committees in writing 30 days prior to making transfers to the GSCF with the source of funds and a detailed justification, execution plan, and timeline for each proposed project.

The authorizing legislation requires the Secretary of State, with the concurrence of the Secretary of Defense, to notify specified congressional committees at three points. The committees to be notified are the House and Senate Appropriations Committees and Armed Services Committees, the House Committee on Foreign Affairs, and the Senate Committee on Foreign Relations.

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<sup>12</sup> Section 1207(e) states that the “authority to provide assistance under this section is in addition to any other authority to provide assistance to foreign nations.”

- The Secretary of State, with the concurrence of the Secretary of Defense, must notify the specified committees not less than 15 days before initiating an activity. No funds may be transferred into the fund until 15 days after Congress is notified. The notification regarding the initiation of program activities is to include a detailed justification for the program, its budget, execution, plan and timeline, a list of other security-related assistance or justice sector and stabilization assistance being provided to that country that is related to or supported by that activity and any other appropriate information. The transitional authorities carry similar reporting requirements.
- Another notification requirement mandates that the Secretary of State, with the concurrence of the Secretary of Defense, notify Congress 15 days after the date on which all necessary guidance has been issued and the processes for implementing programs “are established and fully operational.” A similar notification is required for the transitional authorities.
- A third requirement in the authorizing legislation is for an annual report on programs, activities, and funding, jointly submitted by the Secretary of State and the Secretary of Defense. The first report is to be provided no later than October 30, 2012. Subsequent reports are to be provided annually thereafter.

## Current Status

### GSCF FY2012 Programs

For programs to be conducted under FY2012 funding, the Secretary of State designated seven countries as recipients of GSCF assistance: Nigeria, Philippines, Bangladesh, and Libya, as well as three Central European countries, Hungary, Romania, and Slovakia. In August and September, 2012, the State Department and DOD submitted requests to the Appropriations Committees to transfer \$44.8 million from designated funds to the GSCF. These funds were transferred before the end of FY2012, according to the State Department. As of the date of this report, detailed programs are still being developed. (See **Table A-1** in the **Appendix** for summaries of the programs and funding transferred.)

In May, 2012, the House Armed Services Committee, in its report on the National Defense Authorization Act for FY2013 (H.R. 4310), expressed concern with the direction and speed of the process of developing GSCF programs. It stated its expectation that the departments “begin exercising the authority in a timely manner.”<sup>13</sup>

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<sup>13</sup> U.S. Congress, House Committee on Armed Services, *National Defense Authorization Act for Fiscal Year 2013*, Report on H.R. 4310 together with Additional and Dissenting Views, 112<sup>th</sup> Cong., 2<sup>nd</sup> sess., May 11, 2012, H.Rept. 112-479 (Washington: GPO, 2012), p. 257. “The committee is concerned that as the Department of State and the Department of Defense establish the organizational procedures to administer the GSCF, they will create bureaucracies and processes that unnecessarily constrain an authority that Congress designed to be flexible and responsive to a range of security challenges. The committee notes that, while the GSCF brings together a variety of authorities in a new way, many of those authorities existed in previous forms prior to the GSCF formation. As a result, there are existing organizations and procedures to administer them. The committee recognizes that, while these existing bureaucracies may not be optimized for the administration of the GSCF, creative and productive leadership within the Executive Branch will allow the Secretary of State and the Secretary of Defense to use them to exercise the GSCF authority even as they finalize the structure for its administration. The committee believes that this will encourage the development of (continued...) ”

## **Transitional Authorities for Yemen and East Africa**

For the transitional programs, DOD provided Congress with the required 15-day advance notification of program initiation on June 15, 2012, for Yemen and on July 5, 2012 for East Africa.<sup>14</sup> It subsequently implemented these programs.

For FY2013-FY2014, Section 1203 of the conference version of the National Defense Authorization Act for Fiscal Year 2013 (P.L. 112-239, H.R. 4310) provides for the continuation of the Yemen and East Africa programs under a new DOD authority. This authority is to expire at the end of FY2014 (September 30, 2014) or “the date on which the Global Security Contingency Fund achieves full operational capability” if that should occur earlier.

## **Issues for Congress in Brief**

For some policymakers and analysts, the GSCF proposal is a positive, long-awaited first step toward the development of integrated, interagency funding streams for agencies that carry out related programs. For others, the GSCF proposal and specific provisions of the bill raise a number of issues, some of which are summarized below.<sup>15</sup>

## **The State Department’s Ability to Lead**

The GSCF puts the State Department, in the person of the Secretary of State, in the lead for all but the transitional authorities for the Horn of Africa and Yemen. Some who have viewed Congress’s approval of many new DOD security assistance authorities since 9/11 as a gradual erosion of the traditional State Department lead on security assistance,<sup>16</sup> may see the GSCF as a welcome reversal of that trend.

Nevertheless, some may wonder about the extent to which the Secretary of State may actually exercise control if DOD provided most GSCF funding. This is especially true as the Secretary of Defense will be providing funds through an authority that permits the transfer of funds from one activity to another but stipulates that the funds may only be transferred to a higher priority activity. Activities that may be high priority for State are not necessarily high priority for DOD.

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(...continued)

an organizational process that is as agile and flexible as the GSCF authority was designed to be. Since the GSCF is a pilot program, the committee fully expects that there will be a refinement process over its lifespan. It does not expect the administrative process to be in final form before the end of fiscal year 2012, nor in time for the presentation of the first proposed GSCF activity. The committee expects the Secretary of State and the Secretary of Defense to begin exercising the authority in a timely matter.”

<sup>14</sup> For more information on counterterrorism efforts in Africa and U.S. support for those efforts, see CRS Report R41473, *Countering Terrorism in East Africa: The U.S. Response*, by Lauren Ploch Blanchard. For more information on Yemen and U.S. assistance to Yemen, including Section 1207(n) funding, see CRS Report RL34170, *Yemen: Background and U.S. Relations*, by Jeremy M. Sharp.

<sup>15</sup> For more background on security assistance and a fuller exploration of associated issues, see CRS Report RS22855, *Security Assistance Reform: “Section 1206” Background and Issues for Congress*, by Nina M. Serafino, and CRS Report R41817, *Building the Capacity of Partner States Through Security Force Assistance*, by Thomas K. Livingston.

<sup>16</sup> See footnote 6.

Advocates of greater State Department control would prefer that Congress dispense with the GSCF “pooled” fund and appropriate substantially more security assistance and related DOD funding (particularly “Section 1206” building partnership capacity funding<sup>17</sup>), directly to the international affairs budget, just as FMF, INCLE, and PCCF are currently appropriated. Some fear that the decision to pool DOD and State Department funds rather than to appropriate funds directly to the State Department budget will perpetuate the State Department’s lack of capacity to resource security assistance rather than resolve it.<sup>18</sup> On the other hand, others are concerned that including all GSCF funding in the international affairs budget would leave GSCF activities vulnerable to possible cuts by Congress or the State Department itself in the case of overall State Department budget reductions.

Others may be concerned that the State Department lacks the capacity to plan and direct an increased number of security assistance and related governance and rule of laws programs<sup>19</sup> without increasing the size of its staff. Some also view the State Department as lacking the institutional interest and will necessary to plan and oversee<sup>20</sup> a large security assistance portfolio. But others may point to the State Department’s creation of new programs under the Security Assistance peacekeeping account (PKO) as evidence of State’s interest in this program area.

## **Possible Drawbacks for DOD**

For DOD, the GSCF may be perceived as entailing disadvantages as well. While some perceive the GSCF’s ability to tap DOD funds for State Department programs of mutual interest as beneficial, others see this effort as a problematic and unwarranted diversion of DOD funds, particularly in this constrained budget environment. In addition, some perceive possible future disadvantages. Some analysts believe that DOD at times needs to ensure the integrity of its own missions by the use of security and stabilization assistance. Because GSCF purposes overlap those of DOD’s “Section 1206” train and equip authority, where the Secretary of Defense is in the lead, some analysts view a successful GSCF effort as someday leading to the elimination of Section 1206 and similar authorities. For some analysts, such a move could mean sacrificing some of the control and flexibility over programs provided through a DOD authority.

## **DOD Authority to Train Foreign Security Forces**

The GSCF proposals also raise the continuing concern about DOD’s role in training security forces with law enforcement functions. The GSCF legislation provides DOD with authority to train and otherwise assist a wider range of foreign security forces than previously permitted. Since FY2006, in conjunction with DOD requests for an expansion of Section 1206 authority, Congress has repeatedly rejected providing DOD with authority to train and assist police and

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<sup>17</sup> First authorized by Section 1206 (Authority to Build Partnership Capacity of Foreign Military Forces) of the FY2006 NDAA, P.L. 109-163, and subsequently extended and amended.

<sup>18</sup> Gordon Adams and Rebecca Williams, *A New Way Forward: Rebalancing Security Assistance Programs and Authorities*, The Henry L. Stimson Center, Washington, DC, March 2011, pp. 25,30.

<sup>19</sup> For more on this topic, see CRS Report R42155, pp. 57-60.

<sup>20</sup> As with other security assistance programs under both State Department and DOD leads, GSCF programs are expected to be implemented and managed by the Defense Security Cooperation Agency, a DOD agency jointly funded by State and DOD.

other non-military forces, except for foreign maritime security forces. (Congress has, however, specifically provided DOD with authority to train police in Afghanistan and Iraq.)

The GSCF provides authority for assistance to “security forces responsible for conducting border and maritime security, internal security, and counterterrorism operations, as well as the government agencies responsible for such forces,” without any limitation on the agency that could provide such assistance. Opponents of this extension have argued that training security forces that perform law enforcement functions is a civilian, not a DOD, function because military skills and culture are distinct from those of civilian law enforcement. Proponents see sufficient overlap, particularly for security forces that operate in lawless border areas and those that exercise counterterrorism functions, to validate this expansion. Some, although, point out that such police activities conducted within the GSCF framework would probably be subject to greater State Department oversight than those conducted under a DOD authority.

## **Strategy Issues**

Some analysts express concern that the Administration has requested a new security assistance funding mechanism without first establishing a strategic framework that would set priorities and clarify department and agency roles in security assistance, improving the prospects for effective interagency collaboration. Early on, the Obama Administration undertook a review of security assistance to establish such a framework, but that effort has not concluded. Some now look to the GSCF process as the crucible for competing concepts and new arrangements. Given the Administration’s characterization of the GSCF as an experiment intended to identify issues in interagency collaboration, the GSCF may indeed contribute to the goals of the review.

## **Looking Ahead: FY2013 Funding and Beyond**

Even though the GSCF has been authorized for four years, through FY2015, Congress may monitor its use closely and consider in-course changes. For instance, one necessary change may be in the source of GSCF funding. For FY2012, Congress, in its appropriations action, provided for the GSCF to be funded through transfers from specified State Department and DOD accounts, not through new appropriations. The FY2012 NDAA transfer authority for funds from specified DOD accounts to the GSCF extends through FY2015, but there is no corresponding State Department long-term transfer authority. (The House-passed FY2013 Foreign Relations Authorization Act, H.R. 6018, has no GSCF provision.) Without a new State Department transfer authority, FY2012-FY2015 GSCF activities will depend on either a sizable FY2012 State Department transfer from specified accounts as permitted by the FY2012 omnibus appropriations act or on future annual appropriations. As mentioned above, the Senate version of the FY2013 Department of State, Foreign Operations and Related Appropriations Act (S. 3241) would appropriate \$25 million to the GSCF, as requested by the Administration, but there was no corresponding provision in the House version of the bill (H.R. 5857).

## Appendix. FY2012 GSCF Programs and Funding

**Table A-1. GSCF FY2012 Program Summaries and Funding Transfers**

Recipients	Agency	Purposes	Funding amounts/ sources (\$ millions)
Nigeria	DOD	Multi-year <b>counterterrorism</b> (CT) and <b>border security</b> package including projects to build a self-sustaining capacity to counter improvised explosive devices (C-IED), promote coordination among security agencies, and enhance border security. Projects also include support for CT training for the National Police Force and defense forces.	\$2.00 million; CCIF.
	DOS	Multi-year <b>counterterrorism and border security program</b> to help develop an information fusion capacity, civil-military operations planning expertise, CT campaign plans, and to improve C-IED capabilities, as well as to provide CT training for the National Police Force and enhance border security.	\$8.02 million; PCCF.
Philippines	DOD	Multi-year <b>maritime law enforcement</b> program to develop the Philippine National Police (PNP) Maritime Group and the Coast Guard's maritime security capabilities enabling the military to control the Philippines' maritime domain and to improve law enforcement in coastal waters. Also to build PNP capacity to train members in investigative, forensic, and intelligence gathering and analysis skills.	\$8.00 million; CCIF.
	DOS	Multi-year package of <b>maritime security, counterterrorism, law enforcement and border security</b> projects to assist security forces fulfill their new CT and maritime security roles. Includes strengthening law enforcement capacity in Mindanao, supporting PNP development of strategic plans; building new and supporting existing special boats units; helping the Coast Guard and other security and maritime law enforcement forces to establish and maintain a credible presence in the Philippines' archipelagic waters, and assisting in interagency planning and coordination at the ministerial and operational levels.	\$8.02 million; PCCF.
Bangladesh	Special Operations Command (SOCOM) and DOS	Multi-year package to <b>promote civilian-military</b> interoperability. Includes assistance to integrate Bangladesh Special Operations Forces (SOF) into the CT planning and operations of the Ministry of Defense and Ministry of Home Affairs, to develop and institutionalize SOF planning at the National Defense College and to develop an interagency coordination command and control center, as well as to provide staff training in SOF planning and activities.	\$2.80 million; SOCOM MFP.  \$0.70 million; PCCF.

Recipients	Agency	Purposes	Funding amounts/ sources (\$ millions)
<b>Libya</b>	DOS	Multi-year program to improve Libya’s <b>border security</b> by building an effective, cross-ministerial border security management capability, with primary focus on land borders. Planning would incorporate cross-border training/cooperation components with neighboring countries as they relate to improvements in border management.	\$4.00; PCCF.
	SOCOM and DOS	Program to build capacity of <b>two</b> Libyan <b>special operations forces (SOF) companies</b> to conduct special operations missions to protect against external threats and terrorist organizations.	\$6.20 million; SOCOM MFP  \$1.55 million; PCCF.
<b>Hungary Romania Slovakia</b>	SOCOM European Command and DOS	Multi-year program to <b>develop deployable SOF</b> task group elements to enable them to support of U.S. and coalition operations, focusing on building capacity to conduct direct action, special reconnaissance, and internal defense mission.	\$2.80 million; SOCOM MFP.  \$0.71 million; PCCF.

**Source:** Based Congressional Notifications for funding transfers, August 24, 2012 from the Department of Defense and September 4, 2012 from the Department of State.

**Notes:** Acronyms: CCIF=Combatant Commanders Initiative Fund (DOD budget); PCCF=Pakistan Counterinsurgency Capabilities Fund (State Department budget); SOCOM MFP=Special Operations Command Major Force Program (DOD budget).

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