SEC. 1208. ONE-YEAR EXTENSION OF AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

Subsection (h) of section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532), as amended by section 1214(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391), is amended by striking "December 31, 2011" and inserting "December 31, 2012".

Section-by-Section Analysis

Section 1234 of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2010 (Public Law 111-84) provides the authority to transfer non-excess defense articles from the Department of Defense stocks without reimbursement from the Governments of Iraq or Afghanistan. Section 1214 of the FY 2011 NDAA extended section 1234 until December 31, 2011. The rationale of the extension was to align drawdown efforts in Iraq, and the concomitant ability of departing units of U.S. Forces Iraq to source non-excess equipment in use in Iraq or Kuwait for transfer under the provisions of Section 1234.

This proposal would allow additional time for the turn-in by units departing Iraq, processing, and any necessary minor maintenance of equipment before transfer. This extension is especially helpful for U.S. Forces-Iraq in the event that the equipment needed for transfer may be sourced from the last units to depart, and would prevent the need for emergent legislation to authorize transfers that may be required past December 31, 2011. Since the Services request reimbursement of the equipment and services provided to enable the transfer in their independent budget requests, this extension has no budgetary impact.

Budget Implications: This proposal should not have any budget implications. The equipment to be transferred under Section 1234 is non-excess. The Services are requesting budget authority as shown in the below table for replacement equipment in their annual appropriations submissions. This proposal only extends the execution window for transfer of the equipment already identified and the replacement requests are already in Service Program Objectives Memoranda. The Department of Defense has not planned any new Section 1234 transfers beyond what has already been identified and notified to Congress.

RESOURCE REQUIREMENTS ($MILLIONS)								
	FY 2012	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
	$.9	0	0	0	0	Other Procurement , Army	BA1	10
	$1.5	0	0	0	0	Procurement of W&TCV, Army	BA2	20
	$.4	0	0	0	0	Other Procurement , Army	BA3	30
	$1.1	0	0	0	0	Other Procurement, Navy	BA7	70
	$68.0	0	0	0	0	Procurement, Marine Corps	BA5	50
Total	$72.0	0	0	0	0			

Changes to Existing Law: This proposal would make the following changes to section 1234 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84; 123 Stat. 2532), as amended by section 1214(a) of the Ike Skelton National Defense Authorization Act for Fiscal Year 2011 (Public Law 111-383; 124 Stat. 4391):

SEC. 1234. AUTHORITY TO TRANSFER DEFENSE ARTICLES AND PROVIDE DEFENSE SERVICES TO THE MILITARY AND SECURITY FORCES OF IRAQ AND AFGHANISTAN.

(a) AUTHORITY.—The Secretary of Defense, with the concurrence of the Secretary of State, is authorized to transfer defense articles from the stocks of the Department of Defense, without reimbursement from the Government of Iraq or the Government of Afghanistan, and to provide defense services in connection with the transfer of such defense articles, to—

(1) the military and security forces of Iraq to support the efforts of those forces to restore and maintain peace and security in that country; and

(2) the military and security forces of Afghanistan to support the efforts of those forces to restore and maintain peace and security in that country.

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(h) EXPIRATION.—The authority provided under subsection (a) may not be exercised after ~~December 31, 2011~~ <u>December 31, 2012</u>.

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