USAWC STRATEGY RESEARCH PROJECT

THE SHAFT OF THE SPEAR: US SPECIAL OPERATIONS COMMAND, FUNDING AUTHORITY, AND THE GLOBAL WAR ON TERRORISM

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ABSTRACT

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The 1987 Nunn-Cohen Amendment to the Goldwater-Nichols Act formally created USSOCOM and established service-component support roles while providing substantial autonomy, to include unique budget and acquisition authority for Special Operations Forces. The broad intent of these provisions was to create a more effective special operations capability that was not beholden to parochial service attitudes or constrained by service priorities for conventional forces. However, since September 2001, USSOCOM's focus has shifted from force provider to that of Combatant Commander. Some now question whether USSOCOM should maintain separate funding authority for SOF-unique requirements or concentrate on warfighting and rely on the service components for all support. Others, however, have called for expanded USSOCOM fiscal authority to allow SOF to more effectively execute clandestine operations. While Congress partially addressed this issue with temporary provisions in the 2005 Defense Authorization Act, a permanent solution is still lacking. USSOCOM must not only maintain its current SOF-unique funding authority, but should also permanently retain the temporary fiscal authority to conduct paramilitary operations. USSOCOM must also work with the Department of Defense and Congress to establish effective oversight to ensure appropriate use of this authority.

THE SHAFT OF THE SPEAR: US SPECIAL OPERATIONS COMMAND, FUNDING AUTHORITY, AND THE GLOBAL WAR ON TERRORISM

The United States Special Operations Command (USSOCOM) is unique among the unified commands in that the SOCOM Commander acts not only as a force provider, but also as a combatant commander. This dual role is the direct result of congressional legislation to unify Special Operations Forces (SOF) under a single command and to correct perceived indifference to SOF by the Service components. However, since the advent of the Global War on Terrorism, USSOCOM's role has shifted. Before 9/11, USSOCOM acted predominantly a force provider. Today, USSOCOM is also responsible for planning, directing, and executing special operations as the lead command in the prosecution of the GWOT. As the Department of Defense assesses roles and missions in a post-9/11 security environment, some have argued that USSOCOM should concentrate on warfighting and allow the Service Components to resume their traditional role of training and equipping forces.[1] While there are arguments in favor of this proposal, experience suggests that USSOCOM must retain its important role as a SOF force provider and continue to acquire special operations-peculiar equipment independent of the Services. USSOCOM is, however, responsible for more than just training and equipping SOF. Since the attacks of 9/11, the command has assumed a greater operational role that has exposed previously overlooked gaps in its fiscal authority to conduct unconventional warfare—specifically its legal authority to fund paramilitary forces. While Congress has taken limited measures to correct this problem by adding temporary provisions to the FY06 Defense Appropriations Bill, the issue still requires a long-term solution. Congress must revisit this issue and provide SOCOM with permanent paramilitary funding authority while SOCOM must work with Congress, DoD, and the Central Intelligence Agency to identify clear organizational boundaries and appropriate oversight mechanisms.

The United States Special Operations Command provides a unique and vital capability to the nation. Since September 2001, the Command has successfully transitioned from a Service-like force provider responsible for training and equipping SOF to become the nation's lead Command for planning and executing the GWOT. SOCOM owes its success not only to character and caliber of its operators, but also to the wisdom and foresight of those in Congress who saw the need for such a command. The Department of Defense must protect this unique capability and resist initiatives that would merge SO-peculiar acquisition with Service acquisition in the name of acquisition reform while preserving SOCOM's warfighting role as a Combatant Command.

History of USSOCOM

USSOCOM was born out of the failed attempt to rescue American hostages from Tehran in 1980. Although USSOCOM was not formally established until 1987, the failure of SOF on an admittedly high-risk mission highlighted serious flaws in the U.S. military's special operations capabilities and set the stage for the sweeping reforms of the mid-1980s that ultimately led to the command's creation. The rescue mission, code named Operation Eagle Claw, was built around an ad-hoc organization of Army ground forces, Navy helicopters, Marine pilots, and Air Force transport aircraft. Navigation difficulties, equipment deficiencies, and maintenance failures in the helicopters that were to transport the ground force caused the commander to abort the mission at a clandestine refueling site in the Iranian desert codenamed Desert One. During the withdrawal, one of the remaining helicopters collided with a C-130 tanker on the ground, killing eight servicemen.[2] In the aftermath of the failed rescue attempt a flag-officer panel, led by Admiral James Holloway identified a number of shortcomings that contributed to the mission's failure. Among the problems identified by the commission was the lack of proper equipment and the absence of a joint command structure responsible for special operations.[3] In the wake of the Holloway Commission report, elements within Congress began to critically assess the status of SOF. While the Department of Defense undertook some halting efforts to improve SOF capabilities, their efforts failed to substantially address critical deficiencies. When the U.S. invaded Grenada in 1983 and the operation revealed that many of the same problems still existed, Congress became even more involved. After a two-year study, Congress enacted the Goldwater-Nichols Defense Reorganization Act in 1986 and the following year passed the Nunn-Cohen Amendment directing the creation of USSOCOM and establishing separate Major Force Program-11 (MFP-11) funding for SOF.[4]

For a variety of reasons, SOF typically have not fared well under the Services. In the post-Vietnam era, Service leadership viewed SOF as a threat to the more traditional Service roles and missions while SO-peculiar equipment, by definition, did not meet Service requirements. While the Services publicly acknowledged SOF requirements, those requirements fared poorly within the Services' resource allocation process. Even after increased Congressional interest in Special Operations capabilities after Desert One, the Services failed to address Special Operations requirements. As an example, when DoD requested a 5 percent service-wide budget reduction for FY 85, the Air Force response included a 40 percent cut from its SOF budget and Military Airlift Command ranked SOF airlift fifty-ninth on its list of priorities. Meanwhile, the Navy maintained only a token SEAL force and focused its resources and attention on acquiring a 600-ship conventional fleet. Within the Army, Special

Forces consisted of only 3,900 personnel whose operational capability had "dwindled to almost nothing."[5] Senator Nunn, the Chairman of the Senate Armed Services Committee, was particularly frustrated by the Services' continual reallocation of funds appropriated for SOF modernization to non-SOF programs. In a 1986 letter to the Secretary of Defense, Senators Goldwater and Nunn wrote:

> We are particularly concerned that six years after the tragedy at Desert One, we appear to have made few significant improvements in this [special operations] capability…it is especially discouraging to note that today we have exactly the same number of MC-130 combat talon aircraft as we had at Desert One and two fewer HH-53 Pave Low helicopters than we had in 1980.[6]

Congress, faced with mounting evidence that the Services were fundamentally unable to adequately support SOF, passed the Nunn-Cohen Amendment directing the establishment of USSOCOM and provided separate SOF funding to ensure dedicated resources to meet SOF requirements.

Prior to the establishment of USSOCOM, there was no single voice that could articulate joint requirements to the Services—a critical flaw given the inherently joint nature of SOF operations. In 1987, USSOCOM, armed with MFP-11 funding and tasked to develop and acquire special operations-peculiar equipment, material, supplies, and services, began to function as that voice. Today the Command's main goal for the future is "to identify and develop the capabilities SOF will need to remain the decisive part of a joint, coalition, and interagency team, while maintaining the readiness required to shape and respond to the world today."[7] To achieve this goal, USSOCOM has created an organizational structure grouping complimentary staff functions into staff Centers of Excellence that can identify, validate, and resource joint SOF requirements. While USSOCOM must, perhaps to a greater extent than its Service counterparts, still balance current readiness with future capabilities, the hard resource allocation decisions are now made by a SOF Commander with a joint perspective based on SOCOM priorities rather than by individual Services with competing agendas.

Special Operations-Peculiar Acquisition

One of USSOCOM's original core tasks was "to develop and acquire special operations-peculiar equipment, material, supplies, and services."[8] USSOCOM's acquisition programs, while not completely successful, have never-the-less provided SOF with unmatched capabilities that would not have been realized through Service acquisition programs. In broad terms, USSOCOM can pursue three strategies for SO-peculiar acquisition: use of non-developmental items/commercial off-the-shelf items (NDI/COTS), leveraging service programs, and unilateral

(SOCOM-funded) development. Despite recent unprecedented funding levels associated with the Global War on Terrorism, SOF acquisition continues to exist in a resource constrained environment, with the entire MFP-11 budget representing little more than one percent of the overall defense budget.[9] Furthermore, USSOCOM's acquisition programs, like those of the Services, must compete with current readiness and OPTEMPO issues for funding. A significant limitation is that the size of USSOCOM's acquisition program, relative to that of the Service's, effectively limits the command's ability to pursue major independent acquisition efforts. Instead, USSOCOM's strength lies in its ability to rapidly identify emerging technology, pursue NDI/COTS, and leverage Service programs to obtain equipment that meets the needs of the special operator in a timely manner.

An example of how USSOCOM has used an N DI/COTS strategy with tremendous success is the Command's acquisition of the Mark V Special Operations Craft (Mk V SOC), a high-speed maritime infiltration/exfiltration platform to support SOF littoral operations. This major weapons system not only met a critical USSOCOM requirement, but also was delivered to the field within budget just 18 months after contract award—a process that can take the Services as long as 10-15 years. While the Mk V SOC was designed specifically for USSOCOM, the program was envisioned from the beginning as an NDI using mature technology with minimal modifications to meet military specifications. USSOCOM program managers evaluated the commercial market and defined requirements in commercial terms based on available technology. Consequently, competing contractors were able to deliver prototypes for evaluation within 13 months. Because design specifications relied almost exclusively on commercial as opposed to military specifications, the vendor was able to begin production quickly, delivering the first operational craft to USSOCOM in 1997 and achieving Final Operational Capability with an inventory objective of 20 boats by 1999.[10]

While NDI/COTS can often meet many of USSOCOM's requirements, another approach is to leverage existing Service programs to acquire SO-peculiar variants of service common equipment. USSOCOM's acquisition of the MH-47E/G helicopter offers a good example of a leverage acquisition strategy and also demonstrates how both USSOCOM and the Services, in this case the Army, can benefit. In the early 1990's, USSOCOM acquired 26 MH-47E variants of the Army's CH-47D cargo helicopter. Based on the Army's time-proven CH-47 airframe, these aircraft were specifically constructed and heavily modified to meet USSOCOM's operational requirements. Special Operations modifications to the MH-47E included an aerial refueling capability and an extremely sophisticated navigation system coupled with multimode radar and a state-of-the-art glass cockpit. When the Army began to modernize its aging CH-

47D fleet in 2003, they incorporated much of USSOCOM's advanced technology into the newly designated CH-47F. As the Army modernizes its CH-47 fleet, USSOCOM will leverage the service program to modernize its now aging MH-47Es. Overall the Army will invest over $11.4B on this modernization program to acquire 563 CH-47Fs while assuming significantly reduced program risk since USSOCOM successfully demonstrated and integrated the bulk of the modernization initiatives with the MH-47E.[11] Meanwhile, USSOCOM plans to convert all 34 of its D/E model Chinooks into MH-47Gs and will acquire additional airframes to reach an objective force of 61 aircraft by 2011. With a comparably modest investment, USSOCOM will convert its current E models into G models and extend the life of this system until 2025. Without the Army program, USSOCOM could never afford the tremendous startup costs to open a production line for a relatively few number of SOF airframes.[12]

Despite this and other success stories, USSOCOM remains constrained in its ability to acquire large, complicated systems on its own. The Advanced SEAL Delivery System (ASDS) program demonstrates the risks of undertaking a major acquisition initiative independent of a companion Service program. The ASDS is a technologically advanced 55-ton mini-submarine designed to support clandestine maritime SOF infiltration and is intended to replace the older SEAL/Swimmer Delivery Vehicle.[13] Despite the critical capability that ASDS provides, USSOCOM was forced to halt testing and reexamine the entire program after the prototype vehicle failed to meet contract specifications and was, according to a General Accounting Office report to Congress, more than 6 years behind schedule and at least 300% over budget. Without dismissing the technology hurdles faced by ASDS, the GAO also noted a critical mismatch between program requirements and resources from the start. GAO went on to note that in such instances, acquisition programs are "much more susceptible to performance shortfalls, cost increases, and schedule delays."[14] While USSOCOM did leverage service program management capabilities—the Naval Sea Systems Command was the acquisition program manager and the Assistant Secretary of the Navy for Research, Development, and Acquisition was responsible for ASDS acquisition approval—the program was funded entirely by USSOCOM with MFP-11 and has been one of the command's largest single investment programs.[15]

The Department of Defense has grappled for some time with the issue of Service and Joint requirements and has implemented significant acquisition reform to ensure joint capability in the acquisition process. The Joint Capabilities Integration and Development System (JCIDS) process implemented in 2003 now links defense acquisition programs to prioritized and validated joint requirements rather than narrow service-specific requirements. Previously,

Services developed systems in response to Service requirements and the Joint community did their best to translate service systems into joint capability at the end of the development process. Although JCIDS is still in its infancy, the process promises to dampen some of the Service-driven inefficiencies that have plagued the acquisition process in the past.[16] Despite JCIDS' potential for increased jointness however, there is scant reason to believe that the process can adequately address SO-peculiar requirements unless USSOCOM, with its MFP-11 resources, acts as a champion for Special Operations requirements. While Service-specific requirements may lend themselves to joint solutions, SO-peculiar requirements, by their very nature, require unique solutions not generally applicable to the Services. Material solutions to SO-peculiar requirements are unlikely to address the most important requirements of a conventional Joint Force Commander—otherwise they would not be SO-peculiar.

While the Services have a mixed record of providing material solutions to SO-peculiar requirements, there are numerous instances where one or more of the Services have been able to take SO-peculiar equipment and adopt it to meet their own Service requirements. When appropriate, this technique offers tremendous advantages to both USSOCOM and the Services. Once Special Operations Forces field an item and demonstrate its utility, Services can acquire proven technology with minimum program risk and leverage USSOCOM's COTS/NDI approach to identify appropriate material solutions. In turn, Special Operations Command can leverage Service budgets for "Service-common" equipment. Because the Services retain responsibility for equipping all forces, to include SOF, with service-common equipment, when the Services adopt SO-peculiar equipment as Service Common, it frees USSOCOM MFP-11 resources and allows the Command to pursue other requirements.

Recent operations in Afghanistan illustrate the dramatic turnaround in SOF capabilities from 1980 to the present and how SOF have prospered under SOCOM. In 1980, a hastily assembled ad-hoc force from all four Services allowed Army SOF to get as far as the Desert One refueling site in western Iran when equipment failure forced the ground commander to abort the mission to rescue American hostages in Tehran. In 2001, a dedicated Joint Special Operations Task Force, using some of the same staging bases, was able to conduct multiple missions into Afghanistan—using SO-peculiar modifications such as multi-mode radar, in-flight refueling, and sophisticated night vision equipment, to deliver SOF ground forces onto their objectives time after time in one of the most difficult flight regimens imaginable. Less than two months later, U.S. and Afghan forces captured the capital city of Kandahar and Afghanistan was liberated from the Taliban in a campaign where SOF was the main effort. While the technology available in 2001 clearly surpasses that available in 1980, one can argue that a more telling

reason for success is the dedicated force structure, manned with the right people and armed with the right equipment to accomplish the mission. That U.S. SOF exist today in their current form is due largely to the unifying direction of USSOCOM and the ability of the command to adequately acquire SO-peculiar equipment independent of service parochialism.

Special Operations' Expanded Role in GWOT

The roles and missions of SOF have undergone subtle changes over the almost 20 year history of USSOCOM, yet the Command's core tasks have remained remarkably constant. The most recent compilation of SOF core tasks identifies 9 Special Operations missions as follows:[17]

- Special Reconnaissance (SR)
- Direct Action (DA)
- Unconventional Warfare (UW)
- Foreign Internal Defense (FID)
- Counter-terrorism (CT)
- Counter-proliferation of Weapons of Mass Destruction (CP)
- Civil Affairs Operations (CAO)
- Psychological Operations (PSYOP)
- Information Operations (IO)

As a force provider, USSOCOM is responsible for training SOF to execute these missions. As a warfighting Combatant Commander, USSOCOM actually executes these missions.[18] A cursory analysis of these missions indicates that most can be accomplished unilaterally by Special Operations units with appropriate specialized training and equipment. The UW mission, however, and to a lesser degree FID, stand out in that they require SOF to operate with guerilla or paramilitary forces. In fact, the Department of Defense defines UW as:

> a broad spectrum of military and paramilitary operations…, predominantly conducted through, with, or by indigenous or surrogate forces who are organized, trained, equipped, supported, and directed in varying degrees by an external source.[19]

Within USSOCOM, the Army's Special Forces Groups are the only force principally organized to conduct UW and FID. While Special Forces' inherent military capabilities also enable them to execute SR, DA, and CT missions, the primary emphasis for Special Forces remains UW and FID.[20]

While Army SOF doctrine stresses UW as a core mission for Special Forces, others, albeit before recent operations in Afghanistan, have discounted the importance and likelihood of ever executing UW outside the classroom.

> Today, insurgency support efforts, if any, are under the purview of the CIA, not the U.S. Military. Thus, while unconventional warfare and foreign internal

> defense might be practiced by SOF in exercises, they are not important enough to the country's foreign policy to merit serious attention. Both direct action and strategic reconnaissance [sic] missions were brilliantly accomplished by SOF during the Gulf War and remain prime missions for the special operations community, capabilities to be honed and improved.[21]

While SOF leadership, particularly within the Army, would dispute this argument, one can critically assess Special Forces' actual capability to conduct UW.[22] One of the salient points is that while Special Forces are organized, trained, and equipped to conduct UW, they lack some of the basic tools required to execute UW with a paramilitary force. Specifically, prior to the FY05 Defense Authorization Act, USSOCOM, despite all of its unique budget authority, lacked the fiscal authority to equip and sustain the paramilitary forces that are such an integral component of UW.

US Army Special Forces, the only Special Operations Forces who spend any significant training time on the UW mission, generally assumed the existence of a guerilla force and focused largely on the tactical issues of training, sustaining, and employing paramilitary guerillas on the battlefield. The John F. Kennedy Special Warfare Center and School (JFKSWCS), responsible for training all Army Special Forces soldiers, culminates its Special Forces training program with a capstone UW exercise known as "Robin Sage." During this exercise, Special Forces students practice all aspects of UW—to include organizing, training, equipping, supporting, and directing paramilitary forces. Specific tactical tasks executed during this exercise include paying and equipping paramilitary forces, often as an inducement to convince these forces to operate under U.S. direction. By design, the Robin Sage exercise focuses exclusively on the tactical aspects of support to a paramilitary force. When the exercise scenario requires student operators to pay guerilla forces, it is a minor training point intended to highlight some of the tactical difficulties of administering a paramilitary force in a denied area. For the students, the only issue is how to pay the guerillas (gold or local currency—in this case "Pineland Don") and how to account for these "notional" funds while conducting combat operations on an unconventional battlefield. There is, however, no thought to the source of these funds.[23]

As a practical matter, the CIA, operating under fiscal authority not available to the Department of Defense, has often provided funding for U.S. paramilitary operations. For example, the CIA gave over $5M in cash to various Afghan political and military leaders during initial operations in Afghanistan following the attacks of 9/11 to ensure their cooperation and enhance the capabilities of Northern Alliance paramilitary forces.[24] The agency continued to fund Afghan paramilitary organizations, eventually pouring as much as $70M into an effort to

hunt down and capture high-value targets while U.S. Special Forces worked with Afghan forces to establish security in isolated parts of the country. Although Special Forces teams operating with Afghan paramilitary forces often worked alongside their CIA counterparts, they frequently found themselves without the ability to pay or sustain Afghan forces when the CIA was not close at hand or if they decided to shift operations elsewhere.[25]

The situation in Orgun, an important Afghan border town, illustrates this problem. In 2002, Special Forces teams working with the CIA succeeded in wresting control of a 300-man militia force from a corrupt local warlord. The CIA not only paid the warlord a $20,000 monthly stipend to ensure his cooperation, but also paid wages to his former militia—allowing the Special Forces unit to train an effective security force capable of preventing Taliban elements from reestablishing their presence in the valley. By 2004 however, the CIA determined that the Orgun Valley was no longer a good source of critical intelligence on high-value targets and abruptly withdrew their agents and their funding, leaving Special Forces elements with no means to pay the newly trained and organized paramilitary force. Without pay, the paramilitary force dissolved and the ousted warlord regained control of the area—hampering U.S. efforts to restore order to this isolated region of the country. [26]

As a consequence, Congress added temporary provisions in the FY 2005 Defense Authorization Act providing USSOCOM the fiscal authority to fund paramilitary activities up to $25 million in support of the Global War on Terrorism. Unfortunately, this authority which is spelled out in Section 1208 of Public Law 108-375 (the Ronald W. Regan National Defense Authorization Act for Fiscal Year 2005) is set to expire in 2007.[27] Meanwhile, a key recommendation of the 9/11 Commission was that

> Lead responsibility for directing and executing paramilitary operations, whether clandestine or covert, should shift to the Defense Department. There it should be consolidated with the capabilities for training, direction, and execution of such operations already being developed in the Special Operations Command.[28]

While there is no call to disband the CIA's Special Operations Group, there is a clear increase in the importance of paramilitary operations to DoD. The continued U.S. conduct of the Global War on Terrorism will involve a variety of missions and, while conventional military operations will no-doubt continue, it is clear that future operations will also include a variety special operations or paramilitary operations conducted by military and civilian intelligence personnel. Unfortunately, the roles of the DoD and the CIA in this area are not always clear.

The CIA was established by the National Security Act of 1947. One of its stated missions was to "perform such other functions and duties related to intelligence affecting the national security as the President or the National Security Council may direct."[29] The CIA has

always interpreted this provision to include covert action. While the War Department conducted a variety of clandestine paramilitary operations during WWII, the Department of Defense largely ceded this mission to the CIA after 1947. The CIA has conducted a number of widely reported paramilitary operations over the years, from the 1961 Bay of Pigs landing in Cuba, to operations in Laos throughout the 1960s and 1970s and, most recently, operations in Afghanistan.[30] While these operations reportedly had varying degrees of DoD involvement, paramilitary operations in Afghanistan stand out because DoD quickly assumed the lead role once SOF were on the ground. In the context of the Global War on Terrorism, the likelihood of USSOCOM-led paramilitary operations in the future is clearly on the rise.

Although Congress has temporarily addressed DoD's fiscal authority to support paramilitary forces, one important issue that remains unresolved is that of oversight. As Congress provides authority, they must also address some potential seams between the CIA and DoD—particularly with regards to Congressional notification of clandestine and covert operations.[31] In 1991 Congress amended the National Security Act to formally establish procedures to approve covert action and codified the requirement to notify key Members of Congress.[32] The law requires a written Presidential finding that the proposed covert action is important to U.S. national security and requires the administration to notify the House and Senate Intelligence Committees before the operation begins unless there are extraordinary circumstances. Although the 1991 law expanded notification requirements to include "any department, agency, or entity of the United States Government," it also maintains the exclusion for "traditional military activities," which remain exempt from both the Presidential finding and Congressional notification requirements. As the law also fails to define "traditional military activities," some argue that DoD may now have the ability and the authority to execute clandestine operations without any oversight simply by claiming that they are part of some future anticipated overt military activity. [33] Congress should assist DoD with a workable definition of traditional military activities. Such a definition must acknowledge the asymmetric nature of the Global War on Terrorism. Unconventional warfare using indigenous paramilitary forces as part of an orchestrated military campaign must remain a viable tool for USSOCOM and other Combatant Commanders. Covert paramilitary operations, executed in regions where the United States is not conducting combat operations however, are more problematic. While there may be compelling arguments for paramilitary operations in these circumstances, Congress should require a Presidential Finding and Congressional notification in line with the provisions contained in the 1991 National Security Act.

Congress' traditional oversight tool of last resort has always been the budget. Here again, there are seams between DoD and the CIA. The House and Senate Intelligence Committees control the intelligence budget which funds CIA covert operations while the Armed Services Committees control funding for USSOCOM. If the Intelligence Committees, traditionally the final arbiters of covert action, disagree with DoD operations (of which they need not even be informed!), they have no formal leverage with which to influence the situation. Congress must take steps to increase coordination between the Armed Service and Intelligence Committees to ensure that both the CIA and DoD operate with the same understanding of the sense of Congress.

Congress should address these issues and make permanent the now temporary fiscal authorization which allows USSOCOM to fund paramilitary operations thru FY07. They must also address oversight issues and better define DoD's reporting requirement. One solution may be to require Congressional notification whenever DoD uses its paramilitary funding authority. Congress has followed this approach before when it created detailed reporting requirements tied to SOF execution of Joint Combined Exercise for Training (JCET) programs. Known as the "SOF exclusion," Section 2011 of Title IX allows SOF to spend funds training foreign forces as long as a majority of the training benefit accrues to U.S. SOF. As concern in Congress grew over potential abuse of this program in training militaries contrary to the expressed will of Congress, reporting requirements for execution of these funds increased.[34] Similar procedures may work as well for paramilitary spending. USSOCOM would retain the operational flexibility to execute operations without prior Presidential finding or Congressional notification, but Congress would gain visibility on how USSOCOM uses this authority and retain the ability to cut funding if they disagree with any particular operation.

Conclusions

Since 9/11, Special Operations Forces have demonstrated that they are trained, equipped, and able to provide the capabilities demanded by Congress in 1987 when they crafted legislation creating USSOCOM. USSOCOM exists today only because a few visionary leaders in Congress saw the need for a unified SOF Command to fill a role that the services had not met. Despite a renewed Service interest in SOF, USSOCOM remains essential in its roles as both a force provider and as a combatant command. While the Services have, perhaps, become more accepting of Special Operations, they cannot adequately respond to joint SOF requirements. History suggests that competing Service priorities would rapidly overwhelm SOF requirements and return SOF to the pre-USSOCOM state of affairs where SOF modernization

fared poorly in every Service. USSOCOM must continue to execute its service-like function of acquiring SO-peculiar equipment—recognizing that there are limits to what the command can achieve on its own. By focusing on mature technology and commercial items, USSOCOM can continue to provide special operators with the right equipment to execute their missions while leveraging Service acquisition programs to acquire special operations variants for the most complex vehicles and systems.

As the nation enters a protracted struggle in the Global War on Terrorism, USSOCOM must continually assess its ability to execute asymmetric missions—in particular Unconventional Warfare. Given the importance of UW in Afghanistan and its likely utility in future GWOT campaigns, Special Operations Command, in coordination with the Department of Defense and the Administration, must work with leaders in Congress to get all of the fiscal tools required to execute this complex and demanding mission. It is important that Congress enact legislation and that DoD implement policy to make permanent the temporary authorizations that give USSOCOM the authority to finance paramilitary operations. In doing so, Congress and the Defense Department must provide adequate flexibility and allow SOCOM to make operational and tactical decisions as to the degree and type of paramilitary support that is required. As Congress crafts legislation to make this change, they must also consider the current role of the CIA and establish clear reporting guidelines for future operations. Likewise, Congress must also consider its oversight role and establish adequate safeguards to ensure that any future DoD paramilitary operations are properly vetted while providing the command with adequate flexibility to execute the mission.

The United States Special Operations Command has played a vital role over the past twenty years, acting as both a Service-like force provider and as a warfighting Combatant Command. The Command must continue to define, prioritize, and resource Special Operations requirements while embracing the new challenges of executing Unconventional Warfare as a warfighting Combatant Command in the Global War on Terrorism.

Endnotes

[1] In the 2001 QDR, Secretary Rumsfeld sought to modernize DoD Business Processes, calling for the Department to consolidate or differentiate overlapping functions the Services. See Donald H. Rumsfeld, *Quadrennial Defense Review Report*, (Washington, D.C.: U.S. Department of Defense, 30 September 2001), 52. While there were no openly published proposals to transfer USSOCOM's acquisition authority back to the Services, many believed that Rumsfeld explored this option in one of many unpublished reform studies initiated after he became SECDEF. LTG Tangney, then USSOCOM Deputy Commander was quoted as being "reluctant to criticize Defense Secretary Donald Rumsfeld's reported decision to re-examine

USSOCOM's acquisition authority and study options to transfer the command's buying power to the major services" and characterized Rumsfeld's move as "an example of the Bush administration's attempt to transform the way the Department does business." Tangney went on to say that the Secretary "continues to examine roles, missions and functions of SOCOM, and everybody else at the Defense Department. It's been a very dynamic and energetic administration." Elizabeth Book, "War on Terror Reaffirming Role of Special operators," *National Defense*, February 2003 [journal on-line]; available from http://nationaldefensemagazine.org/issues/2003/Feb/ War_on_Terror.htm ; Internet; accessed 9 March 2006.

[2] C.E. Holzworth, "Operation Eagle Claw: A Catalyst for Change in the American Military," 1997; available from http://www.globalsecurity.org/military/library/report/ 1997/ Holzworth.htm# _ednref74; Internet; accessed 11 February 2006.

[3] ibid

[4] The actual legislation that called for the President to establish a four-star SOF unified combatant command and that created MFP-11 (SOF) funding was a bill sponsored by Senators Nunn and Cohen that was attached as a rider to the 1987 Defense Authorization Act. Thomas K. Adams, *US Special Operations Forces in Action: The Challenge of Unconventional Warfare* (London: Frank Cass Publishers, 1998) 198-99.

[5] Adams, 183.

[6] Ibid., 197-98.

[7] U.S. Special Operations Command, *2005 Annual Report*, (MacDill AFB: U.S. Special Operations Command, 2005) 16.

[8] U.S. Special Operations Command, *USSOCOM History—15th Anniversary* (MacDill AFB, FL: U.S. Special Operations Command, 16 April 2002) 9.

[9] USSOCOM's FY06 budget request comprises about $6.5B of the total $441.8B FY06 Defense Budget. Budget figures are extracted from the National Defense Budget Estimates – FY 2006 available from http://www.defenselink.mil/comptroller/defbudget/fy2006/; Internet; accessed 18 February 2006.

[10] Gary L. Smith, "Acquisition Streamlining at the United States Special operations Command: The Mark V Special Operations Craft," in *Roles and Missions of SOF in the Aftermath of the Cold War*, ed. Richard H. Shultz, Jr., Robert L. Pfaltzgraff, Jr., and W. Bradley Stock (n.p., 1995) 276-7.

[11] Frank Colucci, "Upgraded Chinook: More Cargo at Higher Altitudes," *National Defense*, July 2002 [journal on-line]; available from http://nationaldefensemagazine.org/issues/2002/ Jul/Upgraded_Chinook.htm ; Internet; accessed 18 December 2005.

[12] Roxana Tiron, "Chinook's Funding Troubles Worry 'Darkhorse' Aviators," *National Defense*, June 2002 [journal on-line]; available from http://nationaldefensemagazine.org/issues/ 2002/Jun/Chinooks.htm ; Internet; accessed 18 December 2005.

[13] Joint Special Operations University, *Special Operations Forces Reference Manual*, (Hurlburt Field: JSOU Press, June 2005) 4-21.

[14] U.S. General Accounting Office, Defense Acquisitions: Advanced SEAL Delivery System Program Needs Increased Oversight (Washington, D.C.: U.S. General Accounting Office, March 2003) 13.

[15] Ibid., 3.

[16] Ken Hunzeker, "Evolution of the JROC Warfighting Capability-Based Assessments," Phalanx Online 37, no. 4, 2005 [journal on-line]; available from http://www.mors.org/ publications/phalanx/v37n4.pdf; Internet; accessed 1 March 2005.

[17] Joint Special Operations University., 1-5.

[18] USSOCOM can execute Special Operations unilaterally as a Combatant Commander or can provide SOF to a geographic Combatant Commander who will generally exercise OPCON through the Theater Special Operations Command that resides in each COCOM.

[19] U.S. Department of Defense, Dictionary of Military and Associated Terms, Joint Publication 1-02 (Washington D.C.: U.S. Department of Defense, 12 April 2001) 445.

[20] Robert Lee Wilson, "Unconventional Warfare: SF's Past, Present, and Future," *Special Warfare* 14, no. 1 (Winter 2001): 26.

[21] Rod Paschall, "SOF Capabilities for the Twenty-First Century," in *Roles and Missions of SOF in the Aftermath of the Cold War*, ed. Richard H. Shultz, Jr., Robert L. Pfaltzgraff, Jr., and W. Bradley Stock (n.p., 1995) 257-8.

[22] U.S. Army Special Forces have always acknowledged Unconventional Warfare to be one of its core missions and one for which it is uniquely suited. Despite efforts in the 1990s to emphasize Direct Action, Special Reconnaissance, and Counter-Terrorism at the expense of UW and FID, UW continues to be the *raison d'etre* of Special Forces. See COL Michael R. Kershner, "Special Forces in Unconventional Warfare," Military Review, January-February 2001, 84-86. and Wilson, 24-25

[23] Douglas C. Waller, *The Commandos: the inside Story of America's Secret Warriors*, (New York: Simon & Schuster, 1994), 74-77.

[24] Gary C. Schoen, *First In: An Insiders Account of How the CIA Spearheaded the War on Terror in Afghanistan* (New York: Presidio Press, 2005), 88.

[25] Greg Miller, "Special Forces Enter CIA Territory With a New Weapon," Los Angeles Times, 31 October 2004, A-1.

[26] Ann Scott Tyson, "Do Special Forces need special funding? Elite US military units push for broad authority to fund local militias and other groups in carrying out war on terror" The Christian Science Monitor, 24 May 2004, 2.

[27] Miller, A-1.

[28] National Commission on Terrorist Attacks Upon the United States, *The 9/11 Commission Report: The Final Report of the National Commission on Terrorist Attacks Upon the United States* (New York: W.W. Norton & Co., Inc., 2004), 415-16.

[29] Richard A. Best and Andrew Flicker, *Special Operations Forces (SOF) and CIA Paramilitary Operations: Issues for Congress*, (Washington D.C.: Congressional Research Service, 4 January 2005), 2.

[30] Ibid.

[31] There is an important distinction between covert and clandestine operations. Joint Pub 1-02 defines Covert operations as "activities…to influence political, economic, or military conditions abroad where it is intended that the role of the United States Government will not be apparent or acknowledged publicly." U.S. Department of Defense., 105. Clandestine operations, on the other hand, are "conducted in such a way as to assure secrecy or concealment." U.S. Department of Defense., 70. The principal difference between the two types of operations is that clandestine operations emphasize concealing the operation as opposed to the actor. Covert operations may be often be widely visible, but with the identy of the sponsor being hidden. Joint Pub 1-02 also defines Unconventional Warfare as "a broad spectrum of military and paramilitary operations…..It includes guerrilla warfare and other direct offensive, low-visibility, covert, or clandestine operations…" U.S. Department of Defense., 445.

[32] Jennifer D. Kibble, "The Rise of the Shadow Warriors," Foreign *Affairs* 83, no. 2 (March/April 2004): 107.

[33] Ibid., 108.

[34] *Foreign Policy in Focus: Special Report,* May 2002; available from http://www.fpif.org/papers/miltrain/programs_body.html; Internet: accessed 11 February 2006.