SEC. 1203. FIVE-YEAR EXTENSION OF AUTHORIZATION FOR NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

Section 943(h) of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 State. 4579) is amended by striking "2011" and inserting "2016".

Section-by-Section Analysis

This proposal would authorize the Department of Defense (DoD) to continue to develop, manage, and execute a Non-Conventional Assisted Recovery (NAR) personnel recovery program for isolated DoD, United States Government, and other designated personnel supporting United States national interests globally. The initial authorization contained in section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417) provided for funds for this program to be available through fiscal year (FY) 2011. This legislative proposal would allow the Secretary of Defense to use funds through FY 2016.

This personnel recovery program includes the use of irregular groups, or individuals, including indigenous personnel, tasked with the establishment of infrastructures and capabilities that would be used to facilitate the recovery of isolated personnel conducting activities globally in support of Combatant Commander operations. Support to surrogate forces includes, but is not limited to, the provision of equipment, supplies, services, training, transportation, payment, bonuses, third-party leasing of structures and services, documentation, minor construction and other logistical funding. This proposal would reauthorize sufficient statutory authority to execute the NAR program.

Budget Implications: Program Decision Memorandum III of December 2006 funded NAR from FY 2008 to FY 2013. The Navy has agreed to fund NAR through FY 2016 from Operation & Maintenance, Navy.

RESOURCE REQUIREMENTS ($MILLIONS)								
	FY 2012	**FY 2013**	**FY 2014**	**FY 2015**	**FY 2016**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**
NAR	14.0	16.0	16.3	16.6	16.9	Operation and Maintenance, Navy	01	1CCM
Total	14.0	16.0	16.3	16.6	16.9			

Changes to Existing Law: This proposal would amend section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110–417), as amended, as follows:

SEC. 943. AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—Upon a determination by a commander of a combatant command that an action is necessary in connection with a non-conventional assisted recovery effort, and with the concurrence of the relevant Chief of Mission or Chiefs of Mission, an amount not to exceed $20,000,000 of the funds appropriated pursuant to an authorization of appropriations or otherwise made available for ‘‘Operation and Maintenance, Navy’’ may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(b) PROCEDURES.—The Secretary of Defense shall establish procedures for the exercise of the authority under subsection (a). The Secretary shall notify the congressional defense committees of those procedures before any exercise of that authority.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) may, in limited and special circumstances, include the provision of support to foreign forces, irregular forces, groups, or individuals in order to facilitate the recovery of Department of Defense or Coast Guard military or civilian personnel, or other individuals who, while conducting activities in support of United States military operations, become separated or isolated and cannot rejoin their units without the assistance authorized in subsection (a). Such support may include the provision of limited amounts of equipment, supplies, training, transportation, or other logistical support or funding.

(d) NOTICE TO CONGRESS ON USE OF AUTHORITY.—Upon using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities, the Secretary of Defense shall notify the congressional defense committees within 72 hours of the use of such authority with respect to support of such activities. Any such notice shall be in writing.

(e) ANNUAL REPORT.—Not later than 30 days after the close of each fiscal year during which subsection (a) is in effect, the Secretary of Defense shall submit to the congressional defense committees a report on support provided under that subsection during that fiscal year. Each such report shall describe the support provided, including a statement of the recipient of support and the amount obligated to provide the support.

(f) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 413b(e)).

(g) LIMITATION ON FOREIGN ASSISTANCE ACTIVITIES.—This section does not constitute authority—

(1) to build the capacity of foreign military forces or provide security and stabilization assistance, as described in sections 1206 and 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3456 and 3458), respectively; and

(2) to provide assistance that is otherwise prohibited by any other provision in law, including any provision of law relating to the control of exports of defense articles or defense services.

(h) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through ~~2011~~ 2016.