SEC. ___. MODIFICATION TO AND EXTENSION OF AUTHORIZATION OF NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) MODIFICATION TO AUTHORIZED ACTIVITIES.—Subsection (c) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4578), as most recently amended by section 1271 of the National Defense Authorization Act for Fiscal Year 2016 (Public Law 114-92), is amended by inserting "and other individuals as determined by the Secretary of Defense" before the period at the end of the first sentence.

(b) EXTENSION OF AUTHORITY.—Subsection (h) of such section is amended by striking "2018" and inserting "2021".

Section-by-Section Analysis

This proposal would authorize the Department of Defense (DoD) to develop, manage, and execute Non-Conventional Assisted Recovery (NAR) personnel recovery programs for individuals other than the DoD-affiliated personnel for whom such support may be provided under existing law. Eligibility for such support would be as determined by the Secretary. This proposal would also extend the authority to engage in NAR activities through 2021.

The law currently authorizes use of these programs only for DoD and U.S. Coast Guard military and civilian personnel and for other individuals who, while conducting activities in support of United States military operations, become separated or isolated. The amendment proposed by subsection (a) would authorize the Secretary of Defense to provide this support to recover persons who are not part of the DoD or supporting a military activity or mission. The DoD would not act independently to exercise the NAR authority for non-DoD or DoD-supported personnel without appropriate input from the President or Department of State.

The initial authorization contained in section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year (FY) 2009 (Public Law 110-417) provided that funds for NAR programs would be available through fiscal year (FY) 2011. In FY 2012, the Department sought to extend NAR authority through 2016; Section 1205 of the NDAA for FY 2012 (Public Law 112-81), extended section 943 only through FY 2013. Section 1241 of the NDAA for FY 2014 (Public Law 113-66) subsequently amended Section 943 to provide funds for NAR activities through FY 2015. Section 943 was further amended by the NDAA for FY 2015 (Public Law 113-291), section 1261, to extend the authority through FY 2016, and again in the NDAA for FY

2016 (Public Law 114-92), section 1271, to extend the authority through FY 2018. The amendment proposed by subsection (b) would authorize funding for NAR activities through FY 2021 to ensure that appropriate NAR capabilities can be maintained.

This personnel recovery program authorizes the use of irregular groups or individuals, including indigenous personnel, tasked with establishing infrastructures and capabilities that would be used to facilitate the recovery of isolated personnel conducting activities globally in support of U.S. military operations. Support to surrogate forces may include the provision of limited amounts of equipment, supplies, training, transportation, other logistical support, or funding.

Budget Implications: The resources reflected in the table below are funded within the FY 2017 President's Budget.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2017	**FY 2018**	**FY 2019**	**FY 2020**	**FY 2021**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
NAR	1.9	2.0	2.1	2.1	2.1	Operation and Maintenance, Defense Wide	01	1CCM	
Total	1.9	2.0	2.1	2.1	2.1				

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

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

(a) NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.—

(1) IN GENERAL.—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, amounts appropriated or otherwise made available for the Department of Defense for operation and maintenance may be used to establish, develop, and maintain non-conventional assisted recovery capabilities.

(2) ANNUAL LIMIT.—The total amount made available for support of non-conventional assisted recovery activities under this subsection in any fiscal year may not exceed $25,000,000.

(b) PROCEDURES AND OVERSIGHT.—

(1) 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.

(2) PROGRAMMATIC AND POLICY OVERSIGHT.—The Assistant Secretary of Defense for Special Operations and Low-Intensity Conflict shall have primary programmatic and policy oversight of non-conventional assisted recovery activities authorized by this section.

(c) AUTHORIZED ACTIVITIES.—Non-conventional assisted recovery capabilities authorized under subsection (a) may, in limited and special circumstances, include the provision of support to entities conducting activities relating to operational preparation of the environment, including 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) **and other individuals as determined by the Secretary of Defense**. 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.—

(1) NOTICE.—The Secretary of Defense shall notify the congressional defense committees not later than 30 days prior to using the authority in subsection (a) to make funds available for support of non-conventional assisted recovery activities. Any such notice shall be in writing.

(2) CONTENT.—Each notification required under paragraph (1) shall include the following information:

(A) The amount of funds made available for support of non-conventional assisted recovery activities.

(B) A description of the non-conventional assisted recovery activities.

(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.

(e) QUARTERLY REPORT.—

(1) REPORT.—The Secretary of Defense shall submit to the relevant congressional defense committees a report on support for non-conventional assisted recovery activities under subsection (a) of this section. Such report shall be included as a part of the classified quarterly report on similar activities.

(2) CONTENTS.—The report shall, with respect to the covered period, include the following information:

(A) The amount of funds obligated for support of non-conventional assisted recovery activities.

(B) A description of the non-conventional assisted recovery activities.

(C) An identification of the type of recipients to receive support for non-conventional assisted recovery activities, including foreign forces, irregular forces, groups, or individuals, as appropriate.

(D) The total amount of funds obligated for support of non-conventional assisted recovery activities, including budget details.

(E) The total amount of funds obligated for support of non-conventional assisted recovery activities in prior fiscal years.

(F) The intended duration of support for support of non-conventional assisted recovery activities.

(G) A description of support or training provided to the recipients of support

(H) A value assessment of the support provided.

(3) COVERED PERIOD.—In this subsection, the term "covered period" means the period with respect to which the classified quarterly report on similar activities applies.

(f) LIMITATION ON INTELLIGENCE ACTIVITIES.—This section does not constitute authority to conduct or support a covert action, as such term is defined in section 503(e) of the National Security Act of 1947 (50 U.S.C. 3093(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 section 2282 of title 10, United States Code, and section 1207 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 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, defense services, or defense technologies.

(h) PERIOD OF AUTHORITY.—The authority under this section is in effect during each of the fiscal years 2009 through ~~**2018**~~ **2021**.