SEC. 1212. NON-CONVENTIONAL ASSISTED RECOVERY CAPABILITIES.

(a) EXTENSION.—Subsection (h) of section 943 of the Duncan Hunter National Defense Authorization Act for Fiscal Year 2009 (Public Law 110-417; 122 Stat. 4579), as most recently amended by section 1261of the National Defense Authorization Act for Fiscal Year 2015 (Public Law 113-291; 128 Stat. yyy), is further amended by striking "2016" and inserting "2017".

(b) REVISION TO ANNUAL LIMITATION ON FUNDS.—Subsection (a) of such section is amended—

(1) by striking "Upon" and inserting the following:

"(1) IN GENERAL.—Upon";

(2) by striking "an amount" and all that follows through "may be" and inserting "amounts appropriated or otherwise made available for the Department of Defense for operation and maintenance may be"; and

(3) by adding at the end the following new paragraph:

"(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.".

[PLEASE NOTE: THE "CHANGES TO EXISTING LAW" SECTION BELOW SETS OUT IN RED-LINE FORMAT HOW THE LEGISLATIVE TEXT ABOVE WOULD AMEND EXISTING LAW.]

Section-by-Section Analysis

This proposal would authorize the Department of Defense (DoD) to continue to develop, manage, and execute Non-Conventional Assisted Recovery (NAR) personnel recovery programs for isolated DoD, U.S. Government, and other designated personnel supporting U.S. national interests globally by establishing an increased annual dollar limit, increasing the possible sources of such funding, and extending the authority to engage in NAR activities through 2017.

An increase in the annual funding authority limit from $20,000,000 to $25,000,000 is being requested due to an expected increase in Combatant Commander requirements to establish

and maintain NAR programs in fiscal year (FY) 2016 and future years. Additionally, available Operation and Maintenance (O&M) Defense-Wide funds will likely not be sufficient to allow the Combatant Commanders to meet their NAR requirements. By eliminating the requirement only to fund NAR activities from O&M Defense-Wide accounts, and instead allowing the use of those funds as well as funds designated for support to the Combatant Commanders from Army, Navy, and Air Force Operation and Maintenance accounts, the Department will be able to meet the Combatant Commanders' requirements to establish and maintain NAR programs.

The initial authorization contained in section 943 of the Duncan Hunter National Defense Authorization Act for FY 2009 (Public Law 110-417) provided that funds for NAR programs would be available through FY 2011. In FY 2012, the Department sought 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) and section 1261 of the NDAA for FY 2015 (Public Law 113-291) subsequently amended Section 943 to provide funds for NAR activities through FY 2015 and 2016, respectively. This proposal would authorize funding for NAR activities through FY 2017 to ensure that appropriate NAR capabilities can be maintained.

During the first quarter of 2012, there was a gap in NAR authority from October 1, 2011, until the National Defense Authorization Act for FY 2012 was enacted on December 31, 2011. NAR capabilities were degraded during this gap period because DoD lacked authority to continue to support them. To minimize the risk of this happening in the future, in FY 2012, DoD requested a five-year period of NAR authority, but Congress only provided a two year extension through FY 2013. Congress most recently extended this authority through FY 2016 in the FY 2015 NDAA. This proposal is being submitted by DoD to provide NAR authority through FY 2017. DoD intends to ask for this authority in one-year increments in subsequent fiscal years to ensure continuity of the program if a National Defense Authorization Act is not enacted before the end of any fiscal year.

This personnel recovery program includes 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 Combatant Command 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.

Budgetary Implications: PDM III of December 2006 funded NAR from FY 2008 through FY 2013. This program is currently funded only from Defense-Wide Operation and Maintenance accounts. Should this proposal be enacted into law and should Section 943 subsequently be extended again, these programs will also be funded from Defense-Wide, Army, Navy, and Air Force Operation and Maintenance accounts within existing resources to support anticipated increased usage by Combatant Commands through FY 2020.

RESOURCE REQUIREMENTS ($MILLIONS)									
	FY 2016	**FY 2017**	**FY 2018**	**FY 2019**	**FY 2020**	**Appropriation From**	**Budget Activity**	**Dash-1 Line Item**	**Program Element**
NAR	1.9	1.9	2.0	2.1	2.1	Operation and Maintenance, Defense Wide	01	1CCM	
NAR	15.7	17.2	17.6	17.6	17.6	Operation and Maintenance Army	01	1CCM	
NAR						Navy does not intend to use the authority.			
NAR						Air Force does not intend to use the authority			
Total	17.6	19.1	19.6	19.7	19.7				

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 follows:

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, ~~an amount~~ amounts ~~not to exceed $20,000,000 of the funds~~ appropriated ~~pursuant to an authorization of appropriations~~ or otherwise made available for ~~''Operation and Maintenance, Defense-wide''~~ 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 non-conventional assisted recovery activities under this subsection in any fiscal year may not exceed $25,000,000.

(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 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). 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 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. 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, 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 ~~2016~~ 2017.