

112TH CONGRESS
1ST SESSION

H. R. 3660

To establish the United States Office for Contingency Operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

DECEMBER 14, 2011

Mr. CARNAHAN (for himself, Mr. BURTON of Indiana, Mr. CONNOLLY of Virginia, Mrs. ELLMERS, Mr. JONES, and Mr. WELCH) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the United States Office for Contingency Operations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Contingency Operations Oversight and Interagency En-
6 hancement Act of 2011”.

7 (b) TABLE OF CONTENTS.—The table of contents is
8 as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Definitions.
 Sec. 3. Findings and purposes.
 Sec. 4. Construction; severability.
 Sec. 5. Effective date.

TITLE I—UNITED STATES OFFICE FOR CONTINGENCY
 OPERATIONS: ESTABLISHMENT, FUNCTIONS, AND PERSONNEL

- Sec. 101. Establishment of the United States Office for Contingency Operations.
 Sec. 102. Transfer of authorities, functions, personnel, and assets to the Office.
 Sec. 103. Responsibilities of the Director, Deputy Director, Inspector General, and other offices.
 Sec. 104. Personnel system.

TITLE II—PREPARING AND EXECUTING STABILITY AND
 RECONSTRUCTION OPERATIONS

- Sec. 201. Sole control.
 Sec. 202. Relation to Department of State and United States Agency for International Development.
 Sec. 203. Relation to Department of Defense combatant commands performing military missions.
 Sec. 204. Contingency Federal Acquisition Regulation.
 Sec. 205. Stabilization and Reconstruction Fund.

TITLE III—RESPONSIBILITIES OF THE INSPECTOR GENERAL

- Sec. 301. Inspector General.

TITLE IV—RESPONSIBILITIES OF OTHER AGENCIES

- Sec. 401. Responsibilities of other agencies for monitoring and evaluation requirements.
 Sec. 402. Transition of stabilization and reconstruction operations.
 Sec. 403. Sense of Congress.

TITLE V—AUTHORIZATION OF APPROPRIATIONS

- Sec. 501. Authorization of appropriations.

1 SEC. 2. DEFINITIONS.

2 In this Act, the following definitions apply:

3 (1) APPROPRIATE CONGRESSIONAL COMMIT-
4 TEES.—The term “appropriate congressional com-
5 mittees” means—

6 (A) the Committees on Appropriations,
7 Armed Services, Foreign Affairs, and Oversight

1 and Government Reform of the House of Rep-
2 resentatives; and

3 (B) the Committees on Appropriations,
4 Armed Services, Foreign Relations, and Home-
5 land Security and Governmental Affairs of the
6 Senate.

7 (2) DIRECTOR.—The term “Director” means
8 the Director of the United States Office for Contin-
9 gency Operations.

10 (3) FUNCTIONS.—The term “functions” in-
11 cludes authorities, powers, rights, privileges, immu-
12 nities, programs, projects, activities, duties, and re-
13 sponsibilities.

14 (4) IMMINENT STABILIZATION AND RECON-
15 STRUCTION OPERATION.—The term “imminent sta-
16 bilization and reconstruction operation” is a condi-
17 tion in a foreign country which the Director believes
18 may require in the immediate future a response
19 from the United States and with respect to which
20 preparation for a stabilization and reconstruction
21 operation is necessary.

22 (5) INTELLIGENCE COMMUNITY.—The term
23 “intelligence community” has the meaning given
24 that term in section 3(4) of the National Security
25 Act of 1947 (50 U.S.C. 401a(4)).

1 (6) OFFICE.—The term “Office” means the
2 United States Office for Contingency Operations.

3 (7) PERSONNEL.—The term “personnel” means
4 officers and employees of an Executive agency, ex-
5 cept that the term does not include members of the
6 Armed Forces.

7 (8) POTENTIAL STABILIZATION AND RECON-
8 STRUCTION OPERATION.—The term “potential sta-
9 bilization and reconstruction operation” is a possible
10 condition in a foreign country which in the deter-
11 mination of the Director may require in the imme-
12 diate future a response from the United States and
13 with respect to which preparation for a stabilization
14 and reconstruction operation is advisable.

15 (9) STABILIZATION AND RECONSTRUCTION
16 EMERGENCY.—The term “stabilization and recon-
17 struction emergency” is a stabilization and recon-
18 struction operation which is the subject of a Presi-
19 dential declaration pursuant to section 103.

20 (10) STABILIZATION AND RECONSTRUCTION OP-
21 ERATION.—The term “stabilization and reconstruc-
22 tion operation”—

23 (A) means a circumstance in which a com-
24 bination of security, reconstruction, relief, and
25 development services, including assistance for

1 the development of military and security forces
2 and the provision of infrastructure and essential
3 services (including services that might be pro-
4 vided under the authority of chapter 4 of part
5 II of the Foreign Assistance Act of 1961 (22
6 U.S.C. 2346 et seq.; relating to the Economic
7 Support Fund)), should, in the national interest
8 of the United States, be provided on the terri-
9 tory of an unstable foreign country;

10 (B) does not include a circumstance in
11 which such services should be provided pri-
12 marily due to a natural disaster (other than a
13 natural disaster of cataclysmic proportions);
14 and

15 (C) does not include intelligence activities.

16 (11) UNITED STATES.—The term “United
17 States”, when used in a geographic sense, means
18 any State of the United States, the District of Co-
19 lumbia, the Commonwealth of Puerto Rico, the Vir-
20 gin Islands, Guam, American Samoa, the Common-
21 wealth of the Northern Mariana Islands, any posses-
22 sion of the United States, and any waters within the
23 jurisdiction of the United States.

24 **SEC. 3. FINDINGS AND PURPOSES.**

25 (a) FINDINGS.—Congress finds the following:

1 (1) Responsibilities for overseas stability and
2 reconstruction operations are divided among several
3 agencies. As a result, lines of responsibility and ac-
4 countability are not well-defined.

5 (2) Despite the establishment of the Office of
6 the Coordinator for Reconstruction and Stabilization
7 within the Department of State, the reaffirmation of
8 the Coordinator's mandate by the National Security
9 Presidential Directive 44, its codification with title
10 XVI of the Duncan Hunter National Defense Au-
11 thorization Act for Fiscal Year 2009, and the
12 issuance of the Department of Defense Directive
13 3000.05, serious imbalances and insufficient inter-
14 agency coordination remain.

15 (3) The United States Government has not ef-
16 fectively or efficiently managed stabilization and re-
17 construction operations during recent decades.

18 (4) Based on trends, the United States will
19 likely continue to find its involvement necessary in
20 stabilization and reconstruction operations in foreign
21 countries in the wake of violence or cataclysmic dis-
22 aster.

23 (5) The United States has not adequately
24 learned the lessons of its recent experiences in sta-
25 bilization and reconstruction operations, and despite

1 efforts to improve its performance is not yet orga-
2 nized institutionally to respond appropriately to the
3 need to perform stabilization and reconstruction op-
4 erations in foreign countries.

5 (6) The failure to learn the lessons of past sta-
6 bilization and reconstruction operations will lead to
7 further inefficiencies, resulting in greater human
8 and financial costs.

9 (b) PURPOSES.—The purposes of this Act are to—

10 (1) advance the national interest of the United
11 States by providing an effective means to plan for
12 and execute stabilization and reconstruction oper-
13 ations in foreign countries;

14 (2) provide for unity of command, and thus
15 achieve unity of effort, in the planning and execution
16 of stabilization and reconstruction operations;

17 (3) provide accountability for resources dedi-
18 cated to stabilization and reconstruction operations;

19 (4) maximize the efficient use of resources,
20 which may lead to budget savings, eliminated redun-
21 dancy in functions, and improvement in the manage-
22 ment of stabilization and reconstruction operations;
23 and

24 (5) establish an entity to plan for stabilization
25 and reconstruction operations and, when directed by

1 the President, coordinate and execute such oper-
2 ations, eventually returning responsibility for such
3 operations to other agencies of the United States
4 Government as the situation becomes normalized.

5 **SEC. 4. CONSTRUCTION; SEVERABILITY.**

6 Any provision of this Act held to be invalid or unen-
7 forceable by its terms, or as applied to any person or cir-
8 cumstance, shall be construed so as to give it the max-
9 imum effect permitted by law, unless such holding shall
10 be one of utter invalidity or unenforceability, in which
11 event such provision shall be deemed severable from this
12 Act and shall not affect the remainder thereof, or the ap-
13 plication of such provision to other persons not similarly
14 situated or to other, dissimilar circumstances.

15 **SEC. 5. EFFECTIVE DATE.**

16 This Act shall take effect on the date that is 60 days
17 after the date of the enactment of this Act.

18 **TITLE I—UNITED STATES OF-**
19 **FICE FOR CONTINGENCY OP-**
20 **ERATIONS: ESTABLISHMENT,**
21 **FUNCTIONS, AND PERSONNEL**

22 **SEC. 101. ESTABLISHMENT OF THE UNITED STATES OFFICE**
23 **FOR CONTINGENCY OPERATIONS.**

24 There is established as an independent entity the
25 United States Office for Contingency Operations, which

1 shall report to the Department of State and the Depart-
2 ment of Defense.

3 **SEC. 102. TRANSFER OF AUTHORITIES, FUNCTIONS, PER-**
4 **SONNEL, AND ASSETS TO THE OFFICE.**

5 (a) FUNCTIONS TRANSFERRED.—Not later than 90
6 days after the date of the enactment of this Act, there
7 shall be transferred to the Office the functions, personnel,
8 assets, and liabilities of—

9 (1) the Office of the Coordinator for Recon-
10 struction and Stabilization of the Department of
11 State, including the Civilian Response Corps; and

12 (2) the Office of Transition Initiatives of the
13 United States Agency for International Develop-
14 ment.

15 (b) FUNCTIONS TRANSFERRED, IN WHOLE OR IN
16 PART.—

17 (1) IN GENERAL.—Not later than 180 days
18 after the date of the enactment of this Act, in addi-
19 tion to the functions, personnel, assets, and liabil-
20 ities transferred under subsection (a), there shall be
21 transferred, in whole or in part, to the Office, under
22 such conditions as the Director, the Director of the
23 Office of Management and Budget, and the Director
24 of the Office of Personnel Management jointly pre-

1 scribe, the functions, personnel, assets, and liabilities
2 of the following:

3 (A) Civilian organizational entities within
4 the Department of Defense identified by the
5 Secretary of Defense as—

6 (i) established to implement Depart-
7 ment of Defense Instruction 3000.05, re-
8 lating to stability operations; and

9 (ii) not essential for combat oper-
10 ations.

11 (B) The Bureau of International Narcotics
12 and Law Enforcement Affairs of the Depart-
13 ment of State.

14 (C) The Office of Foreign Disaster Assist-
15 ance of the United States Agency for Inter-
16 national Development.

17 (D) The Office of Conflict Mitigation and
18 Management of the United States Agency for
19 International Development.

20 (E) The International Criminal Investiga-
21 tive Training Assistance Program of the De-
22 partment of Justice.

23 (F) The Department of the Treasury's
24 program to provide technical assistance to for-
25 eign governments and foreign central banks of

1 developing or transitional countries authorized
2 under section 129 of the Foreign Assistance
3 Act of 1961 and the Office of Technical Assist-
4 ance of the Department of the Treasury that
5 manages such program.

6 (G) The Contingency Acquisition Corps of
7 the General Services Administration established
8 pursuant to section 2312 of title 41, United
9 States Code.

10 (2) REPORTS.—

11 (A) BEFORE THE TRANSFER.—The Direc-
12 tor, the Director of the Office of Management
13 and Budget, or the Director of the Office of
14 Personnel Management, as appropriate, shall,
15 not later than 60 days before carrying out a
16 transfer in accordance with paragraph (1), sub-
17 mit to the appropriate congressional committees
18 a report on the transfer.

19 (B) AFTER THE TRANSFER.—The Director
20 shall submit to the appropriate congressional
21 committees a report on the military and non-
22 military resources, capabilities, and functions
23 related to contingency operations of the entities
24 and agencies transferred pursuant to paragraph
25 (1). If any capabilities or functions of such enti-

1 ties and agencies were not so transferred, the
2 Director shall include in such report an expla-
3 nation relating to such non-transfer.

4 (c) FUTURE TRANSFERS AND RESTRUCTURING.—

5 (1) IN GENERAL.—In addition to the functions,
6 personnel, assets, and liabilities transferred to the
7 Office under subsections (a) and (b), the Director,
8 the Director of the Office of Management and Budg-
9 et, and the Director of the Office of Personnel Man-
10 agement may—

11 (A) transfer to the Office the functions,
12 personnel, assets, or liabilities, in whole or in
13 part, of any office, agency, bureau, program, or
14 other entity that such Directors determine ap-
15 propriate;

16 (B) transfer to the Office up to 150 skilled
17 Federal personnel with expertise in contingency
18 operations; and

19 (C) restructure the Office as such Direc-
20 tors determine appropriate to better carry out
21 its functions and responsibilities.

22 (2) REPORTS.—If the Director, the Director of
23 the Office of Management and Budget, and the Di-
24 rector of the Office of Personnel Management under-
25 take a transfer or a restructuring in accordance with

1 subparagraphs (A) and (B), respectively, of para-
2 graph (1), the Director, the Director of the Office of
3 Management and Budget, or the Director of the Of-
4 fice of Personnel Management, as appropriate, shall,
5 not later than 60 days before carrying out any such
6 transfer or restructuring, submit to the appropriate
7 congressional committees a report on such transfer
8 or restructuring.

9 **SEC. 103. RESPONSIBILITIES OF THE DIRECTOR, DEPUTY**
10 **DIRECTOR, INSPECTOR GENERAL, AND**
11 **OTHER OFFICES.**

12 (a) DIRECTOR.—

13 (1) IN GENERAL.—The Office shall be headed
14 by a Director, who shall be—

15 (A) appointed by the President, by and
16 with the advice and consent of the Senate; and

17 (B) compensated at the rate of basic pay
18 for level II of the Executive Schedule under sec-
19 tion 5313 of title 5, United States Code.

20 (2) SUPERVISION.—

21 (A) IN GENERAL.—The Director shall re-
22 port directly to, and be under the general su-
23 pervision of, the Secretary of State and the Sec-
24 retary of Defense. Such supervision may not be
25 delegated.

1 (B) INFORMATION SHARING.—The Direc-
2 tor shall keep the National Security Advisor
3 fully and continually informed of the activities
4 of the Office.

5 (3) FUNCTIONS.—The functions of the Director
6 shall include the following:

7 (A) Monitoring, in coordination with rel-
8 evant offices and bureaus of the Department of
9 Defense, the Department of State, and the
10 United States Agency for International Devel-
11 opment, political and economic instability
12 worldwide in order to anticipate the need for
13 mobilizing United States and international as-
14 sistance for the stabilization and reconstruction
15 of a country or region that is at risk of, in, or
16 in transition from, conflict or civil strife.

17 (B) Assessing the various types of
18 strabilization and reconstruction crises that
19 could occur and cataloging and monitoring the
20 military and non-military resources, capabilities,
21 and functions of agencies that are available to
22 address such crises.

23 (C) Planning to address requirements,
24 such as demobilization, disarmament, capacity
25 building, rebuilding of civil society, policing and

1 security sector reform, and monitoring and
2 strengthening respect for human rights that
3 commonly arise in stabilization and reconstruc-
4 tion crises.

5 (D) Developing, in coordination with all
6 relevant agencies, contingency plans and proce-
7 dures to mobilize and deploy civilian and mili-
8 tary personnel to conduct stabilization and re-
9 construction operations.

10 (E) Coordinating with counterparts in for-
11 eign governments and international and non-
12 governmental organizations on stabilization and
13 reconstruction operations to improve effective-
14 ness and avoid duplication.

15 (F) Building the operational readiness of
16 the Civilian Response Corps and strengthening
17 personnel requirements to enhance its essential
18 interagency quality.

19 (G) Aiding the President, as the President
20 may request, in preparing such rules and regu-
21 lations as the President prescribes, for the plan-
22 ning, coordination, and execution of stabiliza-
23 tion and reconstruction operations.

24 (H) Advising the Secretary of State and
25 the Secretary of Defense, as the Secretary of

1 State or the Secretary of Defense may request,
2 on any matters pertaining to the planning, co-
3 ordination, and execution of stabilization and
4 reconstruction operations.

5 (I) Planning and conducting, in coopera-
6 tion with the Secretary of State, the Adminis-
7 trator of the United States Agency for Inter-
8 national Development, the Secretary of De-
9 fense, and commanders of unified combatant
10 commands or specified combatant commands, a
11 series of exercises to test and evaluate doctrine
12 relating to stabilization and reconstruction op-
13 erations and procedures to be used in such op-
14 erations.

15 (J) Executing, administering, and enforce-
16 ing laws, rules, and regulations relating to the
17 preparation, coordination, and execution of sta-
18 bilization and reconstruction operations.

19 (K) Administering such funds as may be
20 appropriated or otherwise made available for
21 the preparation, coordination and execution of
22 stabilization and reconstruction operations.

23 (L) Planning for the use of contractors
24 who will be involved in stabilization and recon-
25 struction operations, including coordinating

1 with the Secretary of State and the Secretary
2 of Defense to ensure coordination of the work
3 of such contractors with the work of contractors
4 supporting—

5 (i) the Secretary of State; and

6 (ii) military operations and members
7 of the Armed Forces.

8 (M) Prescribing standards and policies for
9 project and financial reporting for all agencies
10 involved in stabilization and reconstruction op-
11 erations under the direction of the Office to en-
12 sure that all activities undertaken by such agen-
13 cies are appropriately tracked and accounted
14 for.

15 (N) Establishing an interagency training,
16 preparation, and evaluation framework for all
17 personnel deployed, or who may be deployed, in
18 support of stabilization and reconstruction oper-
19 ations. Such training and preparation shall be
20 developed and administered in partnership with
21 such universities, colleges, or other institutions
22 (whether public, private, or governmental) as
23 the Director may determine and which agree to
24 participate.

1 (4) RESPONSIBILITIES OF DIRECTOR FOR MONI-
2 TORING AND EVALUATION REQUIREMENTS.—

3 (A) EVALUATIONS.—The Director shall
4 plan and conduct evaluations of the impact of
5 stabilization and reconstruction operations car-
6 ried out by the Office.

7 (B) REPORTS.—

8 (i) IN GENERAL.—Not later than 30
9 days after the end of each fiscal-year quar-
10 ter, the Director shall submit to the appro-
11 priate congressional committees a report
12 summarizing all stabilization and recon-
13 struction operations that are taking place
14 under the supervision of the Director dur-
15 ing the period of each such quarter and, to
16 the extent possible, the period from the
17 end of each such quarter to the time of the
18 submission of each such report. Each such
19 report shall include, for the period covered
20 by each such report, a detailed statement
21 of all obligations, expenditures, and reve-
22 nues associated with such stabilization and
23 reconstruction operations, including the
24 following:

1 (I) Obligations and expenditures
2 of appropriated funds.

3 (II) A project-by-project and pro-
4 gram-by-program accounting of the
5 costs incurred to date for the sta-
6 bilization and reconstruction operation
7 that are taking place, together with
8 the estimate of any department or
9 agency that is undertaking a project
10 in or for the stabilization and recon-
11 struction of such country, as applica-
12 ble, of the costs to complete each
13 project and each program.

14 (III) Revenues attributable to or
15 consisting of funds provided by for-
16 eign countries or international organi-
17 zations, and any obligations or ex-
18 penditures of such revenues.

19 (IV) Revenues attributable to or
20 consisting of foreign assets seized or
21 frozen, and any obligations or expend-
22 itures of such revenues.

23 (V) An analysis on the impact of
24 stabilization and reconstruction oper-
25 ations overseen by the Office, includ-

1 ing an analysis of civil-military coordi-
2 nation with respect to the Office.

3 (ii) FORM.—Each report under this
4 subsection may include a classified annex
5 if the Director determines such is appro-
6 priate.

7 (iii) RULE OF CONSTRUCTION.—Noth-
8 ing in this paragraph shall be construed to
9 authorize the public disclosure of informa-
10 tion that is specifically prohibited from dis-
11 closure by any other provision of law, spe-
12 cifically required by Executive order to be
13 protected from disclosure in the interest of
14 national defense or national security or in
15 the conduct of foreign affairs, or a part of
16 an ongoing criminal investigation.

17 (b) DEPUTY DIRECTOR.—

18 (1) IN GENERAL.—There shall be within the
19 Office a Deputy Director, who shall be—

20 (A) appointed by the President, by and
21 with the advice and consent of the Senate; and

22 (B) compensated at the rate of basic pay
23 for level III of the Executive Schedule under
24 section 5314 of title 5, United States Code.

1 (2) FUNCTIONS.—The Deputy Director shall
2 perform such functions as the Director may from
3 time to time prescribe, and shall act as Director dur-
4 ing the absence or disability of the Director or in the
5 event of a vacancy in the Office of the Director.

6 (c) ASSOCIATE DIRECTORS.—

7 (1) IN GENERAL.—There shall be within the
8 Office not more than two Associate Directors, who
9 shall be—

10 (A) appointed by the President, by and
11 with the advice and consent of the Senate; and

12 (B) compensated at the rate of basic pay
13 for level IV of the Executive Schedule under
14 section 5315 of title 5, United States Code.

15 (2) FUNCTIONS.—The Associate Directors shall
16 perform such functions as the Director may from
17 time to time prescribe.

18 (3) SENSE OF CONGRESS.—It is the sense of
19 Congress that of the two Associate Directors re-
20 ferred to in this subsection—

21 (A) one should be highly experienced in de-
22 fense matters; and

23 (B) one should be highly experienced in di-
24 plomacy and development matters.

25 (d) FUNCTIONS OF THE PRESIDENT.—

1 (1) DECLARATION.—The President may, if the
2 President finds that the circumstances and national
3 security interests of the United States so require,
4 declare that a stabilization and reconstruction emer-
5 gency exists and shall determine the geographic ex-
6 tent and the date of the commencement of such
7 emergency. The President may amend the declara-
8 tion as circumstances warrant.

9 (2) TERMINATION.—If the President deter-
10 mines that a stabilization and reconstruction emer-
11 gency declared under paragraph (1) is or will no
12 longer be in existence, the President may terminate,
13 immediately or prospectively, a prior declaration that
14 such an emergency exists.

15 (3) PUBLICATION IN FEDERAL REGISTER.—
16 Declarations under this subsection shall be published
17 in the Federal Register.

18 (e) AUTHORITIES OF OFFICE FOLLOWING PRESI-
19 DENTIAL DECLARATION.—If the President declares a sta-
20 bilization and reconstruction emergency pursuant to sub-
21 section (d), the President may delegate to the Director the
22 authority to coordinate all Federal efforts with respect to
23 such stabilization and reconstruction emergency, including
24 the authority to direct any Federal agency to support such
25 efforts, with or without reimbursement.

1 **SEC. 104. PERSONNEL SYSTEM.**

2 (a) PERSONNEL.—

3 (1) IN GENERAL.—The Director may select, ap-
4 point, and employ such personnel as may be nec-
5 essary for carrying out the duties of the Office, sub-
6 ject to the provisions of title 5, United States Code,
7 governing appointments in the excepted service, and
8 the provisions of chapter 51 and subchapter III of
9 chapter 53 of such title, relating to classification and
10 General Schedule pay rates, and may exercise the
11 authorities of subsections (b) through (i) of section
12 3161 of title 5, United States Code (to the same ex-
13 tent and in the same manner as those authorities
14 may be exercised by an organization described in
15 subsection (a) of such section). In exercising the em-
16 ployment authorities under subsection (b) of such
17 section 3161, paragraph (2) of such subsection (re-
18 lating to periods of appointments) shall not apply.

19 (2) SUBDIVISIONS OF OFFICE; DELEGATION OF
20 FUNCTIONS.—The Director may establish bureaus,
21 offices, divisions, and other units within the Office.
22 The Director may from time to time make provision
23 for the performance of any function of the Director
24 by any officer or employee, or office, division, or
25 other unit of the Office.

1 (3) REEMPLOYMENT AUTHORITIES.—The provi-
2 sions of section 9902(g) of title 5, United States
3 Code, shall apply with respect to the Office. For
4 purposes of the preceding sentence, such provisions
5 shall be applied—

6 (A) by substituting “the United States Of-
7 fice for Contingency Operations” for “the De-
8 partment of Defense” each place it appears;

9 (B) by substituting “the Stabilization and
10 Reconstruction Operations Interagency En-
11 hancement Act of 2011” for “the National De-
12 fense Authorization Act for Fiscal Year 2004
13 (Public Law 108–136)” in paragraph (2)(A)
14 thereof; and

15 (C) by substituting “the Director of the
16 United States Office for Contingency Oper-
17 ations” for “the Secretary” in paragraph (4)
18 thereof.

19 (b) INTERIM OFFICERS.—

20 (1) IN GENERAL.—The President may author-
21 ize any persons who, immediately prior to the effec-
22 tive date of this Act, held positions in the Executive
23 Branch of the Government, to act as Director, Dep-
24 uty Director, Associate Director, and Inspector Gen-
25 eral of the Office until such positions are for the

1 first time filled in accordance with the provisions of
2 this Act or by recess appointment, as the case may
3 be.

4 (2) COMPENSATION.—The President may au-
5 thorize any such person described in paragraph (1)
6 to receive the compensation attached to the Office in
7 respect of which such person so serves, in lieu of
8 other compensation from the United States.

9 (c) CONTRACTING SERVICES.—

10 (1) IN GENERAL.—The Director may obtain
11 services of experts and consultants as authorized by
12 section 3109 of title 5, United States Code.

13 (2) ASSISTANCE.—To the extent and in such
14 amounts as may be provided in advance by appro-
15 priations Acts, the Inspector General may enter into
16 contracts and other arrangements for audits, stud-
17 ies, analyses, and other services with public agencies
18 and with private persons, and make such payments
19 as may be necessary to carry out the duties of the
20 Inspector General.

21 (d) INCENTIVIZING EXPERTISE IN PERSONNEL
22 TASKED FOR STABILIZATION AND RECONSTRUCTION OP-
23 ERATIONS.—

24 (1) STUDY.—The Director shall commission a
25 study to measure the effectiveness of personnel in

1 stabilization and reconstruction operations. The
2 study shall seek to identify the most appropriate
3 qualifications for personnel and incentive strategies
4 for agencies to effectively recruit and deploy employ-
5 ees to support stabilization and reconstruction oper-
6 ations.

7 (2) SENSE OF CONGRESS.—It is the sense of
8 Congress that, in the selection and appointment of
9 any individual for a position both within the Office
10 and other agencies in support of stabilization and re-
11 construction operations, due consideration should be
12 given to such individual's expertise in such oper-
13 ations and interagency experience and qualifications.

14 **TITLE II—PREPARING AND EXE-**
15 **CUTING STABILITY AND RE-**
16 **CONSTRUCTION OPERATIONS**

17 **SEC. 201. SOLE CONTROL.**

18 The Director shall have sole control over the coordi-
19 nation of stabilization and reconstruction operations.

20 **SEC. 202. RELATION TO DEPARTMENT OF STATE AND**
21 **UNITED STATES AGENCY FOR INTER-**
22 **NATIONAL DEVELOPMENT.**

23 (a) COORDINATION.—

24 (1) IN GENERAL.—The Director shall to the
25 greatest degree practicable coordinate with the Sec-

1 retary of State and the Administrator of the Agency
2 for International Development regarding the Office's
3 plans for stabilization and reconstruction operations.
4 The Director shall give the greatest possible weight
5 to the views of the Secretary and the Administrator
6 on matters within their jurisdiction. During a dec-
7 laration under section 103 of a stabilization and re-
8 construction emergency, the Director shall work
9 closely with the Secretary and the Administrator in
10 planning, executing, and transitioning operations rel-
11 evant to their respective jurisdictions.

12 (2) IN-COUNTRY.—During a stabilization and
13 reconstruction emergency, the Director shall work
14 closely with the Chief of Mission, or with the most
15 senior Department of State or Agency for Inter-
16 national Development officials responsible for the
17 country in which such emergency exists, to ensure
18 that the actions of the Office do not conflict with the
19 foreign or development policies of the United States.

20 (b) DETAILING.—The heads of the various depart-
21 ments and agencies of the United States Government
22 (other than the Secretary of Defense) shall provide for the
23 detail on a reimbursable or nonreimbursable basis of such
24 civilian personnel as may be agreed between such heads
25 and the Director for the purposes of carrying out this Act.

1 The heads of such departments and agencies shall provide
2 for appropriate recognition and career progress for indi-
3 viduals who are so detailed upon their return from such
4 details.

5 **SEC. 203. RELATION TO DEPARTMENT OF DEFENSE COM-**
6 **BATANT COMMANDS PERFORMING MILITARY**
7 **MISSIONS.**

8 (a) COORDINATION WITH SECRETARY OF DEFENSE
9 AND COMBATANT COMMANDS.—To the greatest degree
10 practicable, the Director shall coordinate with the Sec-
11 retary of Defense and commanders of unified and specified
12 combatant commands established under section 161 of
13 title 10, United States Code, regarding the plans of the
14 Office for stabilization and reconstruction operations.

15 (b) STAFF COORDINATION.—The Director shall de-
16 tail personnel of the Office to serve on the staff of a com-
17 batant command to assist in planning when a military op-
18 eration will involve likely Armed Forces interaction with
19 non-combatant populations, so that plans for a stabiliza-
20 tion and reconstruction operation related to a military op-
21 eration—

22 (1) complement the work of military planners;
23 and

24 (2) as provided in subsection (c), ease inter-
25 action between civilian direct-hire employees and

1 contractors in support of the stabilization and recon-
2 struction operation and the Armed Forces.

3 (c) LIMITATIONS.—

4 (1) DIRECTOR.—The authority of the Director
5 shall not extend to small-scale programs (other than
6 economic development programs of more than a de-
7 minimis amount) designated by the Secretary of De-
8 fense as necessary to promote a safe operating envi-
9 ronment for the Armed Forces or other friendly
10 forces.

11 (2) MILITARY ORDER.—Nothing in this Act
12 shall be construed as permitting the Director or any
13 of the personnel of the Office (other than a member
14 of the Armed Forces assigned to the Office under
15 subsection (e)) to issue a military order.

16 (d) SUPPORT.—

17 (1) ASSISTANCE REQUIRED.—The commanders
18 of combatant commands shall provide assistance, to
19 the greatest degree practicable, to the Director and
20 the personnel of the Office as they carry out their
21 responsibilities.

22 (2) PERSONNEL.—The Secretary of Defense
23 shall provide for the detail or assignment, on a reim-
24 bursable or nonreimbursable basis, to the staff of
25 the Office of such Department of Defense personnel

1 and members of the Armed Forces as may be agreed
2 between the Secretary and the Director as necessary
3 to carry out the duties of the Office.

4 **SEC. 204. CONTINGENCY FEDERAL ACQUISITION REGULA-**
5 **TION.**

6 (a) **REQUIREMENT TO PRESCRIBE CONTINGENCY**
7 **FEDERAL ACQUISITION REGULATION.**—The Director, in
8 consultation with the Director of the Office of Manage-
9 ment and Budget, shall prescribe a Contingency Federal
10 Acquisition Regulation. The Regulation shall apply, under
11 such circumstances as the Director prescribes, in lieu of
12 the Federal Acquisition Regulation with respect to con-
13 tracts intended for use in or with respect to stabilization
14 and reconstruction emergencies or in imminent or poten-
15 tial stabilization and reconstruction operations.

16 (b) **PREFERENCE TO CERTAIN CONTRACTS.**—It is
17 the sense of Congress that the Contingency Federal Acqui-
18 sition Regulation required by subsection (a) should include
19 provisions requiring an agency to give a preference to con-
20 tracts that appropriately, efficiently, and sustainably im-
21 plement programs and projects undertaken in support of
22 a stabilization and reconstruction operation.

23 (c) **DEADLINE.**—The Director shall prescribe the
24 Contingency Federal Acquisition Regulation required by
25 subsection (a) by the date occurring one year after the

1 date of the enactment of this Act. If the Director does
2 not prescribe the Regulation by that date, the Director
3 shall submit to Congress a statement explaining why the
4 deadline was not met.

5 **SEC. 205. STABILIZATION AND RECONSTRUCTION FUND.**

6 (a) IN GENERAL.—There is established in the Treas-
7 ury of the United States a fund, to be known as the “Sta-
8 bilization and Reconstruction Emergency Reserve Fund”,
9 to be administered by the Director at the direction of the
10 President and with the consent of the Secretary of State
11 and the Secretary of Defense for the following purposes
12 with respect to a stabilization and reconstruction oper-
13 ation:

14 (1) Development of water and sanitation infra-
15 structure.

16 (2) Providing food distribution and development
17 of sustained production.

18 (3) Supporting relief efforts related to refugees,
19 internally displaced persons, and vulnerable individ-
20 uals, including assistance for families of innocent ci-
21 vilians who suffer losses as a result of military oper-
22 ations.

23 (4) Providing electricity.

24 (5) Providing healthcare relief and developing
25 sustained healthcare.

- 1 (6) Development of telecommunications.
- 2 (7) Development of economic and financial pol-
3 icy.
- 4 (8) Development of education.
- 5 (9) Development of transportation infrastruc-
6 ture.
- 7 (10) Establishment and enforcement of rule of
8 law.
- 9 (11) Humanitarian demining.
- 10 (12) Development of agriculture.
- 11 (13) Peace enforcement, peacekeeping, and
12 post-conflict peacebuilding.
- 13 (14) Development of justice and public safety
14 infrastructure.
- 15 (15) Development of security and law enforce-
16 ment.
- 17 (16) Observation and enforcement of human
18 rights.
- 19 (17) Development of governance, democratiza-
20 tion, and building the capacity of government.
- 21 (18) Development of natural resource infra-
22 structure.
- 23 (19) Establishment of environmental protection.
- 24 (20) Protection of vulnerable populations in-
25 cluding women, children, the aged, and minorities.

1 (21) The operations of the Office.

2 (22) Any other purpose which the Director con-
3 siders essential to address the emergency.

4 (b) CONGRESSIONAL NOTIFICATION.—

5 (1) PRESIDENTIAL DIRECTION.—At the time
6 the President directs the Director to carry out or
7 support an activity described in subsection (a), the
8 President shall transmit to appropriate congressional
9 committees a written notification of such direction.

10 (2) ACTIVITIES IN A COUNTRY.—Not less than
11 15 days before carrying out or supporting an activity
12 described in subsection (a), the Director shall submit
13 to the appropriate congressional committees infor-
14 mation related to the budget, implementation
15 timeline (including milestones), and transition strat-
16 egy with respect to such activity and the stabiliza-
17 tion or reconstruction operation at issue.

18 (c) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to the appropriated to the fund established
20 under subsection (a) such sums as may be necessary to
21 carry out the purposes specified in such subsection. Such
22 sums—

23 (1) shall be available until expended;

24 (2) shall not be made available for obligation or
25 expenditure until the President declares a stabiliza-

1 tion and reconstruction emergency pursuant to sec-
2 tion 103; and

3 (3) shall be in addition to any other funds made
4 available for such purposes.

5 **TITLE III—RESPONSIBILITIES**
6 **OF THE INSPECTOR GENERAL**

7 **SEC. 301. INSPECTOR GENERAL.**

8 (a) IN GENERAL.—There shall be within the Office
9 an Office of the Inspector General, the head of which shall
10 be the Inspector General of the United States Office for
11 Contingency Operations (in this Act referred to as the
12 “Inspector General”), who shall be appointed as provided
13 in section 3(a) of the Inspector General Act of 1978 (5
14 U.S.C. App.).

15 (b) TECHNICAL AMENDMENTS AND ADDITIONAL AU-
16 THORITIES.—The Inspector General Act of 1978 (5
17 U.S.C. App.) is amended—

18 (1) in section 12—

19 (A) in paragraph (1), by inserting “, or the
20 United States Office for Contingency Oper-
21 ations” after “the Director of the Federal
22 Housing Finance Agency”; and

23 (B) in paragraph (2), by inserting “the
24 United States Office for Contingency Oper-

1 ations,” after “the Federal Housing Finance
2 Agency,”;

3 (2) in section 8J, by striking “8E or 8F” and
4 inserting “8E, 8F, or 8M”; and

5 (3) by inserting after section 8L the following
6 new section:

7 **“SEC. 8M. SPECIAL PROVISIONS CONCERNING THE INSPEC-**
8 **TOR GENERAL OF THE UNITED STATES OF-**
9 **FICE FOR CONTINGENCY OPERATIONS.**

10 “(a) SPECIAL AUDIT AND INVESTIGATIVE AUTHOR-
11 ITY.—

12 “(1) IN GENERAL.—When directed by the
13 President, or otherwise provided by law, and in addi-
14 tion to the other duties and responsibilities specified
15 in this Act, the Inspector General of the United
16 States Office for Contingency Operations—

17 “(A) shall, with regard to the activities of
18 the United States Office for Contingency Oper-
19 ations, have special audit and investigative au-
20 thority over all accounts, spending, programs,
21 projects, and operations; and

22 “(B) shall have special audit and investiga-
23 tive authority over the activities described in
24 paragraph (2).

1 “(2) ACTIVITIES DESCRIBED.—The activities
2 described in this paragraph are activities funded or
3 undertaken by the United States Government that
4 are not undertaken by or under the direction or su-
5 pervision of the Director of the United States Office
6 for Contingency Operations—

7 “(A) in response to emergencies, destabi-
8 lization, armed conflict, or events that other-
9 wise require stabilization or reconstruction op-
10 erations;

11 “(B) where a rapid response by the United
12 States is required or anticipated to be required;
13 and

14 “(C) where the Inspector General is more
15 well-suited than the implementing department
16 or agency to engage rapidly in audit and inves-
17 tigative activities.

18 “(3) ADMINISTRATIVE OPERATIONS.—In any
19 case in which the Inspector General of the United
20 States Office for Contingency Operations is exer-
21 cising or preparing to exercise special audit and in-
22 vestigative authority under this subsection, the head
23 of any department or agency undertaking or pre-
24 paring to undertake the activities described in para-
25 graph (2) shall provide such Inspector General with

1 appropriate and adequate office space within the of-
2 fices of such department or agency or at appropriate
3 locations of that department or agency overseas, to-
4 gether with such equipment, office supplies, and
5 communications facilities and services as may be
6 necessary for the operation of such offices, and shall
7 provide necessary maintenance services for such of-
8 fices and the equipment and facilities located there-
9 in.

10 “(b) ADDITIONAL DUTIES.—

11 “(1) IN GENERAL.—It shall be the duty of the
12 Inspector General of the United States Office for
13 Contingency Operations to conduct, supervise, and
14 coordinate audits and investigations of the treat-
15 ment, handling, and expenditure of amounts appro-
16 priated or otherwise made available for activities to
17 be carried out by or under the direction or super-
18 vision of the Director of the United States Office for
19 Contingency Operations, or for activities subject to
20 the special audit and investigative authority of such
21 Inspector General under subsection (a), and of the
22 programs, operations, and contracts carried out uti-
23 lizing such funds, including—

24 “(A) the oversight and accounting of the
25 obligation and expenditure of such funds;

1 “(B) the monitoring and review of activi-
2 ties funded by such funds;

3 “(C) the monitoring and review of con-
4 tracts funded by such funds;

5 “(D) the monitoring and review of the
6 transfer of such funds and associated informa-
7 tion between and among departments, agencies,
8 and entities of the United States, and private
9 and nongovernmental entities; and

10 “(E) the maintenance of records on the
11 use of such funds to facilitate future audits and
12 investigations of the use of such funds.

13 “(2) SYSTEMS, PROCEDURES, AND CON-
14 TROLS.—The Inspector General of the United States
15 Office for Contingency Operations shall establish,
16 maintain, and oversee such systems, procedures, and
17 controls as such Inspector General considers appro-
18 priate to discharge the duty under paragraph (1).

19 “(c) PERSONNEL AUTHORITY.—

20 “(1) IN GENERAL.—The Inspector General of
21 the United States Office for Contingency Operations
22 may select, appoint, and employ such officers and
23 employees as may be necessary for carrying out the
24 functions, powers, and duties of the Office, subject
25 to the provisions of title 5, United States Code, gov-

1 erning appointments in the excepted service, and the
2 provisions of chapter 51 and subchapter III of chap-
3 ter 53 of such title, relating to classification and
4 General Schedule pay rates.

5 “(2) EMPLOYMENT AUTHORITY.—The Inspec-
6 tor General of the United States Office for Contingency
7 Operations may exercise the authorities of
8 subsections (b) through (i) of section 3161 of title
9 5, United States Code (without regard to subsection
10 (a) of that section). In exercising the employment
11 authorities under subsection (b) of section 3161 of
12 title 5, United States Code, as provided under para-
13 graph (1) of this subsection, paragraph (2) of such
14 subsection (b) (relating to periods of appointments)
15 shall not apply.

16 “(3) EXEMPTION.—Section 6(a)(7) shall not
17 apply with respect to the Inspector General of the
18 United States Office for Contingency Operations.

19 “(d) REPORTS.—

20 “(1) QUARTERLY REPORTS.—

21 “(A) IN GENERAL.—Not later than 60
22 days after the end of each fiscal-year quarter,
23 the Inspector General of the United States Of-
24 fice for Contingency Operations shall submit to
25 the appropriate committees of Congress a re-

1 port in accordance with subparagraph (B) that
2 summarizes for the period of that quarter and,
3 to the extent possible, the period from the end
4 of such quarter to the time of the submission
5 of the report, the activities of such Inspector
6 General and the activities under programs and
7 operations funded with amounts appropriated
8 or otherwise made available for activities car-
9 ried out by or under the direction or supervision
10 of the Director of the United States Office for
11 Contingency Operations.

12 “(B) CONTENTS OF QUARTERLY RE-
13 PORT.—Each report submitted pursuant to sub-
14 paragraph (A) shall include, for the period cov-
15 ered by such report, a detailed statement of all
16 obligations, expenditures, and revenues associ-
17 ated with reconstruction and rehabilitation ac-
18 tivities by or under the direction or supervision
19 of the Director of the United States Office for
20 Contingency Operations, or under the special
21 audit and investigative authority under sub-
22 section (a) of the Inspector General of the
23 United States Office for Contingency Oper-
24 ations, and segregated by area (as may be pre-

1 scribed by such Inspector General), including
2 the following:

3 “(i) Obligations and expenditures of
4 appropriated funds.

5 “(ii) A project-by-project and pro-
6 gram-by-program accounting of the costs
7 incurred to date by such Office or under
8 the direction or supervision of such Office,
9 or under the special audit and investigative
10 authority of such Inspector General, for
11 each stabilization and reconstruction oper-
12 ation, together with the estimate of the de-
13 partment or agency of the United States,
14 as applicable, of the costs to complete each
15 project and each program.

16 “(iii) Revenues attributable to or con-
17 sisting of funds provided by foreign coun-
18 tries or international organizations, and
19 any obligations or expenditures of such
20 revenues.

21 “(iv) Revenues attributable to or con-
22 sisting of foreign assets seized or frozen,
23 and any obligations or expenditures of
24 such revenues.

1 “(v) Operating expenses of depart-
2 ments, agencies, or other entities receiving
3 amounts appropriated or otherwise made
4 available to or obligated or expended under
5 the direction or supervision of such Direc-
6 tor.

7 “(vi) In the case of a covered con-
8 tract—

9 “(I) the amount of such contract;

10 “(II) a brief discussion of the
11 scope of such contract;

12 “(III) a discussion of how the
13 relevant department, agency, or other
14 entity identified, and solicited offers
15 from, potential contractors to perform
16 the contract, together with a list of
17 the potential contractors that were
18 issued solicitations for the offers; and

19 “(IV) the extent to which com-
20 petitive procedures were used for such
21 contract.

22 “(C) REPORT COORDINATION.—Each re-
23 port under this paragraph shall be furnished to
24 the head of the establishment involved not later
25 than 30 days after the submission of the report

1 under subparagraph (A) and shall be trans-
2 mitted by such head to the appropriate commit-
3 tees of the Congress not later than 30 days
4 after receipt of the report, together with a re-
5 port by the head of the establishment con-
6 taining any comments such head determines ap-
7 propriate, including a classified annex if such
8 head considers it necessary.

9 “(2) SEMIANNUAL REPORTS.—The Inspector
10 General of the United States Office for Contingency
11 Operations shall submit to the appropriate commit-
12 tees a semiannual report that includes a summary of
13 the activities of the Office, including activities de-
14 scribed in paragraphs (1) through (13) of section
15 5(a) of this Act. The first such report for a year,
16 covering the first six months of the year, shall be
17 submitted not later than August 30 of that year,
18 and the second such report, covering the second six
19 months of the year, shall be submitted not later than
20 February 28 of the following year.

21 “(3) WAIVER.—

22 “(A) IN GENERAL.—The President may
23 waive any of the requirements to be included in
24 the reports under paragraph (1) or (2) if the

1 President determines that the waiver is justified
2 for national security reasons.

3 “(B) NOTICE OF WAIVER.—The President
4 shall publish a notice of each waiver made
5 under this paragraph in the Federal Register
6 not later than the date on which the report for
7 which a waiver was made is required to be sub-
8 mitted to Congress under paragraph (1) or (2).

9 “(C) DESCRIPTION OF WAIVER IN RE-
10 PORT.—The reports required under paragraph
11 (1) or (2) shall specify whether waivers under
12 this paragraph were made and with respect to
13 which requirements.

14 “(4) REPORTS UNDER SECTION 5 OF THIS
15 ACT.—

16 “(A) IN GENERAL.—In addition to reports
17 otherwise required to be submitted under this
18 subsection, the Inspector General of the United
19 States Office for Contingency Operations—

20 “(i) may issue periodic reports of a
21 similar nature to the quarterly reports sub-
22 mitted under paragraph (1) with respect to
23 activities subject to the special audit and
24 investigative authority of such Inspector
25 General under subsection (a); and

1 “(ii) if such Inspector General did not
2 engage, during any six month period, in
3 audit or investigation activities with re-
4 spect to activities carried out under the di-
5 rection or supervision of the Director, shall
6 issue a report, not later than six months
7 after the previous report was issued under
8 this subsection that includes a summary of
9 the activities of the Office, including activi-
10 ties described in paragraphs (1) through
11 (13) of section 5(a) of this Act.

12 “(B) EXEMPTION.—The Inspector General
13 of the United States Office for Contingency Op-
14 erations is not required to provide reports
15 under section 5 of this Act.

16 “(5) LANGUAGE OF REPORTS.—The Inspector
17 General of the United States Office for Contingency
18 Operations shall publish each report under this sub-
19 section in both English and to the degree that the
20 Inspector General shall prescribe, in languages rel-
21 evant to the host country.

22 “(6) FORM OF SUBMISSION.—Each report
23 under this subsection may include a classified annex
24 if the Inspector General of the United States Office
25 for Contingency Operations considers it necessary.

1 “(7) DISCLOSURE OF CERTAIN INFORMA-
2 TION.—Nothing in this subsection shall be construed
3 to authorize the public disclosure of information that
4 is—

5 “(A) specifically prohibited from disclosure
6 by any other provision of law;

7 “(B) specifically required by Executive
8 order to be protected from disclosure in the in-
9 terest of national defense or national security or
10 in the conduct of foreign affairs; or

11 “(C) a part of an ongoing criminal inves-
12 tigation.

13 “(e) DEFINITIONS.—In this section:

14 “(1) APPROPRIATE COMMITTEES.—The term
15 ‘appropriate committees’ means—

16 “(A) the Committees on Appropriations,
17 Armed Services, Foreign Affairs, and Oversight
18 and Government Reform of the House of Rep-
19 resentatives; and

20 “(B) the Committees on Appropriations,
21 Armed Services, Foreign Relations, and Home-
22 land Security and Governmental Affairs of the
23 Senate.

24 “(2) COVERED CONTRACT.—The term ‘covered
25 contract’ means a contract entered into by any de-

1 partment or agency, with any public or private sec-
2 tor entity, in any geographic area with regard to a
3 stabilization or reconstruction operation or where
4 the Inspector General of the United States Office for
5 Contingency Operations is exercising its special
6 audit or investigative authority for the performance
7 of any of the following:

8 “(A) To build or rebuild physical infra-
9 structure of such area.

10 “(B) To establish or reestablish a political
11 or governmental institution of such area.

12 “(C) To provide products or services to the
13 local population of the area.

14 “(3) DEPARTMENT OR AGENCY.—The term ‘de-
15 partment or agency’ means any agency as defined
16 under section 551 of title 5, United States Code.

17 “(4) STABILIZATION AND RECONSTRUCTION OP-
18 ERATION.—The term ‘stabilization and reconstruc-
19 tion operation’ has the meaning given the term in
20 section 2 of the Stabilization and Reconstruction
21 Operations Interagency Enhancement Act of 2011.”.

22 (c) TRANSFER AND TERMINATION OF THE OFFICE
23 OF THE SPECIAL INSPECTOR GENERAL FOR AFGHANI-
24 STAN RECONSTRUCTION AND THE OFFICE OF THE SPE-

1 CIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUC-
2 TION.—

3 (1) TRANSFER.—The following shall be trans-
4 ferred to the Office of the Inspector General of the
5 United States Office for Contingency Operations:

6 (A)(i) All functions vested by law on the
7 day before the effective date of this Act in the
8 Office of the Special Inspector General for Iraq
9 Reconstruction or the Inspector General of such
10 office.

11 (ii) All functions vested by law on the day
12 before the effective date of this Act in the Of-
13 fice of the Special Inspector General for Af-
14 ghanistan Reconstruction or the Inspector Gen-
15 eral of such office.

16 (B) All personnel, assets, and liabilities of
17 the Office of the Special Inspector General for
18 Iraq Reconstruction, and all personnel, assets,
19 and liabilities of the Office of the Special In-
20 spector General for Afghanistan Reconstruc-
21 tion.

22 (2) EXERCISE OF FUNCTIONS.—The Inspector
23 General shall exercise all functions transferred by
24 paragraph (1)(A) on and after the effective date of
25 this Act.

1 (3) PERSONNEL CLASSIFICATION AND COM-
2 PENSATION.—The transfer of personnel pursuant to
3 paragraph (1)(B) shall not alter the terms and con-
4 ditions of employment, including compensation and
5 classification, of any employee so transferred.

6 (4) TERMINATION.—

7 (A) IRAQ RECONSTRUCTION FUNCTIONS.—

8 (i) IN GENERAL.—The authority of
9 the Inspector General to exercise the func-
10 tions transferred by paragraph (1)(A)(i)
11 shall terminate 180 days after the date on
12 which amounts appropriated or otherwise
13 made available for the reconstruction of
14 Iraq that are unexpended are less than
15 \$250,000,000.

16 (ii) DEFINITION.—In clause (i), the
17 term “amounts appropriated or otherwise
18 made available for the reconstruction of
19 Iraq” has the meaning given the term in
20 section 3001(m) of the Emergency Supple-
21 mental Appropriations Act for Defense and
22 for the Reconstruction of Iraq and Afghan-
23 istan, 2004 (Public Law 108–106; 117
24 Stat. 1238; 5 U.S.C. App., note to section

1 8G), as such section was in effect on the
2 day before the effective date of this Act.

3 (B) AFGHANISTAN RECONSTRUCTION
4 FUNCTIONS.—

5 (i) IN GENERAL.—The authority of
6 the Inspector General to exercise the func-
7 tions transferred by paragraph (1)(A)(ii)
8 shall terminate 180 days after the date on
9 which amounts appropriated or otherwise
10 made available for the reconstruction of
11 Afghanistan that are unexpended are less
12 than \$250,000,000.

13 (ii) DEFINITION.—In clause (i), the
14 term “amounts appropriated or otherwise
15 made available for the reconstruction of
16 Afghanistan” has the meaning given the
17 term in section 1229(m) of the National
18 Defense Authorization Act for Fiscal Year
19 2008 (Public Law 110–181; 122 Stat.
20 384), as such section was in effect on the
21 day before the effective date of this Act.

22 (5) REPEALS.—The following provisions of law
23 are repealed:

24 (A) Section 3001 of the Emergency Sup-
25 plemental Appropriations Act for Defense and

1 for the Reconstruction of Iraq and Afghanistan,
2 2004 (Public Law 108–106; 117 Stat. 1234; 5
3 U.S.C. App., note to section 8G).

4 (B) Section 1229 of the National Defense
5 Authorization Act for Fiscal Year 2008 (Public
6 Law 110–181; 122 Stat. 378).

7 (d) SAVINGS PROVISIONS.—

8 (1) COMPLETED ADMINISTRATIVE ACTIONS.—

9 (A) Completed administrative actions of the Office
10 of the Special Inspector General for Afghanistan Re-
11 construction and the Office of the Special Inspector
12 General for Iraq Reconstruction shall not be affected
13 by the enactment of this Act or the transfer of such
14 offices to the Office of the Inspector General of the
15 United States Office for Contingency Operations,
16 but shall continue in effect according to their terms
17 until amended, modified, superseded, terminated, set
18 aside, or revoked in accordance with law by an offi-
19 cer of the United States or a court of competent ju-
20 risdiction, or by operation of law.

21 (B) For purposes of paragraph (1), the term
22 “completed administrative action” includes orders,
23 determinations, rules, regulations, personnel actions,
24 permits, agreements, grants, contracts, certificates,
25 licenses, registrations, and privileges.

1 (2) PENDING CIVIL ACTIONS.—Pending civil ac-
2 tions shall continue notwithstanding the enactment
3 of this Act or the transfer of the Office of the Spe-
4 cial Inspector General for Afghanistan Reconstruc-
5 tion and the Office of the Special Inspector General
6 for Iraq Reconstruction to the Office of the Inspec-
7 tor General of the United States Office for Contingency
8 Operations, and in such civil actions, proceedings shall be had,
9 appeals taken, and judgments rendered and enforced in the same
10 manner and with the same effect as if such enactment or transfer
11 had not occurred.

12 (3) REFERENCES.—References relating to the
13 Office of the Special Inspector General for Afghanistan
14 Reconstruction and the Office of the Special In-
15 spector General for Iraq Reconstruction that is
16 transferred to the Office of the Inspector General of
17 the United States Office for Contingency Operations
18 in statutes, Executive orders, rules, regulations, di-
19 rectives, or delegations of authority that precede
20 such transfer or the effective date of this Act shall
21 be deemed to refer, as appropriate, to the Office of
22 the Inspector General of the United States Office for
23 Contingency Operations, to its officers, employees,
24

1 or agents, or to its corresponding organizational
2 units or functions.

3 **TITLE IV—RESPONSIBILITIES OF**
4 **OTHER AGENCIES**

5 **SEC. 401. RESPONSIBILITIES OF OTHER AGENCIES FOR**
6 **MONITORING AND EVALUATION REQUIRE-**
7 **MENTS.**

8 The head of any agency under the authority of the
9 Director in support of a stabilization and reconstruction
10 operation pursuant to section 103 shall submit to the Di-
11 rector—

12 (1) on-going evaluations of the impact of such
13 stabilization and reconstruction operation on such
14 agency, including an assessment of interagency co-
15 ordination in support of such operation;

16 (2) any information the Director requests, in-
17 cluding reports, evaluations, analyses, or assess-
18 ments, to permit the Director to satisfy the quar-
19 terly reporting requirement under section 103(a)(4);
20 and

21 (3) an identification, within each such agency,
22 of all current and former employees skilled in crisis
23 response, including employees employed by contract,
24 and information regarding each such agency's au-
25 thority mechanisms to reassign or reemploy such

1 skilled personnel and mobilize rapidly associated re-
2 sources in response to such operation.

3 **SEC. 402. TRANSITION OF STABILIZATION AND RECON-**
4 **STRUCTION OPERATIONS.**

5 (a) **TERMINATION.**—Upon Presidential termination
6 of a stabilization and reconstruction emergency pursuant
7 to section 103(d)(2), any effort of a Federal agency under
8 the authority of the Director pursuant to section 103 in
9 support of a related stabilization and reconstruction oper-
10 ation shall return to the authority of such agency.

11 (b) **SCALE-DOWN OPERATIONS.**—The President, in
12 consultation with the Director, the Secretary of State, and
13 the Secretary of Defense, shall delegate to appropriate
14 Federal agencies post-stabilization and reconstruction
15 emergency operations.

16 **SEC. 403. SENSE OF CONGRESS.**

17 It is the sense of Congress that, to the extent pos-
18 sible, the Director and staff should partner with the coun-
19 try in which a stabilization and reconstruction operation
20 is taking place, other foreign government partners, inter-
21 national organizations, and local nongovernmental organi-
22 zations throughout the planning, implementation, and par-
23 ticularly during the transition stages of such operations
24 to facilitate long term capacity building and sustainability
25 of initiatives.

1 **TITLE V—AUTHORIZATION OF**
2 **APPROPRIATIONS**

3 **SEC. 501. AUTHORIZATION OF APPROPRIATIONS.**

4 There are authorized to be appropriated such sums
5 as may be necessary to carry out this Act for each of fiscal
6 years 2011 through 2016. Any amounts appropriated to
7 carry out this Act shall remain available until expended.

8 **SEC. 502. OFFSET OF COSTS IN ESTABLISHMENT OF OF-**
9 **FICE.**

10 Notwithstanding any other provision of law, the Di-
11 rector of the Office shall—

12 (1) adjust or eliminate such initiatives, posi-
13 tions, and programs to be incorporated within the
14 Office (other than within the Office of Inspector
15 General) as the Director determines necessary to en-
16 sure any costs incurred to carry out the provisions
17 of this Act in excess of amounts previously expended
18 for such activities are entirely offset; and

19 (2) report to Congress not later than 60 days
20 after the date of the enactment of this Act the ac-
21 tions taken to ensure compliance with paragraph
22 (1), including the specific initiatives, positions, and
23 programs that have been adjusted or eliminated to

- 1 ensure that the costs of carrying out this Act will be
- 2 offset.

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