

112TH CONGRESS  
1ST SESSION

# H. R. 3660

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

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## 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

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## 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 enforc-  
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, desta-  
8 bilization, 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.

