

**AMENDMENT TO H.R. 4435, AS REPORTED
OFFERED BY MR. MULVANEY OF SOUTH
CAROLINA**

Page 484, after line 12, insert the following:

1 **SEC. 1523. CODIFICATION OF OFFICE OF MANAGEMENT**
2 **AND BUDGET CRITERIA.**

3 The Secretary of Defense shall implement the fol-
4 lowing criteria in requests for overseas contingency oper-
5 ations:

6 (1) Geographic Area Covered – For theater of
7 operations for non-classified war overseas contin-
8 gency operations funding, the geographic areas in
9 which combat or direct combat support operations
10 occur are: Iraq, Afghanistan, Pakistan, Kazakhstan,
11 Tajikistan, Kyrhyzstan, the Horn of Africa, Persian
12 Gulf and Gulf nations, Arabian Sea, the Indian
13 Ocean, the Philippines, and other countries on a
14 case-by-case basis.

15 (2) Permitted Inclusions in the Overseas Con-
16 tingency Operation Budget

17 (A) Major Equipment

18 (i) Replacement of loses that have oc-
19 curred but only for items not already pro-

1 grammed for replacement in the Future
2 Years Defense Plan (FYDP), but not in-
3 cluding accelerations, which must be made
4 in the base budget.

5 (ii) Replacement or repair to original
6 capability (to upgraded capability if that is
7 currently available) of equipment returning
8 from theater. The replacement may be a
9 similar end item if the original item is no
10 longer in production. Incremental cost of
11 non-war related upgrades, if made, should
12 be included in the base.

13 (iii) Purchase of specialized, theater-
14 specific equipment.

15 (iv) Funding for major equipment
16 must be obligated within 12 months.

17 (B) Ground Equipment Replacement

18 (i) For combat losses and returning
19 equipment that is not economical to repair,
20 the replacement of equipment may be given
21 to coalition partners, if consistent with ap-
22 proved policy.

23 (ii) In-theater stocks above customary
24 equipping levels on a case-by-case basis.

25 (C) Equipment Modifications

1 (i) Operationally-required modifica-
2 tions to equipment used in theater or in di-
3 rect support of combat operations and that
4 is not already programmed in FYDP.

5 (ii) Funding for equipment modifica-
6 tions must be able be obligated in 12
7 months.

8 (D) Munitions

9 (i) Replenishment of munitions ex-
10 pended in combat operations in theater.

11 (ii) Training ammunition for theater-
12 unique training events.

13 (iii) While forecasted expenditures are
14 not permitted, a case-by-case assessment
15 for munitions where existing stocks are in-
16 sufficient to sustain theater combat oper-
17 ations.

18 (E) Aircraft Replacement

19 (i) Combat losses by accident that
20 occur in the theater of operations.

21 (ii) Combat losses by enemy action
22 that occur in the theater of operations.

23 (F) Military Construction

24 (i) Facilities and infrastructure in the
25 theater of operations in direct support of

1 combat operations. The level of construc-
2 tion should be the minimum to meet oper-
3 ational requirements.

4 (ii) At non-enduring locations, facili-
5 ties and infrastructure for temporary use.

6 (iii) At enduring locations, facilities
7 and infrastructure for temporary use.

8 (iv) At enduring locations, construc-
9 tion requirements must be tied to surge
10 operations or major changes in operational
11 requirements and will be considered on a
12 case-by-case basis.

13 (G) Research and development projects for
14 combat operations in these specific theaters
15 that can be delivered in 12 months.

16 (H) Operations

17 (i) Direct War costs:

18 (I) Transport of personnel,
19 equipment, and supplies to, from and
20 within the theater of operations.

21 (II) Deployment-specific training
22 and preparation for unites and per-
23 sonnel (military and civilian) to as-
24 sume their directed missions as de-

1 fined in the orders for deployment
2 into the theater of operations.

3 (ii) Within the theater, the incre-
4 mental costs above the funding pro-
5 grammed in the base budget to:

6 (I) Support commanders in the
7 conduct of their directed missions (to
8 include Emergency Response Pro-
9 grams).

10 (II) Build and maintain tem-
11 porary facilities.

12 (III) Provide food, fuel, supplies,
13 contracted services and other support.

14 (IV) Cover the operational costs
15 of coalition partners supporting US
16 military missions, as mutually agreed.

17 (iii) Indirect war costs incurred out-
18 side the theater of operations will be evalu-
19 ated on a case-by-case basis.

20 (I) Health

21 (i) Short-term care directly related to
22 combat.

23 (ii) Infrastructure that is only to be
24 used during the current conflict.

25 (J) Personnel

1 (i) Incremental special pays and al-
2 lowances for Service members and civilians
3 deployed to a combat zone.

4 (ii) Incremental pay, special pays and
5 allowances for Reserve Component per-
6 sonnel mobilized to support war missions.

7 (K) Special Operations Command

8 (i) Operations that meet the criteria
9 in this guidance.

10 (ii) Equipment that meets the criteria
11 in this guidance.

12 (L) Prepositioned Supplies and
13 equipment for resetting in-theater
14 stocks of supplies and equipment to
15 pre-war levels.

16 (M) Security force funding to train, equip,
17 and sustain Iraqi and Afghan military and po-
18 lice forces.

19 (N) Fuel

20 (i) War fuel costs and funding to en-
21 sure that logistical support to combat oper-
22 ations is not degraded due to cash losses
23 in the Department of Defense's baseline
24 fuel program.

1 (ii) Enough of any base fuel shortfall
2 attributable to fuel price increases to main-
3 tain sufficient on-hand cash for the De-
4 fense Working Capital Funds to cover
5 seven days disbursements.

6 (3) Excluded items from Overseas Contingency
7 Funding that must be funded from the base budget

8 (A) Training vehicles, aircraft, ammuni-
9 tion, and simulators, but not training base
10 stocks of specialized, theater-specific equipment
11 that is required to support combat operations in
12 the theater of operations, and support to de-
13 ployment-specific training described above.

14 (B) Acceleration of equipment service life
15 extension programs already in the Future Years
16 Defense Plan.

17 (C) Base Realignment and Closure
18 projects.

19 (D) Family support initiatives

20 (i) Construction of childcare facilities.

21 (ii) Funding for private-public par-
22 tiships to expand military families' ac-
23 cess to childcare.

24 (iii) Support for service members'
25 spouses professional development.

1 (E) Programs to maintain industrial base
2 capacity including “war-stoppers.”

3 (F) Personnel

4 (i) Recruiting and retention bonuses
5 to maintain end-strength.

6 (ii) Basic Pay and the Basic allow-
7 ances for Housing and Subsistence for per-
8 manently authorized end strength.

9 (iii) Individual augmentees on a case-
10 by-case basis.

11 (G) Support for the personnel, operations,
12 or the construction or maintenance of facilities,
13 at U.S. Offices of Security Cooperation in the-
14 ater.

15 (H) Costs for reconfiguring prepositioned
16 supplies and equipment or for maintaining
17 them.

18 (4) Special Situations – Items proposed for in-
19 creases in reprogrammings or as payback for prior
20 reprogrammings must meet the criteria above.

