

**AMENDMENT TO THE RULES COMMITTEE PRINT
OF H.R. 4310
OFFERED BY MR. TIERNEY OF MASSACHUSETTS**

At the end of title X, add the following new section:

1 **SEC. 10 ____ . SPECIAL INSPECTOR GENERAL FOR OVERSEAS**
2 **CONTINGENCY OPERATIONS.**

3 (a) **PURPOSES.**—The purposes of this section are as
4 follows:

5 (1) To provide for the independent and objec-
6 tive conduct and supervision of audits and investiga-
7 tions relating to the programs and operations funded
8 with amounts appropriated or otherwise made avail-
9 able for overseas contingency operations.

10 (2) To provide for the independent and objec-
11 tive leadership and coordination of, and rec-
12 ommendations on, policies designed to—

13 (A) promote economy, efficiency, and effec-
14 tiveness in the administration of the programs
15 and operations described in paragraph (1); and

16 (B) prevent and detect waste, fraud, and
17 abuse in such programs and operations.

18 (3) To provide for an independent and objective
19 means of keeping the Secretary of State, the Sec-

1 retary of Defense, and the Administrator of the
2 United States Agency for International Development
3 fully and currently informed about problems and de-
4 ficiencies relating to the administration of such pro-
5 grams and operations and the necessity for and
6 progress on corrective action.

7 (b) OFFICE OF INSPECTOR GENERAL.—There is
8 hereby established the Office of the Special Inspector Gen-
9 eral for Overseas Contingency Operations to carry out the
10 purposes of subsection (a).

11 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-
12 MOVAL.—

13 (1) APPOINTMENT.—The head of the Office of
14 the Special Inspector General for Overseas Continen-
15 gency Operations is the Special Inspector General
16 for Overseas Contingency Operations, who shall be
17 appointed by the President, by and with the advice
18 and consent of the Senate.

19 (2) QUALIFICATIONS.—The appointment of the
20 Special Inspector General shall be made without re-
21 gard to political affiliation and solely on the basis of
22 integrity and demonstrated ability in accounting, au-
23 diting, financial analysis, law, management analysis,
24 public administration, or investigations.

1 (3) DEADLINE FOR NOMINATION.—The nomi-
2 nation of an individual as Special Inspector General
3 shall be made not later than 30 days after the date
4 of the enactment of this Act.

5 (4) COMPENSATION.—The annual rate of basic
6 pay of the Special Inspector General shall be the an-
7 nual rate of basic pay provided for an Inspector
8 General under section 3(e) of the Inspector General
9 Act of 1978 (5 U.S.C. App.).

10 (5) PROHIBITION ON POLITICAL ACTIVITIES.—
11 For purposes of section 7324 of title 5, United
12 States Code, the Special Inspector General shall not
13 be considered an employee who determines policies
14 to be pursued by the United States in the nation-
15 wide administration of Federal law.

16 (6) REMOVAL.—The Special Inspector General
17 shall be removable from office in accordance with
18 the provisions of section 3(b) of the Inspector Gen-
19 eral Act of 1978 (5 U.S.C. App.).

20 (d) ASSISTANT INSPECTORS GENERAL.—The Special
21 Inspector General shall, in accordance with applicable laws
22 and regulations governing the civil service—

23 (1) appoint an Assistant Special Inspector Gen-
24 eral for Auditing who shall have the responsibility
25 for supervising the performance of auditing activities

1 relating to programs and operations supported by
2 amounts appropriated or otherwise made available
3 for overseas contingency operations; and

4 (2) appoint an Assistant Special Inspector Gen-
5 eral for Investigations who shall have the responsi-
6 bility for supervising the performance of investiga-
7 tive activities relating to such programs and oper-
8 ations.

9 (e) SUPERVISION.—

10 (1) IN GENERAL.—Except as provided in para-
11 graph (2), the Special Inspector General shall report
12 directly to, and be under the general supervision of,
13 the Secretary of State and the Secretary of Defense.

14 (2) INDEPENDENCE TO CONDUCT INVESTIGA-
15 TIONS AND AUDITS.—An officer of the Department
16 of Defense or the Department of State may not pre-
17 vent or prohibit the Special Inspector General from
18 initiating, carrying out, or completing any audit or
19 investigation related to amounts appropriated or
20 otherwise made available for overseas contingency
21 operations or from issuing any subpoena during the
22 course of any such audit or investigation.

23 (f) DUTIES.—

24 (1) OVERSIGHT OF OVERSEAS CONTINGENCY
25 OPERATIONS.—It shall be the duty of the Special In-

1 spector General to conduct, supervise, and coordi-
2 nate audits and investigations of the treatment, han-
3 dling, and expenditure of amounts appropriated or
4 otherwise made available for overseas contingency
5 operations, and of the programs, operations, and
6 contracts carried out utilizing such funds, including
7 the following:

8 (A) The oversight and accounting of the
9 obligation and expenditure of such funds.

10 (B) The monitoring and review of overseas
11 contingency operation activities funded by such
12 funds.

13 (C) The monitoring and review of con-
14 tracts funded by such funds.

15 (D) The monitoring and review of the
16 transfer of such funds and associated informa-
17 tion between and among departments, agencies,
18 and entities of the United States and private
19 and nongovernmental entities.

20 (E) The maintenance of records on the use
21 of such funds to facilitate future audits and in-
22 vestigations of the use of such funds.

23 (F) The investigation of overpayments
24 such as duplicate payments or duplicate billing
25 and any potential unethical or illegal actions of

1 Federal employees, contractors, or affiliated en-
2 tities and the referral of such reports, as nec-
3 essary, to the Department of Justice to ensure
4 further investigations, prosecutions, recovery of
5 further funds, or other remedies.

6 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

7 The Special Inspector General shall establish, main-
8 tain, and oversee such systems, procedures, and con-
9 trols as the Special Inspector General considers ap-
10 propriate to discharge the duties under paragraph
11 (1).

12 (3) OVERSIGHT IN RESPONSE TO EMER-
13 GENCIES, DESTABILIZATION, ARMED CONFLICT OR
14 OTHER CIRCUMSTANCES.—

15 (A) AUDIT AND INVESTIGATIVE AUTHOR-
16 ITY.—The Special Inspector General shall, in
17 addition to the other responsibilities and au-
18 thorities of the Special Inspector General under
19 this section, conduct, supervise, and coordinate
20 audits and investigations of the treatment, han-
21 dling, and expenditure of amounts appropriated
22 or otherwise made available for the activities
23 described in subparagraph (B), and of the pro-
24 grams, operations, and contracts carried out
25 utilizing such funds (including the oversight

1 and accounting of the obligation and expendi-
2 ture of such funds).

3 (B) ACTIVITIES DESCRIBED.—The activi-
4 ties described in this paragraph are activities
5 funded or undertaken, outside of the United
6 States, by the Department of Defense and ei-
7 ther the Department of State or the United
8 States Agency for International Development—

9 (i) to build or rebuild physical infra-
10 structure;

11 (ii) to establish, reestablish, strength-
12 en, or otherwise provide for a political, se-
13 curity, or societal institution;

14 (iii) to provide products or services to
15 the people of a foreign country;

16 (iv) in response to emergencies, destabi-
17 lization, armed conflict, or circumstances
18 otherwise necessitating stabilization or re-
19 construction operations; or

20 (v) where a rapid response by the
21 United States is required or anticipated to
22 be required.

23 (4) DUTIES AND RESPONSIBILITIES UNDER
24 THE INSPECTOR GENERAL ACT OF 1978.—In addition
25 to the duties specified in paragraphs (1), (2), and

1 (3) the Special Inspector General shall also have the
2 duties and responsibilities of inspectors general
3 under the Inspector General Act of 1978.

4 (5) COORDINATION OF EFFORTS.—In carrying
5 out the duties, responsibilities, and authorities of the
6 Special Inspector General under this section, the
7 Special Inspector General shall coordinate with, and
8 receive the cooperation of each of the following:

9 (A) The Inspector General of the Depart-
10 ment of Defense.

11 (B) The Inspector General of the Depart-
12 ment of State.

13 (C) The Inspector General of the United
14 States Agency for International Development.

15 (g) POWERS AND AUTHORITIES.—

16 (1) AUTHORITIES UNDER THE INSPECTOR GEN-
17 ERAL ACT OF 1978.—In carrying out the duties spec-
18 ified in subsection (f), the Special Inspector General
19 shall have the authorities provided in section 6 of
20 the Inspector General Act of 1978.

21 (2) AUDIT STANDARDS.—The Special Inspector
22 General shall carry out the duties specified in sub-
23 section (f)(1) in accordance with section 4(b)(1) of
24 the Inspector General Act of 1978.

1 (h) PERSONNEL, FACILITIES, AND OTHER RE-
2 SOURCES.—

3 (1) PERSONNEL.—

4 (A) IN GENERAL.—The Special Inspector
5 General may select, appoint, and employ such
6 officers and employees as may be necessary for
7 carrying out the duties of the Special Inspector
8 General, subject to the provisions of title 5,
9 United States Code, governing appointments in
10 the competitive service, and the provisions of
11 chapter 51 and subchapter III of chapter 53 of
12 such title, relating to classification and General
13 Schedule pay rates. The Special Inspector Gen-
14 eral shall reduce the number of officers and em-
15 ployees after the conclusion of a contingency
16 operation if the Special Inspector General de-
17 termines such officers and employees are no
18 longer necessary for carrying out the duties of
19 the Special Inspector General.

20 (B) ADDITIONAL PERSONNEL AUTHOR-
21 ITY.—

22 (i) IN GENERAL.—Subject to clause
23 (ii), the Special Inspector General may ex-
24 ercise the authorities of subsections (b)
25 through (i) of section 3161 of title 5,

1 United States Code (to the same extent
2 and in the same manner as an organiza-
3 tion described under subsection (a) of that
4 section).

5 (ii) PERIODS OF APPOINTMENT.—In
6 exercising the employment authorities
7 under subsection (b) of section 3161 of
8 title 5, United States Code, as provided
9 under clause (i) of this subparagraph,
10 paragraph (2) of such subsection (b) (re-
11 lating to periods of appointments) shall not
12 apply.

13 (2) REEMPLOYMENT AUTHORITIES.—The provi-
14 sions of section 9902(g) of title 5, United States
15 Code, shall apply with respect to the Office of the
16 Special Inspector General for Overseas Contingency
17 Operations. For purposes of the preceding sentence,
18 such provisions shall be applied—

19 (A) by substituting “the Office of the Spe-
20 cial Inspector General for Overseas Contingency
21 Operations” for “the Department of Defense”
22 each place it appears;

23 (B) by substituting “Contingency Oper-
24 ation and Emergency Oversight Act of 2011”
25 for “the National Defense Authorization Act for

1 Fiscal Year 2004 (Public Law 108–136)” in
2 paragraph (2)(A) thereof; and

3 (C) by substituting “the Special Inspector
4 General for Overseas Contingency Operations”
5 for “the Secretary” in paragraph (4) thereof.

6 (3) EMPLOYMENT OF EXPERTS AND CONSULT-
7 ANTS.—The Special Inspector General may obtain
8 services as authorized by section 3109 of title 5,
9 United States Code, at daily rates not to exceed the
10 equivalent rate prescribed for grade GS–15 of the
11 General Schedule by section 5332 of such title.

12 (4) CONTRACTING AUTHORITY.—To the extent
13 and in such amounts as may be provided in advance
14 by appropriations Acts, the Special Inspector Gen-
15 eral may enter into contracts and other arrange-
16 ments for audits, studies, analyses, and other serv-
17 ices with public agencies and with private persons,
18 and make such payments as may be necessary to
19 carry out the duties of the Special Inspector Gen-
20 eral.

21 (5) RESOURCES.—The Secretary of State, the
22 Secretary of Defense, or the Administrator of the
23 United States Agency for International Develop-
24 ment, as appropriate, shall provide the Special In-
25 spector General with appropriate and adequate office

1 space at appropriate locations of the Department of
2 State, the Department of Defense, or the United
3 States Agency for International Development, as the
4 case may be, together with such equipment, office
5 supplies, and communications facilities and services
6 as may be necessary for the operation of such of-
7 fices, and shall provide necessary maintenance serv-
8 ices for such offices and the equipment and facilities
9 located therein.

10 (6) ASSISTANCE FROM FEDERAL AGENCIES.—

11 (A) IN GENERAL.—Upon request of the
12 Special Inspector General for information or as-
13 sistance from any department, agency, or other
14 entity of the Federal Government, the head of
15 such entity shall, insofar as is practicable and
16 not in contravention of any existing law, furnish
17 such information or assistance to the Special
18 Inspector General.

19 (B) REPORTING OF REFUSED ASSIST-
20 ANCE.—Whenever information or assistance re-
21 quested by the Special Inspector General is, in
22 the judgment of the Special Inspector General,
23 unreasonably refused or not provided, the Spe-
24 cial Inspector General shall report the cir-
25 cumstances to the Secretary of State, the Sec-

1 retary of Defense, or the Administrator of the
2 United States Agency for International Devel-
3 opment, as appropriate, and to the appropriate
4 congressional committees without delay.

5 (i) REPORTS.—

6 (1) QUARTERLY REPORTS DURING OVERSEAS
7 CONTINGENCY OPERATIONS.—During overseas con-
8 tingency operations, not later than 30 days after the
9 end of each fiscal-year quarter, the Special Inspector
10 General shall submit to the appropriate congress-
11 sional committees a report summarizing, for the pe-
12 riod of that quarter and, to the extent possible, the
13 period from the end of such quarter to the time of
14 the submission of the report, the activities during
15 such period of the Special Inspector General and the
16 activities under programs and operations funded
17 with amounts appropriated or otherwise made avail-
18 able for the relevant overseas contingency operation.
19 Each report shall include, for the period covered by
20 such report, a detailed statement of all obligations,
21 expenditures, and revenues associated with the rel-
22 evant overseas contingency operation, including the
23 following:

24 (A) Obligations and expenditures of appro-
25 priated funds.

1 (B) A project-by-project and program-by-
2 program accounting of the costs incurred to
3 date for overseas contingency operations, to-
4 gether with the estimate of the Department of
5 Defense, the Department of State, and the
6 United States Agency for International Devel-
7 opment, as applicable, of the costs to complete
8 each project and each program.

9 (C) Revenues attributable to or consisting
10 of funds provided by foreign nations or inter-
11 national organizations to programs and projects
12 funded by any department or agency of the
13 United States Government, and any obligations
14 or expenditures of such revenues.

15 (D) Revenues attributable to or consisting
16 of foreign assets seized or frozen that con-
17 tribute to programs and projects funded by any
18 department or agency of the United States Gov-
19 ernment, and any obligations or expenditures of
20 such revenues.

21 (E) Operating expenses of agencies or enti-
22 ties receiving amounts appropriated or other-
23 wise made available for contingency contracting.

1 (F) In the case of any contract, grant,
2 agreement, or other funding mechanism de-
3 scribed in paragraph (3)—

4 (i) the amount of the contract, grant,
5 agreement, or other funding mechanism;

6 (ii) a brief discussion of the scope of
7 the contract, grant, agreement, or other
8 funding mechanism;

9 (iii) a discussion of how the depart-
10 ment or agency of the United States Gov-
11 ernment involved in the contract, grant,
12 agreement, or other funding mechanism
13 identified, and solicited offers from, poten-
14 tial individuals or entities to perform the
15 contract, grant, agreement, or other fund-
16 ing mechanism, together with a list of the
17 potential individuals or entities that were
18 issued solicitations for the offers; and

19 (iv) the justification and approval doc-
20 uments on which was based the determina-
21 tion to use procedures other than proce-
22 dures that provide for full and open com-
23 petition.

24 (2) ANNUAL REPORTS DURING NON-CONTIN-
25 GENCIES.—During periods in which the United

1 States is not engaged in overseas contingency oper-
2 ations, not later than 30 days after the end of each
3 fiscal year, the Special Inspector General shall sub-
4 mit to the appropriate congressional committees a
5 report summarizing, for the period of that year and,
6 to the extent possible, the period from the end of
7 such year to the time of the submission of the re-
8 port, activities during such period of the Special In-
9 spector General and the activities under programs
10 and operations funded with amounts appropriated or
11 otherwise made available for planning of overseas
12 contingency operations. Each report shall include,
13 for the period covered by such report, a detailed
14 statement of all obligations, expenditures, and reve-
15 nues associated with planning of overseas contin-
16 gency operations, including those obligations, ex-
17 penditures, and revenues listed in subparagraphs (A)
18 through (E) of paragraph (1).

19 (3) COVERED CONTRACTS, GRANTS, AGREE-
20 MENTS, AND FUNDING MECHANISMS.—A contract,
21 grant, agreement, or other funding mechanism de-
22 scribed in this paragraph is any major contract,
23 grant, agreement, or other funding mechanism that
24 is entered into by any department or agency of the
25 United States Government that involves the use of

1 amounts appropriated or otherwise made available
2 for overseas contingency operations.

3 (4) PUBLIC AVAILABILITY.—The Special In-
4 spector General shall publish on a publically avail-
5 able website each report under paragraph (1) of this
6 subsection.

7 (5) FORM.—Each report required under this
8 subsection shall be submitted in unclassified form,
9 but may include a classified annex if the Special In-
10 spector General considers it necessary.

11 (6) RULE OF CONSTRUCTION.—Nothing in this
12 subsection shall be construed to authorize the public
13 disclosure of information that is—

14 (A) specifically prohibited from disclosure
15 by any other provision of law;

16 (B) specifically required by Executive order
17 to be protected from disclosure in the interest
18 of national defense or national security or in
19 the conduct of foreign affairs; or

20 (C) a part of an ongoing criminal inves-
21 tigation.

22 (j) REPORT COORDINATION.—

23 (1) SUBMISSION TO SECRETARIES OF STATE
24 AND DEFENSE AND THE ADMINISTRATOR OF THE
25 UNITED STATES AGENCY FOR INTERNATIONAL DE-

1 VELOPMENT.—The Special Inspector General shall
2 also submit each report required under subsection
3 (i) to the Secretary of State, the Secretary of De-
4 fense, and the Administrator of the United States
5 Agency for International Development.

6 (2) SUBMISSION TO CONGRESS.—Not later than
7 30 days after receipt of a report under paragraph
8 (1), the Secretary of State, the Secretary of Defense,
9 or the Administrator of the United States Agency
10 for International Development may submit to the
11 appropriate congressional committees any comments
12 on the matters covered by the report as the Sec-
13 retary of State, the Secretary of Defense, or the Ad-
14 ministrator of the United States Agency for Inter-
15 national Development, as the case may be, considers
16 appropriate. Any comments on the matters covered
17 by the report shall be submitted in unclassified form,
18 but may include a classified annex if the Secretary
19 of State, the Secretary of Defense, or the Adminis-
20 trator of the United States Agency for International
21 Development, as the case may be, considers it nec-
22 essary.

23 (k) TRANSPARENCY.—

24 (1) REPORT.—Not later than 60 days after
25 submission to the appropriate congressional commit-

1 tees of a report under subsection (i), the Secretary
2 of State, the Secretary of Defense, and the Adminis-
3 trator of the United States Agency for International
4 Development shall jointly make copies of the report
5 available to the public upon request, and at a rea-
6 sonable cost.

7 (2) COMMENTS ON MATTERS COVERED BY RE-
8 PORT.—Not later than 60 days after submission to
9 the appropriate congressional committees under sub-
10 section (j)(2) of comments on a report under sub-
11 section (i), the Secretary of State, the Secretary of
12 Defense, and the Administrator of the United States
13 Agency for International Development shall jointly
14 make copies of the comments available to the public
15 and at a reasonable cost.

16 (1) WAIVER.—

17 (1) AUTHORITY.—The President may waive the
18 requirement under paragraph (1) or (2) of sub-
19 section (k) with respect to availability to the public
20 of any element in a report under subsection (i), or
21 any comment under subsection (j)(2), if the Presi-
22 dent determines that the waiver is justified for na-
23 tional security reasons.

24 (2) NOTICE OF WAIVER.—The President shall
25 publish a notice of each waiver made under this sub-

1 section in the Federal Register no later than the
2 date on which a report required under subsection (i),
3 or any comment under subsection (j)(2), is sub-
4 mitted to the appropriate congressional committees.
5 The report and comments shall specify whether
6 waivers under this subsection were made and with
7 respect to which elements in the report or which
8 comments, as appropriate.

9 (m) CENTER ON CONTINGENCY CONTRACTING.—

10 (1) ESTABLISHMENT.—The Special Inspector
11 General shall establish in the Office of the Special
12 Inspector General for Overseas Contingency Oper-
13 ations the “Center on Contingency Contracting” (in
14 this subsection referred to as the “Center”) to carry
15 out the following activities:

16 (A) Creating and maintaining a resource
17 center and archive consisting of the findings of
18 the Commission on Wartime Contracting, re-
19 ports issued by the Special Inspector General
20 for Iraq Reconstruction or the Special Inspector
21 General for Afghanistan Reconstruction, reports
22 issued by other Inspectors General on matters
23 relating to contingency contracting for activities
24 relating to the wars in Iraq and Afghanistan,
25 and reports of committees of Congress on con-

1 tingency contracting for activities relating to
2 the wars in Iraq and Afghanistan.

3 (B) Holding symposia and other events for
4 the discussion of issues on contingency con-
5 tracting for activities relating to the wars in
6 Iraq and Afghanistan.

7 (C) Serving as a center to support con-
8 tinuing scholarship on the oversight of wartime
9 contracting.

10 (2) ADMINISTRATION.—The Special Inspector
11 General shall provide for the administration of the
12 Center in such manner as the Special Inspector Gen-
13 eral considers appropriate, including the appoint-
14 ment of staff and the allocation of resources of the
15 Office of the Special Inspector General for Overseas
16 Contingency Operations to support the Center’s ac-
17 tivities.

18 (n) TERMINATION OF OTHER OFFICES OF SPECIAL
19 INSPECTORS GENERAL.—

20 (1) IN GENERAL.—

21 (A) TERMINATION OF THE OFFICE OF THE
22 SPECIAL INSPECTOR GENERAL FOR IRAQ RE-
23 CONSTRUCTION.—Notwithstanding any other
24 law, not later than September 30, 2012, the Of-
25 fice of the Special Inspector General for Iraq

1 Reconstruction shall terminate, and the assets
2 and obligations of such Office shall be trans-
3 ferred to the Office of the Special Inspector
4 General for Overseas Contingency Operations
5 or otherwise disposed of.

6 (B) TERMINATION OF THE OFFICE OF THE
7 SPECIAL INSPECTOR GENERAL FOR AFGHANI-
8 STAN RECONSTRUCTION.—Notwithstanding any
9 other law, not later than February 28, 2013,
10 the Office of the Special Inspector General for
11 Afghanistan Reconstruction shall terminate,
12 and the assets and obligations of such Office
13 shall be transferred to the Office of the Special
14 Inspector General for Overseas Contingency
15 Operations or otherwise disposed of.

16 (C) AUTHORITY AND RESPONSIBILITY FOR
17 TRANSFER OR DISPOSAL.—The Secretary of
18 Defense, in consultation with the Secretary of
19 State and the Administrator of the United
20 States Agency for International Development
21 Authority, shall have the authority and respon-
22 sibility for transfer or disposal under subpara-
23 graphs (A) and (B).

24 (2) SAVINGS PROVISIONS.—

1 (A) CONTINUING EFFECT OF LEGAL DOCU-
2 MENTS.—All orders, determinations, rules, reg-
3 ulations permits, agreements, grants, contracts,
4 certificates, licenses, registration, privileges,
5 and other administrative actions—

6 (i) which have been issued, made,
7 granted, or allowed to become effective by
8 the President, any Federal agency or offi-
9 cial thereof, or by a court of competent ju-
10 risdiction, in the performance of functions
11 which are transferred under this section,
12 and

13 (ii) which are in effect on the relevant
14 transfer date, or were final before the rel-
15 evant transfer date and are to become ef-
16 fective on or after the relevant transfer
17 date, shall continue in effect according to
18 their terms until modified, terminated, su-
19 perseded, set arise, or revoked in accord-
20 ance with law by the President, the Inspec-
21 tor General or other authorized official, a
22 court of competent jurisdiction, or by oper-
23 ation of law.

24 (B) PERFORMANCE NOT AFFECTED.—The
25 provisions of this section shall not affect the

1 performance of any pending audit, investiga-
2 tion, inspection, or report by the Office of the
3 Special Inspector General for Iraq Reconstruc-
4 tion or the Office of the Special Inspector Gen-
5 eral for Afghanistan Reconstruction on the rel-
6 evant transfer date, with respect to functions
7 transferred by this section. Nothing in this
8 paragraph shall be deemed to prohibit the dis-
9 continuance or modification of any performance
10 under the same terms and conditions and to the
11 same extent that such performance could have
12 been discontinued or modified if this section
13 had not been enacted.

14 (C) SUITS NOT AFFECTED.—The provi-
15 sions of this section shall not affect suits com-
16 menced before the relevant transfer date, and in
17 all such suits, proceedings shall be had, appeals
18 taken, and judgments rendered in the same
19 manner and with the same effect as if this sec-
20 tion had not been enacted.

21 (D) NONABATEMENT OF ACTIONS.—A
22 suit, action, or other proceeding commenced by
23 or against the Office of the Special Inspector
24 General for Iraq Reconstruction or the Office of
25 the Special Inspector General for Afghanistan

1 Reconstruction, or by or against any individual
2 as an officer of the Office of the Special Inspec-
3 tor General for Iraq Reconstruction or the Of-
4 fice of the Special Inspector General for Af-
5 ghanistan Reconstruction, shall not abate by
6 reason of the enactment of this section.

7 (3) DISPOSAL OF PROPERTY.—

8 (A) STRICT COMPLIANCE.—The Secretary
9 of Defense shall carry out the disposal of any
10 real property pursuant to this subsection in
11 compliance with applicable law, including sec-
12 tion 572 of title 40, United States Code.

13 (B) DEPOSIT OF PROCEEDS.—The Sec-
14 retary of Defense shall deposit the proceeds of
15 any disposal of real property pursuant to this
16 subsection into the miscellaneous receipts of the
17 Treasury in accordance with section 3302(b) of
18 title 31, United States Code.

19 (c) DEFINITIONS.—In this section:

20 (1) APPROPRIATE CONGRESSIONAL COMMIT-
21 TEES.—The term “appropriate congressional com-
22 mittees” means the following:

23 (A) The Committee on Appropriations, the
24 Committee on Armed Services, the Committee
25 on Foreign Relations, and the Committee on

1 Homeland Security and Governmental Affairs
2 of the Senate.

3 (B) The Committee on Appropriations, the
4 Committee on Armed Services, the Committee
5 on Foreign Affairs, and the Committee on
6 Oversight and Government Reform of the
7 House of Representatives.

8 (2) CONTINGENCY CONTRACTING.—The term
9 “contingency contracting” means all stages of the
10 process of the Federal Government of acquiring
11 property or services during a contingency operation.

12 (3) CONTINGENCY OPERATION.—The term
13 “contingency operation” has the meaning given that
14 term in section 101 of title 10, United States Code.

15 (4) OVERSEAS CONTINGENCY OPERATION.—The
16 term “overseas contingency operation” means a con-
17 tingency operation that is outside of the United
18 States.

19 (5) RELEVANT TRANSFER DATE.—The term
20 “relevant transfer date” means—

21 (A) September 30, 2012, with regard to
22 the Office of the Special Inspector General for
23 Iraq Reconstruction; and

1 (B) February 28, 2013, with regard to the
2 Office of the Special Inspector General for Af-
3 ghanistan Reconstruction.

4 (6) SPECIAL INSPECTOR GENERAL.—The term
5 “Special Inspector General” means the Special In-
6 spector General for Overseas Contingency Oper-
7 ations appointed under subsection (c).

8 (p) AUTHORIZATION OF APPROPRIATIONS.—To carry
9 out this section, there are authorized to be appropriated
10 \$21,000,000 for fiscal year 2012, and such sums as may
11 be necessary for each fiscal year thereafter.

