

112TH CONGRESS
1ST SESSION

H. R. 2880

To establish the Office of the Special Inspector General for Overseas
Contingency Operations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 2011

Mr. TIERNEY (for himself, Mr. HONDA, Mr. CUMMINGS, Mr. WELCH, Mr. LYNCH, Mr. QUIGLEY, Mr. KUCINICH, Mr. CARNAHAN, Mr. MCGOVERN, Ms. LEE of California, Mr. JOHNSON of Georgia, Mr. GARAMENDI, Mr. MARKEY, Ms. PINGREE of Maine, and Ms. WOOLSEY) introduced the following bill; which was referred to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish the Office of the Special Inspector General
for Overseas 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.**

4 This Act may be cited as the “Contingency Operation
5 and Emergency Oversight Act of 2011”.

1 **SEC. 2. 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-
20 retary of Defense, and the Administrator of the
21 United States Agency for International Development
22 fully and currently informed about problems and de-
23 ficiencies relating to the administration of such pro-
24 grams and operations and the necessity for and
25 progress on corrective action.

1 (b) OFFICE OF INSPECTOR GENERAL.—There is
2 hereby established the Office of the Special Inspector Gen-
3 eral for Overseas Contingency Operations to carry out the
4 purposes of subsection (a).

5 (c) APPOINTMENT OF INSPECTOR GENERAL; RE-
6 MOVAL.—

7 (1) APPOINTMENT.—The head of the Office of
8 the Special Inspector General for Overseas Contingency
9 Operations is the Special Inspector General
10 for Overseas Contingency Operations, who shall be
11 appointed by the President, by and with the advice
12 and consent of the Senate.

13 (2) QUALIFICATIONS.—The appointment of the
14 Special Inspector General shall be made without re-
15 gard to political affiliation and solely on the basis of
16 integrity and demonstrated ability in accounting, au-
17 diting, financial analysis, law, management analysis,
18 public administration, or investigations.

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

23 (4) COMPENSATION.—The annual rate of basic
24 pay of the Special Inspector General shall be the an-
25 nual rate of basic pay provided for an Inspector

1 General under section 3(e) of the Inspector General
2 Act of 1978 (5 U.S.C. App.).

3 (5) PROHIBITION ON POLITICAL ACTIVITIES.—
4 For purposes of section 7324 of title 5, United
5 States Code, the Special Inspector General shall not
6 be considered an employee who determines policies
7 to be pursued by the United States in the nation-
8 wide administration of Federal law.

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

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

16 (1) appoint an Assistant Special Inspector Gen-
17 eral for Auditing who shall have the responsibility
18 for supervising the performance of auditing activities
19 relating to programs and operations supported by
20 amounts appropriated or otherwise made available
21 for overseas contingency operations; and

22 (2) appoint an Assistant Special Inspector Gen-
23 eral for Investigations who shall have the responsi-
24 bility for supervising the performance of investiga-

1 tive activities relating to such programs and oper-
2 ations.

3 (e) SUPERVISION.—

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

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

17 (f) DUTIES.—

18 (1) OVERSIGHT OF OVERSEAS CONTINGENCY
19 OPERATIONS.—It shall be the duty of the Special In-
20 spector General to conduct, supervise, and coordi-
21 nate audits and investigations of the treatment, han-
22 dling, and expenditure of amounts appropriated or
23 otherwise made available for overseas contingency
24 operations, and of the programs, operations, and

1 contracts carried out utilizing such funds, including
2 the following:

3 (A) The oversight and accounting of the
4 obligation and expenditure of such funds.

5 (B) The monitoring and review of overseas
6 contingency operation activities funded by such
7 funds.

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

10 (D) The monitoring and review of the
11 transfer of such funds and associated informa-
12 tion between and among departments, agencies,
13 and entities of the United States and private
14 and nongovernmental entities.

15 (E) The maintenance of records on the use
16 of such funds to facilitate future audits and in-
17 vestigations of the use of such funds.

18 (F) The investigation of overpayments
19 such as duplicate payments or duplicate billing
20 and any potential unethical or illegal actions of
21 Federal employees, contractors, or affiliated en-
22 tities and the referral of such reports, as nec-
23 essary, to the Department of Justice to ensure
24 further investigations, prosecutions, recovery of
25 further funds, or other remedies.

1 (2) OTHER DUTIES RELATED TO OVERSIGHT.—

2 The Special Inspector General shall establish, main-
3 tain, and oversee such systems, procedures, and con-
4 trols as the Special Inspector General considers ap-
5 propriate to discharge the duties under paragraph
6 (1).

7 (3) OVERSIGHT IN RESPONSE TO EMER-
8 GENCIES, DESTABILIZATION, ARMED CONFLICT OR
9 OTHER CIRCUMSTANCES.—

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

23 (B) ACTIVITIES DESCRIBED.—The activi-
24 ties described in this paragraph are activities
25 funded or undertaken, outside of the United

1 States, by the Department of Defense and ei-
2 ther the Department of State or the United
3 States Agency for International Development—

4 (i) to build or rebuild physical infra-
5 structure;

6 (ii) to establish, reestablish, strength-
7 en, or otherwise provide for a political, se-
8 curity, or societal institution;

9 (iii) to provide products or services to
10 the people of a foreign country;

11 (iv) in response to emergencies, desta-
12 bilization, armed conflict, or circumstances
13 otherwise necessitating stabilization or re-
14 construction operations; or

15 (v) where a rapid response by the
16 United States is required or anticipated to
17 be required.

18 (4) DUTIES AND RESPONSIBILITIES UNDER
19 THE INSPECTOR GENERAL ACT OF 1978.—In addition
20 to the duties specified in paragraphs (1), (2), and
21 (3) the Special Inspector General shall also have the
22 duties and responsibilities of inspectors general
23 under the Inspector General Act of 1978.

24 (5) COORDINATION OF EFFORTS.—In carrying
25 out the duties, responsibilities, and authorities of the

1 Special Inspector General under this section, the
2 Special Inspector General shall coordinate with, and
3 receive the cooperation of each of the following:

4 (A) The Inspector General of the Depart-
5 ment of Defense.

6 (B) The Inspector General of the Depart-
7 ment of State.

8 (C) The Inspector General of the United
9 States Agency for International Development.

10 (g) POWERS AND AUTHORITIES.—

11 (1) AUTHORITIES UNDER THE INSPECTOR GEN-
12 ERAL ACT OF 1978.—In carrying out the duties spec-
13 ified in subsection (f), the Special Inspector General
14 shall have the authorities provided in section 6 of
15 the Inspector General Act of 1978.

16 (2) AUDIT STANDARDS.—The Special Inspector
17 General shall carry out the duties specified in sub-
18 section (f)(1) in accordance with section 4(b)(1) of
19 the Inspector General Act of 1978.

20 (h) PERSONNEL, FACILITIES, AND OTHER RE-
21 SOURCES.—

22 (1) PERSONNEL.—

23 (A) IN GENERAL.—The Special Inspector
24 General may select, appoint, and employ such
25 officers and employees as may be necessary for

1 carrying out the duties of the Special Inspector
2 General, subject to the provisions of title 5,
3 United States Code, governing appointments in
4 the competitive service, and the provisions of
5 chapter 51 and subchapter III of chapter 53 of
6 such title, relating to classification and General
7 Schedule pay rates. The Special Inspector Gen-
8 eral shall reduce the number of officers and em-
9 ployees after the conclusion of a contingency
10 operation if the Special Inspector General de-
11 termines such officers and employees are no
12 longer necessary for carrying out the duties of
13 the Special Inspector General.

14 (B) ADDITIONAL PERSONNEL AUTHOR-
15 ITY.—

16 (i) IN GENERAL.—Subject to clause
17 (ii), the Special Inspector General may ex-
18 ercise the authorities of subsections (b)
19 through (i) of section 3161 of title 5,
20 United States Code (to the same extent
21 and in the same manner as an organiza-
22 tion described under subsection (a) of that
23 section).

24 (ii) PERIODS OF APPOINTMENT.—In
25 exercising the employment authorities

1 under subsection (b) of section 3161 of
2 title 5, United States Code, as provided
3 under clause (i) of this subparagraph,
4 paragraph (2) of such subsection (b) (re-
5 lating to periods of appointments) shall not
6 apply.

7 (2) REEMPLOYMENT AUTHORITIES.—The provi-
8 sions of section 9902(g) of title 5, United States
9 Code, shall apply with respect to the Office of the
10 Special Inspector General for Overseas Contingency
11 Operations. For purposes of the preceding sentence,
12 such provisions shall be applied—

13 (A) by substituting “the Office of the Spe-
14 cial Inspector General for Overseas Contingency
15 Operations” for “the Department of Defense”
16 each place it appears;

17 (B) by substituting “Contingency Oper-
18 ation and Emergency Oversight Act of 2011”
19 for “the National Defense Authorization Act for
20 Fiscal Year 2004 (Public Law 108–136)” in
21 paragraph (2)(A) thereof; and

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

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

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

16 (5) RESOURCES.—The Secretary of State, the
17 Secretary of Defense, or the Administrator of the
18 United States Agency for International Develop-
19 ment, as appropriate, shall provide the Special In-
20 spector General with appropriate and adequate office
21 space at appropriate locations of the Department of
22 State, the Department of Defense, or the United
23 States Agency for International Development, as the
24 case may be, together with such equipment, office
25 supplies, and communications facilities and services

1 as may be necessary for the operation of such of-
2 fices, and shall provide necessary maintenance serv-
3 ices for such offices and the equipment and facilities
4 located therein.

5 (6) ASSISTANCE FROM FEDERAL AGENCIES.—

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

14 (B) REPORTING OF REFUSED ASSIST-
15 ANCE.—Whenever information or assistance re-
16 quested by the Special Inspector General is, in
17 the judgment of the Special Inspector General,
18 unreasonably refused or not provided, the Spe-
19 cial Inspector General shall report the cir-
20 cumstances to the Secretary of State, the Sec-
21 retary of Defense, or the Administrator of the
22 United States Agency for International Devel-
23 opment, as appropriate, and to the appropriate
24 congressional committees without delay.

25 (i) REPORTS.—

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

19 (A) Obligations and expenditures of appro-
20 priated funds.

21 (B) A project-by-project and program-by-
22 program accounting of the costs incurred to
23 date for overseas contingency operations, to-
24 gether with the estimate of the Department of
25 Defense, the Department of State, and the

1 United States Agency for International Devel-
2 opment, as applicable, of the costs to complete
3 each project and each program.

4 (C) Revenues attributable to or consisting
5 of funds provided by foreign nations or inter-
6 national organizations to programs and projects
7 funded by any department or agency of the
8 United States Government, and any obligations
9 or expenditures of such revenues.

10 (D) Revenues attributable to or consisting
11 of foreign assets seized or frozen that con-
12 tribute to programs and projects funded by any
13 department or agency of the United States Gov-
14 ernment, and any obligations or expenditures of
15 such revenues.

16 (E) Operating expenses of agencies or enti-
17 ties receiving amounts appropriated or other-
18 wise made available for contingency contracting.

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

22 (i) the amount of the contract, grant,
23 agreement, or other funding mechanism;

1 (ii) a brief discussion of the scope of
2 the contract, grant, agreement, or other
3 funding mechanism;

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

14 (iv) the justification and approval doc-
15 uments on which was based the determina-
16 tion to use procedures other than proce-
17 dures that provide for full and open com-
18 petition.

19 (2) ANNUAL REPORTS DURING NON-CONTIN-
20 GENCIES.—During periods in which the United
21 States is not engaged in overseas contingency oper-
22 ations, not later than 30 days after the end of each
23 fiscal year, the Special Inspector General shall sub-
24 mit to the appropriate congressional committees a
25 report summarizing, for the period of that year and,

1 to the extent possible, the period from the end of
2 such year to the time of the submission of the re-
3 port, activities during such period of the Special In-
4 spector General and the activities under programs
5 and operations funded with amounts appropriated or
6 otherwise made available for planning of overseas
7 contingency operations. Each report shall include,
8 for the period covered by such report, a detailed
9 statement of all obligations, expenditures, and reve-
10 nues associated with planning of overseas contin-
11 gency operations, including those obligations, ex-
12 penditures, and revenues listed in subparagraphs (A)
13 through (E) of paragraph (1).

14 (3) COVERED CONTRACTS, GRANTS, AGREE-
15 MENTS, AND FUNDING MECHANISMS.—A contract,
16 grant, agreement, or other funding mechanism de-
17 scribed in this paragraph is any major contract,
18 grant, agreement, or other funding mechanism that
19 is entered into by any department or agency of the
20 United States Government that involves the use of
21 amounts appropriated or otherwise made available
22 for overseas contingency operations.

23 (4) PUBLIC AVAILABILITY.—The Special In-
24 spector General shall publish on a publically avail-

1 able website each report under paragraph (1) of this
2 subsection.

3 (5) FORM.—Each report required under this
4 subsection shall be submitted in unclassified form,
5 but may include a classified annex if the Special In-
6 specter General considers it necessary.

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

10 (A) specifically prohibited from disclosure
11 by any other provision of law;

12 (B) specifically required by Executive order
13 to be protected from disclosure in the interest
14 of national defense or national security or in
15 the conduct of foreign affairs; or

16 (C) a part of an ongoing criminal inves-
17 tigation.

18 (j) REPORT COORDINATION.—

19 (1) SUBMISSION TO SECRETARIES OF STATE
20 AND DEFENSE AND THE ADMINISTRATOR OF THE
21 UNITED STATES AGENCY FOR INTERNATIONAL DE-
22 VELOPMENT.—The Special Inspector General shall
23 also submit each report required under subsection
24 (i) to the Secretary of State, the Secretary of De-

1 fense, and the Administrator of the United States
2 Agency for International Development.

3 (2) SUBMISSION TO CONGRESS.—Not later than
4 30 days after receipt of a report under paragraph
5 (1), the Secretary of State, the Secretary of Defense,
6 or the Administrator of the United States Agency
7 for International Development may submit to the
8 appropriate congressional committees any comments
9 on the matters covered by the report as the Sec-
10 retary of State, the Secretary of Defense, or the Ad-
11 ministrator of the United States Agency for Inter-
12 national Development, as the case may be, considers
13 appropriate. Any comments on the matters covered
14 by the report shall be submitted in unclassified form,
15 but may include a classified annex if the Secretary
16 of State, the Secretary of Defense, or the Adminis-
17 trator of the United States Agency for International
18 Development, as the case may be, considers it nec-
19 essary.

20 (k) TRANSPARENCY.—

21 (1) REPORT.—Not later than 60 days after
22 submission to the appropriate congressional commit-
23 tees of a report under subsection (i), the Secretary
24 of State, the Secretary of Defense, and the Adminis-
25 trator of the United States Agency for International

1 Development shall jointly make copies of the report
2 available to the public upon request, and at a rea-
3 sonable cost.

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

13 (l) WAIVER.—

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

21 (2) NOTICE OF WAIVER.—The President shall
22 publish a notice of each waiver made under this sub-
23 section in the Federal Register no later than the
24 date on which a report required under subsection (i),
25 or any comment under subsection (j)(2), is sub-

1 mitted to the appropriate congressional committees.
2 The report and comments shall specify whether
3 waivers under this subsection were made and with
4 respect to which elements in the report or which
5 comments, as appropriate.

6 (m) CENTER ON CONTINGENCY CONTRACTING.—

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

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

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

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

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

16 (n) TERMINATION OF OTHER OFFICES OF SPECIAL
17 INSPECTORS GENERAL.—

18 (1) IN GENERAL.—

19 (A) TERMINATION OF THE OFFICE OF THE
20 SPECIAL INSPECTOR GENERAL FOR IRAQ RE-
21 CONSTRUCTION.—Notwithstanding any other
22 law, not later than September 30, 2012, the Of-
23 fice of the Special Inspector General for Iraq
24 Reconstruction shall terminate, and the assets
25 and obligations of such Office shall be trans-

1 ferred to the Office of the Special Inspector
2 General for Overseas Contingency Operations
3 or otherwise disposed of.

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

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

22 (2) SAVINGS PROVISIONS.—

23 (A) CONTINUING EFFECT OF LEGAL DOCU-
24 MENTS.—All orders, determinations, rules, reg-
25 ulations permits, agreements, grants, contracts,

1 certificates, licenses, registration, privileges,
2 and other administrative actions—

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

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

21 (B) PERFORMANCE NOT AFFECTED.—The
22 provisions of this section shall not affect the
23 performance of any pending audit, investiga-
24 tion, inspection, or report by the Office of the
25 Special Inspector General for Iraq Reconstruc-

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

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

18 (D) NONABATEMENT OF ACTIONS.—A
19 suit, action, or other proceeding commenced by
20 or against the Office of the Special Inspector
21 General for Iraq Reconstruction or the Office of
22 the Special Inspector General for Afghanistan
23 Reconstruction, or by or against any individual
24 as an officer of the Office of the Special Inspec-
25 tor General for Iraq Reconstruction or the Of-

1 fice of the Special Inspector General for Af-
2 ghanistan Reconstruction, shall not abate by
3 reason of the enactment of this section.

4 (3) DISPOSAL OF PROPERTY.—

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

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

16 (o) DEFINITIONS.—In this section:

17 (1) APPROPRIATE CONGRESSIONAL COMMIT-
18 TEES.—The term “appropriate congressional com-
19 mittees” means the following:

20 (A) The Committee on Appropriations, the
21 Committee on Armed Services, the Committee
22 on Foreign Relations, and the Committee on
23 Homeland Security and Governmental Affairs
24 of the Senate.

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

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

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

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

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

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

22 (B) February 28, 2013, with regard to the
23 Office of the Special Inspector General for Af-
24 ghanistan Reconstruction.

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

5 (p) AUTHORIZATION OF APPROPRIATIONS.—To carry
6 out this section, there are authorized to be appropriated
7 \$21,000,000 for fiscal year 2012, and such sums as may
8 be necessary for each fiscal year thereafter.

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