

61. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE
Kirk OF Illinois, OR HIS
DESIGNEE, DEBATABLE FOR 10 MINUTES:

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**AMENDMENT TO H.R. 2647, AS REPORTED
OFFERED BY MR. LARSEN OF WASHINGTON AND
MR. KIRK OF ILLINOIS**

At the end of subtitle B of title VI (page 200, after line 14), add the following new section:

1 **SEC. 619. ADDITIONAL SPECIAL PAYS AND BONUSES AU-**
2 **THORIZED FOR MEMBERS AGREEING TO**
3 **SERVE IN AFGHANISTAN FOR THE DURATION**
4 **OF THE UNITED STATES MISSION.**

5 (a) AUTHORITY TO DEVELOP DEMONSTRATION PRO-
6 GRAM.—Notwithstanding the limitations specified in sub-
7 section (b) of section 352 of title 37, United States Code,
8 on the maximum amount of assignment or special duty
9 pay that may be paid to a member of the Armed Forces
10 under such section, the Secretary of Defense may develop
11 a program to provide additional special pays and bonuses
12 to members (particularly members who score a 4.0 on the
13 Foreign Service Institute test for the dominant languages
14 of Pashto and Dari) who agree to serve on active duty
15 in Afghanistan for six years or the duration of the United
16 States mission in Afghanistan, whichever occurs first. The
17 assignment period required by the agreement shall provide
18 for reasonable periods of leave.

1 (b) RELATION TO OTHER AUTHORITIES.—A pro-
2 gram developed under subsection (a) may be provided

3 (1) without regard to the lack of specific au-
4 thority for the program or policy under title 10 or
5 title 37, United States Code; and

6 (2) notwithstanding any provision of such titles,
7 or any rule or regulation prescribed under such pro-
8 vision, relating to methods of—

9 (A) determining requirements for oper-
10 ational assignment stability; and

11 (B) establishing programs to achieve great-
12 er stability when operational requirements so
13 dictate.

14 (c) WAIVER OF OTHERWISE APPLICABLE LAWS.—
15 Except as provided in subsection (a), a provision of title
16 10 or title 37, United States Code, may not be waived
17 with respect to, or otherwise determined to be inapplicable
18 to, a program developed under subsection (a) without the
19 approval of the Secretary of Defense.

20 (d) NOTICE AND WAIT REQUIREMENT.—A program
21 initiated under subsection (a) may not be implemented
22 until—

23 (1) the Secretary of the Defense submits to
24 Congress—

1 (A) a description of the program, including
2 the purpose and the expected benefit to the
3 Government;

4 (B) a description of the provisions of titles
5 10, or 37, United States Code, from which the
6 program would require a waiver, and the ration-
7 ale to support the waiver;

8 (C) a statement of the anticipated out-
9 comes as a result of implementing the program;
10 and

11 (D) the method to be used to evaluate the
12 effectiveness of the program.

13 (e) DURATION OF DEVELOPED PROGRAM.—A pro-
14 gram developed under subsection (a) may be provided for
15 not longer than a three-year period beginning on the im-
16 plementation date, except that the Secretary of Defense
17 may extend the period if the Secretary determines that
18 additional time is needed to fully evaluate the effectiveness
19 of the program.

20 (f) REPORTING REQUIREMENTS.—

21 (1) REPORT.—The Secretary shall submit to
22 Congress an annual report on the program provided
23 under subsection (a) during the preceding year, in-
24 cluding—

1 (A) a description of any programs devel-
2 oped and fielded under subsection (a) during
3 that fiscal year; and

4 (B) an assessment of the impact of the
5 programs on the effectiveness and efficiency in
6 achieving the United States mission in Afghani-
7 stan.

8 (g) TERMINATION OF AUTHORITY.—Subject to sub-
9 section (e), the authority to carry out a program under
10 this section expires on December 31, 2012.

