



FY2009 Spring Supplemental Appropriations for Overseas Contingency Operations

Stephen Daggett, Coordinator
Specialist in Defense Policy and Budgets

Susan B. Epstein, Coordinator
Specialist in Foreign Policy

Curt Tarnoff
Specialist in Foreign Affairs

Rhoda Margesson
Specialist in International Humanitarian Policy

Kennon H. Nakamura
Analyst in Foreign Affairs

K. Alan Kronstadt
Specialist in South Asian Affairs

Sarah A. Lister
Specialist in Public Health and Epidemiology

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Summary

On May 21, by a vote of 86-3, the Senate approved H.R. 2346, a bill providing additional supplemental appropriations for the remainder of FY2009. Earlier, by a vote of 94-1, the Senate approved a cloture motion to end debate on the bill. The bill is now ready to be considered by a House-Senate conference committee. Managers expect votes on a conference agreement shortly after the Memorial Day recess.

Procedurally, on May 19, the Senate took up the House-passed supplemental bill and substituted the text of S. 1054, a version reported by the Senate Appropriations Committee on May 14. As reported and subsequently approved on the floor, the Senate bill includes \$5 billion for loans to the International Monetary Fund that was not part of the pending supplemental request, but that has been under consideration since last fall. Apart from the IMF funding, the Senate bill provides \$86.3 billion, \$1.3 billion above the Administration request, including \$75.3 billion for defense, \$600 million below the request, \$7.6 billion for international affairs, about \$500 million higher, and \$1.5 billion, as requested, for influenza preparedness and response. The Senate bill shifts \$350 million requested for the Department of Defense for southwest border security to domestic agencies and adds \$250 million for related activities. The bill also provides \$843 million in unrequested funds for Corps of Engineers disaster preparedness and response. In floor action on the bill, the Senate approved an amendment by Senators Inouye and Inhofe to delete \$50 million for the Department of Defense and \$30 million for the Department of Justice to facilitate closure of the Guantanamo Bay prison.

On May 14, by a vote of 368-60, the House approved its version of H.R. 2346, providing supplemental appropriations of \$96.3 billion. The total is \$11.4 billion above the amended Administration request. The bill provides \$84.5 billion for the Department of Defense, \$8.7 billion more than requested. Additions include funds for C-17 and C-130 cargo aircraft and other weapon systems. The bill also provides \$9.6 billion for international affairs, \$2.5 billion above the request, and \$2.05 billion for domestic and international influenza preparedness, \$550 million more than requested. The bill as passed and as reported by the House Appropriations Committee did not include \$50 million requested for the Department of Defense and \$30 million for the Department Justice for closure of the Guantanamo Bay prison. The bill requires a report assessing the performance of the governments of Pakistan and Afghanistan in building a consensus to combat insurgencies, in controlling corruption, and in providing population security. The Administration opposed linking aid to Pakistan to achievement of specific benchmarks but did not object to the reporting requirements in the House bill.

The Administration submitted the pending FY2009 supplemental appropriations request in two steps. On April 9, 2009, the White House sent Congress a request for \$83.4 billion in supplemental funding for defense, foreign affairs, domestic fire fighting, and some other purposes. On April 30, the White House requested \$1.5 billion in additional supplemental funding for influenza preparedness. The Administration's request for defense and foreign affairs is in addition to FY2009 supplemental funding of \$65.9 billion for defense and \$4.0 billion for international affairs that Congress approved in June, 2008. The amounts for defense in the June supplemental and in the regular FY2009 defense appropriations act, (P.L. 110-329, Division C), were expected to be sufficient to finance Army and Marine Corps operations through about June of this year. Administration officials urged Congress to approve supplemental funding before the Memorial Day recess in order to avoid financial disruptions. Officials now say that approval after the recess will be timely enough.

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Most Recent Developments

On May 21, by a vote of 86-3, the Senate approved H.R. 2346, a bill providing additional supplemental appropriations for the remainder of FY2009. The House passed its version of the bill on May 14 by a vote of 368-60. Senate approval clears the bill for consideration by a House-Senate conference committee. Managers expect votes on a conference agreement shortly after the Memorial Day recess.

Procedurally, on May 19, the Senate took up the House-passed supplemental bill and substituted the text of S. 1054, a version reported by the Senate Appropriations Committee on May 14. As reported and subsequently approved on the floor, the Senate bill provides \$91.3 billion, of which \$5 billion is to support loans to the International Monetary Fund (IMF) that were not part of the Administration's pending request, but that fulfill commitments that have been under discussion since last Fall. Apart from the IMF funds, the Senate bill provides \$86.3 billion, \$1.3 billion above the request. The House-passed version of the bill provides supplemental appropriations of \$96.3 billion, \$11.4 billion more than the Administration's amended request.

The Administration submitted two requests for FY2009 supplemental appropriations that are being addressed in the pending House and Senate bills. On April 9, 2009, the White House requested \$83.4 billion in supplemental appropriations for defense, international affairs, domestic fire fighting, and some other purposes. On April 30, 2009, following influenza outbreaks in Mexico and in parts of the United States, the White House requested \$1.5 billion for influenza preparedness and response measures.

Congress provided down payments on FY2009 war-related supplemental funding last year. On June 30, 2008, the President signed into law, P.L. 110-252, H.R. 2642, a bill providing supplemental appropriations for FY2008 and FY2009. The bill included \$65.9 billion for defense and \$4.0 billion for foreign affairs in FY2009. The DOD funding was mainly for operation and maintenance accounts, and was intended, together with money in the regular FY2009 defense appropriations act, to sustain ongoing military operations through the first few months of the fiscal year.

Overview of the FY2009 Supplemental Requests

On April 9, 2009, the Administration requested a net total of \$83.4 billion in additional supplemental appropriations for FY2009, comprised of \$86.8 billion in new appropriations, offset by \$3.4 billion of rescissions of previously appropriated funds. On April 30, 2009, the White House requested an additional \$1.5 billion for pandemic flu preparedness. Of the total in the initial April 9 request

- \$75.5 billion was for Department of Defense and intelligence activities related to operations in Iraq and Afghanistan;
- \$3.7 billion, offset by rescissions of \$3.4 billion, was for other defense activities;
- \$7.1 billion was for international affairs;
- \$89.5 million was for Department of Energy counter-proliferation programs in Russia, North Korea, and elsewhere;

- \$47 million was for Department of Justice national security related programs, including \$30 million to implement executive orders for shutting down the Guantanamo Bay prison and for related expenses (an additional \$50 million for moving prisoners out of Guantanamo Bay was in the request for the Department of Defense);
- \$2.9 million was for operations of the National Security Council;
- \$250 million was for the Forest Service and the Department of the Interior for fire fighting and rehabilitation of burned areas; and
- \$71.9 million was for the Legislative Branch to purchase secure radios for the Capitol Police.

Together with \$65.9 billion that Congress had already provided, if approved by Congress, the April 9 request for the Department of Defense would bring total supplemental defense funding for FY2009 to \$145 billion, partly offset by \$3.4 billion of rescissions.

The \$7.1 billion supplemental request for international affairs included

- \$2.3 billion for State Department operations, including
 - \$273.9 million for Afghanistan Operations;
 - \$137.6 million for Pakistan Operations;
 - \$898.7 million for embassy security and construction;
 - \$836.9 million for international peacekeeping;
- \$4.8 billion for foreign assistance programs, including
 - \$980.0 million for aid to Afghanistan;
 - \$482.0 million for aid to Iraq;
 - \$497.0 million for aid to Pakistan;
 - \$715.0 million for aid to West Bank/Gaza;
 - \$500.0 million for humanitarian assistance; and
 - \$448.0 million to developing countries affected by the global financial crisis.

Together with \$4.0 billion provided in June 2008, the additional amount requested for foreign affairs would bring total supplemental appropriations for FY2009 to just over \$11 billion. In practice, however, there is often little to distinguish between what is being provided in the base budget and what has been funded with supplementals. Both regular and supplemental appropriations have been used to finance State Department operations in Iraq and Afghanistan and a wide range of foreign aid programs in Afghanistan and elsewhere. Of the \$4.0 billion in FY2009 supplemental foreign affairs funding provided in June, 2008, \$1.1 billion was for State Department accounts, of which \$550.5 million was for operations in Iraq, and \$2.9 billion was for country foreign aid allocations and international food assistance.

As has been the case for the past couple of years, Congress is under some pressure to act quickly on the Administration's supplemental request. In testimony before the House Budget Committee on March 18, 2009, Defense Department Comptroller Robert Hale urged Congress to approve

supplemental funding before the Memorial Day recess in order to avoid financial disruptions. In the past two years, congressional action on war-related supplemental funding has taken until the end of June, and this year's request has come several weeks later than usual. There is less reason to expect, however, that this year's request will encounter similar delays. On the contrary, the time it took to debate supplemental funding for FY2007 and FY2008 reflected the ongoing debate about Iraq policy, which now appears to be in abeyance.

Other debates have arisen, however, about a number of issues, including amounts the appropriations committees may add to the request; whether funds for some elements of the request should be provided as supplemental appropriations or should be financed in agency base budgets; whether to establish benchmarks for performance by the governments of Afghanistan and Pakistan, whether the expanded U.S. effort in Afghanistan is likely to succeed; and whether to add funds for border security, and whether to add funds for other purposes, including disaster-related Corps of Engineers water projects.

Overview of the House-Passed Bill, H.R. 2346

On May 7, the House Appropriations Committee marked up its version of a bill, H.R. 2346, providing additional FY2009 supplemental appropriations of \$96.3 billion – see **Table 1** for details of the House and Senate bills. The House approved the bill by a vote of 368-60 on May 14 with a manager's amendment that was incorporated into the bill when the House approved the rule for floor consideration. The amount in the bill is \$11.4 billion above the amended Administration request. As initially proposed by Appropriations Committee Chairman David Obey, the pre-markup version of the bill provided \$94.2 billion. In its markup of the bill, the committee approved an amendment by Representative Murtha, chairman of the defense subcommittee, adding \$2.0 billion to the chairman's proposal for military personnel accounts.¹ The effect of the Murtha amendment was to restore funds for military personnel to the about the levels that the Defense Department had requested.

The bill establishes funding levels for defense, international affairs, and influenza preparedness, and also addresses a number of key issues policy issues, including conditions on aid to Pakistan, assistance to North Korea, and the status of Administration plans to shut down the Guantanamo Bay prison. Highlights of the committee bill include the following.

- **Defense.** Provides a total of \$84.5 billion for the Department of Defense, including military construction, an increase of \$8.7 billion to the request of \$75.8 billion (net of offsetting rescissions).
- **International affairs.** Provides a total of \$9.6 billion for international affairs programs (including P.L. 480 food assistance), an increase of \$2.4 billion compared to the request. (Of the total in the bill, \$9.0 billion is in Chapter 10, which provides foreign operations and State Department appropriations, and \$500 million is for P.L. 480 food assistance included in Chapter 1, which provides agriculture appropriations.)

¹ Representative Murtha's amendment was a substitute for an amendment by Representative Bill Young.

Table I. House and Senate Action on FY2009 Supplemental Appropriations, H.R. 2346, S. 1054 by Account
(millions of dollars)

House Account Organization	FY2009 Request April 2009	House Appropriations Committee May 7, 2009	House Change to Request	Senate Appropriations Committee May 14, 2009	Senate Change to Request
Title I Department of Defense	73,541.3	81,299.7	+7,758.3	73,023.5	-517.8
Title II, Chapter 9, Military Construction	2,294.5	3,200.0	+905.5	2,250.7	-43.8
Total Department of Defense	75,835.9	84,499.7	+8,663.8	75,274.2	-561.7
Title II, Military Construction, Foreign Affairs, and Other Matters					
Chapter I -- Agriculture					
PL 480 Food Assistance	300.0	500.0	+200.0	700.0	+400.0
Total Chapter I	300.0	500.0	+200.0	700.0	+400.0
Chapter 2 -- Commerce and Justice					
Department of Commerce					
Economic Development Assistance	—	—	—	40.0	+40.0
Department of Justice					
Guantanamo Bay Closure Implementation	30.0	—	-30.0	30.0	—
Detention Trustee	—	—	—	60.0	+60.0
Iraq Training	1.6	1.6	—	1.6	—
U.S. Attorney Terrorism Prosecutions	5.0	5.0	—	5.0	—
U.S. Attorney Terrorism Prosecutions (Emergency)	—	—	—	10.0	+10.0
U.S. Marshals Service	—	—	—	10.0	+10.0
National Security Division Guantanamo Prosecutions	1.4	1.4	—	1.4	—
Federal Bureau of Investigation	—	—	—	35.0	+35.0
Drug Enforcement Administration	—	—	—	20.0	+20.0
Bureau Alcohol, Tobacco, Firearms, Explosives	4.0	4.0	—	14.0	+10.0
Federal Prison System	5.0	5.0	—	5.0	—

House Account Organization	FY2009 Request April 2009	House Appropriations Committee May 7, 2009	House Change to Request	Senate Appropriations Committee May 14, 2009	Senate Change to Request
Total Chapter 2	47.1	17.1	-30.0	232.1	+185.0
Chapter 3 -- Energy/Corps of Engineers (Senate)					
Corps of Engineers					
Operation and Maintenance	—	—	—	38.4	+38.4
Flood Control, Coastal Emergencies (Emergency)	—	—	—	804.3	+804.3
Department of Energy NNSA					
Weapons Activities	—	—	—	34.5	+34.5
Nuclear Nonproliferation, Former Soviet Union	55.0	55.0	—	55.0	—
Nuclear Nonproliferation, Korea	34.5	—	-34.5	—	-34.5
Total Chapter 3	89.5	55.0	-34.5	932.2	+842.7
Chapter 4 -- General Government/Treasury (Senate)					
Department of the Treasury					
Departmental Offices	—	—	—	4.0	+4.0
Executive Office of the President					
National Security Council	2.9	2.9	—	2.9	—
Unanticipated Needs for Influenza	[See Chapter 7]	[See Chapter 7]	—	—	—
Pandemic Preparedness and Response (Emergency)	—	—	—	1,500.0	+1,500.0
The Judiciary					
Courts of Appeals, District Courts, Other Services	—	—	—	10.0	+10.0
Other Independent Agencies					
Securities and Exchange Commission	—	—	—	10.0	+10.0
Total Chapter 4	2.9	2.9	—	1,526.9	+1,524.0
Chapter 5 --Homeland Security					—
Customs and Border Protection	—	—	—	51.2	+51.2
Immigration and Customs Enforcement	—	—	—	66.8	+66.8

House Account Organization	FY2009 Request April 2009	House Appropriations Committee May 7, 2009	House Change to Request	Senate Appropriations Committee May 14, 2009	Senate Change to Request
Coast Guard	—	—	—	139.5	+139.5
Federal Emergency Management Agency	—	—	—	30.0	+30.0
Total Chapter 5	—	—	—	287.5	+287.5
Chapter 6 -- Interior and Environment					
Dept. of Interior Wildland Fire Management	50.0	50.0	—	50.0	—
Dept. of Agriculture Wildland Fire Management	200.0	200.0	—	200.0	—
Total Chapter 6	250.0	250.0	—	250.0	—
Chapter 7 -- Health and Human Services					
Executive Office of the President					
Unanticipated Needs for Influenza	1,500.0	—	-1,500.0	—	-1,500.0
HHS Public Health, Social Services Emergency Fund					
Influenza Preparedness and Response	—	1,850.0	+1,850.0	[See Chapter 4]	[See Chapter 4]
Administration for Health and Families					
Refugee and Entrant Assistance	—	—	—	82.0	+82.0
Total Chapter 7	1,500.0	1,850.0	+350.0	82.0	-1,418.0
Chapter 8 -- Legislative Branch					
Capitol Policy Radios	71.6	71.6	—	71.6	—
Congressional Budget Office	—	—	—	2.0	+2.0
Total Chapter 8	71.6	71.6	—	73.6	+2.0
Chapter 9 -- Military Construction	[See DOD above]	[See DOD above]	—	[See DOD above]	—
Total Chapter 9	—	—	—	—	—
Chapter 10 -- State, Foreign Operations, and Related Programs					
Department of State					
Diplomatic & Consular Programs	594.3	1,016.2	+421.9	645.4	+51.1
Office of Inspector General	7.2	17.1	+9.9	22.2	+15.0

House Account Organization	FY2009 Request April 2009	House Appropriations Committee May 7, 2009	House Change to Request	Senate Appropriations Committee May 14, 2009	Senate Change to Request
Embassy Security, Construction, Maintenance	898.7	989.6	+90.9	820.5	-78.2
Contributions for International Organizations	836.9	836.9	—	721.0	-115.9
U.S. Agency for International Development					—
Operating Expenses	152.6	152.6	—	112.6	-40.0
Capital Investment Fund	48.5	48.5	—	48.5	—
Office of Inspector General	—	3.5	+3.5	3.5	+3.5
Bilateral Economic Assistance					—
Global Health and Child Survival	—	300.0	+300.0	50.0	+50.0
International Disaster Assistance	200.0	200.0	—	245.0	+45.0
Development Assistance, Korea ^a	38.0	—	-38.0	38.0	—
Economic Support Fund	2,874.5	2,907.5	+33.0	2,828.0	-46.5
Assistance for Europe, Eurasia, Central Asia	242.5	242.5	—	230.0	-12.5
International Narcotics Control and Law Enforcement	389.5	483.5	+94.0	393.5	+4.0
Nonproliferation, Anti-Terrorism, Demining	122.0	98.5	-23.5	102.0	-20.0
Migration and Refugee Assistance	293.0	343.0	+50.0	345.0	+52.0
International Security Assistance					
Peacekeeping Operations	50.0	80.0	+30.0	172.9	+122.9
International Military Education and Training	2.0	2.0	—	2.0	—
Foreign Military Financing Program	98.4	1,349.0	+1,250.6	98.0	-0.4
Total Chapter 10	6,848.1	9,070.5	+2,222.3	6,878.1	+30.0
Title XII, Senate -- Department of Transportation					
Federal Aviation Administration					
Payments to Air Carriers	—	—	—	13.2	+13.2
Rescission -- Grants-in-Aid to Airports	—	—	—	-13.2	-13.2
Department of Housing and Urban Development					

House Account Organization	FY2009 Request April 2009	House Appropriations Committee May 7, 2009	House Change to Request	Senate Appropriations Committee May 14, 2009	Senate Change to Request
Public Housing -- Tenant-Based Rent Assistance	—	—	—	30.0	+30.0
Total Title XII	—	—	—	30.0	+30.0
Title XIII, Senate -- Other Matters					
International Monetary Programs					
Loans to International Monetary Fund ^b	—	—	—	5,000.0	+5,000.0
Total Title XIII	—	—	—	5,000.0	+5,000.0
TOTAL^b	84,945.1	96,316.8	+11,371.6	91,266.6	+6,321.5

Sources: CRS based on data from Department of Defense; Office of Management and Budget; House Appropriations Committee report on FY2009 Supplemental Appropriations, H.R. 2346, H.Rept. 111-105, May 12, 2009; Senate Appropriations Committee report on FY2009 Supplemental Appropriations, S. 1054, S.Rept. 111-20, May 14, 2009.

Notes:

- a. House provides \$18 million for development assistance to Korea in Economic Support Fund.
- b. Senate column on the Administration requests includes \$5 billion for loans to the IMF and shows a total request of \$89,945.1 million.

- **Influenza preparedness** Provides \$2.05 billion for influenza preparedness, an increase of \$550 million over the \$1.5 billion requested. Of the total in the bill, \$1.85 billion is for the Department of Health and Human Services and \$200 million is in the foreign affairs budget for Global Health and Child Survival.
- **North Korea.** Rejects a request for \$34.5 million in Department of Energy non-proliferation funds to dismantle nuclear facilities in North Korea and rejects \$95 million requested for energy assistance to North Korea in the foreign assistance accounts.
- **Aid to Pakistan.** Provides \$400 million to the Department of Defense, as requested, for the Pakistan Counterinsurgency Fund to finance training and other assistance to the Pakistani military. The Chairman's mark of the bill originally transferred the funds to the Department of State, but Representative Obey offered a manager's amendment at the beginning of the committee markup that restored the funds to the Department of Defense. In the foreign assistance portion of the bill, the committee measure also provides \$897 million, \$91 million above the request, for construction of facilities and for diplomatic operations in Pakistan and \$529 million of economic assistance.
- **Conditions on assistance to Pakistan and Afghanistan.** The apparently deteriorating security situation in Pakistan was the focus of extensive discussion in congressional hearings with Administration witnesses on the supplemental appropriations request. Administration officials strongly objected to legislated benchmarks on the performance of the Pakistani government, arguing that conditions on aid would not improve U.S. leverage but would more likely foster resistance to U.S. efforts. Instead of setting benchmarks tied to funding, the House Appropriations Committee bill includes a requirement that the President submit a report to Congress no later than February 2010, when the FY2011 budget is submitted, evaluating the conduct and commitment of the governments of Afghanistan and Pakistan. The report is to include assessments of each nation's level of political commitment to confront security challenges; level of corruption and efforts to counter it; performance of security forces in counterinsurgency operations and in establishing population security; intelligence cooperation with the United States; and the ability to effectively control its territories. House Appropriations Committee Chairman David Obey said that the White House did not object to the House provision.
- **Closure of the Guantanamo Bay Prison.** Rejects the Administration request for \$50 million for the Department of Defense to transfer prisoners out of the Guantanamo Bay facility and also rejects \$30 million requested for the Department of Justice for a task force to facilitate legal activities associated with the closure. The committee noted that the Administration had not presented a specific plan for shutting down the prison and said that funds could be reprogrammed when a plan was decided upon.
- **Border security and counternarcotics assistance to Mexico.** Approves \$350 million requested for the Department of Defense for counternarcotics activities on the Mexican border, including up to \$100 million for transfer to other federal agencies. In the foreign aid chapters of the bill, provides \$160 million for Mexico in the International Narcotics Control And Law Enforcement (INCLE) account, \$94 million above the request – \$66 million was requested to purchase

Blackhawk helicopters. The bill also adds \$310 million for Mexico in the Foreign Military Financing Program for surveillance planes, helicopters, other equipment, and support activities.

Additional Department of Defense Funding Highlights in the House-Passed Bill

On major issues in the defense portion of the bill, the House bill

- Adds \$6.0 billion for weapons procurement, including the following:
 - \$2,245.2 million in unrequested funds for 8 C-17 cargo aircraft – the FY2010 defense budget request, released on May 7, proposes terminating the program,
 - \$904.2 million in unrequested funds for 11 C-130 cargo aircraft,
 - \$110.0 million for MQ-9 Reaper UAVs (the request included \$195.8 million),
 - \$432.7 million for 24 additional upgraded Army AH-64 attack helicopters (the request included \$354.3 million),
 - \$90.0 million for 3 additional Army CH-47 cargo helicopters (the request included \$120.0 million),
 - \$338.4 million for additional Stryker wheeled combat vehicles (the request included \$112.7 million),
 - \$500.0 million in unrequested funds for National Guard and Reserve Equipment, and
 - \$2,150 million for 800 additional lighter MRAP All Terrain Vehicles for Afghanistan (the request included \$2,693.0 million for 1,000 vehicles).
- Provides \$735 million for payments of \$500 per month, including retroactive payments, to personnel who were prevented from leaving the service at the ends of their enlistments because of “Stop Loss” orders;
- Adds \$100 million in the Defense Health Program for Brain Injury R&D and \$68 million for orthopedic R&D;
- Cuts \$346 million in military personnel accounts for enlistment and reenlistment bonuses because of reduced accession requirements and improved recruiting and retention results;
- Cuts \$300 million in operation and maintenance funds to reflect the Committee’s direction to replace U.S. contractors providing contract support services and logistics support with Iraqis;
- Cuts \$240.0 million from the \$1,050 billion requested in Coalition Support Funds for assistance to Pakistan, Jordan and other key cooperating nations, and cuts \$150 million in “Lift and Sustain” assistance to cooperating nations to deploy forces in Iraq and Afghanistan.

Table 2 compares defense funding in the House bill with the Administration request by bill title.

**Table 2. House and Senate Action on FY2009 Supplemental Appropriations:
Department of Defense Funding by Title**

(millions of dollars)

	FY2009 Amended Request April 9, 2009 April 30, 2009	House- Passed Supplemental Appropriations H.R. 2346 May 14, 2009	House Change to Request	Senate Appropriations Committee Supplemental Appropriations S. 1054 May 14, 2009	Senate Change to Request
Military Personnel	16,187.4	17,943.9	+1,756.6	18,014.5	+1,827.1
Operation and Maintenance	29,971.2	29,416.6	-554.6	28,771.3	-1,200.0
Special Funds	5,888.7	5,688.7	-200.0	6,123.7	+235.0
Procurement	21,862.4	27,888.3	+6,026.0	21,889.5	+27.1
RDT&E	809.9	721.9	-88.0	885.9	+76.0
Military Construction/Family Housing	2,294.5	3,200.0	+905.5	2,250.7	-43.8
Other Defense Programs	1,060.0	1,244.0	+184.0	1,042.2	-17.8
Revolving and Management Funds	846.7	846.7	—	861.7	+15.0
General Provisions	-3,085.0	-2,450.6	+634.4	-4,565.3	-1,480.3
Total Department of Defense	75,835.9	84,499.7	+8,663.8	75,274.2	-561.7

Source: CRS based on data from Department of Defense; House Appropriations Committee report on H.R. 2346 providing supplemental appropriations for FY2009, H.Rept. 111-105; Senate Appropriations Committee report on S. 1054 providing supplemental appropriations for FY2009, S.Rept. 111-20.

Notes: Click here and type the notes, or delete this paragraph

Additional International Affairs Funding Highlights in the House-Passed Bill

Other committee recommendations on international affairs include the following:

- \$1.0 billion, \$421.9 million above the Administration request, for State’s Diplomatic and Consular Programs; of this \$404.0 million is for worldwide security, \$448.9 for operations in Afghanistan, and \$157.6 million along with authority for the Secretary of State to transfer funds to other U.S. government agencies for a civilian experts surge;
- \$2.9 billion for the Economic Support Fund (ESF), of which \$529.5 million is for Pakistan, \$70.0 million for Afghanistan, and \$556.0 million for the West Bank and Gaza. The Committee reduced ESF funds requested for “Countries Impacted by the Global Financial Crisis” by \$148.0 million from \$448.0 million to \$300.0 million, which may be available for aid to Haiti, Liberia, Indonesia and other nations;
- \$1.3 billion, \$1.25 billion above the President’s request for the Foreign Military Financing (FMF) Program. Of this amount, the Committee recommends \$310.0 million for Mexico, \$74.0 million for Lebanon; \$150.0 million for Jordan, \$260.0 million in FMF grants for Egypt; and \$555.0 million in FMF grants for Israel.

Overview of the Senate-Passed Bill, S. 1054

On May 21, by a vote of 86-3, the Senate approved its amended version of H.R. 2346, providing supplemental appropriations for FY2009. The Senate-passed measure incorporates, with further amendments on the floor, the provisions of S. 1054, a version reported by the Senate Appropriations Committee on May 14. In all, as reported by the committee and as passed by the Senate, the bill provides \$91.3 billion in FY2009 supplemental appropriations, of which \$5 billion is to support U.S. loans to the International Monetary Fund (IMF) that were not considered in the House bill. The remainder of the bill provides \$86.3 billion, \$1.3 billion above the amended Administration request. The bill provides \$75.4 billion for the Department of Defense (including military construction), which is \$561 million below the request. The reduction is mainly due to the committee's decision to allocate to other agencies, including the Department of Homeland Security and the Department of Justice, \$350 million for Southwest border security that the Administration had requested be appropriated to the Department of Defense. The bill also adds \$240 million for additional border security measures and \$843 million for Corps of Engineers disaster-related programs.

In floor action on the bill, only a few amendments were agreed to and none affected the total amount of funding in the bill. In action on selected floor amendments the Senate –

- Approved by voice vote an amendment by Senator Lieberman to exempt photographs showing treatment of U.S. detainees from disclosure under the Freedom of Information Act;
- Approved by voice vote an amendment by Senator Corker to require the development of objectives for U.S. policy in Afghanistan and Pakistan;
- Approved by voice vote an amendment by Senator McCain to provide \$42.5 million, out of other funds approved in Title XI, the State Department title of the bill, for the Republic of Georgia; and
- By a vote of 30-64, rejected an amendment by Senator DeMint to eliminate funding provided in the bill for loans to the IMF.

Highlights of the Senate-passed bill include the following:

- **Department of Defense funding:** Provides \$75.4 billion for the Department of Defense, of which \$73.0 billion is in regular defense appropriations, \$518 million below the request, and \$2.25 billion is for military construction, \$44 million below the request.
- **International affairs funding:** Provides \$7.6 billion for international affairs funding, \$430 million above the request. Of the total \$700 million is provided for P.L. 480 food assistance, \$400 above the request, and \$6.9 billion is provided for the State Department and foreign operations.
- **Influenza preparedness and response:** Provides \$1.5 billion, the amount requested, for influenza preparedness. The committee agreed to appropriate the funds to an account in the Executive Office of the President, renamed "Pandemic Preparedness and Response." Rather than provide authority, as for the President to allocate funds to other agencies, specified the amounts to be transferred to the

Department of Health and Human Services, Department of Homeland Security, and other agencies.

- **Guantanamo prison closure:** Initially, unlike the House, the Senate committee agreed to provide \$50 million requested for the Department of Defense and \$30 million for the Department of Justice to facilitate closure of the Guantanamo Bay prison. The committee prohibited obligation of the defense funds, however, until 30 days after the Secretary of Defense provides Congress with a specific plan for their use. The provision also required that funds may be used only to transfer prisoners to locations outside the United States. In floor debate, the Senate adopted an amendment by 90-6 an amendment by Senators Inouye and Inhofe to eliminate the funds and to prohibit the use of funds in the supplemental or in prior legislation to transfer, release, or incarcerate detainees held at Guantanamo Bay to or within the United States.
- **Defense Department Assistance to Pakistan:** The committee approved \$400 million requested for Pakistan Counterinsurgency Capabilities Fund in the Department of Defense for assistance to Pakistani security forces. The committee expressed concern about the role of the Defense Department, however, and directed the Administration to develop a plan to provide future assistance through the State Department and to report on the plan within 90 days. The committee also put a limit of \$200 million on the amount of money in the fund that could be used for humanitarian purposes, saying it wished to limit the amount of overseas humanitarian aid being provided by DOD rather than State.
- **Added funds for Corps of Engineers projects:** The committee provides \$843 million in unrequested funds for the Corps of Engineers, including \$39 million for to restore damaged navigation channels, \$315 million to prepare for natural disaster, and \$489 million for gulf coast barrier island restoration.
- **North Korea counterproliferation assistance:** As did the House, the Senate committee rejected \$34.5 million requested to dismantle nuclear facilities in North Korea. Instead the committee provided the same amount to the Department of Energy to analyze nuclear weapons intelligence.
- **Southwest border security:** The committee rejected the Administration request that \$350 million to be appropriated to the Department of Defense for border security, and instead added \$250 million and allocated the total to other agencies, including \$140 million for additional Department of Homeland Security personnel for border enforcement support teams, \$100 million for the Department of Justice for additional agents and investigators to cooperate with Mexican authorities, and \$100 million for the Departments of Health and Human Services and Homeland Security for added shelter and transportation costs for unaccompanied alien children.

Additional Department of Defense Funding Highlights in the Senate Appropriations Committee Bill

On major issues in the defense portion of the bill, the Senate Appropriations Committee—

- In the military personnel accounts, added \$489 million to fully fund increased Army and Marine Corps end-strength, added \$1.4 billion to cover identified

- shortfalls in some FY2009 accounts, and cut \$140 million in Army recruitment and retention bonuses to reflect easier recruiting due to changes in the economy.
- Provided an additional \$1 billion for the Iraq Security Forces Fund, which pays for equipment and training of Iraqi forces. The Administration requested that Congress rescind and then reappropriate \$1 billion that had previously been provided in order to extend the availability of the money, but the Senate committee rejected the rescission, with the effect of providing \$1 billion in additional funding.
 - Provides \$21.9 billion for weapons procurement, about equal to the request, but with some changes. On major programs the committee—
 - Added \$1.55 billion to the \$2.7 billion requested for Mine Resistant Ambush Protected (MRAP) Vehicles, as did the House;
 - Added \$500 million for National Guard and Reserve equipment, as did the House;
 - Selectively scrubbed funding requests to eliminate money not required to replace combat losses or meet established equipment reset requirements – the committee rejected, for example, \$354 million requested for AH-64 attack helicopter modifications, \$237 million requested for Improved Recovery Vehicle modifications, and \$386 million requested for Family of Medium Tactical Vehicle trucks.
 - Added \$246 million for Navy P-3 aircraft wing modifications and \$150 million for Air Force A-10 aircraft re-wing kits.
 - Did not follow the House in adding funds for C-17 or C-130 cargo planes.
 - Provided \$498 million for F-22 fighter aircraft compared to \$600 million requested – specifically rejects \$147 million for shut-down funding and adds \$45 million to fully fund the aircraft request.
 - Cut \$350 million from the \$1.5 billion requested for the Joint Improvised Device Defeat Organization (JIEDO) to reflect the pace of funding obligations.

Additional International Affairs Funding Highlights in the Senate Appropriations Committee Bill

On international affairs matters addressed in the bill, the Senate bill provides

- \$645.4 million, \$51 million more than the Administration's request, for State's Diplomatic and Consular Programs; of this \$410 million would be for operations in Afghanistan, \$45.5 million for operations in Pakistan, and \$150 million for operations in Iraq.
- \$820.5 million for Embassy Security, Construction and Maintenance, \$78.2 million below the Administration's request. Of this amount, \$10 million would be allocated to Afghanistan and \$805 million to Pakistan.
- \$721 million for Contributions for International Peacekeeping, \$115.9 million below the request to fund peacekeeping missions in the Democratic Republic of the Congo, Central Africa Republic and Chad. The bill does not support CIPA

funds to support the African Union peacekeeping mission in Somalia (AMISOM), but includes funding for that under Peacekeeping Operations account with transfer authority.

- \$2,828 million for the Economic Support Fund, \$46.5 million below the requested level. Of the total, \$866 million would be allocated to Afghanistan, \$439 million to Pakistan, \$439 million to Iraq, \$556 million to the West Bank/Gaza, as well as funds going to Jordan, Burma, the Democratic Republic of the Congo, North Korea, Somalia, Yemen, and Zimbabwe.
- \$345 million for Migration and Refugee Assistance which is \$52 million above the Administration request. Funding allocation of these funds would include \$25 million for returning refugees in Afghanistan, \$25 million for those needs in Africa, \$5 million for refugees in Burma, \$15 million for internally displaced persons (IDPs) in Sri Lanka, and \$5 million for IDPs in Colombia.
- \$172.9 million for Peacekeeping Operations which is \$122.9 million above the requested funding level. Of this amount, \$155.9 million is to support the African Union peacekeeping mission in Somalia via transfer to the State Department's Contributions for International Peacekeeping Account (CIPA).
- The bill also places prohibition on assistance to Hamas and places limitations on certain assistance to Mexico and requires a report.

Overview of the FY2009 Defense Supplemental Request and Congressional Action

With the new FY2009 request added to the \$65.9 billion provided last June, total supplemental defense funding proposed for FY2009 amounts to \$145 billion, offset by \$3.4 billion of rescissions. Though Congress may well add to the request, this is substantially less than the amount of DOD supplemental funding provided in the past two years, which totaled \$170 billion in FY2007 and \$187 billion in FY2008. The decline is not due to the withdrawal of U.S. forces from Iraq, which has only begun, and which is offset by planned additions to U.S. forces in Afghanistan. Rather, the change is due almost entirely to a reduction in the amount requested for weapons procurement, which falls from \$65 billion in FY2008 to \$28 billion in FY2009.

Table 3 shows the April 9 defense request compared to amounts of supplemental defense appropriations in FY2007 and FY2008.

**Table 3. Defense Bridge and Supplemental Funding by Title,
FY2007-FY2009 Request**

(millions of dollars)

	FY2007 Bridge and Supplemental Funding Enacted	FY2008 Bridge and Supplemental Funding Enacted	FY2009 Bridge Fund Enacted June 2008	FY2009 Supplemental Request April 2009	FY2009 Total
Military Personnel	18,894.5	19,137.8	1,194.0	16,658.3	17,852.3
Operation and Maintenance	76,597.9	81,708.6	51,916.0	29,971.2	81,887.2
Special Funds	17,707.8	13,816.3	5,000.0	5,888.7	10,888.7
Procurement	45,418.0	64,896.2	6,135.3	21,862.4	27,997.7
RDT&E	1,506.4	1,745.5	387.8	809.9	1,197.7
Military Construction/Family Housing	4,807.0	4,245.3	—	2,113.0	2,113.0
Other Defense Programs	1,120.5	2,328.9	1,288.0	1,060.0	2,348.0
Revolving and Management Funds	3,356.5	2,842.6	—	846.7	846.7
General Provisions/Rescissions	1.0	-3,718.0	—	-3,380.9	-3,380.9
Total Department of Defense	169,409.7	187,003.3	65,921.2	75,829.4	141,750.5
Other Agency Defense Programs	91.0	168.6	—	89.5	89.5
Total National Defense	169,500.6	187,171.9	65,921.2	75,918.9	141,840.0

Source: CRS from House Appropriations Committee for enacted amounts and Department of Defense for FY2009 request.

Notes: Totals may not add due to rounding. “Other Defense Programs” includes defense health, drug interdiction, and inspector general funding. “Special Funds” includes the Iraqi Freedom Fund, Iraq Security Forces Fund, Afghanistan Security Forces Fund, Pakistan Counterinsurgency Capability Fund, and Joint IED Defeat Fund. DOD documents often show Joint IED Defeat Fund amounts as Procurement and other special funds as Operation and Maintenance. All funding for the Mine Resistant Ambush-Protected (MRAP) vehicle fund is shown as Procurement.

MRAP Cuts

The decline in procurement, in turn, is due in large part to a substantial reduction in acquisition of Mine Resistant Ambush-Protected (MRAP) vehicles, which were purchased in very large numbers in FY2007 and FY2008. MRAP funding in FY2008 totaled \$16.8 billion.² Congress provided \$1.7 billion for MRAPs in FY2009 in the June 2008 supplemental appropriations act. In the new supplemental request, the Defense Department is asking for \$2.7 billion more, for a total of \$4.4 billion in FY2009, \$12.4 billion less than in FY2008.

² For MRAPs, \$5.2 billion was provided as emergency appropriations in the first FY2008 Continuing Resolution, P.L. 110-92, enacted on September 29, 2007, and \$11.63 billion was provided as emergency appropriations in a general provision of the regular FY2008 defense appropriations act, P.L. 110-116, enacted on November 13, 2007.

Other Changes in the FY2009 Defense Request

In addition, the FY2009 total includes substantially less than in FY2007 and FY2008 for what the Defense Department refers to as “reconstitution” of the force, much of which is funded in procurement accounts. DOD breaks down reconstitution into three elements:

- “Replenishment” of stocks, mainly of ammunition and missiles, consumed in military operations and in training for deployment;
- “Replacement” of equipment lost in battle or used to a point at which repair is uneconomical—in practice a substantial amount of new equipment has been purchased not only to replace losses, but also to upgrade capabilities; and
- “Repair” of equipment both in theater and at domestic depots, including overhaul of equipment at the end of an operation to meet standards for the requirements of deploying units.

Table 4 shows the Defense Department’s breakdown of FY2007, FY2008, and FY2009 funding by functional category, which shows amounts for replenishment and for other elements of supplemental funding. Total funding for replenishment, by DOD’s accounting, goes from \$36.3 billion in FY2007, to \$50.4 billion in FY2008, to \$23.2 billion in FY2009. Funding for force protection, which includes amounts for MRAPs, goes from \$12.4 billion in FY2007 and \$23.9 billion in FY2008 to \$14.3 billion in FY2009. Funding for Iraqi security forces declines from \$5.5 billion in FY2007 and \$3.0 billion in FY2008 to \$1.0 billion in FY2009.

**Table 4. DOD Breakdown of Supplemental Funding by Functional Category:
FY2007-FY2009**

(amounts in billions of dollars)

	FY2007 Bridge and Supplemental Funding Enacted	FY2008 Bridge and Supplemental Funding Enacted	FY2009 Bridge Fund Enacted June 2008	FY2009 Supplemental Request April 2009	FY2009 Total
Continue the Fight					
Operations	76.6	77.5	38.2	38.0	76.2
Force Protection	12.4	23.9	4.5	9.8	14.3
IED Defeat	4.4	4.2	2.0	1.5	3.5
Military Intelligence Program	3.4	4.9	1.4	3.8	5.1
Iraq Security Forces	5.5	3.0	1.0	–	1.0
Afghan Security Forces	7.4	2.7	2.0	3.6	5.6
Pakistan Counterinsurgency	–	–	–	0.4	0.4
Coalition Support	1.4	1.4	0.3	1.4	1.7
CERP ^a	1.0	1.7	1.0	0.5	1.4
Military Construction	0.9	1.3	–	0.9	0.9
Total Continuing the Fight	113.0	120.5	50.4	59.9	110.2
Reconstitution	36.3	50.5	11.6	11.6	23.2
Additional Requests					
BCT/RCT ^b	3/6	–	–	–	–
Growth the Force/Accelerate Grow the Force	1.5	0.5	0.1	2.2	2.3
Wounded Warrior/Family Support	0.9	1.9	0.8	1.6	2.5
Border Security with Mexico	–	–	–	0.4	0.4
Military Personnel, Army	–	–	–	0.5	0.5
Other and Non-DOD Classified	14.2	13.7	2.9	3.1	6.1
Total Additional Requests	20.2	16.1	3.9	7.8	10.9
Total	169.5	187.1			
Rescissions	–	–	–	-3.4	-3.4
Net Total	169.5	187.1	65.9	75.8	141.7

Source: Department of Defense, *Fiscal Year 2009 Supplemental Request: Summary Justification*, April 2009, Table 2, p. 82.

Notes:

- a. CERP is the Commanders' Emergency Response Program which provides funds for commanders to pay for small scale local development projects.
- b. BCT/RCT refers to Brigade Combat Team/Regimental Combat Team upgrades.

Non-War-Related Funding in the Defense Request

In addition to amounts for ongoing operations in Iraq and Afghanistan, the defense request includes funds for other programs, including the following:

- **Accelerate Growth the Force.** \$2.2 billion is requested for increased personnel end-strength in the Army and Marine Corps. The Army is in the process of adding 65,000 active duty troops and the Marine Corps 27,000 to personnel levels compared to numbers at the end of FY2004. Most of the cost of added personnel is now being paid for in the base defense budget. Both services, however, have benefited from improved recruitment, mainly due to the poor economy, to achieve higher end-strength goals earlier than had been planned. Supplemental funding is requested to cover costs of the acceleration of Army and Marine Corps end-strength increases.
- **Wounded Warrior, Family Support, and National Capital Region Base Realignment.** \$1.6 billion is requested for measures to improve health care for wounded personnel; for improved support to military families – mainly increases in child care facilities; and to accelerate closure of the Walter Reed Army Medical Center in Washington, D.C., and opening of the new Walter Reed National Military Medical Center in Maryland and the Fort Belvoir Army Community Hospital in Virginia.
- **Border Security with Mexico.** \$350 million is requested for counternarcotics activities and related activities along the Mexican border. Measures could include assigning National Guard personnel to patrol the border. Up to \$100 million is requested to be available for transfer to other Federal agencies.
- **Army Personnel Funding Shortfall.** \$471 million, offset by an equivalent amount of rescissions in Army funds, is requested to correct some shortfalls in the Army base budget for military personnel. The shortfalls are due to a delay in redeployment of soldiers from Europe to the United States, which has increased costs of overseas housing allowances and cost of living allowances; to the use of the National Guard in support of the Presidential inauguration; and increased Army Reserve attendance rates. The Army could finance these adjustments by reprogramming funds, but the Defense Department would prefer not to use so much of its limited transfer authority for this purpose.

Major Issues in Congressional Action on the Defense Request

A number of issues have arose as Congress considered the Administration request. Some were resolved by the House and Senate Appropriations Committees, but others remain potential matters of debate in House and Senate conference discussions. Issues include whether to approve congressional additions of funds for major weapons programs, whether the Department of Defense rather than the Department of State should be funded to provide security assistance to Pakistan; whether less funding or more should be provided to the Defense Department for border security with Mexico.

Added Congressional Funding for Major Weapons Programs

In preliminary discussions of the defense supplemental Representative Murtha, the Chairman of the House Defense Appropriations Subcommittee, and Senator Inouye, the Chairman of the Senate panel, both discussed their intention to add significant amounts to the request for several major weapon systems. Additions they and others mentioned include funding for a new mid-air refueling tanker for the Air Force, the multi-service F-35 Joint Strike Fighter, the Navy F/A-18E/F multirole fighter, the Navy E-2D radar plane, and Army Stryker wheeled armored vehicles. Additions to military personnel accounts were proposed to cover monthly stipends of up to \$500 for service members prevented from leaving at the end of their enlistments by “stop loss” orders. Representative Murtha reportedly said that he might propose adding as much as \$16-18 billion to the request.³

The Administration included funds for four Air Force F-22 fighter aircraft in the supplemental request, though Secretary of Defense Gates subsequently announced plans to terminate the program. Funding for the aerial tanker program was a matter of extensive debate, and there remain disagreements in Congress about proposals to require that purchases be split between competing bidders. The Air Force is preparing to re compete the contract, with bids expected from Boeing and a team of Northrop Grumman and EADS. The Northrop Grumman-EADS team won a competition last year only to have the award overturned by the Comptroller General after Boeing appealed. Several Members of Congress have urged splitting the contract between both bidders, but the Air Force and other legislators argue that a split will increase costs significantly.

Congressional Action

Neither the House nor the Senate Appropriations Committees added as much money to the Administration request as some had discussed. In the end, the House committee added \$6 billion for weapons procurement, while the Senate committee shifted funds out of some programs and into others with no significant effect on the total. Notably, neither committee added funds for Air Force aerial tankers. House subcommittee chairman Murtha said he tried to get agreement on a proposal to add funds and to require that funding be split between competing bidders, but could not do so and therefore agreed not to add money for the program. The House added \$2.245 billion for 8 C-17 cargo aircraft and \$904 million for 11 C-130 variants. The Senate did not provide funds for either program, so it is an issue for the conference. The House added \$2.15 billion and the Senate added \$1.55 billion for variants of the Mine Resistant Ambush Protected (MRAP) vehicle to be used in Afghanistan -- \$2.7 billion was requested.

Defense Department Assistance to Pakistan

The Administration request included \$400 million in funding for the Defense Department in a new account called the Pakistan Counterinsurgency Capability Fund. The purpose of the funding is to provide equipment, support, and training to Pakistani security forces in combating insurgent forces on its territory. Traditionally, funding for such security assistance is provided through the State Department, while the Defense Security Cooperation Agency (DSCA), a part of the Defense Department, generally administers provision of the assistance. While Congress has supported the financing of similar activities in Iraq and Afghanistan through the Defense Department, many

³ Josh Rogin, “Lawmakers See Last Chance for Procurement Funds in Supplemental,” *CQ Today*, March 3, 2009.

legislators have urged that other security assistance continue to be provided through the State Department, as in the past, in order to ensure that it is coordinated with overall foreign policy goals. The House Appropriations Committee has been particularly assertive recently, in urging that assistance to Africa and other areas now being provided through the Defense Department should be returned to the State Department.

Congressional Action

In congressional hearings on the supplemental, both Secretary of Defense Gates and Secretary of State Clinton argued that the State Department is currently not prepared to administer such a large amount of security assistance to Pakistan and urged that funding be provided through defense. The initial House Chairman's mark of the supplemental bill provided \$400 million for the Pakistan Counterinsurgency Capability Fund through the State Department. At the start of the May 7 committee markup, however, Chairman Obey, offered a manager's amendment to shift the funds back to the Defense Department, and the committee approved the bill with that change. The Senate Appropriations Committee provided funding as requested through the Defense Department, but required a report by the Secretary of State on means of managing funding through the State Department in the future.

Defense Department Role in Border Security with Mexico

Escalating drug-related violence in Mexico has emerged as a significant security issue for the United States, particularly along the U.S.-Mexico border where kidnapping and gun battles threaten to spill over into the United States. The supplemental appropriations request includes \$350 million for the Defense Department for counternarcotics and other activities on the border with Mexico, including assistance to other federal agencies. Up to \$100 million may be transferred to other agencies. The international affairs supplemental requests includes an additional \$66 million in the International Narcotics Control and Law Enforcement (INCLE) account for assistance to Mexico under the Mérida initiative. Those funds are intended to purchase three Blackhawk military utility helicopters.

Congressional Action

In Congress, some argue that funding for counternarcotics assistance for Mexico should be provided through the State Department, as is the current Mérida Initiative, rather than through the Defense Department. There has also been some support, however, for a larger DOD role. Senator Lieberman has reportedly said he plans to propose an amendment for an additional \$550 million for border security.⁴ The House-passed supplemental provides \$350 million, as requested for the Department of Defense for counternarcotics and related activities on the Mexican border. In the foreign affairs accounts, it also provides \$66 million as requested for narcotics control and it adds \$310 million in Foreign Military Financing (FMF) funds for aviation support to Mexico, including funds for surveillance planes and medium lift helicopters. The Senate Appropriations Committee bill rejects the request for Defense Department funds and instead allocates the money to other agencies, along with \$250 million in additional funding.

⁴ Chris, Strohm, "Lieberman Wants Border Security Funding In Supplemental," *Congress Daily PM*, Monday, April 13, 2009

Overview of the FY2009 International Affairs Supplemental Request and Congressional Action

The President requested \$7.1 billion in FY2009 supplemental funds for the Department of State and USAID. The supplemental request for the Department of State totals \$2.3 billion, of which \$594.3 million is for Diplomatic and Consular Programs (D&CP) for Iraq, Afghanistan, and Pakistan; \$898.7 million for Embassy Security, Construction and Maintenance's (ESCM) improved, secure facilities in Afghanistan and Pakistan in order to accommodate the civilian surge proposal; \$7.2 million for the Special Inspector General for Afghanistan Reconstruction (SIGAR); and \$836.9 million for the Contributions to International Peacekeeping Account (CIPA).

As the U.S. government continues to turn over responsibilities to the Government of Iraq, about 40% of the D&CP account for Iraq (\$150 million) will go to pay for anticipated lease costs for facilities that have been occupied by the United States at no cost previously. Approximately 85% of the requested D&CP funds for Afghanistan (\$261.5 million) is to accommodate the civilian staffing surge proposal by the State Department and other federal agencies to complement increased military operations in Afghanistan. In Pakistan, while funding is provided for increased U.S. staffing at the Embassy in Kabul, approximately 85% of the requested funding (\$36.5 million) will be applied to increased public diplomacy initiatives in that country.

The total proposed FY2009 supplemental for USAID is \$4.8 billion. The overall emphasis of the request includes: supporting key frontline states – Afghanistan (\$980.0 million), Pakistan (\$497.0 million), and Iraq (\$482.0 million); aid for urgent global needs – migration and refugee assistance (\$293.0 million), P.L. 480 title II food aid (\$300.0 million), international disaster assistance (\$200.0 million), and aid to developing countries affected by the global financial crisis (\$448.0 million). Regional priorities include: North Korea, support of phase III of the six party talks (\$142.0 million); support to stabilize Georgia (\$243.0 million); West Bank and Gaza (\$715.0 million); and the Mérida program in Mexico (\$66.0 million) to buy 3 Blackhawk helicopters.

Reflecting the Obama Administration's focus on the war in Afghanistan and a new counter-insurgency strategy that raises the profile of non-military methods, the FY2009 supplemental request would significantly increase economic aid efforts in both Afghanistan and Pakistan provided under the 150 account, State, Foreign Operations appropriations portion of the proposed legislation. If the requested level is approved, total FY2009 non-humanitarian economic aid to Afghanistan would amount to \$2.6 billion, an increase of 32% (\$631 million) over the previous year's appropriations. The newly requested funding for Afghanistan, totaling \$980 million, is within three accounts—\$839 million in the Economic Support Fund (ESF), \$129 million in the International Narcotics Control and Law Enforcement (INCLE) account, and \$12 million in the Non-proliferation, Anti-terrorism, Demining, and Related programs (NADR) account. More than a third of the new funding request is devoted to improving governance at all levels of the Afghan government, including anti-corruption measures and other efforts to strengthen the justice system.

If the new request is approved, total FY2009 aid to Pakistan, at \$1.5 billion, would be double the level of FY2008. The FY2009 supplemental request is \$497 million—\$429.5 million in ESF, \$65.5 million in INCLE, and \$2 million in NADR funds. Its emphasis is almost entirely devoted to supporting Pakistan's economic growth and stability, supplementing that government's IMF

Standby Agreement with possible programs to strengthen its social safety net and provide budget support.

Table 5 shows details of the international affairs funding request compared to amounts provided in FY2008 and amounts already enacted for FY2009 in the June 30 supplemental appropriations act, P.L. 110-252.

Table 5. Supplemental Appropriations for International Affairs, FY2008-FY2009

(amounts in millions of dollars)

	FY2008 Enacted Omnibus Appropriations. P.L. 110-161 Dec. 26, 2007	FY2008 Enacted Supplemental Appropriations P.L. 110-252 June 30, 2008	FY2009 Enacted Supplemental Appropriations P.L. 110-252 June 30, 2008	FY2009 Supplemental Request April 9, 2009
State Department & International Broadcasting				
Diplomatic & Consular Programs	781.6	1,465.7	744.9	594.3
Iraq Operations	[575.0]	[1,150.0]	[550.5]	[150.0]
Afghanistan Operations	[206.6]	[200.2]	[89.4]	[123.9]
Afghanistan Operations (other agencies)	—	—	—	[137.6]
Pakistan Operations	—	—	—	[36.5]
Worldwide Security Protection	—	[48.0]	[78.4]	[118.0]
Ongoing Operations	—	—	—	[28.4]
Embassy Security, Construction & Maintenance	—	76.7	41.3	898.7
Office of Inspector General	—	9.5	57.0	7.2
Contributions to International Organizations	—	66.0	75.0	—
Contributions to International Peacekeeping	468.0	373.7	150.5	836.9
International Broadcasting	12.0	2.0	6.0	—
Total State Department	1,261.6	1,993.6	1,074.2	2,337.1
Foreign Operations				
Afghanistan	234.6	899.0	455.0	980.0
Iraq	—	584.0	107.0	482.0
Pakistan	—	—	150.0	497.0
Georgia	—	—	—	242.5
Lebanon	—	—	32.5	98.4
Jordan (ESF)	100.0	250.0	200.0	—
West Bank/Gaza (ESF)	155.0	196.0	200.0	715.0
Israel (FMF)	—	—	170.0	—
North Korea (ESF)	53.0	53.0	15.0	142.0
Mexico	—	352.0	48.0	66.0
Central America	—	65.0	—	—
Haiti (INCLE)	—	2.5	—	—
Dominican Republic (INCLE)	—	2.5	—	—
Nepal (ESF)	—	7.0	—	—
Philippines (ESF)	—	15.0	—	—
Sri Lanka (ESF)	—	6.0	—	—
Thailand (ESF)	—	2.5	—	—

FY2009 Spring Supplemental Appropriations for Overseas Contingency Operations

	FY2008 Enacted Omnibus Appropriations. P.L. 110-161 Dec. 26, 2007	FY2008 Enacted Supplemental Appropriations P.L. 110-252 June 30, 2008	FY2009 Enacted Supplemental Appropriations P.L. 110-252 June 30, 2008	FY2009 Supplemental Request April 9, 2009
Vietnam (ESF)	—	—	—	—
Bangladesh (ESF)	—	25.0	50.0	—
Burma (ESF)	—	—	5.3	13.0
Africa (ESF)	—	—	—	—
Sudan	—	55.0	35.0	—
Somalia	—	—	—	40.0
Kenya (ESF)	—	12.0	25.0	38.0
Democratic Republic of the Congo	—	12.5	20.0	10.0
Zimbabwe (ESF)	—	5.0	15.0	45.0
Chad (ESF& DF)	—	3.0	5.0	—
Central African Republic (ESF)	—	1.0	2.0	—
Uganda (ESF)	—	17.5	15.0	—
Migration/Refugee Assistance	200.0	315.0	350.0	293.0
Emergency Migration (ERMA)	—	31.0	—	—
International Disaster Assistance	110.0	220.0	200.0	—
Democracy, Conflict/Humanitarian	—	—	—	500.0
PL480	—	850.0	395.0	—
Other Food Security (DA & IDA)	—	20.0	200.0	—
Global Health and Child Survival	115.0	—	75.0	—
USAID Operating Expenses	20.8	150.5	93.0	152.6
USAID Capital Investment Fund	—	—	—	48.5
Global Financial Crisis	—	—	—	448.0
USAID Inspector General	—	4.0	1.0	—
Comprehensive Test Ban Treaty Monitoring	—	2.5	—	—
Foreign Military Financing	100.0	—	—	—
Peacekeeping Operations	35.0	—	—	—
Total Foreign Operations	1,123.4	4,158.5	2,863.8	4,811.0
Total State Department and Foreign Operations	2,385.0	6,152.1	3,938.0	7,148.1

Sources: CRS based on P.L. 110-252 and data from the Department of State and Office of Management and Budget.

Notes: FMF = Foreign Military Financing; INCLE = International Narcotics Control and Law Enforcement; ESF = Economic Support Fund; DF = Democracy Fund; ERMA = Emergency Refugee and Migration Assistance; DA = Development Assistance; and IDA = International Disaster Assistance.

Other FY2009 Supplemental Funding Requests and Congressional Action

Responding to the H1N1 “Swine Flu” Outbreak⁵

In late April 2009, the Centers for Disease Control and Prevention (CDC) reported several cases of a new form of H1N1 human influenza, dubbed “swine flu,” in California and Texas. Since then, health officials have tracked a global outbreak of the new pathogen. It appears to have originated in Mexico, and has since spread to several continents. The World Health Organization (WHO) increased its alert level for a possible global flu pandemic. The United States has adopted a response posture to address the outbreak. Among other things, the then-Acting Secretary of Health and Human Services (HHS) invoked certain public health emergency authorities,⁶ and the CDC mobilized stockpiled drugs and medical supplies, enhanced illness surveillance, and issued travel advisories. Congress is considering FY2009 supplemental funding to address the situation.

There are a number of recent precedents for providing funding for pandemic disease preparedness in supplemental appropriations bills. In 2005, facing similar fears of a global pandemic due to a strain of avian influenza (“bird flu”), Congress provided \$6.1 billion in FY2006 supplemental funds to several federal departments for pandemic preparedness efforts.⁷ The bulk of this funding went to HHS, which has received annual regular appropriations for continued pandemic planning since then. In FY2008 supplemental appropriations (P.L. 110-252), Congress provided \$75 million to USAID for avian and pandemic flu activities, to be available through FY2009. Pandemic planning funds were included in the House-passed version of the American Recovery and Reinvestment Act of 2009 (ARRA, P.L. 111-5), but were not provided in the enacted law.⁸

Administration Request for Influenza Funding

On April 27, Representative Obey, the Chairman of the House Appropriations Committee, and Senator Harkin, the Chairman of the Senate Labor, Health and Human Services, Education, and Related Agencies Appropriations Subcommittee, both suggested that Congress might add funds to the pending FY2009 defense supplemental appropriations request to respond to the H1N1 flu outbreak.⁹ On April 28, the White House announced that it would request \$1.5 billion of additional supplemental appropriations to respond to the outbreak. On April 30, President Obama sent a letter to House Speaker Nancy Pelosi formally requesting \$1.5 billion for this purpose.

⁵ Prepared by Sarah A. Lister, Specialist in Public Health and Epidemiology. For more information, see CRS Report R40554, *The 2009 Influenza A(H1N1) “Swine Flu” Outbreak: An Overview*, by Sarah A. Lister and C. Stephen Redhead.

⁶ CRS Report R40560, *The 2009 Influenza A(H1N1) Outbreak: Selected Legal Issues*, coordinated by Kathleen S. Swendiman and Nancy Lee Jones.

⁷ CRS Report RS22576, *Pandemic Influenza: Appropriations for Public Health Preparedness and Response*, by Sarah A. Lister.

⁸ CRS Report R40181, *Selected Health Funding in the American Recovery and Reinvestment Act of 2009*, coordinated by C. Stephen Redhead.

⁹ Rob Margetta, “Harkin, Obey Want Swine Flu Funds in Supplemental,” *CQ Today*, April 27, 2009.

The April 30 request asked that Congress appropriate the funds to the Executive Office of the President in a new account entitled “Unanticipated Needs for Influenza.” The funds would be made available until expended for transfer to other agencies by the Office of Management and Budget (OMB) subject to notification to Congress. In a letter to the President accompanying the request, OMB Director Peter Orszag said that this would provide “maximum flexibility ... to ... target responses and resources as this emerging and unpredictable situation evolves.” Though the request did not identify specific accounts to which funds may be transferred, the White House mentioned activities such as supplementing antiviral stockpiles; developing a vaccine; supporting monitoring, diagnostic, and public health response capabilities; and assisting international efforts to stem this outbreak and to address related international needs.¹⁰

House Action on Influenza Funding

On May 4, Representative Obey released a summary of his proposed supplemental appropriations bill, calling for more than \$2 billion for the current outbreak, \$550 million above the request.¹¹ In a May 7 markup, the House Appropriations Committee approved the amount in Obey’s May 4 proposal, and the committee bill that was reported on May 12, H.R. 2346 includes this amount.¹² On May 14, the House passed H.R. 2346, including the amounts reported for influenza response, without amendment. H.R. 2346 would not provide the funds to the new account requested by the White House, but would instead provide transfer authority that allows flexibility in how the funds could be used to address the fluid situation. The Committee provided the following amounts and instructions:

- \$1.85 billion to HHS for the Public Health and Social Services Emergency Fund, including no less than \$200 million to CDC for a number of specified activities, and no less than \$350 million to upgrade state and local public health capacity for responding to the outbreak.
- \$200 million to the President for the Global Health and Child Survival account, to support global efforts to control the spread of the outbreak.
- Of the \$1.3 billion to HHS that is not specifically designated, funds may be transferred to other HHS accounts and to other federal agencies, as the Secretary of HHS determines to be appropriate. All such transfers require notification to the House and Senate Appropriations Committees. Transfers to other federal agencies also require consultation with the OMB Director.
- Of the \$1.3 billion to HHS that is not specifically designated, funds may be used for purchases for the Strategic National Stockpile, and for construction or renovation of privately owned vaccine production facilities. Funds may also be provided to the Covered Countermeasure Process Fund, to compensate individuals who may be harmed by vaccines or other countermeasures used to control the outbreak.¹³

¹⁰ Executive Office of the President, Office of Management and Budget, Estimate #2, 111th Cong., 1st Sess., April 30, 2009, http://www.whitehouse.gov/omb/assets/budget_amendments/supplemental_04_30_09.pdf.

¹¹ House Committee on Appropriations, “Obey Statement: 2009 Supplemental Appropriations for Iraq, Afghanistan, Pakistan and Pandemic Flu,” press release, May 4, 2009.

¹² H.Rept. 111-105, pp. 38-40 and 53-54.

¹³ The Covered Countermeasure Process Fund, established in Section 319F-4 of the Public Health Service Act, does not (continued...)

- The Secretary of HHS is to report to the House and Senate Appropriations Committees on two matters. The Secretary is to continue monthly reporting of funds obligated and actions taken using funds designated for pandemic flu preparedness. Also, in collaboration with the CDC Director, the Secretary is to report within 90 days regarding the CDC's initial response to the outbreak in Mexico and the United States.
- If WHO announces that the current outbreak has progressed to a global flu pandemic (i.e., Phase 6),¹⁴ and upon the President's determination and notification to the House and Senate Appropriations Committees, available funds in four accounts from prior appropriations acts for the Department of State, foreign operations, and related programs may be used for pandemic response activities. The accounts are Global Health and Child Survival; Development Assistance; Economic Support Fund; and Millennium Challenge Corporation.

Senate Action on Influenza Funding

On May 14, the Senate Committee on Appropriations marked up and reported S. 1054, the Supplemental Appropriations Act, 2009, which would provide \$1.5 billion for influenza activities, the amount requested by the Administration.¹⁵ The Committee recommended funding for the Executive Office of the President, as requested, but under a new account entitled "Pandemic Preparedness and Response" instead of the account entitled "Unanticipated Needs for Influenza" as proposed by the President. Amounts would be used to combat the current outbreak, and for pandemic flu preparedness in general. On May 19, the Senate took up and passed these provisions as an amendment to H.R. 2346, the House-passed supplemental appropriation. Senate debate on the bill is pending. The amendment would provide for transfers of the following amounts, with instructions:

- \$900 million to HHS for the Public Health and Social Services Emergency Fund, for allocation by the Secretary for pandemic preparedness and response activities including vaccine development, purchase of antivirals and medical equipment, diagnostic and vaccine delivery equipment, antiviral research, and support for state and local preparedness; and an additional \$50 million to the HHS Food and Drug Administration (FDA) for activities including vaccine and antiviral development, manufacturer assistance, approval reviews, and safety activities, including blood and consumer protection response.
- \$190 million to DHS for the Departmental Management and Operations account, for allocation by the Secretary, with emphasis on planning and coordination, and on purchasing personal protective equipment and antivirals for DHS personnel and state and local responders.

(...continued)

currently have a balance. See CRS Report RS22327, *Pandemic Flu and Medical Biodefense Countermeasure Liability Limitation*, by Henry Cohen and Vanessa K. Burrows.

¹⁴ The current alert level is Phase 5. See CRS Report R40554, *The 2009 Influenza A(H1N1) "Swine Flu" Outbreak: An Overview*, by Sarah A. Lister and C. Stephen Redhead.

¹⁵ S.Rept. 111-20, pp. 58-60.

- \$100 million to the Secretary of Agriculture, for the Agricultural Programs, Production, Processing and Marketing account, for activities including animal health surveillance and disease investigation, and impacts resulting from misinformation about flu transmission.
- \$110 million for the Department of Veterans Affairs (VA), Veterans Health Administration, for pandemic preparedness, including purchasing protective equipment for high-risk populations and occupations, expanding its antiviral stockpile, and improving information technology capabilities.
- \$150 million to the President for Global Health and Child Survival account, to facilitate information sharing, limit the spread of the virus, reduce mortality and the social and economic impacts, and respond to emergency needs in affected countries.

Other Supplemental Funding Requests

In addition to defense and foreign affairs funding, the Administration's original April 9 request proposed a relatively limited amount of funding for some other programs, including

- \$89.5 million for Department of Energy counter-proliferation programs, of which \$55 million is to finance new initiatives to safeguard nuclear materials in Russia and \$34.5 million is to implement denuclearization programs in North Korea;
- \$21.6 million in authority to use balances of funds in the Strategic Petroleum Reserve account to finance SPR site maintenance, with no net additional appropriations;
- \$47 million for a number of Department of Justice national security-related programs, of which \$30 million is to implement the Administration decision to shut down the Guantanamo Bay prison by supporting a task force to review detainee records and carry on prosecutions;
- \$250 million for fighting wildfires and restoring burned areas of which \$200 million is for the Department of Agriculture Forest Service and \$50 million is for the Department of the Interior;
- \$2.9 million in funds appropriated to the President for operations of the National Security Council; and
- \$71.6 million for the Legislative Branch for a new encrypted radio system for the Capitol Police.

Guantanamo Bay Prison Shutdown

The request for funds to support shutting down the Guantanamo Bay prison prompted a number of questions at the Senate Appropriations Committee hearing on the Administration request on April 30, at which Secretary of Defense Gates and Secretary of State Clinton testified. The House Appropriations Committee did not provide \$50 million requested for the Department of Defense to support the relocation of detainees and to facilitate the closure of detainee facilities, nor did it agree to provide \$30 million requested for the Department of Justice to implement executive orders to shut down the prison and review of the U.S. detention and interrogation procedures. In its report on the bill, the committee said,

Once a decision has been made, the Committee expects the Department to report on its plan for implementation and submit a reprogramming request for any funds it requires to relocate detainees from the Guantanamo Bay Naval Base, to relocate military and support forces associated with detainee operations, and to close detainee facilities.¹⁶

The Senate Appropriations Committee included both Defense Department and Department of Justice funding to close the prison in the bill it reported, but funding was the initial order of business when the bill was brought up on the floor on May 19. Senators Inouye and Inhofe immediately offered an amendment, S.Amdt. 1133, to delete the funding and providing that none of the funds in the supplemental or in any prior Act may be used to relocate any detainee to the United States. The Senate approved the amendment by a vote of 90-6 on May 20.

¹⁶ U.S. Congress, House Committee on Appropriations, *Report to Accompany H.R. 2346, Making Supplemental Appropriations for the Fiscal Year Ending September 30, 2009, and for Other Purposes*, 111th Cong., 1st sess., May 12, 2009, H.Rept. 111-105 (Washington: GPO, 2009), p. 15.

Appendix A. FY2009 Supplemental Appropriations for Iraq Reconstruction¹⁷

The FY2009 supplemental assistance request for Iraq reflects the Administration's intention to move toward a diminished U.S. presence in the country. The total non-humanitarian foreign operations aid request amounts to \$482 million, which, with already appropriated amounts from the June 2008 FY2009 "bridge" supplemental (P.L. 110-252) and the regular FY2009 appropriations approved in March 2009 (P.L. 111-8), would bring total non-humanitarian foreign operations assistance to \$605 million, basically the same amount as appropriated in FY2008. The equivalent amount in FY2007 was \$2 billion, which would have been available through FY2008. Without a similar cushion of funds from the preceding year, the FY2009 request may be seen as a notable decrease in economic assistance.

The request for DOD assistance represents a more pronounced decline. The Administration has asked that the \$1 billion appropriated in the FY2009 "bridge" appropriation to the Iraq Security Forces Fund (ISFF), which supports training and equipping of Iraqi security forces, be rescinded and re-appropriated in this new FY2009 supplemental bill. In essence, the request is made in order to extend availability of these funds. The "bridge" appropriation would have expired at end of September 2009; with this new appropriation it would be available until end of September 2010. If the request is approved, the trend in ISFF totals would appear as follows: \$5.5 billion in FY2007, \$3 billion in FY2008, and \$1 billion in FY2009. The Commander's Emergency Response Program (CERP) request, totaling \$453 million, is, as for other years, to be shared by both Afghanistan and Iraq.

The \$482 million foreign operations request breaks down as follows—\$449 million in Economic Support Fund (ESF), \$20 million in International Narcotics and Law Enforcement (INCLE), \$2 million in International Military Education and Training (IMET), and \$11 million in Narcotics, Anti-Terrorism, Demining and Related Programs (NADR) funds. Within these accounts, the largest amounts are requested for certain programs in ESF that well-characterize the Iraq assistance program at this stage. Of programs supporting improved governance, the Quick Response Fund (\$45 million), a civilian equivalent of the CERP, is a key tool of the Provincial Reconstruction Teams (PRTs) that allow U.S. civilians, with security provided by the U.S. military, to maintain a presence in the provinces, deal directly with local leaders, and bolster local government. The Local Governance Program (\$55 million), managed by USAID, helps build management and knowledge skills of provincial government personnel. The Community Action Program (CAP) (\$35 million) funds projects identified by local representative associations. Ministerial Capacity Development (\$60 million) seeks to enhance the capabilities of Iraqi central government personnel, especially focusing on helping them execute their budgets. Significant funding (\$112 million) is being requested to support national elections scheduled for later this year. Key programs supporting economic growth in Iraq are Economic Reform (\$50 million) activities to build a better regulatory system and in Agriculture (\$43 million), which after oil production is Iraq's best hope for an improved economy.

In addition to the security and economic aid-related requests for Iraq, the supplemental contains a humanitarian aid component. The Migration and Refugee Assistance account (MRA) includes

¹⁷ Prepared by Curt Tarnoff, Specialist in Foreign Affairs.

\$108 million to address the needs of the roughly 4.8 million Iraqi refugees and internally displaced persons (IDPs).

Table A-I. FY2009 Supplemental Request for Iraq Reconstruction

I50 Foreign Operations Accounts			
Economic Support Fund (ESF)	\$449 million	of which:	
		Quick Response Fund	\$45 million
		Civil Society & Elections	\$112 million
		Local Governance	\$55 million
		Community Action Program (CAP)	\$35 million
		Ministerial Capacity Development	\$60 million
		Ruzicka War Victims Fund	\$3.5 million
		War Widows	\$5 million
		Economic Reform	\$50 million
		Provincial Economic Growth	\$27.5 million
		Agriculture	\$43 million
		Program Support	\$13 million
International Narcotics and Law Enforcement (INCLE)	\$20 million	of which:	
		Police Transition Planning	\$5 million
		Judiciary	\$9 million
		Rule of Law Advisors	\$3 million
		Program Support	\$3 million
Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR)	\$11 million	of which:	
		Train ISF for Diplomatic Protection	\$6 million
		Terrorist Interdiction	\$0.5 million
		Border Control	\$2 million
		WMD	\$1 million
		Nuclear Waste Disposal	\$1.5 million

150 Foreign Operations Accounts		
International Military Education and Training (IMET)	\$2 million	
Migration and Refugee Assistance (MRA)	\$108 million	
050 DOD Accounts		
Iraq Security Forces Fund (ISFF)	\$1 billion	Coinciding with cancellation of \$1 billion from FY2009 “bridge” (P.L. 110-252).
Commander’s Emergency Response Program (CERP)	\$453 million	For both Iraq and Afghanistan.

Source: Department of State and OMB.

House Action on Iraq Reconstruction

The House-approved bill (H.R. 2346) matches the Administration request for most items associated with Iraq reconstruction aid. Bill language appropriates the request for the ISFF, and House Appropriations Committee explanatory language provides the request for the CERP, ESF, INCLE, NADR, and IMET accounts. Sufficient funds are provided to the overall MRA account to meet the Iraq request here.

The most notable change from the Administration request comes in operating expense accounts. The State Department Diplomatic and Consular Programs account which funds staff salaries, expenses, and security is increased in the case of Iraq by 224%, from a request of \$150 million to a House allocation of \$486 million. The Appropriations Committee took this action in order to fund the Iraq Mission through the first quarter of 2010 as it transitions “both to an annualized funding cycle and to a more regular diplomatic and development program.” Funds are largely to lease facilities supporting the Mission and to provide for civilian security needs that, presumably, are expected to increase as U.S. troops draw down.

Senate Action on Iraq Reconstruction

The FY2009 supplemental approved by the Senate Appropriations Committee mostly follows the Administration request for Iraq reconstruction—matching the request for CERP, INCLE, NADR, and IMET accounts, and reducing by only \$10 million the ESF level to \$439 million. Sufficient funds are also provided to the overall MRA account to meet the Iraq request. On the ISFF, however, the Senate Committee bill departs from the request. Instead of rescinding \$1 billion from the FY09 “bridge” supplemental and re-appropriating it in this bill, the Senate version leaves the “bridge” appropriation intact and still appropriates \$1 billion in this new supplemental. Further, recognizing that responsibility to train Iraqi security forces will transition from DOD to the Department of State in August 2010, the Committee added language transferring unobligated balances, as of July 31, 2010, to State to use for this purpose. Unlike the House bill, the Senate bill matches the Administration’s \$150 million request for the State Diplomatic and Consular Programs account.

Appendix B. FY2009 Supplemental Appropriations for Assistance to Afghanistan¹⁸

Despite significant progress in Afghanistan during the past eight years—a new constitution and successful presidential elections in 2004, parliamentary elections in 2005, and increased personal freedom for Afghan citizens, especially the participation of women in economic and political life—insurgent threats to Afghanistan's government have escalated since 2006 to the point that some experts began questioning the success of U.S. stabilization efforts. An expanding militant presence in some areas previously considered secure, increased numbers of civilian and military deaths, growing disillusionment with corruption in the government of Afghan President Hamid Karzai, and Pakistan's inability to prevent Taliban and other militant infiltration into Afghanistan led the Obama Administration to conduct its own “strategic review,” the results of which were announced on March 27, 2009.

In part because of the many different causes of continued instability in Afghanistan, there reportedly was difficulty reaching consensus on a new strategy. The thrust of the new strategy is a focus not on adding U.S. troops—although at least 21,000 are being added in 2009—but rather on enhancing non-military steps such as economic development and coordination among international donors, building local governing structures, building capacity and reforming the Afghan government, expanding and reforming the Afghan security forces, and trying to improve Pakistan's efforts to curb militant activity on its soil.

The FY2009 supplemental request reflects the Administration strategy by significantly increasing economic aid to Afghanistan provided under the 150 account, State, Foreign Operations appropriations portion of the proposed legislation. If the requested level is approved, total FY2009 non-humanitarian economic aid to Afghanistan would amount to \$2.6 billion, an increase of 32% (\$631 million) over the previous year's appropriations. The newly requested funding for Afghanistan, totaling \$980 million, would come from three accounts—\$839 million under the Economic Support Fund (ESF), \$129 million under International Narcotics and Law Enforcement account (INCLE), and \$12 million under the Nonproliferation, Anti-Terrorism, and Demining (NADR) account. More than a third of the new funding would be devoted to improving governance at all levels of the Afghan government, including anti-corruption and other efforts to strengthen the justice system. Substantively, according to the Administration, the request also “represents a major shift” from short and long-term reconstruction and development activities scattered throughout all of Afghanistan to programs “focused on countering the insurgency, primarily in the south and east.”¹⁹

The \$839 million ESF request consists of five components. Security-related programs, including counternarcotics alternative development programs, stabilization projects targeting critical districts, construction of district centers where citizens can meet with local officials, and quick support projects delivered by Provincial Reconstruction Teams (PRTs) represent \$214 million. Governance programs, accounting for \$295 million, include building the capacity of the Afghan government at all levels, anti-corruption activities, election support, Ministry of Justice

¹⁸ Prepared by Curt Tarnoff, Specialist in Foreign Affairs, Kenneth Katzman, Specialist in Middle Eastern Affairs and Rhoda Margesson, Specialist in International Humanitarian Policy.

¹⁹ Department of State and USAID, *FY2009 Supplemental Justification*, p. 51.

assistance, and U.S. contributions to the World Bank’s Afghanistan Reconstruction Trust Fund. Providing basic services to vulnerable populations and creating short-term employment opportunities amounts to \$135 million. Economic growth efforts, totaling \$170 million, encompass projects in agriculture, monetary and fiscal policy reform, expansion of a central business registry, creation of a national land registry, and micro and small business credit activities. Funding of administration and oversight of these programs amounts to \$25 million.

The \$129 million INCLE program in Afghanistan would focus on counternarcotics programs (\$46 million), including special assistance to communities adopting anti-narcotics policies to tide them over until development efforts take effect and support to the Afghan Counternarcotics Advisory Team; rule of law efforts (\$78 million), including legal education, support for women prisoners, and assistance to the Central Prison Directorate; and program administrative and oversight support (\$5 million). The \$12 million NADR program would bolster the capacities of the Afghan Presidential Protective Service.

The State, Foreign Operations portion of the request also includes \$261.5 million in State Department Diplomatic and Consular Program account funds, most of which would support operational expenses of the proposed civilian staff surge from multiple agencies that would bring staff levels in Kabul up from 394 to 567 and expand PRT staff by 110 temporary posts. Similarly, there is a \$140 million request for USAID Operating Expenses, most of which is meant to increase USAID staff in the PRTs. In addition, \$101.5 million would go to security protection for U.S. facilities and personnel, and \$87 million would go to embassy physical expansion to provide room for new housing. The Special Inspector General for Afghanistan Reconstruction (SIGAR) request is for \$7.2 million. In all, these operational expense requests amount to about \$600 million.

In addition to these economic efforts, the Administration request includes \$3.6 billion for the Afghan Security Forces Fund (ASFF), which supports the training and equipping of Afghan army and police. The Administration has also asked that \$125 million previously appropriated to the ASFF in the FY2009 “bridge” legislation be rescinded and re-appropriated in this new FY2009 supplemental bill. In essence, the request is made in order to extend availability of these funds. The “bridge” appropriation would have expired at end of September 2009; with this new appropriation it would be available until end of September 2010. The Administration’s \$453 million request for the Commander’s Emergency Response Program (CERP) is, as has been the case in the past, for both Iraq and Afghanistan.

Table B-I. FY2009 Supplemental Request for Afghanistan

150 Foreign Operations Accounts			
Economic Support Fund (ESF)	\$839 million	of which:	
		Security & Stabilization (PRT programs)	\$214 million
		Governance	\$295 million
		Social Services/Employment	\$135 million
		Economic Growth	\$170 million

150 Foreign Operations Accounts		
		Program Support \$25 million
International Narcotics and Law Enforcement (INCLE)	\$129 million	of which:
		Counter-narcotics Planning \$46 million
		Rule of Law \$78 million
		Program Support \$5 million
Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR)	\$12 million	
Migration and Refugee Assistance (MRA)	\$7 million	
050 DOD Accounts		
Iraq Security Forces Fund (ISFF)	\$3.6 billion	Coinciding with cancellation of \$125 million from FY2009 "bridge" (P.L. 110-252).
Commander's Emergency Response Program (CERP)	\$453 million	For both Iraq and Afghanistan.

Source: Department of State and OMB.

House Action on Afghanistan Assistance

The House Appropriations Committee-reported bill largely matches the Administration request for economic assistance to Afghanistan. Bill language provides the requested \$3.6 billion for the ASFF. Explanatory language would provide the Administration request for the CERP (\$453 million, shared with Iraq), NADR (\$12 million), INCLE (\$129 million), and ESF (\$839 million) accounts. The explanatory report breaks out the ESF in slightly different amounts and categories than the request—\$70 million for the National Solidarity Program, \$159 million for the PRTs, \$85 million for Agriculture, \$55 million for Alternative Development, \$200 million of Economic Growth, \$25 million for Elections, \$115 million for Governance and Civil Society, and \$20 million for Rule of Law.

The House bill would provide more in the State Department operating expense account, the Diplomatic and Consular Program, than the Administration requested—\$448.9 million instead of the \$363 million request. Most of the difference is in staff expense allocations, as opposed to security costs. The House provides \$327.4 million for State and other agency staff expenses, rather than the \$261.5 million request. This is meant to support the proposed staff surge—170 U.S. Direct Hires in Kabul, 251 temporary PRT staff, and 106 local staff, as well as 59 existing staff from other agencies (Agriculture, Treasury, etc.) and up to 73 new staff from these agencies. The House bill matches the Administration request for USAID operating expenses at \$140 million and for the Special Inspector General for Afghanistan Reconstruction at \$7.2 million.

Senate Action on Afghanistan Assistance

The Senate Committee on Appropriations FY09 supplemental would match the Administration request for the NADR account (\$12 million) and would slightly alter the request for ESF (\$866 million vs. a request of \$839 million), and INCLE (\$133 million vs. a request of \$129 million). The bill would also provide \$25 million for MRA assistance to internally displaced people and refugees versus a request of \$7 million. The Committee provides the requested amount for the CERP and the ASFF, but does not cancel and re-appropriate the \$125 million in FY09 “bridge” funds sought by the Administration.

The Senate bill provides \$308.6 million for State D&CP staff operating expenses (vs. \$261.5 million request) and \$100 million for USAID operating expenses (vs. \$140 million request). It matches the \$7.2 million request for the SIGAR.

Appendix C. FY2009 Supplemental Appropriations for Assistance to Pakistan²⁰

The President's request for supplemental FY2009 appropriations includes a total of more than \$900 million in proposed spending directly related to Pakistan, and another \$1 billion in Coalition Support Funds (CSF), much of which is likely to be used to reimburse Pakistan for its support of U.S. military operations in the region. The Administration argues that \$497 million in new foreign operations assistance is urgently needed "to help stem the rapidly deteriorating security and economic conditions confronting" Pakistan, and it emphasizes that "failure to address these conditions could lead to a further opening for extremists" there.²¹ It further argues that ongoing CSF reimbursements are "critical to maintaining the viability" of U.S.-led military coalition efforts, and that establishment of a new Pakistan Counterinsurgency Capability Fund (PCCF) is necessary to bolster that country's security forces and make it a more effective partner in U.S. efforts to stabilize neighboring Afghanistan and the region.²²

The DOD assistance request would continue CSF payments to reimburse Pakistan for its ongoing operational and logistical support of U.S. efforts in the region. Such funds have accounted for the bulk of U.S. financial transfers to Pakistan since 2001, and they have come under scrutiny as concerns grew in Congress and among independent analysts that standard accounting oversight procedures were not being employed.²³ Pakistan has received approximately 80% of appropriated CSF funds since 2001 at an average rate of nearly \$80 million per month. This ratio suggests that Pakistan could receive approximately \$800 million in supplemental CSF in FY2009 in addition to the \$200 million already disbursed through the FY2009 "bridge" supplemental. Moreover, the proposed PCCF would be funded with a requested \$400 million in FY2009. These funds would be used to 1) fund an existing, multi-year Security Development Plan for Pakistan; 2) assist Pakistani security forces to organize, train, equip, and operate as a counterinsurgency-capable force; and 3) provide humanitarian relief in post-combat/conflict areas. Secretary of Defense Robert Gates favors funding the proposed PCCF with up to \$3 billion over a five-year period and folding into this single account many sometimes disparate Pentagon-funded security programs for Pakistan. There is discussion and debate underway in Congress about whether the PCCF should come under the authority of the Department of Defense or the Department of State.

The \$497 million foreign operations request breaks down as follows: \$430 million in Economic Support Fund (ESF), \$65.5 million in International Narcotics and Law Enforcement (INCLE), and \$2 million in Narcotics, Anti-Terrorism, Demining and Related Programs (NADR) funds. Within these accounts, the largest amounts (\$400 million) are requested for ESF programs that would help address Pakistan's economic crisis and balance of payment deficit by supplementing Islamabad's \$7.65 billion Standby Agreement with the International Monetary Fund. Another \$21.5 million in ESF would be used to expand USAID's Community Rehabilitation Infrastructure Support Program (CRISP) in ongoing efforts to stimulate economic activity, create jobs and

²⁰ Prepared by Alan Kronstadt, Specialist in South Asian Affairs.

²¹ U.S. Department of State, "FY2009 Supplemental Justification," April 9, 2009.

²² U.S. Department of Defense, "Fiscal Year 2009 Supplemental Request," April 2009.

²³ The Government Accountability Office was tasked to address oversight of coalition support funds that go to Pakistan. Its June 2008 report concluded that increased oversight and accountability was needed over Pakistan's reimbursement claims for such funds (see <http://www.gao.gov/new.items/d08806.pdf>).

improve service delivery in Pakistan. Humanitarian assistance for persons internally displaced by instability in Pakistan's western border regions would total \$8 million. These amounts would add to the "bridge" FY2009 supplemental providing \$150 million and a base FY2009 request of \$453 million, bringing the FY2009 ESF total for Pakistan to about \$1.03 billion, a huge increase as compared to previous years. Requested INCLE funds include \$35 million to continue train and equip programs for elite police forces and other law enforcement agencies in Pakistan's North West Frontier Province and Federally Administered Tribal Areas, and \$22.5 million to expand the air wing of the paramilitary Frontier Corps to improve tactical counternarcotics, law enforcement, and border security capacities. The \$2 million requested for NADR would fund four additional Crisis Response Team training courses for Pakistan's Federal Investigative Agency's anti-terrorist team, said to be a high priority of the Interior Ministry.

State Department and USAID operations costs to be funded under the supplemental request include \$806.2 million for security, construction and maintenance of several U.S. posts in Pakistan, the bulk of which would fund renovation or replacement of the existing chancery and construction of a new annex at the Islamabad post. Moreover, \$45.6 million requested for costs related to diplomatic and consular activities of the U.S. Mission in Pakistan breaks down as follows: \$30.9 million to enhance U.S. public diplomacy efforts there; \$9.1 million to provide increased security for U.S. facilities; and \$5.5 million to fund a staffing surge. For USAID, \$7.6 million to support significant increases in USAID staffing levels in Pakistan. These funds would pay for salaries, benefits, and related expenses for 81 approved new positions, including 16 new U.S. Direct-Hires.

Table C-1. FY2009 Supplemental Request for Pakistan

150 Foreign Operations Accounts			
Economic Support Fund (ESF)	\$429.5 million	of which:	
		Budgetary Support	\$400 million
		Community Rehabilitation Infrastructure Support	\$21.5 million
		Humanitarian Assistance	\$8 million
International Narcotics and Law Enforcement (INCLE)	\$65.5 million	of which:	
		NWFP Police Training	\$35 million
		Frontier Corp Air Wing Expansion	\$22.5 million
		Police Training Venue Security	\$3 million
		Program Support	\$5 million
Nonproliferation, Anti-Terrorism, Demining and Related Programs (NADR)	\$2 million	of which:	
		Crisis Response Team Training	\$2 million
050 DOD Accounts			
Pakistan Counterinsurgency Fund	\$400 million	A new fund to build the counterinsurgency capabilities of Pakistan's security forces.	
Coalition Support Funds	\$1 billion	Reimbursements to coalition partners for expenses incurred in support of U.S. military operations.	

Source: Department of State and OMB.

Appendix D. FY2008 and FY2009 Defense Funding, Detail Table

Table D-1. FY2008 and FY2009 Bridge and Supplemental Defense Appropriations: Detail by Bill and Account

(amounts in millions of dollars)

	FY2008 Continuing Resolution ^a FY2008 Defense Appropriations ^b	FY2008 Bridge Fund in Consolidated Appropriations ^c	FY2008 in June 2008 Supplemental Appropriations ^d	Total FY2008 Bridge/ Supplemental Appropriations	FY2009 Bridge Fund in June 2008 Supplemental Appropriations ^d	FY2009 Supplemental Appropriations Request April 2009
Military Personnel						
Army	—	782.5	12,216.7	12,999.2	839.0	10,666.0
Navy	—	95.6	894.2	989.8	75.0	1,354.8
Marine Corps	—	56.1	1,826.7	1,882.7	55.0	1,420.0
Air Force	—	138.0	1,355.5	1,493.6	75.0	1,390.6
Army Reserve	—	—	304.2	304.2	—	284.2
Navy Reserve	—	—	72.8	72.8	—	39.5
Marine Corps Reserve	—	—	16.7	16.7	—	29.2
Air Force Reserve	—	—	5.0	5.0	—	16.9
Army National Guard	—	—	1,369.7	1,369.7	150.0	1,439.3
Air National Guard	—	—	4.0	4.0	—	17.9
Total, Military Personnel	—	1,072.2	18,065.6	19,137.8	1,194.0	16,658.3
Operation and Maintenance						
Army	—	35,152.4	17,223.5	52,375.9	37,300.0	14,119.4
Navy ^a	—	3,664.0	2,977.9	6,641.9	3,500.0	2,390.1
Marine Corps	—	3,965.6	159.9	4,125.5	2,900.0	1,090.8
Air Force	—	4,778.0	5,972.5	10,750.5	5,000.0	6,294.0
Defense-Wide	—	2,117.0	3,657.6	5,774.5	2,648.6	5,667.5
Army Reserve	—	77.7	164.8	242.6	79.3	115.0
Navy Reserve	—	41.7	109.9	151.5	42.5	25.6

	FY2008 Continuing Resolution ^a FY2008 Defense Appropriations ^b	FY2008 Bridge Fund in Consolidated Appropriations ^c	FY2008 in June 2008 Supplemental Appropriations ^d	Total FY2008 Bridge/ Supplemental Appropriations	FY2009 Bridge Fund in June 2008 Supplemental Appropriations ^d	FY2009 Supplemental Appropriations Request April 2009
Marine Corps Reserve	—	46.2	70.3	116.4	47.1	30.8
Air Force Reserve	—	12.1	166.0	178.1	12.4	34.6
Army National Guard	—	327.0	685.6	1,012.6	333.5	203.4
Air National Guard	—	51.6	287.4	339.0	52.7	—
Total, Operation and Maintenance	—	50,233.3	31,475.3	81,708.6	51,916.0	29,971.2
Special Funds						
Joint IED Defeat Fund	—	4,269.0	—	4,269.0	2,000.0	1,466.7
Iraq Freedom Fund	—	3,747.3	50.0	3,797.3	—	415.0
Afghanistan Security Forces Fund	—	1,350.0	1,400.0	2,750.0	2,000.0	3,606.9
Iraq Security Forces Fund	—	1,500.0	1,500.0	3,000.0	1,000.0	—
Pakistan Counterinsurgency Capability Fund	—	—	—	—	—	400.0
Total Special Funds	—	10,866.3	2,950.0	13,816.3	5,000.0	5,888.7
Procurement						
Army						
Aircraft	—	943.6	954.1	1,897.7	84.0	762.6
Missile	—	—	561.7	561.7	—	767.1
Weapons & Tracked Combat Vehicles	—	1,429.4	5,463.5	6,892.9	822.7	1,683.4
Ammunition	—	154.0	344.9	498.9	46.5	230.1
Other Procurement Army	—	2,027.8	16,337.3	18,365.1	1,009.1	8,121.6
Navy						
Aircraft	—	48.5	3,563.3	3,611.8	—	601.0
Missile	—	—	317.5	317.5	—	99.5

FY2009 Spring Supplemental Appropriations for Overseas Contingency Operations

	FY2008 Continuing Resolution^a FY2008 Defense Appropriations^b	FY2008 Bridge Fund in Consolidated Appropriations^c	FY2008 in June 2008 Supplemental Appropriations^d	Total FY2008 Bridge/ Supplemental Appropriations	FY2009 Bridge Fund in June 2008 Supplemental Appropriations^d	FY2009 Supplemental Appropriations Request April 2009
Ammunition Navy & Marine Corps	—	304.9	304.9	609.9	—	348.9
Other Procurement Navy	—	91.5	1,399.1	1,490.6	27.9	264.8
Marine Corps	—	703.3	2,197.4	2,900.6	565.4	1,638.4
Air Force						
Aircraft	—	51.4	7,103.9	7,155.3	201.8	2,378.8
Missile	—	—	66.9	66.9	—	57.4
Ammunition	—	—	205.5	205.5	—	183.7
Other Procurement Air Force	—	30.7	1,953.2	1,983.9	1,500.6	1,835.0
Defense-Wide	—	274.7	408.2	683.0	177.2	197.1
National Guard and Reserve Equipment	—	—	825.0	825.0	—	—
Rapid Acquisition Fund	—	—	—			
MRAP Fund (Continuing Resolution ^a)	5,200.0	—	—	5,200.0	—	—
MRAP Fund (Defense Appropriations Act ^b)	11,630.0	—	—	11,630.0	—	—
MRAP (FY2008-2009 Supplemental ^c & Request)	—	—	—	—	1,700.0	2,693.0
Total, Procurement	16,830.0	6,059.9	42,006.4	64,896.2	6,135.3	21,862.4
Research, Development, Test and Evaluation						
Army	—	—	163.0	163.0	—	73.7
Navy	—	—	366.1	366.1	113.2	144.5
Air Force	—	—	399.8	399.8	72.0	108.3
Defense-Wide	—	—	816.6	816.6	202.6	483.4

	FY2008 Continuing Resolution ^a FY2008 Defense Appropriations ^b	FY2008 Bridge Fund in Consolidated Appropriations ^c	FY2008 in June 2008 Supplemental Appropriations ^d	Total FY2008 Bridge/ Supplemental Appropriations	FY2009 Bridge Fund in June 2008 Supplemental Appropriations ^d	FY2009 Supplemental Appropriations Request April 2009
Total, Research, Development, Test and Evaluation	—	—	1,745.5	1,745.5	387.8	809.9
Revolving and Management Funds						
Defense Working Capital Funds	—	1,000.0	1,837.5	2,837.5	—	846.7
National Defense Sealift	—	—	5.1	5.1	—	—
Total, Revolving and Management Funds	—	1,000.0	1,842.6	2,842.6	—	846.7
Other Department of Defense Programs						
Defense Health Program	—	575.7	1,413.9	1,989.6	1,100.0	909.3
Psychological Health and Traumatic Brain Injury	—	—	75.0	75.0	—	—
Drug Interdiction and Counter- Drug Activities, Defense	—	192.6	65.3	257.9	188.0	141.2
Office of the Inspector General	—	—	6.4	6.4	—	9.6
Total, Other Department of Defense Programs	—	768.3	1,560.6	2,328.9	1,288.0	1,060.0
Military Construction						
Military construction, Army	—	—	1,108.2	1,108.2	—	1,229.7
Military construction, Navy and Marine Corps	—	—	355.9	355.9	—	239.0
Military construction, Air Force	—	—	399.6	399.6	—	281.0
Military construction, Defense- Wide	—	—	890.9	890.9	—	—
Family Housing, Navy & Marine Corps	—	—	11.8	11.8	—	—
Base realignment and closure account, 2005	—	—	1,278.9	1,278.9	—	263.3

FY2009 Spring Supplemental Appropriations for Overseas Contingency Operations

	FY2008 Continuing Resolution^a FY2008 Defense Appropriations^b	FY2008 Bridge Fund in Consolidated Appropriations^c	FY2008 in June 2008 Supplemental Appropriations^d	Total FY2008 Bridge/ Supplemental Appropriations	FY2009 Bridge Fund in June 2008 Supplemental Appropriations^d	FY2009 Supplemental Appropriations Request April 2009
NATO Security Investment Program	—	—	—	—	—	100.0
General Provisions, Military Construction, Barracks Improvements	—	—	200.0	200.0	—	—
Total Military Construction	—	—	4,245.3	4,245.3	—	2,113.0
General Provisions						
Transfer from Defense Cooperation Account	—	—	6.5	6.5	—	—
Section 9308, Rescissions	—	—	-146.6	-146.6	—	—
Section 8003, General Defense Reduction	—	—	-3,577.8	-3,577.8	—	—
Rescissions	—	—	—	—	—	-2,910.0
Reappropriation Reduction Army	—	—	—	—	—	-470.9
Total, General Provisions	—	—	-3,718.0	-3,718.0	—	-3,380.9
Total, Department of Defense	16,830.0	70,000.0	100,173.3	187,003.3	65,921.2	75,829.4
Other Agency Defense-Related						
FBI Defense-Related	—	—	106.1	106.1	—	—
Defense Environmental Cleanup	—	—	62.5	62.5	—	—
DOE Nuclear Nonproliferation	—	—	—	—	—	89.5
Total Other Agency	—	—	62.5	62.5	—	89.5
Total	16,830.0	70,000.0	100,288.8	187,118.8	65,921.2	75,918.9

Source: CRS based on House Appropriations Committee tables in the *Congressional Record* when the House approved final appropriations bills.

Notes:

- a. FY2008 First Continuing Resolution, H.J.Res. 52, P.L. 110-92, September 29, 2007.
- b. FY2008 Defense Appropriations Act, H.R. 3222, P.L. 110-116, November 13, 2007.
- c. FY2008 Consolidated Appropriations, Division L, H.R. 2764, P.L. 110-161, December 26, 2007. Note: Total for O&M Navy includes \$110 million for transfer to the Coast Guard.
- d. FY2008 Supplemental Appropriations, H.R. 2642, P.L. 110-252, June 30, 2008.

Author Contact Information

Stephen Daggett, Coordinator
Specialist in Defense Policy and Budgets
sdaggett@crs.loc.gov, 7-7642

Susan B. Epstein, Coordinator
Specialist in Foreign Policy
sepstein@crs.loc.gov, 7-6678

Curt Tarnoff
Specialist in Foreign Affairs
ctarnoff@crs.loc.gov, 7-7656

Rhoda Margesson
Specialist in International Humanitarian Policy
rmargesson@crs.loc.gov, 7-0425

Kennon H. Nakamura
Analyst in Foreign Affairs
knakamura@crs.loc.gov, 7-9514

K. Alan Kronstadt
Specialist in South Asian Affairs
kkronstadt@crs.loc.gov, 7-5415

Sarah A. Lister
Specialist in Public Health and Epidemiology
slister@crs.loc.gov, 7-7320