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Legislative Bulletin.....May 14, 2009

H.R. 2346—FY 2009 Supplemental Appropriations Act

BY THE NUMBERS:

In millions

	Request	House
Title I, FY 2009 Funding	73,541	81,300
Title II, FY 2009 Funding	11,404	15,417
Total	84,945	96,717

Background: On June 30, 2008, President Bush signed into law H.R. 2642, the 2008 Supplemental Appropriations Act. This legislation provided \$65.9 billion of war funding for FY 2009. President Obama’s initial budget for FY 2009-2019, released in February, called for \$75.5 billion of additional FY 2009 war spending. Overall, including the President’s non-war funding supplemental request, H.R. 2346 exceeds the President’s request by \$11.8 billion or 13.9%

Budget Compliance: The legislation designates the entire \$96.7 billion as emergency spending to avoid the discretionary cap set by the budget resolution. The budget resolution set no limit on emergency spending.

Order of Business: The bill is scheduled to be considered on Thursday, May 14, 2009, under a closed rule that waives all points of order except clause 9 (earmark rule) and 10 (PAYGO) of Rule XXI. The rule also self-executes an amendment that would prohibit funds, made available by this legislation, from being used to transfer any person detained at Guantanamo Bay, Cuba (as of April 30, 2009) into the continental United States, Alaska, Hawaii, or DC (but not other U.S. territories).

Title I, FY 2009 Funding Levels:*In millions*

Department of Defense	Request	House
Procurement	19,169	23,046
Operations & Maintenance	29,971	29,417
<i>Army</i>	14,119	14,025
<i>Navy</i>	2,390	2,368
<i>Marine Corps</i>	1,091	1,084
<i>Air Force</i>	6,294	6,217
<i>Defense-wide</i>	5,667	5,354
<i>Army Reserve</i>	115	101
<i>Navy Reserve</i>	26	24
<i>Marine Corps Reserve</i>	31	31
<i>Air Force Reserve</i>	35	35
<i>Army National Guard</i>	203	178
Research, Development, Test and Evaluation	810	722
Revolving and Management Funds	847	847
Defense Health Program	909	1,097
Joint IED Defeat Fund	1,467	1,317
Mine Resistant Ambush Protected Vehicle Fund	2,693	4,843
Office of the Inspector General	10	10
Afghanistan Security Fund	3,607	3,607
Iraq Freedom Fund	415	365
Pakistan Counterinsurgency	400	400
Defense Cooperation Account	7	7
Iraq Security Forces Fund	1,000	1,000
Afghanistan Security Forces Fund	125	125
Stop Loss Fund	----	734
Total	73,541	81,300

Title II, FY 2009 Funding Levels:

In millions

	Request	House
Agriculture		
Public Law 480 Title II Grants	300	500
Agriculture Credit Insurance Fund Program	----	450
Additional Loan Subsidies	----	48
Justice		
Legal Activities	7	7
National Security Division	1	1
ATF	4	4
Federal Prison System	5	5
Energy		
Nuclear Nonproliferation	90	55
General Government		
National Security Council, Salaries and Expenses	3	3
Interior and Environment		
Wildfire Management	250	250
Health and Human Services		
Public Health and Social Services Emergency	1,500	1,850
Legislative Branch		
General Expenses	72	72
Military Construction		
Army	1,230	1,407
Navy and Marine Corps	239	236
Air Force	281	279
Defense-wide	182	1,087
NATO Security Investment Program	100	100
Base Closure Account	263	263
State, Foreign Operations and Related Programs		
Diplomatic and Consular Programs	594	1,016
Office of Inspector General	7	17
Embassy Security, Construction, and Maintenance	899	990
International Peacekeeping	837	837
U.S. Agency for International Development	201	205
Bilateral Economic Assistance	4,160	4,575
International Security Assistance	150	1,831
Total	11,404	15,417

Items of Note:

Report on Iraq Troop Drawdown Status, Goals, and Timetable: The legislation requires the Secretary of Defense to prepare a report that includes:

- A detailed month-by-month description of the transition of U.S. military forces and equipment out of Iraq.
- A detailed, month-by-month description of the transition of U.S. contractors out of Iraq.

The report is required to address the following matters:

- How the government of Iraq is assuming responsibility for the reconciliation initiatives as the mission of the U.S. armed forces transitions.
- How the drawdown of military forces complies with the President's planned withdrawal of combat brigades by August 31, 2010, and all U.S. forces by December 31, 2011.
- The roles and responsibilities of remaining contractors in Iraq as the United States mission evolves, including the anticipated number of U.S. contractors to remain in Iraq after August 31, 2010, and December 31, 2011.

Wildland Fire Management: The bill includes a total of \$250 million for wildland fire management—the same as the President's request.

Pandemic Flu Response: The legislation provides a total of \$2.05 billion for pandemic flu response, \$550 million (or 36.7%) more than the President's request.

Capitol Police Radio System: The bill provides \$71.6 million for the Capitol Police to buy and install a new radio system, the same level as requested by the President.

International Peacekeeping: The bill provides \$836.9 million (the same level as requested by the President) for international peacekeeping activities. According to the [committee report](#), this funding is intended for United Nations peacekeeping missions in the Central African Republic and Chad, as well as the United Nations Mission in the Democratic Republic of Congo.

West Bank and Gaza: The legislation provides a total of \$675 million for the West Bank and Gaza. The legislation states that none of the funds in the bill may be made available for assistance to Hamas, or to any power-sharing agreement with Hamas. However, many conservatives may believe that this language will not be sufficient to keep the money out of the hands of terrorists, since Hamas controls much of the civil society in Gaza. Of the \$675 million, \$119 million is for the United Nations Relief and Works Agency (UNRWA), an organization with a strong anti-Israel posture.

Global Fund to Fight AIDS: The legislation provides \$100 million for the Global Fund to Fight AIDS, Tuberculosis, and Malaria. The President did not request supplemental funding for this program. The Global Fund was created in 2002 as an international funding instrument that could consolidate donations from government and private sources to address the AIDS pandemic, tuberculosis, and malaria on a global scale. There is documentation proving that the Global Fund may be granting money to organizations such as Marie Stopes (the UK equivalent to Planned Parenthood), the United Nations Population Fund (which supports China's "one-child" policy), as well as the Chinese Health Department itself (supporting the "one-child" policy). Due to the lack of

accountability and transparency in the Global Fund, U.S. foreign aid dollars cannot be tracked through the program.

Aid to Developing Countries Affected by the Global Financial Crisis: The legislation provides \$300 million for developing countries that are affected by the global economic crisis.

Aid to Nation of Georgia: The legislation provides \$242 million for the nation of Georgia.

Aid to Mexico: The legislation provides a total of \$470 million of aid to the Mexican government to combat drug trafficking and organized crime.

Pakistan Counterinsurgency Capability Fund: The legislation provides \$400 million for the Pakistan Counterinsurgency Capability Fund. The President requested that this funding be provided under the Department of Defense. H.R. 2346 provides the funding under the Secretary of State.

Guantanamo Bay: The legislation requires the President to submit a report to the Congress on a comprehensive plan regarding the “proposed disposition of the detention center at Naval Station, Guantanamo Bay, Cuba.” The report is to include:

- A proposed disposition of individuals detained as of April 30, 2009.
- A determination that such disposition does not pose a risk that cannot be mitigated if such individual is prosecuted, transferred or released, including a plan for such mitigation.
- A detailed analysis of the total estimated direct costs of closing the detention facility at Naval Station, Guantanamo Bay, Cuba.

Possible Conservative Concerns: Some conservatives may be concerned with different aspects of this legislation, including but not limited to:

- **Excess Spending.** H.R. 2346 includes more than \$12 billion of non-war spending that is not offset with spending reductions elsewhere. Overall, the legislation exceeds the President’s request by \$11.8 billion or 13.9%. In addition, the bill provides a 44% increase over the President’s request for programs that could otherwise be funded by the FY 2010 State-Foreign Operations bill, which allows House Democrats to evade the FY 2010 budget 302(a) allocation by \$2.6 billion.
- **Closed Rule.** The legislation is being considered under a closed rule which prevents House Republicans from offering amendments to improve the bill, such as potential spending offsets.
- **Funding for West Bank and Gaza.** The legislation provides a total of \$675 million for the West Bank and Gaza. Some conservatives may believe that this money could fall into the hands of Hamas, since it controls much of the civil society in Gaza.

Committee Action: H.R. 2346 was reported out of the House Appropriations Committee as an original measure on May 12, 2009.

Cost to Taxpayers: The bill appropriates a total of \$96.7 billion in FY 2009.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill includes \$96.7 billion of new spending.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No CBO score is available listing any possible mandates.

Does the Bill Comply with House Rules Regarding Earmarks/Limited Tax Benefits/Limited Tariff Benefits?: The [committee report](#), on page 81, discloses two earmarks.

Constitutional Authority: The House Appropriations Committee cites Clause 7 of Section 9 of Article I of the Constitution (the power of Congress to appropriate money), but does not cite constitutional authority for the various spending items themselves.

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