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Legislative Bulletin.....July 28, 2010

**H.R. 5822 — FY 2011 Military Construction-Veterans Affairs
 Appropriations Act**

BY THE NUMBERS:

In Millions of Dollars

	FY10	FY11 Request	FY11 Committee	Cmte v. Request	Cmte v. FY10
Appropriations	76,606	75,998	75,998	0	-608
<i>Emergency Approps</i>	1,399	1,257	1,257	0	-142
Total	78,005	77,255	77,255	0	-750

Excluding Emergency Appropriations, the Committee Bill is:

- Same as request
- \$608 million or 0.8% less than last year
- **\$15.8 billion or 26.2% more than FY 2008**

Spending Discussion: The bill provides a funding level in FY 2011 of \$76.0 billion, which is \$608 million or 0.8% less than last year. Compared to FY 2008 (the last fiscal year prior to the FY 2009 omnibus enacted at the beginning of this Congress), the bill is a **\$15.8 billion or 26.2% increase**. Under the Democrats' 302(b) allocation (which sets the spending plan for the FY 2011 appropriations process), total non-emergency discretionary spending will amount to \$1.12 trillion—an increase of \$31.2 billion or 2.9% compared to last year. The bill also includes \$1.3 billion of emergency-designated spending for military construction projects related to the war in Afghanistan.

Advance Appropriations: The bill provides **\$50.6 billion** of advance appropriations (in FY 2012) for the Veterans Health Administration. Last year's bill included \$48.2 billion of FY 2011 advance appropriations for the same purpose.

Order of Business: H.R. 5822, the FY 2011 Military Construction and Veterans Affairs Appropriations Act (sponsored by *Rep. Edwards, D-TX*), is scheduled to be considered on the House floor on Wednesday, July 28, 2010 under a restrictive *structured rule* ([H.Res. 1559](#)) that provides one hour of general debate, and waives all points of order

against the bill's consideration, except for clauses 9 (the earmark rule) and 10 (PAYGO) of Rule XXI. The rule also waives points of order against provisions of the bill for failures to comply with various rules for appropriations bills (such as prohibitions on appropriating funds to unauthorized programs).

The bill would be considered as read. Only the Appropriations Committee Chairman or his designee could offer a motion that the Committee of the Whole rise (i.e. stop considering amendments). The Minority would get one motion to recommit the bill, with or without instructions.

The rule makes in order measures considered under suspension of the rules through August 1, 2010.

Total amendments submitted to the Rules Committee: **37**

Total allowed under this restrictive rule: **14**

Amendments made in order under the rule will be analyzed in a separate RSC Legislative Bulletin.

Funding Summaries:

In Thousands

	FY 10 Enacted	FY 11 Request	FY 11 Cmte	Cmte Over FY 10	Cmte Over Request	% Over FY 10	% Over Request
Department of Defense							
Military Construction, Army	3,719,419	4,078,798	4,051,512	332,093	-27,286	8.9%	-0.7%
Military Construction, Navy	3,769,003	3,879,104	3,587,376	-181,627	-291,728	-4.8%	-7.5%
Military Construction, Air Force	1,412,926	1,311,385	1,276,385	-136,541	-35,000	-9.7%	-2.7%
Military Construction, Defense-Wide	2,942,519	3,118,062	2,999,612	57,093	-118,450	1.9%	-3.8%
Military Construction, Reserve Components	1,622,991	1,438,214	1,810,678	187,687	372,464	11.6%	25.9%
NATO Security Investment	197,414	258,884	258,884	61,470	----	31.1%	----
Family Housing, Total	2,258,698	1,823,191	1,823,191	-435,507	----	-19.3%	----
Base Realignment & Closure	7,952,266	2,714,759	2,814,759	-5,137,507	100,000	-64.6%	3.7%
Chemical Demilitarization Construction	151,541	124,971	124,971	-26,570	----	-17.5%	----
Total, Dept of Defense	23,279,950	18,747,368	18,747,368	-4,532,582	----	-19.5%	----
Department of Veterans Affairs							
Compensation and Pensions	56,734,419	64,013,884	64,013,884	7,279,465	----	12.8%	----
Medical Services	34,707,500	37,136,000	37,136,000	2,428,500	----	7.0%	----
Medical Facilities	4,859,000	5,740,000	5,740,000	881,000	----	18.1%	----
Medical and Prosthetic Research	581,000	590,000	590,000	9,000	----	1.5%	----
General Operating Expenses	2,086,707	2,588,389	2,601,389	514,682	13,000	24.7%	0.5%
National Cemetery Administration	250,000	250,504	259,004	9,004	8,500	3.6%	3.4%
Information Technology Systems	3,307,000	3,307,000	3,222,000	-85,000	-85,000	-2.6%	-2.6%
Inspector General	109,000	109,367	115,367	6,367	6,000	5.8%	5.5%
Construction, Major Projects	1,194,000	1,151,036	1,166,036	-27,964	15,000	-2.3%	1.3%

Construction, Minor Projects	703,000	467,700	507,700	-195,300	40,000	-27.8%	8.6%
Grants, Construct State Extended Facilities	100,000	85,000	85,000	-15,000	----	-15.0%	----
Grants, Construct State Veterans Cemeteries	46,000	46,000	46,000	----	----	----	----
Total, Dept of Veterans Affairs*	109,607,626	120,791,880	120,812,964	11,205,338	21,084	10.2%	
Related Agencies							
American Battle Monuments Commission	79,775	84,400	85,867	6,092	1,467	7.6%	1.7%
U.S. Court of Appeals for Veterans Claims	27,115	90,147	90,147	63,032	----	232.5%	----
Armed Forces Retirement Home	134,000	71,200	71,200	-62,800	----	-46.9%	----
Centennial Expenses	39,850	38,100	39,600	-250	1,500	-0.6%	3.9%
Total, Related Agencies	280,740	283,847	286,814	6,074	2,967	2.2%	1.0%

**Note: The individual items listed above includes \$63.8 billion of mandatory spending, which does not count toward the subcommittee's spending allocation, as this spending is not subject to appropriation.*

Other Items of Note:

American Steel: Prohibits funds in Title I of the bill (Department of Defense) from being used “for the procurement of steel for any construction project or activity for which American steel, producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.”

E-Commerce: Section 505 encourages (but does not require) departments and agencies funded by the bill to expand the use of E-Commerce technologies for business practices and public service activities.

Property Taxes in Foreign Nations: The bill prohibits funds from being used for military construction or family housing during the current fiscal year to pay for real property taxes in any foreign nation.

Prohibition on New Bases: The legislation prohibits funding under the bill from being used for construction of new bases (for which specific appropriations have not been made). The bill also prohibits initiating new installations overseas without prior notification of the Committee on Appropriations.

Pinon Canyon Manuever Site: The legislation prohibits funding, made available in the bill, from being used for “any action that is related to or promotes the expansion of the boundaries or size of the Pinon Canyon Maneuver Site, Colorado.”

Overseas Contingency Operations: The legislation provides \$1.3 billion for overseas contingency operations as follows:

- \$930 million for **Military Construction, Army**
- \$281 million for **Military Construction, Air Force**
- \$47 million for **Military Construction, Defense-wide**

This funding is designated as “emergency” spending, and thus does not count against the \$1.12 trillion 302(a) spending allocation set by the majority’s “deeming resolution.”

Prohibition on Funding for Naming Projects After Members: The legislation prohibits funding for projects or programs named for a Members of Congress.

ACORN: The bill prohibits funding in the bill from being made available to ACORN or its subsidiaries.

Earmarks: The bill includes a list of earmarks beginning on page 72 of the [committee report](#).

Committee Action: H.R. 5822 was reported out of the House Appropriations Committee as an original measure on July 22, 2010 (without a recorded vote).

Cost to Taxpayers: The bill appropriates a total of \$77.3 billion in FY 2011, and provides \$50.6 billion of advance appropriations in FY 2012.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes. The bill includes \$77.3 billion of discretionary spending in FY 2011, and \$50.6 billion of advance appropriations for FY 2012.

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

Constitutional Authority: The House Appropriations Committee, in [House Report 111-559](#), cites Clause 7 of Section 9 of Article I of the Constitution (the power of Congress to appropriate money). The report does not cite constitutional authority for any of the items for which funds are appropriated.

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