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## Appropriations Policy Brief

### H.R. 3222 Conference Report—FY 2008 Department of Defense Appropriations Act

#### BY THE NUMBERS:

#### FY 2008 Department of Defense

*In Millions of Dollars*

	FY07 Enacted	FY08 Request	FY08 House Bill	FY08 Senate Bill	FY08 Conf Report
Appropriations	419,609	462,833	459,332	459,332	459,332
<i>Emergency</i>	<i>169,105</i>	<i>189,000</i>	<i>0</i>	<i>0</i>	<i>16,830</i>
<b>Total</b>	<b>588,714</b>	<b>651,833</b>	<b>459,332</b>	<b>459,332</b>	<b>476,162</b>

**Excluding Emergency Appropriations, the Committee Bill is:**

- \$3.5 billion or 0.8% less than the request
- \$39.7 billion or 9.5% more than last year
- The same as the level that passed the House and Senate

**Budget Compliance:** According to CBO, the Department of Defense Appropriations bill (Section A of H.R. 3222) is within the 302(b) allocation of the Defense Subcommittee and thus complies with the Budget Act.

It should be noted that H.R. 3222 provides \$3.5 billion less than the Administration requested, in order to free-up additional resources for domestic programs. Such a maneuver has been used in the past to evade budget caps as spending choices are avoided with the silent recognition that the defense spending will later be restored in an emergency supplemental bill (that is not subject to budget restraints). In addition, the CR attached to H.R. 3222 includes at least \$6 billion in domestic “emergency” spending to avoid budget restraints.

## Earmarks:

The [Joint Explanatory Statement](#) has 115 pages worth of Member requested earmarks that add up to approximately 2,000 earmarks. This includes 24 that were “airdropped”—earmarks that were not passed by either House of Congress.

## Items of Note:

**Continuing Resolution.** H.R. 3222 extends the current CR from November 16<sup>th</sup> to December 14<sup>th</sup>. However, this extension is not “clean” with the addition of several spending provisions unrelated to a straight extension of the current CR.

- Provides the Census Bureau, Periodic Censuses and Programs, an operating rate of \$1 billion, which is \$300 million above the FY 2007 enacted level.
- Increases the operating rate for the Department of Veterans Affairs by \$2.9 billion compared to the FY 2007 enacted level. CQ Today (on November 7<sup>th</sup>) explained part of the reason for the inclusion of this provision as follows: “By including the extra funds, Democrats hope they can blunt criticism if the annual veterans’ bill is delayed.”
- The CR includes \$6.4 billion in domestic emergency spending—\$500 million for fire suppression, \$2.9 billion to replenish FEMA’s disaster relief fund, and \$3 billion for the “Road Home” program, which is intended to help victims of Hurricanes Katrina and Rita rebuild their homes.

In addition, the CR extends liability protection to air carriers from claims resulting from terrorist acts through the date of the CR, and extends the authority of the National Dairy Promotion and Research Board to expend money for foreign market development.

The CR also appropriates \$165,200 to Charles Davis, the widower of Representative Jo Ann Davis, which is the traditional payment (equivalent to one year’s salary) to close relatives of Members of Congress.

The current CR, that H.R. 3222 would extend through December 14 (with some modifications noted above), authorizes funding with respect to all twelve bills that fund the government through November 16, 2007. That formula was based on the non-emergency FY 2007 spending levels, plus the \$70 billion in emergency war funding contained in the FY 2007 defense appropriations bill and the \$1.8 billion in emergency funding for border security and immigration enforcement from the FY 2007 Homeland Security conference report. (Note that the \$70 billion for defense and \$1.8 billion for border security figures are based on an annual spending level, whereas this legislation only provides spending authority for a month and a half).

However, enactment of the Department of Defense Appropriations bill would replace the CR’s treatment of DOD spending. And since H.R. 3222 does not include *any* funding for operations in Iraq and Afghanistan aside from the \$11.6 billion for MRAPs, this means that the \$70 billion Bridge Fund the current CR allows the Department of Defense to draw from would no longer be available.

**F/A-22 Sales:** Prohibits funds from being used to approve or license the sale of the F/A-22 advanced tactical fighter to any foreign government (same provision was included in the House-passed version).

**Permanent Bases/ Control of Oil in Iraq:** Prohibits funds from being used to establish any military installation or base for the purpose of providing for the permanent stationing of U.S. Armed Forces in Iraq. In addition, the bill prohibits funds from being used to “exercise United States control over any oil resource in Iraq.” This language is substantively the same as H.R. 2929, which passed the House on July 25. For more analysis on this issue, see the RSC Legislative Bulletin for [H.R. 2929](#).

**Funding for Operations in Iraq and Afghanistan:** The President has requested \$189 billion in emergency spending for operations in Iraq and Afghanistan in FY 2008. H.R. 3222 does not include money for this request, aside from the \$11.6 billion for the Mine Resistant Ambush Protected Vehicle Fund, leaving the rest of the request to future legislation.

Notably, H.R. 3222 does not include the \$70 billion Bridge Fund. The 2007 DOD bill included \$70 billion for a Contingency Operations Defense Fund (the Bridge Fund) as a down payment on future war supplemental spending. The current CR also gives the Department of Defense an operating rate that includes this \$70 billion Bridge Fund. However, enactment of H.R. 3222, would take the place of the current CR’s treatment of Department of Defense funding, and this legislation does not include a Bridge Fund.

**Mine Resistant Ambush Protected Vehicle Fund.** Appropriates \$11.6 billion in emergency spending for MRAP vehicles, which is part of the President’s \$189 billion request for FY 2008 emergency spending related to Iraq and Afghanistan. The current CR (PL 110-92), included an appropriation of \$5.2 billion for MRAP vehicles (also designated as FY 2008 emergency spending). With enactment of H.R. 3222, total emergency defense spending for Mine Resistant Ambush Protected Vehicles in FY 2008 would equal \$16.8 billion.

## Funding Summaries:

*Dollars in Thousands*

	<b>FY 2007 Enacted</b>	<b>FY 2008 Request</b>	<b>FY 2008 Conference</b>	<b>Conf Vs. FY 2007</b>	<b>Conf Vs. Request</b>	<b>% Over FY 2007</b>	<b>% Over Request</b>
Military Personnel, Total.....	99,862,877	105,403,698	105,292,237	5,429,360	111,461	5.4%	0.1%
Operations and Maintenance, Total.....	127,288,807	142,854,017	140,062,158	12,773,351	2,791,859	10.0%	2.0%
Procurement, Total.....	80,910,756	99,623,010	98,201,598	17,290,842	-1,421,412	21.4%	-1.4%
Research, Develop., Test & Evaluation, Total	75,721,604	75,117,194	77,271,482	1,549,878	2,154,228	2.0%	2.9%
Revolving and Management Funds.....	2,436,430	2,453,840	2,701,840	265,410	248,000	10.8%	10.1%
Chemical Agents.....	1,277,304	1,455,724	1,512,724	235,420	57,000	18.4%	3.9%
Drug Interdiction.....	977,632	936,822	984,779	7,147	47,957	0.7%	5.1%
Related Agencies (intelligence, etc.).....	878,011	967,876	988,026	110,015	20,150	12.5%	2.1%

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