

House Appropriations Committee

David R. Obey (WI-07), Chairman

Contact: Ellis Brachman / Jenilee Keefe Singer (202) 225-2771

Wednesday, May 26, 2010

Summary: 2010 Supplemental Appropriations Act

This supplemental appropriations bill provides over \$37.47 billion to support our troops, conduct the war in Afghanistan, continue to drawdown troops in Iraq, and provide non-military assistance and build up State Department operations in Iraq, Afghanistan, and Pakistan.

It also provides over \$24 billion to keep teachers, firefighters and law enforcement personnel on the job while states continue to recover from the recession; over \$13 billion for Vietnam veterans and survivors exposed to Agent Orange; \$5.7 billion for PELL; \$2.8 billion for Haiti; \$677 million, fully offset, for border security; \$275 million for the Gulf Coast oil spill; and \$725 million, fully offset, for other needs.

WAR

The bill fully funds the Administration's war supplemental request of \$37.476 billion, of which \$33 billion is for Defense and Military Construction and \$4.46 billion is for State and Foreign Assistance. This is in addition to the \$130 billion provided in the FY 2010 appropriations bills.

Department of Defense and Intelligence Activities in Iraq and Afghanistan:

Ongoing Military Operations

- \$20.4 billion for operations and maintenance, including the costs of the additional 30,000 troops ordered to Afghanistan; \$3.4 billion, \$500 million above the request for increased fuel costs; and \$1.6 billion, \$614 million above the request, for the Working Capital Funds to reset prepositioned equipment and meet other Defense logistics needs.
- \$2.5 billion for military personnel, \$600 million above the request due to better than projected recruiting and retention levels in the Navy, Marine Corps, Air Force, and Marine Corps Reserve and an unanticipated increase in mobilization of Air Force Guardsmen and Reservists.
- \$68.4 million for defense health programs, including \$35 million above the request for improved operating rooms and equipment.

Support for Coalition Partners

- \$1 billion to expand and improve capabilities of the Iraq Security Forces, and a new reporting requirement on the intended uses of these funds to ensure they are used for only the most critical needs that Iraq cannot meet itself.
- \$2.6 billion to expand and improve capabilities of the Afghan Security Forces.

Equipment and Force Structure

- \$5.2 billion for procurement, \$792 million above the request to replace combat loss equipment (\$420 million), for Marine Corps trucks (\$176 million), and Guard and Reserve equipment (\$200 million).
- \$400 million to confront the threat of improvised explosive devices.

- • \$390 million for research and development, \$113 million above the request, including \$180 million to develop and test force protection improvements to the Stryker combat vehicle.

Military Construction Projects

- • \$529 million for military construction projects, including \$16.5 million, fully offset, for the replacement of the Soldier Readiness Processing Center at Fort Hood, Texas, the site of the 2009 shooting.

Department of State and USAID, International Affairs and Stabilization Activities:

Assistance and Operations in Afghanistan, Pakistan, and Iraq

- • \$1.58 billion, \$224 million below the request, for Diplomatic and Consular Programs in Afghanistan, Pakistan and Iraq. The bulk of the funding changes from the request are for Iraq where \$887 million is provided for overseas protective operations, \$305 million above the request, and no funding is included for construction of two permanent consulates (\$527 million was requested).
- • \$7 million, not requested, for the USAID Office of the Inspector General in Pakistan and Afghanistan.
- • \$1.4 billion, \$411 million below the request, for Economic Support to Afghanistan and Pakistan: \$1.17 billion for Afghanistan, \$408 million below the request, due to likely slower spending than anticipated in the request; and \$241 million for Pakistan, \$3 million below the request. Not less than \$25 million must go toward human rights programs in Pakistan, including training of security forces in human rights and due process.

Other International Assistance

- • \$200 million, not requested, for Mexico Merida counter-narcotics assistance, of which not less than \$100 million is for judicial, anti-corruption and rule of law activities.
- • \$100 million, not requested, for Economic Support: \$90 million for Jordan and \$10 million for El Salvador.
- • \$60 million, not requested, for Foreign Military Financing assistance for Jordan.

Other Provisions:

- ➤ **Afghanistan & Pakistan Performance Assessments:** The bill includes language, contained originally in the 2009 Supplemental Appropriations Bill requiring two reports: one on Afghanistan and Pakistan commitment and capabilities, including a new assessment of any actions that could undermine the success of the mission (due with the 2012 budget request) and the other on progress in Afghanistan and Pakistan.
- ➤ **No Permanent Bases:** The bill prohibits funds to establish a permanent base in Afghanistan or Iraq.
- ➤ **Human Rights:** The bill prohibits funds to support any training program if the Secretary of Defense has received credible information that the unit to be trained has committed a gross violation of human rights, unless all necessary corrective steps have been taken. The bill prohibits funds for activities contravening laws or regulations to implement the UN Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment.

- ➤ **Afghanistan Cooperation:** The bill provides only \$50 million in direct budget support to the government of Afghanistan until the Secretary of State certifies that the government is fully cooperating with the United States.
- ➤ **Guantanamo Bay:** The bill continues the prohibition on the Administration transferring Guantanamo detainees to the United States, other than for the purposes of prosecution and only after a security threat assessment has been provided to the Congress and the Governor of the receiving state.

JOBS

The bill provides \$24.679 billion for education jobs, police jobs and firefighter jobs, and \$5.667 billion to meet the current shortfall in the Pell Grant Program:

- • \$23 billion for an Education Jobs Fund to provide additional emergency support to local school districts to prevent impending layoffs. Without this funding, it is estimated that as many as 300,000 elementary and secondary teachers will be laid off in the coming year.
- • \$1.179 billion to retain or hire an estimated 5,525 law enforcement officers for three years.
- • \$500 million to staff local fire companies and retain local firefighters.
- • \$5.667 billion to meet the current year shortfall in the Pell Grant Program that was unanticipated last year. Over 8 million students received Pell grants this year.

VETERANS, HAITI, OIL SPILL, BORDER AND OTHER MATTERS

Veterans: \$13.377 billion in mandatory appropriations for the payment of benefits to Vietnam veterans and survivors for exposure to Agent Orange, which has been linked with Parkinson's disease, ischemic heart disease, and hairy cell/B cell leukemia. An estimated 86,069 people will be eligible to receive retroactive payments and 67,259 people will be eligible to receive new benefits.

Haiti: \$2.8 billion, \$690,000 below the request, for Haiti, including:

- • \$150 million in Food for Peace Grants.
- • \$655 million for reimbursement to the Department of Defense, \$60 million for reimbursement to the Department of Homeland Security and \$220 million for reimbursement to the Department of Health for health and social services response activities.
- • \$1.7 billion to the Department of State, including:
 - ○ \$749 million for Economic Support for recovery, rehabilitation and reconstruction for Haiti.
 - ○ \$212 million for Haiti debt relief.
 - ○ \$143.5 million for narcotics control and law enforcement programs.
 - ○ \$65 million for Diplomatic and Consular Programs.
 - ○ \$84.5 million for housing existing diplomatic and development personnel.
 - ○ \$96.5 million for the US contribution to the UN Peacekeeping Mission.
 - ○ \$5 million for international broadcasting operations.
 - ○ \$1.5 million for the USAID Office of the Inspector General.
 - ○ \$7.1 million for technical assistance to be provided by the Department of Treasury.
 - ○ \$351 million to reimburse International Disaster Assistance.

Gulf Oil Spill: \$224 million for the Gulf Coast oil spill. This includes: \$83 million for unemployment assistance related to the oil spill and an oil spill relief employment program; allowance for the Coast Guard to receive advances from the Oil Spill Liability Trust fund; \$7 million for NOAA oil spill

response activities, including scientific investigations and sampling; \$14 million to respond to economic impacts on fishermen; \$10 million for Justice legal activities; \$5 million for economic recovery planning; and \$31 million for the Department of the Interior to conduct additional inspections and enforcement and to strengthen oversight and regulation and for the EPA to conduct a long-term risk study.

NOTE: All costs directly related to the Gulf Coast oil spill must be reimbursed by the responsible parties.

Border Security: \$677 million, fully offset, to strengthen enforcement on the southern border, including:

- • \$208.4 million for 1,200 additional Border Patrol agents deployed between the ports of entry along the Southwest Border.
- • \$136 million to maintain current Customs and Border Protection (CBP) officer staffing levels and add 500 additional officers at ports of entry along the Southwest Border.
- • \$67.5 million for improved tactical communications on the Southwest Border, three permanent Border Patrol forward operating bases, and a surge of workforce integrity investigations designed to prevent corruption among the CBP officers and agents.
- • \$50 million for Operation Stonegarden grants to support local law enforcement activities on the border.
- • \$30 million for Immigration and Customs Enforcement activities directed at reducing the threat of narcotics smuggling and associated violence.
- • \$177 million may be used to deploy National Guard troops to the southern border should the President decide to do so.

Other Security and Urgent Needs:

The following additional items are all fully offset:

USDA Rural Loans: \$172.8 million for the USDA Section 502 guaranteed single family loan program, supporting \$12 billion in loans. This program ran out of money the second week of May due to extraordinarily high demand because of the tight credit market.

Energy Loans: \$180 million to allow \$18 billion in innovative technology energy loans, split evenly between nuclear and renewable energy programs.

Emergency Food Assistance: \$50 million for The Emergency Food Assistance Program for food purchases to distribute through local emergency food providers.

Financial Crisis Inquiry Commission: \$2.7 million to allow the Commission to investigate the causes of the recent financial crisis. The Commission is tasked with submitting its report by December, 2011.

Coast Guard: \$58.5 million for the rehabilitation of Coast Guard aircraft.

Mine Safety: \$48 million to reverse the growing backlog of mine safety enforcement cases while ensuring that the Mine Safety and Health Administration (MSHA) can complete 100% of its mandated mine inspections. The funds will also allow improved MSHA emergency response operations through the purchase and upgrade of emergency response equipment; and testing and research by the National Institute for Occupational Safety and Health (NIOSH) on the most common refuge chambers currently required in all underground mines and on other refuge alternatives.

Capitol Police: \$15.9 million, as requested, for the ongoing acquisition and installation of a modern digital radio system because of known security threats.

Port of Guam: \$50 million, as requested, to improve, and provide greater access to, port facilities.

Recovery Act Audits: \$20 million for the Government Accountability Office (GAO), to continue to audit and review the use of Recovery Act funding to prevent waste, fraud, and abuse.

Farm Loans: \$27 million to support an increase in loan authority of almost \$850,000,000 for the Farm Service Agency (FSA) to provide direct loans to family farmers who may not qualify for agricultural credit through other commercial institutions in the tight credit market. The funding provided in the FY 2010 appropriation bill was estimated to meet demand at the time the bill was passed, but demand for the farm ownership and operating loan programs continues to rise above historical levels due to the lack of availability of conventional credit. The increase is fully offset by rescissions of Farm Service Agency appropriations from 2004 through 2007 that are no longer needed.

Disaster Assistance: \$100 million in Community Development Block Grant (CDBG) funding to help local communities devastated by natural disasters this year.

Offsets:

The following rescissions of funds, from programs that no longer require such funds for the purposes originally appropriated, offset the items above:

- • \$69.9 million in funds appropriated in 2007 and before to the Department of Agriculture.
- • \$2.7 million in funds appropriated in 2010 to the Judiciary.
- • \$36 million in funds appropriated in 2006 to FEMA.
- • \$7 million in funds appropriated in 2006 to the Coast Guard.
- • \$3.8 million in funds appropriated in 2007 for research in DHS' Domestic Nuclear Detection office.
- • \$6.6 million in funds appropriated in 2007 to the Transportation Security Administration.
- • \$6 million in funds appropriated in 1995 to HHS.
- • \$11 million in funds appropriated in 1989 to the Federal Highway Administration.
- • \$8 million in funds appropriated in 2004 and 2006 to the Federal Aviation Administration.
- • \$311 million in funds appropriated in 2008 for Ike, Gustav and Midwest Floods.
- • \$318 million in funds appropriated in 2008 for CDBG for Katrina.
- • \$15 million in funds appropriated in 2009 for NIST internal construction.
- • \$47 million in funds appropriated for Army Corps of Engineers projects now terminated or completed.
- • \$190 million in funds appropriated to the Department of Defense that are the result of bid savings.

Other Provisions:

Iran Sanctions: The bill prohibits funding from being provided for any new contract unless the contractor has certified that it, and any entities it controls, does not engage in activity that could be sanctioned under section 5 of the Iran Sanctions Act of 1996.

No Fly List: The bill requires the Transportation Security Administration (TSA) to require commercial foreign air carriers to check the list of individuals TSA has prohibited from flying no later than 30 minutes after the list has been updated.

High-Value Detainee Interrogations: The bill requires the FBI to submit the High-Value Detainee Interrogation procedures, and any updates to those procedures, to the Congress within 30 days.

Defense Jobs Estimates: The bill requires an assessment of the number of jobs and costs associated with new major defense acquisitions planned for 2011.

###