



Legislative Bulletin.....June 23, 2011

H.R. 2219 — FY 2012 Department of Defense Appropriations Act

BY THE NUMBERS:

In Millions of Dollars

	FY11	FY12 Request	FY12 Committee	Cmte v. Request	Cmte v. FY11
Appropriations	513,025	538,938	530,025	-8,913	17,000
<i>Emergency Approps</i>	<i>157,680</i>	<i>117,726</i>	<i>118,567</i>	<i>842</i>	<i>-39,113</i>
TOTAL	670,705	656,664	648,592	-8,071	-22,113

Excluding Emergency Appropriations, the Committee Bill is:

- **\$8.913 billion** or **1.7%** less than the request
- **\$17.0 billion** or **3.3%** more than last year

Spending Discussion: The bill provides a non-emergency spending level of \$530.0 billion—\$17.0 billion (3.3%) *more* than FY 2011 for Defense. Earlier this month, the House Appropriations Committee approved the 302(b) allocations for the twelve appropriations bills. Under this spending plan, total spending will amount to \$1.019 trillion—**a reduction of \$30.4 billion or 2.9% compared to last year**. The RSC budget resolution (see [OH](#) [here](#) for more information), would lead to a spending total of \$978 billion.

Order of Business: The bill is scheduled to be considered under an open rule that provides one hour of general debate equally divided, authorizes the Chair to give priority recognition to Members who have pre-printed their amendments in the *Congressional Record*, and requires amendments to be considered under the five minute rule.

Items of Note:

Guantanamo Bay: The legislation prohibits funds in the bill from being used to “transfer, release, or assist in the transfer or release to or within the United States, its

territories, or possessions Khalid Sheikh Mohammed” or other detainees who meet certain criteria in the bill.

War Funding: Provides a total of \$118.6 billion for FY 2012 war funding. In FY 2011, \$157.7 billion was spent for this purpose (see table below for details).

ACORN Funding Prohibition: The legislation prohibits funds in the bill from going to the Association of Community Organizations for Reform Now (ACORN) or its subsidiaries.

Outsourcing/A-76 Activities: Prohibits funds from being used under OMB Circular A-76 (governing the federal government’s outsourcing policies) to implement any pending or future competitive sourcing for work performed by federal employees. In other words, this provision would prohibit federal employees from having to compete with private-sector entities for certain non-inherently governmental functions of the agencies (like food service and lawn-mowing).

An exemption is provided in the bill for “the award of a function to a contractor or the conversion of a function to performance by a contractor pursuant to a study conducted under Office of Management and Budget (OMB) Circular A-76 once all reporting and certifications required by section 325 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) have been satisfactorily completed.”

Limit on Pakistan Counterinsurgency Funding: The bill (per an amendment offered by Congressman Flake in full committee) prohibits 75% of the \$1.1 billion appropriated for Pakistan counterinsurgency from being spent *until* the Secretary of Defense (with Secretary of State concurring) issues a report on the strategy to utilize the money, and notifies the “appropriate congressional committees” of the intent of the Secretary to spend the remaining 75% (and a period of 30 days has passed). This would give Congress the opportunity to act in the 30 day period between when the report is released and the earliest that money could actually be spent.

F-22 Sales: The legislation prohibits funds from being used to approve or license the sale of the F–22A advanced tactical fighter to any foreign government.

Israeli Cooperative Programs: Of the amounts appropriated for “Procurement, Defense-Wide” and “Research, Development, Test and Evaluation, Defense-Wide”, the legislation appropriates:

- \$235.7 million for Israeli Cooperative Programs;
- \$110.5 million for Short Range Ballistic Missile Defense program;
- \$15 million for production of David Sling Weapon System missiles;
- \$66.2 million for the upper tier component Israeli Missile Defense; and
- \$59 million for the Arrow System Improvement Program.

Limitation on Funds Related to Iraq and Afghanistan: The legislation prohibits funds to:

- establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq;
- establish control over Iraqi oil; and
- establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Afghanistan.

Prohibition on Funding Related to Torture: The legislation prohibits funds available in the bill from being used in contravention of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

Funding Summaries:

Dollars in Thousands

	FY 2011 Enacted	FY 2012 Request	H.R. 2219	H.R. 2219 Vs. FY 11	H.R. 2219 Vs. Request	H.R. 2219 Vs. FY 11	H.R. 2219 Vs. Request
Regular Funding							
Military Personnel, Total.....	126,739,756	132,096,541	132,092,225	5,352,469	-4,316	4.2%	0.0%
Operations and Maintenance, Total.....	165,560,124	170,759,313	169,979,661	4,419,537	-779,652	2.7%	-0.5%
Procurement, Total.....	102,121,873	114,365,617	107,581,474	5,459,601	-6,784,143	5.3%	-5.9%
Research, Develop., Test & Evaluation, Total	74,957,028	75,325,082	73,009,469	-1,947,559	-2,315,613	-2.6%	-3.1%
Revolving and Management Funds.....	2,909,402	2,701,394	2,675,529	-233,873	-25,865	-8.0%	-1.0%
Defense Health Program.....	31,382,198	32,198,770	32,317,459	935,261	118,689	3.0%	0.4%
Joint Improvised Explosive Device Fund.....	----	220,634	220,634	220,634	----	----	----
Office of the Inspector General.....	306,794	289,519	346,919	40,125	57,400	13.1%	19.8%
Chemical Agents.....	1,467,307	1,554,422	1,554,422	1,554,422	87,115	105.9%	5.6%
Drug Interdiction.....	1,156,957	1,156,282	1,208,147	51,190	51,856	4.4%	4.5%
Related Agencies (Intelligence, etc.).....	941,732	1,105,913	971,925	30,193	-133,988	3.2%	-12.1%
Overseas Deployment Funding							
Military Personnel, Total.....	16,251,378	11,111,324	10,813,624	-5,437,754	-297,700	-33.5%	-2.7%
Operations and Maintenance, Total.....	95,807,828	75,760,031	75,440,293	-20,367,535	-319,738	-21.3%	-0.4%
Procurement, Total.....	25,194,335	12,344,324	13,375,288	-11,819,047	1,030,964	-46.9%	8.4%
Research, Develop., Test & Evaluation, Total	955,013	396,758	436,758	-518,255	40,000	-54.3%	10.1%
Revolving and Management Funds.....	485,384	435,013	435,013	-50,371	----	-10.4%	----
Defense Health Program.....	1,422,092	1,228,288	1,228,288	-193,804	----	-13.6%	----
Drug Interdiction.....	4,666,899	4,403,301	4,286,301	-380,598	-117,000	-8.2%	-2.7%
Joint Improvised Explosive Device Fund.....	2,793,768	2,577,500	2,577,500	-216,268	----	-7.7%	----

Committee Action: H.R. 2219 was reported out of the House Appropriations Committee as an original measure on June 16, 2011.

Cost to Taxpayers: The bill appropriates a total of \$530 billion (non-emergency). This is an \$8.9 billion cut versus the President’s request, and a \$17 billion increase compared to last year.

Does the Bill Expand the Size and Scope of the Federal Government?: No. The overall funding amount (including the war funding) is below last year's level.

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 committee report [states](#):

“The Committee on Appropriations bases its authority to report this legislation from clause 7 of Section 9 of Article I of the Constitution of the United States of America which states: No money shall be drawn from the Treasury but in consequence of Appropriations made by law. Appropriations contained in this Act are made pursuant to this specific power granted by the Constitution.”

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