

**Legislative Bulletin.....July 10, 2009**

**H.R. 3082 — FY 2010 Military Construction-Veterans  
 Appropriations Act**

**BY THE NUMBERS:**

*In Millions of Dollars*

	<b>FY09</b>	<b>FY10 Request</b>	<b>FY10 Committee</b>	<b>Cmte v. Request</b>	<b>Cmte v. FY09</b>
<b>Appropriations</b>	72,863	76,260	77,902	1,642	5,039
<i>Emergency Approps</i>	7,213	0	0	0	-7,213
Total	80,076	76,260	77,902	1,642	-2,174

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

- **\$1.6 billion or 2.2% more than the request**
- **\$5.0 billion or 6.9% more than last year**

**Spending Discussion:** The bill provides a total funding level in FY 2010 of \$77.9 billion, which is \$5.0 billion or 6.9% more than last year. Compared to FY 2008 (the spending authority the federal government was operating under just nine months ago), the bill is a **\$17.7 billion or 29.4% increase**. Under the Democrats' 302(b) allocation (which sets the spending plan for the FY 2010 appropriations process), all twelve bills will receive spending increases, with a total spending level of \$1,089.6 trillion—an increase of \$77 billion or 7.6% compared to last year. The original 302(b) allocation for the subcommittee provided a funding level of \$76.5 billion—this legislation comes in above that by \$1.4 billion, and designates the extra spending as overseas contingency operations. This will cause *total* FY 2010 regular appropriations spending to be \$1.4 billion higher than would otherwise be the case.

**Advance Appropriations:** The bill provides **\$48.2 billion** of advance appropriations (in FY 2011) for Veterans Health Administration. No advance funding for this purpose was provided in last year's enacted bill, and no advance funding for this purpose was requested by the President. The Democrat budget resolution provided a total limit on all non-veterans health care spending equal to \$29.8 billion. Consequently, this bill substantially expands the use of advance appropriations.

**Order of Business:** H.R. 3082, the FY 2010 Military Construction and Veterans Affairs Appropriations Act (sponsored by *Rep. Edwards, D-TX*), is scheduled to be considered on the House floor on Friday, July 10, 2009 under a restrictive *structured rule* ([H.Res. 622](#)) 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 through the last page before the short title of the bill.

The rule prohibits re-votes on amendments and allows the Chair to reduce to two minutes the time for electronic voting. 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.

Total amendments submitted to the Rules Committee: **32**  
 Total allowed under this restrictive rule: **8**

**Funding Summaries:**

*In Thousands*

	<b>FY 09 Enacted</b>	<b>FY 10 Request</b>	<b>FY 10 Cmte</b>	<b>Cmte Over FY09</b>	<b>Cmte Over Request</b>	<b>% Over FY09</b>	<b>% Over Request</b>
<b>Department of Defense</b>							
Military Construction, Army	4,692,648	3,660,779	3,630,422	-1,062,226	-30,357	-22.6%	-0.8%
Military Construction, Navy	3,333,369	3,763,264	3,757,330	423,961	-5,934	12.7%	-1.6%
Military Construction, Air Force	1,117,746	1,145,434	1,359,171	241,425	213,737	21.6%	18.7%
Military Construction, Defense-Wide	1,169,204	3,097,526	2,743,526	1,048,322	-354,000	89.6%	-11.4%
Military Construction, Reserve Components	1,454,451	1,021,214	1,416,814	-37,637	395,600	-2.6%	38.7%
NATO Security Investment	230,867	276,314	234,914	4,047	-41,400	1.7%	-15.0%
Family Housing, Total	3,163,800	1,958,698	1,958,698	-1,889,062	----	-59.7%	----
Base Realignment & Closure	9,223,990	7,876,266	8,106,266	-1,207,724	140,000	-13.1%	1.8%
Chemical Demilitarization Construction	144,278	146,541	146,541	2,263	----	1.6%	----
<b>Total, Dept of Defense</b>	<b>25,132,753</b>	<b>22,946,036</b>	<b>23,263,682</b>	<b>-1,869,071</b>	<b>317,646</b>	<b>-7.4%</b>	<b>1.4%</b>
<b>Department of Veterans Affairs</b>							
Compensation and Pensions	43,111,681	47,218,207	47,218,207	4,106,526	----	9.5%	----
Medical Services	4,450,000	5,100,000	4,900,000	450,000	-200,000	10.1%	-3.9%
Medical Facilities	5,029,000	4,693,000	4,893,000	-136,000	200,000	-2.7%	4.3%
Medical and Prosthetic Research	510,000	580,000	580,000	70,000	----	13.7%	----
General Operating Expenses	1,801,867	2,218,500	2,083,700	281,833	-134,800	15.6%	-6.1%
National Cemetery Administration	280,000	242,000	250,000	-30,000	8,000	-10.7%	3.3%

Information technology systems	2,489,391	3,307,000	3,307,000	817,609	----	32.4%	----
Inspector General	87,818	107,000	107,000	18,182	----	20.7%	----
Construction, Major Projects	923,382	1,194,000	1,194,000	270,618	----	29.3%	----
Construction, Minor Projects	741,534	600,000	726,000	-14,734	126,000	-1.9%	21.0%
Grants, Construct State Extended Facilities	175,000	85,000	85,000	-90,000	----	-51.4%	----
Grants, Construct State Veterans Cemeteries	42,000	42,000	42,000	----	----	----	----
<b>Total, Dept of Veterans Affairs</b>	<b>6,260,992</b>	<b>7,553,500</b>	<b>7,545,500</b>	<b>1,284,508</b>	<b>-8,000</b>	<b>20.5%</b>	<b>-0.1%</b>
<b>Related Agencies</b>							
American Battle Monuments Commission	76,570	77,400	78,900	2,330	1,500	3.0%	19.6%
U.S. Court of Appeals for Veterans Claims	30,975	27,115	27,115	-3,860	----	-12.5%	----
Armed Forces Retirement Home	63,010	134,000	134,000	70,990	----	112.7%	----
DOD Civil Cemeteries Expenses (Army)	36,730	37,200	42,500	5,770	5,300	15.7%	14.2%
<b>Total, Related Agencies</b>	<b>207,285</b>	<b>275,715</b>	<b>282,515</b>	<b>75,230</b>	<b>6,800</b>	<b>36.3%</b>	<b>2.5%</b>

*\*Note: The individual items listed above includes \$55.8 billion of mandatory spending, which does not count toward the subcommittee's spending allocation, as this spending is not subject to appropriation.*

**Items of Note:**

**Advance Appropriations:** \$48.2 billion of FY 2011 advance appropriations for Veterans Health Administration. No advance appropriations were provided for this purpose in the FY 2009 enacted legislation, and no advance appropriations were requested for this purpose in the President's budget.

**American Steel:** Prohibits funds in the bill 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:** “Encourages” 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:** 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.

**Military Construction:** \$12.9 billion—\$712.5 million or 5.8% above last year and \$219.0 million or 1.7% above the President's request.

**Earmarks:** The bill includes a list of earmarks beginning on page 64 of the [committee report](#).

**Potential Conservative Concerns:** Some conservatives may be concerned with the expansion of advance appropriations. Specifically, the legislation includes \$48.2 billion

of advance appropriations in FY 2011 for veterans health care spending. In last year's enacted bill no advance appropriations were provided for this purpose, and the President's budget requested no advance appropriations for this purpose. While many conservatives would agree with this spending, some conservatives might be concerned that the use of advance appropriations could cause *total* federal spending to be higher than would otherwise be the case. Advance appropriations do not count against the spending limit set by the budget resolution, the 302(a) allocation. Consequently, this could free up room for *other* discretionary spending that conservatives may not be supportive of.

**Committee Action:** H.R. 3082 was reported out of the House Appropriations Committee as an original measure on June 26, 2009.

**Cost to Taxpayers:** The bill appropriates a total of \$77.9 billion in FY 2010, and provides \$48.2 billion of advance appropriations in FY 2011.

**Does the Bill Expand the Size and Scope of the Federal Government?:** Yes, the bill increases spending for programs in the FY 2010 Military Construction-Veterans bill by \$6.9 billion or 6.9%. The legislation also includes \$48.2 billion of advance appropriations for FY 2011.

**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 111-188](#), cites Clause 7 of Section 9 of Article I of the Constitution (the power of Congress to appropriate money).

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