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Military Operations: Precedents for Funding Contingency Operations in Regular or in Supplemental Appropriations Bills

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Abstract. Since the terrorist attacks of September 11, 2001, Congress has appropriated $331 billion for military operations in Afghanistan, Iraq, and elsewhere. Of that amount, $301 billion, or 91%, has been provided either in supplemental appropriations bills or as additional "emergency" funding in separate titles of annual defense appropriations acts. A recurring issue in Congress has been whether funding for ongoing military operations - such as those in Iraq, Afghanistan, and elsewhere - should be provided in supplemental appropriations bills and in additional "emergency" accounts, or should instead be considered as part of regular annual defense budget requests. This report briefly reviews the main precedents, including funding for the Korean conflict, the Vietnam conflict, the Persian Gulf War of 1990-1991, and various smaller military contingency operations in the 1990s.

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Summary

Since the terrorist attacks of September 11, 2001, Congress has appropriated $331 billion for military operations in Afghanistan, Iraq, and elsewhere. Of that amount, $301 billion, or 91%, has been provided either in supplemental appropriations bills or as additional "emergency" funding in separate titles of annual defense appropriations acts.

A recurring issue in Congress has been whether funding for ongoing military operations — such as those in Iraq, Afghanistan, and elsewhere — should be provided in supplemental appropriations bills and in additional "emergency" accounts, or should instead be considered as part of regular annual defense budget requests.

This report briefly reviews the main precedents, including funding for the Korean conflict, the Vietnam conflict, the Persian Gulf War of 1990-1991, and various smaller military contingency operations in the 1990s. It will be updated as events warrant.

Since the terrorist attacks of September 11, 2001, Congress has appropriated, according to CRS calculations, $331 billion to the Department of Defense (DOD) for military operations in Afghanistan, Iraq, and elsewhere.[1] Congress is now considering an additional $66 billion for such operations in a pending FY2006 supplemental appropriations bill (H.R. 4939).

Of the $331 billion provided to date, $301 billion, or 91%, has been provided either in supplemental appropriations bills or as additional "emergency" funding in separate titles of annual defense appropriations acts. In all, Congress has approved 9 bills providing emergency funding for military operations since 9/11. The remaining $30

[1] See CRS Report RL33110, *The Cost of Iraq, Afghanistan, and Other Global War on Terror Operations Since 9/11*, by Amy Belasco, Table 3.

billion has been provided either as part of regular annual appropriations for the Department of Defense or by transfer from regular DOD budget accounts.[2]

A recurring issue in Congress has been whether funding for ongoing operations — such as those in Iraq, Afghanistan, and elsewhere — should continue to be provided in supplemental appropriations bills and in additional "emergency" accounts, or should instead be considered as part of regular annual defense budget requests. This would require that the Administration provide the usual extensive budget justification material prepared in support of regular defense requests, and it would make funding subject to the usual oversight that Congress carries out in the normal defense authorization and appropriations process.[3]

One element of the debate has been what the precedents are. This report briefly reviews the main precedents, including funding for the Korean conflict, the Vietnam conflict, the Persian Gulf War of 1990-1991, and smaller military contingency operations in the 1990s. In brief, the precedents are as follows:

- Supplementals have been the most frequent means of financing the initial stages of military operations.[4]

- In general, however, past Administrations have requested, and Congress has provided, funding for ongoing military operations in regular appropriations bills as soon as even a limited and partial projection of costs could be made.

- In Vietnam, the Johnson Administration requested supplemental appropriations of $700 million for FY1965 and then submitted a budget amendment for $1.7 billion for the regular FY1966 defense appropriations bill. Subsequently, substantial funding was requested and provided in regular appropriations bills for FY1967 and FY1968, and additional funding was also provided in supplemental appropriations. The amounts the Johnson Administration requested in regular appropriations bills in those years were sufficient to cover projected costs of operations for only part of the fiscal year on the premise that additional costs were uncertain. The FY1967 request was based on the official

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[2] *Ibid.*, Table A1 shows $22.5 billion provided in regular appropriations bills and $8.6 billion provided through transfers.

[3] The FY2005 and FY2006 defense appropriations acts both included provisions expressing the Sense of the Senate that funding for ongoing operations should be requested and provided in regular defense funding bills. See Section 8138 of the FY2005 defense appropriations act, P.L. 108-287 and Section 8117 of the FY2006 defense appropriations act, P.L. 109-148. Also, for several years, defense appropriations acts have included a provision requiring that the President's budget request include separate budget justification documents for costs of military contingency operations — see Section 8100 of the FY2006 defense appropriations act.

[4] CRS reviewed initial funding for military operations from World War II through Kosovo in Stephen Daggett, "Budgeting for Wars in the Past," CRS Congressional Distribution Memo, March 27, 2003. It is available to congressional offices on request.

premise that the war might be successfully concluded by the end of the fiscal year. When costs grew, supplementals were requested.

- In the early 1990s, funding for ongoing operations in Southwest Asia and in Bosnia was provided in supplementals rather than in regular appropriations bills. In the FY1996 defense appropriation act, however, Congress directed the Administration to include subsequent funding for ongoing military contingency operations in its requests for regular defense appropriations funding. The Clinton Administration complied with this directive. Although operations in Kosovo were initially funded with supplemental appropriations, funds for ongoing missions, including Kosovo after the initial stages, were requested in regular DOD budget submissions.

Brief summaries of funding for the Korean conflict, the Vietnam conflict, and operations in the 1990s follow.

Korea

Following the outbreak of the war in Korea, Congress provided supplemental appropriations of $32.8 billion for the Department of Defense for FY1951, which covered costs of operations in Korea and also of a general world-wide buildup of military forces. In FY1952, almost all of the funding for operations in Korea was provided in regular appropriations, except for $1.4 billion, which was a deficiency appropriation for operations in Korea provided on June 28, 1952, after the end of the fiscal year.[5] For FY1953, Congress provided all funds for operations in Korea in regular defense appropriations bills.

Table 1 shows the breakdown of total Department of Defense Appropriations for FY1951-FY1953 between regular and supplemental appropriations.

Table 1. Regular and Supplemental DOD Appropriations During the Korean Conflict , FY1951-FY1953
(billions of then-year dollars)

Fiscal Year	Regular Appropriations	Supplemental Appropriations	Total Appropriations
1951	13.0	32.8	45.8
1952	55.2	1.4	56.6
1953	44.3	0	43.3

Note: DOD appropriations only — does not include military construction.
Source: Department of Defense Comptroller.

[5] Deficiency appropriations were common in the 1940s and 1950s but have not been since then. They provided funds for accounts that had overspent appropriated amounts in prior years.

The following is a chronology of funding for the Korean conflict from FY1951 through FY1953 (the totals may not add exactly to the amounts reported in the table above because of later rescissions, transfers, etc.).

FY1951

- September 22, 1950 (cleared Congress): First supplemental appropriations for FY1951. Provided $11.7 billion for DOD and $4 billion for military assistance for the Korean conflict.

- January 2, 1951 (cleared Congress): Second supplemental appropriations for FY1951. Provided $16.8 billion for DOD and $1.8 billion for the strategic stockpile, mostly for Korea costs.

- May 28, 1951 (cleared Congress): Fourth supplemental appropriations for FY1951. Provided $6.4 billion for DOD for Korea.

FY1952

- October 12, 1951 (cleared Congress): Regular DOD appropriations for FY1952. Provided $56.9 billion, including funds for costs of the war.

- June 28, 1952 (cleared Congress): Urgent deficiency appropriations for FY1952. Provided $1.4 billion for DOD, almost entirely for war costs.

FY1953

- July 5, 1952 (cleared Congress): Regular DOD appropriations for FY1953. Provided $46.6 billion, including funds for costs of the war.

Vietnam

For Vietnam, the Johnson Administration requested, and Congress provided, funding for the war in regular defense appropriations bills as soon those bills were on the calendar, even before full and accurate estimates of costs could be projected. Subsequently, the Johnson and Nixon Administrations also requested, and Congress provided, supplemental appropriations for operations in Southeast Asia for FY1966, FY1967, FY1968, and FY1969, when costs exceeded the initial estimates. From FY1970 through the end of the war, funding was provided only in regular appropriations bills.

Table 2 provides a year-by-year estimate of costs, an estimate of the amounts initially provided for the war in regular appropriations bills (as reported by Congressional Quarterly), and amounts provided in supplemental appropriations.

Table 2. Methods of Funding the Vietnam Conflict

(billions of then-year dollars)

	Annual Cost (from DOD Comptroller)	Regular Approps.	Supplemental Approps.	Notes/Comments
FY1965	$0.7	—	$0.7	—
FY1966	$14.9	$1.7	$12.3	$1.7 billion in regular bill requested as budget amendment.
FY1967	$17.7	$10.3	$12.2	Regular bill included sufficient funds for the estimated costs of SEAsia operations on the assumption that the conflict would end by June 30, 1967, though the amount was not specified.
FY1968	$19.3	$20.0	$3.8	Regular bill included sufficient funds for estimated costs of SEAsia operations through December 1968.
FY1969	$19.8	$25.5	$1.3	Amount for SEAsia in regular bill estimated.
FY1970	$14.4	$23.2	—	Amount for SEAsia in regular bill estimated.
FY1971	$9.6	$15.0 - $20.0	—	Amount for SEAsia in regular bill estimated.
FY1972	$7.0	All	—	Amounts for SEAsia not separately identified.
FY1973	$5.2	All	—	Amounts for SEAsia not separately identified.
FY1974	$1.3	All	—	Amounts for SEAsia not separately identified.
FY1975	$0.3	All	—	Amounts for SEAsia not separately identified.

Sources: CRS from *Congressional Quarterly*, *CQ Almanac*, annual editions; Department of Defense Annual Reports to Congress, FY1966-FY1969; Department of Defense Comptroller (for annual cost data). FY1967 regular appropriations from U.S. Bureau of the Budget, The Budget of the United States Government for the Fiscal Year Ending June 30, 1967, January 24, 1966.

Note: The amounts shown as being provided in regular appropriations bills are estimates made at the time by the *Congressional Quarterly* based on information from the Department of Defense and congressional committees. Those estimated amounts do not correlate directly with costs of the war that were compiled later by the DOD Comptroller.

The following is a chronology of funding for operations in Southeast Asia.

- In May of 1965, the Administration first asked for, and Congress provided, a $700 million supplemental.

- In the summer of 1965, the Administration requested, and Congress agreed to, a budget amendment of $1.7 billion for Vietnam in the then-pending regular FY1966 defense appropriations bill.

- In January of 1966, as troop levels in Southeast Asia were climbing, the Administration requested a supplemental of $12.3 billion for the remainder of FY1966 and regular appropriations for operations in Southeast Asia of $10.3 billion for FY1967. Both were requested when the FY1967 budget was submitted. The premise of the FY1967 request was that operations might be successfully concluded by the end of the fiscal year, although it was widely expected that an increase in the number of troops deployed to Vietnam would be needed.

- Later, the Johnson and Nixon Administrations requested funding for operations in Southeast Asia in the regular appropriations bills for FY1968

and FY1969 and later requested additional supplemental appropriations for specific unfunded costs.

- Subsequently, funding for operations in Southeast Asia was provided only in regular, not in supplemental, appropriations bills.

In sum, in the case of Vietnam, the Johnson Administration asked for emergency supplementals at the onset of the war, but also requested funds in regular appropriations bills as soon as those bills were on the congressional agenda, even though troop levels were in flux and the duration of the conflict was not foreseen.

Later Overseas Contingency Operations

Persian Gulf War of 1990-1991: The bulk of funding for the first Persian Gulf War was provided in supplemental appropriations of $42 billion for FY1991. Costs declined rapidly after combat operations were over, so additional funds were not needed, either in supplemental or in regular appropriations bills.

Somalia, Southwest Asia, Haiti, Bosnia, Kosovo: In the early 1990s, operations in Somalia, Southwest Asia (including Operations Provide Comfort, Southern Watch, and Northern Watch), Haiti, and Bosnia were funded annually in successive supplemental appropriations acts.

In action on the FY1996 defense appropriations bill, however, Congress decided to include funding for ongoing operations in Southwest Asia in regular appropriations bills rather than in supplementals, and it directed the Administration to request funding for ongoing military operations in regular bills in the future.[6]

Subsequently, in the FY1997 defense budget and in later requests, the Clinton Administration included funding for ongoing operations, including operations in Southwest Asia and in Bosnia, in the regular defense budget. In action on the FY1997 defense appropriations bill, Congress established a transfer fund, called the Overseas Contingency Operations Transfer Fund (OCOTF), appropriated funds for operations in Bosnia into the OCOTF, and required reports on transfers from the fund.

Later, funding for operations in Kosovo was initially provided in supplemental appropriations bills, but, as soon as an ongoing peacekeeping operation was underway, Administrations requested and Congress provided funding in regular defense appropriations bills.

[6] For a detailed discussion of the congressional mandate that funding for ongoing operations be provided in regular appropriations bills, and the Clinton Administration's response, see Stephen Daggett, "Funding for Military Contingency Operations in the Regular Defense Appropriations Bills in the 1990s," CRS Congressional Distribution Memo, April 6, 2005. Available to congressional offices on request.