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## **FY2015 Funding to Counter Ebola and the Islamic State (IS)**

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## Summary

In 2014, two major global threats—the Ebola outbreak in West Africa and the Islamic State (IS) in the Middle East—caused serious concern within the Obama Administration and among Members of Congress. In November 2014, the President requested a total of \$11.7 billion for responding to the Ebola crisis and combatting the Islamic State.

On November 5, 2014, the President requested \$6.18 billion in FY2015 emergency appropriations for Health and Human Services (HHS), the Department of State and international assistance programs, and DOD to address the Ebola crisis domestically and overseas. The funding would enhance domestic preparedness and support overseas operations to end the current epidemic and prevent the spread of Ebola and other infectious diseases. The request included \$2.43 billion for Health and Human Services, \$2.10 billion for the Department of State and International Programs, and \$112 million for the Department of Defense to advance research and technologies to control Ebola and other infectious diseases.

Appropriations requested for a new Contingency Fund (not Overseas Contingency Operations—OCO) totaling \$1.54 billion under HHS and Department of State accounts were accompanied by a request for the authority to transfer these funds to any federal agency to help meet Ebola or other infectious disease-related critical needs that may suddenly arise, both domestically and overseas. In addition to the new Contingency Fund, the request also sought transfer authority for the emergency appropriations to any other federal accounts to meet the purposes specified in the request. The Administration asserted that these authorities are necessary for flexibility and a whole-of-government approach to this crisis.

On November 10, 2014, the President submitted to Congress an amended FY2015 OCO request for an additional \$5.5 billion to combat IS—nearly \$5 billion for DOD and \$520 million for the Department of State. This brought the FY2015 OCO request to a total of \$71.4 billion.

DOD's amended OCO funding request of \$4.94 billion for FY2015 was for incremental U.S. military personnel expenses; fuel, supplies, and repair costs for ground, air, and sea-based operations, as well as other support; command, control, and intelligence activities, and intelligence, surveillance, and reconnaissance, and classified activities; replacement of expended munitions; building the capacity of Iraqi security forces and Kurdish and tribal forces; providing support to coalition members; and other small-scale humanitarian relief and reconstruction activities. In addition, DOD's earlier OCO request included an allocation of \$500 million to train Syrian opposition forces to combat ISIS.

The Department of State's amended OCO request of \$520 million was for expanding the Center for Strategic Counterterrorism Communications' messaging in key languages; helping the moderate Syrian opposition develop capacity and credibility; supporting Jordan and Lebanon's territory and borders; humanitarian support related to IS attacks in Syria and Iraq; and expanding U.S. international broadcasting to provide a platform for moderate Muslims to voice opposition to extremism.

Both the Ebola and IS requests designated budget authority as either an emergency requirement or Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT). Funds designated in this manner would effectively not be subject to the discretionary spending limits established by

the Budget Control Act, 2011, as amended (P.L. 112-25), and could, therefore, increase the deficit.

The conference version of the Consolidated and Continuing Appropriations Act, 2015 (P.L. 113-235), approved the DOD Ebola request and the \$5.4 billion requested to combat the Islamic State plus an unspecified increase in Department of State OCO funds that is available to counter IS. The DOD total included \$1.6 billion requested for a new Iraq train-and-equip account and \$500 million to train vetted Syrian opposition forces, the more controversial elements. The FY2015 National Defense Authorization Act (P.L. 113-291/H.R. 3797), signed into law on December 19, 2014, reduced the amount and limited the authorities in a new Counterterrorism Response Partnership Fund (CTPF) that could include funds to train Syrian opposition forces, as well as other partnerships.

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## Introduction

In the context of legislative action to fund the government through September 30, 2015, Congress considered new funding requests from the President to counter two global issues—the Ebola crisis and the Islamic State (IS). In 2014 these two threats became major concerns within the Obama Administration and among many Members of Congress. The first cases of Ebola in Guinea, West Africa were reported in March 2014 and the outbreak proceeded to spread rapidly. The IS threat quickly came to be viewed as an immediate threat to U.S. partners and allies in the Middle East region, and a concern around the world, in late summer 2014.

On November 5, 2014, the President requested FY2015 appropriations of \$6.18 billion for Health and Human Services (HHS), the Department of State and international assistance programs, and the Department of Defense (DOD) to contain the Ebola crisis domestically and overseas. On November 10, 2014, the President increased the FY2015 Overseas Contingency Operations (OCO) request by \$5.5 billion to combat IS.

Congressional action on both occurred within the omnibus appropriations bill (H.R. 83/P.L. 113-235, the Consolidated and Further Continuing Appropriations Act, 2015), providing a total of more than \$10.8 billion in emergency and OCO funds to address Ebola and counter the Islamic State. The President signed the full-year funding bill into law on December 16, 2014.

## The Emergency Request for the U.S. Ebola Response

The November 5, 2014 request of \$6.18 billion was for U.S. government efforts to contain the Ebola outbreak, enhance domestic preparedness, and improve global capability to prevent the spread of other infectious diseases. Of the \$4.64 billion for immediate needs, \$2.43 billion was sought for HHS and \$2.10 billion for the Department of State and International Programs. Additionally, DOD would receive \$112 million to advance its research and technologies to end the Ebola outbreak and other infectious diseases. For flexibility, an additional \$1.54 billion would be for a Contingency Fund to be available for use within HHS and State or for transfer to other agencies, as needed. The Ebola request would designate all requested budget authority as emergency requirements, so that it would effectively not be subject to the statutory discretionary spending limits established by the Budget Control Act of 2011, as amended (P.L. 112-25, BCA).<sup>1</sup>

Congress included \$5.41 billion in its final appropriation bill: \$2.77 billion for Health and Human Services, \$2.53 billion for the Department of State, and \$112 million for the Department of Defense. Amounts were designated as emergency spending, and transfer authority for HHS and State was also included; however, the Contingency Fund was not. Funds requested and appropriated are displayed in **Table 1**, followed by a discussion of funding for each department. Departments were required to provide the appropriations committees with detailed spending plans within 30 days of enactment, and additional reporting over time<sup>2</sup> (see **Table 1**).

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<sup>1</sup> For more information about these spending limits, see OMB, “Sequestration Update Report to the President and Congress for Fiscal year 2015,” August 20, 2014, available at [http://www.whitehouse.gov/sites/default/omb/assets/legislative\\_reports/sequestration/sequestration\\_update\\_august2014.pdf](http://www.whitehouse.gov/sites/default/omb/assets/legislative_reports/sequestration/sequestration_update_august2014.pdf).

<sup>2</sup> The Department of Health and Human Services spend plan: *Ebola Emergency Funding Spend Plan*, January 12, 2015; (continued...)

**Table I. Emergency Funds Requested and Appropriated for Ebola and Other Infectious Diseases**

Amounts are U.S. dollars in millions

Department/ Agency and/or Account	Request	P.L. 113- 235	Purpose(s)
<b>FUNDING FOR IMMEDIATE NEEDS</b>			
HHS/CDC	1,830.0	1,771.0	Various domestic and international activities in several CDC accounts. The final appropriation provided \$571 million for domestic activities and \$1,200 million for international activities.
HHS/ASPR, PHSSEF	166.0	576.0	Domestic training, PPE, and creating more than 50 regional Ebola Treatment Centers (ETCs).
HHS/ASPR, PHSSEF, BARDA	157.0	157.0	Manufacture of vaccines and treatments for clinical trials.
HHS, PHSSEF	10.0	ns	Modeling and genetic sequencing of Ebola virus. Activity not explicitly mentioned in the final appropriation, but could be included in the ASPR PHSSEF amount above.
HHS/NIH, NIAID	238.0	238.0	Clinical trials on investigational vaccines and treatments.
HHS/FDA	25.0	25.0	Development, review, and regulation of vaccines and treatments. FDA funding is provided in the Agriculture funding division of P.L. 113-235.
<b>HHS Total</b>	<b>2,426.0</b>	<b>2,767.0</b>	
USAID, Operating Expenses	19.0	19.0	Operating costs to address Ebola outbreak in West Africa.
USAID, Inspector General	5.6	5.6	Oversight of Ebola response in West Africa.
USAID, International Disaster Assistance	1,401.0	1,436.3	Disaster assistance to address humanitarian needs for West Africa.
USAID, Global Health Programs	340.0	312.0	Expanded USAID global health security activities to control infectious diseases and limit spread of Ebola.
State/USAID, Economic Support Fund	211.7	711.7	Training and program assistance to prevent economic and government instability during Ebola crisis, including reimbursement for earlier response.
State, Diplomatic, Consular Programs	35.4	36.4	Medical support and evacuation capacity, repatriation assistance, and other needs.
State, Repatriation Loans Program	1.0	ns	Repatriation loans to U.S. citizens as necessary related to Ebola outbreak. Activity not specified in P.L. 113-235.

(...continued)

the Department of State's spend plan: *Section 9004 Ebola Report and Congressional Notification U.S. Department of State and U.S. Agency for International Development*, January 16, 2015.

Department/ Agency and/or Account	Request	P.L. 113- 235	Purpose(s)
State, International Organizations and Programs	35.0	ns	Estimated U.S. contributions to UNMEER. Activity not specified in P.L. 113-235.
State, International Organizations and Programs	50.3	ns	Voluntary U.S. contributions to WHO and International Civil Aviation Organization for support to affected countries. Activity not specified in P.L. 113-235.
State, Nonproliferation, Anti-terrorism, Demining, and Related Programs	5.3	5.3	Biosafety and hazardous materials training in affected countries, efforts to mitigate the illicit acquisition of Ebola virus, and to promote biosecurity practices associated with the Ebola virus disease outbreak response efforts.
<b>State/USAID Total</b>	<b>2,104.3</b>	<b>2,526.3</b>	
Defense/DARPA	112.0	112.0	Developing technologies, e.g., using antibodies from survivors, and shortening vaccine development time. P.L. 113-235 specified \$95 million for defense-wide research, development, testing, and evaluation, and \$17 million for defense-wide procurement.
<b>Defense Total</b>	<b>112.0</b>	<b>112.0</b>	
<b>Subtotal, immediate needs</b>	<b>4,642.4</b>	<b>5,405.3</b>	
<b>CONTINGENCY FUNDING</b>			
HHS, contingency funds	751.0	0.0	For the HHS PHSSEF, "to prevent, prepare for, and respond to Ebola or other infectious disease domestically or internationally."
State/USAID, contingency funds	792.0	0.0	For the USAID Economic Support Fund, emergency expenses for humanitarian, economic, stabilization aid.
<b>Subtotal, contingency funds</b>	<b>1,543.0</b>	<b>0.0</b>	Contingency funding not provided in P.L. 113-235.
<b>TOTAL</b>	<b>6,185.4</b>	<b>5,405.3</b>	

**Sources:** White House, Office of Management and Budget (OMB), "Estimate #4—FY 2015 Emergency Appropriations Request to Enhance the U.S. Government's Response to Ebola at Home and Abroad," November 5, 2014, [http://www.whitehouse.gov/omb/budget\\_amendments](http://www.whitehouse.gov/omb/budget_amendments); and text and accompanying explanatory statements for P.L. 113-235.

**Note:** Amounts may not add due to rounding. "ns" means account details not specified.

**Acronyms:** ASPR is HHS Assistant Secretary for Preparedness and Response; BARDA is HHS Biomedical Advanced Research and Development Authority; CDC is HHS Centers for Disease Control and Prevention; DARPA is Defense Advanced Research Projects Agency; FDA is HHS Food and Drug Administration; NIAID is NIH National Institute of Allergy and Infectious Diseases; NIH is HHS National Institutes of Health; PHSSEF is HHS Public Health and Social Services Emergency Fund, administered by the HHS Secretary; PPE is personal protective equipment; UNMEER is United Nations Mission for Ebola Emergency Response, and WHO is World Health Organization.

## Health and Human Services (HHS)

For Ebola preparedness and response activities in the Department of Health and Human Services (HHS), the President's request sought \$2.426 billion for immediate needs and an additional \$751 million in contingency funding. The FY2015 consolidated appropriation provided \$2.767 billion for immediate needs, more than was requested, but did not provide contingency funding. Funds are intended to support both domestic and international activities. The entire appropriated amount was designated as emergency spending, as was requested. Requested and appropriated amounts presented in **Table 1** above follows:

- \$1.83 billion was requested for domestic and international Ebola response activities by the Centers for Disease Control and Prevention (CDC). Domestic activities would include assistance to states to monitor travelers, and stockpiling of personal protective equipment (PPE) for hospitals. International activities would include infection control, contact tracing, laboratory surveillance, emergency operations centers, and training in affected countries in West Africa.<sup>3</sup> The FY2015 consolidated appropriation provided \$1.77 billion to CDC for these activities.<sup>4</sup>
- \$176 million<sup>5</sup> was requested, and \$576 million was provided, to support domestic Ebola responses through the Public Health and Social Services Emergency Fund account (PHSSEF, a fund administered by the HHS Secretary) for the HHS Assistant Secretary for Preparedness and Response (ASPR). Funding was requested and provided (substantially above the requested level) for Hospital Preparedness Program (HPP) grants<sup>6</sup> to establish additional domestic Ebola Treatment Centers, and to improve readiness to detect cases of Ebola infection throughout the nation's health system including purchase of personal protective equipment (PPE) and other supplies, and training.<sup>7</sup> The FY2015 consolidated appropriation did not, however, endorse the Administration's plan to establish a designated Ebola Treatment Center in every state.<sup>8</sup>

<sup>3</sup> For more information, see CRS Report IF10022, *The Global Health Security Agenda and International Health Regulations*, by (name redacted).

<sup>4</sup> Of note, requested funds are separate from charitable funds available to CDC. In 1992 Congress established the nonprofit National Foundation for the Centers for Disease Control and Prevention to aid the agency in its broad public health mission. (Public Health Service Act §399G; 42 U.S.C. 280e-11.) The CDC Foundation reported in 2014 that it had received commitments and donations of more than \$43 million toward the Ebola response. Ariana Eunjung Cha, "In Ebola Fight, Private Foundations Provide Critical Financial Aid," *Washington Post*, November 16, 2014. See also CDC Foundation, <http://www.cdcfoundation.org/>.

<sup>5</sup> This amount includes the \$10 million requested for modeling and genetic sequencing of Ebola virus. The FY2015 consolidated appropriations law did not explicitly address genetic sequencing, but this could be included in the \$576 million provided through the PHSSEF for HHS/ASPR.

<sup>6</sup> HHS Office of the Assistant Secretary for Preparedness and Response, Hospital Preparedness Program (HPP), <http://www.phe.gov/Preparedness/PLANNING/HPP/Pages/default.aspx>.

<sup>7</sup> On December 2, 2014, HHS announced the designation of 35 Ebola Treatment Centers in 11 states and the District of Columbia. HHS, "35 Hospitals Designated as Ebola Treatment centers," press release, December 2, 2014, <http://www.hhs.gov/news>. Also, the White House reiterated the funding request to continue to "build out" Ebola treatment and assessment hospitals. White House, "Update on the Ebola Response," fact sheet, December 2, 2014, <http://www.whitehouse.gov/the-press-office/2014/12/02/fact-sheet-update-ebola-response>.

<sup>8</sup> E.S., p. 110.



- \$157 million was requested and provided to the HHS PHSSEF for the Biomedical Advanced Research and Development Authority (BARDA) to bring Ebola vaccines and treatments developed under National Institutes of Health (NIH) and Department of Defense contracts to advanced development and manufacture for clinical trials.
- \$238 million was requested and appropriated for NIH to fund clinical trials on experimental Ebola vaccines and treatments.
- \$25 million was requested and appropriated for the Food and Drug Administration (FDA) for development, review, and regulation of Ebola vaccines and treatments.<sup>9</sup>

Per the request, all HHS funds (both for immediate needs and contingency) would be used for “purposes of preventing, preparing for, and responding to Ebola or other infectious diseases domestically or internationally.”<sup>10</sup> The FY2015 consolidated appropriations language provided similarly broad authority to CDC and the HHS/ASPR to address Ebola and other infectious disease threats, both domestically and abroad.<sup>11</sup> Additional spending flexibility was provided in the appropriations language regarding renovation of private facilities, reimbursement of uninsured healthcare costs for Ebola patients treated in the United States, and other matters.<sup>12</sup>

The Administration requested broad authority for the HHS Secretary to transfer any appropriated funds for Ebola response within HHS or to other departments as long as funds were to be used for the stated purpose (quoted in the paragraph above). This authority would be in addition to existing transfer authorities,<sup>13</sup> and would require prior consultation with OMB and 10-day advance notice to congressional appropriations committees. The FY2015 consolidated appropriation did not provide such broad transfer authority, limiting CDC funds to transfers within CDC, and PHSSEF funds to transfers within HHS.

As noted, Congress did not provide the requested contingency funding for HHS. Of the amounts appropriated, amounts to CDC and the PHSSEF remain available through FY2019, amounts to NIH remain available through FY2016, and amounts to FDA remain available until expended.

## Department of State and International Assistance Programs

Title IX, Division J, of the FY2015 Consolidated and Further Continuing Appropriation Act, 2015 (P.L. 113-235), provided a total of \$2.5 billion but did not provide contingency funding for Ebola efforts within the Department of State and U.S. Agency for International Development (USAID)

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<sup>9</sup> For more information about FDA’s role, see FDA, “Ebola Response Updates from FDA,” <http://www.fda.gov/EmergencyPreparedness/Counterterrorism/MedicalCountermeasures/ucm410308.htm>.

<sup>10</sup> White House, Office of Management and Budget (OMB), “Estimate #4—FY 2015 Emergency Appropriations Request to Enhance the U.S. Government’s Response to Ebola at Home and Abroad,” November 5, 2014, p. 8, [http://www.whitehouse.gov/omb/budget\\_amendments](http://www.whitehouse.gov/omb/budget_amendments). This approach is common for HHS communicable disease control programs. It recognizes that many domestic and international activities that are planned or underway to address the Ebola outbreak—such as establishing Ebola treatment centers domestically and emergency operations centers in African countries—would expand capacity for the prevention and control of other infectious diseases in the future.

<sup>11</sup> For now, pages 391-392 of the enrolled bill.

<sup>12</sup> *Ibid.*, p. 392.

<sup>13</sup> See “Transfers” section of CRS Report R43304, *Public Health Service Agencies: Overview and Funding*.

(see **Table 1**). The act also provided some transfer authority, but the funds were to be used specifically for Ebola activities. Obligating funds for Ebola requires a 15-day notification to Congress.

For Ebola preparedness and response activities conducted by USAID and the State Department, the President requested \$2.89 billion. Of that amount, \$2.1 billion was for immediate responses and \$792 million was for a Contingency Fund.

Throughout FY2014 and FY2015, the Department of State and the U.S. Agency for International Development (USAID) had been drawing funds from International Disaster Assistance (IDA), Global Health Programs (GHP), and Food for Peace accounts to address the Ebola crisis in West Africa, as well as receiving support from DOD. \$376.8 million (\$64.5 million in FY2014 and \$312.7 million in FY2015) of State, Foreign Operations and Related Programs (SFOPs) and Agriculture appropriations were used to fund labs for testing; medical supplies and cots; building and supporting Ebola treatment units (ETU); training and management of safe burial teams; and training health care workers.<sup>14</sup>

Details of the requested and appropriated amounts follow:<sup>15</sup>

*International Disaster Assistance (IDA)*—Congress provided \$1,436.3 million, \$35 million more than requested for IDA. The requested \$1,401.0 million for IDA included \$539.2 million for clinical and non-medical management of 12 ETUs; \$25 million for contact tracing; \$36.8 million for burial teams training and safe practices; \$208.2 million for Community Care Centers; \$66.9 million for outreach activities and household protections kits to promote safe behaviors; and \$269.1 million to ensure an adequate supply of personal protective equipment (PPE), which includes procurement, transport, and warehousing of PPEs. An additional \$190 million was for addressing the food insecurity which has been worsened by the establishment of Ebola quarantine zones in the Ebola-affected areas resulting in reduced production; loss of labor, livelihoods, and transportation services; and higher food prices. Another \$16.1 million would fund increased staffing of the Disaster Assistance Response Team (DART) and USAID’s Response Management Team (RMT), and support for 20 additional staff funded by USAID’s Operation Expenses (OE) account.

*Global Health Programs (GHP)*—For GHP, Congress appropriated \$312 million, \$28 million below the request of \$340 million. \$62 million was requested for disease surveillance, laboratories, rapid response teams, and risk mitigation in the three Ebola-affected countries; and \$278 million was for the Global Health Security Agenda to establish Ebola Preparedness Plans to rapidly detect and control any introduction of Ebola in currently unaffected countries in the region.

*Economic Support Fund (ESF)*—Congress appropriated \$711.7 million for ESF, \$500 million above the request of \$211.7 million. Within the request, \$71.7 million of ESF emergency funding was requested to address second-order impacts in Ebola-affected countries and critical innovations in responses to the epidemic. Examples include broadcasting of primary and

<sup>14</sup> West Africa – Ebola Outbreak – Fact Sheet #1 (FY15), USAID, October 1, 2014, and West Africa – Ebola Outbreak – Fact Sheet #8 (FY2015), USAID, November 19, 2014. <http://www.usaid.gov/ebola/>.

<sup>15</sup> Emergency Request Justification, Department of State, Foreign Operations, and Related Programs, FY2015 and P.L. 113-235, Division J, Title IX.

secondary classes to school-aged students and investing in Information and Communication Technology to establish a network that is to facilitate data sharing and disease surveillance during the outbreak and that can be used in a potential future crisis. \$60 million was for rebuilding non-Ebola health services in Liberia, Sierra Leone, and Guinea; and \$66 million was for longer-term strengthening of basic health services in the Ebola-affected countries.

*Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR)*—\$5.3 million was requested and enacted for existing NADR expertise of securing dangerous pathogens to be used for training of local law enforcement on imposing quarantines and securing facilities that store the Ebola virus; handling and disposing of Ebola-contaminated items; and for biosecurity and related capacity building.

*Diplomatic Engagement*—\$36.4 million was enacted rather than the \$71.4 million requested for Diplomatic and Consular Programs (D&CP), U.S. Contributions to International Organizations (CIO), and Repatriation Loans. The request was to pay for evacuations of U.S. government patients, oversight of the department efforts, outreach and reporting by VOA, U.S. contributions to the U.N. Mission for Emergency Ebola Response (UNMEER), and repatriation loans to American citizens who are exposed to the virus and need to be returned to the United States using proper, but expensive, protocol.

*Contingency Fund*—P.L. 113-235 provided none of the requested \$792 million of ESF funds as a Contingency Fund to be available until expended. This amounted to 27% of the SFOPs emergency request. The Contingency Fund was to be available for critical needs related to the Ebola outbreak and global health security. The request included broad transfer authority of these funds to other accounts in the Department of State, USAID, or other federal agencies, provided that transfers were done in consultation with the Office of Management and Budget (OMB), only for amounts designated by the President to address critical Ebola crisis needs, in addition to existing transfer authority, and with a 10-day advance notification to the House and Senate Appropriations Committees. “Notwithstanding any other provision of law” language, arguably, would have allowed these funds to be used in countries that currently are prohibited from receiving U.S. foreign aid if they meet the criteria that there is a critical need related to Ebola in that country.<sup>16</sup> The Administration stated that the transfer authority and the general provisions requested would provide the flexibility and whole-of-government approach that it said was needed to address potentially rapid changes in the Ebola crisis.

## Department of Defense

Within the Consolidated Appropriation (P.L. 113-235), Congress provided \$112 million for DOD to support additional research on ways to treat and prevent the Ebola outbreak in West Africa.

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<sup>16</sup> Foreign aid may be suspended or denied for a range of foreign policy and national security reasons, including support of international terrorism, human rights violations, trafficking in persons, trafficking in illicit narcotics, coercive family planning programs, denial of religious freedom, disrupting regional stability, and engaging in weapons proliferation, to name a few. The United States currently maintains robust sanctions regimes against foreign governments it has identified as supporters of acts of international terrorism (Cuba, Iran, Sudan, Syria), nuclear arms proliferators (Iran, North Korea, Syria), egregious violators of international human rights standards (Belarus, Burma, Cuba, Iran, North Korea, Russia, Syria), and those threatening regional stability (Iran, North Korea, Russia, South Sudan, Sudan, Syria).

On September 16, 2014, President Obama announced an increase in the U.S. response to the current Ebola outbreak in West Africa. Part of that included DOD requests to reprogram excess Overseas Contingency Operations (OCO) funds appropriated for FY2014 to support the Overseas Humanitarian Disaster and Civic Aid (OHDACA) account. DOD submitted two separate prior approval reprogramming requests totaling \$1 billion dated September 8 and September 17 to the House and Senate Appropriations and Armed Services Committees. The committees approved the reprogramming, but with limitations requiring additional DOD action prior to use of the funds. As of November 17, 2014, the committees had approved DOD's use of up to \$750 million of the reprogrammed funds for the Ebola crisis, in part as directed by USAID. The stated purposes for the reprogrammed funds include<sup>17</sup>

- transportation of DOD and non-DOD personnel and supplies;
- coordinating delivery of supplies from both DOD and non-DOD sources such as isolation units, personnel protective equipment (PPE), and medical supplies;
- construction of Ebola treatment units (ETU); and
- training and education in support of sanitation and mortuary affairs functions to limit the spread of the Ebola outbreak.

For FY2015, the Administration sought \$112 million in emergency-designated funds for the Defense Advanced Research Project Agency (DARPA). These funds would support medical research efforts in the United States aimed at developing Ebola treatments and preventive measures. This includes new research focused on utilizing the antibodies of Ebola survivors to provide temporary immunity for infected patients until an effective vaccine can be developed and the accelerated development and testing of new Ebola vaccines and diagnostics.<sup>18</sup>

DARPA's Biological Technologies Office (BTO) has previously funded medical research initiatives. The Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (P.L. 113-291) authorized appropriations in the requested amount. The Consolidated and Further Continuing Appropriations Act, 2015, appropriated the requested \$112 million as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, with \$17 million in the "Procurement, Defense-wide" account available until September 30, 2017, and \$95 million in the "Research, Development, Test and Evaluation, Defense-Wide," to remain available until September 30, 2016.<sup>19</sup>

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<sup>17</sup> Prior Approval Reprogramming Request FY14-16 dated September 6, 2014, "September 2014 Prior Approval Request," available at [http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2014/prior1415s/14-16\\_PA\\_September\\_2014\\_Request.pdf](http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2014/prior1415s/14-16_PA_September_2014_Request.pdf) and Prior Approval Reprogramming Request FY14-17 dated September 16, 2014, "Additional Ebola Response" available at [http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2014/prior1415s/14-17\\_PA\\_Ebola\\_Response.pdf](http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2014/prior1415s/14-17_PA_Ebola_Response.pdf).

<sup>18</sup> "Department of Defense Research, Development, Test, and Evaluation," p. 21 of the enclosure letter from the Director of the Office of Management and Budget to the President submitting the FY2015 emergency appropriations request, November 5, 2014. See <http://go.usa.gov/HPgH>.

<sup>19</sup> See "Title X—Ebola Response and Preparedness" of Division C of P.L. 113-235.

## Amended OCO Funds to Combat the Islamic State

Within the FY2015 appropriations (P.L. 113-235), Congress included \$5.4 billion in OCO funds for the Department of Defense for Operation Inherent Resolve, its ongoing efforts against the Islamic State in Iraq and Syria through U.S. airstrikes and training of Iraqi and Syrian opposition forces. While the OCO request of \$520 million for the Department of State specifically designated to counter the Islamic State (IS) was not provided in the appropriations act, some State Department OCO accounts were increased with broader explanatory statement language for “other assistance” or “other areas of unrest,” or “extraordinary costs, including those resulting from conflict.”

Earlier, on November 10, 2014, the Administration had amended its FY2015 Overseas Contingency Operations request by adding \$4.94 billion for DOD and \$520 million for the Department of State to support efforts to combat the Islamic State (IS). DOD’s earlier OCO request in June 2014 already had included an illustrative allocation of \$500 million from the \$4.0 billion requested in the Counterterrorism Response Fund (CTPF) to train and equip Syrian opposition forces to fight the Islamic State. Including this allocation, DOD’s request to combat the Islamic State totaled \$5.4 billion.

These amendments brought the FY2015 OCO request to a government-wide total of \$71.7 billion—\$7.8 billion for State and \$63.9 billion for DOD. This compares with \$91.5 billion—\$6.5 billion for State and \$85.0 billion for DOD—appropriated in FY2014.<sup>20</sup> Budget authority designated as Overseas Contingency Operations/Global War on Terrorism (OCO/GWOT), which is how all OCO funds are designated, is effectively not subject to the statutory discretionary spending limits established by the BCA.<sup>21</sup>

### Department of Defense

The FY2015 Consolidated and Further Continuing Appropriations Act (P.L. 113-235; H.R. 83) enacted December 16, 2015, approved a total of \$5.4 billion in OCO-designated funds for DOD to combat the Islamic State. In addition to \$500 million to train vetted Syrian forces and \$1.6 billion to train Iraqi security forces, this total included operational funds to conduct U.S. air strikes in Syria and Iraq and support for U.S. trainers.<sup>22</sup> While Congress did not adjust the funds requested for air strikes and to support trainers, considerable changes were made to the Administration’s requests for monies to train Iraqi and Syrian opposition forces.

As of January 30, 2015, DOD’s cost of operations to counter the Islamic State, which began August 8, 2014, totaled \$1.5 billion, averaging \$8.4 million per day.<sup>23</sup> Initially, DOD financed airstrikes and the deployment of U.S. military personnel to Iraq to conduct an assessment and

<sup>20</sup> *Congressional Record*, “Joint Explanatory Statement, H.R. 83,” p. H9646.

<sup>21</sup> See footnote 3.

<sup>22</sup> P.L. 113-235 sets a \$500 million cap on funding to train and equip vetted Syrian opposition forces within the Counterterrorism Partnership Fund. The Joint Explanatory Statement for H.R. 83/P.L. 113-235 shows no changes to ISIL funding in the “Explanation of Project Adjustments” for each account, which means that Congress approved the amount requested.

<sup>23</sup> DOD, “Special Report, Operation Inherent Resolve, Targeted Operations Against ISIL Terrorists,” visited March 6, 2015, [http://www.defense.gov/home/features/2014/0814\\_iraq/](http://www.defense.gov/home/features/2014/0814_iraq/).



provide advice using OCO funds already appropriated for FY2014. Starting October 1, 2014, DOD tapped OCO-designated funds in the FY2015 Continuing Resolution (CR, H.J.Res. 124/P.L. 113-164), a practice known as “cash flowing”—relying on current funding until supplemental funding is provided later in the year (see **Table 2**).<sup>24</sup>

Starting October 1, 2014, incremental costs of Operation Inherent Resolve, the new Iraq and Syria operation, were being paid from funds appropriated by Congress in the FY2015 CR. Under the CR, OCO for DOD was appropriated at a rate of operations based on the \$85.4 billion in OCO funds enacted in FY2014. This was \$26.6 billion above the FY2015 request of \$58.6 billion.

### **Limits on DOD’s Authority to Train and Equip Iraqi and Syrian Forces**

Congress approved the \$500 million requested to train and equip vetted Syrian opposition forces, which was requested within a newly established Counterterrorism Partnership Response Fund (CTPF). At the same time, the final act limited the broad authorities to train and equip forces anywhere in the world proposed in the CTPF.<sup>25</sup>

These limitations were first included in the FY2015 CR (P.L. 113-164), in effect until December 13, 2014. In the CR, Congress provided DOD with temporary new authority to train and equip Syrian opposition forces, but only if DOD requested and the four congressional defense committees approved reprogramming of available funds.<sup>26</sup> The CR permitted a broad range of training and support activities and required vetting of Syrian participants. This language paralleled Section 1209 that was included in the FY2015 National Defense Authorization Act (NDAA; H.R. 3979/P.L. 113-291), which required approval of requests through reprogramming and extending the authority until December 31, 2014.<sup>27</sup>

In addition to reducing CTPF funding from the \$4.0 billion requested to \$1.3 billion, Congress narrowed the authorities requested, required that DOD submit reprogramming requests specifying how the funds would be used, which would have to be approved by the four congressional defense committees, and required extensive reporting 15 days in advance of using the funds.<sup>28</sup>

In November 2014, the four congressional defense committees approved a DOD reprogramming request for \$225 million to begin the effort to train vetted Syrian forces.<sup>29</sup> In a January 16, 2015, press conference, DOD said that several hundred U.S. personnel, plus an equal number of support

<sup>24</sup> For example, DOD used OCO-designated FY2015 O&M, Navy and O&M, Air Force funds to conduct air strikes in Iraq and Syria because these funds finance that type of expense.

<sup>25</sup> DOD had requested a \$500 million allocation to train and equip Syrian opposition forces within the CTPF. Congress included a specific cap of up to \$500 million for that purpose within the CTPF.

<sup>26</sup> §149, P.L. 113-164 (H.J.Res. 124). The committees are the House and Senate Armed Services Committees and the House and Senate Appropriations Committees. The CR was extended twice—in P.L. 113-202 and P.L. 113-203 until passage of final appropriations.

<sup>27</sup> See section below for further details.

<sup>28</sup> CRS Report R43727, *Train and Equip Authorities for Syria: In Brief*, by (name redacted) and (name redacted).

<sup>29</sup> DOD, Reprogramming Request 15-02PA, Syria Train and Equip, November 10, 2014; [http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2015/prior1415s/15-02\\_PA\\_Syria\\_Train\\_and\\_Equip.pdf](http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2015/prior1415s/15-02_PA_Syria_Train_and_Equip.pdf). DOD, Reprogramming Request, 15-07IR, Syria Train and Equip, November 10, 2014; [http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2015/ir1415s/15-07\\_IR\\_Syria\\_Train\\_Equip.pdf](http://comptroller.defense.gov/Portals/45/Documents/execution/reprogramming/fy2015/ir1415s/15-07_IR_Syria_Train_Equip.pdf).

troops, would train Syrian opposition forces starting in March 2015, with training to be completed over the next year.<sup>30</sup>

Congress did not change DOD’s request for operational costs to conduct air strikes against IS and provide support for U.S. trainers. According to DOD budget justification materials, the \$4.94 billion is for

- incremental military personnel expenses (e.g., hardship pay) for U.S. military supporting Operation Inherent Resolve (OIR);
- fuel, supplies, and repair costs for ground operations, flying hours, and steaming hours of ships in the region, as well as other support;
- command, control, and intelligence activities, and intelligence, surveillance, and reconnaissance, and classified activities;
- replacement of expended munitions (e.g., Hellfire, Maverick, Tomahawks); and
- \$1.6 billion for building the capacity of Iraqi security forces and Kurdish and tribal forces, providing support to coalition members, and other small-scale humanitarian relief and reconstruction.<sup>31</sup>

Adding the \$500 million—included as an illustrative allocation and enacted as a cap—to train and equip Syrian opposition forces brings the total DOD amount to combat the Islamic State in FY2015 to \$5.4 billion. All of these funds were designated as OCO, and hence exempt from budget caps.

**Table 2. DOD’s OCO Funding: FY2014 Enacted to FY2015 Enacted**  
In Billions of Dollars of Budget Authority

Title	FY2014 Enacted (P.L. 113-76)	FY2015 Request, Feb. 2014 <sup>a</sup>	FY2015 Request, June OCO 2014 <sup>b</sup>	FY2015 Nov. 2014 Amendment and FY2015 Enacted <sup>c</sup>	Total FY2015 OCO Request	FY2015 Continuing Resolution (H.J.Res. 124/P.L. 113-164)	Total FY2015 OCO Enacted (H.R. 83/P.L. 113-235)
Military Personnel	7.97	NS	5.39	0.14	5.54	7.97	4.97
Operation and Maintenance (O&M) <sup>d</sup>	63.47	NS	37.43	2.32	39.78	63.47	42.56
Revolving & Mgt. Funds	0.26	NS	0.09	0.00	0.09	0.26	0.09
Procurement	6.23	NS	5.60	0.83	6.43	6.23	7.69
RDT&E	0.14	NS	0.08	0.03	0.11	0.14	0.23

<sup>30</sup> Department of Defense, press conference with Rear Admiral John Kirby, January 16, 2015, <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=5573.S>.

<sup>31</sup> DOD, Office of the Under Secretary of Defense (Comptroller) *Fiscal Year (FY) 2015 Overseas Contingency Operations (OCO) Budget Amendment Update*, p. 2 and p. 3, November 2014, [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15\\_OCO\\_Budget\\_Amendment\\_Update.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15_OCO_Budget_Amendment_Update.pdf).

Title	FY2014 Enacted (P.L. 113-76)	FY2015 Request, Feb. 2014 <sup>a</sup>	FY2015 Request, June OCO 2014 <sup>b</sup>	FY2015 Nov. 2014 Amendment and FY2015 Enacted <sup>c</sup>	Total FY2015 OCO Request	FY2015 Continuing Resolution (H.J.Res. 124/P.L. 113-164)	Total FY2015 OCO Enacted (H.R. 83/P.L. 113-235)
Military Construction/Family Housing	0.00	NS	0.05	[.18]	0.05	0.00	0.22
Afghanistan Security Forces Fund	4.73	NS	4.11	0.00	4.11	4.73	4.11
Iraq Train & Equip	0.00	NS	0.00	1.62	1.62	0.00	1.62
Counterterrorism Partnership Fund (CTPF)	0.00	NS	4.00	0.00	4.00	0.00	1.30
Of Which Syria Train & Equip <sup>e</sup>	[0]	NS	[-.50]	[0]	[-.50]	[-.50]	[-.50]
European Reassurance Initiative (ERI)	0.00	NS	0.93	0.00	0.93	0.00	0.18
Unexploded Ordnance	0.00	NS	[-.25]	0.00	0.25	0.00	0.25
Other <sup>f</sup>	2.36	NS	0.93	0.00	0.93	2.36	1.96
Rescissions	-0.14	NS	-0.12	0.00	-0.12	-0.14	-1.24
<b>TOTAL OCO</b>	<b>85.03</b>	<b>79.45</b>	<b>58.44</b>	<b>4.94</b>	<b>63.65</b>	<b>85.03</b>	<b>63.94</b>

**Sources:** CRS calculations based on Congressional Record, Joint Explanatory Statement (JES) for H.R. 83, Consolidated and Further Continuing Appropriations Act, 2015, Division C, DOD, p. H9643-H9646, and Division I, p. H. 9947. OMB, OMB, Fiscal Year 2015 Analytical Perspectives, 3-10-14; [http://www.whitehouse.gov/omb/budget/Analytical\\_Perspectives](http://www.whitehouse.gov/omb/budget/Analytical_Perspectives). Senate Appropriations Committee, S. Rept. 113-211, Department of Defense Appropriations April, 2015 to accompany H.R. 4870, July 17, 2014; Department of Defense, “Overview: Overseas Contingency Operations Budget Amendment,” November 4 2014; [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY2015\\_OCO\\_Budget\\_Amendment\\_Overview\\_Book.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY2015_OCO_Budget_Amendment_Overview_Book.pdf). H.J. Res. 124/P.L. 113-164; H.R. 83/P.L. 113-235.

- a. OMB, Table 28-1, FY2015 Analytical Perspectives; Policy Budget Authority and Outlays by Function, Category, and Program, 3-10-14; [http://www.whitehouse.gov/omb/budget/Analytical\\_Perspectives](http://www.whitehouse.gov/omb/budget/Analytical_Perspectives). NS=not specified.
- b. Department of Defense, Fiscal Year 2015 Budget Amendment, Overview, Overseas Contingency Operations, June 2014; [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY2015\\_Budget\\_Request\\_Overview\\_Book\\_Amended.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY2015_Budget_Request_Overview_Book_Amended.pdf).
- c. The Joint Explanatory Statement for H.R. 83/P.L. 113-235 shows no changes in the “Explanation of Project Adjustments” for each account that refer to ISIL funding, which means that Congress approved the amount requested. Table above excludes \$112 million requested and enacted as emergency funds to combat Ebola.
- d. The following accounts that are part of the O&M title are shown separately in this table: ASFF, ERI, Unexploded Ordnance, Iraq Train and Equip, and CTPF.
- e. DOD included an illustrative allocation of up to \$500 in the CTPF; Congress specifically included up to \$500 million within CTPF in Sec. 9016.
- f. Other includes Unexploded Ordnance, “Other Defense Programs,” the Afghanistan Infrastructure Fund, and a \$1.0 billion congressional add for “Readiness.”



## The FY2015 National Defense Authorization Act (NDAA) and Train and Equip

The FY2015 NDAA (P.L. 113-291/H.R. 3979) changed DOD's requested authorities to train and equip Syrian opposition forces and to return to train Iraqi security forces.

DOD requested a \$500 million allocation of funds within the Counterterrorism Partnership Response Fund (CTPF) *to train and equip Syrian opposition forces*. The FY2015 NDAA made major changes to limit DOD's authority and increase congressional oversight and set a specific \$500 million cap on funds to train and equip Syrian opposition forces. The conference bill also reduced the DOD request for the CTPF from \$4.0 billion to \$1.3 billion.

Congress did not accept the Administration's request to permit the Secretary of Defense to waive "any other provision of law that would otherwise prohibit, restrict, limit or otherwise constrain the obligation or expenditure of [these] funds" when setting up partnerships to train and equip foreign security forces conducting counterterrorism operations.<sup>32</sup> Instead, Congress

- required that partnerships generally rely on already existing authorities;
- limited the geographic scope of the CTPF to Central and Africa Commands unless the Secretary of Defense determined that U.S. security was at risk;
- required that DOD submit specific requests as reprogrammings that would have to be approved by the four congressional defense committees;
- required a plan for use of the funds within 60 days of enactment and periodic reports every 60 days;
- set vetting requirements for Syrian opposition forces that would receive training and equipment; and
- limited the duration of the fund to December 2016.<sup>33</sup>

Instead of the blank waiver of other laws requested, the FY2015 NDAA permitted more limited waiver authority for the Secretary of Defense of acquisition and arms sales provisions, and a more general waiver for the President if determined to be vital to U.S. national security with notification to the appropriate defense committees.<sup>34</sup>

Although the FY2015 NDAA approved the \$1.6 billion requested for a new *Iraq train-and-equip account*, it made several revisions to DOD's proposal, including sunseting the authority on December 31, 2016, rather than September 30, 2017.

Congressional action endorsed the definition of purposes to train and equip Iraqi and other security forces in the request where DOD would

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<sup>32</sup> Ibid., p. 12.

<sup>33</sup> For CTPF reduction, see Sec. 4502 in Division D, Funding Tables in H.R. 3979; these tables do not segregate the November 2014 budget amendment to counter ISIS from the earlier DOD OCO request except for the Iraq train and equip request; Text, H.R. 3979, Rules Committee print 113-58, House Amendment to the Text of S. 1847, [Showing the text of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015.], draft conference of FY2015 NDAA; <http://www.armed-services.senate.gov/imo/media/doc/CPRT-113-HPRT-RU00-S1847.pdf>. See Section 1534 for conditions applying to the CTPF.

<sup>34</sup> Sec. 1236(j) in Ibid.

provide assistance to military and other security forces of, or associated with, the Government of Iraq, including Kurdish and tribal security forces, with a national security mission, to counter the Islamic State in Iraq and the Levant, including the provision of equipment, supplies, services, training, facility and infrastructure repair, renovation, construction, and stipends....<sup>35</sup>

The act also endorsed the Administration cost-sharing provision which capped U.S. obligations capped at 60% until Iraqi, Kurdish, and tribal security forces contribute 40% of the \$1.6 billion total, in cash or in-kind; at least half of the contribution was to come from the government of Iraq.<sup>36</sup> The FY2015 NDAA deleted the exclusion of arms sales proposed by the Administration, which permits Iraq to count those sales as contributions.<sup>37</sup>

Congress accepted the sharing provision proposed that required that for U.S. funds to be fully obligated, Iraqi, Kurdish, and tribal security forces would have to contribute 40% of the \$1.6 billion DOD request (including in-kind contributions), with at least half of that contribution to come from the government of Iraq. Arms sales could not count toward the contribution. The conference agreement of the FY2015 NDAA deleted the exclusion of arms sales.<sup>38</sup>

The enacted FY2015 NDAA also set a 25% cap on obligations and expenditures that would go into effect 15 days after the Secretary of Defense and the Secretary of State submit to the appropriate congressional committees and the House and Senate leadership a specific plan identifying the forces to receive assistance, retraining, and rebuilding. The plan is to include goals, concept of operations, timelines, types of training and other assistances, roles of other partners, number and roles of U.S. military personnel, additional military support and sustainment, and other relevant details. Ninety days later, and every 30 days thereafter, the Secretary of Defense is to submit quarterly reports of any changes.<sup>39</sup>

Congress also agreed to the Administration's request to expand current coalition support authorities to include reimbursing Iraq for its logistical support expenses. In addition, \$15 million more would be provided for "emergencies and extraordinary payments" for "confidential military purposes," typically intelligence support.<sup>40</sup>

## **Additional U.S. Military Personnel**

DOD's additional request would increase U.S. troop strength in and around Iraq and Afghanistan by some 4,000 in FY2015, including troops providing training and assistance in Iraq as well as

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<sup>35</sup> Office of Management and Budget, Estimate #5—FY 2015 Budget Amendments: Department of Defense (DOD) and Department of State and Other International Programs (State/OIP) to implement the Administration's Strategy to Counter the Islamic State of Iraq and the Levant (ISIL) and update the FY 2015 Overseas Contingency Operations funding levels for both DOD and State/OIP, p. 11, 11/10/14; [http://www.whitehouse.gov/sites/default/files/omb/assets/budget\\_amendments/amendment\\_11\\_10\\_14.pdf](http://www.whitehouse.gov/sites/default/files/omb/assets/budget_amendments/amendment_11_10_14.pdf).

<sup>36</sup> *Ibid.*, p. 12.

<sup>37</sup> §1236 in Rules Committee print 113-58, House amendment to the text of S. 1847, <http://www.armed-services.senate.gov/imo/media/doc/CPRT-113-HPRT-RU00-S1847.pdf>.

<sup>38</sup> §1236 in Rules Committee print 113-58, House amendment to the text of S. 1847, <http://www.armed-services.senate.gov/imo/media/doc/CPRT-113-HPRT-RU00-S1847.pdf>.

<sup>39</sup> Sec. 1236 in *Ibid.* "Appropriate" committees include House and Senate Armed Services and Appropriations Committees, House Foreign Affairs and Senate Foreign Relations Committees.

<sup>40</sup> *Ibid.*, p. 9.

providing additional support in the region. DOD has estimated 3,100 U.S. personnel for training activities in Iraq and about 800 to train vetted Syrian opposition forces (including support personnel).<sup>41</sup> With approval of most of DOD’s OCO request, troop strength in and around Iraq and Afghanistan would total 79,047 including 64,482 providing in-theater support (see **Table 3**). The NDAA conference report required reporting of the number of U.S. military personnel involved.

**Table 3. U.S. Military Strength, FY2014-FY2015, Amended OCO**

	FY2014 Enacted	FY2015 CR	FY2015 Request	FY2015 Amdt/ Enacted	Total FY2015 Req.
Afghanistan (OEF)	37,234	ns	11,661	0	11,661
Iraq (OIR)	0	ns	0	2,904	2,904
In-theater Support	61,071	ns	63,309	1,173	64,482
<b>Total</b>	<b>98,305</b>	<b>ns</b>	<b>74,970</b>	<b>4,077</b>	<b>79,047</b>

**Sources:** Figure 2 in Department of Defense, Fiscal Year 2015 Budget Amendment, Overview, Overseas Contingency Operations, June 2014; [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY2015\\_Budget\\_Request\\_Overview\\_Book\\_Amended.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY2015_Budget_Request_Overview_Book_Amended.pdf), and DOD, Office of the Under Secretary of Defense (Comptroller) Fiscal Year (FY) 2015 Overseas Contingency Operations (OCO) Budget Amendment Update, November 2014; [http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15\\_OCO\\_Budget\\_Amendment\\_Update.pdf](http://comptroller.defense.gov/Portals/45/Documents/defbudget/fy2015/amendment/FY15_OCO_Budget_Amendment_Update.pdf).

**Notes:** Figures reflect average strength.

## Department of State and International Assistance Programs

Congress did not provide OCO funds within the Consolidated and Further Continuing Appropriations Act, FY2015 (P.L. 113-235), that specifically addressed the \$520 million request, although it did provide additional OCO funds. Within Title VIII, Division J of the consolidated appropriations law, International Broadcasting OCO funds are for “extraordinary costs of United States international broadcasting to Afghanistan, Syria, and Iraq,” and International Disaster Assistance OCO funds are for “extraordinary costs of the United States response to international disasters and crises, including those resulting from conflict.” Increased ESF OCO funds were provided for the “extraordinary costs of contingency operations in Afghanistan, Pakistan, and Iraq and other assistance.”<sup>42</sup> Comparing the FY2015 enacted with the November 10, 2014 amended request indicates an overall increase of nearly 9% for just the amended accounts. Comparing FY2015 enacted with the FY2014 actuals indicates an overall increase of 27.6%. The D&CP OCO account is the only one to decline compared with both the total FY2015 request and FY2014 actual funding levels (see **Table 4**).

For FY2015 Department of State efforts against IS, the \$520 million amendment requested

<sup>41</sup> Department of Defense, Press conferences with Admiral John Kirby, January 6, and January 9, 2015; <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=5563>, and <http://www.defense.gov/Transcripts/Transcript.aspx?TranscriptID=5561>

<sup>42</sup> See Explanatory Statement for H.R. 83/P.L. 113-235, Division J, Title VIII.

- \$8.6 million for D&CP to expand the Center for Strategic Counterterrorism Communications' counterterrorism messaging in key languages and increase outreach and training programs aimed at countering IS propaganda;
- \$100 million for ESF to engage the moderate Syrian opposition and improve its capacity and credibility;
- \$250 million for FMF to support Jordan and Lebanon's efforts to protect their national territory and maintain control over their borders;
- \$65 million for PKO to increase the capacity of the moderate Syrian opposition to counter IS;
- \$90 million for IDA to provide humanitarian support related to IS attacks in Syria and Iraq, including food, protection, shelter, clean water, and other supplies; and
- \$6.3 million to increase VOA broadcasting in Kurdish and Turkish language services, expand Middle East Broadcasting Network's Alhurra and Radio Sawa efforts to amplify and provide a platform for moderate Muslims to voice opposition to extremism over TV, radio, and Internet platforms.

A requested amendment to the General Provisions said: *notwithstanding any other provision of law, funds appropriated under this Act may be used to provide assistance for the Syrian opposition.* If agreed to, this language would have allowed the Administration to use any FY2015 State, Foreign Operations appropriations account and either enduring or OCO funds for aid to the Syrian opposition. "The Syrian opposition" was not defined in the Administration's proposal, and U.S. officials continue to acknowledge that the opposition suffers from a lack of organization and from infighting, and includes groups whose ideologies and goals may not be compatible with U.S. long-term preferences for the region. Congress granted a more fully defined notwithstanding authority for the ESF account in the FY2014 appropriations act and outlined criteria for the use of funds and created strategy and notification requirements in relation to the authority.<sup>43</sup> While Congress did not provide the requested language for FY2015, it did include some limited transfer authority for the OCO funds.

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<sup>43</sup> Section 7041(i) of Division K of the FY2014 Consolidated Appropriations Act (H.R. 3547, P.L. 113-76) significantly expanded the Administration's authority to provide nonlethal assistance in Syria for certain purposes using the Economic Support Fund (ESF) account. Such assistance had been restricted by a series of preexisting provisions of law (including some terrorism-related provisions) that required the President to assert emergency and contingency authorities to provide such assistance to the Syrian opposition and communities in Syria. The new authority made FY2014 and prior-year ESF funding available "notwithstanding any other provision of law for nonlethal assistance for programs to address the needs of civilians affected by conflict in Syria, and for programs that seek to—(A) establish governance in Syria that is representative, inclusive, and accountable; (B) develop and implement political processes that are democratic, transparent, and adhere to the rule of law; (C) further the legitimacy of the Syrian opposition through cross-border programs; (D) develop civil society and an independent media in Syria; (E) promote economic development in Syria; (F) document, investigate, and prosecute human rights violations in Syria, including through transitional justice programs and support for nongovernmental organizations; and (G) counter extremist ideologies."

**Table 4. OCO:A Comparison of FY2014 Estimates vs. the FY2015 Amended Request and Enacted for Accounts to Support Combatting IS**  
(In \$ Millions)

	FY2014 actual	Nov. 10, 2014, Amendmt.	Total FY2015 Request	Total FY2015 Enacted	% change FY15 enacted vs. FY15 Request	% change FY15 enacted vs. FY2014 actual
D&CP	\$1,391.1	\$8.6	\$1,562.0	\$1,350.0	-13.6%	-3.0%
ESF	\$1,656.2	\$100.0	\$1,778.4	\$2,114.3	+18.9%	+27.7%
FMF	\$526.2	\$250.0	\$862.0	\$866.4	+0.5%	+64.7%
PKO	\$200.0	\$65.0	\$180.0	\$328.7	+82.6%	+64.4%
IDA	\$924.2	\$90.0	\$725.0	\$1,335.0	+84.1%	+44.4%
Int'l Broadcasting Operations	\$4.4	\$6.3	\$6.3	\$10.7	+69.8%	+143.2%
<b>Total</b>	<b>\$4,705.9</b>	<b>\$519.9</b>	<b>\$5,113.7</b>	<b>\$6,005.1</b>	<b>+8.7%</b>	<b>+27.6%</b>

**Source:** The Department of State Congressional Budget Justification, FY2015 and FY2016, the White House Amendment of June 26, 2014, and the White House Amendment of November 10, 2014.

**Notes:** This table presents only the OCO accounts that were amended by the President's November 10, 2014, request. In addition to these accounts, enacted USAID OCO for FY2015 increased over requested by 93.1%, FY2015 enacted INCLE OCO funds increased over requested by 11.9%, and FY2015 enacted NADR OCO funds increased over requested by \$99.2 million dollars over none requested. For more detail on FY2016 State Department OCO funds, see CRS Report R43901, *State, Foreign Operations, and Related Programs: FY2016 Budget Overview*, by (name redacted), (name redacted), and (name redacted).

## Issues for Congress

**Contingency Funds.** P.L. 113-235 did not provide the requested contingency funds. Some in Congress had expressed concern about the request for \$1.54 billion in an Ebola Contingency Fund for HHS and State. As worded in the request, the broader transfer authority, in addition to existing authority, would have allowed these funds to be transferred to any agency and among appropriation accounts, as long as the funds are used “for emergency expenses related to the humanitarian, economic, and stabilization crisis due to the Ebola outbreak.” Of further note was the notwithstanding language included in the SFOPs ESF Contingency Fund. That would have allowed these funds to be provided to countries that may currently be prohibited in law from receiving U.S. aid, or otherwise bypass other congressional restrictions or mandates.

The Administration stated that given the changing nature of the Ebola epidemic and the need to address unforeseen outbreaks before they become epidemics, HHS and State Department Contingency Funds must be accompanied by the authority giving the Administration “maximum flexibility to respond quickly,” both domestically and overseas.<sup>44</sup> Only the funds designated by the President as critical to address the Ebola outbreak and global health security would have been obligated, according to the request, and a 10-day advance notification to House and Senate

<sup>44</sup> Enclosed letter from the director of the Office of Management and Budget to the President submitting the FY2015 emergency appropriations request, November 5, 2014.

Appropriations Committees would have been required before funds could be transferred. The Administration said that structuring the Contingency Fund in this way would have supported its whole-of-government approach while allowing the Secretaries of HHS and State to oversee the allocation of the funds toward the most pressing needs.

**Ebola Emergency Response Act (H.R. 5710).** On November 14, 2014, Representative Christopher Smith (NJ) introduced the Ebola Emergency Response Act (H.R. 5710). It was reported out of the House Committee on Foreign Affairs on November 20, 2014, with no further action taken. It would have authorized \$1.801 billion for FY2015 emergency aid for countries directly affected by an Ebola outbreak. Similar to the President's request, it included notwithstanding language and required consistency with International Disaster Assistance law within Section 491 of the Foreign Assistance Act of 1961 that would allow any country to receive U.S. aid for natural or manmade disasters and humanitarian concerns.

The legislation was an authorization of funds, not an appropriation, and also would have authorized the President to use resources from any agency on a non-reimbursable basis, subject to consent of the agency head and notwithstanding any provision of law related to limitations on the use of authorities or funding of such other agency. The bill would have required notification to the House Committees on Foreign Affairs, Energy and Commerce, Armed Services, and Appropriations, and the Senate Committees on Foreign Relations, Health, Education, Labor, and Pensions, Armed Services, and Appropriations within 15 days *after* use of this authority. A report to the above congressional committees would have been required within 6 months after the Ebola epidemic has been contained.

**State Department Amended OCO for Combatting IS.** Within the amended SFOPs OCO request was a General Provision notwithstanding language that would have allowed any FY2015 funding in the SFOPs appropriations act (not just OCO) to be used for combatting IS. This would have allowed both enduring and OCO funds to be used to support the Syrian opposition. While Congress did include some limited transfer authority for OCO funds, it did not agree to the notwithstanding language requested.

#### **DOD Amended OCO for Combatting IS**

H.R. 3979, the conference version of the FY2015 NDAA, continued the Continuing Resolution provision that funds training of vetted Syria opposition forces, and approved the DOD request for \$1.618 billion for a new Iraq train-and-equip account. The conference also rejected the broad authorities for the CTPF requested and included additional reporting requirements for both the Iraq and Syria train-and-equip authorities.<sup>45</sup>

As this program is implemented, Congress may want to raise several budgetary and policy oversight issues about the funding provided:

- Will the \$1.6 billion provided cover DOD's Iraq training plans and could some funding be available from other DOD OCO funds that may be larger than needed?<sup>46</sup>

<sup>45</sup> See Sec. 1236 for Iraq train-and-equip and other sections in Title XII for expansion of current train-and-equip programs rather than the Administration's proposal; Rules Committee print 113-58, House amendment to the text of S. 1847, <http://www.armed-services.senate.gov/imo/media/doc/CPRT-113-HPRT-RU00-S1847.pdf>.

<sup>46</sup> DOD obligations for FY2014 have been slower than in the previous five years, suggesting that substantial one-year (continued...)



- What are the pros and cons of the requested train-and-equip authority for Iraq for Syria, and how might Congress make adjustments during implementation if problems develop? Is the cost-sharing arrangement with Iraq practical?
- Would Congress want to define or limit the missions of U.S. troops deployed in Iraq or training Syrian forces through an Authorization for the Use of Military Force?

**OCO and Emergency Spending Designations.** The President’s \$6.18 billion request to counter Ebola designated those funds as “emergency” requirements and the \$5.4 billion budget authority to counter the Islamic State as “OCO/GWOT.” As enacted, this funding is exempt from statutory discretionary spending limits under the Budget Control Act.<sup>47</sup> The FY2016 budget and beyond may include additional funding for these missions. Congress may want to consider whether these programs are temporary or enduring requirements that would be funded in DOD’s base budget.

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monies may expire prior to being obligated. In addition, DOD requested reprogrammings using \$2.6 billion O&M, Army as a source because the withdrawals have been faster than anticipated. If less funds are needed in FY2014, and the withdrawal is ahead of schedule, the FY2015 request may also be overstated.

<sup>47</sup> Such designations are pursuant to §251(b)(2)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985. If Congress were to consider appropriations that were designated as an emergency, a point of order against that designation that requires 60 votes to waive may be raised in the Senate. That Senate point of order does not apply to funds designated as OCO/GWOT.

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