



## **H.R. 4156 – Orderly and Responsible Iraq Redeployment Appropriations Act, 2008**

### **EXECUTIVE SUMMARY**

Appropriations Chairman David Obey (D-WI) introduced the Orderly and Responsible Iraq Redeployment Appropriations Act, 2008 (H.R. 4156) on November 13, 2007. The bill is expected to be considered on the floor under a closed rule on November 14, 2007.

H.R. 4156 imposes a timetable for withdrawal from Iraq. Withdrawal must begin within 30 days of enactment, with the goal of completing withdrawal by December 15, 2008. It also provides \$50 billion, or roughly one-quarter of the President's requested amount. The bill prohibits interrogation techniques that are not expressly authorized by the Army Field Manual from being used against any person in U.S. custody. The Army Field Manual prohibits the use of "waterboarding" in intelligence interrogations.

### **FLOOR SITUATION**

H.R. 4156 is being considered under a closed rule. The rule:

- Provides two hour of debate equally divided and controlled by the Chairman and Ranking Republican Member of the Appropriations Committee.
- Waives all points of order against consideration of the bill except those arising under clause 9 (earmarks) and 10 (PAYGO) of Rule XXI.
- Provides that the bill shall be considered as read.
- Waives all points of order against provisions of the bill. This waiver does not affect the point of order available under clause 9 of rule XXI (regarding earmark disclosure).
- Provides one motion to recommit with or without instructions.
- Provides that, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

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## **SUMMARY**

### Iraq Provisions

H.R. 4156 includes a timetable for withdrawal from Iraq. Withdrawal must begin within 30 days of enactment, with the goal of completing withdrawal by December 15, 2008. The President is instructed to start the withdrawal with troops that have been in Iraq for more than 1 year, if possible.

Following withdrawal, the only U.S. military missions allowed in Iraq are for the following purposes:

- Protecting U.S. personnel and facilities;
- Engaging in targeted counterterrorism operations against al-Qaeda, al-Qaeda affiliated groups, and other terrorist organizations in Iraq; and
- Conducting limited training, equipping, and logistical and intelligence support to the Iraqi Security Forces.

### Iraq Reporting Requirements

The bill requires the Secretary of Defense to submit a report every 90 days (with the first report due by February 1, 2008) detailing the withdrawal plan and the status of its implementation, including force reduction levels and anticipated timelines.

The bill requires the President to submit a regional stability plan by February 15, 2008, that lays out U.S. military, diplomatic, political, and economic strategies in the Middle East. It must include a detailed projection of the U.S. military presence in the Middle East over the next 5 years.

The bill requires the Secretary of Defense to submit a comprehensive report to Congress every 90 days (with the first report due by January 15, 2008) measuring progress toward military and political stability in Iraq against a set of performance indicators.

### Torture

The bill prohibits interrogation techniques that are not expressly authorized by the Army Field Manual from being used against any person in U.S. custody. It provides an exception for individuals being held in custody for violation of criminal or immigration law.

*Note: Current law (P.L. 109-148 and P.L. 109-163) prohibiting the use of these interrogation techniques only applies to persons in the custody of the Department of Defense, not to the intelligence community or law enforcement officials. The Army Field Manual expressly prohibits “waterboarding.”*

The bill also prohibits any of the funds in the bill being used in violation of U.S. laws and regulations implementing the UN Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

*Note: Current U.S. law prohibits the cruel, inhuman, or degrading treatment or punishment of any individual in U.S. custody, regardless of nationality or location (42 U.S.C. 2000dd). Current law also already prohibits torture (Section 2340A of U.S.C. Title 18).*

### Supplemental Appropriations

The Administration requested \$196.4 billion in emergency supplemental funding for military, diplomatic, and intelligence activities in the Global War on Terror; stabilization and counter-insurgency operations in Iraq and Afghanistan; and other humanitarian assistance in FY2008. H.R. 4156 provides \$50 billion, or roughly one-quarter of the President's requested amount.

This \$50 billion includes funding for:

- Military Personnel;
- Operations and Maintenance;
- Procurement;
- The Afghanistan Security Forces Fund;
- The Iraq Security Forces Fund;
- The Iraq Freedom Fund;
- The Joint Improvised Explosive Device Defeat Fund; and
- The Department of Defense Health Program.

*Note: The Administration requested \$11 billion for Mine Resistant Ambush Protected (MRAP) vehicles. This funding was included in the Department of Defense Appropriations Act (P.L. 110-xx), which the President signed into law on November 13, 2007.*

### Troop Readiness Requirements

The bill prohibits funds in the bill being used to deploy any unit that the President has not certified as "fully mission capable," as set forth in the DOD's Defense Readiness Reporting System. The President can waive this provision on a unit-by-unit basis for national security concerns.

### Establishing Permanent Bases in Iraq

The bill prohibits any funds from being used to establish permanent a military installation in Iraq.

*\*Note: On July 25, 2007, the House passed H.R. 2929, which states as policy that the U.S. not establish any permanent bases or military installations in Iraq. The House has voted eight times (four of which have been signed into law) on provisions stating similar policies.*

### U.S. Control of Oil Resources in Iraq

The bill prohibits the funds from being used to exercise U.S. control of Iraqi oil resources.

## **BACKGROUND**

According to [the Politico](#), Congressional Democrats have forced 40 votes attempting to limit the Administration's Iraq policy since the beginning of 2007. Out of those 40 votes, only one has passed both the House and the Senate, but it was vetoed by the President (H.R. 1591). The only bill signed into law this year regarding Iraq was the Emergency Troop Funding bill for FY2007 (P.L. 110-28), which the President signed in March 2007.

H.R. 4156 would provide Emergency Troop Funding for FY2008. The bill, however, again attempts to mandate a timeline for withdrawal and includes approximately one-quarter of the Administration's requested funding level. The Administration amended its request for \$150 billion in emergency war funding on October 22, 2007, based on the reports provided by General Petraeus and Ambassador Crocker. The Administration's amended request totals \$196.5 billion, which includes funding for operation in Iraq and Afghanistan as well as emergency assistance for activities in Darfur, Sudan; Israel and Palestine; and Walter Reed Army Medical Center, among other items.

#### Summary of Major Iraq Legislation in 2007

In March 2007, the House passed an Emergency War Funding Supplemental for FY2007 (H.R. 1591), which included language setting a timetable for withdrawal of the troops from Iraq and containing numerous provisions that were non-emergency funding for programs un-related to the Global War on Terrorism, such as \$25 million for spinach producers, \$100 million for citrus, \$400 million for LIHEAP, and \$5 million for aquaculture. H.R. 1591 passed by a vote of 218 to 212 (Roll Call Vote 186).

The Conference Report to accompany H.R. 1591 accelerated the timetable by which American troops would withdraw from Iraq and imposed funding and tactical restrictions on our commanders on the ground and our troops in the field. Both the National Intelligence Estimate and the Iraq Study Group had laid out why legislating a date certain for surrender is detrimental to our troops' efforts in Iraq.

The bill required the President to provide a determination by July 1, 2007, on whether the Government of Iraq is making progress on certain political and security criteria. If the President failed to make any of these determinations, U.S. troops would begin withdrawing from Iraq no later than July 1, 2007, with a goal of completing the withdrawal within 180 days.

Even if the President certified that the Iraqi Government was making progress, H.R. 1591 would have required U.S. troops to begin withdrawing by October 1, 2007, with a goal of completing the withdrawal within 180 days.

The supplemental conference report was vetoed on May 1, 2007 by President Bush and the House was unable to override the veto by a vote of 222 to 203 (Roll Call 276).

The House again considered a War Funding bill (H.R. 2206) on May 10, 2007. Unlike the Conference Report that the President vetoed, H.R. 2206 did not directly include troop withdrawal requirements. Instead, the bill took a two step approach, proposing to fund operations in the Global War on Terror for approximately 3 months.

In July, following submission of the President's report on progress in Iraq, the House and Senate would have had to pass a second resolution to release the additional \$52.8 billion in funding. It is at this point that language could have been inserted to withdraw troops within 180 days. The House passed this version by a vote of 221 to 205, with 195 Republicans voting against the legislation.

*Note: Chairman Obey also introduced the Agriculture Disaster Assistance and Western States Emergency Unfinished Business Appropriations Act for FY2007 (H.R. 2207) on May 8, 2007. This bill included significant portions of the agriculture funding that was incorporated into the previous War Funding Supplemental (H.R. 1591). H.R. 2207 passed by a vote of 302 to 120, with 115 Republicans voting against the legislation.*

The next version of the Emergency War Funding bill (H.R. 2206) that the House considered in late May, incorporated Senate changes. Unlike prior versions passed by the House that would have imposed a withdrawal timeline (H.R. 1591, H.R. 1591 Conference Report) or funded the troops piecemeal (HR 2206), this version directed the President to withdraw U.S. troops if the Government of Iraq passed a resolution requesting their removal. It also established benchmarks for the Iraqi Government, required the President to submit 2 reports on progress in Iraq, and required General Petraeus testify before Congress in September 2007. This version was signed into law (P.L. 110-28) by the President on May 25, 2007.

#### **ADDITIONAL RESOURCES**

[Army Field Manual \(September 6, 2006\)](#)

#### **STAFF CONTACT**

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