

Appendix A

Department of Defense Legislation for Fiscal Year 2008

FY 2008 Department of Defense Appropriations Act

Congress Took Away My GWOT Appropriations and I Didn't Even Get a Lousy T-shirt . . .

On 13 November 2007, President Bush signed House Resolution 3222,⁹⁰ enacting the fiscal year (FY) 2008 Department of Defense Appropriations Act (DODAA).⁹¹ Unlike the FY 2007 DODAA,⁹² the FY 2008 DODAA does not include Title IX to provide funding for the Global War on Terror (GWOT) operations.⁹³ The result is that the Department of Defense (DOD) received no additional appropriations to help fund DoD operations in Iraq and Afghanistan, minus a few exceptions discussed below.⁹⁴ Although there is no statutory prohibition against DOD's funding current GWOT operations in Iraq and Afghanistan, DOD must fund such operations with its "baseline" appropriations until the President signs a FY 2008 GWOT Wartime Appropriations Act.⁹⁵

As of the submission of this article, however, the National Defense Authorization Act (NDAA) of 2008 and the Consolidated Omnibus Appropriation Act (COAA) of 2008 passed both the House and Senate and are awaiting signature by the President.⁹⁶ Once signed, the 2008 NDAA and the 2008 COAA will provide the funds requested by the President and DOD to prosecute the Global War on Terror (GWOT), including operations in Iraq and Afghanistan.⁹⁷ This article will only discuss the 2008 DODAA, since the 2008 NDAA and additional DoD appropriations have not been enacted as of the submission of this article.

OK, So Exactly How Much Money Did Congress appropriate for DOD?

Initially, Congress appropriated funds for the following activities in the FY 2008 DODAA: \$105.29 billion for Military Personnel (MILPER) in Title I,⁹⁸ \$140.09 billion for Operations and Maintenance (O&M) in Title II,⁹⁹ \$98.20 billion for Procurement activities in Title III,¹⁰⁰ \$77.27 billion for Research, Development, Test, and Evaluation (RDT&E) in Title IV,¹⁰¹ \$2.70 billion for Working Capital Funds (WCF) (also referred to as Revolving Funds) in Title V,¹⁰² \$26.31 billion for Other DOD Programs in Title VI,¹⁰³ \$988 million for Related Agencies in Title VII,¹⁰⁴ and \$12.22 billion for the General Provisions in Title VIII.¹⁰⁵

⁹⁰ Press Release, Office of the Press Sec'y, *President Bush Signs H.R. 2779 and H.R. 3222 into Law* (Nov. 13, 2007), available at <http://www.whitehouse.gov/news/releases/2007/11/20071113-3.html>.

⁹¹ Department of Defense Appropriations Act for 2008, Pub. L. No. 110-116, div. A (Nov. 13, 2007) [hereinafter DODAA FY 2008].

⁹² Department of Defense Appropriations Act for 2007, Pub. L. No. 109-289 (Sept. 29, 2006).

⁹³ See DODAA 2008, *supra* note 2.

⁹⁴ *Id.*

⁹⁵ See *id.* div. A.

⁹⁶ See National Defense Authorization Act for 2008, H.R. 1585 (unenacted as of the submission of this article for publication); see also Consolidated Omnibus Appropriations Act of 2008, H. R. 2764 (unenacted as of the submission of this article for publication).

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ *Id.*

¹⁰⁰ *Id.*

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

In Title VIII, Congress also ordered two sets of reductions in the initially appropriated amounts of Titles II, III, IV, and V.¹⁰⁶ In Section 8097 of the FY 2008 DoDAA, Congress ordered a reduction of \$506.9 million against the amounts initially appropriated for Titles II, III, and IV activities, as a result of so-called “contractor efficiencies.”¹⁰⁷ Congress stated that “[t]he Secretary of Defense shall allocate this reduction proportionately to each budget activity, activity group, subactivity group, and each program, project and activity within each applicable appropriation account.”¹⁰⁸ In addition to the Section 8097 reductions, in Section 8104, Congress stated that Titles II, III, IV, and V will be reduced by \$470 million, \$506 million, \$367 million, and \$10 million, respectively.¹⁰⁹ Congress stated that the reductions were attributable to “savings from revised economic assumptions,” and shall be distributed proportionately within each title.¹¹⁰

To determine the final amounts appropriated funds for DOD activities, the initial amounts that Congress appropriated to Titles II, III, IV, and V must be adjusted downward to reflect the Section 8097 and Section 8104 reductions.¹¹¹ The author has created a chart listing the initially appropriated amounts in the 2008 DoDAA and calculating the proportionate reductions, as ordered by Congress. The chart provides the final appropriated amounts, and is located at Attachment 1 to Appendix A.¹¹² Once the initial amounts are adjusted to reflect the Section 8097 and Section 8104 reductions, Titles II, III, IV, and V are reduced by 0.497%, 0.676%, 0.636%, and 0.371% percent, respectively.¹¹³ Therefore, the final amounts appropriated for Titles II – V activities are: \$139.39 billion for O&M in Title II, \$97.54 billion for Procurement in Title III, \$76.78 billion for RDT&E in Title IV, and \$2.69 billion for WCF in Title V.¹¹⁴

So What Does This Mean for My GWOT Appropriation or Authorization?

Generally, the FY 2008 DODAA appropriated the “baseline” funds needed by DOD to conduct non-GWOT activities.¹¹⁵ The FY 2008 DODAA did not include appropriations for Title IX, which funded GWOT activities in the FY 2007 DODAA.¹¹⁶ Congress did not prohibit the use of the “baseline” funds in the FY 2008 DODAA for GWOT activities.¹¹⁷ The current operations of Operation of Iraqi Freedom (OIF) and Operation Enduring Freedom (OEF), for example, may be funded with the baseline O&M funds appropriated by Congress in Title II of the FY 2008 DODAA. If an activity or mission does not fall within the purpose of the appropriation, however, DOD may not obligate the appropriated funds for that activity or mission.

What’s the Status of the Commander’s Emergency Response Program (CERP)?

As of the date of this article, CERP is available for new obligations until the earlier of the enactment of the FY 2008 National Defense Authorization Act (NDAA) or the end of the Continuing Resolution Authority (CRA), currently 21 December 2007.¹¹⁸ While enactment of the FY 2008 DODAA, terminated most provisions of the CRA with respect to DoD, Congress linked CERP’s temporary authorization in the FY 2008 CRA’s to the enactment of the FY 2008 NDAA, instead of the FY 2008 DODAA. As a result, CERP remains available for new obligations.

¹⁰⁶ *Id.*

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ *Id.*

¹¹² See *infra* app. A, Attachment (FY2008 DODAA Appropriations Chart).

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ *Id.*

¹¹⁶ See DODAA FY 2008, *supra* note 2.

¹¹⁷ *Id.*

¹¹⁸ See First Continuing Resolution Authority for 2008, Pub. L. No. 110-92 § 118 (Sept. 29, 2007) [hereinafter First CRA]; see also Second Continuing Resolution Authority for 2008, Pub. L. No. 110-116, div. B, § 101 (Nov. 13, 2007) [hereinafter Second CRA]; Third Continuing Resolution Authority for 2008, Pub. L. No. 110-137 (Dec. 14, 2007) [hereinafter Third CRA].

On 29 September 2007, the President enacted the first CRA, P.L. 110-92, to appropriate funds and to continue the federal government's operations, including DoD's operations.¹¹⁹ In Section 118 of the first CRA, Congress extended the CERP authority in Section 1202 of P.L. 109-163, the 2006 National Defense Authorization Act (NDAA),¹²⁰ until the earlier of the enactment of the FY08 NDAA, or the date in Section 106(3) of the first CRA.¹²¹ In Section 106, Congress defined the end date of the first CRA as the earlier of: (1) the enactment into law of an appropriation for any project or activity provided for in this joint resolution, (2) the enactment into law of the applicable appropriations Act for fiscal year 2008 without any provision for such project or activity; or (3) November 16, 2007.¹²² As a result, the first CRA extended CERP authorization until the enactment of the 2008 NDAA, or the date in Section 106(3), whichever occurs first.¹²³

On 13 November 2007, the President enacted the P.L. 110-106, which provided the 2008 DODAA in Division A and the second CRA for non-DoD agencies in Division B.¹²⁴ In Section 101 of the second CRA (Division B), Congress amended the first CRA "by striking the date specified in section 106(3) and inserting 'December 14, 2007.'"¹²⁵ The third CRA, signed by the President on 14 December 2007, extends the CRA to 21 December 2007.¹²⁶ Since the temporary CERP authorization of the first CRA is tied to the date of Section 106(3) in accordance with Section 118 of the first CRA, CERP is currently available until the enactment of the 2008 NDAA or 21 December 2007, whichever occurs first.¹²⁷

The DOD's response to the uncertainty of many of the GWOT appropriations and authorizations, including CERP, has been swift. On 31 October 2007, Secretary of Defense Robert M. Gates submitted a memorandum to the Chairman of the Senate Committee on Armed Services to reinforce the importance of re-authorizing a number of programs that critically impact DOD's operations, including CERP.¹²⁸ Secretary Gates reiterated that DOD's "[t]op three priorities are: (1) extension and expansion of 1206 authority [Global Train and Equip]; (2) global CERP authority, and (3) extension and expansion of 1207 authority [Security and Stabilization Assistance]."¹²⁹ Secretary Gates also requested that the 2008 NDAA include CERP authorization of \$977 million.¹³⁰

What about Iraq and Afghanistan Security Forces Funds and the Iraq Freedom Fund?

Congress did not appropriate additional funds for the Iraq Security Forces Fund (ISFF), the Afghanistan Security Forces Fund (ASFF), or the Iraq Freedom Fund (IFF) in the FY 2008 DODAA.¹³¹ Nevertheless, since the FY 2007 DODAA authorized the use of ISFF, ASFF, and IFF until 30 September 2008, those funds currently remain available for new obligations.¹³² Additionally, Section 8107 of the FY 2008 DODAA authorized the obligations of supervision and administration costs associated with a construction project funded with ISFF and/or ASFF, as long as the supervision and administration costs obligated included all in-house government costs.¹³³

By the Way, Congress Is Fed Up with the "Gifting" of Unearned Award Fees To Contractors

¹¹⁹ First CRA, *supra* note 29.

¹²⁰ National Defense Authorization Act for 2006, Pub. L. No. 109-163 § 1202, 119 Stat. 3136.

¹²¹ First CRA, *supra* note 29, § 118.

¹²² *See id.*

¹²³ *See id.*

¹²⁴ DODAA FY 2008, *supra* note 2, div. A; Second Continuing Resolution for 2008, Pub. L. No. 110-116, div. B (Nov. 13, 2007).

¹²⁵ Second CRA, *supra* note 29.

¹²⁶ Third CRA, *supra* note 29 (Pub. L. No. 110-137 states "That Public Law 110-92 is further amended by striking the date specified in section 106(3) and inserting December 21, 2007.").

¹²⁷ *See* First CRA, *supra* note 30, § 118; *see also* Second CRA, *supra* note 29.

¹²⁸ Letter from The Honorable Robert M. Gates, Secretary of Defense, to The Honorable Carl Levin, Chairman, Senate Committee on Armed Services (Oct. 30, 2007) (on file with author).

¹²⁹ *Id.* (emphasis added).

¹³⁰ *Id.*

¹³¹ *See* DODAA FY 2008, *supra* note 2, div. A.

¹³² *Id.* tit. IX.

¹³³ *Id.* tit. VIII.

In Section 8117 of the FY 2008 DODAA,¹³⁴ Congress withheld all appropriated funds for award fees contrary to the provisions of Section 814 of the FY 2007 NDAA.¹³⁵ Section 814 of the FY 2007 NDAA required DoD to issue guidance on the linking of award and incentive fees to acquisition outcomes.¹³⁶ On 24 April 2007, Mr. Shay Assad, the Director, Defense Procurement and Acquisition Policy, issued a policy memorandum delineating the proper use of award fee contracts and award fee provisions.¹³⁷ The required award fee provisions for all DOD award fee contracts in accordance with the 24 April 2007 policy memorandum are summarized in the chart below:¹³⁸

| Rating | Definition of Rating | Award Fee |
|----------------|--|---------------------|
| Unsatisfactory | Contractor had failed to meet the basic (minimum essential) requirements of the contract. | 0% |
| Satisfactory | Contractor has met the basic (minimum essential) requirements of the contract. | No Greater than 50% |
| Good | Contractor has met the basic (minimum essential) requirements of the contract, and has met at least 50% of the award fee criteria established in the award fee plan. | 50% – 75% |
| Excellent | Contractor has met the basic (minimum essential) requirements of the contract, and has met at least 75% of the award fee criteria established in the award fee plan. | 75% – 90% |
| Outstanding | Contractor has met the basic (minimum essential) requirements of the contract, and has met at least 90% of the award fee criteria established in the award fee plan. | 90% – 100% |

*Isn't There Any Good News from the 2008 DODAA?
Yes! I Didn't Get a Lousy T-shirt, But at Least I Got a Flag . . .*

The FY 2008 DODAA appropriated \$11.6 billion for the Mine Resistant Ambush Protected (MRAP) Vehicle Fund.¹³⁹ Section 8122 authorized new obligations against this appropriation until 30 September 2008.¹⁴⁰ Additionally, Congress authorized the Secretary of Defense to present promotional materials, including a United States flag, to Active or Reserve service-members returning from OIF/OEF, as long as the presentation occurs during a presidentially-declared “week-long national observation and day of national celebration.”¹⁴¹

Major Jose A. Cora

¹³⁴ *Id.*

¹³⁵ National Defense Authorization Act for 2007, Pub. L. No. 109-364, § 814, 119 Stat. 3136 (Oct. 17, 2006).

¹³⁶ *Id.*

¹³⁷ Memorandum from Mr. Shay Assad, Director, Defense Procurement and Acquisition Policy, to The Secretaries of the Military Departments (ATTN: Acquisition Executives), subject: Proper Use of Award Fee Contracts and Award Fee Provisions (24 Apr. 2007) (on file with author).

¹³⁸ *Id.*

¹³⁹ DODAA FY 2008, *supra* note 2, div. A.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

Attachment to Appendix A

FY 2008 DOD Appropriations Act (DODAA) Chart

FY 2008 DOD Appropriations Act (DODAA)

Title I: Military Personnel (MilPer)

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | FINAL AMOUNT |
|----------------------------------|--------------------------|---------------|-----------------------------|--------------------------|
| Army MilPer | \$31,535,016,000 | 2 | 30-Sep-2008 | \$31,535,016,000 |
| Navy MilPer | \$23,318,476,000 | 2 | 30-Sep-2008 | \$23,318,476,000 |
| Marine MilPer | \$10,280,180,000 | 2 | 30-Sep-2008 | \$10,280,180,000 |
| Air Force (AF) MilPer | \$24,194,914,000 | 2 | 30-Sep-2008 | \$24,194,914,000 |
| Army Reserve MilPer | \$3,684,610,000 | 2 | 30-Sep-2008 | \$3,684,610,000 |
| Navy Reserve MilPer | \$1,790,136,000 | 3 | 30-Sep-2008 | \$1,790,136,000 |
| Marines Reserve MilPer | \$583,108,000 | 3 | 30-Sep-2008 | \$583,108,000 |
| AF Reserve MilPer | \$1,363,779,000 | 3 | 30-Sep-2008 | \$1,363,779,000 |
| Army National Guard (NG) | \$5,924,699,000 | 3 | 30-Sep-2008 | \$5,924,699,000 |
| AF NG | \$2,617,319,000 | 4 | 30-Sep-2008 | \$2,617,319,000 |
| Initial Title I (MilPer): | \$105,292,237,000 | | Total FINAL Title I: | \$105,292,237,000 |

Title II: Operations and Maintenance (O&M)

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | FINAL AMOUNT |
|--|--------------------------|---------------|------------------------------|-----------------------------|
| Army Emer.&Ext.Exp. (EEE) | \$11,478,000 | 4 | 30-Sep-2008 | \$11,421,053.48 |
| Army O&M | \$27,361,574,000 | 4 | 30-Sep-2008 | \$27,225,823,321.17 |
| Navy/Marine EEE | \$6,257,000 | 4 | 30-Sep-2008 | \$6,225,956.76 |
| Navy O&M | \$33,087,650,000 | 4 | 30-Sep-2008 | \$32,923,490,184.18 |
| Marines O&M | \$4,792,211,000 | 4 | 30-Sep-2008 | \$4,768,435,105.52 |
| AF EEE | \$7,699,000 | 4 | 30-Sep-2008 | \$7,660,802.47 |
| AF O&M | \$32,176,162,000 | 4 | 30-Sep-2008 | \$32,016,524,406.29 |
| DOD O&M | \$22,693,617,000 | 5 | 30-Sep-2008 | \$22,581,025,746.56 |
| Army Reserve O&M | \$2,510,022,000 | 6 | 30-Sep-2008 | \$2,497,568,871.74 |
| Navy Reserve O&M | \$1,148,083,000 | 6 | 30-Sep-2008 | \$1,142,386,944.41 |
| Marines Reserve O&M | \$208,637,000 | 6 | 30-Sep-2008 | \$207,601,876.28 |
| AF Reserve O&M | \$2,815,417,000 | 6 | 30-Sep-2008 | \$2,801,448,696.53 |
| Army NG O&M (+Sec. 8086) | \$5,765,848,000 | 6 | 30-Sep-2008 | \$5,737,241,539.71 |
| Air National Guard O&M | \$5,468,710,000 | 7 | 30-Sep-2008 | \$5,441,577,748.95 |
| CAAF | \$11,971,000 | 7 | 30-Sep-2008 | \$11,911,607.53 |
| Army Envrnmntl. Restrtn. | \$439,879,000 | 7 | Various (Transfer Auth.) | \$437,696,600.96 |
| Navy Envrnmntl. Restrtn. | \$300,591,000 | 7 | Various (Transfer Auth.) | \$299,099,659.18 |
| AF Envrnmntl. Restrtn. | \$458,428,000 | 8 | Various (Transfer Auth.) | \$456,153,572.65 |
| DOD Envrnmntl. Restrtn. | \$12,751,000 | 8 | Various (Transfer Auth.) | \$12,687,737.67 |
| Former DoD Base ER (Army) | \$280,249,000 | 8 | Various (Transfer Auth.) | \$278,858,583.21 |
| OHDACA (DOD) | \$103,300,000 | 9 | 30-Sep-2010 | \$102,787,491.29 |
| CCCP Threat Reduction | \$428,048,000 | 9 | 30-Sep-2010 | \$425,924,298.84 |
| Total Initial Title II (O&M): | \$140,088,582,000 | | Total FINAL Title II: | \$139,393,551,805.38 |

FY 2008 DOD Appropriations Act

Title III: Procurement (Proc.)

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | FINAL AMOUNT |
|---------------------------------|-------------------------|----------------------|-------------------------------|----------------------------|
| Army Aircraft | \$4,185,778,000 | 9 | 30-Sep-2010 | \$4,157,486,293.86 |
| Army Missile | \$1,911,979,000 | 10 | 30-Sep-2010 | \$1,899,055,919.03 |
| Army Weapons and Tracks | \$3,021,889,000 | 10 | 30-Sep-2010 | \$3,001,464,028.69 |
| Army Ammo | \$2,223,176,000 | 10 | 30-Sep-2010 | \$2,208,149,536.08 |
| Army Other | \$11,428,027,000 | 10 | 30-Sep-2010 | \$11,350,784,876.41 |
| Navy Aircraft | \$12,464,284,000 | 11 | 30-Sep-2010 | \$12,380,037,807.27 |
| Navy Weapons | \$3,113,987,000 | 11 | 30-Sep-2010 | \$3,092,939,537.59 |
| Navy/Marine Ammo | \$1,064,432,000 | 11 | 30-Sep-2010 | \$1,057,237,495.81 |
| Navy Ships | \$13,597,960,000 | 12 | 30-Sep-2012 | \$13,506,051,282.34 |
| Navy Other | \$5,317,570,000 | 12 | 30-Sep-2010 | \$5,281,628,502.91 |
| Marines Proc. - ALL | \$2,326,619,000 | 13 | 30-Sep-2010 | \$2,310,893,364.04 |
| AF Aircraft | \$12,021,900,000 | 13 | 30-Sep-2010 | \$11,940,643,884.17 |
| AF Missiles | \$4,985,459,000 | 13 | 30-Sep-2010 | \$4,951,762,243.75 |
| AF Ammo | \$754,117,000 | 13 | 30-Sep-2010 | \$749,019,917.32 |
| AF Other | \$15,440,594,000 | 14 | 30-Sep-2010 | \$15,336,230,904.77 |
| DOD Proc. - ALL | \$3,269,035,000 | 14 | 30-Sep-2010 | \$3,246,939,566.95 |
| NG & Reserve Proc. - ALL | \$980,000,000 | 14 | 30-Sep-2010 | \$973,376,172.36 |
| DOD Production Act | \$94,792,000 | 14 | 30-Sep-2010 | \$94,151,300.13 |
| Total INITIAL Title III: | \$98,201,598,000 | | Total FINAL Title III: | \$97,537,852,633.50 |

Title IV: Research, Development, Test, and Evaluation (RDT&E)

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | FINAL AMOUNT |
|--------------------------------|-------------------------|----------------------|------------------------------|----------------------------|
| Army RDT&E | \$12,126,591,000 | 15 | 30-Sep-2009 | \$12,049,516,443.56 |
| Navy RDT&E | \$17,918,522,000 | 15 | 30-Sep-2009 | \$17,804,634,912.10 |
| AF RDT&E | \$26,255,471,000 | 15 | 30-Sep-2009 | \$26,088,595,677.71 |
| DOD RDT&E | \$20,790,634,000 | 15 | 30-Sep-2009 | \$20,658,492,255.17 |
| DOD Op. Testing & Eval | \$180,264,000 | 15 | 30-Sep-2009 | \$179,118,272.58 |
| Total INITIAL Title IV: | \$77,271,482,000 | | Total FINAL Title IV: | \$76,780,357,561.13 |

Title V: Revolving Funds/Working Capital Funds (WCF)

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | FINAL AMOUNT |
|-------------------------------|------------------------|----------------------|------------------------------|---------------------------|
| DOD WCF | \$1,352,746,000 | 16 | Until Expended | \$1,347,739,241.64 |
| Sealift (Merchant Marines) | \$1,349,094,000 | 16 | Until Expended | \$1,344,100,758.36 |
| Total INITIAL Title V: | \$2,701,840,000 | | Total FINAL Title IV: | \$2,691,840,000.00 |

FY 2008 DOD Appropriations Act

Title VI: Other DOD Programs (Other)

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | FINAL AMOUNT |
|--|-------------------------|---------------|--------------------------------|-------------------------|
| DOD Health Program | \$23,458,692,000 | 16 | Various | \$23,458,692,000 |
| DOD Chem Weapons Dest. | \$1,512,724,000 | 17 | Various | \$1,512,724,000 |
| DOD Counter-Drug Ops | \$984,779,000 | 17 | Transfer Auth. | \$984,779,000 |
| Joint IED Defeat Program | \$120,000,000 | 17 | Transfer Auth. | \$120,000,000 |
| Office of IG | \$239,995,000 | 18 | Various | \$239,995,000 |
| Total Initial Title VI (Other): | \$26,316,190,000 | | Total Initial Title VI: | \$26,316,190,000 |

Title VII: Related Agencies

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | FINAL AMOUNT |
|---------------------------------|----------------------|---------------|-------------------------------|----------------------|
| CIA Retirement Fund | \$262,500,000 | 18 | 30 Sep 08 (Sec. 8035) | \$262,500,000 |
| Intell Community Mgmt | \$725,526,000 | 18 | Various | \$725,526,000 |
| Total INITIAL Title VII: | \$988,026,000 | | Total FINAL Title VII: | \$988,026,000 |

Title VIII: General Provisions Additions

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | AVAIL THRU DATE | NOTES |
|--------------------------------------|-------------------------|---------------|----------------------------------|--------------------------|
| Sec. 8020 - Indian Fin. Act | \$15,000,000 | 24 | 30-Sep-2008 | |
| Sec. 8023 - Kuwait Reimb. | \$350,000,000 | 25 | 30-Sep-2008 | |
| Sec. 8077 - Fischer House | \$10,000,000 | 38 | Until Expended | |
| Sec. 8086 - AR NG O&M | \$0 | 40 | 30-Sep-2008 | \$990,000 added Title II |
| Sec. 8087 - Public Schools | \$5,500,000 | 40 | Until Expended | |
| Sec. 8089 - Various Grants | \$62,700,000 | 41 | 30-Sep-2008 | |
| Sec. 8112 - AF Tankers | \$150,000,000 | 45 | Various (Transfer) | |
| Sec. 8121 - MRAPs | \$11,630,000,000 | 47 | Various (Transfer) | |
| Total Title VIII (Additions): | \$12,223,200,000 | | Total Title VIII (Addns): | \$12,223,200,000 |

Initial Amounts 2008 Appr. Act \$463,083,155,000

Title VIII: General Provisions REDUCTIONS

| APPR. NAME | INITIAL AMOUNT | HR 3222 Pg. # | How allocated? |
|---------------------------------------|--------------------------|---------------|---|
| Sec. 8097 | (\$506,900,000) | 43 | Proportionally to and within Titles II, III, and IV |
| Sec. 8104 | (\$470,000,000) | 44 | Proportionally within Title II (O&M) |
| Sec. 8104 | (\$506,000,000) | 44 | Proportionally within Title III (Procurement) |
| Sec. 8104 | (\$367,000,000) | 44 | Proportionally within Title IV (RDT&E) |
| Sec. 8104 | (\$10,000,000) | 44 | Proportionally within Title V (Revolve/WCF) |
| Total Title VIII (Reductions): | (\$1,859,900,000) | | |

| | |
|--|-----------------------------|
| 2008 DOD Appr. Act FINAL Amount Appropriated: | \$461,223,255,000.00 |
|--|-----------------------------|

FY 2008 DOD Appropriations Act

I. Proportional Calculations of Section 8097 Reductions (2008 Initial Appropriation is \$463,083,155,000)

| | | | |
|----------------------------------|-------------------|---|-------------|
| Title II Initial Amount: | \$140,088,582,000 | 2008 Appr. Act Title II Proportion: | 44.3934099% |
| Title III Initial Amount: | \$98,201,598,000 | 2008 Appr. Act Title III Proportion: | 31.1196225% |
| Title IV Initial Amount: | \$77,271,482,000 | 2008 Appr. Act Title IV Proportion: | 24.4869676% |
| Title V Initial Amount: | \$2,701,840,000 | TITLE V NO Sec. 8097 Reduction | |

2008 Appr. Act Title II After Section 8097 Reduction: \$139,863,551,805.38

2008 Appr. Act Title III After Section 8097 Reduction: \$98,043,852,633.50

2008 Appr. Act Title IV After Section 8097 Reduction: \$77,147,357,561.13

II. 2008 Appr. Act Titles II, III, IV, and V Final Amounts after Sec. 8104 Reductions (with 8097 Reduction)

2008 Appr. Act Title II after Sec. 8104 Reduction: \$139,393,551,805.38

2008 Appr. Act Title III after Sec. 8104 Reduction: \$97,537,852,633.50

2008 Appr. Act Title IV after Sec. 8104 Reduction: \$76,780,357,561.13

2008 Appr. Act Title V after Sec. 8104 Reduction: \$2,691,840,000

III. Proportional Calculations of Titles II – V; (Final amounts after Reductions)/(Initial Amounts Appropriated)

Title II Proportion of: (Final Reduced Amount)/(Initial Amounts Appropriated) - 99.5038638%

Title III Proportion of: (Final Reduced Amount)/(Initial Amounts Appropriated) - 99.3240992%

Title IV Proportion of: (Final Reduced Amount)/(Initial Amounts Appropriated) - 99.3644170%

Title V Proportion of: (Final Reduced Amount)/(Initial Amounts Appropriated) - 99.6298819%