



**DEPUTY SECRETARY OF DEFENSE
1010 DEFENSE PENTAGON
WASHINGTON, DC 20301-1010**

JUL 22 2011

**MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
DEPUTY CHIEF MANAGEMENT OFFICER
DIRECTOR, COST ASSESSMENT AND PROGRAM EVALUATION
DIRECTOR, OPERATIONAL TEST AND EVALUATION
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
ASSISTANTS TO THE SECRETARY OF DEFENSE
DIRECTOR, ADMINISTRATION AND MANAGEMENT
DIRECTOR, NET ASSESSMENT
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES**

SUBJECT: Call for Legislative Proposals for Fiscal Year (FY) 2013

This memorandum announces the commencement of the Department's Legislative Program for FY 2013. As the first step in that program, Department of Defense (DoD) components are directed to submit their legislative proposals for FY 2013 to the Office of Legislative Counsel (OLC) by August 8, 2011. In preparing their proposals, components should follow the guidelines posted by OLC on its internal coordination website: <http://www.dod.mil/dodgc/olc/>.

If, as seems likely, the FY 2012 National Defense Authorization Act (NDAA) has not been enacted by the above date, components should resubmit for the FY 2013 Legislative Program any FY 2012 proposals then pending in Congress that remain Departmental priorities. If a FY 2012 proposal that is resubmitted for FY 2013 is enacted into law after its submission for FY 2013, it will then be removed from the FY 2013 Legislative Program.

Coordination within the Department on all proposals submitted in a timely manner will be completed by October 3, 2011. This deadline will ensure that the Office of Management and Budget (OMB) has adequate time to coordinate and clear proposals for inclusion in the Department's proposal for the FY 2013 NDAA, which will be transmitted to Congress soon after the President's budget is submitted to Congress in early February 2012. Components must address the budgetary impact of their legislative proposals in



OSD 08926-11



their Program/Budget Submission so that it can be vetted for inclusion in the President's budget.

As components prepare their legislative proposals, I also call their attention to the following:

First, components must identify the specific funding for any authority they request. The Department will not submit to OMB any proposal that does not specifically explain how it would be incorporated into the President's budget. In addition, the Under Secretary of Defense (Comptroller) will assess the Pay-As-You-Go effects of each legislative proposal. As a result, each component must provide its best, specific budget estimate for each of its proposals and not merely assert that a given proposal would be funded within a defined line item. All required budget information must be included in the timely submitted proposal and the information must be the same as the information included in the Program/Budget Submission due on July 29, 2011. Any changes to budget information in the proposal must be completed by September 1, 2011, to allow for review by the Office of the Under Secretary of Defense (Comptroller) prior to the closing of the budget process.

Second, in furtherance of the Efficiencies Initiative established last year by the Secretary of Defense, and in light of the current budget environment, a legislative proposal should be submitted only if the component considers it to be necessary to the operation of the Department and the highest and best use for the Department's scarce resources. Each proposal will be reviewed to ensure that it aligns with the component's and the Department's efficiency plans.

Third, to continue the Department's efforts to streamline and promote efficiencies in the Congressional Reporting Requirement process, components should continue to review all existing reporting requirements and submit legislative proposals that repeal out-of-date reporting requirements, combine similar existing requirements, allow a more efficient preparation of existing reports, or otherwise reduce the administrative burden on the Department of congressionally mandated reporting requirements. If a component submitted proposals to repeal, combine, or modify reporting requirements to the effort led by the Assistant Secretary of Defense for Legislative Affairs in FY 2012, those proposals should be included in the component's submission for the FY 2013 Legislative Program.

Fourth, the deadline for the submission of proposals to OLC and timelines for internal coordination and submission to OMB will be strictly enforced. The number of proposals submitted late in the legislative cycle has increased dramatically in recent cycles. Late submissions make the legislative proposal process less effective and efficient and require a significant expenditure of resources to obtain the necessary internal and interagency coordinations on an expedited basis. More importantly, the Defense Congressional oversight committees have expressed strong objections to the Department's repeated late submissions of legislative proposals and have started ignoring proposals that miss the deadlines for the committees' markups. As such, exceptions to stated deadlines will be granted only for actual emergencies, unforeseeable needs, and for legislation that represents a Departmental priority as approved by the Legislative Review Panel. A

component's failure to identify an issue or a needed extension of an expiring authority does not qualify as either an actual emergency or an unforeseeable need. Whatever the circumstance, any delivery of legislation to the House and Senate Armed Services Committees after they have marked up their respective versions of the NDAA will require the personal approval of the Assistant Secretary of Defense for Legislative Affairs.

Finally, legislative proposals that have been submitted repeatedly by the Department and not enacted by the Congress will bear close scrutiny from, and are unlikely to be approved by, Departmental leadership this year, absent compelling new evidence accompanying the proposal that Congress would be expected to give it favorable consideration. If a proposal has been submitted three or more times previously and has not been enacted, the presumption will be that the proposal will likely not be enacted, and therefore should not be transmitted to the Congress.

Thank you for your continuing commitment and support.

A handwritten signature in black ink, appearing to read "W. C. Hynes". The signature is written in a cursive, flowing style with a large initial "W" and a prominent "C".