



DEPUTY UNDER SECRETARY OF DEFENSE FOR
LOGISTICS AND MATERIEL READINESS
3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

MAY 1 2009

The Honorable Joseph R. Biden, Jr.
President of the Senate
Washington, DC 20510

Dear Mr. President:

Section 2466(d)(1) of title 10, United States Code, requires the submission to Congress of a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency. The percentage of funds that was expended during the preceding fiscal year and is projected to be expended during the current fiscal year and the ensuing fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors.

Section 2466(d)(2) of title 10, United States Code requires that the report include as a separate item any expenditure excluded as depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence pursuant to a public-private partnership under section 2474(f).

All three Military Departments report compliance with the 50 percent limitation for FY 2008. While the Departments of the Army and Navy are projecting compliance for FY 2009 and 2010, the Department of the Air Force's projections for FY 2009 and 2010 indicate they will be required to manage the distribution of depot-level maintenance and repair workloads to remain compliant with title 10, Section 2466.

Pursuant to the requirement, I submit the enclosed report. A copy of this report is being provided to the Speaker of the House and appropriate Congressional Defense Committees.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan F. Estevez".

Alan F. Estevez

Acting

Enclosure:
As stated





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3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

MAY 1 2009

The Honorable Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, DC 20515

Dear Madam Speaker:

Section 2466(d)(1) of title 10, United States Code, requires the submission to Congress of a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency. The percentage of funds that was expended during the preceding fiscal year and is projected to be expended during the current fiscal year and the ensuing fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors.

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cc:
The Honorable John Boehner
Minority Leader





DEPUTY UNDER SECRETARY OF DEFENSE FOR
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MAY 1 2009

The Honorable Daniel K. Inouye
Chairman, Subcommittee on Defense
Committee on Appropriations
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Section 2466(d)(1) of title 10, United States Code, requires the submission to Congress of a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency. The percentage of funds that was expended during the preceding fiscal year and is projected to be expended during the current fiscal year and the ensuing fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors.

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Alan F. Esteyez
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Enclosure:
As stated

cc:
The Honorable Thad Cochran
Ranking Member





DEPUTY UNDER SECRETARY OF DEFENSE FOR
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3500 DEFENSE PENTAGON
WASHINGTON, DC 20301-3500

MAY 1 2009

The Honorable David R. Obey
Chairman, Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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As stated

cc:
The Honorable Jerry Lewis
Ranking Member





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WASHINGTON, DC 20301-3500

MAY 1 2009

The Honorable Carl Levin
Chairman, Committee on Armed Services
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

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The Honorable John McCain
Ranking Member





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MAY 1 2009

The Honorable Ike Skelton
Chairman, Committee on Armed Services
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

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The Honorable John M. McHugh
Ranking Member





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The Honorable Thad Cochran
Ranking Member





DEPUTY UNDER SECRETARY OF DEFENSE FOR
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WASHINGTON, DC 20301-3500

MAY 1 2009

The Honorable John P. Murtha
Chairman, Subcommittee on Defense
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Section 2466(d)(1) of title 10, United States Code, requires the submission to Congress of a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency. The percentage of funds that was expended during the preceding fiscal year and is projected to be expended during the current fiscal year and the ensuing fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors.

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Enclosure:
As stated

cc:
The Honorable C. W. Bill Young
Ranking Member



OFFICE OF THE SECRETARY OF DEFENSE

Report to Congress
on

DISTRIBUTION OF DoD
DEPOT MAINTENANCE WORKLOADS

FISCAL YEARS 2008 THROUGH 2010



APRIL 2009

Prepared by the
Deputy Under Secretary of Defense (Logistics & Materiel Readiness)

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INTRODUCTION

Section 2466(d)(1) of title 10, United States Code, requires that the Secretary of Defense submit, by April 1 of each year, a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of funds referred to in section 2466(a) of title 10, United States Code, that was expended during the preceding fiscal year and are projected to be expended during the current fiscal year and the ensuing fiscal year for performance of depot-level maintenance and repair workloads by the public and private sectors.

The following conventions were used in the preparation of this report:

- Limited to military materiel.
- Applies to all depot maintenance support requirements, regardless of the source or sponsor of the program.
- Applies to all funding sources and all customers budgeted or managed by the Military Department or Defense Agency.
- Funds made available are for depot maintenance and repair obligations for fiscal year 2008 and projected obligations for fiscal years 2009 and 2010.
- Reporting is made from the Principal's perspective (i.e., the component that manages the funding for, or owns the equipment, that is being repaired or maintained).
- Includes all locations performing depot-level maintenance and repair (i.e., all maintenance and repair tasks designated or coded as depot-level that are performed in field or other non-depot locations).
- Includes interim contractor support (ICS) and contractor logistics support (CLS) (or any similar contractor support) to the extent that such support is for performance of depot-level maintenance and repair.
- Depot-level maintenance and repair work performed by employees of the Department of Defense is reported regardless of the location where the work is performed.
- Depot-level maintenance and repair work contracted for performance by non-Federal Government personnel is reported regardless of the location where the work is performed.
- *Acquisition* of modifications and upgrades is excluded; however, *installation* of excluded modifications and upgrades is included when the installation is considered a depot-level service.

REPORT

The information on distribution of depot-level maintenance and repair workloads by the public and private sectors for the Military Departments and Defense Agencies is provided at attached table.

The first portrayal entitled "Military Department/Defense Agency" is the portrayal applicable to compliance with the section 2466(a) of title 10, United States Code, 50 percent limitation on the funds made available to a Military Department or Defense Agency that can be used to contract for performance by non-Federal Government personnel.

The second portrayal entitled "Armed Forces" is applicable to the section 2466(d)(1) of title 10, United States Code, requirement for reporting for each of the armed forces (other than the Coast Guard) in that it provides the required breakout for the Department of the Navy.

The third portrayal entitled "Other Defense Organizations" provides information for organizations not meeting the sections 101(a)(4), (8), and (11) of title 10, United States Code, definitions of armed forces, military department, or defense agency and, therefore, not subject to the 50 percent limitation.

Non-Federal work that is not excluded by section 2474(f) of title 10, United States Code, from the 50 percent limitation on the funds made available to a military department or defense agency that can be used to contract for performance by non-Federal Government personnel is identified on the attached Table as "Non-exempt." Non-Federal work that is excluded by section 2474(f) from the 50 percent limitation is identified on the attached Table as "Exempt." Since U.S. Special Operations Command is neither a military department nor a defense agency, the section 2474(f) exclusion does not apply.

All three Military Departments report compliance with the 50 percent limitation for FY 2008. Additionally, the Departments of the Army and Navy are projecting compliance for FY 2009 and 2010. The Department of the Air Force projections for FY 2009 and 2010 indicate they will be required to manage the distribution of depot-level maintenance and repair workloads to remain compliant with Title 10, Section 2466.

Distribution Of DoD Depot Maintenance Workloads for Fiscal Years 2008 Through 2010

Military Department/ Defense Agency	Workload Distribution	2008	2009	2010
Dept of Navy	Total Funds	11,389.5	10,855.9	11,384.1
	Federal Work	6,342.8	6,320.4	6,409.8
	Non-Federal Work Non-exempt	5,024.7	4,535.5	4,974.3
	Non-Federal Work Exempt	22.0	0.0	0.0
	Public Portion	55.7%	58.2%	56.3%
	Private Portion Non-exempt	44.1%	41.8%	43.7%
	Private Portion Exempt	0.2%	0.0%	0.0%

Expenditures Excluded as CITE Partnering under 10 U.S.C. 2474(f)	Amount Exempted in FY 2008
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Norfolk Naval Shipyard & Electric Boat SSGN 728 & 729 Conversion	12.2
Puget Sound Naval Shipyard & Electric Boat SSGN 726 & 727 Conversion	4.5
Todd Pacific Shipyard at PSNSY/CVN 74 Shipalt installation performed during PIA	5.3

Total 22.0

Dept of Army	Total Funds	9,390.3	9,398.5	9,281.9
	Federal Work	5,166.9	5,362.4	5,463.8
	Non-Federal Work Non-exempt	4,223.4	4,036.2	3,818.1
	Non-Federal Work Exempt	0.0	0.0	0.0
	Public Portion	55.0%	57.1%	58.9%
	Private Portion Non-exempt	45.0%	42.9%	41.1%
	Private Portion Exempt	0.0%	0.0%	0.0%

Expenditures Excluded as CITE Partnering under 10 U.S.C. 2474(f)	Amount Exempted in FY 2008
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None	0.0
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Dept of Air Force	Total Funds	10,326.0	11,441.0	11,536.4
	Federal Work	5,341.9	5,758.7	5,790.1
	Non-Federal Work Non-exempt	4,918.2	5,568.4	5,648.9
	Non-Federal Work Exempt	65.9	113.9	97.5
	Public Portion	51.7%	50.3%	50.2%
	Private Portion Non-exempt	47.6%	48.7%	49.0%
	Private Portion Exempt	0.6%	1.0%	0.8%

Expenditures Excluded as CITE Partnering under 10 U.S.C. 2474(f)	Amount Exempted in FY 2008
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OC-ALC F119 Engine Special technologies engine component repair	0.4
WR-ALC LANTIRN - Phase I Component repair	6.0
B-2 Software Software Maintenance	59.4
	Total 65.9

Dollars in millions

Numbers may not add due to rounding

Armed Forces

Navy	Total Funds	10,885.9	10,348.8	11,271.7
	Federal Work	5,865.4	5,827.8	6,306.7
	Non-Federal Work Non-exempt	4,998.5	4,521.0	4,965.0
	Non-Federal Work Exempt	22.0	-	-
	Public Portion	53.9%	56.3%	56.0%
	Private Portion Non-exempt	45.9%	43.7%	44.0%
	Private Portion Exempt	0.2%	0.0%	0.0%
USMC	Total Funds	503.5	507.1	112.4
	Federal Work	477.4	492.6	103.1
	Non-Federal Work Non-exempt	26.2	14.5	9.3
	Non-Federal Work Exempt	0.0	0.0	0.0
	Public Portion	94.8%	97.1%	91.7%
	Private Portion Non-exempt	5.2%	2.9%	8.3%
	Private Portion Exempt	0.0%	0.0%	0.0%

Other Defense Organizations

SOCOM	Total Funds	721.5	559.9	584.1
	Federal Work	42.5	34.0	33.9
	Non-Federal Work	679.1	526.0	550.2
	Public Portion	5.9%	6.1%	5.8%
	Private Portion	94.1%	93.9%	94.2%

Dollars in millions

Numbers may not add due to rounding

USMC = U.S. Marine Corps

SOCOM = U.S. Special Operations Command does not meet the 10 U.S.C. 101(a)(4), (B) and (11) definitions of armed forces, military department, or defense agency and is not subject to the 50 percent limitation; however, this data is included for consistency with past reports.

Title 10, section 2466¹. LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL-

(a) PERCENTAGE LIMITATION. - Not more than 50 percent of the funds made available in a fiscal year to a military department or a Defense Agency for depot-level maintenance and repair workload may be used to contract for the performance by non-Federal Government personnel of such workload for the military department or the Defense Agency. Any such funds that are not used for such a contract shall be used for the performance of depot-level maintenance and repair workload by employees of the Department of Defense.

(b) WAIVER OF LIMITATION. - The Secretary of Defense may waive the limitation in subsection (a) for a fiscal year if-- (1) the Secretary determines that the waiver is necessary for reasons of national security; and
(2) the Secretary submits to Congress a notification of the waiver together with the reasons for the waiver.

(c) PROHIBITION ON DELEGATION OF WAIVER AUTHORITY. - The authority to grant a waiver under subsection (b) may not be delegated.

(d) Annual Report².--(1) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that was expended during the preceding fiscal year, and are projected to be expended during the current fiscal year and the ensuing fiscal year, for performance of depot-level maintenance and repair workloads by the public and private sectors.

(2) Each report required under paragraph (1) shall include as a separate item any expenditure covered by section 2474(f) of this title that was made during the fiscal year covered by the report and shall specify the amount and nature of each such expenditure..

Title 10, subsection 2474(f)³. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION- Amounts expended for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence under any contract shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by private industry or other entities outside the Department of Defense pursuant to a public-private partnership.

¹ As amended by P.L. 108-375, section 321.

² As amended by P.L. 109-364, section 331.

³ As amended by P.L. 109-364, section 331.

Title 10, section 2466¹. LIMITATIONS ON THE PERFORMANCE OF DEPOT-LEVEL MAINTENANCE OF MATERIEL-

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(c) **PROHIBITION ON DELEGATION OF WAIVER AUTHORITY.** - The authority to grant a waiver under subsection (b) may not be delegated.

(d) **Annual Report².**--(1) Not later than April 1 of each year, the Secretary of Defense shall submit to Congress a report identifying, for each of the armed forces (other than the Coast Guard) and each Defense Agency, the percentage of the funds referred to in subsection (a) that was expended during the preceding fiscal year, and are projected to be expended during the current fiscal year and the ensuing fiscal year, for performance of depot-level maintenance and repair workloads by the public and private sectors.

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Title 10, subsection 2474(f)³. EXCLUSION OF CERTAIN EXPENDITURES FROM PERCENTAGE LIMITATION- Amounts expended for the performance of a depot-level maintenance and repair workload by non-Federal Government personnel at a Center of Industrial and Technical Excellence under any contract shall not be counted for purposes of applying the percentage limitation in section 2466(a) of this title if the personnel are provided by private industry or other entities outside the Department of Defense pursuant to a public-private partnership.

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