Checklist for Preparation of Legislative Proposals for Submission to OLC for the FY 2016 Legislative Program

Each proposal submitted to OLC for the FY 2016 legislative program must meet the requirements set forth below. A proposal that does not meet these requirements will be returned to the sponsoring component to address the unmet requirements.

❑ **Proposal authorization.** The proposal must be authorized by the head of the sponsoring component, as shown by a memorandum accompanying the proposal that is signed by the component head (or principal deputy).

❑ **Document format.** The proposal must be submitted as an MS Word file with 1-inch margins and using 12-point Times New Roman font. The requirements set forth below must be formatted as shown in OLC's "Template for Sample Proposal".

❑ **Proposed legislative language.**

   ❑ The proposed legislative language should be the first element of the proposal. The legislative text should achieve the desired policy objective, either by amending existing law or by proposing a new provision of law.

   ❑ Use previous NDAAs as a reference on how to draft legislative language, particularly as to amendatory language. Please refer to the "OLC Drafting Hints" for additional assistance relating to the preparation of legislative language.

   ❑ The legislative text should begin with a section heading that states what the proposal would accomplish (e.g., "TWO-YEAR EXTENSION OF ABC PROGRAM", not "AMENDMENT OF XYZ ACT"). For wording guidance in the case of an amendatory provision, refer to the heading of the law being amended or the heading of a law making previous amendments to the law being amended.

❑ **Section-by-section analysis.**

   ❑ In the **<u>first</u>** paragraph, summarize what the proposal would accomplish.

   ❑ Avoid footnotes, jargon, and program-specific language.

   ❑ Spell-out each acronym the first time it is used.

   ❑ Write the section-by-section analysis so that it is understandable to a layman not familiar with the proposal or the policy background of the affected program.

   ❑ Write in a persuasive manner.

   ❑ Explain the problem the proposal is designed to address and, if it is not self-evident, explain why the problem can only be addressed by a change in law. Describe the changes proposed to address the problem and explain the consequences of these changes.

❑ Provide as much detail as necessary to explain adequately both the problem and the proposed solution.

❑ **Budget implications.** All budgetary implications must be identified in the proposal. <u>If a proposal has no budgetary implications, the proposal should explain why</u>.

❑ Include a budget table (if <u>any</u> budget implications).

❑ Describe the methodology used to calculate data in the budget table (if applicable).

❑ Include on the comment card for the proposal the Unified Legislation and Budgeting proposal number (or state if not applicable).

❑ Pursuant to the FY 2016 – FY 2020 Integrated Program/Budget Submission Guidance submit the PB-16 exhibit to OUSD(C) (specifically, Pam Bell in (OUSD(C)/B&AA) in September 2014 with the President's Budget submission. A component must list all of their legislative proposals in one PB-16 exhibit, rather than a separate exhibit for each proposal. The PB-16 exhibit must contain funding and end strength profiles for the legislation.

❑ Include in the memo submitted to OLC a statement that the Assistant Secretary of FM&C for the military department, WHS or Defense-Wide Agency headquarters comptroller certifies that the proposal is funded in the POM, the President's Budget for FY 2016, and is included in the PB-16 exhibit.

❑ **Component priority.**

❑ Explain why the proposal is important to the component and the Department.

❑ Identify whether the sponsoring component considers the proposal to be a "must have" proposal, and explain why such a proposal **must** be enacted in the FY 2016 cycle. For a proposal that is not a "must have", the component may identify it as "desirable" for the current cycle.

❑ For the proposals that are identified as a "must have" for the FY 2016 cycle, rank all of them (or just the top 5, if there are more than 5) in priority order (that is, 1 of 5, 2 of 5, etc.).

❑ **Justification for resubmitting a proposal.**

❑ For a proposal that is being submitted for the first time, use the wording shown in the Template for Sample Proposal.

❑ For a proposal that has been submitted previously, identify each legislative cycle for which the proposal was previously submitted and, for each such cycle, identify <u>the OLC proposal number</u> (available on the OLC website) for the proposal.

❑ Identify the outcome when the proposal was previously submitted and any barriers that were encountered (internal DoD non-concurrence(s), OMB disapproval or deferral, Congressional opposition, Committee jurisdiction issue, Congressional staff questions, etc.).

❑ Identify any changes made to the current proposal compared to the proposal as most recently submitted and explain how those changes are expected to overcome any barriers previously encountered, or note external factors whose changes make passage more likely.

❑ Provide a justification for the resubmission, including, if the proposal was previously submitted to Congress, an explanation of why the sponsoring component thinks Congress would enact the proposal in this legislative cycle.

❑ **Proposal contact information.**

❑ Provide name and contact information for the component's subject matter expert (SME), as well as the name <u>and</u> contact information for the person who will be the point of contact for OMB.

❑ Provide name and contact information for the component or OSD/OGC attorney who reviewed <u>and</u> approved the proposal <u>prior to</u> its submission to OLC.

❑ Provide name and contact information for the sponsoring component's Assistant Secretary for Financial Management & Comptroller or Defense-wide Agency headquarters comptroller point of contact, as appropriate, who worked on the related appropriation for submission to OUSD(C). <u>Do not identify a contact in OUSD(C)</u>.

❑ **Changes to existing law.** If the proposal would NOT change the text of an existing statute, the proposal should state, "This proposal would not change the text of any existing statute." If the legislative proposal WOULD change the text of an existing statute, the element of the proposal should show how the text of the statute would be changed if the proposal were enacted.

❑ Language that the proposal would delete from existing law should be shown in "~~strikethrough~~" font.

❑ Language that the proposal would add to existing law should be <u>underlined</u>.

❑ Identify <u>all</u> of the changes the proposal would make to the text of existing law (no matter how minor), except as noted in the OLC's "Detailed Guidelines for Preparing Proposals".

❑ The format of the proposed changes should not merely mimic the legislative text of the proposal. Instead, consult OLC's "Template for Sample Proposal".

❑ When setting out the text of existing law, use the law in existence as of the preparation of the proposal (without regard to any legislative provision currently pending before Congress that would amend existing law).