

**Fiscal Year 2015 DoD Legislative Program –
Disposition of Late Proposals; Carryover Proposals; Legislative Review Panel**

Timeline for DoD Legislative Program:

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| August 5, 2013 | <i>Deadline for submission of proposals by DoD components to the Office of Legislative Counsel for consideration in the FY 2015 legislative cycle.</i> |
| October 1, 2013 | <i>Deadline for completion of internal coordination of all DoD proposals submitted on time and initial submission of cleared proposals to OMB.</i> |
| December 31, 2013 | <i>Target date for submission of all DoD proposals to OMB for the FY 2015 NDAA legislative cycle.</i> |

As noted in the Call Memo from the Deputy Secretary of Defense, 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 coordination on an expedited basis. Therefore, the deadline for submission of proposals to OLC for this cycle (August 5, 2013) will be strictly enforced. Any proposal submitted after this deadline will be considered late and subject to the process set forth below.

The Legislative Review Panel (LRP) will enforce firm deadlines (both for submission of proposals and for budget information) for the FY 2015 legislative program. Therefore, the only proposals that will be accepted late will be those submitted in response to actual exigencies or unforeseeable needs. Failure by a component to identify an issue or to identify a needed extension of an expiring authority does not qualify as either an actual exigency or an unforeseeable need. Submitting a proposal late may result in that proposal being deferred until the FY 2016 legislative cycle; therefore, components should take a comprehensive approach to the legislative process to ensure that all needed proposals are submitted in a timely manner.

I. DISPOSITION OF PROPOSALS SUBMITTED LATE:

For any proposal that is submitted late, the head of the component, in the cover memorandum accompanying the proposal, must explain the circumstances that prevented the submission of the proposal by the submission deadline. The head of the component should also include any necessary supporting documentation. The memorandum must include an explanation of the following:

- The circumstances that prevented the submission of the proposal by the submission deadline.
- How the proposal will be incorporated within the DoD budget for FY 2015.
- Why it is **essential** for the proposal to be enacted in the FY 2015 legislative cycle.

It is not sufficient to submit a memo that merely asks that the proposal be permitted late; the memo must address the items specified above.

An exception to the deadline for submissions will be granted only for a proposal that addresses an actual exigency or an unforeseeable need. Every late proposal will be referred to the Assistant Secretary of Defense for Legislative Affairs (ASD(LA)) and the LRP to determine whether it meets one of these criteria and should be accepted for the FY 2015 cycle. Any such proposal will not be coordinated within the Department until that determination is made, most likely during a monthly LRP meeting. As a result, a proposal that is submitted late might not be coordinated within the Department for several weeks after it is received, if at all. In addition, prior to consideration by the LRP, every late proposal must be reviewed by the staff of the Under Secretary of Defense (Comptroller) to determine whether it is included in the President's Budget and in a PB-16 exhibit.

If the LRP directs OLC to accept a proposal that was submitted late, OLC will expedite coordination of the proposal through the Department for possible transmittal to OMB for interagency coordination.

If the LRP directs OLC not to accept a proposal that was submitted late, OLC will not put the proposal into the department coordination process or will cease coordination, if already begun. The sponsoring component will be free to submit the proposal for the FY 2016 legislative cycle, if it chooses to do so.

II. CARRYOVER PROPOSALS:

Since the submission deadline is earlier than the anticipated completion of congressional action on the FY 2014 NDAA, each component should include with its FY 2015 submission any of its FY 2014 Administration-cleared proposals that remain Departmental priorities and are pending in the NDAA bill as passed by the House of Representatives or the Senate (or both). Those FY 2014 pending proposals that are resubmitted for the FY 2015 cycle, pending the outcome of the FY 2014 NDAA, will be referred to as "carryover" proposals. When a component submits a carryover proposal, it should identify the proposal as an FY 2014 carryover, note whether the proposal was passed by the House or Senate (including the section number(s) in the House or Senate NDAA), and update the proposal as necessary (including the budget information). Once the FY 2014 NDAA is enacted, each carryover proposal will be reviewed and, as warranted, will either be dropped from the FY 2015 legislative program or referred back to the sponsoring component for reconsideration and possible modification in view of the congressional action. A component may submit a new proposal drafted in response to a provision in the FY 2014 NDAA only if the proposal could not have been reasonably anticipated before final congressional action on the FY 2014 NDAA.

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 FY 2015 NDAA will require the personal approval of the ASD(LA).

III. LEGISLATIVE REVIEW PANEL:

The LRP will meet periodically during the legislative cycle to review the proposals submitted by each of the components. Approval of a proposal by the LRP is required for the proposal to be

considered as cleared by the Department for submission to OMB. The LRP may require changes to proposals before their transmission to the Office of Management and Budget (OMB) and Congress to ensure that the Department's proposed NDAA as transmitted to Congress accurately reflects the Department's priorities.

Any significant modification to a proposal after LRP approval and transmittal to OMB, especially as a result of comments received through the interagency review process, is subject to further review and approval by the LRP.

To aid in this process, each component must prioritize each proposal it submits to OLC, in terms of its relative priority with respect to all of the other proposals submitted by that component. For example, if the component submits 15 proposals, it must prioritize each specific proposal as 1 of 15, 5 of 15, 15 of 15, etc. It is not sufficient to state that all of the proposals are priorities; in fact, stating that all of the proposals are priorities will lessen the importance accorded to the component's most important proposals. Additionally, the component must specifically identify each of its proposals that it considers to be a "must have," and explain why such proposal **must** be enacted during the FY 2015 cycle. If helpful, a component may consider placing its proposals into three categories, such as identifying each proposal as one which: (a) must be enacted this cycle; (b) would be helpful if enacted this cycle; or (c) would be helpful, but is not immediately necessary.

The Department and OMB will use the components' lists of priorities to focus their efforts during the legislative cycle and to make certain that the Department's top priority proposals are transmitted to Congress in a timely manner.

The LRP will resolve any outstanding disputes between components with respect to pending proposals that are referred to it by OLC for consideration and resolution. A sponsoring component may be required to come before the LRP to make its case for any disputed proposal placed before the LRP and must be prepared to address any question or disputed issue that may arise.

As in the FY 2014 cycle, the LRP will consider all legislative proposals related to Building Partnership Capacity together, to ensure that such proposals are appropriately prioritized.