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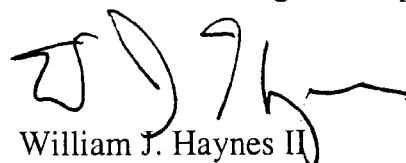
MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS  
CHAIRMAN OF THE JOINT CHIEFS OF STAFF  
UNDER SECRETARIES OF DEFENSE  
ASSISTANT SECRETARIES OF DEFENSE  
DIRECTOR, OPERATIONAL TEST AND EVALUATION  
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE  
ASSISTANTS TO THE SECRETARY OF DEFENSE  
DIRECTOR, ADMINISTRATION AND MANAGEMENT  
DIRECTOR, PROGRAM ANALYSIS AND EVALUATION  
DIRECTOR, NET ASSESSMENT  
DIRECTOR, FORCE TRANSFORMATION  
DIRECTORS OF THE DEFENSE AGENCIES

SUBJECT: Call for Proposals for the FY 2007 DoD Legislative Program.

It is time to initiate the legislative program for Fiscal Year (FY) 2007 in order to draft, coordinate and seek clearance of our legislative proposals from the Office of Management and Budget in a timely manner. In this legislative cycle there will be a renewed and unprecedented emphasis on presenting Congress with legislation that focuses on the Department of Defense's (DoD's) needs, particularly as expressed in the Quadrennial Defense Review, while empowering DoD's many parts to act with greater unity and effectiveness. Please review and comply with the new timelines and specific requirements set forth in Tabs A and B.

Please propose new legislation when you are convinced it is the only means available to achieve the desired goal. If you have not done so, designate a high-level official to monitor the status of your initiatives from concept through final action. Coordinate priority legislative proposals with the Assistant Secretary of Defense for Legislative Affairs and the Director of the DoD Office of Legislative Counsel, who will assist you with any issues or questions as you fashion specific proposals. Most importantly, ensure that all draft legislation is consistent with the President's agenda and Secretary Rumsfeld's guidance on legislative priorities to follow.

Thank you for your continuing commitment to our legislative program.



William J. Haynes II

Attachments:  
As stated



## Timelines for the FY 2007 DoD Legislative Program

To satisfy requirements imposed by the Office of Management and Budget (OMB), and to ensure proper inclusion in the President's budget, DoD will expedite consideration and coordination of new legislative proposals according to the following schedule:

### Timelines to Submit New Proposals to the DoD Office of Legislative Counsel

- New Proposals with Major Budget Implications: September 19, 2005.
  - A proposal with major budget implications is one that creates or changes an entitlement, requires funding in a Program Budget Decision, or has tax implications. In determining whether or not a proposal has “major budget implications,” the fact that a proponent plans to seek appropriations for a proposal during this fiscal year is irrelevant. Even “unfunded” proposals that meet the above definition must be forwarded by the date indicated because OMB will not clear a proposal with budget implications that is submitted late.
  - A proposal without budget implications for DoD, but with budget implications for another Federal agency, is also included in this category.
- All Other New Proposals: October 3, 2005.

### Timelines for DoD to Submit New Proposals to OMB

- New Proposals with Major Budget Implications: October 14, 2005.
- All Other New Proposals: December 19, 2005.

### Disposition of Proposals that are Submitted Late or Lack Full Coordination

Absent compelling circumstances, proposals that are submitted late or have unresolved coordination issues will be held over until the FY 2008 legislative cycle.

**Specific Requirements  
for Each Proposal Submitted for Consideration  
in the FY 2007 DoD Legislative Program**

Specific Requirements

Before sponsors forward legislative proposals to the Office of Legislative Counsel (OLC) for technical legal review and initiation of internal DoD coordination, every proposal must meet the following requirements:

- Each proposal submitted must consist of four separate parts:
  - 1) *Clear and concise draft legislative language in the Omnibus Coordination Format* – See the OLC website, or contact OLC at (703) 697-1305, for additional guidance.
  - 2) *A section-by-section analysis written in a style that would be persuasive to a layman* – The analysis should set forth a statement of the issue involved, a description of existing law, a description of the proposed change, and real-life examples illustrating the positive effect the proposal would have on people, organizations, or DoD procedures. **Please note: jargon and undefined acronyms are unacceptable.**
  - 3) *A brief section setting forth arguments for a proposal, as well as a section setting forth arguments against a proposal (e.g., "pros vs. cons")* – **There are no issues that have arguments on one side only.** Rebuttal arguments to "cons" certainly are welcome. Please use "bullet" format; narratives are unacceptable.
  - 4) *Name and contact information for a designated expert who either wrote the proposal or understands it completely, as well as the name and contact information of the appointee or high-level official who is responsible for monitoring all legislative proposals within a component or organization.*
- Each proposal must be aligned with the President's agenda and DoD's top priorities, as articulated by the Secretary of Defense. **To this end, you must explain in two to three sentences how each of the proposals you submit satisfies at least one of DoD's legislative priorities.**

- Where applicable, each proposal also must make a clear and convincing business case, and demonstrate that administrative remedies are unavailable or unavailing.
- Legislation should be used sparingly when required to meet specific requirements or goals and, then, **only after all other avenues have proven unsuccessful.**
- Agencies should not submit legislation in areas being reviewed by Department leadership, for example the Quadrennial Defense Review, the Quadrennial Review of Military Compensation, or the Defense Acquisition Performance Assessment Project.
- Each proposal must expressly address budget implications, including costs and savings. Where appropriate, indicate whether a proposal was the subject of consideration through the Unified Legislation and Budgeting (ULB) process sponsored by the Under Secretary of Defense for Personnel and Readiness and, if so, indicate the final outcome of ULB deliberations.
- Proposals should be drafted for general application with broad authority to act. Proposals may neither limit the Secretary of Defense's authority to manage DoD, nor create reporting requirements for DoD.
- Please attempt to combine ministerial statutory adjustments into general management initiatives that remove statutory restraints and prohibitions. It is better to request broad authority rather than specific statutory direction.
- Each sponsor must certify that the sponsor's own general counsel has reviewed, and the agency head has cleared, the proposal.
- As a general rule, a proposal resubmitted from a prior year will not be accepted, especially if the proposal contains provisions rejected previously by Congress or during internal DoD deliberations or the OMB inter-agency coordination process. Exceptions to this rule will occur only under extraordinary circumstances as set out in a comprehensive justification for the necessity of a proposal's resubmission.

### Coordination Requirement

The coordination process requires that all participants engage in full and frank discussions of legislative proposals. Pursuant to DoD Directive 5500.1, and OMB Circular No. A-19, DoD will forward to OMB and Congress only those proposals that reflect a single and fully-coordinated DoD position.

### Resolution of Unresolved Coordination Issues

In the event participants in the DoD Legislation Program are unable to resolve differences regarding a specific proposal, contesting parties must set forth their respective positions in writing to the DoD General Counsel, who will render a final decision. These position papers must be concise, persuasive, and limited to one page.

### Mandatory Designation of Agency Point of Contact

To promote efficiency in the coordination process, every DoD agency must designate one definitive point of contact with express authority to speak for that entity regarding all legislative matters. OLC must receive written notification of the designee's name and contact information no later than September 12, 2005.