



DEPUTY SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1010

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June 13, 2006

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
UNDER SECRETARIES OF DEFENSE
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT 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
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: A Renewed Legislative Process -- Call for Legislative Proposals for FY 2008

The Department of Defense (DoD) is implementing a new legislative process for the FY 2008 legislative cycle. The goal is to deliver to the Congress the DoD National Defense Authorization bill several months earlier than in past years. By starting earlier the Department will be able to prepare fiscally-disciplined legislative proposals that more accurately reflect DoD priorities, while allowing additional time for senior leadership review, interagency clearance through the Office of Management and Budget (OMB), and successful engagement with the Congress. The renewed legislative program detailed in the attachments includes Departmental priorities, accelerated timelines, and more disciplined submission guidelines.

To ensure success, legislation proposed by your respective DoD component needs to reflect your priority initiatives that cannot be otherwise achieved. The process will be delayed if DoD asks for new legislative authority when, in reality, adequate legislative authority already exists.

The first step in this new DoD legislative process is that you identify to the DoD Office of Legislative Counsel (OLC) (Christian Marrone) by June 30, 2006 an empowered representative to develop and coordinate your initiatives. That representative should work closely with OLC to ensure your active participation throughout the



legislative cycle. The representative will also work closely, when requested, with a senior review panel that will review proposals and recommend necessary changes to me before transmission to the OMB and the Congress to ensure our final legislative package accurately reflects the Department's priorities.

Thank you for your continuing commitment and support.

A handwritten signature in black ink, appearing to read "Andrew England". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Attachment:
As stated

Department of Defense Priorities for 2008

1. Pursue the Global War on Terrorism

- Strategic Aim – Winning the Long War
 - Reduce and defeat the threat of violent extremism
- Strategic Approach
 - Protect and defend our homeland interests
 - Attack terrorists in Iraq, Afghanistan, and globally
 - Improve our ability to “Find, Fix, Finish”
 - Help to build the capability of partner nations across the globe
 - Support mainstream Muslim efforts to reject violent extremism
 - Help to integrate all instruments of national power
 - Strengthen U.S. strategic communications

2. Strengthen U.S. Combined and Joint War-fighting Capabilities

- Improve capabilities for irregular warfare
- Improve global, time-sensitive, conventional and nuclear precision strike capability
- Implement joint national training, testing and experimentation
- Implement acquisition strategy to support joint interdependence

3. Meet the Challenge of Improvised Explosive Devices

4. Continue Transforming the Joint Force

- Execute 2006 Quadrennial Defensive Review to drive transformation
- Instill military culture that rewards innovation
- Rapidly leverage technology breakthrough advantages
- Refine DoD’s role capability in homeland security and homeland defense
- Aggressively rebalance within and between active and reserve components
- Continue to convert military positions to civilian status to increase usability of forces
- Implement global presence/basing in concert with BRAC
- Implement longer military tour lengths, strengthen language capabilities, and fashion competitive compensation packages

5. Significantly Improve Military Intelligence Capabilities

- Strengthen ability to obtain human intelligence
- Improve information sharing – vertical and horizontal
- Distribute and declassify when possible for tactical usage
- Refocus intelligence for new defense strategy
- Keep contingency plans updated

6. Continue Transforming Enterprise Management

- Reform OSD, Joint Staff, and Service Staffs and empower subordinates
- Increase the Department's sense of urgency and speed of adaptation
- Implement the National Security Personnel System

7. Focus on People – Military and Civilian

- Care for wounded: ensure world's best treatment, rehabilitation, and employment opportunities
- Care for families of those who have fallen and those who serve
- Continue success of the all-volunteer force, achieving retention and recruiting goals
- Reform as necessary to fully access all of the manpower – military, civilian, and contractor - in the entire "rain barrel" personnel pool, so that burdens are shared equally
- Validate equipment in the field to meet the highest standards

8. Improve Effectiveness and Efficiency Across the Board

- Make the best use of taxpayer dollars in all that we do
- Create a culture of efficiency
- Eliminate waste at every level

Guidelines for the FY 2008 DoD Legislative Program

I. Deadlines to Submit New Proposals to the DoD Office of Legislative Counsel

A. New Proposals with Major Budget Implications: July 7, 2006.

- A proposal with major budget implications:
 - (1) creates or changes an entitlement;
 - (2) requires funding in a Program Budget Decision;
 - (3) has tax implications; or
 - (4) has budget implications for another federal agency.
- Even “unfunded” proposals that meet the above definition need to be forwarded by the date indicated because OMB **will not** clear a proposal with budget implications that is submitted too late for inclusion in the President's budget.

B. New Proposals without Major Budget Implications: August 7, 2006.

- A proposal without budget implications for DoD, or for another Federal agency, falls under this category.
- If there is doubt whether a proposal has budgetary impact, submit the proposal by the Major Budget Implication deadline.

II. Deadlines for DoD to Submit New Proposals to OMB

A. Proposals with Major Budget Implications: August 21, 2006.

B. Proposals without Major Budget Implications: September 29, 2006.

III. Disposition of Proposals Submitted Late

The best way to maximize the chances of enactment by the Congress is to submit proposed legislation by the deadlines detailed above.

At the same time, the new accelerated timelines for the DoD Legislative Process will cause DoD components to sometimes miss deadlines. While it is essential that each DoD component strives to submit legislation in a timely manner, when circumstances make this goal impossible, please explain such circumstances justifying late submissions

in cover memoranda with supporting documentation as necessary.

OLC will expedite coordination of late proposals for possible incorporation in the NDAA bill to be delivered to the Congress. If an agency does not justify the proposal's lateness, OLC will not coordinate the proposal until after the transmission of the NDAA to the Congress.

IV. Resubmissions

A sponsoring agency should provide a detailed justification for any proposal resubmitted from an earlier legislative cycle, including the year of the prior submission and any changes the agency has made to the proposal. If a proposal was not approved by DoD or OMB, the sponsoring agency should detail the adjustments made in response to the non-concurrences, and/or detail discussions with the non-concurring parties that have mitigated previous concerns. If the proposal was not adopted by Congress, then the sponsor should articulate a convincing legislative strategy explaining why Congress will enact the legislation in this legislative cycle. Once accepted, proposals previously cleared by OMB will be given a streamlined review by OMB.

V. General Legislative Drafting Guidelines (for specific submission requirements, see following attachment)

Each proposal needs to be aligned with the President's agenda and the Department's Priorities. To this end, explain in two to three sentences how each of the proposals submitted satisfies at least one of the attached priorities.

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.

Legislation is to be used sparingly when required to meet specific requirements or goals and, then, only after all other avenues (including administrative remedies) have proven unsuccessful. If a legal determination is made that proposals include unnecessary legislation, such proposals will be returned to the respective sponsor with a request for further explanation of why it should be included in this year's DoD Legislative Program.

Section-by-section analyses should follow legislative language, and be written in a style that would be understandable and persuasive to a layman. (In many instances, poorly written analyses laden with specialists' language and acronyms cause proposals to fail to clear both DoD and OMB coordination.) Analysis needs to be clear and

convincing. It should set out the factual and legal problems that require legislative relief, describe proposed changes, and explain beneficial consequences.

Each proposal needs to expressly address any and all budget implications, including costs and savings. If a proposal has no budgetary impact, the proposal should so state.

Each sponsor must certify that the sponsor's own general counsel has reviewed, and the agency head has cleared, each proposal.

VI. 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.

VII. Resolution of Unresolved Coordination Issues

In the event participants in the DoD Legislative Program are unable to resolve differences regarding a specific proposal, contesting parties need to set forth their respective positions in writing to the DoD General Counsel, who will consult with the Deputy Secretary of Defense, as appropriate. These position papers should be concise, persuasive, and limited to one page.

Requirements for Submission of Legislative Proposals to OLC in the FY 2008 DoD Legislative Program

Every proposal forwarded to OLC must meet each of the following requirements. Those that fail to meet the following criteria will be returned to the sponsoring component for resubmission:

- 1) *Each proposal needs to be authorized by signed memorandum of the agency head of the respective DoD component.*
- 2) *Each proposal needs to be submitted in MS Word.*
- 3) *A sponsoring agency that resubmits a proposal from a previous legislative cycle should identify that previous cycle, including the previous proposal number (which is accessible via the OLC Internet system).*
- 4) *Each proposal that is a resubmission needs to be accompanied by a resubmission justification as detailed above.*
- 5) *Each proposal should expressly address any and all budget implications, including costs and savings. If a proposal has no budgetary impact, the proposal should so state.*
- 6) *Each proposal needs to be drafted in clear and concise legislative language.*
- 7) *Each proposal should contain a section-by-section analysis that follows its legislative language, and be written in a style that would be understandable and persuasive to a layman.*
- 8) *Each proposal submitted needs to be accompanied by the name and contact information of a designated subject matter expert (SME) who will represent the sponsor during the entire coordination process; these SMEs are distinct from the "empowered representative" to be designated by each DoD component per the body of this memorandum.*
- 9) *Each proposal submitted needs to contain the name and contact information for the reviewing attorney.*
- 10) *Pros and cons are not required this year.*