

**Fiscal Year 2012 DoD Legislative Program –  
Disposition of Late Proposals; Legislative Review Panel**

Timeline for DoD Legislative Program:

<b>August 1, 2010</b>	<i>Deadline for submission of proposals by DoD components to the Office of Legislative Counsel for consideration in the FY 2012 NDAA legislative cycle.</i>
<b>October 1, 2010</b>	<i>Deadline for completion of internal coordination of all DoD proposals and submission of cleared proposals to OMB.</i>
<b>December 31, 2010</b>	<i>OMB will not accept any DoD proposals after this point for the FY 2012 NDAA legislative cycle.</i>

The number of proposals submitted late in the legislative cycle has increased dramatically in recent cycles. The defense Congressional oversight committees have voiced strong objections to the Department's repeated late submissions of its legislative proposals.

Therefore, the deadline for submission of proposals to OLC for this cycle (August 1, 2010) will be strictly enforced. Each proposal, whether or not it has budgetary implications, must be submitted by this deadline. Any proposal submitted after this deadline will be considered late and subject to the process set forth below.

**I. DISPOSITION OF PROPOSALS SUBMITTED LATE:**

If a DoD component submits a proposal late, the component must explain the circumstances that prevented the submission of the proposal to OLC by the submission deadline in a cover memorandum signed by the component head, with any supporting documentation that may be necessary. The memorandum must include an explanation of:

- the circumstances that prevented the submission of the proposal by the submission deadline;
- how the proposal will be incorporated within the budget; and
- why the proposal is **essential** for enactment in the current legislative cycle.

OLC will not accept any new proposal after the submission deadline that does not satisfy these conditions.

Since the submission deadline is earlier than the anticipated completion of the House-Senate conference on the FY11 NDAA, allowances will be made for proposals that could not have been reasonably anticipated before the outcome of the conference is known. Thus, a component may resubmit late an Administration-cleared proposal that was adopted by the House of Representatives and/or the Senate, but then dropped during the NDAA conference. However, it is preferable if the component submits an identified

placeholder proposal before the deadline that can be modified if this situation occurs rather than relying on a late submission. Also, a component may submit a new proposal drafted in response to a provision in the FY11 NDAA, provided in both instances that the proposal meets the above requirements.

Exceptions to the deadline for submissions will be granted only for actual emergencies, for unanticipated needs, and for legislation that represents a Departmental priority as approved by the Legislative Review Panel (LRP).

Whatever the circumstance, any delivery of legislation to the House or Senate Armed Services Committees after they have marked up their respective versions of the FY12 NDAA will require the approval of the Assistant Secretary of Defense (Legislative Affairs), in consultation with the Secretary of Defense.

The staff of the USD(Comptroller) will review every late proposal to determine its PAYGO effects and whether it is included in the President's Budget submission.

## **II. LEGISLATIVE REVIEW PANEL:**

The Department must be able to identify its top legislative priority proposals to enable the Department to craft a successful legislative strategy for the eventual enactment of these proposals into law. To achieve this, each component must identify its respective top legislative priorities when they submit their proposals to OLC.

The Legislative Review Panel (LRP) will meet periodically during the legislative cycle to identify DoD's top legislative priorities and review those priorities and the top priorities of each of the components. The LRP will recommend necessary changes to these 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 Secretary's priorities.

Modification(s) to a proposal, especially those working through the approval process, are subject to further review 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. Additionally, the component must specifically identify each of its proposals that is a "must have," i.e., the proposal **must** be enacted during the FY12 cycle. If helpful, a component may consider placing its proposals into four categories, such as identifying each proposal as one which: (a) must be enacted this cycle; (b) would

be helpful if enacted this cycle; (c) would be helpful, but does not address immediate needs; or (d) would be a helpful addition, but is not realistic in the current cycle.

The Legislative Review Panel will review each component's priorities to determine the Department's priority proposals for this legislative cycle. The Department and OMB will use this list 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 review every proposal that is submitted late and advise OLC regarding whether to accept the proposal. The LRP also will help resolve any outstanding disputes between components with respect to pending proposals that are referred to it by OLC for consideration and resolution.

If the LRP advises OLC to accept a proposal that was submitted late, OLC will expedite coordination of the proposal for possible incorporation in the proposed NDAA that the Department transmits to Congress.

If the LRP advises OLC not to accept a proposal that was submitted late, OLC will defer action on the proposal until the FY 2013 legislative cycle.

OLC will not accept a proposal submitted after OMB's final deadline for submissions (December 31, 2010) unless the proposal is certified by the component head as essential for enactment in the FY 2012 legislative cycle and is approved by the LRP for submission to OMB.