



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

June 11, 2007

MEMORANDUM FOR CHRISTIAN MARRONE
DIRECTOR OF THE OFFICE OF LEGISLATIVE COUNSEL
DEPARTMENT OF DEFENSE

FROM: James J. Jukes
Assistant Director for
Legislative Reference

SUBJECT: Draft Legislation for the National Defense Authorization Act for
FY 2009

The Office of Management and Budget (OMB) appreciates the Department of Defense's (DoD) effort to implement its enhanced legislative process for the FY 2009 legislative cycle, outlined in the DoD Memorandum signed by Deputy Secretary England on June 1, 2007. OMB looks forward to working with the Department to achieve the goals outlined in the memorandum.

OMB provides the following guidance to help further clarify our plans for coordinating and clearing FY 2009 legislative proposals.

Deadline for Submission of Proposals for OMB Review

Consistent with long standing practice for transmittal of budget and legislative proposals, OMB endorses a Department of Defense transmittal to Congress of its proposal for the FY 2009 Defense Authorization bill concurrent with the February release of the President's Budget, or as soon as possible thereafter. DoD should not transmit its proposals formally or informally before the release of the President's budget.

In order to meet the February transmittal plan, DoD should submit any outstanding FY 2008 legislative proposals for OMB review and clearance no later than December 28, 2007. (OMB's expectations are that the vast majority of proposals will have been submitted by early October 2007 as outlined in the June 1, 2007, DoD Memorandum.) While there will be exceptions to the December 28, 2007 deadline, any proposals transmitted by DoD to OMB after this date for interagency coordination and clearance must be certified by Departmental leadership as essential for enactment in that legislative year.

Appeal Procedure for Proposals Not Approved by OMB

Similar to last year, in order to facilitate an orderly and streamlined review of appeals, OMB is instituting, in coordination with DoD Office of Legislative Counsel (OLC), the following procedures for consideration and review of appeals:

- **Submission.** Appeals (and, if applicable, revised proposals) must be submitted, in writing, within seven calendar days through OLC. No more than one appeal may be submitted for each proposal.
- **Content.** The appeal memorandum shall provide additional justification and other relevant information that address concerns raised by OMB and other agencies.

Liaison on the National Defense Authorization Act (NDAA)

We reaffirm the existing arrangement that the OLC is the primary point of contact for the Department of Defense for all issues relating to the NDAA, and that Paul D'Amato is the main POC. The primary OMB office for DoD/OLC contact on the Defense Authorization bill is the Legislative Reference Division/Resources-Defense-International Branch. Bryan Legaspi is the main POC for LRD/RDI to DoD/OLC.