

# THE COMMISSION ON PLANNING, PROGRAMMING, BUDGETING, AND EXECUTION REFORM

## Proposed Legislative Language: Appropriation

### **Recommendation #6: Increase Availability of Operating Funds**

Operation and Maintenance, [Organization]

For expenses, not otherwise provided for, necessary for the operation and maintenance of [Organization], as authorized by law, [Dollar Amount], **of which not to exceed five percent shall remain available for obligation until September 30, 202[x+1].**

Military Personnel, [Organization]

For pay, allowances, individual clothing, subsistence, interest on deposits, gratuities, permanent change of station travel (including all expenses thereof for organizational movements), and expenses of temporary duty travel between permanent duty stations, for members of the [Organization]; [and for members of the Reserve Officers' Training Corps where applicable]; and for payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and the Department of Defense Military Retirement Fund, [Dollar Amount], **of which not to exceed five percent shall remain available for obligation until September 30, 202[x+1].**

### **Recommendation #8A: Increase BTR Thresholds Based Upon the Nominal Growth of the Appropriation**

*REPROGRAMMING GUIDANCE* The Secretary of Defense is directed to continue to follow the reprogramming guidance for acquisition accounts as specified in the report accompanying the House version of the Department of Defense appropriations bill for fiscal year 2008 (House Report 110-279). The dollar threshold for reprogramming funds shall be **\$15,000,000** for military personnel; **\$30,000,000** for operation and maintenance; **\$40,000,000** for procurement; and **\$25,000,000** for research, development, test, and evaluation.

### **Recommendation #8B: Allow Reprogramming of a Small Percentage of an Entire Appropriations Account with Regular Congressional Briefings and Oversight**

Sec 90XX. As a first step toward phasing in an alternate below threshold reprogramming process to allow for emergent technology insertion, each Service may reprogram up to 1.5 percent of the total RDT&E appropriation for the Service. Provided, that this authority may not be used with regard to funds designated as congressional special interest items. Provided further, the Service Comptroller shall provide a quarterly report of all reprogramming undertaken pursuant to this authority to the congressional defense committees.

### **Recommendation #14: Establish Special Transfer Authority for Programs Around Milestone Decisions**

Sec 90XX. For a period of up to three years beginning with the Milestone B decision for an acquisition program and continuing through the transition of the program from development to production, the Secretary of Defense may transfer funding in any fiscal year, in an amount not to exceed applicable standards for below threshold reprogramming for that fiscal year, between the research, development, test, and evaluation and procurement appropriations for the program. Provided, that the Secretary shall notify the congressional defense committees within 30 days of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of this Act.

**The Commission makes several recommendations that require legislative action by both appropriators and authorizers.**

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## Proposed Legislative Language: Authorization

### **Recommendation #16: Encourage Use of the Defense Modernization Account**

*Amend authorized uses of the Defense Modernization account under 10 U.S.C. 3136:*

(d) Authorized Use of Funds.-Funds in the Defense Modernization Account may be used for the following purposes:

(1) For paying the costs of any project that, in accordance with criteria prescribed by the Secretary concerned, is undertaken by the Secretary of a military department or the head of a Defense Agency or other element of the Department of Defense to reduce the life cycle cost of a new or existing system.

(2) For increasing, subject to subsection (e), the quantity of items and services procured under an acquisition program in order to achieve a more efficient production or delivery rate.

(3) For research, development, test, and evaluation, for procurement, and for sustainment activities necessary for paying costs of unforeseen contingencies that are approved by the milestone decision authority concerned, that could prevent an ongoing acquisition program from meeting critical schedule or performance requirements.

(4) For paying costs of changes to program requirements or system configuration that are approved by the configuration steering board for a major defense acquisition program.

**(5) For time-sensitive opportunities to develop or procure modern equipment and technology, or adopt cutting-edge commercial products and services, along with associated infrastructure costs, for military adoption and fielding.**

**The Commission notes that additional congressional action may be required and recommends Congress work with the DoD to clear pathways to and encourage implementation of recommendations.**

**Defense  
Resourcing  
System Title 10  
Amendments**

Recommendation #2

**New Budget  
Appropriation  
Paragraphs**

Recommendation #4

**CR Mitigation for  
new starts or  
production rates**

Recommendation #9

**Budget Line Item  
Consolidation**

Recommendation #10

**DoD-Congress  
Communication  
Enclaves**

Recommendation #19

**Business Systems  
Roadmap Annual  
Report**

Recommendation #21

**PPBE Reform  
Implementation  
Team**

Recommendation #28