

Audit



Report

OFFICE OF THE INSPECTOR GENERAL

**MILITARY AND CIVILIAN PERSONNEL ASSIGNMENTS
TO CONGRESS**

Report No. 97-186

July 14, 1997

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Acronyms

ASD(FMP)	Assistant Secretary of Defense (Force Management Policy)
ASD(SOLIC)	Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict)
DARPA	Defense Advanced Research Projects Agency
DLA	Defense Logistics Agency
NSA	National Security Agency
OSD	Office of the Secretary of Defense



**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-2884**



July 14, 1997

**MEMORANDUM FOR ASSISTANT SECRETARY OF DEFENSE (COMMAND,
CONTROL, COMMUNICATIONS, AND
INTELLIGENCE)
ASSISTANT SECRETARY OF DEFENSE (FORCE
MANAGEMENT POLICY)
ASSISTANT SECRETARY OF DEFENSE (SPECIAL
OPERATIONS/LOW-INTENSITY CONFLICT)
ASSISTANT SECRETARY OF THE NAVY (FINANCIAL
MANAGEMENT AND COMPTROLLER)
ASSISTANT SECRETARY OF THE AIR FORCE
(FINANCIAL MANAGEMENT AND COMPTROLLER)
DIRECTOR, DEFENSE ADVANCED RESEARCH
PROJECTS AGENCY
DIRECTOR, NATIONAL SECURITY AGENCY
AUDITOR GENERAL, DEPARTMENT OF THE ARMY**

**SUBJECT: Audit Report on Review of Military and Civilian Personnel Assignments to
Congress (Report No. 97-186)**

We are providing this report for your review and comment. This audit was performed in response to two congressional requests and a request from the Assistant Secretary of Defense (Force Management Policy) regarding the assignment of DoD personnel to Congress. We will be issuing a separate report at a later date, regarding congressional concerns about the duties performed and responsibilities held by military and civilian personnel while assigned to Congress. Management comments on a draft of this report were considered in preparing the final report.

Although the conditions identified by the audit did not involve all DoD Components for FY 1996, we encourage all DoD Components receiving a copy of the report to institute the necessary management controls to ensure compliance with governing policies and procedures for all future assignments of personnel to Congress.

DoD Directive 7650.3 requires that all recommendations be resolved promptly. We revised Recommendation 2.b.(2). as a result of comments received from the Air Force. We request that the Air Force provide planned actions and completion dates for Recommendations 2.a., 2.b.(1), 2.b.(3), 2.b.(4), and that the Office of the Secretary of Defense (Command, Control, Communications, and Intelligence); Office of the Secretary of Defense (Special Operations/Low-Intensity Conflict); the Navy; and the Defense Advanced Research Projects Agency provide additional comments on the report by September 15, 1997.

Questions on the audit should be directed to Mr. Salvatore Guli, Audit Program Director, at (703) 604-9502 (DSN 664-9502) or Ms. Deborah Carros, Audit Project Manager, at (703) 604-9539 (DSN 664-9539). See Appendix F for the report distribution. The audit team members are listed on the inside back cover.

A handwritten signature in black ink that reads "Robert J. Lieberman". The signature is written in a cursive style with a large, prominent initial "R".

Robert J. Lieberman
Assistant Inspector General
for Auditing

Office of the Inspector General, DoD

Report No. 97-186
(Project No. 7RD-5016)

July 14, 1997

Review of Military and Civilian Personnel Assignments to Congress

Executive Summary

Introduction. The audit was performed in response to two congressional requests and a request from the Assistant Secretary of Defense (Force Management Policy) to review the assignment of DoD personnel to Congress. The report addresses congressional concerns regarding DoD policies and procedures for assigning military and civilian personnel to Congress. For purposes of this audit, an assignment can take two forms. A person may be assigned to Congress pursuant to a detail under DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," or assigned pursuant to a fellowship program under DoD Directive 1322.6, "Fellowships, Scholarships, and Grants for Members of the Armed Forces." Both of the directives were substantially revised in February 1997. Accordingly, in discussing details and fellowships during FY 1996 in this report, we are referring to the version of each Directive then in effect.

Audit Objectives. The primary audit objective was to determine whether DoD military and civilian personnel assignments to congressional offices and committees were made in compliance with DoD policy and procedures. In addition, we assessed DoD management controls, practices, and procedures for assigning military and civilian personnel to Congress.

A separate report, issued at a later date, will address our response to congressional concerns about the duties performed and responsibilities held by DoD personnel on congressional assignment; the use of Army personnel, facilities, and services to brief congressional members and employees; and whether DoD personnel assigned to Congress had engaged in partisan political activity. Our review of those issues will involve interviewing the DoD personnel we identified as on assignment to Congress during FY 1996.

Audit Results. We identified 100 military and civilian personnel who were on assignment to Congress during FY 1996 either as detailed personnel or as fellows under sponsored fellowship programs. While DoD has initiated commendable actions to improve policies, strengthen policy implementation, and increase oversight, it did not have effective management controls for detailing DoD military and civilian personnel to Congress in FY 1996. Of the 49 congressional details we identified, 47 were not made in accordance with DoD policies and procedures for detailing personnel to Congress. While 51 fellowship assignments to Congress were consistent with DoD guidelines in effect at that time, management controls are needed to ensure that fellowship assignments comply with the revised guidelines.

Summary of Recommendations. We recommend that Office of the Secretary of Defense officials, the Military Departments, and Defense agencies establish effective management control procedures to ensure implementation of DoD policy regarding military and civilian assignments to Congress.

Management Comments. The Office of the Secretary of Defense (Force Manpower Policy) and the Office of the General Counsel, DoD, concurred with the recommendation to revise DoD guidance to require civilian congressional fellows to sign service obligation agreements. The Army concurred with the recommendations to establish management control procedures and has developed a proposed management process for and plans to issue an Army regulation regarding fellowship programs. The Air Force concurred with the management control recommendations, but nonconcurred with the recommendation to ensure that all congressional assignments are made to positions on staffs of committees of Congress. The Defense Advanced Research Projects Agency nonconcurred with the recommendation to establish management controls for determining whether details are reimbursable or nonreimbursable. The National Security Agency concurred with the recommendations to establish management controls. See Part I for a summary of management comments and Part III for the complete texts of management comments.

Audit Response. In response to Air Force comments, we clarified the recommendation regarding the assignment of detailees on staffs of congressional committees. We consider the comments from the Assistant Secretary of Defense (Force Management Policy), Office of General Counsel, Department of Defense, National Security Agency, Army, and Air Force to be responsive. However, we request that the Air Force provide planned actions and completion dates on the recommendation. The Defense Advanced Research Projects Agency position that the organization paying the individual's salary rather than the organization assigning the detailed person to Congress should determine whether the assignment is reimbursable is inconsistent with DoD policy; therefore, we request that the Defense Advanced Research Projects Agency reconsider its position and provide additional comments on the report. The Secretary of Defense (Command, Control, Communications, and Intelligence); the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict) and the Navy did not provide comments on the draft of this report. We request that they provide comments on the report by September 15, 1997.

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Part I - Audit Results

Audit Background

This audit report addresses congressional concerns regarding DoD policies and procedures for assigning military and civilian personnel to Congress either as detailees or as fellows under sponsored fellowship programs. On October 22, 1996, several members of Congress including Patricia Schroeder, Esteban Torres, George Miller, David Minge, and Barney Frank requested that the Inspector General, DoD, investigate the recruitment and assignment of military personnel working for the Speaker of the House, Newt Gingrich, and to review the Speaker's use of Army personnel and facilities to train members of Congress. The representatives also requested that the Inspector General examine the policies and procedures governing those assignments. The representatives expressed concerns about whether the assignment of military personnel to Congress was proper and whether those assigned had engaged in partisan political activity. On November 1, 1996, Senator Charles Grassley (R-Iowa) endorsed the representatives' request and requested that the scope of the audit be expanded to include the assignment of all military and DoD civilian personnel currently assigned to Congress. See Appendix C for the congressional correspondence. On November 8, 1996, the Assistant Secretary of Defense (Force Management Policy) requested that we assume responsibility for investigating the assignment of DoD personnel to Congress. The Assistant Secretary of Defense will use the results of our review to respond to similar congressional concerns about DoD personnel assignments to Congress.

A separate report, issued at a later date, will address our response to congressional concerns about the duties performed and responsibilities held by DoD personnel on congressional assignment; the use of Army personnel, facilities, and services to brief congressional members and employees; and whether DoD personnel assigned to Congress had engaged in partisan political activity. Our review of those issues will involve interviewing the 100 individuals we identified, as of April 30, 1997, as assigned to Congress during FY 1996.

Congressional Concerns About Military Personnel Assigned to Congress. In the report to accompany the Senate's version of the National Defense Authorization Act for FY 1997, the Senate Armed Services Committee expressed concern about the increase in the number of Military Department personnel working for Congress. The Committee directed the Secretary of Defense to review how legislative fellowship programs and details are managed and to report to the Committee by May 1, 1997. In response to the Committee's request, the Assistant Secretary of Defense (Force Management Policy) (ASD[FMP]) directed the Military Departments and Defense agencies to identify the personnel assigned to Congress during FY 1996.

The Assistant Secretary of Defense (Force Management Policy). The ASD(FMP) has primary responsibility for DoD personnel detailed to duty outside the DoD. On November 21, 1996, the ASD(FMP) issued a memorandum to the DoD Components, stating:

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Effective immediately, no DoD personnel . . . may be detailed to the Congress of the United States (including fellowships, internships, training programs or duties in any other capacity) without the approval of the Office of the Secretary of the Defense. All new requests for such details shall be submitted to the Executive Secretary of the Department of Defense for processing under DoD [Directive] 1000.17.

The memorandum also requested that the DoD Components evaluate all existing details on the basis of DoD guidance, report and justify those that should be continued, and report those that should be discontinued.

Audit Objectives

The audit objective was to evaluate whether DoD military and civilian personnel assignments to congressional offices and committees were made in compliance with applicable policies and regulations. Specifically, we evaluated the recruitment and assignment of DoD personnel to work for congressional offices and committees. We also assessed DoD management controls, practices, and procedures for assigning military and civilian personnel to congressional offices and committees. Appendix A discusses the audit scope and methodology and the results of the management control review. Appendix B discusses other matters of interest.

Military and Civilian Assignments to Congress

We identified 100 (49 detailees and 51 fellows) military and civilian personnel as on assignment to Congress in FY 1996. We found that the DoD Components did not have effective management controls for detailing military and civilian personnel to Congress. The policies that did exist often were not followed by the Components. Of the 49 congressional details we identified, 47 were not made in accordance with DoD policies and procedures for detailing DoD personnel to Congress. In addition, although 51 fellowship assignments to Congress were consistent with DoD guidelines in effect at that time, management controls are needed to ensure continued compliance with revised guidelines.

Management controls were not effective because DoD policies were inadequate or were not followed and because DoD Components had not established effective procedures for assigning personnel to Congress.

During the audit, DoD significantly revised policies and initiated actions to strengthen policy implementation and to increase oversight. However, without effective procedures at the Military Department and Defense agency levels, improved DoD policies and increased oversight will not effectively sustain compliance with policies governing DoD personnel assignments to Congress.

DoD Guidance Related to Congressional Assignments

Former DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," July 28, 1988. DoD Directive 1000.17 established the policy and procedures for detailing DoD personnel to organizations outside the Department of Defense. The Directive stated that members of the Armed Forces can be assigned to Congress only through scholarships, fellowships, grants, or internships or can be detailed to Congress "to perform duties of a specific duration, in a specific project, as a member of a staff of a Committee of the Congress." Detail assignments should not exceed 1 year and should occur on a reimbursable basis. Details should be nonreimbursable only when the greatest benefit resides with DoD. The Directive also stated that to the extent possible, personnel shall not be detailed for their last tour before retirement or separation. Additionally, all requests for details must be approved by the ASD(FMP). The Office of the Secretary of Defense (OSD), the Military Departments, and the Defense agencies are responsible for ensuring implementation of the Directive.

Revised DoD Directive 1000.17. The ASD(FMP) issued a revised DoD Directive 1000.17 on February 24, 1997. The revised Directive contains additional policy requirements and procedures and expands definitions and

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responsibilities. The revised Directive now provides that civilians may be assigned to Congress only through scholarships, fellowships, grants, or internships or detailed to Congress to perform duties "for a specific duration, in a specific project, as a member of a staff of a Committee of the Congress." In addition, the revised Directive retains the requirement that requests for personnel details to Congress must be submitted for ASD(FMP) approval and the requests for personnel details must include the anticipated duration of the detail, the specific functions to be performed, and whether the detail is reimbursable or nonreimbursable. Additional revisions follow.

- o The ASD(FMP), in coordination with the General Counsel of the Department of Defense is authorized to grant exceptions to the requirement that personnel may be detailed to Congress to perform duties of a specific duration, in a specific project, as a member of a staff of a committee of Congress, only under compelling circumstances.

- o DoD personnel will not be detailed to a "third party" agency without ASD(FMP) approval.

- o Personnel detailed to Congress are required to receive training on avoidance of prohibited political activities before performing a congressional assignment.

- o After completing assignments, personnel detailed to Congress must submit to the ASD(FMP) an after-action report, including benefits accrued to DoD and major duties performed.

- o The ASD(FMP) is responsible for monitoring compliance with the Directive.

Former DoD Directive 1322.6, "Fellowships, Scholarships, and Grants for Members of the Armed Forces," August 4, 1981. DoD Directive 1322.6 established DoD policy and procedures under which members of the Armed Forces (not civilian employees) may accept fellowships, scholarships, and grants. The Directive applied to the OSD and the Military Departments only. The Directive defined the fellowship sponsors as "corporations, foundations, funds, or educational institutions organized and operated primarily for scientific, literary, or educational purposes and that enjoy tax-exempt status." When the purpose of the fellowship is education or training, the fellowship recipient must be competitively selected. In addition, military personnel must agree, in writing, to an active duty Service obligation following the fellowship. This obligation must be for a period at least three times the length of the period of the fellowship. The approval of the ASD(FMP) was not required for fellowship recipients.

Revised DoD Directive 1322.6. The ASD(FMP) issued a revised DoD Directive 1322.6 on February 24, 1997. The revised Directive, "Fellowships, Scholarships, and Grants for DoD Personnel," expands the Directive's applicability to include the Chairman of the Joint Chiefs of Staff, the combatant commands, the Defense agencies, and the DoD field activities. Most significant, the revised Directive now applies to DoD personnel, including

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civilians, within the Military Departments and Defense agencies and requires that DoD Components annually forward for ASD(FMP) approval the information concerning fellowship sponsors and positions assigned to the recipients of fellowships, scholarships, and grants. Additional requirements in the Directive for legislative fellowships follow.

- o Legislative fellowship programs must educate DoD personnel in the workings of the legislative branch of Government so that fellows can apply their new knowledge and skills in follow-on assignments.

- o DoD personnel must comply with the restrictions regarding partisan political activities, and guidelines on avoiding political activities must be provided to supervisors in the gaining organization of the legislative branch of personnel serving fellowships.

- o The ASD(FMP) must approve all fellowship sponsors and fellowship programs.

- o The ASD(FMP) must establish and publish an approved list of all fellowships, scholarships, and grants.

- o The ASD(FMP) must maintain oversight of the fellowship program.

FY 1996 Personnel Assignments to Congress

We identified 100 (49 detailees and 51 fellows) military and civilian personnel that the OSD, Military Departments, National Security Agency (NSA), Defense Intelligence Agency, Defense Logistics Agency (DLA), and Defense Advanced Research Projects Agency (DARPA) assigned to Congress in FY 1996. The Military Departments assigned 50 (29 detailees and 21 fellows) military personnel and 23 (2 detailees and 21 fellows) civilian personnel to the staffs of members of Congress and to congressional committees. The OSD and Defense agencies assigned 2 (both detailees) military personnel and 25 (16 detailees and 9 fellows) civilian personnel to the staffs of members of Congress and to congressional committees. Of the 100 DoD personnel we identified as assigned to Congress, 56 personnel were assigned to Senate members or committees and 44 were assigned to House members or committees. (See Appendix D for additional information on the 100 personnel.)

DoD Component Action Offices

Using documentation obtained from the personnel, training, and congressional liaison offices within the Military Departments and Defense agencies, we identified 100 military and civilian personnel assignments to Congress in FY 1996. However, we are uncertain whether we identified all DoD personnel

assigned to Congress in FY 1996. As of April 30, 1997, the Military Departments continued to identify additional personnel assignments to Congress for FY 1996. Uncertainty as to the total number of DoD personnel assigned to Congress exists because no central office within each of the Military Departments is responsible for managing congressional assignments and because various offices handled information for civilian and military personnel.

Congressional Detail Assignments

The Military Departments and NSA did not establish effective management controls to ensure that all requests for details to Congress were submitted to the ASD(FMP) for approval as required by DoD Directive 1000.17.

Requests for Initial Approval for Congressional Details. Of the total 49 military and civilian personnel detailed to Congress during FY 1996, 41 were detailed without the required ASD(FMP) approval.

- o The Military Departments detailed 29 (27 military and 2 civilian) personnel to Congress without ASD(FMP) approval because the Military Departments did not submit documented, detail requests to the ASD(FMP) for approval of the assignments as required by DoD Directive 1000.17.

- o The NSA detailed 12 (1 military and 11 civilian) personnel to Congress without ASD(FMP) approval because the NSA identified the 12 assignments as fellowships instead of details, and DoD Directive 1322.6, in effect at that time, did not require ASD(FMP) approval for fellowships. While Directive 1322.6 did not apply to NSA in 1996, it did set a DoD standard for appropriate fellowship programs. We believe that NSA should have met that standard and established a program with appropriate fellowship sponsors. In the absence of such a sponsored program, we believe that the authority for the 12 "fellows" should have been DoD 1000.17, the authority for details, and the assignments should have been submitted to ASD(FMP) for approval.

The ASD(FMP) received and approved eight requests for details, one from the Army, one from the Air Force, one each from DARPA and DLA, and two each from OSD and NSA.

Requests for Extensions for Congressional Assignments. The Military Departments extended five congressional assignments without ASD(FMP) approval. The Military Departments assigned five personnel to Congress under sponsored fellowship programs and extended the assignments without the continued sponsorship of the fellowship programs. Personnel assignments not sponsored by fellowship programs are considered details, which should be submitted to the ASD(FMP) for approval as required by DoD Directive 1000.17.

Military Details to the Staffs of Members of Congress. The Military Departments and NSA did not establish effective management controls to ensure

Military and Civilian Assignments to Congress

that military personnel were detailed only to the staffs of congressional committees. DoD Directive 1000.17 states that members of the Armed Forces may be detailed to Congress only to perform specific duties, for a specific period of time, on a staff of a committee of Congress. Of the 31 military personnel detailed to Congress by the Military Departments, NSA, and DARPA during FY 1996, 23 were assigned directly to staffs of members of Congress.

- o The Military Departments detailed 22 military personnel to the staffs of various members of Congress, and

- o the NSA detailed one military member to the staff of a member of Congress.

The restriction relating to the assignment of Armed Forces personnel to only the staff of a committee of Congress did not apply to DoD civilian detailees until Directive 1000.17 was revised in February 1997. See Appendix B for information on civilian detail assignments to the staffs of various members of Congress.

Nonreimbursable Details. The Military Departments; NSA; DARPA; ASD(SOLIC); and the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) did not establish effective management controls to ensure that costs for military and civilian personnel detailed to Congress would be reimbursed to DoD. Of the 49 DoD personnel detailed to Congress in FY 1996, DoD received reimbursement for only 2. As required by DoD Directive 1000.17, DoD personnel must be detailed to Congress on a reimbursable basis, unless DoD determined that the detail would provide a greater benefit to DoD than to Congress.

Military Department Assignments. During FY 1996, 31 (29 military and 2 civilians) personnel were detailed to Congress by the Military Departments on a nonreimbursable basis and without an evaluation of the benefits of the assignments to the DoD. The Military Departments did not perform the evaluations because the Military Departments did not establish evaluation procedures.

Defense Agency Assignments. Of the 18 personnel detailed by the Defense agencies to Congress during FY 1996, 16 were assigned on a nonreimbursable basis.

OSD Assignments. The ASD(SOLIC) and the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) each assigned one person to Congress without evaluating the benefits to the DoD because the Offices of the Assistant Secretaries did not establish procedures for conducting the evaluations.

Defense Advanced Research Projects Agency Assignment. The DARPA detailed one person to Congress without evaluating the benefits of the detail to the DoD because DARPA personnel believed that OSD had responsibility for determining whether a detail was reimbursable or nonreimbursable.

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National Security Agency Assignments. The NSA detailed one person to Congress on a reimbursable basis and one on a nonreimbursable basis. The NSA did not evaluate the benefits of the nonreimbursable detail to the DoD because NSA did not establish procedures for conducting the evaluations. The reimbursable detail was requested by Congress and was not based on an NSA evaluation.

As previously discussed, the NSA incorrectly identified 12 personnel as being under fellowship programs rather than on detail. Because NSA did not properly identify the assignments as details, the NSA also did not perform an evaluation as to whether the 12 personnel assignments to Congress should have been made on a reimbursable basis.

Defense Logistics Agency Assignments. In response to a request from a member of Congress for a specific individual, DLA detailed one person on a reimbursable basis to Congress. Because the detail was requested on a reimbursable basis, DLA did not need to determine whether the DoD would receive a greater benefit than Congress.

Plans to Initiate Procedures for Reimbursable Detail Assignments. During the audit, the Army drafted procedures to request reimbursement for future details of Army personnel to Congress. Air Force and Navy personnel stated that they will perform evaluations of the benefits of details, but the Air Force and Navy had not established procedures to implement that requirement. The ASD(SOLIC); the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); and DARPA had not established procedures to determine DoD benefits of detail assignments to Congress. The NSA established procedures and assigned an action officer to determine whether NSA should be reimbursed for personnel detailed to Congress.

Personnel Assignments Under Unsponsored Fellowship Programs. The Army Reserve Congressional Fellowship Program and the NSA Legislative Affairs Office Fellowship Program did not meet DoD Directive 1322.6 requirements.

Army Reserve Congressional Fellowship Program. The Army incorrectly identified three military personnel assignments to Congress as fellowships under the Army Reserve Congressional Fellowship Program instead of identifying the assignments as details. Because the Army Reserve Congressional Fellowship Program was not a recognized fellowship program and did not meet DoD Directive 1322.6 requirements, the Army should have identified the personnel assignments to Congress as details.

The Army Reserve Congressional Fellowship Program did not meet other fellowship program requirements established in the Directive. For example, the Army assigned one military member to Congress through the Army Reserve Congressional Fellowship Program in response to a specific congressional request for that individual. The fellowship selection process, therefore, was not competitive as required by DoD Directive 1322.6. Additionally, Army Reserve personnel from the Office of Policy and Liaison stated that one military member assigned to Congress through the Army Reserve Congressional Fellowship

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Program will retire following his 1-year assignment and without fulfilling the 3-year military service obligation required by DoD Directive 1322.6.

National Security Agency Legislative Affairs Office Fellowship Program. The NSA Legislative Affairs Office Fellowship Program was not sponsored by a fellowship sponsor as required by DoD Directive 1322.6. In January 1997, the ASD(FMP) disapproved the NSA request for seven 1997 NSA Legislative Affairs Office fellowships because the program was not sponsored as required by DoD Directive 1322.6. In March 1997, the ASD(FMP) granted NSA a 1-year waiver to the sponsorship requirements of DoD Directive 1322.6 and approved the 1997 NSA fellowship assignments to Congress. The NSA plans to obtain appropriate fellowship program sponsorship by 1998.

Additional Service Obligation Requirements Following Congressional Assignments. DoD Directive 1000.17 states that members of the military should not be assigned to duty outside DoD for the last tour before retirement or separation. Also, DoD Directive 1322.6 requires a written agreement from fellowship recipients that upon completion of the fellowship, the member of the military will perform an active duty service obligation three times the length of the fellowship. Revised DoD Directive 1322.6 does not address follow-on duty requirements for civilian fellowship recipients. We believe that the Directive should be expanded to require civilian fellowship recipients to sign a service obligation agreement and reimbursement of education costs if the service obligation is not fulfilled. Statutory authority for such agreements for civilians is included in United States Code, title 5, section 4108. The DoD cannot benefit from the congressional training and experience provided to DoD personnel when personnel details and fellowship recipients retire or separate from service immediately following a congressional assignment.

Military Personnel Detail Assignments. Six members of the military were assigned to Congress for their last tours of duty before retirement. Two Army and two Navy officers retired following their congressional detail assignments and did not perform an additional tour of duty. A Navy officer completed his congressional detail assignment in November 1996 and retired in the same month. Another Navy officer completed her congressional assignment with the Senate Appropriations Committee (Senate Subcommittee on Defense) in November 1996 and was employed by the Senate Appropriations Committee (Senate Subcommittee on Defense) following her December 1996 retirement. An Army officer completed his congressional detail assignment in October 1996 and retired without performing another tour of duty. Another Army officer completed his congressional assignment with the Senate Armed Services Committee in May 1996 and was employed by the Senate Armed Services Committee following his retirement and without having performed another tour of duty for the DoD. In addition, one Army Reserve detailee will retire in FY 1997 following the completion of his congressional detail, and one Navy fellow will retire from service 1 month after completing his congressional assignment in May 1997. The four Army and Navy officers retired, and two Army and Navy officers will retire from service immediately following their congressional assignments and will not return to DoD. Consequently, the DoD

cannot benefit from the congressional training and experience gained by DoD personnel while on assignment to Congress.

Congressional Fellowship Assignments

In FY 1996, the Military Departments and the Defense agencies assigned 51 military and civilian personnel to Congress through 3 sponsored fellowship programs. The Military Departments assigned a total of 21 military and 21 civilian personnel, and NSA, DLA, and the Defense Intelligence Agency assigned a total of 9 civilian personnel to congressional fellowships.

The DoD assigned personnel to the following three sponsored fellowship programs.

- o The Legislative Fellowship Program at the Brookings Institution sponsored 29 Military Department fellows, 5 NSA fellows, and 1 DLA fellow.

- o The American Political Science Association Congressional Fellowship Program sponsored eight Military Department fellows, two NSA fellows, and one Defense Intelligence Agency fellow.

- o The American Association for the Advancement of Science Congressional Fellowship Program sponsored five Military Department fellows.

In FY 1996, DoD guidance did not require ASD(FMP) approval of fellowship programs or fellowship recipients. We did not evaluate the procedures under which DoD personnel were selected for fellowship programs. We intend to address that issue during interviews with the 51 fellows assigned to Congress in FY 1996. See Appendix E for additional information on sponsored fellowship programs.

Army Office of the Chief of Legislative Liaison

During the audit, we asked the Military Departments about the actions they were taking to establish management controls and procedures for assigning military and civilian personnel to Congress in accordance with DoD requirements. The Army Office of the Chief of Legislative Liaison initiated action to draft procedures for assigning military and civilian personnel to Congress in accordance with DoD requirements. However, as of June 1997, the Secretary of the Army had not approved the procedures. The Navy and Air Force did not indicate that they were establishing management controls or procedures regarding the assignment of military and civilian personnel to Congress in accordance with current DoD requirements.

Increased Oversight of DoD Directives

Before the revision of DoD Directives 1000.17 and 1322.6, the ASD(FMP) increased oversight of congressional assignments. In a November 21, 1996, memorandum to the DoD Components, the ASD(FMP) stated that the continuation of existing personnel assignments to Congress must be justified on the basis of DoD Directive 1000.17 requirements and must be reported to the ASD(FMP). The memorandum also required OSD approval for all current and future personnel assignments to Congress. To more effectively monitor congressional assignments, the ASD(FMP) also established a data base for congressional details and fellowships.

In response to the November 21, 1996, memorandum, and the February 1997 revisions to the DoD directives, the Military Departments and Defense agencies requested ASD(FMP) approval for the continuation of FY 1996 details and fellowships and for FY 1997 details and fellowship assignments. The ASD(FMP) approved only those fellowship programs and detail assignments that met each of the requirements in DoD Directives 1000.17 and 1322.6.

- o The ASD(FMP) approved three sponsored fellowship programs: the LEGIS Fellows Program sponsored by the Brookings Institution, the American Political Science Association Congressional Fellowship Program, and the American Association for the Advancement of Science Congressional Fellowship Program.

- o The ASD(FMP) disapproved the U.S. Army Reserve Congressional Fellowship Program, the National Guard Bureau Congressional Fellowship Program, and the NSA Legislative Affairs Office Congressional Fellowship Program because those programs were not sponsored in accordance with requirements in DoD Directive 1322.6. The ASD(FMP) later granted a one-time waiver of the sponsorship requirement for the NSA Legislative Affairs Office Congressional Fellowship Program.

- o The ASD(FMP) did not approve three Army details, six Navy details, and one Air Force detail, pending review of additional documentation. The ASD(FMP) did not approve one of the Navy assignments because the Navy requested a fellowship extension. The ASD(FMP) responded that fellowships cannot be extended and that the Navy must resubmit the personnel assignment as a detail in accordance with DoD Directive 1000.17.

Because of increased ASD(FMP) oversight of improved policy guidelines, the ASD(FMP) will be able to monitor DoD Component compliance with DoD policies on congressional details and fellowship assignments.

Conclusions

The ASD(FMP) revised policies and increased oversight to strengthen policy guidelines for congressional assignments. However, the DoD Components need to establish effective management controls to ensure implementation of DoD policy regarding military and civilian assignments to Congress. The Military Departments; ASD(SOLIC); the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); DARPA; and NSA need to develop procedural controls to ensure that current and future congressional assignments of DoD personnel comply with DoD policy requirements. Effective procedural controls at the DoD Component level regarding accurate and complete reporting to the ASD(FMP) will help ensure that the ASD(FMP) has sufficient visibility of all DoD personnel working in the legislative branch and that personnel are assigned in accordance with DoD policy.

Recommendations, Management Comments, and Audit Response

Revised Recommendation. Recommendation 2.b.(2). was revised to clarify our intent that only detailees should be restricted to positions on staffs of committees of Congress.

1. We recommend that the Assistant Secretary of Defense (Force Management Policy) revise DoD Directive 1322.6, "Fellowships, Scholarships, and Grants for DoD Personnel," February 24, 1997, to require civilians to sign a service agreement whereby the individual agrees to a service obligation of three times the length of the period of the education or a pro rata reimbursement for the cost of the education if the individual leaves before completion of the service obligation.

Assistant Secretary of Defense (Force Management Policy) Comments. The ASD(FMP) concurred and plans to staff a revision to DoD Directive 1322.6 for coordination within 30 days of the issuance of this report. The ASD(FMP) also plans to establish controls to ensure that congressional fellowships for civilian personnel meet the statutory requirements to qualify as training.

General Counsel of the Department of Defense Comments. Although not required to comment, the General Counsel concurred with the recommendation, stating that civilian fellows can be held to service agreements when congressional fellowships qualify as training. The General Counsel also stated that the ASD(FMP) intends to revise DoD guidance and establish management controls to determine whether fellowships qualify as training.

2. We recommend that the Secretaries of the Military Departments:

a. Assign to a central action office responsibility for all military and civilian assignments to Congress.

b. Establish management controls to ensure that all military and civilian assignments to Congress are:

(1) Reviewed for approval by the Assistant Secretary of Defense (Force Management Policy).

(2) Detailed to positions on staffs of committees of the Congress.

(3) Detailed on a reimbursable basis, unless a determination is made based on DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," February 24, 1997, guidelines that the detail would provide greater benefits to the DoD than to Congress.

(4) Conform to the requirements in DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," February 24, 1997, that the assignment is not the last tour before retirement or separation from military service.

Army Comments. The Army concurred, stating that the Secretary of the Army published a October 17, 1996, memorandum assigning the Assistant Secretary of the Army (Manpower and Reserve Affairs) responsibility for oversight and approval of all congressional assignments and to develop regulatory guidance pertaining to the assignments. The Army has developed a proposed management process for congressional fellowship programs, congressional fellows, and congressional detailees. The Army also plans to publish, within the next 6 months, an Army regulation that will prescribe the policies and procedures for Army personnel to apply for and accept congressional fellowships. That guidance will be used together with DoD Directives 1000.17 and 1322.6.

Navy Comments. The Navy did not comment on the recommendation. We request that the Navy provide comments on the final report.

Air Force Comments. The Air Force concurred with Recommendations 2.a., 2.b.(1), 2.b.(3), and 2.b.(4), and nonconcurred with Recommendation 2.b.(2) to restrict all military and civilian detailees to positions on staffs of committees of Congress. The Air Force stated that fellows gain quality educational experience through assignments to personal staffs of members of Congress.

Audit Response. Although the Air Force concurred with Recommendations 2.a., 2.b.(1), 2.b.(3), and 2.b.(4), it did not provide specific actions to be taken or completion dates. Although the Air Force nonconcurred with Recommendation 2.b.(2), we consider the comments responsive. We revised Recommendation 2.b.(2) to clarify our intent that only detailees should be assigned to staffs of committees of Congress. Therefore, we ask that the Air

Force provide additional comments on the report to identify specific actions and completion dates for assigning responsibility for congressional assignments to a central action office and for establishing necessary management controls.

3. We recommend that the Secretary of the Army and the Director, National Security Agency, establish management controls to ensure that all military and civilian assignments to Congress are properly identified as details or fellows.

Army Comments. The Army concurred, stating that on April 30, 1997, the Army requested ASD(FMP) approval for a congressional detail that had been incorrectly identified as a fellow during FY 1996. As stated earlier in response to Recommendation 2., the Army has developed a proposed management process for congressional fellowship programs and congressional fellows and plans to publish an Army regulation prescribing the policies and procedures for Army personnel to apply for and accept congressional fellowships. That guidance will be used together with DoD Directives 1000.17 and 1322.6.

NSA Comments. The NSA nonconcurred with the finding that the NSA incorrectly identified 12 personnel as fellows instead of details, stating that DoD Directive 1322.6 did not apply to NSA civilians in 1996. NSA concurred with the recommendation, stating that documentation for the management controls will be completed by August 1, 1997.

Audit Response. We agree that DoD Directive 1322.6 did not apply to NSA during 1996. However, in instituting its fellowship program, we believe that the most appropriate course was to base the fellowship program on existing Department standards. DoD Directive 1322.6 listed those types of organizations eligible to sponsor fellowships in the Department, and the revised DoD Directive 1322.6, now applicable to NSA, continues that requirement.

4. We recommend that the Director, National Security Agency, establish management controls to ensure that:

a. All military and civilian assignments to Congress are reviewed for approval by the Assistant Secretary of Defense (Force Management Policy).

b. Military and civilian personnel detailed to Congress are assigned to positions on staffs of committees of Congress.

NSA Comments. The NSA concurred with the recommendation, stating that documentation for the management controls will be completed by August 1, 1997.

5. We recommend that the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict); and the Director, Defense Advanced Research Projects Agency, establish management controls to ensure that all military and civilian assignments to Congress are

detailed on a reimbursable basis, unless all factors in DoD Directive 1000.17 are met, including a determination that the detail would provide greater benefits to DoD than to Congress.

Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) Comments. The Assistant Secretary of Defense (Command, Control, Communications, and Intelligence) did not comment on the recommendation. We request that the Assistant Secretary provide comments on the final report.

Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict) Comments. The ASD(SOLIC) did not comment on the recommendation. We request that the ASD(SOLIC) provide comments on the recommendation in response to the final report.

Defense Advanced Research Projects Agency Comments. The DARPA nonconcurred with the finding and recommendation, stating that the approval letter for the DARPA detail clearly stated that the detailee must perform duties that reasonably related to DoD functions that are nonreimbursable. The approval letter is evidence of the required assessment of the benefit of the detail. DARPA also stated that it is the responsibility of the organization that pays the salary of the individual to determine whether a detail is reimbursable or nonreimbursable. Because a naval officer, whose salary was paid by the Navy, was the detailee, DARPA cannot require reimbursement for costs incurred.

Audit Response. The DARPA comments are not responsive to the recommendation. DARPA comments did not address controls currently in place to ensure that nonreimbursable details are made in accordance with DoD Directive 1000.17. Both former and current versions of DoD Directive 1000.17 state that "details on a nonreimbursable basis shall be made only when the greatest benefit of the detail rests with the DoD. . . . The details may be beneficial to both agencies but, absent a clear showing of preponderant benefit to the DoD, the detail shall be made on a reimbursable basis." The DARPA detail approval letter stated that the detailee must perform duties related to DoD functions, but did not document evidence of an assessment of duties or establish the basis for a nonreimbursable detail assignment. In accordance with DoD Directive 1000.17, DARPA is required to make a determination as to the reimbursable or nonreimbursable basis when detailing personnel to Congress. The DARPA position is inconsistent with DoD policy. We, therefore, request that the DARPA reconsider its position on the recommendation and provide additional comments on the final report.

Part II - Additional Information

Appendix A. Audit Process

Audit Scope

We reviewed Military Department and Defense agency procedures for assigning military and civilian personnel to Congress. Also, we evaluated DoD requirements for assigning DoD personnel to the legislative branch, identified personnel assigned to Congress during FY 1996 and the circumstances in which the assignments were made, and determined whether the DoD Components made military and civilian assignments to Congress in accordance with DoD policies.

Limitations to Audit Scope. In the phase of our review leading to this report, we did not address the duties performed and responsibilities held by DoD personnel on congressional assignment; the use of Army personnel, facilities, or services to brief congressional members and employees; or whether DoD personnel assigned to Congress had engaged in partisan political activity. Our review of those issues will involve interviewing the DoD personnel assigned to Congress during FY 1996 and will be discussed in a separate report at a later date.

Audit Period, Standards, and Locations. We conducted this performance audit from November 1996 through April 1997 in accordance with auditing standards issued by the Comptroller General of the United States, as implemented by the Inspector General, DoD. Accordingly, we included tests of management controls considered necessary.

Audit Contacts. We visited or contacted individuals or organizations within DoD and contacted officials at the Brookings Institution, the American Political Science Association, and the American Association for the Advancement of Science. Further details are available on request.

Audit Methodology

Using documentation obtained from the personnel, training, and congressional liaison offices within the Military Departments, Defense agencies, and OSD, we identified 100 military and civilian assignments to Congress during FY 1996. We conducted interviews with the Military Departments, Defense agencies, and OSD officials and reviewed documentation to determine the circumstances in which the congressional assignments were made. For each of the 100 personnel assignments, we determined whether:

- o personnel were assigned to Congress through details or fellowship programs,

- o fellowship programs were sponsored as required by DoD policy,
- o detail assignments were approved by the ASD(FMP),
- o detail personnel were assigned to perform duties as a member of a staff of a congressional committee,
- o details assigned to Congress on a nonreimbursable basis had been reviewed to determine that the DoD would benefit most from the detail, and
- o detail personnel retired or separated from a Service following the congressional assignment without performing an additional tour of duty.

We did not use computer-processed data or statistical sampling procedures to evaluate the assignment of DoD military and civilian personnel to Congress.

Prior Audits and Other Reviews

No prior audits have been performed relating to the assignment of DoD military and civilian personnel to Congress.

Management Control Program

DoD Directive 5010.38, "Management Control (MC) Program," August 26, 1996, requires DoD organizations to implement a comprehensive system of management controls that provides reasonable assurance that programs are operating as intended and to evaluate the adequacy of the controls.

Scope of Review of the Management Control Program. We reviewed the adequacy of management controls for assigning military and civilian personnel to congressional offices and committees. Additionally, we assessed management controls for ensuring effective oversight of policies governing DoD personnel assignments to Congress.

Adequacy of Management Controls. We identified material management control weaknesses, as defined by DoD Directive 5010.38, for the Office of the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); the Office of the Assistant Secretary of Defense (Force Management Policy); the OASD(SOLIC); the Military Departments; DARPA; and NSA.

Controls over the assignment of military and civilian personnel to Congress were not sufficient to ensure compliance with DoD directives governing personnel assignments to Congress. Specifically, the OSD, Military

Appendix A. Audit Process

Departments, and Defense agencies did not effectively implement DoD Directives 1000.17 and did not establish adequate management control techniques to ensure that personnel details to Congress:

- o were approved by the ASD(FMP),
- o involved assignments only to the staffs of congressional committees,
- o were evaluated to determine whether the costs of the details to Congress should have been reimbursed to the DoD, and
- o met military service obligations prior to retirement or separation from a Service.

Recommendation 1., if implemented, will allow the ASD(FMP) to more effectively monitor DoD compliance with DoD policies regarding congressional details and fellowship assignments. Recommendations 2., 3., 4., and 5., if implemented, will establish procedural controls at the OSD and DoD Component levels to help ensure effective implementation of DoD policy. A copy of the report will be provided to the senior official responsible for management controls within the Assistant Secretary of Defense (Command, Control, Communication, and Intelligence); the ASD(SOLIC); the Military Departments; DARPA; and NSA.

Appendix B. Other Matters of Interest

Civilian Details to the Staffs of Members of Congress. DoD Directive 1000.17 did not restrict civilian detail assignments to the staffs of congressional committees until February 1997; however, effective management controls must be established to implement the revised policy requirements and to sustain compliance with the Directive. During FY 1996, 12 of the 18 civilians detailed to Congress were assigned directly to staffs of members of Congress.

- o The ASD(SOLIC) and the Army each assigned one civilian detail to the staff of a member of Congress.

- o The NSA assigned 10 civilian details to the staffs of members of Congress.

By-name Requests. Of the 49 detail assignments to Congress in FY 1996, the Military Departments and Defense agencies assigned 17 personnel as a result of by-name requests from members of Congress. DoD Directive 1000.17 discourages by-name requests for details to Congress. In response to by-name requests from members of Congress, the Military Departments assigned 12 military personnel; the ASD(SOLIC), DARPA, and DLA each detailed one individual; and NSA assigned two personnel to Congress.

Assignments Exceeding 18 Months. Of the 100 personnel assignments to Congress in FY 1996, 8 exceeded 18 months. FY 1996 requirements in DoD Directive 1000.17 stated that details normally should not exceed 1 year. The revised Directive states that details should be for the minimum possible duration. The Army detailed four military personnel and the Navy detailed one military member for assignments that exceeded 18 months. Additionally, the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); ASD(SOLIC); and DLA also each detailed one civilian for assignments that exceeded 18 months. For example, DLA detailed a civilian to the House Committee on Appropriations from December 1993 to July 1996.

Assignment of Military Personnel by Defense Agencies. Revised DoD Directive 1000.17 requires ASD(FMP) approval for personnel detailed to a "third party" agency. In FY 1996, the NSA and DARPA each assigned a Navy officer to Congress and did not notify the Navy. The Navy officer assigned to DARPA was detailed to the Senate Subcommittee on Defense, Committee on Appropriations, from March through December 1995. The Navy officer assigned to NSA was detailed to House Speaker Newt Gingrich from April through December 1995. Navy personnel from the Office of the Assistant Secretary of the Navy (Manpower and Reserve Affairs) stated that the Navy was not aware, at the time of the assignment, that Defense agencies had assigned Navy personnel to Congress because NSA and DARPA did not inform the Navy of the details.

Assignments from Military Academies. During FY 1996, the Army and the Navy authorized assignments of cadets and midshipmen to Congress. During the summer of 1996, the United States Military Academy assigned 10 cadets to

Appendix B. Other Matters of Interest

Congress for 3 weeks through the Summer Individual Advanced Development Program. According to United States Military Academy personnel, the Summer Individual Advanced Development Program builds self-discipline, confidence, and motivation for service as a commissioned officer. During the summer of 1996, the United States Naval Academy assigned four midshipmen to Congress for 4 weeks. The assignments of the midshipmen were considered internships and satisfied a training requirement of the United States Naval Academy. We did not find any other DoD personnel internships to Congress.

Navy Clinic Located at the U.S. Capitol. There are Navy military personnel assigned to Congress based on specific statutory authority. We did not consider those personnel as detailees subject to DoD Directive 1000.17 requirements. Public Law 71-311, "An Act Making Appropriations for the Legislative Branch of the Government for the Fiscal Year Ending June 30, 1931, and for Other Purposes," established the Office of the Attending Physician, U.S. Congress. The Appropriations Act of 1976 requires Congress to reimburse the Navy for the salaries of personnel assigned to the Office of the Attending Physician. The Office of the Attending Physician, a congressional office located at the U.S. Capitol, is staffed with 14 (1 administrative officer and 13 nurses) civilians and 13 military personnel billets (doctors, pharmacy technicians, and medical technicians). Congress pays the civilians' salaries and reimburses the Navy for military personnel (nine officers and four enlisted personnel) salaries. Doctors and pharmacy technicians are assigned for 2-year tours, and medical technicians are assigned for 3-year tours. The Office of the Attending Physician provides care for members and employees of Congress, Supreme Court justices, and tourists on the Capitol grounds.

Appendix C. Congressional Correspondence

Congress of the United States
House of Representatives
Washington, DC 20515

October 22, 1996

The Honorable Eleanor Hill
Inspector General
Department of Defense
400 Army Navy Drive
Arlington, VA 22202-2284

Dear Inspector General Hill:

We have been extremely troubled to read reports (see enclosures) of improper use of military officers and training facilities.

First, various Pentagon entities, coordinated by the Chairman of the Joint Chiefs of Staff, have been providing active duty military personnel to the office of the Speaker of the House. Second, for at least the past several years, the Training and Doctrine Command at Fort Monroe, Virginia, has been providing training and support services to Speaker Gingrich, his staff, and other Republican members of Congress. Both the staffing and training services are, in our opinion, unauthorized and, regardless, involve partisan activities prohibited by departmental regulations.

According to published reports, after the 1994 election, the Speaker of the House requested DoD to supply him with officers to help him pass the Republican agenda in the 104th Congress. Incredibly, the Pentagon happily obliged. The staffing services appear to run afoul of Department of Defense rules governing the detailing of personnel outside the department, and clearly raise serious questions about the use of military personnel in partisan, political activities.

The assignment of these officers is not authorized by DoD regulation or directive. The department has made frequent mention of a Congressional Fellows Program in the office of the Chairman of the Joint Chiefs but, in fact, no such program exists. According to House regulations, if the assignments were authorized, they should have been on a reimbursable basis. Regardless of authorization or reimbursement, the officers are working on prohibited partisan, political activities in the Speaker's office and related entities.

We suspect their activities are partisan based on statements by top House Republican staffers that the officers have worked on, among other things, "a training and orientation manual for new Republican members [which] will lay out Gingrich's legislative strategy and tactics, a road map to be used by Republicans to formulate and pass legislation, to organize the disparate factions in Congress and to create a 'finely orchestrated team' to carry out the Republican agenda." Further,

Appendix C. Congressional Correspondence

Speaker Gingrich's chief of staff said that the officers "helped Gingrich's staff prepare military-style 'after-action reviews' on the GOP's 1995 budget battle."

We are equally disturbed by reports of DoD's training services for Republican members. Last December press reports stated that "over the past year, members of the House Republican leadership and their staff have quietly circulated in and out of 'Tra-Doc' centers at Fort Monroe, Virginia, and Fort Leavenworth, Kansas, to study military planning and training." Another report quoted a TRADOC congressional liaison as saying that the House Speaker has been using TRADOC facilities "for 15 to 20 years."

In yet another story, Rep. Peter Hoekstra was identified as designated by the Speaker to head a "Majority Planning Group" to instill Army strategies in Republican projects." He apparently travelled to TRADOC headquarters at least twice and his "group would later produce a GOP strategic doctrine inspired by the Army's field manual." The story went on to say that "the Army picked up the whole tab, from the costs of bringing the Members down, to their meals and lodging." Despite of concern by an Army officer that these activities were inappropriate, they continued.

We hereby request that you investigate the recruitment and assignment of military personnel to work in the office of the Speaker, as well as the activities of these personnel for the Speaker and the House Republican Conference. We also request that you investigate the use of Army personnel, facilities, and services to provide training support for members of congress.

Your investigation should include, but not be limited to:

- (1) the circumstances under which officers and training programs were identified, and assigned;
- (2) who issued the orders and what authority was relied on in assigning the officers to the Speaker and making training services available;
- (3) the cost to the military of the officers' services and TRADOC training, including salary, housing, transportation and reassignment costs, and whether such costs have been reimbursed;
- (4) whether the assignment of the officers was authorized by any existing DoD fellowship program regulations; and
- (5) whether the work officers are performing and the training provided for members is partisan political activity.

As part of your investigation of part (5), please include in your report any and all documents prepared by the officers for Speaker Gingrich, his staff, or other House Republican officials or entities.

Sincerely,


Patricia Schroeder


Esteban Torres


George Miller


David Minge


Barney Frank

Appendix C. Congressional Correspondence

REPLY TO:

135 HART SENATE OFFICE BUILDING
WASHINGTON, DC 20510-1501
(202) 224-3744
TTY: (202) 224-4479
e-mail: chuck_grassley@grassley.senate.gov

721 FEDERAL BUILDING
210 WALNUT STREET
DES MOINES, IA 50309-2140
(515) 266-4880

206 FEDERAL BUILDING
101 1ST STREET SE.
CEDAR RAPIDS, IA 52401-1327
(319) 363-6832

United States Senate

CHARLES E. GRASSLEY

WASHINGTON, DC 20510-1501

November 1, 1996

REPLY TO:

103 FEDERAL COURTHOUSE BUILDING
320 5TH STREET
SIoux CITY, IA 51101-1244
(712) 233-1880

210 WATERLOO BUILDING
531 COMMERCIAL STREET
WATERLOO, IA 50701-5487
(319) 232-6867

116 FEDERAL BUILDING
131 E. 4TH STREET
DAVENPORT, IA 52801-1513
(319) 322-4321

307 FEDERAL BUILDING
8 SOUTH 8TH STREET
COUNCIL BLUFFS, IA 51501-4204
(712) 322-7103

Ms. Eleanor Hill
Inspector General
Department of Defense
400 Army Navy Drive
Arlington, VA 22202-2884

Dear Ms. Hill:

I am writing to express concern about the assignment of Department of Defense (DOD) personnel to the legislative branch of the government and to request a thorough review of the entire practice.

My request was prompted by a letter from Congresswoman Patricia Schroeder and others, asking you to examine questions surrounding the assignment of military personnel to House Speaker Gingrich's staff. That letter is dated October 22, 1996. I would like to associate myself with the issues raised in their letter and would like to join them in sponsoring the inquiry. When the work they requested is finished, I ask to be informed of your findings and recommendations.

While I support Congresswoman Schroeder's request one hundred percent, I think it is far too narrow in focus. A much broader inquiry is needed.

Therefore, I respectfully request that you conduct a review to determine exactly how many DOD personnel - military and civilian - are currently assigned to duty in Congress. What kinds of positions do they occupy? Are they assigned to personal staff or to committee and leadership positions or to any other offices? I would like you to examine the policies and procedures governing these assignments and determine whether they are consistent with the law in every respect. I would like to know who approves these assignments? What is the duration of these assignments? What is the purpose of these assignments? Who pays them? Who evaluates the job performance of each individual and signs their fitness reports? And finally, I would like you to contact other agencies to compare their practices and procedures with those of the Defense Department.

Quite frankly, Ms. Hill, I think the practice of assigning military personnel to positions in Congress is totally inappropriate and dangerous over the long run. It has the potential for undermining and eroding two sacred Constitutional principles of American national government - the separation of powers and civilian control of the military.

FINANCE
GOVERNMENTAL AFFAIRS

Committee Assignments:

JUDICIARY
AGRICULTURE

BUDGET
SPECIAL COMMITTEE ON AGING

PRINTED ON RECYCLED PAPER

Appendix C. Congressional Correspondence

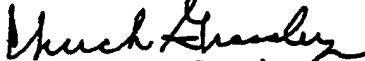
First, this practice allows - even encourages - members of the armed forces to become directly involved in politics. Second, it gives the military an impossible mission - oversight of itself. That responsibility belongs exclusively to civilians under the long-standing Constitutional doctrine of civilian control of the military. This practice threatens to militarize the civilian control function of our government. And that's a terrible mistake. As an example, several months ago I saw at least one active duty military officer on the floor of the Senate - in civilian clothes handing out a fancy Senate staff business card - aggressively lobbying against a measure to control military spending. That is not appropriate, and it may not be legal.

There is simply no legitimate role for the armed forces in politics in the United States of American. Period!

A vast network for legislative liaison has been established to bridge the gap and to facilitate the flow of information between the two branches of government. That is an important and useful function. However, the assignment of military personnel to the legislative branch takes the whole process one step too far. It could start to close the gap that must always separate the Department of Defense and the Congress.

Ms. Hill, we cannot begin to solve this problem until we understand its true dimensions. Please gather all the pertinent facts and report back to me no later than February 1, 1997.

Sincerely,


Charles E. Grassley
U.S. Senator

Copy to:
Congresswoman Pat Schroeder

Appendix D. FY 1996 Personnel Assignments to Congress

	<u>Mil.</u> <u>Civ.</u> ¹	<u>Pay</u> <u>Grade</u>	<u>Congressional</u> <u>Assignment</u>	<u>Start Date</u>	<u>End Date</u>	<u>Months</u>	<u>Assignment</u> <u>Authority</u>	<u>By name</u> ²	<u>OSD</u> <u>Approved</u>
Department of the Air Force									
1.	Mil.	0-4	Rep. Spratt	Jan. 96	Dec. 96	12	Legis ³	N/A ⁴	N/A
2.	Mil.	0-4	Rep. Gingrich	Apr. 96	Mar. 97	12	Detail	No	No
3.	Civ.	GS14	SGAC	Jan. 96	Aug. 96	8	Detail	Yes	No
4.	Mil.	0-4	Sen. Kyl	Jan. 96	Dec. 96	12	Legis	N/A	N/A
5.	Mil.	0-4	Sen. Levin	Jan. 96	Dec. 96	12	Legis	N/A	N/A
6.	Mil.	0-4	Sen. Coats	Jan. 96	Dec. 96	12	Legis	N/A	N/A
7.	Mil.	0-5	Rep. Watts	Sept. 96	Jun. 97	10	AAAS ⁵	N/A	N/A
8.	Civ.	GS14	SGAC ⁶	Jan. 96	Dec. 96	12	Legis	N/A	N/A
9.	Mil.	0-5	Sen. Inouye	Jan. 96	Dec. 96	12	Detail	No	Yes
10.	Mil.	0-4	HGROC ⁷	Jan. 96	Dec. 96	12	Legis	N/A	N/A
11.	Civ.	GM14	Rep. Dillan	Jan. 96	Aug. 96	8	Legis	N/A	N/A
12.	Mil.	0-5	Rep. Watts	Jan. 95	Sept. 96	21	Detail ⁸	N/A	No
13.	Civ.	GM15	SGAC	Jan. 96	Oct. 96	10	Legis	N/A	N/A
14.	Mil.	0-4	Sen. Ashcroft	Jan. 96	Aug. 96	8	APSA ⁹	N/A	N/A
15.	Mil.	0-5	Rep. Murtha	Aug. 96	Dec. 96	5	Detail	Yes	No
16.	Mil.	0-4	Rep. Laughlin	Jan. 96	Jun. 96	6	Legis	N/A	N/A
17.	Mil.	0-4	Sen. Kennedy	Jan. 96	Dec. 96	12	Legis	N/A	N/A
18.	Civ.	GM15	SGAC	Nov. 95	Sept. 96	11	APSA	N/A	N/A
19.	Mil.	0-4	Sen. Stevens	Jan. 96	Dec. 96	12	Legis	N/A	N/A
20.	Mil.	0-4	SAC ¹⁰	Jan. 96	Oct. 96	10	Detail	No	No
21.	Mil.	0-3	Rep. Boucher	Jan. 96	Aug. 96	8	AAAS	N/A	N/A
22.	Mil.	0-2	SFRC ¹¹	Jan. 96	Jun. 96	6	Detail	No	No
Department of the Army									
23.	Mil.	0-4	SASC ¹²	Mar. 96	May 96	3	Detail	Yes ¹³	Yes
24.	Mil.	0-4	Rep. Gingrich	Apr. 96	Apr. 97	13	Detail	No	No
25.	Mil.	0-5	Sen. Lieberman	Sept. 96	Dec. 97	16	Detail ¹⁴	Yes	No
26.	Mil.	0-6	Rep. Norwood	July 95	July 96	13	AAAS	N/A	N/A
27.	Civ.	GS15	Sen. Kyl	Jan. 95	Dec. 95	12	Legis	N/A	N/A
28.	Mil.	0-6	Rep. Norwood	July 96	July 97	13	AAAS	N/A	N/A
29.	Mil.	0-5	Sen Bryan	Jan. 96	July 96	7	APSA	N/A	N/A
30.	Civ.	GS15	Rep. Pallone	Jan. 96	Dec. 96	12	Legis	N/A	N/A
31.	Civ.	GS15	SGAC	Jan. 95	Dec. 95	12	Legis	N/A	N/A
32.	Mil.	0-4	Sen. Inhofe	May 95	July 96	15	Detail ¹⁴	No	No
33.	Mil.	0-5	Sen. Kerry	Dec. 95	Sept. 96	10	APSA	N/A	N/A
34.	Mil.	0-5	Rep. Sisisky	Jan. 96	Jun. 96	6	APSA	N/A	N/A
35.	Civ.	GS13	Rep. Hoyer	Jan. 96	Dec. 96	12	Legis	N/A	N/A
36.	Mil.	0-5	SAC	Mar. 95	Aug. 96	18	Detail	Yes ¹³	No

See footnotes at end of table.

Appendix D. FY 1996 Personnel Assignments to Congress

	<u>Mil. Civ.</u>	<u>Pay Grade</u>	<u>Congressional Assignment</u>	<u>Start Date</u>	<u>End Date</u>	<u>Months</u>	<u>Assignment Authority</u>	<u>By name</u>	<u>OSD Approved</u>
Department of the Army (con't)									
37.	Mil.	0-5	Sen. Hutchison	Sept. 95	Oct. 96	14	Detail	No	No
38.	Civ.	GS14	Sen. Cohen	Jan. 95	Jan. 97	25	Detail ⁸	N/A	No
39.	Mil.	0-4	Rep. Tiahrt	Jun. 95	Dec. 96	19	Detail ¹⁴	No	No
40.	Mil.	0-5	Sen. Gregg	July 95	Aug. 96	14	AAAS	N/A	N/A
41.	Mil.	0-5	Rep. Gingrich	Apr. 95	Apr. 96	13	Detail	No	No
42.	Civ.	GS14	HGROC	Jan. 95	Dec. 95	12	Legis	N/A	N/A
43.	Civ.	GS14	Sen. Reid	Jan. 96	May 97	17	Legis	N/A	N/A
44.	Mil.	0-6	Sen. Inouye	Jan. 95	July 96	19	Detail	No	No
45.	Civ.	GS14	Rep. Scott	Jan. 96	Dec. 96	12	Legis	N/A	N/A
46.	Mil.	0-4	Sen. Kempthorne	Oct. 95	July 96	10	Detail ⁸	N/A	No
47.	Mil.	0-5	Rep. Montgomery	Mar. 95	Dec. 96	22	Detail	Yes	No
48.	Mil.	0-4	Rep. Tanner	Jan. 96	Jan. 97	13	APSA	N/A	N/A
49.	Mil.	0-4	SAC	Jan. 96	May 96	5	Detail	Yes	No
50.	Mil.	0-5	SASC	Jan. 95	Aug. 96	20	Detail	Yes ¹³	No
Department of the Navy									
51.	Mil.	0-5	Rep. Gingrich	Mar. 96	Jun. 97	16	Detail	No	No
52.	Civ.	GS14	Sen. Ashcroft	Feb. 96	Dec. 96	11	Legis	N/A	N/A
53.	Mil.	0-5	Sen. Craig	Jan. 96	Nov. 96	11	Legis	N/A	N/A
54.	Mil.	0-5	Sen. Johnston	Jan. 96	Nov. 96	11	Detail	Yes	No
55.	Mil.	0-5	SAC	July 95	Nov. 96	17	Detail	Yes	No
56.	Mil.	0-5	Sen. Nunn	Feb. 96	Jan. 97	12	Detail	No	No
57.	Civ.	GM13	Rep. Ehrlich	Sept. 95	Dec. 96	16	APSA	N/A	N/A
58.	Civ.	GS15	Rep. Saxton	Apr. 95	Feb. 96	11	Legis	N/A	N/A
59.	Civ.	GM14	Rep. Dicks	Feb. 96	Aug. 96	7	Legis	N/A	N/A
60.	Civ.	GS14	Sen. Wellstone	Feb. 96	Dec. 96	11	Legis	N/A	N/A
61.	Mil.	0-5	Sen. Bond	Dec. 94	May 97	30	Detail ⁸	N/A	No
62.	Civ.	GM15	CRS ¹⁵	Feb. 96	Dec. 96	11	Legis	N/A	N/A
63.	Mil.	0-6	Rep. Gingrich	Mar. 96	Jan. 97	11	Detail	No	No
64.	Mil.	0-5	Sen. Warner	Dec. 94	Mar. 97	28	Detail ⁸	N/A	No
65.	Mil.	0-5	Sen. Spector	Jan. 96	Aug. 96	8	Legis	N/A	N/A
66.	Civ.	GS13	Sen. Robb	Dec. 95	Dec. 96	13	APSA	N/A	N/A
67.	Civ.	GM15	Rep. DeWine	Feb. 96	Dec. 96	11	Legis	N/A	N/A
68.	Civ.	GS13	Rep. Weldon	Feb. 96	Dec. 96	11	Legis	N/A	N/A
69.	Mil.	0-5	Sen. Cohen	Jan. 96	Jan. 97	13	Legis	N/A	N/A
70.	Mil.	0-3	Sen. Spector	Jun. 96	Jun. 97	13	Detail	Yes ¹³	No
71.	Mil.	0-4	Sen. McCain	Jan. 96	Jan. 97	13	Detail	No	No
72.	Mil.	0-5	Sen. Lott	Mar. 96	Oct. 97	20	Detail	Yes	No
73.	Civ.	GM14	Sen. Lautenberg	Feb. 96	Dec. 96	11	Legis	N/A	N/A

See footnotes at end of table.

Appendix D. FY 1996 Personnel Assignments to Congress

<u>Mil. Civ.</u>	<u>Pay Grade</u>	<u>Congressional Assignment</u>	<u>Start Date</u>	<u>End Date</u>	<u>Months</u>	<u>Assignment Authority</u>	<u>By name</u>	<u>OSD Approved</u>
Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)								
74. Civ.	GM15	Secrecy Commission	July 95	Mar. 97	21	Detail	No	Yes
Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict)								
75. Civ.	ES5	Sen. Kennedy	Jan. 95	Aug. 96	20	Detail	Yes ¹³	Yes
Defense Advanced Research Projects Agency								
76. Mil.	0-6	SSDA ¹⁶	Mar. 95	Dec. 95	10	Detail	Yes ¹³	Yes
Defense Intelligence Agency								
77. Civ.	GG15	Sen. Santorum	Jan. 96	Sept. 96	9	APSA	N/A	N/A
Defense Logistics Agency								
78. Civ.	GM15	HAC ¹⁷	Dec. 93	July 96	32	Detail ¹⁸	Yes ¹³	Yes
79. Civ.	GM15	Sen. Robb	Jan. 96	Aug. 96	8	Legis	N/A	N/A
National Security Agency								
80. Civ.	GGD13	Rep. Ehrlich	Apr. 95	Dec. 95	9	Detail ¹⁹	N/A	No
81. Civ.	GGD13	Rep. Molinari	Jan. 96	Oct. 96	10	Detail ¹⁹	N/A	No
82. Civ.	GGD14	HGROC	Jan. 95	Dec. 95	12	Legis	N/A	N/A
83. Civ.	GGD13	Rep. Bonilla	Jan. 96	Oct. 96	10	Detail ¹⁹	N/A	No
84. Civ.	GGD13	Rep. Gejdenson	Apr. 95	Feb. 96	11	Detail ¹⁹	N/A	No
85. Civ.	GGD15	Rep. Kingston	Jan. 96	July 96	7	Legis	N/A	N/A
86. Civ.	GGD14	Sen. Glenn	Apr. 95	Dec. 95	9	Detail ¹⁹	N/A	No
87. Civ.	GGD13	Sen. Mikulski	Jan. 96	July 96	7	Legis	N/A	N/A
88. Civ.	GGD14	Rep. Thomas	Jan. 96	Dec. 96	12	Detail ¹⁹	N/A	No
89. Mil.	0-4	Rep. Gingrich	Apr. 95	Dec. 95	9	Detail ¹⁹	N/A	No
90. Civ.	GGD14	Rep. Hyde	Nov. 95	Sept. 96	11	APSA	N/A	N/A
91. Civ.	GGD13	HBS ²⁰	Apr. 95	Oct. 95	7	Detail ¹⁹	N/A	No
92. Civ.	GGD14	Sen. Akaka	Jan. 96	July 96	7	Detail ¹⁹	N/A	No
93. Civ.	GGD13	Rep. Menendez	Jan. 96	July 96	7	Detail ¹⁹	N/A	No
94. Civ.	GGE12	HAC	July 96	July 97	13	Detail ¹⁸	Yes ¹³	Yes
95. Civ.	GGD13	Rep. Portman	Jan. 96	July 96	7	Detail ¹⁹	N/A	No
96. Civ.	GGD13	Sen. Inouye	Jan. 96	July 96	7	Legis	N/A	N/A
97. Civ.	GGD14	HJC ²¹	Nov. 95	Sept. 96	11	APSA	N/A	N/A
98. Civ.	GGD14	Rep. Kennedy	Apr. 95	May 96	14	Detail ¹⁹	N/A	No
99. Civ.	GGD14	Sen. Bingaman	Jan. 96	Dec. 96	12	Legis	N/A	N/A
100. Civ.	GGD13	Secrecy Commission	Sept. 95	Dec. 96	16	Detail	Yes ¹³	Yes

See footnotes at end of table.

Appendix D. FY 1996 Personnel Assignments to Congress

- ¹Military or civilian personnel assignments.
- ²A by name-request is from a member of Congress for a specific individual.
- ³LEGIS Fellows Program.
- ⁴Not Applicable (the by-name request and OSD approved columns do not pertain to fellowships).
- ⁵American Association for the Advancement of Science.
- ⁶Senate Governmental Affairs Committee.
- ⁷House Government Reform and Oversight Committee.
- ⁸Extended fellowship.
- ⁹American Political Science Association.
- ¹⁰Senate Appropriations Committee.
- ¹¹Senate Foreign Relations Committee.
- ¹²Senate Armed Services Committee.
- ¹³Written by-name request.
- ¹⁴Assigned under the Army Reserve Congressional Fellowship Program.
- ¹⁵Congressional Research Service.
- ¹⁶Senate Subcommittee on Defense Appropriations.
- ¹⁷House Appropriations Committee.
- ¹⁸Reimbursable assignment.
- ¹⁹Assigned under the National Security Agency Legislative Affairs Office Fellowship Program.
- ²⁰House Banking Subcommittee.
- ²¹House Judiciary Committee.

Appendix E. Fellowship Programs

In FY 1996, the Military Departments and Defense agencies assigned personnel to Congress through three sponsored fellowship programs. The FY 1997 revisions to DoD Directive 1322.6 established requirements for ASD(FMP) approval of DoD fellowship programs. Subsequently, the ASD(FMP) approved three fellowship program sponsors: the Brookings Institution, the American Political Science Association, and the American Association for the Advancement of Science.

Fellowship Guidelines. The Brookings Institution, the American Political Science Association, and the American Association for the Advancement of Science established similar guidelines for fellowship programs regarding the selection of fellows, assignments to congressional offices, work requirements, and orientation training before congressional assignment. The guidelines for the three approved fellowship programs follow.

- o The fellowship recipient selection process must be competitive with final approval by the fellowship sponsor.

- o Fellows request interviews at congressional offices to determine where they want their congressional assignments to be performed.

- o Fellowship assignments are full-time positions. For example, the American Political Science Association fellows must agree to suspend professional and other commitments that might conflict with their full participation in the program.

- o The fellowship sponsor will provide a 3-week orientation session prior to congressional assignments.

- o Fellows must abide by laws governing work done in Congress by agency personnel.

American Association for the Advancement of Science. The American Association for the Advancement of Science provides the orientation session for fellows and manages the fellowship program for several science associations. The science associations select participants and manage funding for fellowship costs. In FYs 1996 and 1997, the Military Departments participated in fellowships sponsored by three associations under the American Association for the Advancement of Science: the American Dental Association, the American Psychological Association, and the American Veterinary Medical Association.

Fellowship Funding. The Military Departments and Defense agencies funded fellowship program costs for all but two fellowship program sponsors. The American Dental Association and the American Veterinary Medical Association funded fellowships under the American Association for the Advancement of Science fellowship program.

Appendix E. Fellowship Programs

Funded by Military Departments and Defense Agencies. The Military Departments and Defense Agencies paid all fellowship program costs for DoD congressional fellows participating in the Brookings Institution and American Political Science Association programs. Congressional fellowships at the Brookings Institution cost \$3,750 for 7 months and \$4,950 for 12 months. American Political Science Association Congressional fellowships cost \$4,000 per participant and an additional \$2,250 for a Foreign Affairs Fellow. The Military Departments also paid the fellowship costs (\$2,700 management fee per participant) for the American Psychological Association fellowship managed by the American Association for the Advancement of Science. When questioned as to whether funds from foreign sources were used to pay any portion of the cost of those fellowships, the Brookings Institution, the American Political Science Association, and the American Psychological Association indicated that funds from foreign sources were not used to pay for DoD fellowships.

Funded by Association. The American Dental Association and the American Veterinary Medical Association each paid the \$2,700 management fee for fellowships under the American Association for the Advancement of Science. The American Dental Association paid the fees from funds received from dues, educational programs, sale of publications, and investments. The American Veterinary Medical Association paid fees from the American Veterinary Medical Foundation, which receives funds from state associations, individuals, and veterinary clinics and practices. When questioned as to the use of funds from foreign sources to pay for fellowship programs, both associations replied that they were not aware of the use of funds from foreign sources to pay for DoD fellowships.

Appendix F. Report Distribution

Office of the Secretary of Defense

Under Secretary of Defense (Comptroller)
Deputy Chief Financial Officer
Deputy Comptroller (Program/Budget)
Under Secretary of Defense for Personnel and Readiness
Assistant Secretary of Defense (Force Management Policy)
Assistant Secretary of Defense (Command, Control, Communications, and Intelligence)
Assistant Secretary of Defense (Legislative Affairs)
Assistant Secretary of Defense (Public Affairs)
Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict)
General Counsel
Director, Defense Logistics Studies Information Exchange

Department of the Army

Secretary of the Army
Assistant Secretary of the Army (Financial Management and Comptroller)
Auditor General, Department of the Army

Department of the Navy

Secretary of the Navy
Assistant Secretary of the Navy (Financial Management and Comptroller)
Auditor General, Department of the Navy

Department of the Air Force

Secretary of the Air Force
Assistant Secretary of the Air Force (Force Management and Comptroller)
Auditor General, Department of the Air Force

Other Defense Organizations

Director, Ballistic Missile Defense Organization
Director, Defense Advanced Research Projects Agency
Director, Defense Commissary Agency
Director, Defense Contract Audit Agency
Director, Defense Finance and Accounting Service
Director, Defense Information Systems Agency

Other Defense Organizations (con't)

Director, Defense Investigative Service
Director, Defense Logistics Agency
Director, National Security Agency
Inspector General, National Security Agency
Director, Defense Security Assistance Agency
Director, Defense Special Weapons Agency
Director, Washington Headquarters Services
Inspector General, Defense Intelligence Agency

Non-Defense Federal Organizations and Individuals

Office of Management and Budget
Technical Information Center, National Security and International Affairs Division,
General Accounting Office

Chairman and ranking minority member of each of the following congressional
committees and subcommittees

Senate Committee on Appropriations
Senate Subcommittee on Defense, Committee on Appropriations
Senate Committee on Armed Services
Senate Committee on Governmental Affairs
House Committee on Appropriations
House Subcommittee on National Security, Committee on Appropriations
House Committee on Government Reform and Oversight
House Subcommittee on Government Management, Information, and Technology,
Committee on Government Reform and Oversight
House Subcommittee on National Security, International Affairs, and Criminal
Justice, Committee on Government Reform and Oversight
House Committee on National Security

Honorable Charles E. Grassley, U.S. Senate
Honorable Barney Frank, U.S. House of Representatives
Honorable George Miller, U.S. House of Representatives
Honorable David Minge, U.S. House of Representatives
Honorable Esteban Torres, U.S. House of Representatives

Part III - Management Comments

General Counsel of the Department of Defense Comments



DEPARTMENT OF DEFENSE
OFFICE OF GENERAL COUNSEL
1600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-1600



15 JUN 1997

MEMORANDUM FOR THE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

SUBJECT: Draft Audit Report on Review of Military and Civilian Personnel Assignments to Congress (Project No. 5RD-5016)

This is in response to the Department of Defense Inspector General (DoD IG) draft audit report on Review of Military and Civilian Personnel Assignments to Congress (Project No. 5RD-5016). We concur with the recommendations, with the following caveats.

Recommendation #1 would require civilian personnel selected for Congressional fellowships to sign a service agreement, pursuant to 5 U.S.C. § 4108 (attached), committing to a service obligation of three times the length of the period of the education or a *pro rata* reimbursement for the cost of the education if an individual were to leave before completion of the service obligation. To hold civilian employees to such a commitment pursuant to section 4108, the Congressional fellowships must qualify as training, as defined in 5 U.S.C. § 4101(4) (attached). While this definition gives the Department great flexibility in determining what is or is not training, it is questionable whether all of the Congressional fellowships currently in place meet the definition. However, we are advised that ASD(FMP), concurs with this recommendation and intends to put in place the necessary regulatory changes and quality controls to ensure that the fellowships fully meet the statutory definition of "training."

Additionally, it should be noted that section 4108 limits the amount of the recovery in the event that an individual fails to complete his or her service obligation to the "amount of the additional expenses incurred by the Government in connection with [the] training[.]" It is possible, in the case of at least some Congressional fellowships, that such additional expenses would be *de minimis*.

In several places, the Draft Report implies that violations of former DoD Directive 1322.6, "Fellowships, Scholarships, and Grants for Members of the Armed Forces," August 4, 1981, occurred where, when the fellowships exceeded 26 weeks and recipients were not required to agree in writing to serve, and did not serve, on active duty for a period of at least three times the length of the training/education, after completing the training/education. While this was the general rule as stated in the regulation, both the former Directive and its replacement, DoD 1322.6, "Fellowships, Scholarships, and Grants for DoD Personnel," February 24, 1997, provide exceptions for fellowships whose purpose is to "permit the member to work on a project of value to the United States." The current version of the Directive adds the additional phrase "rather than to fulfill requirements of an academic degree." This addition is consistent with the broad purposes

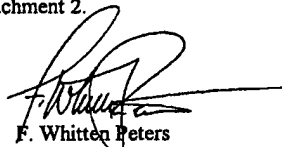


General Counsel of the Department of Defense Comments

set forth in 10 U.S.C. § 2603 (attached), which addresses military personnel, and 5 U.S.C. § 4108, both of which provide the statutory bases for the requirement. The failure of one or more individuals to serve on active duty after the completion of a Congressional fellowship does not violate *per se* the Directive or its statutory underpinning, if, in fact, the purpose of the fellowship was to permit the individual to work on a project of value to the United States and a determination to that effect was made at the time of the decision not to require subsequent active duty service.

In addition, as is stated in the Draft Report with respect to personnel detailed to duties with the Congress pursuant to DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," the current version of this regulation states only that, as a matter of Department policy, personnel "should" not be detailed outside DoD when the detail would be the individual's last tour before retirement.

Technical comments are at attachment 2.



F. Whitten Peters
Principal Deputy General Counsel

Attachments
as stated

General Counsel of the Department of Defense Comments

5 U.S.C. § 4101 Definitions:

"(4) 'training' means the process of providing for and making available to an employee, and placing or enrolling the employee in, a planned, prepared, and coordinated program, course, curriculum, subject, system, or routine of instruction or education, in scientific, professional, technical, mechanical, trade, clerical, fiscal, administrative, or other fields which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals[.]"

5 U.S.C. § 4108. Employee agreements: service after training

"(a) An employee selected for training for more than a minimum period prescribed by the head of the agency shall agree in writing with the Government before assignment to training that he will -

(1) continue in the service of his agency after the end of the training period for a period at least equal to three times the length of the training period unless he is involuntarily separated from the service of his agency; and

(2) pay to the Government the amount of the additional expenses incurred by the Government in connection with his training if he is voluntarily separated from the service of his agency before the end of the period for which he has agreed to continue in the service of his agency.

(b) The payment agreed to under subsection (a)(2) of this section may not be required of an employee who leaves the service of his agency to enter into the service of another agency in any branch of the Government unless the head of the agency that authorized the training notifies the employee before the effective date of his entrance into the service of the other agency that payment will be required under this section.

(c) If an employee, except an employee relieved of liability under subsection (b) of this section or section 4102(b) of this title, fails to fulfill his agreement to pay to the Government the additional expenses incurred by the Government in connection with his training, a sum equal to the amount of the additional expenses of training is recoverable by the Government from the employee or his estate by -

(1) setoff against accrued pay, compensation, amount of retirement credit, or other amount due the employee from the Government; and

(2) such other method as is provided by law for the recovery of amounts owing to the Government.

Attachment 1

The head of the agency concerned, under the regulations prescribed under section 4118 of this title, may waive in whole or in part a right of recovery under this subsection, if it is shown that the recovery would be against equity and good conscience or against the public interest.

(d) For purposes of this section, 'training' includes a private sector assignment of an employee participating in the Executive Exchange Program of the President's Commission on Executive Exchange."

10 U.S.C. § 2603. Acceptance of fellowships, scholarships, or grants

"(a) Notwithstanding any other provision of law, a fellowship, scholarship, or grant may, under regulations to be prescribed by the President or his designee, be made by a corporation, fund, foundation, or educational institution that is organized and operated primarily for scientific, literary, or educational purposes to any member of the Armed Forces, and the benefits thereof may be accepted by him -

- (1) in recognition of outstanding performance in his field;
- (2) to undertake a project that may be of value to the United States; or
- (3) for development of his recognized potential for future career service.

However, the benefits of such a fellowship, scholarship, or grant may be accepted by the member in addition to his pay and allowances only to the extent that those benefits would be conferred upon him if the education or training contemplated by that fellowship, scholarship, or grant were provided at the expense of the United States. In addition, if such a benefit, in cash or in kind, is for travel, subsistence, or other expenses, an appropriate reduction shall be made from any payment that is made for the same purpose to the member by the United States incident to his acceptance of the fellowship, scholarship, or grant.

(b) Each member of the Armed Forces who accepts a fellowship, scholarship, or grant in accordance with subsection (a) shall, before he is permitted to undertake the education or training contemplated by that fellowship, scholarship, or grant, agree in writing that, after he completes the education or training, he will serve on active duty for a period at least three times the length of the period of the education or training."

General Counsel of the Department of Defense Comments

Final Report
Reference

TECHNICAL CORRECTIONS

1. Page 2. Congressional Concerns About Military Detailees to Congress.

a. In this heading, change "Detailees" to "Personnel assigned to duties with the". This more accurately reflects the Congressional concern, which addressed both Congressional fellows and persons "detailed" to duty with the Congress.

b. In the 2nd sentence, add the phrase "and details" after "legislative fellowship programs". This more accurately reflects the request.

2. Page 4. Military and Civilian Assignments to Congress.

a. In the first paragraph, add the following new sentence after the 2nd sentence: "The policies that did exist often were not followed by the Components." This addresses the fact that such regulations did exist at the time.

b. In the 2nd paragraph, add the phrase "or were not followed" after "policies were in adequate". This addresses the fact that such regulations did exist at the time.

3. Page 5. Revised DoD Directive 1000.17.

a. Change the first bullet by adding the underlined phrases to read:

"The ASD(FMP) in coordination with the DoD General Counsel is authorized to grant exceptions to the requirement that personnel may be detailed to Congress to perform duties of a specific duration, in a specific project, as a member of a staff of a committee of the Congress, only under compelling circumstances."

This more accurately reflects the regulatory provision.

b. In the 2nd bullet, add the phrase "avoidance of" after "receive training on". This more accurately reflects the regulatory provision.

4. Page 6. Revised DoD Directive 1322.6.

a. Change the last sentence in the opening paragraph to read: "Additional requirements in the Directive for Legislative fellowships follow." This clarifies the fact that the requirements cited are those that specifically address Legislative fellowships.

b. Add the word "Legislative" at the beginning of the first bullet. This clarifies the context and more accurately reflects the regulatory provision.

Attachment 2

General Counsel of the Department of Defense Comments

Final Report
Reference

c. Change the 2nd bullet by adding the underlined phrase to read:

"DoD Personnel must comply with the restrictions regarding partisan political activities and guidelines on avoiding political activities must be provided to supervisors in the gaining organization of the Legislative branch of personnel serving fellowships."

This more accurately reflects the regulatory provision.

d. Change "maintain" in the 3rd bullet to "publish." This more accurately reflects the regulatory provision.

Page 6

Page 6

Assistant Secretary of Defense (Force Management Policy) Comments



FORCE MANAGEMENT
POLICY

ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000



MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Draft Audit Report on Review of Military and Civilian Personnel Assignments to Congress (Project No. 7RD-5016)

This is in response to the Department of Defense Inspector General (DoD IG) draft audit report on Review of Military and Civilian Personnel Assignments to Congress (Project No. 7RD-5016). We concur with the recommendations.

As noted in the draft report, significant changes in the policies and procedures which apply to DoD personnel who are assigned to work with Congress occurred during the conduct of the audit. We believe that the revised DoD Directives provide the structure necessary to ensure full and effective implementation of the Department's policies in this area.

Detailed comments are provided in the attachment. Technical comments were provided directly to the DoD IG staff.


F. Pang

Attachment:
As stated



Assistant Secretary of Defense (Force Management Policy) Comments

DRAFT REPORT, May 19, 1997
(Project No. 7RD-5016)

Review of Military and Civilian Personnel Assignments to Congress

Assistant Secretary of Defense (Force Management Policy) Comments

RECOMMENDATION

RECOMMENDATION 1: The DoD IG recommends that the Assistant Secretary of Defense (Force Management Policy) revise DoD directive 1322.6, "Fellowships, Scholarships, and Grants for DoD Personnel," February 24, 1997, to require civilians to sign a service agreement whereby the individual agrees to a service obligation of three times the length of the period of the education or a pro rata reimbursement of the cost of the education if the individual leaves before completion of the service obligation.

ASD(FMP) RESPONSE: We concur with the recommendation. We will staff a change to the Directive for coordination within 30 days of the final DoD IG report and institute appropriate controls to ensure that Congressional Fellowships for civilian personnel meet the statutory requirements to qualify as training under 5 U.S.C. section 4108.

RECOMMENDATIONS 2 through 5: Concur without comment.

ADEQUACY OF MANAGEMENT CONTROLS (Appendix A)

We concur that material management control weaknesses existed prior to the revision of the two directives. We also concur that the revisions have adequately addressed the weaknesses.

Department of the Army Comments



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
MANPOWER AND RESERVE AFFAIRS
111 ARMY PENTAGON
WASHINGTON DC 20310-0111

May 30, 1997



MEMORANDUM FOR INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE

SUBJECT: Draft Audit Report on Review of Military and Civilian
Personnel Assignments to Congress (Project No. 5RD-5016)

This is in response to the draft report, subject as above, dated
May 19, 1997.

I concur with all of the recommendations made and have provided
information documenting the steps the Army has taken relative to the
recommendations provided (Enclosure). Point of contact for this office is
LTC Malone, 697-8201.

Sara E. Lister

Sara E. Lister
Assistant Secretary of the Army
(Manpower and Reserve Affairs)

Enclosure

Printed on  Recycled Paper

DRAFT REPORT, May 19, 1997
(Project No. 5RD-5016)

Review of Military and Civilian Personnel Assignments to Congress

Assistant Secretary of the Army (Manpower and Reserve Affairs) Comments

RECOMMENDATION

RECOMMENDATION 1: The DoD IG recommends that the Assistant Secretary of Defense (Force Management Policy) revise DoD Directive 1322.6, "Fellowships, Scholarships and Grants for DoD Personnel," February 24, 1997, to require civilians to sign a service agreement whereby the individual agrees to a service obligation of three times the length of the period of the education or a pro rata reimbursement for the cost of the education if the individual leaves before completion of the service obligation.

ASA (M&RA) RESPONSE: We concur with the recommendation. A congressional fellowship program that is designed and delivered by a non-government organization is considered non-government training. Therefore, employee fellowship program participants will be required to agree to post-training service obligations in accordance with Title 5 U.S.C., section 4108 and implementing OPM regulations.

Final Report
Reference

DRAFT REPORT, May 19, 1997
(Project No. 5RD-5016)

Review of Military and Civilian Personnel Assignments to Congress
Assistant Secretary of the Army (Manpower and Reserve Affairs) Comments

RECOMMENDATION

RECOMMENDATION 2: We recommend that the Secretaries of the Military Departments:

- a. Assign a central action office responsibility for all military and civilian assignments to Congress.
- b. Establish management controls to ensure that all military and civilian assignments to Congress are:
 - 1. Reviewed for approval by the Assistant Secretary of Defense (Force Management Policy).
 - 2. Assigned to positions on staffs of committees of the Congress.
 - 3. Detailed on a reimbursable basis, unless a determination is made based on DoD Directive 1000.17 guidelines that the detail would provide greater benefits to the DoD than to Congress.
 - 4. Conform to the requirements in DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," February 24, 1997, that the assignment is not the last tour before retirement or separation from military service.

ASA (M&RA) RESPONSE: We concur with the recommendation. The Secretary of the Army published a memorandum on October 17, 1996, assigning the Assistant Secretary of the Army (Manpower and Reserve Affairs) the responsibility to oversee and approve the assignment of all congressional interns, fellows and detailees and to develop regulatory guidance pertaining to these assignments (See enclosure 1). On January 8, 1997, the Secretary of the Army signed a policy memorandum describing Army personnel assignments to Congress (See enclosure 2). As part of the response to the Secretary of Defense, January 17, 1997, the Secretary of the Army provided a proposed management process for congressional fellowships programs, congressional fellows and congressional detailees (See enclosure 3). Subsequently, the Army

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*Omitted because of length. Copies will be provided upon request.

has decided to publish, within the next six months, a separate Army regulation which will prescribe the Army policies and procedures under which Army personnel may apply for permission to compete for and accept an Army Congressional Fellowship. This regulation will serve as Army guidance to be used together with DoD Directive 1000.17 and DoD Directive 1322.6.

Final Report
Reference

DRAFT REPORT, May 19, 1997
(Project No. 5RD-5016)

Review of Military and Civilian Personnel Assignments to Congress
Assistant Secretary of the Army (Manpower and Reserve Affairs) Comments

RECOMMENDATION

RECOMMENDATION 3: We recommend that the Secretary of the Army and the Director, National Security Agency, establish management controls to ensure that all military and civilian assignments to Congress are properly identified as details or fellows.

ASA (M&RA) RESPONSE: We concur with the recommendation. As a part of the Army response to the ASD(FMP) request of November 21, 1996 to evaluate existing fellowships and justify those that should be continued, the Army forwarded the USAR Congressional Fellowship Program on January 17, 1997 (See enclosure 1). One individual was assigned to Congress in September 1996, as a part of the fellowship. Three other officers were scheduled to begin the fellowship in January 1997, but were delayed until the results of the ASD(FMP) evaluation were complete. On March 14, 1997, the ASD(FMP) signed a response to the Secretary of the Army, disapproving the USAR Congressional Fellowship Program (See enclosure 2). A request was sent to ASD(FMP) April 30, 1997 requesting that the individual assigned under the auspices of the USAR Congressional Fellowship Program be considered for approval as a detailee (See enclosure 3).

*Omitted because of length. Copies will be provided upon request.

DRAFT REPORT, May 19, 1997
(Project No. 5RD-5016)

Review of Military and Civilian Personnel Assignments to Congress
Assistant Secretary of the Army (Manpower and Reserve Affairs) Comments

RECOMMENDATION

RECOMMENDATION 4: We recommend that the Director, National Security Agency, establish management controls that:

- a. All military and civilian assignments to Congress are reviewed by approval by the Assistant Secretary of Defense (Force Management Policy).
- b. Military and civilian personnel detailed to Congress are assigned to positions on staffs of committees of Congress.

ASA (M&RA) RESPONSE: We concur with the recommendation.

DRAFT REPORT, May 19, 1997
(Project No. 5RD-5016)

Review of Military and Civilian Personnel Assignments to Congress
Assistant Secretary of the Army (Manpower and Reserve Affairs) Comments

RECOMMENDATION

RECOMMENDATION 5: We recommend that the Assistant Secretary of Defense (Command, Control, Communications, and Intelligence); the Assistant Secretary of Defense (Special Operations/Low-Intensity Conflict); and the Director, Defense Advanced Research Projects Agency, establish management controls to ensure that all military and civilian assignment to Congress are detailed on a reimbursable basis, unless all factors in DoD Directive 1000.17 are met, including a determination that the detail would provide greater benefits to DoD than to Congress.

ASA (M&RA) RESPONSE: We concur with the recommendation.

Department of the Air Force Comments

Final Report
Reference

06/02/97 MON 15:30 FAA 103 091 0430



DEPARTMENT OF THE AIR FORCE
WASHINGTON, DC

Office of the Secretary

2 June 1997

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

FROM: SAF/LL

SUBJECT: Air Force Remarks on Draft DoD IG Report on Review of Military and Civilian Personnel Assignments to Congress (Project No. 5RD-5016)

The Air Force concurs with the recommendations in the draft report which strengthen management controls to ensure compliance with DoD policy. The best place to include procedural guidance is in the Air Force directives on assignments.

The Air Force nonconcurs with the recommendation that Congressional fellows be confined to assignments on staffs of committees of Congress. Our experience is that the best educational experience is through assignment to personal staffs of members which affords the widest variety of duties and exposure to the legislative process.

Other comments/corrections:

Pages 13, 30, clarification is needed on the term Legislative Fellowship Program. The Brookings Institution's program for Congressional fellowships is called the Legis Fellows Program; the Air Force's program for Congressional fellowships earning PME credit and utilizing The Brookings Institution's Legis Fellows Program is properly termed the Air Force Legislative Fellowship Program.

Page 27, Rep Laughlin's name is misspelled.


LANSFORD E. TRAPP, JR.
Major General, USAF
Director, Legislative Liaison

Revised

Pages 12, 30

Page 27

Department of the Advanced Research Projects Agency Comments

Final Report
Reference



DEFENSE ADVANCED RESEARCH PROJECTS AGENCY
3701 NORTH FAIRFAX DRIVE
ARLINGTON, VA 22203-1714



JUN 2 1997

MEMORANDUM FOR INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

SUBJECT: Draft Audit Report on Review of Military and Civilian Personnel Assignments to Congress

The draft audit report states that the Defense Advanced Research Projects Agency (DARPA) "did not establish effective management controls to ensure that all requests for details to Congress were submitted to the Assistant Secretary of Defense (Force Management Policy) (ASD/FMP) for approval as required by DoD Directive 1000.17."

This statement is factually incorrect. DARPA has established procedures which require that requests for personnel details to Congress be forwarded to ASD(FMP) through the Executive Secretary, Office of the Secretary of Defense, in full compliance with DoD Directive 1000.17. These procedures were followed to the letter in the case of the sole DARPA detail addressed in the draft report. The detail of Captain Christopher Ryan Henry, USN, was requested by the Chairman of the Senate Committee on Appropriations. The approval of the detail for a period of less than 9 months to the Subcommittee on Defense Appropriations was made by the ASD(FMP) on March 23, 1995.

The draft report finds that "DARPA detailed one person to Congress without evaluating the benefits of the detail to DoD because DARPA personnel believed that the Office of the Secretary of Defense (OSD) had responsibility for determining whether a detail is reimbursable or non-reimbursable." This statement should be clarified to indicate that DARPA personnel believe that it is the responsibility of the organization that pays the salary of the individual to determine whether a detail is reimbursable or not. The individual detailed to Congress was a Naval officer. DARPA does not pay the salary of military personnel and can therefore not require reimbursement for costs not incurred.

The draft report recommends that the Director, DARPA "establish management controls to ensure that all military and civilian assignments to Congress are detailed on a reimbursable basis, unless all factors in DoD Directive 1000.17 are met, including a determination that the detail would provide greater benefit to DoD than Congress."


DARPA does not concur with this finding. Adequate procedures are in place to fully comply with DoD Directive 1000.17. The approval letter signed by ASD(FMP) for the detail of a military officer not paid by DARPA clearly stated that "based on our interpretation of law and

deleted

Defense Advanced Research Projects Agency Comments

our directives, to be non-reimbursable the detail must result in Captain Henry performing functions consistent with those for which DoD funds are appropriated. Therefore, he must be utilized by the subcommittee in duties which are reasonably related to DoD functions." Thus, it is evident that an assessment was conducted as required by regulations and directives and that assessment resulted in the approval of a non-reimbursable detail.

Thank you for the opportunity to respond to the subject report. Should additional information regarding this response be necessary, Mr. Nic Lanzetta, (703) 696-2378, will be the agency's point of contact.



Ron H. Register
Deputy Director for Management

National Security Agency Comments



NATIONAL SECURITY AGENCY
FORT GEORGE G. MEADE, MARYLAND 20755-6000

Serial: COMP-038-97
02 June 1997

MEMORANDUM FOR THE DIRECTOR, READINESS AND OPERATIONAL SUPPORT
DIRECTORATE, OIG, DOD

SUBJECT: Draft Audit Report on Review of Military and Civilian Personnel Assignments to
Congress (Project No. 5RD-5016) – INFORMATION MEMORANDUM

NSA's comments to your draft report dated 19 May 1997, subject as above, are attached.

Although NSA non-concurs with most of the findings, concurrences are provided for the recommendations. Please note that in FY 1996, DoD Directive 1322.6 applied only to members of the Armed Forces, not NSA civilians. In 1997, DoD Directive 1322.6 was revised to apply to civilians. Therefore, your conclusion that NSA misidentified 12 NSA "details" (1 military and 11 civilians) is not consistent with the facts as they existed in FY 1996.

Please contact Judy Jefferson, Audit Liaison, 301-688-8052, if you have any questions or need additional information.


STEPHEN TURETT
Comptroller

NSA Comments to
Draft DoD IG Report
"Review of Military and Civilian
Personnel Assignments to Congress"
19 May 1997

AUDIT RESULTS

1. Page 7 – Congressional Detail Assignments, first paragraph. “. . . NSA did not establish effective management controls to ensure that all requests for details to Congress were submitted to the ASD(FMP) for approval as required by DoD Directive 1000.17.”

Non-concur. For all those assignments identified as details (two in FY 1996) by NSA, the Office of Field Staffing and Human Resources Support Services (S23) sought and gained approval from ASD(FMP).

2. Page 7 – Requests for Initial Approval for Congressional Details, second bullet. “The NSA detailed 12 (1 military and 11 civilian) personnel to Congress without ASD(FMP) approval because the NSA incorrectly identified the 12 assignments as fellowships instead of details, and the DoD Directive 1322.6 current at the time did not require ASD(FMP) approval for fellowships. The 12 congressional assignments should have been identified as details and submitted to the ASD(FMP) for approval.”

Non-concur. The 11 civilians referred to in the above statement were participants in the NSA/LAO Legislative Fellowship Program (LAO LFP). The LAO LFP was established to provide job-related training and was modeled exactly after the Brookings Institute Fellowship Program. Although NSA was already participating in the Brookings Institute and American Political Science Association (APSA) legislative fellowships, the Agency realized that it was vital for our future that more of our leaders have the opportunity to learn the intricacies of the legislative process first-hand. Therefore, the Director, NSA, authorized a long-term educational/training experience based on and identically patterned after, the Brookings Institute and APSA programs. The LAO LFP, just as the Brookings Institute and APSA programs, employed a competition-based award process, provided an orientation session prior to congressional assignment, and contemplated follow-on tours in which the education gained by the fellowship would be used. In all functional and administrative aspects, the LAO LFP was identical to recognized fellowship programs. The only difference is that the NSA program was not administered by a private entity, which was not a requirement of any applicable regulation at the time.

While NSA agrees that the LAO LFP does not meet the sponsorship requirements of a fellowship set forth in the revised DoD Directive 1322.6, the directive in FY 1996 was not applicable to the NSA civilians in the LAO LFP.

Final Report
Reference

3. **Page 8 – Military Details to the Staffs of Members of Congress, second bullet.** "... the NSA detailed one military member to the staff of a member of Congress."

Non-concur. This military member was a participant in the LAO LFP. Fellowship participants were allowed to work on the staff of congressional members.

4. **Page 8 – Nonreimbursable Details, first paragraph.** "... NSA ... did not establish effective management controls to ensure that costs for military and civilian personnel detailed to Congress would be reimbursed to DoD."

Non-concur. For those positions we identified as details, controls were in place to ensure costs would be reimbursed to DoD if appropriate. Requests for details came to LAO and S23 coordinated the process. S23 then submitted the paperwork to ASD(FMP) for approval. We have required, and will continue to require, mission supervisors to review any detail requests to ensure they are assigned appropriately as non-reimbursable or reimbursable. Of the two NSA detailees in FY 1996, one was reimbursed.

5. **Page 9 – National Security Agency Assignments.** NSA, through S231, had and currently has, an acceptable process to document with ASD(FMP) the detail of civilian personnel outside of DoD. We sought and received approval from ASD(FMP) for those detail positions. We will continue to coordinate with ASD(FM) in compliance with DoD Directive 1000.17.

6. **Page 9 – Plans to Initiate Procedures for Reimbursable Detail Assignments.** "The NSA established procedures and assigned an action officer to determine whether NSA should be reimbursed for personnel detailed to Congress."

Non-concur. Since before the period under audit (FY 1996), LAO and S23 have had established procedures and action officers to determine whether the NSA should be reimbursed for personnel detailed to Congress.

7. **Page 10 – Personnel Assignments Under Un-sponsored Fellowship Programs.** "... the NSA Legislative Affairs Office Fellowship Program did not meet DoD Directive 1322.6 requirements."

Concur. The NSA LAO LFP did not meet the sponsorship requirements under DoD Directive 1322.6. However, as noted above, this directive was not applicable to NSA personnel and since this was a training program, DoD Directive 1000.17 was also not applicable. The DoD IG recognizes that DoD Directive 1000.17 does not apply to fellowship programs, i.e., the Brookings Institute and APSA programs, and the LAO LFP notwithstanding its sponsorship, was a fully functioning fellowship program.

8. **Page 10 – National Security Agency Legislative Affairs Office Fellowship Programs.**

NSA concurs with this entire paragraph. However, it should be noted that although ASD(FMP) granted NSA a one-year waiver for the LAO LFP, the three NSA individuals mentioned were not assigned to Congress through the LAO LFP. While waiting for the ASD(FMP) waiver, we investigated other programs for the three individuals and assigned them to Congress through the Brookings Institute May-December Program at about the same time that the waiver was granted.

Revised

9. **Pages 11–12 – Congressional Fellowship Assignments.** “The Legislative Fellowship Program at the Brookings Institute sponsored . . . 5 NSA fellows . . . The American Political Science Association Congressional Fellowship Program sponsored . . . two NSA fellows.”

NSA concurs with this finding.

10. **Page 13 – Increased Oversight of DoD Directives, second bullet.** “The ASD(FMP) later granted a one-time waiver of the sponsorship requirement for the NSA Legislative Affairs Office Congressional Fellowship Program, resulting in three congressional fellowship assignments.”

See paragraph 8. above.

Revised

RECOMMENDATIONS FOR CORRECTIVE ACTION

1. **Recommendation 1.** Recommend that the Assistant Secretary of Defense (Force Management Policy) revise DoD Directive 1322.6, “Fellowships, Scholarships, and Grants for DoD Personnel,” February 24 1997, to require civilians to sign a service agreement whereby the individual agrees to a service obligation of three times the length of the period of the education or a pro rata reimbursement for the cost of the education if the individual leaves before completion of the service obligation.

Concur. However, exemptions should be allowed for special circumstances.

2. **Recommendation 2. Part b.2.** Recommend that the Secretaries of the Military Departments . . . establish management controls to ensure that all military and civilian assignments to Congress are . . . assigned to positions on staffs of committees of the Congress.

Concur. We interpret this to mean that the recommendation will apply to NSA also and NSA individuals (civilian and military) on fellowships are allowed to be assigned to staffs of members of Congress.

3. **Recommendation 3.** Recommend that the Secretary of the Army and the Director, NSA, establish management controls to ensure that all military and civilian assignments to Congress are properly identified as details or fellows.

Concur. Management controls were in place in FY 1996 and are currently in place, but should be documented. Documentation will be completed by 1 August 1997.

4. **Recommendation 4.a.** Recommend that the Director, NSA, establish management controls to ensure that all military and civilian assignments to Congress are reviewed for approval by the Assistant Secretary of Defense (Force Management Policy).

Concur. Management controls are now in place to ensure all assignments to Congress are reviewed for approval by ASD(FMP). Documentation on these controls will be completed by 1 August 1997.

5. **Recommendation 4.b.** Recommend that the Director, NSA, establish management controls to ensure that military and civilian personnel detailed to Congress are assigned to positions on staffs of committees of Congress.

Concur. NSA has procedures in place to ensure personnel detailed to Congress are assigned to positions on staffs of committees of Congress. Documentation on these controls will be completed by 1 August 1997.

APPENDIX A – Material Control Program

Page 20 – Adequacy of Management Controls, second paragraph. “Specifically, the . . . Defense agencies did not effectively implement DoD Directive 1000.17 and did not establish adequate management control techniques to ensure that personnel details to Congress:

- were approved by the ASD(FMP)
- involved assignments only to the staffs of congressional committees
- were evaluated to determine whether the costs of the details to Congress should have been reimbursed to the DoD, and. . .”

Non-concur. Controls and procedures were and are in place for detail assignments. Both of the personnel assigned to Congress in FY 1996 as details were submitted to ASD(FMP) for approval and were approved. In addition, both were assigned to the staffs of congressional committees and an evaluation was completed to determine whether costs should have been reimbursed to the DoD. And, because it was our understanding that the LAO LFP participants were on fellowship positions, DoD Directive 1000.17 was not applicable.

APPENDIX B – Other Matters of Interest

Page 21 – Assignment of Military Personnel by Defense Agencies. “In FY 1996, the NSA and DARPA each assigned a Navy officer to Congress and did not notify the Navy. . . The Navy officer assigned to NSA was detailed to House Speaker Newt Gingrich from April through December 1995.”

Non-concur. Again, NSA understood this Navy officer to be in a fellowship position and was not required to notify the Navy.

APPENDIX E – Fellowship Programs.

NSA would like to note that the LAO LFP conforms to the fellowship guidelines published in this report on Page 31.

Audit Team Members

This report was prepared by the Readiness and Operational Support Directorate, Office of the Assistant Inspector General for Auditing, DoD.

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