

GAO

Briefing Report to the Chairman,
Subcommittee on Defense
Committee on Appropriations
House of Representatives

June 1986

DOD LEGISLATIVE ACTIVITIES

Better Guidance, Accountability, and Reporting Needed



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United States
General Accounting Office
Washington, D.C. 20548

National Security and
International Affairs Division

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June 30, 1986

The Honorable Bill Chappell, Jr.
Chairman, Subcommittee on Defense
Committee on Appropriations
House of Representatives

Dear Mr. Chairman:

This report is in response to your request of January 21, 1986, and subsequent discussions with your representatives, that we review the effectiveness of the Department of Defense (DOD) controls to ensure compliance with various requirements relating to its conduct of legislative liaison and related activities. We focused our attention primarily on the Air Force and selected subordinate commands; however, we obtained sufficient information on the other DOD organizations to be able to comment on some accountability and reporting issues concerning DOD's total legislative activities.

Our analysis, summarized below and discussed in detail in appendix I, disclosed the continuing need for improved guidance and accountability over DOD's legislative activities program.

--The Congress wants DOD organizations to (1) control the number of persons and related costs of "Legislative Liaison" with congressional members and staffs and (2) carefully account for and report on the total legislative activities program within definitions established by Senate Report 94-446, which was subsequently endorsed by House Report 94-710. To this end, the Congress establishes annual limitations on the amount of appropriated funds DOD is authorized to spend in carrying out activities defined as "Legislative Liaison" and requires DOD to report annually on the magnitude and cost of these and "Other Legislative Activities."

--The Congress, the DOD Inspector General (IG), and we have previously expressed concerns over the adequacy of DOD's system and procedures for ensuring consistent and full accounting of its total legislative activities to the Congress and made recommendations to improve them. These recommendations have not been fully implemented.

--Some DOD organizations are not reporting the full extent and cost of their legislative activities. As a result, the Congress is receiving incomplete reports and, in our opinion, cannot be sure that DOD is complying with the annual legislative liaison spending limitation. For example, the Air Force is not reporting legislative activities

carried out by the Air Force Logistics Command and the Air Force Systems Command.

--Officials of various DOD organizations stated that they have difficulty knowing how to account for and report on their legislative activities, in significant part because DOD has not issued sufficient guidance on the subject. Issuance of such guidance was directed by the Congress in 1975 and recommended by us and the DOD IG in 1982 and 1983, respectively. DOD officials state that reliance on Senate Report 94-446 to guide the accounting and reporting of DOD legislative activities is sufficient.

Based on our past and current work and the findings by the Congress and DOD IG, we do not believe that current guidance is sufficient to ensure the proper accounting for and reporting of legislative activities as prescribed by the Congress. As the IG pointed out, the Senate Report only provides definitions of legislative activities that should be included in the congressionally required DOD directive; it does not include specific guidance on legislative activities and related costs to include in the legislative liaison spending limitation.

In performing our work, we (1) reviewed legislation concerning the use of DOD funds for legislative activities, (2) evaluated DOD's controls and procedures for allocating and monitoring the legislative liaison spending limitation, which has been part of the DOD appropriation act each year since 1960, (3) evaluated DOD's system for accounting for and reporting to the Congress on legislative liaison and other legislative activities, (4) evaluated the implementation of those parts of the DOD's total legislative activities that directly affected three major Air Force commands, and (5) discussed various legislative activities with other selected Office of the Secretary of Defense (OSD) and service headquarters' organizations. We also made limited tests of the accuracy of legislative activities reported by subordinate Air Force commands to their headquarters organizations in the Washington, D.C., area and discussed with them their views on the adequacy of DOD guidance on the subject.

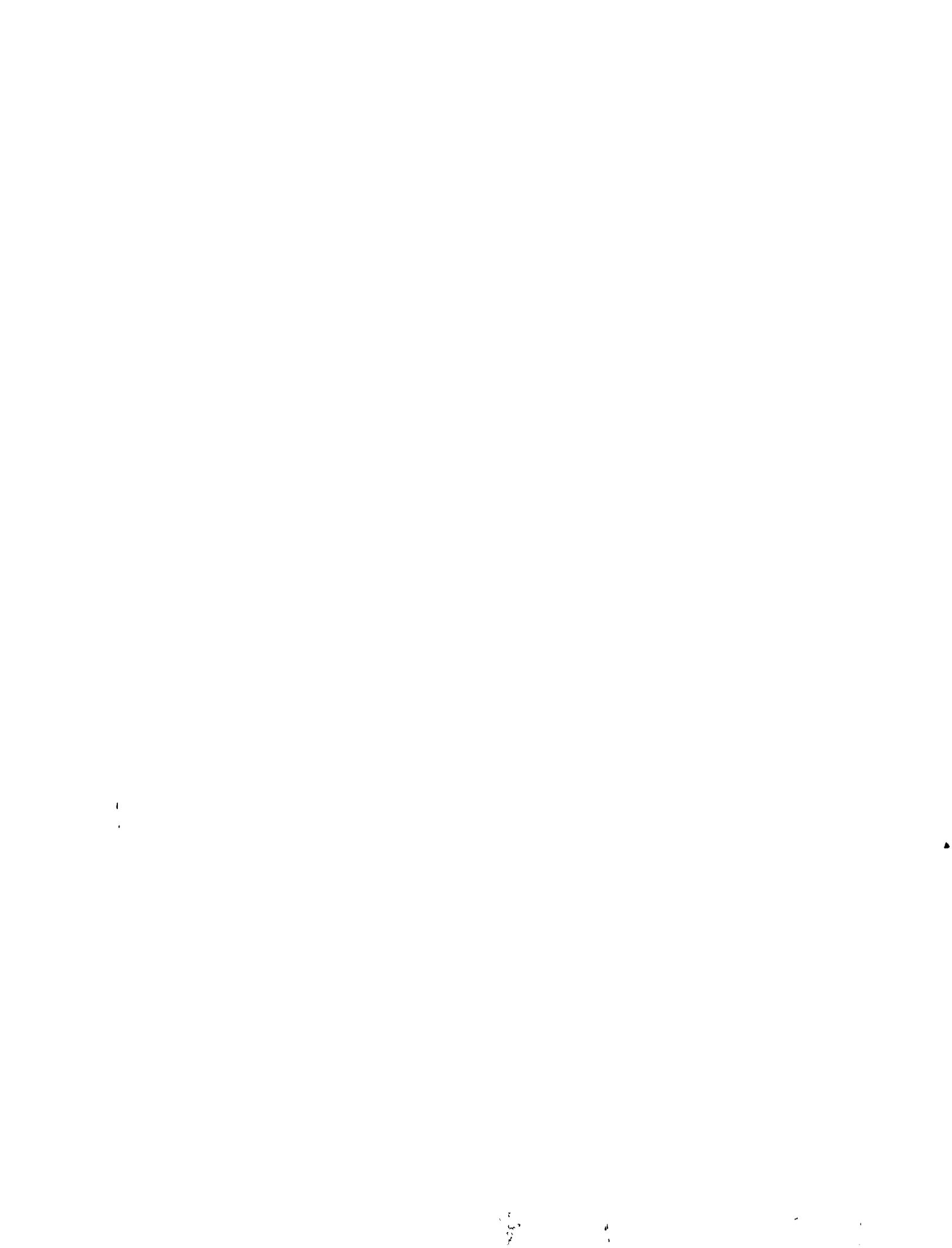
It is clear that OSD and the services have done little to address past congressional, GAO, and DOD IG reports that pointed out the need for improvement in overall control, accountability, and reporting of all legislative activities costs to the Congress. For example, improved guidance in the form of a congressionally mandated DOD directive, providing implementing instructions to the services, has not been issued. Further, no standardized and comprehensive accounting methodology to help subordinate organizations fully and consistently account for and report the costs of all categories of legislative activities has been adopted. An official of the Office of the Assistant Secretary of Defense (Legislative Affairs) informed us in May 1986, that issues, such as the need for improved guidance, accountability, and reporting of legislative activities, will be reviewed and appropriate policy changes will be made after the confirmation of a new Assistant Secretary. In view of this commitment, we are not repeating prior recommendations.

At your request, we did not obtain official agency comments on this report. However, we discussed the specific issues with responsible DOD officials and have incorporated their comments where applicable.

We are sending copies of this report to the Chairmen, House Committees on Budget and Government Operations, Senate Committees on Appropriations, Budget, and Governmental Affairs, and House and Senate Committees on Armed Services; and to the Secretaries of Defense, Army, Navy, and Air Force. Copies will also be provided to interested parties.

Sincerely yours,


for Frank C. Conahan
Director



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ABBREVIATIONS

AFLC	Air Force Logistics Command
AFSC	Air Force Systems Command
DOD	Department of Defense
GAO	General Accounting Office
IG	Inspector General
OSD	Office of the Secretary of Defense
USAF	United States Air Force

DOD LEGISLATIVE ACTIVITIES: BETTER GUIDANCE,
ACCOUNTABILITY, AND REPORTING NEEDED

The congressional desire for careful control, accountability, and reporting of DOD legislative activities extends back to at least 1960. The Congress and DOD have made various efforts to tighten management controls over these activities, not only to limit the cost of legislative liaison but also to define specific positions and to account for personnel who are involved with the Congress or deal with the Legislative Branch, according to DOD budget guidance. There are some exceptions, such as departmental secretaries and chiefs of agencies. Also, legislative activities must be accounted for and reported within certain definitions set forth in Senate Report 94-446 and endorsed by House Report 94-710, which were intended to be supplemented by additional DOD guidance. Such efforts have been only partially effective.

DOD'S LEGISLATIVE AFFAIRS
ORGANIZATION AND ROLE

The DOD program for developing and maintaining official relationships with the Congress, as described in DOD Directive 5142.1, dated July 2, 1982, and annual reporting instructions, encompasses a wide range of activities. These include the activities of DOD personnel working in legislative offices, coordinating congressional travel to military bases, providing budgetary and other information requested by the Congress, preparing testimony and witnesses for hearings, tracking and researching legislation, answering congressional inquiries, and representing DOD interests with congressional members and staff. The program recognizes the need for DOD to provide the Congress with adequate and timely information while also providing a channel to communicate DOD's own interests and perspectives to the Congress.

According to the DOD Directive, the Assistant Secretary of Defense for Legislative Affairs is the principal staff assistant to the Secretary of Defense for DOD relations with the Congress. In this role, the Assistant Secretary provides overall direction, advice, and assistance to the services and other DOD organizations concerning legislative matters and coordinates actions relating to DOD's legislative program. He also budgets and reports legislative affairs costs annually to the Congress in a Summary of Legislative Activities report. The Assistant Secretary of Defense (Comptroller) apportions the annual legislative liaison spending limitation to OSD, the services, and other DOD agencies. Table I.1 shows the reported costs and numbers of personnel involved in these activities for fiscal years 1985 through 1987.

Table I.1 Department of Defense Summary of
Legislative Activities

Legislative activity	1985 actual		1986 estimate		1987 estimate	
	Persons ^a	Costs ^b	Persons ^a	Costs ^b	Persons ^a	Costs ^b
Liaison	230	\$12.359	238	\$13.606	238	\$13.825
Other	<u>381</u>	<u>15.595</u>	<u>432</u>	<u>18.686</u>	<u>433</u>	<u>18.788</u>
Total	<u>611</u>	<u>\$27.954</u>	<u>670</u>	<u>\$32.292</u>	<u>671</u>	<u>\$32.613</u>

^aRefers to annual equivalent of civilian and military personnel.

^bCost in millions.

Since 1960, that part of legislative activities categorized as "Legislative Liaison" has been subject to a congressional dollar limitation. Legislative Liaison refers to personnel who are assigned to any legislative office, who work with congressional members or staff on a routine basis, and who promote liaison with the Congress. (See appendix II.) The limitation was established as \$12.700 million in fiscal year 1985 and \$13.334 million in fiscal year 1986; these amounts were subsequently adjusted for pay increases, to \$13.010 million and \$13.606 million, respectively.

The part of legislative affairs categorized as "Other Legislative Activities" is not subject to a dollar limitation. This category pertains to personnel who spend at least 30 days a year on legislative activities, including coordinating and answering congressional inquiries, tracking legislation, performing legislative research, and preparing witness statements.

According to DOD, most legislative activities are carried out by personnel located in the OSD, the services' headquarters, and other DOD organizations in the Washington, D.C. area. Legislative activities are labor intensive with about 90 percent of the reported cost being for personnel.

Each of the services has established two principal headquarters level offices to assist the respective service Secretary in conducting legislative activities. In the Air Force, for example:

- The Director of Legislative Liaison advises and assists the Secretary on all Air Force legislative activities except for those involving the appropriations and budget

committees and some program authorization matters handled by the Director of Budget at Air Force headquarters. His responsibilities include maintaining direct liaison with the Congress, primarily with the House and Senate authorizing committees; supervising arrangements for congressional travel; preparing and coordinating reports, testimony, and related statements to the Congress; answering congressional inquiries; and maintaining a legislative research library.

--The Air Force Budget Director, under the guidance of the Assistant Secretary of the Air Force (Financial Management), is responsible for official liaison with the appropriations and budget committees and some authorization matters. Legislative activities concerning appropriations and budget matters are primarily carried out by the Budget Director. These activities include responding to congressional inquiries and requests for information and preparing and presenting legislative programs and testimony.

The Legislative Liaison and Budget Directors are jointly responsible for coordinating their activities to ensure effective legislative liaison and coordinating issues with the proper Deputy Chief of Staff.

PAST CONCERNS ABOUT CONTROL
AND ACCOUNTABILITY OF
LEGISLATIVE ACTIVITIES

We, the Congress, and the DOD IG, each identified problems and deficiencies in the past in the way DOD manages, accounts for, and reports its legislative activities. These concerns focused on (1) the absence of formal policy guidance to provide clear and consistent definitions of legislative activities and to identify costs that are subject to the congressional limitation, and (2) the inadequacies of accounting procedures to properly accumulate and report costs. This absence of guidance and inadequate accounting procedures have contributed to inconsistent and incomplete reporting and could permit the congressional limitation to be exceeded.

Senate Report 94-446

Senate Report Number 94-446, dated November 6, 1975, reported on a Senate Appropriations Committee review of the history and implementation of the congressional limitation on DOD's legislative liaison activities. The Committee found that DOD's criteria for determining personnel costs subject to the limitation were not precise and excluded a sizable number of individuals who should be included within the limitation. The Committee further found that a significant number of individuals

met the criteria but were being excluded from the limitation¹. It also noted that the cost of activities not subject to the limitation--other legislative affairs and administration--was increasing at a faster rate than those activities that were under the limitation, with the possibility that activities were "migrating" from the restricted to the non-restricted categories.

The Committee directed DOD to (1) revise its accounting for personnel and costs associated with legislative activities and (2) issue a directive by January 1, 1976, that would provide specific guidance on the categories of these activities. It also provided appropriate definitions for inclusion in the directive. House Report Number 94-710 endorsed the Senate action and, beginning in fiscal year 1977, the Appropriations Committees of both houses required DOD to maintain more precise and consistent accounts of its "Legislative Liaison" and "Other Legislative Activities" to keep the liaison costs within the annual limitation and to report the costs for all legislative activities on a consolidated basis in its annual budget justification documentation.

In responding to the findings and recommendations of the DOD IG, discussed on pages 8 and 9, the Assistant Secretary of Defense for Legislative Affairs argued against the need for more guidance to define legislative activities and matters to be reported within the congressional limitation. The Assistant Secretary stated that the guidance contained in the 1975 Senate Report was sufficient and "There legally cannot be any other guidance." For the same reason, he believed that comprehensive and standardized accounting procedures do not have to be established. His response stated that "OSD elements and the Services were never free to interpret what should be reported" and that budgeting and reporting formats were "simple" and "direct." As for the budget category of "Other Legislative Activities," he commented that there is "little reason to have extensive documentation to support activities that do not cost against the funding limitations, when there is ample documentation to identify the activities that do." This DOD position, that no further OSD guidance is needed, has not changed. However, an official of the Office of the Assistant Secretary of Defense (Legislative Affairs) informed us in May 1986, that this and other issues will be reviewed and appropriate policy changes will be made after the confirmation of a new Assistant Secretary of that office.

¹These individuals included budget officers who served in a congressional liaison capacity but were not affiliated with the legislative liaison offices and the heads of the legislative liaison offices in OSD and the services.

Prior GAO review

In our report, entitled Improper Lobbying Activities by the Department of Defense on the Proposed Procurement of the C-5B Aircraft (GAO/AFMD-82-123, Sept. 29, 1982), we observed that DOD may have exceeded its fiscal year 1982 legislative liaison limitation by as much as \$1.6 million. In addition, we found that DOD may have inappropriately classified the costs of some activities relating to legislative liaison and not charged them to legislative liaison, which would have resulted in the limitation being exceeded even further. We concluded that the legislative liaison restriction needed to be clarified, showing specifically which costs relating to legislative liaison activities are covered by the congressional limitation. In this regard, we recommended that the Secretary of Defense establish proper accounting and internal controls to prevent the under-reporting of legislative liaison subject to the limitation, which could lead to exceeding the limitation and thus result in a violation of the Anti-deficiency Act (31 U.S.C. 665).

OSD's initial reaction to this recommendation was to defer action on the issue until the DOD IG review of the matter was completed. As discussed in the following section although the IG review identifying similar conditions was completed in mid-1983, these accounting and internal control issues still have not been resolved 3 years later.

DOD Inspector General review

As a result of our 1982 findings, the DOD IG evaluated the controls over legislative activities. In a report, dated April 12, 1983, the IG stated that DOD had not reported legislative liaison costs of about \$2.2 million that were subject to the \$8.0 million congressional limitation for fiscal year 1982. The report stated that:

"Comprehensive and standardized accounting procedures and program elements had not been established for accurate accumulation of all costs associated with DOD legislative affairs activities. Also, DOD had not provided adequate policy and guidance to all legislative affairs elements concerning specifically what personnel, personnel costs and other costs are reportable under the various sections of the Summary of Legislative Activities report used by DOD to budget and report actual cost to Congress. As a result, costs for legislative liaison activities were not being accurately accumulated and reported for budget estimates or during budget execution, and if these costs were reported DOD would exceed the congressional limitation."

Chief among the IG cited deficiencies was DOD's noncompliance with the congressional direction in Senate Report Number 94-446 and House Report Number 94-710 to establish specific guidance providing for consistent and accurate reporting of costs subject to the congressional limitation. The DOD Directive, required by Congress to be issued no later than January 1, 1976, had not been issued, and in its absence, the three services were inconsistently and inaccurately reporting costs. The DOD IG cited differences in how the services defined legislative liaison activities and in how certain costs for personnel, military escort travel, and permanent change of station were treated in the computation of legislative affairs costs.

The Assistant Secretary of Defense for Legislative Affairs did not believe that further DOD guidance was necessary. He concluded that Senate Report 94-446 provided sufficient guidance and procedures and that OSD and the services were not free to interpret that guidance. The IG reiterated his position that additional DOD guidance was needed. The IG cited the congressional requirement for such guidance and the inconsistent and inaccurate reporting practices discussed in the IG report as support for his position.

To date, 3 years later, OSD still has not issued the congressionally required Directive or implemented standard accounting procedures. We believe the lack of specific DOD guidance to the services and other DOD agencies, clarifying the congressional definitions of legislative activities as they relate to specific DOD activities to be reported and program elements under which to account for such activities, have contributed to accountability and reporting problems. These problems are discussed further in the next section.

DOD STILL NOT CONSISTENTLY AND FULLY
ACCOUNTING FOR AND REPORTING ITS
LEGISLATIVE ACTIVITIES TO THE CONGRESS

We reviewed selected aspects of DOD's management and control of legislative activities and found accountability and reporting problems similar to those cited earlier in the Senate, GAO, and DOD IG reports. Formal policy guidance has not been issued and standardized accounting procedures have not been implemented, which we believe results in legislative activities costs not being consistently and fully reported. We identified numerous persons routinely performing legislative activities that are not reported to the Congress. Some of these individuals might be considered to be conducting legislative liaison subject to the congressional limitation. Since there is little DOD guidance for accounting for and reporting on legislative activities, we could not determine whether the limitation has been exceeded. However, the accounting and

reporting inconsistencies among and within DOD organizations raise questions as to whether expenditures subject to the limitation are properly managed and controlled.

The Assistant Secretary of Defense for Legislative Affairs and the services restrict legislative liaison subject to the limitation to those activities carried out by the principal legislative affairs and budget offices at DOD headquarters in the Washington, D.C. area. They include under the limitation those personnel who deal directly with the Congress on a daily basis and certain personnel in supporting offices established specifically to conduct legislative activities. They exclude personnel in other legislative activities offices who have similar responsibilities but who are not located at the DOD headquarters level. We believe the role and function of a person, rather than his or her location in the DOD organizational structure, are better indicators of whether that person's work should be categorized as legislative liaison, other legislative activities, or neither. Appendix II contains the definitions that the services and other DOD organizations are required to follow in accounting for and reporting on their legislative activities and shows how these definitions differ from those in Senate Report 94-446.

Many DOD organizations report that they do not conduct legislative activities. For example, 25 of 40 Air Force organizations reported that they had no such activities in their fiscal year 1987 budget submissions. However, we noted two major commands that reported no activity--the Air Force Logistics Command (AFLC) and the Air Force Systems Command (AFSC)--have established offices that appear to carry on legislative liaison and other legislative activities as defined by Senate Report 94-446.

Although our review primarily focused on OSD and the Air Force, based on limited contacts at Army and Navy headquarters, we believe that similar accountability and reporting problems exist in those services. At a minimum, the three services are defining, classifying, and reporting legislative affairs costs inconsistently, which we believe lead to inaccurate reporting of such activities.

Air Force subordinate commands conduct substantial legislative activities

Air Force subordinate commands are conducting legislative activities without reporting them to USAF headquarters and the Congress. AFLC, for example, reported having no legislative activities in its fiscal years 1986 and 1987 budget submissions. However, we identified 12 persons at AFLC and its air logistics centers who we believe meet the reporting criteria

reporting criteria for "Other Legislative Activities"² as defined in the Summary of Legislative Activities Report and Senate Report 94-446. Some of these individuals could be considered to be conducting legislative liaison subject to the limitation, based on their roles within the command.

AFLC legislative activities are primarily carried out by the following two organizations.

--The Office of Legislative Affairs, the focal point for AFLC's legislative activities and the office of primary responsibility for all congressional visits, hearings, and investigations involving the Command.

--The Directorate of Inquiries and Governmental Affairs in the AFLC IG's office, the AFLC's focal point for handling congressional inquiries.

Each organization relies on its own network of contact points within AFLC headquarters and field offices to carry out its legislative activities in various functional areas. For example, a separate point of contact is designated for each office within headquarters offices, such as Material Management and Contracting and Manufacturing, and at the five Air Logistics Centers.

AFLC's Office of Legislative Affairs was formally established in January 1985, but it had functioned since October 1983. At that time, the AFLC Commander identified a need for a legislative activities organization to focus Command attention on congressional relationships. He brought the current director of the Office of Legislative Affairs from his post at the Secretary of the Air Force Office of Legislative Liaison specifically to establish such an office as the Command's direct link to the Pentagon's legislative liaison offices. The Office's 3-member staff consists of a director (Lieutenant Colonel), one staff member (Major), and a GS-6 administrative assistant.

The Office's mission statement (AFLC Regulation 23-1, Appendix 21) establishes its legislative activities role and its links to the Pentagon's offices as follows.

²The Air Force has been inconsistent in its use of a budget title to describe legislative activities not subject to the limitation. In this report, we use the title suggested in Senate Report Number 94-446--"Other Legislative Activities"--to describe such activities.

"[The Office's] Primary responsibility is to interface with [the] Secretary of the Air Force (SAF) and appropriate office in HQ USAF, and to work with congressional staff members to focus AFLC management attention on legislative issue[s] of primary concern to the command. [It] Formulates, in coordination with legislative escort officers, issues to be covered during congressional visits to...AFLC and ALCs [Air Logistics Centers]. Structures the scope, focus, and content of briefings and discussions with congressional visitors. It also]

"(1) Works with SAF/LL, SAF/AL, HQ USAF/LE, and HQ USAF/ACBME³ to identify AFLC primary and backup witnesses for congressional hearings. Takes part in working sessions to prepare witnesses.

"(2) Attends congressional hearings of primary interest to AFLC and reviews formal testimony to determine exact focus and associated issues that may evolve.

"(3) Tracks legislation and committee action on the DOD Authorization and Appropriation Bills and other legislation impacting AFLC.

"(4) Acts in a liaison capacity between the AFLC Command Section and Congress to ensure proper flow and currency of information.

"(5) Initiates through SAF/LL, HQ USAF/ACBME, and congressional staff, action in support of AFLC interests."

These duties parallel the legislative liaison and other legislative activities responsibilities of the Secretary of the Air Force, Office of Legislative Liaison and USAF headquarters Directorate of Budget as described in Air Force Regulation 11-7, "Air Force Relations with Congress."

Prior to the establishment of AFLC's Office of Legislative Affairs, the Command's Directorate of Inquiries and Governmental Affairs shared the responsibility for most legislative

³SAF/LL - Secretary of the Air Force, Office of Legislative Liaison
 SAF/AL - Assistant Secretary of the Air Force for Research, Development, and Logistics
 HQ USAF/LE - Deputy Chief of Staff Logistics and Engineering
 HQ USAF/ACBME - Directorate of Budget, Budget Enactment

activities duties with the Command's Directorate of Budget. Currently, the Directorate of Inquiries and Governmental Affairs' responsibilities are primarily limited to processing AFLC headquarters congressional inquiries, monitoring all AFLC subordinate commands congressional inquiries, and ensuring that they are adequately processed in a timely manner. The AFLC Directorate of Budget's only legislative activities duty at this time is to maintain the congressional library.

We contacted representatives of AFLC's Office of Legislative Affairs, the Command's IG representative responsible for congressional inquiries, the congressional library, and 20 other individuals designated as points of contact for AFLC's legislative activities. We discussed their legislative activities responsibilities and their own estimates of the time they typically spend carrying out those responsibilities. Based on these contacts, we believe that 12 of these individuals met one or more of the budget reporting criteria for the category "Other Legislative Activities." They indicated that they spend at least 30 staff days per year on such tasks as coordinating congressional visits, answering inquiries, conducting legislative research, and assisting others in carrying out legislative activities. For example:

- The three members assigned full time to the Office of Legislative Affairs carry out the responsibilities set forth in AFLC Regulation 23-1, Appendix 21, quoted on pages 11 and 12.
- The AFLC headquarters focal point for congressional inquiries (a GS-13) said half of her time is spent coordinating and writing the AFLC responses to inquiries. She is also the IG legislative point of contact for the AFLC's Office of Legislative Affairs.
- The Contracting and Manufacturing organization legislative focal point (a GS-13) said his position was established expressly for accomplishing legislative activities concerning procurement and contracting issues. He estimated that 75 to 90 percent of his time is spent on legislative activities. His position description states that his "primary function is to serve as Command focal point for contracting related legislation and proposed legislation."
- The AFLC congressional research librarian (a GS-6) said 25 to 50 percent of her time is spent maintaining the library and researching legislative information.

We believe our estimate of 12 AFLC personnel having reportable legislative activities duties is conservative, since we spoke to only 25 of the 76 individuals listed as legislative

points of contact for the Office of Legislative Affairs and the Directorate of Inquiries and Governmental Affairs. In addition, the three members from the Office of Legislative Affairs could be considered to be conducting legislative liaison according to the related congressional and DOD criteria, because they are assigned to a legislative office with a mission to promote agency liaison with the Congress.

AFLC budget officials said that no legislative activities had been reported for the fiscal years 1986 and 1987 in their budget submissions because of the difficulty of applying the legislative activities reporting criteria and determining what kinds of activities to account for and report. It appears that the budget officials also misinterpreted the tasking letter from USAF headquarters as applying only to the budget office rather than to AFLC as a whole. The representatives of the Office of Legislative Affairs also said they had problems in identifying and classifying costs that should be reported. They now feel that some of their office's costs should be reported as "Other Legislative Activities," but do not believe that they should be reported against the limitation under "Legislative Liaison."

Legislative activities of
other Air Force commands

It appears that most of the Air Force major commands are conducting some legislative activities that should be reported to OSD and the Congress but the majority of them are not reporting such activities. For example, we surveyed other Air Force commands--one, the Air Force Systems Command (AFSC) which reported conducting no legislative activities and another, the Military Airlift Command which reported some such activities. Both of these commands have offices with responsibilities similar to AFLC's Office of Legislative Affairs. For example, AFSC reported that it had no legislative activities for the fiscal year 1987 budget submission. However, like AFLC, AFSC has an established office--the Office of Congressional Affairs--with a legislative activities mission. This mission is linked to and consistent with the liaison role of the Pentagon legislative activities offices. AFSC Supplement 1 to Air Force Regulation 11-7 describes the role and responsibilities of the AFSC Office of Congressional Affairs as follows.

"The Director, Congressional Affairs (HQ AFSC/CSL), has the same position, authority, and responsibility within AFSC for relations with the Offices of the President and Vice President and Congress as the Director of Legislative Liaison (SAF/LL) and the Director of Budget (HQ USAF/ACB) have within the Department of the Air Force. The Director, Congressional Affairs, is the AFSC focal point for

developing and maintaining executive and congressional relations."

AFSC's Office of Congressional Affairs was organized as a separate office in May 1983. A Lieutenant Colonel, a Captain, and a secretary comprise the staff. The Office has designated focal points throughout the Command for carrying out its legislative activities. For example, AFSC's Aeronautical Systems Division's office that handles congressional affairs at Wright-Patterson Air Force Base, Ohio, presently consisting of a Lieutenant designated as a "Congressional Liaison Officer", is the point of contact for all congressional matters (including inquiries, hearings, investigations, and visits) for the Division. She maintains a list of 27 individuals who have been designated as her congressional focal points for conducting legislative activities in their functional areas.

AFSC did not report the legislative activities conducted by the Office of Congressional Affairs and its command focal points in the fiscal years 1986 and 1987 budget submissions. Some activities conducted by the AFSC budget office were reported in the fiscal year 1986 submission but not in fiscal year 1987, although there was no substantive change in the budget office's legislative activities responsibilities. An AFSC budget officer told us that his office reported no legislative activities for 1987 based on informal guidance from the Air Force headquarters budget office and the belief that the reporting requirement applied only to the budget office, not to AFSC's Office of Congressional Affairs.

AFSC officials, like their AFLC counterparts, believe more definitive guidance is needed to ensure proper and consistent accounting and reporting of legislative activities. One budget official observed that the existing criteria were "very open to interpretation" and "could be used to say just about anything" depending on one's own definition. He said the same criteria could be liberally interpreted to report substantial legislative activities or conservatively interpreted to report none at all. The AFSC Director of Congressional Affairs said he now believes that he and his staff should have been reported in the Summary of Legislative Activities report. Based on his interpretation of the criteria, he would classify his and his staff's activities as "Other Legislative Activities," but he said that the criteria forced one to really split hairs and agreed that, by other interpretations, his activities could be categorized as "Legislative Liaison" which would be counted against the congressional limitation.

Other commands may be under-reporting their legislative activities. For example, the Military Airlift Command's legislative activities are handled primarily by the Government Affairs and Special Activities Division of the Command's

Directorate of Studies and Analysis, a 5-member office, including four persons who have responsibilities related to legislative affairs. The Division chief (a Lieutenant Colonel) spends 25 to 30 percent of his time, two of his subordinates (a Major and a Captain) spend about 80 percent of their time, and their secretary spends about 40 percent of her time on legislative activities. In addition, in the Complaints and Inquiries Division of the Command's IG office, a Captain spends an estimated 35 percent of his time and an enlisted administrative assistant spends an estimated 40 percent of his time handling congressional inquiries. This office handled 185 such inquiries last year, a small increase over the previous year, according to an IG representative.

The Military Airlift Command reported the Government Affairs and Special Activities Division personnel involved in legislative affairs as "Other Legislative Activities" in its fiscal year 1987 budget submissions. However, none of the other Command's headquarters or subordinate command persons involved in supporting that Government Affairs and Special Activities Division's legislative affairs efforts or IG persons responsible for answering congressional inquiries were reported.

In recent years, the Chief of Budget, Office of the Comptroller, Air Force District of Washington, instructed the Air Force major commands to report only "Other Legislative Activities;" they were not asked to report any "Legislative Liaison" that would be subject to the congressional limitation. According to the Budget Chief, the major commands were queried in 1983 and all responded as having no legislative liaison. The question has not been asked since that time, according to the budget official.

Army and Navy not reporting certain legislative activities

Based on our limited work at Army and Navy headquarters and on contacts at several major commands, we found that the Army and Navy also are not fully reporting their legislative activities. The Army does not report any activities from field commands and other organizations subordinate to Army headquarters. However, we found significant levels of activity at two major Army commands that appear to meet both the congressional and DOD criteria for reporting legislative activities. Of the three services, the Navy seems to be doing the broadest reporting of legislative activities, but some of its activities are also not reported.

Army legislative activities

Within the Army, only two organizations--the Office, Chief of Legislative Liaison, in the Office of the Secretary of the

Army, and the Congressional Budget Liaison Office, Office of the Comptroller of the Army--report legislative activities to OSD and to the Congress in the Summary of Legislative Activities report. According to Army officials, other headquarters and field organizations are not asked to report because Army policy prohibits organizations other than the principal liaison offices at Army headquarters from dealing directly with the Congress on a regular basis and because the Army lacks a management system for accounting and reporting other legislative activities at subordinate commands. Army officials acknowledged some difficulties in interpreting and applying the existing guidance, particularly for "Other Legislative Activities." However, given the DOD-wide inconsistencies and lack of guidance, an Army headquarters official questioned whether the Army should take unilateral action to expand its reporting of such activities.

We were told that various Army commands and offices have designated focal points or have established legislative offices to carry out congressional responsibilities for their organizations. To be reportable under congressional and DOD criteria, a person has to work only 30 days a year or about one-eighth of his time on legislative activities. Therefore, if the reporting criteria is literally interpreted, it seems likely that many persons working in legislative activities or congressional affairs roles at these commands would be included in reports on legislative activities.

For example, the Army Materiel Command's Office of the Special Assistant to the Commander for Congressional Affairs has a 6-member staff working full time on legislative activities. The Director said he and his staff conduct liaison or liaison-type activities, including working directly with members of the Congress and their staff in preparing and executing congressional travel and keeping members informed about Army actions affecting installations located in their districts. Other legislative activities handled by this office include answering congressional constituent inquiries, responding to congressional requests for information, and keeping the Command informed about hearings, legislation, and other developments in the Congress.

In addition, subordinate commands of the Army Materiel Command have legislative focal points to assist related Army headquarters offices. The focal point at the Laboratory Command, for example, estimated that she spends about 20 percent of her time on congressional inquiries and visits. She would meet the congressional and DOD reporting criteria since she spends more than 30 days per year on legislative activities.

Navy legislative activities

The Navy tasks the Chief of Naval Operations, the Commandant of the Marine Corps, offices of the Assistant Secretaries, major commands, and other offices to report "Other Legislative Activities" but not "Legislative Liaison" activities. Similar to the other services, the Navy restricts its definition of liaison activities subject to the limitation to include only those activities carried out by two principal legislative activities offices at Navy headquarters--the Navy staff Office of Legislative Affairs and the Budget and Reports Office of the Navy Comptroller's office. A Navy official said the Navy may be better able to restrict liaison activities to the principal offices since the Navy's major commands are located in the Washington, D.C. metropolitan area, while many Army and Air Force major commands are located across the country.

The Navy appears to be more fully accounting for and reporting its legislative activities than the other services. Appendix III shows reported personnel and costs by DOD components for fiscal years 1983-1987. The Navy is reporting greater levels of activity in "Other Legislative Activities." As discussed earlier, 25 of 40 subordinate Air Force organizations did not report any activity while the Army did not even task any of its field organizations to report.

However, Navy officials said they had some of the same problems in interpreting and applying the DOD criteria as did Army and Air Force officials. These Navy officials believe that their definition of liaison is consistent with Navy and OSD policy and their interpretation of congressional intent but that applying the criteria for "Other Legislative Activities" becomes more subjective and dependent on the desired depth and detail in accounting for legislative activities. The Deputy Chief of the Navy's Office of Legislative Affairs expressed the belief that the Navy captures the major portion of such activities.

However, we found that the Naval Air Systems Command, for example, reported only about 2.85 staff year equivalents engaged in "Other Legislative Activities" during fiscal year 1985. This total included two persons working full time and two working part time on legislative activities. The Command did not report other people in headquarters and the field that assist in carrying out legislative activities in their functional areas. Some of these individuals may have had reportable levels of activity. One such individual, a headquarters budget official responsible for activities such as preparing witnesses for hearings, testifying at hearings, providing briefings to congressional staff, answering inquiries, and preparing, justifying, and executing budgets, estimated a workload that exceeded 30 days per year.

Congressional escort travel costs
inconsistently reported by the services

The services continue to report congressional escort travel costs inconsistently. For example, the DOD IG reported in April 1983 that, unlike the Navy, the Army and Air Force were not reporting their congressional escort travel costs as legislative liaison; in fiscal year 1982 the Army and Air Force escort travel costs amounted to \$172,000 and \$176,000 respectively, which included the cost of air transportation provided by the Military Airlift Command according to an IG representative. The IG expressed the view that these costs "should be included in the limitation, because ... [the escorts'] duties require them to be in direct contact with congressional Members and...their staffs." The IG concluded that, as a minimum, the services should be consistent in reporting these costs.

Army officials recently informed us that the Army still does not charge escort travel costs against the limitation.

Air Force officials said that civilian escorts' travel costs are counted as legislative liaison costs. However, the costs for military escorts are not considered to be subject to the limitation, because of the Air Force's interpretation of OSD guidance which specifically mentions only civilian personnel. Therefore, it was assumed that military personnel involved in such activity should not be reported. It was not practical for us to determine the total Air Force military escorts costs. However, we examined 67 records of congressional travel for September 1985, furnished to us by the Air Force Air Operations Office, Office of Legislative Liaison, and identified costs for 35 trips. The total transportation cost of the 35 trips, including the services of 40 escorts, was about \$185,000, most of which was for transportation provided by the Military Airlift Command.

We believe it is logical to include escort travel costs as part of legislative liaison costs, because the salary costs of personnel (military and civilian) associated with escort service have already been recognized as subject to the limitation. The services' inconsistencies concerning their accountability and reporting of escort services further illustrates the need for better DOD guidance in dealing with such problems, which have been a matter of record, but unresolved, for over 3 years.

DOD REPORTING CRITERIA FOR LEGISLATIVE AFFAIRS

The OSD Comptroller provides the following format and definitions to the services and other DOD organizations for reporting their legislative affairs during the annual budget process.

A. LEGISLATIVE LIAISON

1. All personnel who are assigned permanently or temporarily to any legislative office. (Includes all personnel physically located in an office on Capitol Hill and those who work directly with the Congress in the preparation and execution of Congressional travel.)
2. Personnel of other DOD activities or agencies whose mission it is to promote liaison of their particular activity/agency with the Congress.
3. Personnel who are assigned to the various comptroller organizations and who are involved in day-to-day relations with the Congress on all budgetary, fiscal, financial, and related matters. (Exclude personnel in these offices who are involved in preparation and processing of congressional justification books, witness statements, and hearing transcripts.)

B. OTHER LEGISLATIVE ACTIVITIES

1. Personnel not included in the category "Legislative Liaison" who spend at least 30 man days per year in direct personal contact with committees, staff, and Members of Congress.
2. Personnel involved with daily routine activities necessary for the preparation of a legislative program such as tracking legislation, writing analyses and performing research with respect to legislation.
3. Personnel not included above who spend more than 30 man days per year in coordinating and answering Congressional inquiries, constituent letters, and telephone inquiries.

4. Personnel [not¹] included above who spend more than 30 man days per year in preparation and processing of congressional justification books, witness statements, and hearing transcripts.
5. Personnel not included above who spend at least 30 man days per year assisting those personnel identified above.

These DOD requirements conform to the congressional legislative affairs definitions set forth in Senate Report 94-446, except that the Senate report

- also included, as "Legislative Liaison," individuals performing a liaison function who are assigned to "program" offices. OSD considers its definition number 2 in category A to implicitly include program offices,
- did not limit persons involved in the preparation and execution of congressional travel to be included in "Legislative Liaison" to only persons who work directly with the Congress, and
- included, as "Legislative Liaison" individuals from "budget" offices who perform a liaison function, and did not exclude personnel in these offices who are involved in the preparation of congressional justification books, witness statements, and hearings transcripts.

We were advised in May 1986, that the OSD Comptroller considers its language in the criteria for reporting legislative activities to be appropriate to comply with House Report 97-943, dated December 2, 1982, which directed that the Special Assistant to the Assistant Secretary of Defense (Comptroller) be responsible for approving comptroller liaison positions.

¹We were advised in May 1986, that the "not" was inadvertently omitted from the reporting format sent out to the DOD organizations being asked to report on their legislative activities and these organizations were advised of the omission by telephone.

NUMBER OF STAFF-YEARS AND COSTS OF LEGISLATIVE ACTIVITIESREPORTED BY DOD ORGANIZATIONS^a

Organizations	FY 1983 actual		FY 1984 actual		FY 1985 actual		FY 1986 estimate		FY 1987 estimate	
	Staff- years	Cost	Staff- years	Cost	Staff- years	Cost	Staff- years	Cost	Staff- years	Cost
Legislative Liaison:										
Army	61.0	\$ 2.531	62.0	\$ 2.788	65.0	\$ 3.696	68.0	\$ 4.158	68.0	\$ 4.189
Navy	73.0	2.598	63.0	2.561	63.0	3.540	63.0	3.707	63.0	3.744
Air Force	51.0	1.963	53.0	2.144	52.0	2.979	55.0	3.173	55.0	3.173
Other DOD agencies	45.5	1.922	40.6	1.857	50.0	2.144	52.0	2.568	52.0	2.719
Total	<u>230.5</u>	<u>\$ 9.014</u>	<u>218.6</u>	<u>\$ 9.350</u>	<u>230.0</u>	<u>\$12.359</u>	<u>238.0</u>	<u>\$13.606</u>	<u>238.0</u>	<u>\$13.825</u>
Other Legislative Activities:										
Army	55.0	\$ 1.584	54.3	\$ 1.705	54.7	\$ 1.807	52.5	\$ 1.926	52.5	\$ 1.870
Navy	203.0	5.768	203.0	5.981	172.0	5.768	172.0	6.044	172.0	6.059
Air Force	66.0	2.165	66.0	2.224	54.0	2.448	102.0	4.739	102.0	4.739
Other DOD agencies	63.7	2.464	91.8	4.694	100.6	5.572	105.7	5.977	106.7	6.120
Total	<u>387.7</u>	<u>\$11.981</u>	<u>415.1</u>	<u>\$14.604</u>	<u>381.3</u>	<u>\$15.595</u>	<u>432.2</u>	<u>\$18.686</u>	<u>433.2</u>	<u>\$18.788</u>
Total:										
Army	116.0	\$ 4.115	116.3	\$ 4.493	119.7	\$ 5.503	120.5	\$ 6.084	120.5	\$ 6.059
Navy	276.0	8.366	266.0	8.542	235.0	9.308	235.0	9.751	235.0	9.803
Air Force	117.0	4.128	119.0	4.368	106.0	5.427	157.0	7.912	157.0	7.912
Other DOD agencies	109.2	4.386	132.4	6.551	150.6	7.716	157.7	8.545	158.7	8.839
Total	<u>618.2</u>	<u>\$20.995</u>	<u>633.7</u>	<u>\$23.954</u>	<u>611.3</u>	<u>\$27.954</u>	<u>670.2</u>	<u>\$32.292</u>	<u>671.2</u>	<u>\$32.133</u>

^aCosts in millions.

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