



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

Office of the General Counsel

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March 25, 1938

The Honorable William V. Roth, Jr.
Ranking Minority Member
Committee on Governmental Affairs
United States Senate

Dear Senator Roth:

Our report to you on the Aquila Remotely Piloted Vehicle (GAO/NSIAD-88-19, October 26, 1987) questioned whether the involvement of Aquila contractor employees in the conduct of the Aquila's operational test and evaluation violated 10 U.S.C. § 2366(b)(2), which prohibits such involvement. We advised at that time that formal Department of the Army views on the issue were expected and that we would provide you with an analysis of those views.

In December 1987, the Department of Defense Inspector General, using facts disclosed during our audit, issued a report to you that concluded that 10 U.S.C. § 2366(b)(2) had been violated. Because of the conclusion reached by the Inspector General's report, we no longer anticipate an Army response to our Office. We have, however, reviewed the Inspector General's report and agree with its conclusion that the statute's requirements were not followed in this instance.

In February 1988, the Army formulated a new policy severely restricting contractors, whose weapon systems were being tested, from participating in operational tests as well as in the collection and assessment of test data. The policy also bars the contractors from attending scoring conferences, even as observers.

We believe that the restrictions, if adhered to, will preclude contractors from exerting the type of influence that occurred in the testing and scoring of the Aquila.

Sincerely,


James F. Hinchman
General Counsel