SUBJECT: Detail of DoD Personnel to Duty Outside the Department of Defense

(c) Title 5, United States Code
(d) Title 50, United States Code
(e) through (k), see enclosure 1

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to update policy and responsibilities for detailing DoD personnel (military or civilian) to organizations outside the Department of Defense.

2. APPLICABILITY AND SCOPE

This Directive:

2.1. Applies to the Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Defense Agencies, and the DoD Field Activities (hereafter referred to collectively as “the DoD Components”).
2.2. Applies to all personnel whose compensation is funded initially from Defense appropriations, notwithstanding provisions of law that authorize the Department of Defense or its Components to provide support directly to non-DoD Agencies. Personnel performing duties outside the Department of Defense under fellowships, scholarships, or grants shall be governed by reference (b).

2.3. Does not apply to personnel who are:

2.3.1. Funded or reimbursed from the Foreign Military Sales, or the International Military Education and Training Programs, and Military Assistance Program (including the Marine security guard assigned overseas) appropriations.

2.3.2. Assigned to Military Assistance Groups and Missions.

2.3.3. Detailed in another Federal, State, or local agency under Chapter 41 of reference (c).

2.3.4. Selected for assignment to Reserve component sections or units of the Selective Service System Reserve Force under Section 451 of reference (d).

2.3.5. Exempted by DoD Directive S-5210.36 (reference (e)).

2.3.6. Assigned to the DoD Components that perform work for non-DoD Agencies as part of their functional responsibility (for example, those assigned to a manpower authorization of the White House Military Office are not considered to be detailed to the White House).

2.3.7. Assigned to OSD or Chairman of the Joint Chiefs of Staff exchange programs with the Department of State, the U.S. Information Agency, or the National Aeronautics and Space Administration, or to the Intelligence Community Assignment Program within Intelligence Community Organizations.

2.3.8. Assigned or performing duties for the National Science Foundation, Office of the Attending Physician to U.S. Congress, Department of Transportation - U.S. Coast Guard as Navy Chaplains, and the Department of State as members of the Navy Construction Battalion team.
3. DEFINITIONS

3.1. Detail. The assignment of a military member or DoD civilian employee, whose compensation is funded from Defense appropriations, to perform duties in an Agency outside the Department of Defense with the intent of returning to the Department of Defense upon completion of those duties. Details exclude fellowships, scholarships and grants as provided by DoD Directive 1322.6 (reference (b)).

3.2. Nonreimbursable Detail. A detail for which the gaining Agency does not reimburse the Department of Defense for services provided by DoD personnel during the detail period because the greater benefit accrues to the Department of Defense.

3.3. Reimbursable Detail. A detail for which the gaining Agency reimburses (fully or partially) the Department of Defense for services provided by DoD personnel during the detail period because the greater benefit accrues to the gaining Agency.

4. POLICY

It is DoD policy that:

4.1. DoD personnel may be detailed to non-DoD Agencies to support a specific project of pre-determined duration, wherein it is judged that DoD personnel are uniquely qualified within the U.S. Government to accomplish the task, and the detail is in furtherance of identifiable interests of the Department of Defense.

4.2. All requests (new positions or extensions) to detail DoD personnel to a non-DoD Agency shall be formally staffed through OSD for decision. Each request shall specify the anticipated duration, specific functions to be performed for the gaining Agency, and whether the proposed details are reimbursable or nonreimbursable. Requests shall be addressed to the Executive Secretary of the Department of Defense.

4.3. Details outside the Department of Defense shall be accomplished only when they promote the increased effectiveness of the U.S. Government or produce more economic use of Government resources. Personnel details, even on a reimbursable basis, shall be in furtherance of specifically identifiable interests of the Department of Defense, shall be for the minimum possible duration, and in compliance with Standards of Conduct (reference (f)).

4.4. Civilian employees of the DoD Components (except temporary or noncareer employees) may be detailed to State and local governments, institutions of higher education, and certain other Agencies as provided in Section 3373 of 5 U.S.C.
Such details are subject to the policies stated in this Directive, as supplemented by the internal policies of the DoD Components.

4.5. DoD civilian personnel and members of the Armed Forces serving in the Legislative Branch of the U.S. Government as detailees (which includes all DoD personnel, except for those covered under DoD Directive 1322.6 (reference (b)) shall be limited to performing duties for a specific duration, in a specific project, and as a member of a staff of a Committee of the Congress. Exceptions to the foregoing limitations may be approved by the Director, Administration and Management (DA&M) in coordination with the DoD General Counsel only under compelling circumstances and are subject to all other provisions of this Directive. Detailees shall comply with the policies established in DoD Directive 5500.7 (reference (f), DoD Directive 1344.10 (reference (g)), and enclosure 2., Guidelines for Avoiding Political Activities, of reference (b). Each detailee shall receive practical training on avoidance of prohibited political activities and acknowledge his or her understanding of references (b), (f), and (g) during in-processing through his or her respective legislative affairs office prior to performing any duty in the Legislative Branch.

4.6. Any details made under Section 112 of 3 U.S.C. (reference (h)) shall be on a reimbursable basis following any period of 180 consecutive days in the fiscal year in which detailed. The period preceding this point may either be reimbursable or nonreimbursable, subject to the policies of this Directive. Details to the National Security Council (NSC) are not subject to this constraint; however, each detail request to the NSC shall be subject to the guidelines specified in this Directive. Reimbursement (partial, full, or none) from Agencies within the Executive Office of the President not specifically mentioned in Section 112 of reference (h) shall be based on that Agency’s charter and this Directive.

4.7. Consistent with the U.S. Comptroller General Decision (reference (i)), nonreimbursable details shall be executed only if the employee will be performing functions consistent with those for which DoD funds are appropriated. Furthermore, details on a nonreimbursable basis shall be made only when the greatest benefit of the detail rests with the Department of Defense. The external duties shall relate to matters ordinarily handled by the DoD Components, and aid DoD Components in accomplishing their functions. Details may be beneficial to both Agencies, but absent a clear showing of preponderant benefit to the Department of Defense, approval shall be on a reimbursable basis. As appropriate, approved requests shall reflect the reimbursement basis and be administered as described in DoD 7000.14-R (reference (j)).
4.8. Details to international organizations may be made with or without reimbursement to the United States, in whole or in part, as provided by Section 3343 of 5 U.S.C. (reference (c)).

4.9. Personnel shall be detailed and used according to terms approved by the DA&M, or a designated representative, and shall not be detailed to perform substantially different duties, or to a “third party” agency, without approval from the DA&M.

4.10. Personnel should not be detailed outside the Department of Defense when such a detail would be the last tour before retirement or separation. By-name requests shall be discouraged.

4.11. Detailees shall submit an after-action report to the DA&M as part of the revalidation request, through their detailing organization at the completion of their tour. As a minimum, that report shall include benefits accrued to the Department of Defense resulting from the detail and major duties performed.

5. RESPONSIBILITIES

5.1. The Director of Administration and Management, Office of the Secretary of Defense, shall ensure that the Director of Personnel and Security, Washington Headquarters Services, shall:

5.1.1. Monitor compliance with this Directive.

5.1.2. Staff detail requests to appropriate OSD agencies for review and coordination and render decisions on all detail requests after reviewing all inputs.

5.2. The Executive Secretary of the Department of Defense shall forward all detail requests to the DA&M for staffing and decision.

5.3. The Secretaries of the Military Departments and the Heads of the Other DoD Components shall:

5.3.1. Forward any detail request falling under the purview of this Directive to the DoD Executive Secretary and inform the requester of the referral.
5.3.2. Not take independent action on any detail request, nor offer judgment regarding the potential for a detail approval.

5.3.3. Ensure each detailee receives practical training on avoidance of prohibited political activities and understands the appropriate standards of conduct before performing duty in the Legislative Branch.

5.3.4. Submit a semi-annual report, as specified by enclosure 2, to DA&M by January 31 and July 31 of each year and conduct periodic reviews to ensure proper execution of the terms of approved detail requests.

6. INFORMATION REQUIREMENTS

The DoD internal reporting requirement identified in subparagraph 5.3.4., above, has been assigned Report Control Symbol DD-DA&M(SA)1292 in accordance with DoD 8910.1-M (reference (k)).

7. EFFECTIVE DATE

This Directive is effective immediately.

John P. White
Deputy Secretary of Defense

Enclosures - 2
  E1. References, continued
  E2. Sample Report
E1. ENCLOSURE 1

REFERENCES, continued


(g) DoD Directive 1344.10, “Political Activities by Members of the Armed Forces on Active Duty,” June 15, 1990

(h) Title 3, United States Code

(i) Comptroller General of the United States Decision, File B-211373, March 20, 1985


E2. ENCLOSURE 2

SAMPLE REPORT 1, 2

DoD Personnel Detailed to Agencies Outside the Department for January - June 1997

<table>
<thead>
<tr>
<th>Agency</th>
<th>Name</th>
<th>Grade</th>
<th>Position</th>
<th>Mo/Yr Detailed</th>
<th>Mo/Yr Detail Ends</th>
<th>Authority (OSD #)</th>
<th>Reimbursement (Y/N/%)</th>
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<tr>
<td>Office of the President, The White House</td>
<td>Fields, William</td>
<td>SES</td>
<td>Chief, Personnel Office</td>
<td>Jan 96</td>
<td>Dec 97</td>
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<td>National Security Council</td>
<td>Whiting, Stephen</td>
<td>O6</td>
<td>Dir, Legislative Affairs</td>
<td>Jan 97</td>
<td>Apr 97</td>
<td>96-128</td>
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<tr>
<td>Department of State</td>
<td>Kekauoha, Stanford</td>
<td>O6</td>
<td>Chief, Pacific Division</td>
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<td>Aug 97</td>
<td>93-095</td>
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<td></td>
<td>Sekula, Gloria</td>
<td>O7</td>
<td>Chief of Military Affairs</td>
<td>Jan 97</td>
<td>Feb 97</td>
<td>96-101</td>
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<td>Dept of Transportation (FAA)</td>
<td>Hennessy, Robert</td>
<td>O6</td>
<td>Mil Prog Manager</td>
<td>Jan 95</td>
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<td></td>
<td>Stlife, Jim</td>
<td>O6</td>
<td>Chief, Flight Standards</td>
<td>Jul 96</td>
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<td>Jul 95</td>
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<td>Lewis, Freda</td>
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<td>Chief of Staff</td>
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<td>Dec 97</td>
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<td>Senate Armed Services Committee</td>
<td>Ralston, David</td>
<td>O10</td>
<td></td>
<td>Feb 97</td>
<td>Jun 97</td>
<td>96-135</td>
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1 Each calendar year, the reporting periods are from January 1 through June 30 (report due by July 31 of the same year) and from July 1 through December 31 (report due by January 31 of the following year).

2 This semi-annual report must include ALL DoD personnel who have performed or are performing duties outside DoD during the 6-month reporting period.