

An hourglass-shaped graphic with a globe inside. The top bulb is dark blue, and the bottom bulb is light blue. The globe is centered in the narrow neck of the hourglass. The text is centered within the hourglass shape.

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*Defense Fellows Program*

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**Abstract.** Each year, over one hundred commissioned military officers and Department of Defense civilians participate in diverse programs outside DOD aimed at professional education of the individual and enrichment for the services and the host agency. With U.S. forces involved in numerous military operations around the world and experiencing a high degree of personnel tempo, many have raised concerns that assignment of military officers to Defense Fellows Programs may detract from war-fighting efforts. Thus, it appears likely there will be ongoing congressional interest in and oversight of these programs.

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# CRS Report for Congress

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## Defense Fellows Programs

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### Summary

Each year, over one hundred commissioned military officers and Department of Defense (DOD) civilians participate in diverse programs outside DOD aimed at professional education of the individual and enrichment for the services and the host agency. Over the years, the general process of assigning DOD personnel, and especially military officers, outside of the Department has drawn public scrutiny. With U.S. forces involved in numerous military operations around the world and experiencing a high degree of personnel tempo, many have raised concerns that assignment of military officers to Defense Fellows Programs may detract from war-fighting efforts. Thus, it appears likely there will be ongoing congressional interest in and oversight of these programs. This report will be updated as events warrant.

### Introduction

For 40 years, commissioned officers of all military services and Department of Defense (DOD) civilians have participated in diverse programs outside DOD aimed at professional education of the individual and enrichment for the service and the host agency. Each year, DOD selects over one hundred officers and/or civilians to spend approximately one year on assignment outside the department with universities, defense “think tanks,” corporations, and on congressional staffs. The sponsoring institutions are carefully matched with high quality, experienced fellows who bring a unique perspective to their organizations. The fellows serve as an informal conduit between the organization and the respective service. The goal is for both organizations to gain from the unique educational experience. Although the program has operated under strict guidelines, it has become the focus of attention in the last fifteen years due to the individual actions of some officers employed in high visibility positions outside of DOD. Thus, it appears likely that there will be ongoing congressional interest in and oversight of these programs.

Over the years, the general process of assigning DOD personnel, and especially military officers, outside of the Department has drawn public scrutiny. In 1986, the prominent role of Marine Lieutenant Colonel Oliver North in the Iran-Contra affair while he was on assignment with the National Security Council, raised questions as to why DOD had military officers working outside the department and under what some

considered limited oversight. In 1997, DOD's legislative liaison program came under scrutiny for insufficient monitoring of fellows' activities to prevent their involvement in partisan political matters; assigning fellows without department approval; and for other direct violation of regulations. A 1997 article alleged that military officers loaned to a leadership office had worked on partisan political issues and legislative strategies.<sup>1</sup> DOD responded to Inspector General recommendations by revising governing regulations in April, 1998.<sup>2</sup> In late 2001, as Congress marked up the annual appropriations bill, a DOD audit identified 450 officers and DOD civilian employees working outside the department in some type of liaison capacity. Some believed this number was too high. Congress took action. With DOD support, Congress wrote into the fiscal year 2002 Defense Appropriation Act a 250-person cap on department liaison assignments.<sup>3</sup>

With U.S. forces involved in numerous military operations around the world and experiencing a high degree of personnel tempo, many inside and outside DOD have raised concerns that assignment of military officers to Defense Fellows Programs may detract from war-fighting efforts. In short, concern over the costs, scope, and appropriateness of some of the fellows programs augur continued congressional oversight.

## DOD Fellows Programs

The Defense Fellows Program is codified in Title 10, U.S. Code.<sup>4</sup> It allows a member of the Armed Forces to accept a fellowship for scientific, literary, or educational purposes if the benefits are "in recognition of outstanding performance in his field; to undertake a project that may be of value to the United States; or for development of his recognized potential for future career service." It further stipulates that in return for this fellowship the individual must extend his/her service commitment "for a period of at least three times the length of the education or training."

A DOD directive defines the eligibility requirements for both the potential fellows and their sponsors.<sup>5</sup> It makes ineligible any business groups operating "for profit and political organizations." The directive requires that fellowship awards be competitive; and that the education, training, or research satisfy a DOD requirement or contribute to recipient's career potential, or be a project valuable to the United States. It allows participation by not only the active duty military and DOD civilians, but affords Active Guard/Reserve personnel and reservists not on active duty the opportunity to compete. It directs the Assistant Secretary of Defense for Force Management Policy (under the Under Secretary of Defense for Personnel and Readiness) to maintain program oversight.

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<sup>1</sup> Tranette Ledford. "Congressional Fellowship Program Gets Revamp." *Army Times*. September 29, 1997.

<sup>2</sup> Department of Defense Inspector General Report No. 97-186, *Military and Civilian Personnel Assignments to Congress*, July 14, 1997.

<sup>3</sup> National Defense Appropriations Act for Fiscal Year 2002 (P.L. 107-248), Title VIII, Sec 8098.

<sup>4</sup> U.S. Code, Title 10, Subtitle A, Part IV, Chapter 155, Section 2603, *Acceptance of Fellowships, Scholarships, or Grants*.

<sup>5</sup> Department of Defense Directive 1322.6, *Fellowships, Scholarships, and Grants for DOD Personnel*, February 24, 1997.

Each military department is required to establish processes to review and select personnel, ensure required training, and maintain regulatory compliance. Each service executes its directed processes and provides fellows with specific program guidance. Fellowship programs are separated into two distinct entities for administrative purposes, the Senior Service College (SSC) Programs and the Legislative Fellows Program.

**Senior Service College Fellowship Programs.** The SSC Fellows Programs provide a select group of approximately thirty senior officers, with eighteen to twenty-two years of service (O-5s and O-6s), from each military department (Army, Navy including Marine Corps, and Air Force) opportunities to gain an improved understanding of national security policy and the intricacies of decision making at the highest levels. DOD annually reviews and approves institutional participation in these programs. Some institutions request specific educational and/or operational backgrounds and experience. DOD fellows serve one-year tours at selected institutions commencing each summer. During their tenure, the fellows are expected to pursue intellectual analysis and write at least one analytical paper on a DOD-approved topic. In addition, as ambassadors for their services, they promote and explain DOD policies, programs, and military strategy to nationally recognized scholars, foreign dignitaries, and leading policy analysts. In return, they gain insight into significant developments and emerging views on defense and foreign policy issues. The program's intent is to provide an educational experience and special subject matter expertise not available at the senior service colleges. Since 1994, officers complying with fellowship requirements receive senior service college credit upon completion. Fellowships do not provide joint professional military education (JPME) certification.<sup>6</sup> DOD sends fellows to over 25 host organizations participating in the SSC Program, including Brookings Institute's Center For Public Policy Education, Harvard's Weatherhead Center for International Affairs, and John F. Kennedy School of Government. Additionally, the Secretary of Defense awards Corporate Fellowships to selected Fortune 500 companies.<sup>7</sup> DOD selects corporations based on their reputation for insightful long-range planning, organizational innovation, and technological adaptation.

**Legislative Fellows Program.** The Program seeks to educate DOD personnel on the workings of the legislative branch of government. It exposes approximately twenty mid-career officers (O-4s) from each military department to the operations, organization, and legislative processes of Congress. It is designed to provide the fellows with broad insight into a wide range of issues while providing Congress with on-site experience on defense-related issues. Fellows work for one year assigned to either a Member's personal staff or a congressional committee. Fellows are encouraged to join offices with defense, intelligence, or foreign relations interests. Each military department maintains fully-staffed legislative affairs or liaison offices in Washington, D.C. Service legislative liaison offices process congressional sponsor applications through DOD and provide central

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<sup>6</sup> In accordance with the Goldwater-Nichols Department of Defense Reorganization Act of 1986 (P.L. 99-433), military curriculum at senior and intermediate military education schools is reviewed and revised to strengthen focus on joint matters in preparation for joint assignment. Joint duty is a prerequisite for promotion to brigadier general officer or rear admiral (lower half).

<sup>7</sup> Information abstracted from Army Regulation 621-7, *Army Fellowships and Scholarships*, August 8, 1997, Office of the Chief of Naval Operations Instruction 1500.72E, *Navy Federal Executive Fellowship and Secretary of Defense Corporate Fellowship Programs*, May 17, 2001, and Air Force Instruction 36-2301, *Professional Military Education*, June 27, 2002.

oversight and guidance for fellows while assigned to the legislative branch. Regulations place numerous restrictions on DOD personnel regarding partisan political activities. Legislative fellows receive mandatory orientation training to encourage compliance. DOD and service component supervisors are tasked to maintain oversight to ensure professional ethics are not compromised. Non-resident distance learning opportunities make intermediate service school and JPME attainable for legislative fellows through their respective service college correspondence courses. This lessens the potential for non-DOD service to jeopardize promotion and career development. Fellows graduate to headquarters or joint staff assignment.<sup>8</sup>

## Issues for Congress

**Cost/Benefit of Defense Fellowship Programs.** Weighing the costs and benefits of the Defense Fellows Program is somewhat subjective. The cost to the individual military departments is a constant. They lose a high quality officer from their ranks for the duration of the fellowship while they continue to provide normal pay and allowances. In many cases, the additional cost includes paying for the officer to move twice and supplemental overhead in the form of university tuition, books, and travel. The benefits must transcend the individual and carry over to the service and the sponsor for the programs to retain support. First, the programs have to meet regulatory guidelines and provide an educational experience not available through the DOD education structure. Individuals must value the experience both professionally and personally enough to keep the program supported by qualified applicants. The services must accrue sufficient return on their investment through open communications with sponsor organizations during the fellowship or post-fellowship contribution to maintain individual fellowship support. In most instances, the sponsor organization also incurs some cost through administrative support, educational workload, and/or research oversight. Does the technical, organizational, and operational knowledge brought to the sponsor outweigh the burden of support? For DOD, a specific benefit is the extended service commitment of the participating officers. In the end, much of the benefit for all is often intangible; however, most participating officers and institutions clearly support these voluntary programs.

**Defense Fellowship Programs Impact on End-strength.** Primary DOD arguments for reducing or eliminating fellowships hinge on the issues of operations and personnel tempo of U.S. military forces. The concern is that these DOD fellows might better serve their country operating within their respective services. When considering this issue, one can examine the impact of the fellowships on the services. For Senior Service College-equivalent officers the fellows represent less than .3% of the active-duty individual service O-5 and O-6 populations. When the Active Guard and Reserve, and the DOD civilian participants are excluded for the initial calculations the percentage is lower. Legislative Fellows represent less than .2% of their respective populations. It may be argued many fellows represent critical career specialities from fighter pilots and destroyer captains to battalion commanders or other operationally-stressed fields. One may also consider that these resident service school candidates, with all likelihood, will be pulled from their career tracks to attend professional military education, whether it be a

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<sup>8</sup> Information abstracted from Army Regulation 1-202, *Army Congressional Fellowship Program*, May 26, 2000, Bureau of Navy Personnel Instruction 1560.2, *Legislative Fellows Program*, and Air Force Instruction 90-403, *Air Force Legislative Fellows Program*, January 17, 2001.

fellowship or National/Service War College.<sup>9</sup> The impact on operational end-strength therefore appears moot.

**Politicization of Defense Fellows.** Some argue that joint ethics regulation and DOD directives cannot adequately insulate Defense Fellows from politics, especially within Legislative Fellowships. By nature and design, the program favors some offices and committees with defense-related responsibilities, interests, or oversight to those more centered on domestic policy. Fellows and sponsors tend to aggregate around the Armed Services Committees and Defense Appropriations subcommittees and their members. As members of a House or Senate personal staff, fellows have to balance requests from their superiors with strict regulatory guidelines. During election campaigns, research on issues today may become partisan policy tomorrow, and differentiating between the two can be difficult. Advocates of legislative programs suggest politics are part of the legislative process. They, also, believe that Fellows' exposure to the process makes them better prepared to facilitate communication and collaboration between the executive branch and Congress. Critics argue that by positioning mid-career officers in potentially compromising situations, the training is at best counter productive, and at worst partisan, and could jeopardize careers of the very officers meant to lead tomorrow's military.

**Optimizing Professional Military Education.** Because a military career can be as short as 20 years, optimizing the point in a structured military career when an officer receives professional military education, including fellowships, is difficult but important. Senior service colleges take officers who have already had extensive experience in their own service and focus them on national security, military policy formulation, and force transformation issues in both a joint and multinational setting. Senior service fellowships tend to concentrate on the same issues in an academic or interagency environment. In many cases, cross-service and multinational exposure is lost in the fellowship, but many officers have completed JPME and joint or international assignment by this juncture in their careers. Senior service colleges award master's degrees upon graduation. Senior fellows do not receive degrees. While almost all senior fellows have advanced academic degrees, acquisition of institutional certification of programs arguably would validate to DOD the importance of their contribution and add credibility to individual institutional programs. Intermediate service colleges are proponents for education in the operational art of war and developing staff officers and future commanders. The schools are JPME-accredited and many of the graduating officers receive a follow-on joint assignment. Legislative fellowships take a different tack, relying on non-resident programs to fill the void in the educational experience. The program provides hands-on staff experience and attempts to make up in depth for what it may lack in breadth. Some have suggested that a formalized educational union of service legislative programs, possibly in the form of weekly seminars sponsored through a local university/institution, may bring JPME-accreditation and bolster program support inside DOD.

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<sup>9</sup> Directorate for Information Operations and Reports, Military Personnel Statistics, DOD Active Duty Military Personnel by Rank/Grade, August 31, 2002. O-6 End-strength by Service - Army (3,570), Navy and Marine (4,109), Air Force (3,803). O-5 End-strength by Service - Army (8,729), Navy and Marine (8,914), Air Force (10,604). O-4 End-strength by Service - Army (14,295), Navy and Marine (14,018), Air Force (15,544).

## Options for Congress

As military transformation unfolds in the midst of continuing national and regional crises, efforts to ensure flexibility within DOD and interagency communication and coordination may never be more relevant. Congress has endorsed the Defense Fellows Programs as a means to open avenues of professional interchange and provide credible career-enhancing experience for mid-level officers. Concerns have been raised, however, about improper use of their time and skills and placement of Fellows in organizations not sufficiently relevant to DOD interests. Congress, through oversight, controls program execution and long-term maintenance. Audit of service fellowship programs, testimony of graduates, and day-to-day insight gleaned from the legislative fellow interchange, provide insight to program viability.

First, Congress may consider these programs as it monitors DOD during its transformation efforts. Personnel programs, to include professional military education, have a long-term impact on departmental health. Ensuring non-partisan experience with sufficient breadth/depth of experience is key to preparing mid-career officers for future positions of leadership. With increased operational stress, assessing the cost/benefit of individual programs is increasingly important. Many sponsors stand ready to enlarge the programs, but at what point is the return negligible, and might that manpower be better utilized elsewhere?

Additionally, periodic audit ensures programs stay on track. Internal audits by DOD inspectors remain the most common method for oversight. GAO has also served as a valuable source of data to ensure personnel mandates are meeting pre-determined requirements. Insight acquired through these methods attune leadership to overall program objectives and keep costs constrained.

Finally, Congress may legislate the shape and size of the Fellows Programs. In the National Defense Authorization Acts for both FY1997 and FY1998, Congress “right-sized” DOD headquarters staff, directing reductions in staff positions by 25 percent.<sup>10</sup> The FY02 Defense Appropriations Act dictating overall non-DOD billets caused internal reflection within DOD and the individual services.<sup>11</sup> The act, discussed earlier, capped department personnel liaison activity. Additionally, Congress has directed professional military education through legislation like the 1986 Goldwater-Nichols Act that reshaped the joint military landscape.<sup>12</sup> Congress has grappled with personnel issues and programs in the past with marked success. In that light, Congress may continue to examine the Defense Fellows Programs.

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<sup>10</sup> National Defense Authorization Act for Fiscal Year 1997 (P.L. 104-201). National Defense Authorization Act for Fiscal Year 1998 (P.L. 105-85).

<sup>11</sup> National Defense Appropriations Act for Fiscal Year 2002 (P.L. 107-248).

<sup>12</sup> The Goldwater-Nichols Department of Defense Reorganization Act of 1986 (P.L. 99-433), commonly known as the Goldwater-Nichols Act, is considered landmark legislation as it reorganized DOD into a more unified military structure. It defined educational requirements for joint service and directed curriculum at military service schools.