

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

M. P.

November 17, 1987

O/CONGRESSIONAL AFFAIRS
OCA 87-5789

Dear Chairman Roybal:

H.R. 2907, the FY 1988 Treasury/Postal Service Appropriations bill, as passed by the Senate, includes section 622 which would require the reimbursement of federal details in excess of sixty days. The Administration is deeply concerned about and strongly opposes this language. We urge you to delete the provision in conference.

Our reasons for opposing this provision are expressed in the following paragraphs. At the same time we agree that proper accounting and reporting of detailees is a sound management and budgeting goal. We are prepared to work with you and with the Senate to achieve this goal. But an informed decision on the wisdom of requiring reimbursement for all details in excess of 60 days cannot be made until relevant data is compiled and analyzed.

Section 622 was introduced into H.R. 2907 as a Senate amendment. No hearings have been held on the Senate language even though we believe that, in practice, this language could have many negative consequences. If enacted in its present form, section 622 would be applicable in FY 1989, before government agencies will have had time to include its requirements in their budget planning. A change of this magnitude will inevitably lead to delays and confusion in the assignment of detailees. Since detailees are often used in situations requiring immediate action and flexibility, section 622 may well also impede the effective use of details. Yet no one has had an opportunity to carefully and calmly inform Congress of these possibly damaging effects.

At no time during the development of this provision has a compelling argument been made why a borrowing agency should be required to reimburse an employing agency for detailees who are in fact doing the work of the employees own agency. This is the case when, for example, a Defense Department attorney is detailed to the Justice Department to assist in the defense or prosecution of litigation that may have significant impact on the operations of the Department of Defense or when an agency budget official is temporarily detailed to OMB to work on the President's Budget documents. This is also true of the National Security

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Council (NSC), whose staff has traditionally been drawn from the Departments and agencies represented on the Council itself.

Indeed, section 622 would shift the cost of such employees to the wrong appropriation, a result which we believe to be inconsistent with your interest in assuring that agency monies are expended for the needs of the agency for which the funds have been appropriated.

The reimbursement requirements of section 622 would also reduce government's responsiveness and flexibility in such key areas as national security. The State and Defense Departments, NSC and Central Intelligence Agency for example, all use details that exceed sixty days for insuring our nation's security. These detailees provide specialized skills, well suited to the particular issues which confront the agencies at the time. Since the range of issues, situations and crises cannot, by definition be anticipated, funds are neither budgeted nor available for reimbursement.

The reimbursement provision, (and to some extent the reporting requirements) of this amendment will have a chilling effect on the ability of agencies to assist each other in circumstances that warrant the use of detailees. Consequently, each agency will have an incentive to establish its own capacity to respond to emergencies that may never occur. This will lead to duplication of skills and functions, and to an increase in the size of permanent staff which is both costly and unnecessary.

We also believe the use of detailees enhances professional development within the federal service. Agencies, and their employees benefit significantly from the infusion of new ideas and different approaches to problem solving that detailees bring to their assignments.

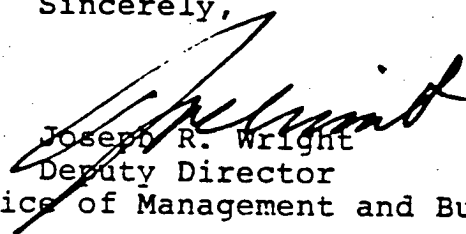
As for the reporting requirements contained in section 622, we believe agencies should be accountable for their use of details and that Congress certainly has a legitimate need for information on the use of details in the Executive Branch. For these reasons we would support a suitable reporting requirement. However, an exception should be provided for certain intelligence related functions. Detailee reporting by the CIA, NSA, DIA and other intelligence agencies could compromise highly sensitive activities where intelligence staff members are detailed to other agencies.

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We have expressed these reporting concerns to some members of the Senate Appropriations Committee and their staff and appreciate their responsiveness. They have acknowledged our concerns and have proposed some changes to the amendment. We nevertheless continue to urge them, as we urge you, to eliminate this provision.

We will continue to work with both the House and Senate to reach a result which will accommodate the need for accurate detailee data, and proper cost accounting, without diminishing the benefits derived from the current detailee process.

Sincerely,


Joseph R. Wright
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The Honorable Edward R. Roybal
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