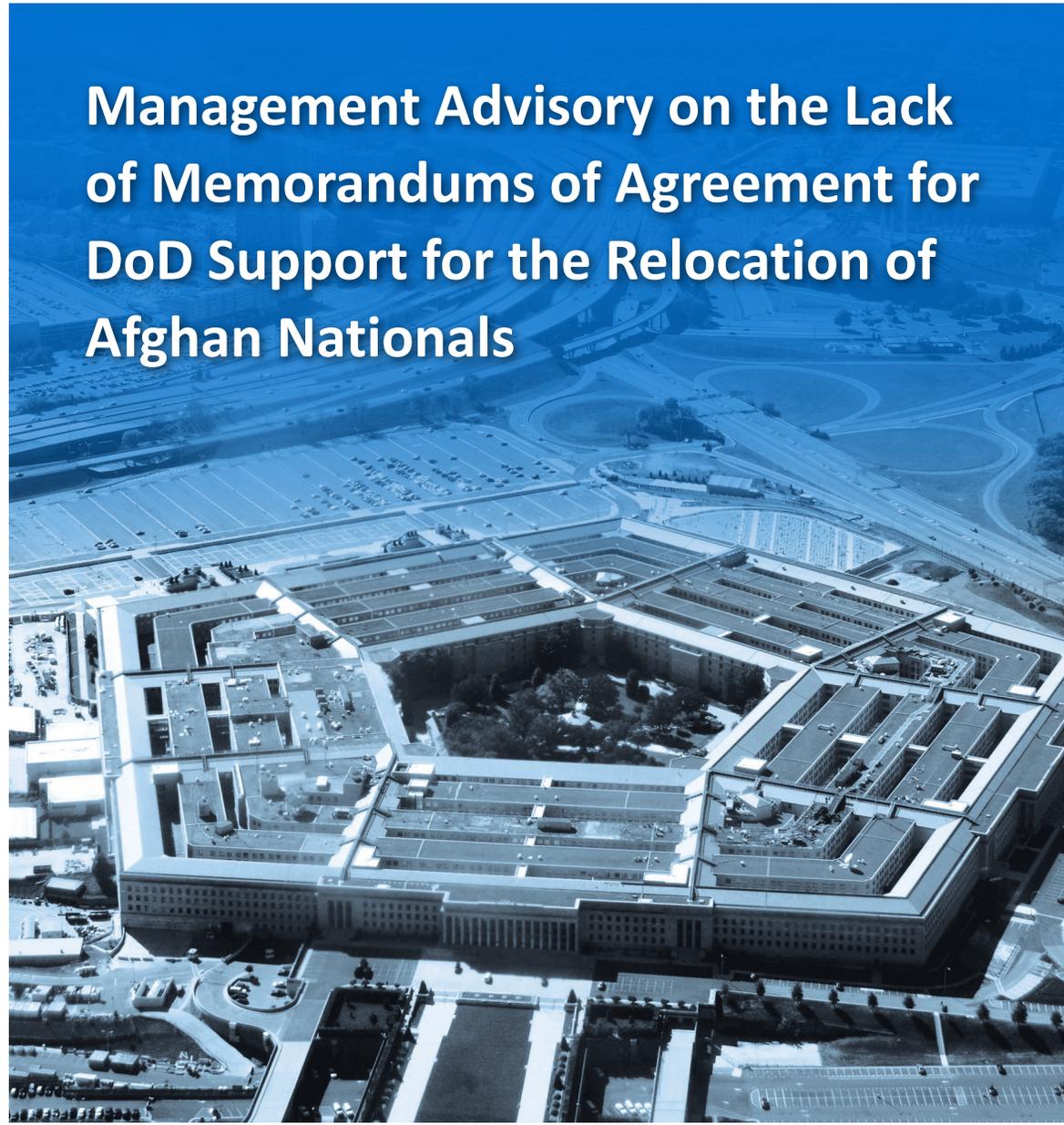




INSPECTOR GENERAL

U.S. Department of Defense

MARCH 01, 2022



Management Advisory on the Lack of Memorandums of Agreement for DoD Support for the Relocation of Afghan Nationals





**INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
4800 MARK CENTER DRIVE
ALEXANDRIA, VIRGINIA 22350-1500**

March 01, 2022

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
COMMANDER, U.S. NORTHERN COMMAND

SUBJECT: Management Advisory on the Lack of Memorandums of Agreement for
DoD Support for the Relocation of Afghan Nationals (Report No. DODIG-2022-066)

The purpose of this management advisory is to inform DoD leadership of the lack of memorandums of agreement (MOAs) between the DoD and the Department of Homeland Security (DHS) and the Department of State (DOS) for DoD support for Operation Allies Welcome (OAW).¹ On August 29, 2021, the White House announced that the DHS would serve as the lead Federal agency for OAW, coordinating ongoing efforts across the U.S. Government to resettle vulnerable Afghans in the United States. We previously provided copies of the draft management advisory and requested written comments on the recommendation. We considered management comments when preparing the final memorandum.

The Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support to Civil Authorities, responding for the Under Secretary of Defense for Policy, agreed to address the recommendation; therefore, the recommendation is considered resolved and open. As described in the Recommendations, Management Comments, and Our Response section, the recommendation may be closed when we receive adequate documentation showing that agreed upon actions to implement the recommendation have been completed. Send your response to either followup@dodig.mil if unclassified or [REDACTED].

We conducted the work on this project with integrity, objectivity, and independence, as required by the Council of the Inspectors General on Integrity and Efficiency's Quality Standards for Federal Offices of Inspector General.

¹ An MOA is used to document agreements and execute or deliver support with or without reimbursement between any two or more parties. A memorandum of understanding (MOU) is used to document a mutual understanding between any two or more parties that does not contain an expectation of payment, and under which the parties do not rely on each other to execute or deliver on any responsibilities.

If you have questions, please contact me at [REDACTED]



Richard B. Vasquez
Assistant Inspector General for Audit
Readiness and Global Operations

DoD OIG Project Work on Relocation of Afghan Evacuees

On August 23, 2021, we announced the “Audit of DoD Support for the Relocation of Afghan Nationals,” to determine whether the DoD had adequately planned and provided support for the relocation of Afghan nationals.² As part of this audit, between September 16 and November 12, 2021, we visited the eight DoD Task Forces (TF) at installations supporting OAW: TF Eagle (Fort Lee, Virginia), TF Quantico (Marine Corps Base Quantico, Virginia), TF Pickett (Fort Pickett, Virginia), TF Liberty (Joint Base McGuire-Dix-Lakehurst, New Jersey), TF Bliss (Fort Bliss, Texas), TF CAIN (Camp Atterbury, Indiana), TF McCoy (Fort McCoy, Wisconsin), and TF Holloman (Holloman Air Force Base, New Mexico). During those site visits, we identified the lack of MOAs as a systemic issue. The audit teams also inspected facilities, reviewed documentation, and interviewed task force personnel, and the DoD OIG is issuing separate products specific to each site visited.

DoD Support to Operation Allies Refuge and Operation Allies Welcome

On July 14, 2021, the President announced Operation Allies Refuge (OAR), with the DOS as the lead Federal agency, to support the relocation of Afghan evacuees and their immediate families who supported the U.S. Government.³ On July 22, 2021, the Secretary of Defense approved a DOS request for assistance to provide emergency housing, sustainment, and support for Afghan Special Immigrant Visa applicants and their families.⁴ On October 28, 2021, officials from the Office of the Under Secretary of Defense for Policy explained that although OAR was a DOS mission, the DOS did not have the capacity to execute it. An official from the Office of the Under Secretary of Defense for Policy also explained that while OAR is not a typical DoD mission, the DoD did have the capacity to support the interagency efforts, and as a result the DOS requested that the DoD provide support.

On August 24, 2021, the Secretary of Defense directed the U.S. Northern Command (USNORTHCOM) to provide temporary housing, sustainment, and support inside the continental United States for Afghan evacuees.⁵ The Secretary of Defense direction specified that the DoD will provide support on a non-reimbursable and reimbursable basis to the DOS in accordance with section 1535, title 31, United States Code (the Economy Act) (2020).⁶ On August 29, 2021, the lead Federal agency changed when the White House renamed the operation OAW and

² “Audit of DoD Support for the Relocation of Afghan Nationals (Project No. D2021-D000RJ-0154.000),” August 23, 2021.

³ OAR was the operation to airlift at-risk Afghan evacuees who supported the DoD out of Afghanistan. OAW is an ongoing effort across the Government to support these Afghan evacuees as they resettle in the United States.

⁴ Office of the Secretary of Defense Memorandum for Executive Secretary, Department of State, “Department of Defense Domestic Support to Department of State for Afghanistan Special Immigrant Visa Applicants Inside the United States,” July 2, 2021.

⁵ Office of Secretary of Defense Memorandum for Commander, U.S. Northern Command, “Authorization to Provide Support to Department of State Through Provision of Humanitarian Assistance in the United States to Afghan Special Immigration Visa Applicants, Their Families, and Other Individuals at Risk,” August 24, 2021.

⁶ The Economy Act of 1932, as amended (31 U.S.C. § 1535 [2020]) permits one Federal agency to request support of another so long as requested services cannot be provided more cheaply or conveniently by contract.

announced that the DHS would serve as the lead Federal agency for the resettlement of Afghan evacuees, coordinating ongoing efforts across the U.S. Government to resettle vulnerable Afghans in the United States.⁷ Although the lead Federal agency has changed, the DoD was still operating under the initial Secretary of Defense-validated DOS request for assistance. According to Office of the Under Secretary of Defense for Policy officials, they still consider aspects of the OAW response as a DOS mission even though the DHS was the lead Federal agency. The officials stated that taking care of evacuees is a DOS responsibility and that they believe any MOAs should be with the DOS.

Federal and DoD Requirements for Interagency Support

Both Federal law and DoD guidance require Federal entities to establish documented terms and conditions of support for interagency operations, to include any terms for reimbursement.⁸ Specifically, 31 U.S.C. § 1501 (2020) requires that agencies document obligations of the U.S. Government with a binding agreement between the agency providing support and the receiving party in writing.⁹ DoD Instruction 4000.19 provides guidance to DoD Components on entering into agreements to support other Federal agencies.¹⁰ According to DoD Instruction 4000.19, DoD Components must document all support agreements to “the extent necessary for the terms and conditions to be clear and understandable to the parties involved.” Section 4 of the Instruction provides documentation and records management guidance, including a summary of the minimum information required in a support agreement with an expectation of payment. For example, Section 4 of the Instruction states support agreements should include the name of each party, purpose and scope of the agreement, acknowledgement of responsibility, start and end dates, and roles and responsibilities of each party.

No Comprehensive Memorandums of Agreement Between the DoD and Lead Federal Agencies

We found that the DoD did not have comprehensive MOAs with the lead Federal agencies overseeing OAR and OAW. On August 24, 2021, when we initially requested the MOA between the DoD and the DOS for OAR, USNORTHCOM provided the DOS-DoD MOA on the “Protection and Evacuation of U.S. Citizens and Nationals and Designated Other Persons From Threatened Areas Overseas,” dated July 1998. The 1998 MOA is not sufficient for OAW or OAR because the 1998 MOA is for noncombatant evacuation operations overseas, not the housing, sustainment, and support of a large number of Afghan evacuees in the United States.

⁷ White House Briefing Room, “Memorandum on the Designation of the DHS as Lead Federal Department for Facilitating the Entry of Vulnerable Afghans into the United States,” August 29, 2021.

⁸ Joint Publication 3-28, “Defense Support to Civil Authorities” December 29, 2010 requires that defense support to civil authorities is provided on a reimbursable basis unless directed otherwise by the President.

⁹ Section 1501, title 31, United States Code, 2020, “Documentary Evidence Requirement for Government Obligations.”

¹⁰ DoD Instruction 4000.19, “Support Agreements,” December 16, 2020.

In addition, the 1998 MOA's cost matrix on reimbursable and non-reimbursable costs is specific to evacuating personnel and does not provide useful guidance to the task forces supporting the emergency housing, sustainment, and support operations of OAR and OAW. On October 7, 2021, we met with the USNORTHCOM to discuss the lack of an MOA between the DoD and the DHS for OAW. We asked whether there were any efforts to establish a comprehensive DoD and DHS MOA. USNORTHCOM officials stated that they were not aware of any efforts to establish MOAs with the DOS and the DHS and suggested we contact the Joint Staff for additional information. On October 18, 2021, we met with a Joint Staff J3 official responsible for OAW regarding efforts to establish MOAs for OAW. The Joint Staff J3 official stated that the DoD did not have a comprehensive MOA for the support provided to Afghan evacuees.

On October 28, 2021, we met with officials from the Office of the Under Secretary of Defense for Policy, who stated that the DoD had attempted to establish MOAs with the DOS for OAW. The officials stated that they had made a good faith effort to establish MOAs but were unsuccessful because the DOS would not sign them. The officials from the Office of the Under Secretary of Defense for Policy explained that they had attempted to establish MOAs with the DOS, instead of the DHS, the lead Federal agency, because they believed aspects of the OAW response to be a DOS mission. The Office of the Under Secretary of Defense for Policy officials further stated that installation-level MOAs would be more helpful than a comprehensive MOA, as each installation was in a unique situation.

No Installation-Level MOAs

None of the eight task forces we visited had signed installation-level MOAs with the DOS or the DHS. Only one task force, TF Eagle at Fort Lee, had established a support agreement with the DOS.¹¹ TF Eagle completed a signed MOU on July 30, 2021, with the DOS for OAR. However, the MOU was nonbinding. The signed, July 30, 2021 MOU stated that TF Eagle and the DOS would establish terms of cost-sharing separately. However, as of October 28, 2021, a cost-sharing agreement between TF Eagle and the DOS had not been established. According to the Senior Commanding General for TF Eagle and Office of the Under Secretary of Defense for Policy officials, TF Eagle also attempted to establish an MOA with the DOS for OAR that included a commitment for the DOS to reimburse the DoD for its costs to provide support to Afghan evacuees; however, the DOS did not sign the MOA.

Clearly Defined Agency Roles and Responsibilities Needed

Based on our site visits and interviews, we determined that the lack of MOAs caused confusion concerning the roles and responsibilities of DoD, DOS, and DHS personnel, hampering the effectiveness of task force operations. TF Eagle officials stated that a new tri-party MOA,

¹¹ The TF Eagle agreement was between the Fort Lee Installation Commander and the DOS. For the purposes of this advisory, we refer to the installations housing Afghan evacuees by their task force name.

between the DoD, the DOS, and the DHS, would be helpful to define roles and responsibilities for the remainder of OAW. During our site visits, we identified numerous areas where roles and responsibilities between the DoD, the DOS, and the DHS were unclear, including decision making at the task force level, accountability of Afghan evacuees, law enforcement jurisdiction, and provision of services beyond basic sustainment. MOAs at the task force level that clearly assign roles and responsibilities for OAW would assist task force personnel and interagency partners in ensuring Afghan evacuees are appropriately sustained at host installations until resettlement.

Cost-Sharing and Reimbursement Agreements Needed

Not establishing an overarching MOA at the department level, or MOAs at the installation level, created confusion and put the DoD at risk of not receiving reimbursement for all or part of the costs incurred on behalf of the interagency partners. Specifically, the DOS, the DHS, other supporting interagency partners, and each installation needed a signed MOA to document cost-sharing responsibilities. Without this agreement, task forces did not know which expenses would be reimbursable or by which agency. For example, TF Pickett officials expressed frustration over the lack of clear guidance on the funding and reimbursement processes. TF Pickett officials stated that funding for TF Pickett was coming from multiple sources within the Army, and they were concerned with how much the OAW operation will cost the DoD and whether the costs will be reimbursed.

Recommendation, Management Comments, and Our Response

Recommendation

We recommend the Under Secretary of Defense for Policy establish memorandums of agreement with the appropriate interagency partners to clarify roles and responsibilities and to define cost-sharing and reimbursement terms and conditions for Operation Allies Welcome, in accordance with DoD Instruction 4000.19 and the Economy Act.

Under Secretary of Defense for Policy Response

The Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support to Civil Authorities, responding for the Under Secretary of Defense for Policy, agreed with the recommendation and explained that during the course of the operation, roles and responsibilities were refined. According to the Deputy Assistant Secretary of Defense, the Office of Management and Budget facilitated an interagency process to clarify funding roles and responsibilities, including reimbursement, which was finalized in late fall 2021.

The Deputy Assistant Secretary of Defense stated that the Office of the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support to Civil Authorities, in coordination with Joint Staff and the Military Departments, is developing template language for inclusion in draft MOUs that delineates the activities for which each

party would be responsible, and would undertake under their respective authorities on a non-reimbursable basis. The Deputy Assistant Secretary of Defense added that these MOUs with the DOS should be complete by early 2022.

Our Response

Comments from the Deputy Assistant Secretary of Defense addressed the specifics of our recommendation; therefore, the recommendation is resolved but will remain open. We will close this recommendation once we obtain evidence that the MOUs have been coordinated and signed.

Management Comments

Under Secretary of Defense for Policy



HOMELAND DEFENSE &
GLOBAL SECURITY

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
2600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2600

MEMORANDUM FOR THE OFFICE OF THE INSPECTOR GENERAL OF THE
DEPARTMENT OF DEFENSE
ATTN: RICHARD B. VASQUEZ

SUBJECT: Response to the Office of the Inspector General (OIG) Report, "Management Advisory Memorandum Regarding the Lack of Memorandum of Agreement for DoD Support for the Relocation of Afghan Nationals," (Project No. D2021-D000RJ-0154.010)

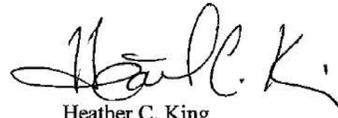
Thank you for the opportunity to review and provide comment on the recommendations in the subject management advisory. The OIG recommended the Under Secretary of Defense for Policy establish memorandums of agreement with the appropriate interagency partners to clarify roles and responsibilities, and to define cost-sharing and reimbursement terms and conditions for Operation Allies Welcome (OAW), in accordance with DoD Instruction 4000.19, "Support Agreements" and the Economy Act (31 U.S.C. 1535). The Department of Defense (DoD) agrees with the OIG's recommendation and continues to pursue memorandums of understanding (MOUs) with the Department of State (DOS) at the installation level.

Through Operation ALLIES REFUGE, the U.S. Government facilitated the arrival of nearly 70,000 Afghan evacuees with the fall of Kabul in August 2021. Within weeks, DoD established temporary housing on installations across the United States. At these Safe Havens, DoD and other interagency partners provided shelter, medical care, and life sustaining services at a pace unseen in decades. During the course of establishing these facilities, roles and responsibilities were refined over a period of time. The Office of Management and Budget (OMB) facilitated an interagency process to clarify funding roles and responsibilities, including regarding reimbursement, which was finalized in late fall 2021.

Informed by this process, the Office of the Deputy Assistant Secretary of Defense for Homeland Defense Integration and Defense Support to Civil Authorities, in coordination with the Joint Staff and the Military Departments concerned, is developing template language for inclusion in existing draft MOUs that delineates the activities for which each Party would be responsible, and would undertake given their respective authorities on a non-reimbursable basis. We anticipate the MOUs with DOS will be completed in early 2022.

Under Secretary of Defense for Policy (cont'd)

My point of contact for these activities is [REDACTED]



Heather C. King
Deputy Assistant Secretary of Defense
Homeland Defense Integration and
Defense Support of Civil Authorities

cc:
Chairman of the Joint Chiefs of Staff
Commander, U.S. Northern Command



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