Evaluation Report

INFORMATION AND ASSISTANCE TO MEMBERS OF FAMILIES OF CASUALTIES OF MILITARY AVIATION ACCIDENTS

Report Number 98-091 March 16, 1998

Office of the Inspector General
Department of Defense

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Acronyms

ARC	American Red Cross
CAP	Casualty Assistance Personnel
FAA	Federal Aviation Administration
NTSB	National Transportation Safety Board

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March 16, 1998

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR ACQUISITION AND TECHNOLOGY
UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS

SUBJECT: Evaluation Report on Information and Assistance to Members of Families of Casualties of Military Aviation Accidents (Report No. 98-091)

We are providing this report for information and use. We considered management comments on a draft of this report in preparing the final report.

The Deputy Under Secretary of Defense (Environmental Policy) and the Assistant Secretary of Defense (Force Management Policy) comments conformed to the requirements of DoD Directive 7650.3; therefore, additional comments are not required.

We appreciate the courtesies extended to the evaluation staff. Questions on the evaluation should be directed to Captain A. L. Lawson, United States Navy, Evaluation Program Director, at (703) 604-9555 (DSN 664-9555) or Commander W. H. Kimball, United States Navy, Evaluation Project Manager, at (703) 604-9574 (DSN 664-9574). See Appendix E for the report distribution. The evaluation team members are listed inside the back cover.

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Assistant Inspector General
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Office of the Inspector General, DoD

Report No. 98-091 **March 16, 1998**
(Project No. 8LE-5007)

Information and Assistance to Members of Families of Casualties of Military Aviation Accidents

Executive Summary

Introduction. This evaluation was directed by Public Law 105-85, National Defense Authorization Act for FY 1998, section 1046. The Authorization Act directed the Inspector General, DoD, to review procedures that the Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB) use to provide information and assistance to members of families of casualties of nonmilitary aviation accidents. It also directed that the Inspector General, DoD, recommend whether those or similar procedures should be adopted by DoD.

Evaluation Objective. The evaluation objective was to assess whether the procedures of the FAA and the NTSB for providing information and assistance to members of families of casualties of aviation accidents should be adopted by DoD. The evaluation focused on the system and procedures for providing families with information on accidents and accident investigations, the designation of an experienced non-profit organization to provide assistance in meeting the needs of families of accident casualties, and protection of members of families from unwanted solicitations relating to the accident.

Evaluation Results. Except as noted, DoD procedures for providing information and assistance to families of casualties of aviation accidents were similar to or more detailed than FAA and NTSB procedures.

- **System and Procedures for Providing Families with Information on Accidents and Accident Investigations.** Families of casualties of military aviation accidents were not kept well-informed of the status of legal and safety investigations until the issuance of the final investigation reports. NTSB provided periodic updates to families on the status of safety and legal investigations prior to the release of legal and safety investigations, whereas DoD did not. Given the lack of systematic, periodic updates, the possibility exists that the next of kin of deceased Service members may feel frustrated and ignored when trying to learn the cause of the fatality. (See Part I for a discussion of the finding.)

- **Designation of an Experienced Non-profit Organization to Provide Assistance.** The NTSB designated the American Red Cross as the non-profit organization to coordinate the emotional care and support of the families of casualties involved in an accident. DoD and the Services possessed several organic assets that provided the support that a nonprofit organization provided for the NTSB and commercial airlines. Additionally, the American Red Cross was already designated, through its charter from Congress, to provide assistance to Service members and their families. Therefore, designation of an additional nonprofit organization to provide assistance to families would have been redundant and unnecessary.

• **Protection of Members of Families From Unwanted Solicitations Relating to the Accident.** Neither DoD nor NTSB had policies that addressed protecting family members from unwanted solicitations. The Aviation Disaster Family Assistance Act of 1996 prohibited attorney solicitations of families within 30 days of the accident. Both DoD and NTSB stated that unwanted solicitations would be handled on a case-by-case basis, when protection from such solicitations was requested by the family.

The only NTSB procedures that should be adopted by DoD is its provision for updating family members on accident investigations. See Appendix D for a detailed discussion of DoD, FAA, and NTSB procedures.

Summary of Recommendations. We recommend that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Under Secretary of Defense for Acquisition and Technology, develop policies and procedures that establish responsibilities and timelines for routinely updating family members regarding the status of legal and safety accident investigations. We also recommend that the Under Secretary of Defense for Personnel and Readiness develop policies and procedures that would require the Military Departments to develop an information sheet, brochure, or handbook for family members that would explain the various investigative processes.

Management Comments. The Deputy Under Secretary of Defense (Environmental Security) concurred with the recommendations and stated she would work with the Under Secretary of Defense for Personnel and Readiness to create policies and procedures for providing greater information to families of casualties of DoD accidents. The Assistant Secretary of Defense (Force Management Policy) concurred with the recommendations and will work with the Under Secretary of Defense for Acquisition and Technology to develop policies and procedures to keep families updated on the status of legal and safety investigations. Management further stated that they would issue a policy memorandum by August 1998 that will outline responsibilities for keeping families informed and explaining various investigative processes. See Part I for a discussion of management comments and Part III for the complete text of management comments.

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Part I - Evaluation Results

Evaluation Background

Introduction. This evaluation was directed by Public Law 105-85, National Defense Authorization Act for FY 1998, section 1046.[1] In the aftermath of a crash of an Air Force Reserve HC-130 aircraft off the coast of California in November 1996, Senators Gordon Smith and Ron Wyden of Oregon were concerned about the flow of information and assistance provided by the Air Force to the families of the casualties of the accident. The Authorization Act directed the Inspector General, DoD, to review the procedures of the Federal Aviation Administration (FAA) and the National Transportation Safety Board (NTSB) for providing information and assistance to members of families of casualties of nonmilitary aviation accidents. The Inspector General, DoD, was required to report the results of the review to Congress and specifically discuss the following areas:

- an assessment of the system and procedures for providing families with information on accident and accident investigations;

- the designation of an experienced nonprofit organization to provide assistance in meeting the needs of families of accident casualties; and

- the protection of members of families from unwanted solicitations relating to the accident.

Assistance Requirements for Commercial Aviation Accidents. As a result of commercial airline accidents, including the 1994 crash of U.S. Air flight 427 in Pittsburgh, the 1996 Value Jet crash in the Florida Everglades, and the 1996 TWA flight 800 disaster off Long Island, New York, Congress passed the "Aviation Disaster Family Assistance Act of 1996."[2] That legislation assigned responsibilities for notifying and assisting families of casualties of commercial aviation accidents. Specifically, the legislation designated the NTSB as the point of contact within the Federal Government for the families of casualties involved in accidents and as the liaison between the air carriers and the families. The NTSB assigned the air carriers to identify passengers and notify next of kin, arrange for family members to travel to the crash site, secure a private facility for family members, assign an air carrier representative to each family for on- and off-site family assistance and to return personal effects. Additionally, the NTSB was directed to designate an independent nonprofit organization to have the primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident. The NTSB Director of Family Services stated that the NTSB uses the American Red Cross (ARC) exclusively as the nonprofit organization to fulfill those duties.

[1] Hereafter referred to as the Authorization Act. Appendix B contains the text from section 1046 of the Authorization Act.

[2] Hereafter referred to as the Family Assistance Act. Appendix C contains the text from the Family Assistance Act.

NTSB Aviation Disaster Plan. To fulfill the requirements of the Family Assistance Act, the NTSB developed the "Federal Family Assistance Plan for Aviation Disasters," April 9, 1997. The Family Assistance Act required all commercial air carriers to submit detailed plans to the NTSB addressing how they would fulfill their requirements for family assistance. Although assistance to families of commercial aviation accidents is provided by different organizations, the NTSB coordinates all efforts.

NTSB Aviation Disaster Plan Requirements. The NTSB plan for family assistance assigned specific responsibilities for family notification and assistance to the air carrier concerned, the designated nonprofit organization, and the NTSB itself. In accordance with the plan, the NTSB is to:

- lead the aviation crash investigation[3];

- provide and coordinate family briefings to both the family members at the accident site and those who are not at the site;

- provide daily briefings to families on the progress of recovery efforts, identification of victims, the investigation, and other areas of concern;

- maintain contact with family members to keep them informed about the progress of the investigation;

- contact the family 4 weeks before the written investigation report is made available in a public docket, which is normally 2 to 4 months after the crash, and offer families a copy of the accident report;

- invite families to the public hearing where NTSB investigative staff presents findings of a draft accident report.

FAA Procedures. In response to the concern from Congress regarding commercial aviation family assistance and in the aftermath of the crash in Croatia of an Air Force aircraft carrying Secretary of Commerce Ronald Brown, the FAA was developing procedures for assistance to families of Federal employees, other than Service members, and DoD employees. Department of Transportation officials stated that those FAA procedures were in draft form for accidents involving aircraft owned and operated by the FAA.

DoD Casualty Assistance. The Assistant Secretary of Defense for Force Management and Personnel, Office of Family Services was the proponent of DoD Instruction 1300.18, "Military Personnel Casualty Matters, Policies, and Procedures," December 27, 1991, and had broad policy responsibilities for casualty assistance. That instruction directed each Service to maintain a military casualty office as the focal point for all casualty matters, and maintain an

[3] If the cause of the crash is not due to a criminal act. If the cause is due to a criminal act, the Federal Bureau of Investigation will lead the crash investigation.

organizational capability to provide for casualty notification, casualty assistance, and individual casualty recording and reporting. The Services have developed derivative policies that provide detailed guidance to comply with that instruction.

Army Casualty Notification and Assistance. Technical supervision of the Army casualty operations program was performed by the Total Army Personnel Command, Army Casualty and Memorial Affairs Operations Center in Alexandria, Virginia. Commanders of installations, communities, and mobilization stations at 37 casualty area commands worldwide implemented and operated the casualty operations program, which included casualty reporting, notification, and assistance. Casualty notification officers are appointed to initially notify families of the accident and casualty assistance officers provide post-notification assistance.[4]

Navy Casualty Notification and Assistance. The Navy's Casualty Assistance Calls Program was under the technical control of the Bureau of Naval Personnel; Personal, Family and Community Support Division, Casualty Assistance Branch, in Washington, D.C. Management control of the casualty assistance program was the responsibility of the casualty area calls and Funeral Honors Support Program coordinators located in 19 regions worldwide. Program coordinators were responsible for the designation of a naval activity to provide the casualty assistance calls officer, to forward records and reports, to notify and use qualified casualty assistance personnel, to receive personnel casualty reports, to train casualty assistance personnel, and to transfer duties between geographical areas. Casualty assistance calls officers performed casualty notification and assistance tasks.

Air Force Casualty Notification and Assistance. The Air Force Casualty Services Branch of the Air Force Personnel Center at Randolph Air Force Base, Texas, administered policies on deceased personnel and the worldwide casualty notification program, and monitored the casualty assistance program. The Air Force Personnel Center established reporting procedures and chains of command, and assigned responsibility for casualty assistance services. Eighty-nine casualty assistance representatives assist installation commanders with casualty reporting, notification, and assistance. Like the Army, the Air Force appoints a notification officer to notify the next of kin. The casualty assistance representative provides all other assistance.

Marine Corps Casualty Notification and Assistance. Headquarters, U.S. Marine Corps, Casualty Section, Arlington, Virginia, publishes policies, procedures, responsibilities, and technical instructions for the administration of the Marine Corps Casualty Program. Six Marine Corps districts are responsible for casualty notification, assistance and funeral support, and assignment of casualty assistance calls officers to perform these functions.

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[4] The Services use different terms for the personnel conducting casualty assistance and notification. The Army uses casualty assistance officer and casualty notification officer. The Navy and Marine Corps use the term casualty assistance case officer. The Air Force uses the terms casualty assistance representative and casualty notification officer. The term casualty assistance personnel (CAP) is used in this report when referring collectively to these personnel.

DoD Safety Centers. The Assistant Deputy Under Secretary of Defense for Safety and Occupational Health was the proponent for DoD accident investigation policies specified in DoD Instruction 6055.7, "Accident Investigation, Reporting, and Recordkeeping," April 10, 1989. The Instruction tasked the Military Departments to establish derivative procedures, collect and analyze data on property damage and injuries, and ensure effective corrective action is taken to identify the cause of the accident for prevention purposes and for legal considerations. The Army, the Navy, and the Air Force established safety centers as part of the Service Safety Programs. Those safety centers administer, conduct, formulate, and monitor the Aviation Safety Programs. Within those programs, the safety centers conduct final review and evaluation of aircraft safety reports, develop and publish procedures and standards for aircraft accident investigations, and provide accident investigation data. Safety investigations are conducted by safety investigation boards to determine the cause of the accident and recommend modifications to equipment, policies, and procedures to prevent future accidents. The Army Safety Center is located at Fort Rucker, Alabama, the Naval Safety Center is in Norfolk, Virginia[5], and the Air Force Safety Center is at Kirtland Air Force Base, New Mexico.

DoD Legal Offices. DoD Instruction 6055.7 also established the basic requirements for conducting legal investigations for all accidents involving one or more fatalities. A legal investigation is required when:

- disciplinary or adverse administrative action against any individual is anticipated,

- litigation for or against the Government or a Government contractor is anticipated, or

- there is probable high public interest in the accident.

Legal investigations involving military aircraft are investigations conducted under procedures prescribed by the Service Judge Advocate Generals, legal counsel, or other authority. They are conducted separate from safety investigations. Typically, a major command would order a legal accident investigation or delegate authority to the commander responsible for the aircraft. One or more officers may be appointed to a board to conduct an investigation, depending on the complexity of the accident. Investigators are experienced officers, senior to persons involved in the accident, who are qualified in similar aircraft types with a similar mission. The authority appointing the board may also appoint a legal advisor and technical advisors, such as maintenance, medical, operations, or personnel, as necessary. The board sends final reports to the convening authority's staff judge advocate for coordination and distribution.

DoD Public Affairs Offices. DoD Directive 5122.5, "Assistant to the Secretary of Defense for Public Affairs," December 2, 1993, assigned primary responsibility for implementation of public affairs policy to the Assistant Secretary of Defense for Public Affairs. The Military Departments have issued

[5] The Naval Safety Center conducts investigations for Navy and Marine Corps accidents. Therefore, there are only three military safety centers aligned with the Services.

derivative guidance to conduct public affairs programs. Public Affairs withholds initial release of information regarding an accident to the media until it receives confirmation that the next of kin has been notified of the accident. For most accidents, release of information is made at the lowest level in the chain of command. If public interest is nationwide, release of information would be made at the headquarters level, with simultaneous release from the unit involved or, when appropriate, at the location of the incident. Results of legal and safety investigations are released to public affairs officials by the investigation boards and those results are released to the public, when warranted, after a thorough review by the chain of command. Public release of details and causes of accidents and deaths is not routinely made. The extent of casualties or the event that caused them determines the level in the chain of command that oversees the public affairs effort.

Evaluation Objectives

The evaluation objective was to assess whether the procedures of the FAA and the NTSB for providing information and assistance to members of families of casualties of aviation accidents should be adopted by DoD. The evaluation focused on the system and procedures for providing families with information on accidents and accident investigations, the designation of an experienced non-profit organization to provide assistance in meeting the needs of families of accident casualties, and protection of members of families from unwanted solicitations relating to the accident.

DoD procedures for notifying surviving family members and assisting them with survivor benefits are detailed and more comprehensive than NTSB procedures. However, DoD lacked the policy and procedures NTSB had to provide periodic updates to families on the status of safety and legal investigations. Unlike the NTSB, DoD had the assets needed to provide casualty and family assistance, including chaplains; family services; legal; medical and mortuary affairs; and transportation. Additionally, the ARC is chartered to provide assistance to military members and their families, including casualty assistance, if requested by the family. Local and national family support groups also provide assistance based on the individual family needs. Neither DoD nor NTSB had policies that addressed protecting family members from unwanted solicitations, although the Family Assistance Act prohibits unwanted solicitations of family members by attorneys for 30 days.

See Appendix A for a discussion of the scope and methodology used for the evaluation. See Appendix D for a discussion of the differences between DoD and NTSB family notification and assistance procedures. DoD procedures for keeping families notified on the status of investigations is discussed in the finding.

Procedures for Providing Families With Information on Accident Investigations

Families of casualties of military aviation accidents were not kept well-informed of the status of legal and safety investigations until the issuance of the final investigation reports. Information was not provided the families until after the issuance of the final investigation report because neither DoD nor Military Department policies required that the families be kept informed. As a result, the possibility exists that the next of kin of deceased Service members may feel frustrated and ignored when trying to learn the cause of the fatality.

Accident Investigations

Following an aviation accident, whether it is a commercial or a military aircraft, one or more investigations may be conducted to determine the cause and accountability. One investigation, a safety investigation, is used to determine the cause of the accident and to recommend corrective and preventative actions.[6] Another investigation, a legal investigation, is used to determine accountability and to support litigation.[7] The policies for the release of investigation information vary depending on the type of investigation and whether the accident involves a commercial or a military aircraft.

Commercial Safety Investigations. The NTSB conducts safety investigations of all commercial aviation accidents. The NTSB safety investigations are fact-finding proceedings to determine the circumstances, conditions, facts, and probable cause relating to each accident. The investigation also recommends measures to prevent similar accidents in the future. These investigations are not conducted to determine the rights or liabilities of any person. No part of an NTSB safety investigation report may be admitted as evidence or used in any suit or action for damages growing out of any matter mentioned in the reports. However, officials at the Department of Transportation stated that, although the reports themselves cannot be used as evidence or in suits, attorneys often use the information supplied in the reports as leads for other investigations to support litigation.

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[6] Different terms are used to define the investigation that determines the cause of the accident. NTSB uses the term, "accident investigation." The Army and the Air Force use the term, "safety investigation." The Navy and Marine Corps use the term, "mishap investigation." However, the purpose and use of those investigations and resulting reports is similar. In this report the term, "safety investigation," is used when referring to those similar investigations.

[7] Different terms are used to define the investigations that determine accountability and support litigation. In the civil system, a wide variety of terms refers to investigations. The Army conducts a "collateral investigation." The Navy and Marine Corps conduct a Judge Advocate General Manual investigation. The Air Force conducts an "accident investigation." In this report we use the term, "legal investigation" when referring to those similar investigations.

Commercial Legal Investigations. The FAA and the NTSB do not conduct legal investigations. Following a commercial aviation accident, legal investigations are conducted, as appropriate, by entities such as the commercial air carriers, the Department of Justice, independent law firms and attorneys, insurance companies, and local law enforcement agencies. Because legal investigations are not included in FAA or NTSB procedures, evaluation of commercial legal investigations was outside the scope of this evaluation.

DoD Safety Investigations. The purpose of safety investigations is to quickly discover the cause of the accident and take appropriate corrective action to prevent subsequent accidents. Similar in purpose and use to a NTSB safety investigation, a military safety investigation is not used to determine accountability or to support litigation. In a military safety investigation, supporting witness statements and the opinions and findings of both the safety board conducting the investigation and the endorsers of the final report cannot be used in any disciplinary proceedings, or in claims for or against the U.S. Government. Witness confidentiality, known as safety privilege, receives special protections under Federal law and has been upheld by the Supreme Court.

DoD Legal Investigations. Legal investigations are conducted separate from the safety investigation and are composed of different members than the safety investigation. Factual material may be shared between the legal and safety investigations, but interviews, opinions, and conclusions must be conducted and developed independently. In the military, legal investigations are used to:

- gather, analyze, and record relevant information about an incident or event of primary interest to command authorities;

- prepare and defend the interests of the United States where a claim or litigation is likely; or

- investigate the circumstances of serious events in formal hearings and to give designated parties the opportunity to defend their actions with the assistance of counsel.

Release of Investigation Information

Families of casualties of military aviation accidents are not routinely kept informed of the status of legal and safety investigations until the issuance of the final investigation report because there are no DoD or Military Department policies requiring the families to be kept informed. This differs from the NTSB release of accident investigation information.

NTSB Release of Investigation Information. The NTSB plan for assistance to family members requires the NTSB to provide daily briefings to families on the recovery efforts, keep the families informed about the progress of the safety investigation, and provide a copy of the final written investigation report, if the families desire. ARC and NTSB representatives stated that it is very important

to establish and maintain frequent contact with family members immediately after an accident, even if there is no new information, to make the family feel included in the process and that someone cares.

DoD Release of Safety Investigation Information. No DoD or Military Department instruction or regulation addressed the release of safety investigation information before the final investigative report was published. Instead, emphasis was placed on protecting witness statements that help determine the cause of the accident, rather than on keeping families informed. However, Title 10, United States Code, Section 2254 allows the Secretaries of the Military Departments to publicly release factual information prior to the release of the final safety investigation report, if release of information does not jeopardize the safety information or national security. Representatives from all three military safety centers stated that they have little or no interface with family members during the investigation. All factual information contained in safety investigations, except board analyses, findings and recommendations, and witness statements, is releasable to family members after the final report is issued. Each Military Department had procedures in place to provide redacted copies of the final safety report to the families. However, families must formally request a copy of the final safety investigation report.

DoD Release of Legal Investigation Information. No DoD or Military Department instructions or regulations addressed the release of legal investigation information prior to the release of the final report. Final reports of legal investigations are public record and are released in their entirety. The Air Force automatically provides the primary next of kin a copy of the final legal investigation report. If the next of kin submits a request, the Army and the Navy will provide a copy of the final legal investigation report to the family.

DoD Casualty Assistance Policy on Release of Investigation Information. The Casualty Assistance Offices of the Services stated similar policies for the release of investigation information to the families. The Services define families as the next of kin, both primary and secondary, and ensure they are notified of the accident. Casualty assistance personnel (CAP) will assist the primary next of kin with survivor benefits and explain the investigations that are being conducted and how to request a copy of the investigation report. The CAP provides no other assistance in obtaining investigation reports unless specifically requested by the family. In most cases, the final safety and legal reports are released several months after the CAP has completed its assistance. Therefore, the family must independently follow up on obtaining copies of desired reports.

DoD Public Affairs Policy on Release of Investigation Information. There are no DoD or Military Department public affairs policies regarding the release of investigation information to the families until the final investigation reports are released.

Interim Release of Investigation Information to Family Members. The next of kin of deceased Service members may feel frustrated and ignored when trying to learn the cause of the fatality. In some cases, investigation reports are

not released for 6 to 12 months after an accident, depending on the number of endorsers that review and comment on the report findings. Service safety center and legal representatives stated that there would be a benefit to developing literature that explains in detail the various accident investigative processes and timelines and provide a point of contact for inquiring about the status of an investigation. CAP could distribute literature to family members during the initial casualty assistance visits, to better inform family members about the facts related to the accident and the progress of accident investigations.

Summary

The NTSB provided briefings to families prior to the release of the final safety investigation report regarding the status of the safety investigation. No DoD and Military Department policies required the military to update the next of kin about the status of legal and safety investigations until the release of the final investigation reports. NTSB final safety investigation reports are released in their entirety. Military final legal investigation reports are also released in their entirety. However, military final safety investigation reports are redacted of specific information prior to release. That is done to guarantee witness confidentiality, known as safety privilege, and encourage candid and truthful statements. Naval Safety Center investigators believed that if witnesses were not guaranteed safety privilege, then the determination of the cause of accidents would be impeded because they would be reluctant to provide information for fear of official repercussions. The safety center investigators further stated that safety privilege was essential for them to produce an accurate and timely report.

Recommendations and Management Comments

1. We recommend that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Under Secretary of Defense for Acquisition and Technology, develop policies and procedures that establish responsibilities, including the designation of a single point of contact for all information provided to families, and timelines for routinely updating family members regarding the status of legal and safety accident investigations.[8]

2. We recommend that the Under Secretary of Defense for Personnel and Readiness develop policies and procedures that would require the Military Departments to develop an information sheet, brochure, or handbook for family members that would explain the various investigative processes.

[8] Release of legal investigation information does not include release of information from a criminal investigation that would jeopardize the integrity of that investigation.

Deputy Under Secretary of Defense (Environmental Security) Comments. The Deputy Under Secretary of Defense (Environmental Security) concurred and stated she would work with the Under Secretary of Defense for Personnel and Readiness to create DoD policies and procedures for providing greater information to families of personnel lost in all DoD accidents, including aviation accidents.

Assistant Secretary of Defense (Force Management Policy) Comments. The Office of the Assistant Secretary of Defense (Force Management Policy) concurred and stated it would work with the Under Secretary of Defense for Acquisition and Technology to develop policies and procedures to improve the dissemination of investigation information and assistance to families of aviation accident casualties. The Office of the Assistant Secretary stated further that it would issue a policy memorandum by August 1998 that would incorporate both recommendations.

Part II - Additional Information

Appendix A. Evaluation Process

Scope and Methodology

Data Gathering. We obtained and reviewed DoD policies and regulations, instructions, policies, and procedures pertaining to all aspects of the administration and operation of DoD casualty assistance programs, legal investigations, and safety investigations from 1969 through 1997. We also reviewed policies and procedures of the Federal Aviation Administration and National Transportation Safety Board pertaining to the administration of assistance to families of aviation accidents. We used standards in those documents as criteria for measuring the effectiveness of DoD policies and procedures. We interviewed officials and managers of the American Red Cross, DoD, Department of Transportation, National Transportation Safety Board, and Tragedy and Assistance Program for Survivors, Inc., who were responsible for developing and implementing policy and procedures for casualty assistance, legal investigations, and safety investigations.

Management Control Program. The management control program was not assessed during the course of this evaluation because the congressional tasking did not involve assessing the adequacy of the management control programs of the organizations contacted.

Use of Computer-Processed Data. We did not use computer-processed data or statistical sampling techniques for this evaluation.

Evaluation Type, Dates, and Standards. We performed this economy and efficiency evaluation from November 1997 through January 1998 in accordance with standards issued and implemented by the Inspector General, DoD.

Contacts During the Evaluation. We visited or contacted individuals and organizations within DoD and within the American Red Cross, the Department of Transportation, the National Transportation Safety Board, and the Tragedy and Assistance Program for Survivors, Inc. Further details are available upon request.

Summary of Prior Coverage. No prior coverage has been done on the subject area in the last 5 years.

Appendix B. National Defense Authorization Act for Fiscal Year 1998, Section 1046

SEC. 1046. REPORTS ON DEPARTMENT OF DEFENSE PROCEDURES FOR INVESTIGATING MILITARY AVIATION ACCIDENTS AND FOR NOTIFYING AND ASSISTING FAMILIES OF VICTIMS.

(a) Report on Aviation Accident Investigation Procedures.--Not later than February 1, 1998, the Secretary of Defense shall submit to Congress a report on the advisability of establishing a process for investigating Department of Defense aviation accidents that combine accident investigation with safety investigation into a single, public investigation process, similar to the accident investigation process of the National Transportation Safety Board. The report shall include a discussion of the advantages and disadvantages of adopting such an investigation process.

(b) Report on Family Assistance.--Not later than April 2, 1998, the Secretary of Defense shall submit to Congress a report on assistance provided by the Department of Defense to families of casualties among military and civilian personnel of the Department in the case of aviation accidents involving such personnel. The report shall include--

(1) a discussion of the adequacy and effectiveness of the family notification procedures of the Department of Defense, including the procedures of the military departments and

(2) a description of the assistance provided to members of the families of such personnel.

(c) Report by Department of Defense Inspector General.--Not later than December 1, 1997, the Inspector General of the Department of Defense shall review the procedures of the Federal Aviation Administration and the National Transportation Safety Board for providing information and assistance to members of families of casualties of nonmilitary aviation accidents and shall submit to Congress a report on the review. The report shall include a discussion of the following:

(1) Designation of an experienced non-profit organization to provide assistance in meeting the needs of families of accident casualties.

(2) An assessment of the system and procedures for providing families with information on accidents and accident investigations.

(3) Protection of members of families from unwanted solicitations relating to the accident.

(4) A recommendation regarding whether the procedures reviewed (including the matters discussed under paragraphs (1), (2), and (3)) or similar procedures should be adopted by the Department of Defense for use by the Department in providing information and assistance to members of families of casualties of military aviation accidents and, if the recommendation is not to adopt such procedures, a detailed justification for the recommendation.

(d) Unclassified Form of Reports.--The reports under this section shall be submitted in unclassified form.

Appendix C. Aviation Disaster Family Assistance Act of 1996

SEC. 701. SHORT TITLE

This title may be cited as the "Aviation Disaster Family Assistance Act of 1996."

SEC. 702. ASSISTANCE BY NATIONAL TRANSPORTATION SAFETY BOARD TO FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) Authority To Provide Assistance.--

(1) In general.--Subchapter III of chapter 11 is amended by adding at the end the following:

Sec. 1136. Assistance to families of passengers involved in aircraft accidents

(a) In General.--As soon as practicable after being notified of an aircraft accident within the United States involving an air carrier or foreign air carrier and resulting in a major loss of life, the Chairman of the National Transportation Safety Board shall--

(1) designate and publicize the name and phone number of a director of family support services who shall be an employee of the Board and shall be responsible for acting as a point of contact within the Federal Government for the families of passengers involved in the accident and a liaison between the air carrier or foreign air carrier and the families; and

(2) designate an independent nonprofit organization, with experience in disasters and posttrauma communication with families, which shall have primary responsibility for coordinating the emotional care and support of the families of passengers involved in the accident.

(b) Responsibilities of the Board.--The Board shall have primary Federal responsibility for facilitating the recovery and identification of fatally-injured passengers involved in an accident described in subsection (a).

(c) Responsibilities of Designated Organization.--The organization designated for an accident under subsection (a)(2) shall have the following responsibilities with respect to the families of passengers involved in the accident:

(1) To provide mental health and counseling services, in coordination with the disaster relief team of the air carrier or foreign air carrier involved.

(2) To take such actions as may be necessary to provide an environment in which the families may grieve in private.

(3) To meet with the families who have traveled to the location of the accident, to contact the families unable to travel to such location, and to contact all affected families periodically thereafter until such time as the organization, in consultation with the director of family support services designated for the accident under subsection (a)(1), determines that further assistance is no longer needed.

(4) To communicate with the families as to the roles of the organization, government agencies, and the air carrier or foreign air carrier involved with respect to the accident and the post-accident activities.

(5) To arrange a suitable memorial service, in consultation with the families.

(d) Passenger Lists.--

(1) Requests for passenger lists.--

(A) Requests by director of family support services.--It shall be the responsibility of the director of family support services designated for an accident under subsection (a)(1) to request, as soon as practicable, from the air carrier or foreign air carrier involved in the accident a list, which is based on the best available information at the time of the request, of the names of the passengers that were aboard the aircraft involved in the accident.

(B) Requests by designated organization.--The organization designated for an accident under subsection (a)(2) may request from the air carrier or foreign air carrier involved in the accident a list described in subparagraph (A).

(2) Use of information.--The director of family support services and the organization may not release to any person information on a list obtained under paragraph (1) but may provide information on the list about a passenger to the family of the passenger to the extent that the director of family support services or the organization considers appropriate.

(e) Continuing Responsibilities of the Board.--In the course of its investigation of an accident described in subsection (a), the Board shall, to the maximum extent practicable, ensure that the families of passengers involved in the accident--

(1) are briefed, prior to any public briefing, about the accident, its causes, and any other findings from the investigation; and

(2) are individually informed of and allowed to attend any public hearings and meetings of the Board about the accident.

(f) Use of Air Carrier Resources.--To the extent practicable, the organization designated for an accident under subsection (a)(2) shall coordinate its activities with the air carrier or foreign air carrier involved in the accident so that the resources of the carrier can be used to the greatest extent possible to carry out the organization's responsibilities under this section.

(g) Prohibited Actions.--

(1) Actions to impede the Board.--No person (including a State or political subdivision) may impede the ability of the Board (including the director of family support services designated for an accident under subsection (a)(1)), or an organization designated for an accident under subsection (a)(2), to carry out its responsibilities under this section or the ability of the families of passengers involved in the accident to have contact with one another.

(2) Unsolicited communications.--In the event of an accident involving an air carrier providing interstate or foreign air transportation, no unsolicited communication concerning a potential action for personal injury or wrongful death may be made by an attorney or any potential party to the litigation to an individual injured in the accident, or to a relative of an individual involved in the accident, before the 30th day following the date of the accident.

(h) Definitions.--In this section, the following definitions apply:

(1) Aircraft accident.--The term 'aircraft accident' means any aviation disaster regardless of its cause or suspected cause.

(2) Passenger.--The term 'passenger' includes an employee of an air carrier aboard an aircraft.

(2) Conforming amendment.--The table of sections for such chapter is amended by inserting after the item relating to section 1135 the following:

"1136. Assistance to families of passengers involved in aircraft accidents."

(b) Penalties.--Section 1155(a)(1) of such title is amended--

(1) by striking "or 1134(b) or (f)(1)" and inserting ", section 1134(b), section 1134(f)(1), or section 1136(g)"; and

(2) by striking "either of" and inserting "any of".

SEC. 703. AIR CARRIER PLANS TO ADDRESS NEEDS OF FAMILIES OF PASSENGERS INVOLVED IN AIRCRAFT ACCIDENTS.

(a) In General.--Chapter 411 is amended by adding at the end the following:

Sec. 41113. Plans to address needs of families of passengers involved in aircraft accidents

(a) Submission of Plans.--Not later than 6 months after the date of the enactment of this section, each air carrier holding a certificate of public convenience and necessity under section 41102 of this title shall submit to the Secretary and the Chairman of the National Transportation Safety Board a plan for addressing the needs of the families of passengers involved in any aircraft accident involving an aircraft of the air carrier and resulting in a major loss of life.

(b) Contents of Plans.--A plan to be submitted by an air carrier under subsection (a) shall include, at a minimum, the following:

(1) A plan for publicizing a reliable, toll-free number, and for providing staff, to handle calls from the families of the passengers.

(2) A process for notifying the families of the passengers, before providing any public notice of the names of the passengers, either by utilizing the services of the organization designated for the accident under section 1136(a)(2) of this title or the services of other suitably trained individuals.

(3) An assurance that the notice described in paragraph (2) will be provided to the family of a passenger as soon as the air carrier has verified that the passenger was aboard the aircraft (whether or not the names of all of the passengers have been verified) and, to the extent practicable, in person.

(4) An assurance that the air carrier will provide to the director of family support services designated for the accident under section 1136(a)(1) of this title, and to the organization designated for the accident under section 1136(a)(2) of this title, immediately upon request, a list (which is based on the best available information at the time of the request) of the names of the passengers aboard the aircraft (whether or not such names have been verified), and will periodically update the list.

(5) An assurance that the family of each passenger will be consulted about the disposition of all remains and personal effects of the passenger within the control of the air carrier.

(6) An assurance that if requested by the family of a passenger, any possession of the passenger within the control of the air carrier (regardless of its condition) will be returned to the family unless the possession is needed for the accident investigation or any criminal investigation.

(7) An assurance that any unclaimed possession of a passenger within the control of the air carrier will be retained by the air carrier for at least 18 months.

(8) An assurance that the family of each passenger will be consulted about construction by the air carrier of any monument to the passengers, including any inscription on the monument.

(9) An assurance that the treatment of the families of nonrevenue passengers (and any other victim of the accident) will be the same as the treatment of revenue passengers.

(10) An assurance that the air carrier will work with any organization designated under section 1136(a)(2) of this title on an ongoing basis to ensure that families of passengers receive an appropriate level of services and assistance following each accident.

(11) An assurance that the air carrier will provide reasonable compensation to any organization designated under section 1136(a)(2) of this title for services provided by the organization.

(12) An assurance that the air carrier will assist the family of a passenger in traveling to the location of the accident and provide for the physical care of the family while the family is staying at such location.

(13) An assurance that the air carrier will commit sufficient resources to carry out the plan.

(c) Certificate Requirements.--After the date that is 6 months after the date of the enactment of this section, the Secretary may not approve an application for a certificate of public convenience and necessity under section 41102 of this title unless the applicant has included as part of such application a plan that meets the requirements of subsection (b).

(d) Limitation on Liability.--An air carrier shall not be liable for damages in any action brought in a Federal or State court arising out of the performance of the air carrier in preparing or providing a passenger list pursuant to a plan submitted by the air carrier under subsection (b), unless such liability was caused by conduct of the air carrier which was grossly negligent or which constituted intentional misconduct.

(e) Aircraft Accident and Passenger Defined.--In this section, the terms 'aircraft accident' and 'passenger' have the meanings such terms have in section 1136 of this title."

(b) Conforming Amendment.--The table of sections for such chapter is amended by adding at the end the following:

"41113. Plans to address needs of families of passengers involved in aircraft accidents."

SEC. 704. ESTABLISHMENT OF TASK FORCE

(a) Establishment.--The Secretary of Transportation, in cooperation with the National Transportation Safety Board, the Federal Emergency Management Agency, the American Red Cross, air carriers, and families which have been involved in aircraft accidents shall establish a task force consisting of representatives of such entities and families, representatives of air carrier employees, and representatives of such other entities as the Secretary considers appropriate.

(b) Guidelines and Recommendations.--The task force established pursuant to subsection (a) shall develop--

(1) guidelines to assist air carriers in responding to aircraft accidents;

(2) recommendations on methods to ensure that attorneys and representatives of media organizations do not intrude on the privacy of families of passengers involved in an aircraft accident;

(3) recommendations on methods to ensure that the families of passengers involved in an aircraft accident who are not citizens of the United States receive appropriate assistance;

(4) recommendations on methods to ensure that State mental health licensing laws do not act to prevent out-of-state mental health workers from working at the site of an aircraft accident or other related sites;

(5) recommendations on the extent to which military experts and facilities can be used to aid in the identification of the remains of passengers involved in an aircraft accident; and

(6) recommendations on methods to improve the timeliness of the notification provided by air carriers to the families of passengers involved in an aircraft accident, including--

(A) an analysis of the steps that air carriers would have to take to ensure that an accurate list of passengers on board the aircraft would be available within 1 hour of the accident and an analysis of such steps to ensure that such list would be available within 3 hours of the accident;

(B) an analysis of the added costs to air carriers and travel agents that would result if air carriers were required to take the steps described in subparagraph (A);

(C) an analysis of any inconvenience to passengers, including flight delays, that would result if air carriers were required to take the steps described in subparagraph (A); and

(D) an analysis of the implications for personal privacy that would result if air carriers were required to take the steps described in subparagraph (A).

(c) Report.--Not later than 1 year after the date of the enactment of this Act, the Secretary shall transmit to Congress a report containing the model plan and recommendations developed by the task force under subsection (b).

SEC. 705. LIMITATION ON STATUTORY CONSTRUCTION.

Nothing in this title or any amendment made by this title may be construed as limiting the actions that an air carrier may take, or the obligations that an air carrier may have, in providing assistance to the families of passengers involved in an aircraft accident.

Appendix D. Assessment of DoD and Other Federal Family Assistance Procedures

Information and Assistance to Families

The Military Departments developed casualty assistance procedures in the late 1950s and have refined their procedures based on experience. The Aviation Disaster Family Assistance Act of 1996 was passed to develop a formal system within the Federal Government for providing family assistance. Several members of the Task Force on Assistance to Families of Aviation Disasters[1] stated that the DoD procedures were used as a model for developing NTSB procedures.

We compared major family assistance functions in the NTSB plan with DoD policies and procedures and found they fulfilled a similar intent. Although DoD had more detailed policies and procedures in place for notifying and assisting family members with survival benefits, further policy was needed to update family members about the status of legal and safety investigations before the final investigation reports are released, 6 to 12 months after the accident. There are unique characteristics that differentiate the DoD and NTSB family casualty assistance processes that warrant discussion.

Available Assets to Assist Families. The DoD possessed assets to perform family assistance, such as chaplains, family service centers, health and human services, medical expertise, and mortuary affairs. Neither the FAA nor the NTSB possessed similar broad range assets for family assistance and must rely on commercial, other Federal, and nonprofit organizations to provide similar services.

Passenger Lists and Initial Notification. There was no requirement for commercial airlines to collect emergency notification data from passengers, although the NTSB and the airlines were continuing to study methods of collecting passenger emergency notification data. Therefore, when an accident occurs, the airlines notify the media, which reports the accident, and the airlines set up an operations center with telephone lines available for receiving calls. When family members learn of the accident, they may call the number to verify whether or not their relative was listed on the aircraft manifest. The airlines then initiate a detailed procedure to determine whether the caller is a family member or not. If the caller is positively linked to a name on the passenger manifest, the airlines continues the notification over the telephone.

The Services maintain emergency notification data on all military personnel. Thus, when a Service member becomes a casualty, the next of kin information

[1] The Task Force was convened, as required by the Family Assistance Act, to assess the needs of families as well as the legal and moral responsibilities of the Federal Government to those families. The NTSB used the findings of the Task Force as the basis for its formal procedures.

is in the member's service record and available to the CAP. The policy of all Services is to make personnel notification within 24 hours of the accident. In most cases, the notification is conducted within 4 hours of the accident. Each Service assigns one CAP to each primary next of kin to assist the family in obtaining authorized death benefits, coordinating mortuary affairs through burial, and providing information on where the family can obtain additional assistance. The commercial airlines also assign a point of contact for each family of the accident.

Travel to the Crash Site. The Family Assistance Act and the NTSB plan tasked commercial airlines to assist family members that desire to travel to and from the incident and crash site. That included logistical support assistance in the areas of communications, lodging, meals, security, and transportation. The commercial airlines and the NTSB had not cited who was considered as family. Therefore, they provided that assistance to any person who felt closely attached to the casualty, including fiancees and close friends. The DoD policy is to not fly family members to the accident site. DoD considers all deaths of military members as tragedies and applies the same policies and procedures regardless of the cause of death. Therefore, if DoD provides transportation to the crash site for families of aviation accidents, the same policy would apply to the next of kin of all deaths. There are cases where family members of deceased military members have been transported to the crash site at Government expense, but those are the exception. If family members wish to travel to the crash site, the ARC and other organizations can arrange funding to help the families with expenses.

Conclusion. NTSB and DoD procedures for providing information and assistance to members of families of casualties of aviation accidents fulfill a similar intent. Each is appropriate based on the different circumstances of commercial and military aviation accidents. Our assessment is that DoD need not adopt NTSB procedures other than as discussed in the finding and recommendations in Part I.

Nonprofit Organizations

NTSB Designated Organization. The NTSB designated the ARC to arrange memorial services, arrange referrals to mental health professionals for long-term counseling, coordinate all organizations providing counseling and support services, and provide on-site grief and crisis counseling. The ARC has a team of 120 people who are specially trained and on-call 24 hours a day to help families work through the grief process. Initially the local chapter[2] responds to the accident. The ARC provides a caring and nurturing environment, short-term counseling, and information about the family assistance process; coordinates

[2] The ARC operates over 1,300 offices, called chapters, throughout the United States. When an aviation accident occurs, the nearest local chapter is available to provide assistance. Follow-on assistance is coordinated through the local chapter nearest the home of the individual family members.

memorial services; refers family members to mental health specialists for long-term counseling; and provides follow up with the family 6 to 9 months after the accident.

DoD Use of Nonprofit Organizations. Although the Services possess a wide range of organic assets to provide assistance to families, a number of organizations were available to provide additional assistance, including some nonprofit organizations. Those organizations are listed in the casualty assistance instructions of all the Services. The Director of Family Support in the Office of the Assistant Secretary of Defense (Force Management and Policy) and the directors of all four casualty assistance offices deferred from recommending that any one organization be specifically designated to provide assistance in all cases. They stated that DoD should not be in the position of endorsing a specific organization over any other. Additionally, the available organizations provided different services; therefore, family members should be free to select the organization that best serves their specific needs. The non-DoD organizations the CAP may refer a family member to are:

- military mutual aid associations,
- American Red Cross (Armed Forces Emergency Services),
- community mental services,
- military emergency relief organizations,
- regional Veterans Administration offices,
- Social Security Administration,
- Tragedy Assistance Program for Survivors, Inc.,
- retired officer and enlisted associations, and
- other organizations, both local and national, that provide grief and survivor counseling and support.

ARC Designated to Assist Military Families. Although the Services' Casualty Assistance Offices deferred from recommending a specific nonprofit organization to assist families of aviation accidents, the ARC is already designated through its congressional charter, to provide assistance. The ARC Director of Field Support for Armed Forces Emergency Services stated that the ARC has been chartered since 1906 to provide support assistance to military members and their families. He acknowledged that the Services provide most of the initial assistance and crisis intervention counseling for families. However, ARC is available to assist when needed, and often does. In addition, ARC will continue to provide assistance to family members through local chapters if the family moves away from military facilities.

Conclusion. We conclude that DoD does not need to designate an experienced nonprofit organization to provide assistance in meeting the needs of families of

accident casualties for two reasons. First, DoD has the assets that provide initial assistance to family members. Second, the ARC is an experienced nonprofit organization that has already been designated to provide grief and crisis counseling to family members. We believe DoD families have a broad range of DoD and commercial service and support organizations to choose from based on individual needs.

Protection From Unwanted Solicitations

Aviation Disaster Family Assistance Act of 1996. Paragraph (g)(2) of the Family Assistance Act discussed unsolicited communications in the event of a commercial aircraft accident. The Family Assistance Act specifically denies solicitations from attorneys within the first 30 days following the accident.

NTSB Policy. The NTSB stated that it has no involvement or resources to help families at home with unwanted solicitations. If a family reports an unwanted solicitation within the scope of the Family Assistance Act, the NTSB will forward the information to the appropriate office within the Justice Department.

DoD Policy. There was no policy or formal procedures in DoD or the Services to protect family members from unwanted solicitations other than the media. The Casualty Assistance Offices of all four Services reported that they knew of no cases where families received unwanted solicitations. They further stated that although formal policies regarding solicitations did not exist, their policies are to provide assistance to families when requested.

Conclusion. We believe that there is no need for additional DoD policy for protecting survivors of casualties of aviation accidents from unwanted solicitations. The NTSB has a greater need for policy that protects family members from unwanted solicitation because they bring family members to the accident site to conduct casualty identification, notification, family assistance and counseling. DoD accidents normally involve fewer numbers of casualties that are transported back to the home station of the family. The family members get assistance in their home where they are better sheltered from unwanted solicitations.

Appendix E. Report Distribution

Office of the Secretary of Defense

Under Secretary of Defense for Acquisition and Technology
  Deputy Under Secretary of Defense (Environmental Security)
    Assistant Deputy Under Secretary of Defense (Safety and Occupational Health)
    Defense Logistics Studies Information Exchange
  Deputy Under Secretary of Defense (Logistics)
Under Secretary of Defense (Comptroller)
  Deputy Chief Financial Officer
  Deputy Comptroller
Under Secretary of Defense for Personnel and Readiness
  Assistant Secretary of Defense (Force Management Policy)
    Deputy Assistant Secretary of Defense (Personnel Support, Families and Education)
      Director, Office of Family Policy
Under Secretary of Defense for Policy
Assistant Secretary of Defense (Health Affairs)
Assistant Secretary of Defense (Legislative Affairs)
Assistant Secretary of Defense (Public Affairs)
Assistant Secretary of Defense (Reserve Affairs)

Department of the Army

Auditor General, Department of the Army
Commander, U.S. Total Army Personnel Command
  Director, Casualty and Memorial Affairs Operations Center
Director, Army Safety

Department of the Navy

Assistant Secretary of the Navy (Financial Management and Comptroller)
Auditor General, Department of the Navy
Chief of Naval Personnel
  Director, Casualty Assistance Office
Commander, Naval Safety Center
  Director, Aviation Safety Programs
Director, Marine Corps Human Resources Division
  Head, Personnel Affairs Branch
    Chief, Casualty Assistance Section

Department of the Air Force

Assistant Secretary of the Air Force (Financial Management and Comptroller)
Auditor General, Air Force Audit Agency
Air Force Chief of Safety

Department of the Air Force (cont.)

Commander, Air Force Personnel Center
  Director, Casualty Services Branch

Other Defense Organizations

Director, Defense Contract Audit Agency
Director, Defense Logistics Agency
Director, National Security Agency
  Inspector General, National Security Agency
Inspector General, Defense Intelligence Agency

Non-Defense Federal Organizations and Individuals

Office of Management and Budget
  National Security Division
    Special Projects Branch
General Accounting Office
  National Security and International Affairs Division
    Technical Information Center
American Red Cross
  Director, Disaster Services
    Director, Armed Forces Emergency Services
Department of Transportation
  Federal Aviation Administration
National Transportation Safety Board
  Director, Family Support Services
Tragedy Assistance Program for Survivors, Inc.

Chairman and ranking minority member of each of the following congressional committees and subcommittees:

  Senate Committee on Appropriations
  Senate Subcommittee on Defense, Committee on Appropriations
  Senate Committee on Armed Services
  Senate Committee on Governmental Affairs
  House Committee on Appropriations
  House Subcommittee on National Security, Committee on Appropriations
  House Committee on Government Reform and Oversight
  House Subcommittee on Government Management, Information, and Technology, Committee on Government Reform and Oversight
  House Subcommittee on National Security, International Affairs, and Criminal Justice, Committee on Government Reform and Oversight
  House Committee on National Security

Part III - Management Comments

Deputy Under Secretary of Defense (Environmental Security) Comments

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON, DC 20301-3000

ACQUISITION AND TECHNOLOGY

0 2 MAR 1998

MEMORANDUM FOR DOD INSPECTOR GENERAL (DIRECTOR, READINESS AND LOGISTICS SUPPORT DIVISION)

SUBJECT: Evaluation Report on Information and Assistance to Members of Families of Casualties of Military Aviation Accidents (Project No. 8LE-5007)

Your February 13, 1998, memorandum requested that we provide comments on your draft report to Congress. My staff has thoroughly reviewed the draft and concurs with it as written.

We will work with the USD(P&R) to create Department policies and procedures that provide greater information to the families of those lost in all DoD accidents, not just those involving aircraft.

Sherri W. Goodman
Deputy Under Secretary of Defense
(Environmental Security)

cc: USD(P&R)

Environmental Security *Defending Our Future*

Assistant Secretary of Defense (Force Management Policy) Comments

OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, DC 20301-4000

MAR 6 1998

FORCE MANAGEMENT POLICY

MEMORANDUM FOR OFFICE OF THE INSPECTOR GENERAL, DoD
(ATTN: DIRECTOR, READINESS AND LOGISTICS SUPPORT DIVISION)

SUBJECT: Evaluation Report on Information and Assistance to Members of Families of Casualties of Military Aviation Accidents (Project No. 8LE-5007)

This is in response to your February 13 memorandum requesting management comments on the Inspector General draft evaluation report regarding Information and Assistance to Members of Families of Casualties of Aviation Accidents.

Our management comments on findings, recommendations and edits are attached. This office will work with the Under Secretary of Defense for Acquisition and Technology to improve the delivery of investigation information and assistance to families of aviation accident casualties.

Thank you for the opportunity to comment on the draft report.

Gail H. McGinn
Director
Community Support Policy

Attachment:
As stated

Under Secretary of Defense (Personnel and Readiness)Comments
on
Inspector General Evaluation Report on Information and Assistance to Members of Families of Military Aviation Accident (Project No. 8LE-5007)

Recommendations for Corrective Action

1. We recommend that the Under Secretary of Defense for Personnel and Readiness, in coordination with the Under Secretary of Defense for Acquisition and Technology, develop policies and procedures that establish responsibilities and timeline for routinely updating family members regarding the status of legal and safety accident investigations.

Concur. Under Secretary of Defense (Personnel and Readiness) (USD(P&R)) will work with Under Secretary of Defense for Acquisition and Technology (USD(A&T)) to develop policies and procedures to keep families updated on the status of legal and safety investigations. This effort will require safety and casualty staffs to collaborate on timelines to periodically inform families on the status of investigations. A Policy Memorandum outlining responsibilities and procedures will be issued by August 1998.

2. We recommend that the Under Secretary of Defense for Personnel and Readiness develop policies and procedures that would require the Military Department to develop an information sheet, brochure, or handbook for family members that would explain the various investigative processes.

Concur. USD(P&R) will incorporate this recommendation into the Policy Memorandum described in comments in the previous recommendation.

Final Report Reference

USD(P&R) Findings and Editorial Comments
on
Inspector General Evaluation Report on Information and Assistance to Members of Families of Military Aviation Accident (Project No. 8LE-5007)

Page 4:

Line 8 - Change "as" to "is."
Line 22 - Change "were" to "are."
Line 26 - Change "performed" to "perform."
Line 30 - Change "administered" to "administer."
Line 31 - Change "monitored" to "monitor."
Line 33 - Change "assigned" to "assign."

Rationale: Putting the past tense in this section gives an erroneous connotation that this is the way the notification procedures used to be. In fact, these are the Military Services' current notification procedures. Giving the present tense to these verbs provides a more accurate representation.

Line 32 – Add "follow" prior to "established."

Rationale: Accuracy. The Air Force Major Commands follow procedures established by the Air Force Personnel Center. Revised

Page 8:

Footnote #6, line 5. Change "is" to "are."

Rationale: Compound subject.

Page 25:

Line 14 - Change "that" to "who."

Rationale: Use "who" vice "that" when referring to people.

Page 25:

Lines 26-28 – Replace sentence "If family members . . . with expenses." with "The ARC and other organizations can arrange funding to help the families with expenses."

Rationale: Accuracy. The Red Cross does not provide loans or grants to military/family members, but they do assist them with referral to other organizations which can provide loans and grants. Revised Page 23

Evaluation Team Members

The Readiness and Logistics Support Directorate, Office of the Assistant Inspector General for Auditing, DoD, produced this report. Personnel of the Office of the Inspector General, DoD, who contributed to the report are listed below.

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