



Department of Defense **INSTRUCTION**

NUMBER 1322.06
November 15, 2007

USD(P&R)

SUBJECT: Fellowships, Scholarships, Training With Industry (TWI), and Grants for DoD Personnel

- References:
- (a) DoD Directive 1322.6, "Fellowships, Scholarships, Training With Industry (TWI), and Grants for DoD Personnel," April 22, 2004 (hereby canceled)
 - (b) Acting Deputy Secretary of Defense Memorandum, "DoD Directives Review – Phase II," July 13, 2005
 - (c) DoD Directive 5124.02, "Under Secretary of Defense for Personnel and Readiness (USD(P&R))," October 17, 2006
 - (d) DoD Directive 1000.17, "Detail of DoD Personnel to Duty Outside the Department of Defense," February 24, 1997
 - (e) through (i), see Enclosure 1

1. PURPOSE

This Instruction:

1.1. Reissues Reference (a) as an Instruction in accordance with the guidance in Reference (b) and the authority in Reference (c).

1.2. Establishes policy and assigns responsibilities under which DoD personnel may accept fellowships, scholarships, TWI opportunities, or grants from corporations, foundations, funds, or educational institutions organized and operated primarily for scientific, literary, or educational purposes, implementing Reference (d); section 2603 of title 10, United States Code (U.S.C.); chapter 41 of title 5, U.S.C.; section 1104 of the John Warner National Defense Authorization Act for fiscal year 2007; DoD 5500.7-R; and DoD Directive 1344.10 (References (e) through (i)).

2. APPLICABILITY AND SCOPE

This Instruction applies to:

The Office of the Secretary of Defense, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities in the Department of Defense (hereafter referred to collectively as the “DoD Components”). Military and permanent, full-time civilian personnel performing duties outside the Department of Defense under an individual assignment, commonly referred to as a “detail,” are governed by Reference (d).

3. DEFINITIONS

Terms used in this Instruction are defined in Enclosure 2.

4. POLICY

4.1. It is DoD policy, according to References (e) and (f), that programs shall be established for DoD personnel to participate in fellowships, scholarships, and grants. The intent of the Department’s establishment of, and subsequent participation in, these programs is to fulfill a present need, anticipated requirement, or future capability that contributes to the effectiveness of the respective Military Department and the Department of Defense.

4.2. The DoD Legislative Fellowship Program provides an opportunity for military and civilian personnel of the Department to learn the operative process of the Legislative Branch of Government.

4.3. The DoD Components may establish TWI programs for military and civilian personnel to provide training and/or development of skills in private sector procedures and practices not available through existing military or advanced civilian education programs or other established training and education programs.

5. RESPONSIBILITIES

5.1. The Under Secretary of Defense for Personnel and Readiness (USD(P&R)) shall:

5.1.1. Maintain overall responsibility for DoD fellowship, scholarship, TWI, and grant (as defined by this Instruction) policy.

5.1.2. Establish, by separate issuance, the number of military and civilian legislative fellowships.

5.1.3. Approve military and civilian candidates for Legislative fellowships.

5.1.4. Report to Congress on Legislative Fellows exceeding program parameters, if any, as set forth in Reference (g).

5.2. The Heads of the DoD Components Other than Military Departments shall:

5.2.1. Forward to the Deputy Under Secretary of Defense for Military Personnel Policy (DUSD(MPP)), through Washington Headquarters Services, Human Resources Department, Learning and Development Division, nominees for the Legislative Fellowship Program submitted by their agencies and offices. The DUSD(MPP) will coordinate civilian nominees with the Deputy Under Secretary of Defense for Civilian Personnel Policy (DUSD(CPP)).

5.2.2. Maintain oversight and manage their fellowship programs, if participating, to ensure that:

5.2.2.1. Overall compliance with the DoD intent of the program is accomplished, including proper management of skills gained by the individual in accordance with Enclosure 3.

5.2.2.2. The current assignments or billets utilizing the fellowships, scholarships, TWI positions, and grants meet the intent of the program and continue to meet DoD and DoD Component needs.

5.2.2.3. Non-compliance involving civilian or military Legislative Fellows detailed to Congress who have served more than 12 consecutive months in one or a combination of legislative details or fellowships is reported to Congress through USD(P&R) in accordance with Reference (g).

5.3. The Secretaries of the Military Departments shall:

5.3.1. Establish programs to select military and civilian personnel of their respective Military Departments for non-legislative fellowships, scholarships, TWI positions, and grants.

5.3.2. Forward all nominees for the Legislative Fellowship Program submitted by their agencies and offices to the DUSD(MPP). The DUSD(MPP) will coordinate civilian nominees with the DUSD(CPP).

5.3.3. Approve non-legislative fellowships, scholarships, TWI positions, and grants from among those submitted by their respective subordinate offices and commands.

5.3.4. Conduct an annual review of their respective programs to ensure compliance with this issuance; Reference (e) for military personnel; Reference (f) for civilian employees; and Reference (g) for all personnel. The Secretaries of the Military Departments shall forward a copy of the results of their respective final reviews to USD (P&R) no later than January 31 each year.

5.3.5. Maintain oversight and manage their fellowship and TWI programs to ensure that:

5.3.5.1. Overall compliance with the DoD intent of the program is accomplished, including proper management of skills gained by the individual in accordance with Enclosure 3.

5.3.5.2. Current assignments or billets utilizing the fellowships, scholarships, TWI positions, and grants meet the intent of the program and continue to meet Military Department and DoD requirements or anticipated needs.

5.3.5.3. All reports are filed in accordance with Reference (g). Those reports are:

5.3.5.3.1. A quarterly report on members of the Armed Forces and civilian employees of the Department of Defense who, as of the date of such report, have served continuously in the Legislative Branch for more than 12 consecutive months in one or a combination of covered legislative details or fellowships.

5.3.5.3.2. A report covering any member of the Armed Forces assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the regulations of the Department of Defense. The report shall include a rationale for the waiver of the DoD regulations in order to permit the detail or fellowship.

5.3.5.3.3. Each report shall set forth:

5.3.5.3.3.1. The name of such member or employee.

5.3.5.3.3.2. In the case of a member, the Armed Force of such member.

5.3.5.3.3.3. The committee or member of Congress to which such member or employee is detailed or assigned.

5.3.5.3.3.4. A general description of the projects or tasks undertaken or to be undertaken, as applicable, by such member or employee as a detailee, Fellow, or both.

5.3.5.3.3.5. The anticipated termination date of the current detail or fellowship of such member or employee.

5.3.5.4. Training is conducted for fellowship, TWI, scholarship, and grant participants by a DoD ethics counselor, including a briefing regarding restrictions on standards of conduct issues likely to arise in conjunction with a program established pursuant to this instruction. Training shall be held prior to DoD personnel commencing participation in the program. DoD personnel in the Legislative Fellowship Program shall be provided with relevant guidance concerning partisan political activities contained in References (h) and (i).

5.3.5.5. A process is established whereby the respective Legislative Affairs and/or Liaison Office maintain contact with Legislative Fellows during the Fellows' time in the Legislative Branch and periodically reviews the Fellows' duties to ensure compliance with References (h) and (i) and this Instruction.

5.3.5.6. Their respective General Counsel determines whether corporations, foundations, funds, or educational institutions that sponsor fellowships, scholarships, TWI or grants qualify as tax-exempt organizations.

5.3.5.7. Requirements are validated to assure quality of the fellowship, scholarship, TWI, and grant programs covered by this Instruction.

5.4. Program participants shall:

5.4.1. Request review by the appropriate Ethics Counselor before acceptance of a fellowship, scholarship, TWI, or grant.

5.4.2. Comply with provisions set forth in Reference (g) concerning time limitation allowed for fellowships.

5.4.3. Comply with section 2 of chapter 6 of Reference (h) if participating in the Legislative Fellowship Program as a civilian employee.

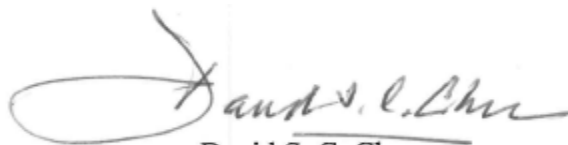
5.4.4. Comply with training agreements that require military and civilian members to agree in writing to serve on active duty or continue service upon conclusion of training for the stipulated period set forth in Enclosure 3 of this Instruction. Military personnel performing Legislative Fellowships must comply and be familiar with Reference (i).

6. PROGRAM GUIDELINES

Guidelines by which DoD personnel may accept fellowships, scholarships, TWI, or grants; fellowship criteria; nomination procedures; TWI criteria; time limitations; and training agreement information are described in Enclosure 3.

7. EFFECTIVE DATE

This Instruction is effective immediately.



David S. C. Chu
Under Secretary of Defense for
Personnel and Readiness

Enclosures - 3

- E1. References, continued
- E2. Definitions
- E3. Program Guidelines

E1. ENCLOSURE 1

REFERENCES, continued

- (e) Section 2603 of title 10, United States Code
- (f) Chapter 41 of title 5, United States Code
- (g) Section 1104 of the John Warner National Defense Authorization Act for Fiscal Year 2007
- (h) DoD 5500.7-R, "Joint Ethics Regulation (JER)," August 1993
- (i) DoD Directive 1344.10, "Political Activities by Members of the Armed Forces on Active Duty," August 2, 2004

E2. ENCLOSURE 2

DEFINITIONS

E2.1. Fellowship. An assignment in which selected DoD personnel work away from the Department of Defense for a specified time, not to exceed 12 total months, to gain education or experience of value to the DoD Component and the gaining organization. The person serving in the fellowship shall be known as the “Fellow.” Fellowships may be offered by corporations, foundations, funds, or educational institutions that meet the eligible donor criteria as referenced in subparagraph 5.3.5.6. These eligible donors administer the fellowship. The Department of Defense continues to pay normal pay and allowances to the Fellow while assigned to the fellowship. In return for selection to this education-based fellowship, the Fellow is required to serve with the Department of Defense for the period specified in the agreement with the DoD Component concerned under this Instruction and Reference (e) or (f), as applicable.

E2.2. Grant. A monetary contribution to the education of DoD personnel. It does not have to be paid back to the grantor. Following the grant, military recipients shall serve on active duty for the period specified in this Instruction in the agreement with the Secretary concerned under Reference (e). In the case of civilian employees, following the grant, they shall remain employed by the Department of Defense for the period specified in this Instruction and the agreement with the DoD Component concerned under Reference (f).

E2.3. Scholarship. A grant-in-aid awarded to a student for full-time study leading to a degree. Return payment for the scholarship shall be service with the Department of Defense for the period specified in this Instruction and the agreement with the DoD Component concerned under References (e) and (f). The service normally would be related to the field of study sponsored by the organization that paid the scholarship.

E2.4. Training With Industry (TWI). A non-degree producing program designed to provide training and/or skills in best business procedures and practices not available through existing military or advanced civilian schooling programs for identifiable DoD requirements. The Department of Defense continues to pay normal pay and allowances to the individual while assigned outside the Department. In return for selection to this program, the individual is required to serve with the Department of Defense for the period specified in this Instruction and the agreement with the Secretary concerned under References (e) or (f), as applicable.

E3. ENCLOSURE 3

PROGRAM GUIDELINES

E3.1. Military personnel may only accept fellowships, scholarships, TWI, or grants that meet the criteria established by this Instruction:

E3.1.1. In recognition of outstanding performance in their fields.

E3.1.2. To undertake a project that may be of value to the United States.

E3.1.3. For development of their recognized potential for future career service.

E3.1.4. To acquire a skill, knowledge, or ability to fulfill a present need, anticipated requirement, or future capability that contributes to the effectiveness of the respective Military Department and contributes to the transformation of the Department of Defense.

E3.2. The criteria for all fellowships, including fellowships under the DoD Legislative Fellowship Program, are:

E3.2.1. The fellowship must fulfill explicit or anticipated DoD requirements by virtue of education or experience gained.

E3.2.2. There should be an immediate follow-on utilization tour and/or assignment to which the Service member shall be assigned upon completion of the fellowship. The Military Department may delay or waive this requirement as necessary.

E3.2.3. The fellowship may be no more than 12 months in length.

E3.2.4. The fellowship must meet professional development requirements.

E3.3. Legislative Fellowship nominations to fill quotas announced separately by the Office of the Under Secretary of Defense for Personnel and Readiness shall be submitted to the USD(P&R) for approval no later than August 1 annually, and shall include:

E3.3.1. The DoD Component Legal Counsel determination that the sponsoring organization meets the requirements of this Instruction.

E3.3.2. Proof that the sponsoring organization has accepted the proposed Fellow into its Legislative Fellowship Program.

E3.3.3. Assignment to the staff of a Defense oversight committee (Senate or House Armed Services Committee) or appropriations subcommittee (Senate or House Appropriations Committee - Defense), an intelligence oversight committee (Senate Select Committee on Intelligence or House Permanent Subcommittee on Intelligence), the staff of the House or Senate Majority or Minority leader, or the staff of the Speaker of the House for personnel selected for fellowships under the Legislative Fellowship Program.

E3.3.4. Beginning in calendar year 2008, the following committees are eligible to host Congressional Fellows: Senate Homeland Security and Governmental Affairs, House Homeland Security, Senate Foreign Relations, House Foreign Affairs, and Senate and House Veterans Affairs.

E3.4. No Congressional staff office shall have more than one Fellow assigned.

E3.4.1. The Legislative Fellowship Program is the exclusive means of providing Legislative Fellowships and similar training to DoD personnel. The DoD Components may not participate in any other Legislative Fellowships or other training programs that involve sending employees to the Congress to work on the staff of a Member or Committee.

E3.4.2. In accordance with Reference (g), a report to Congress is required by law for legislative Fellows who have continuously served more than 12 consecutive months in one or a combination of legislative details or fellowships, or when a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty before retirement or separation from the Armed Forces in contravention of DoD regulations. In such case, the report shall include a reason for the waiver of DoD regulations in order to permit the detail or fellowship.

E3.5. TWI assignment criteria are:

E3.5.1. There must be an existing Military Component need or desired future capability fulfilled by virtue of the experience gained.

E3.5.2. There must be either a follow-on utilization tour or assignment to which the individual shall be assigned, or a clear, documented future need for the skill that is to be gained.

E3.5.3. If individuals completing the TWI are not immediately placed in a utilization tour or assignment, the Secretary concerned shall keep administrative oversight of the individuals and their gained skills for utilization at a time determined by the Military Component.

E3.5.4. The TWI tour or assignment should not exceed 12 months in length. Any TWI tour or assignment that will exceed 12 months must be approved by the Secretary concerned.

E3.5.5. The proposed TWI tour or assignment must meet professional development requirements.

E3.5.6. There must be a written agreement between the private sector host, the employee, and the DoD Component concerned before the start of the TWI assignment.

E3.5.7. The education or training to be received or the research to be performed by a fellowship, scholarship, TWI, or grant recipient must be designed to qualify the recipient to satisfy a requirement or potential requirement of the Department of Defense, contribute to the recipient's recognized potential for career service, or constitute a contribution to a project of value to the United States. For civilian employees degree training must comply with section 4107 of Reference (f).

E3.6. Training agreements for fellowships, scholarships, TWIs, or grants are:

E3.6.1. A Service member shall agree in writing to a service commitment, upon conclusion of the education or training, for a minimum period of three times the length of the fellowship, scholarship, TWI, or grant (Reference (e)). An agreement is not required if the education or training away from regular military duty does not exceed 26 weeks and involves work on a project of value to the United States rather than the fulfillment of requirements of an academic degree.

E3.6.2. Services Legislative Liaison Offices shall report any non-compliance when a member of the Armed Forces is assigned to a covered legislative detail or fellowship as the last tour of duty of such member before retirement or separation from the Armed Forces in contravention of the DoD regulations according to Reference (g).

E3.6.3. A civilian employee shall sign an agreement to continue service within the Department of Defense, upon conclusion of education or training exceeding 26 weeks, for a minimum period of three times the length of the fellowship, scholarship, TWI, or grant (Reference (f)).