United States Department of State
and the Broadcasting Board of Governors
Off ce of Inspector General

Report of Inspection

Inspection of Department-Required and Congressionally Mandated Reports: Assessment of Resource Implications

Report Number ISP-I-11-11, October 2010

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United States Department of State
and the Broadcasting Board of Governors

Office of Inspector General

PREFACE

This report was prepared by the Office of Inspector General (OIG) pursuant to the Inspector General Act of 1978, as amended, and Section 209 of the Foreign Service Act of 1980, as amended. It is one of a series of audit, inspection, investigative, and special reports prepared by OIG periodically as part of its responsibility to promote effective management, accountability and positive change in the Department of State and the Broadcasting Board of Governors.

This report is the result of an assessment of the strengths and weaknesses of the office, post, or function under review. It is based on interviews with employees and officials of relevant agencies and institutions, direct observation, and a review of applicable documents.

The recommendations therein have been developed on the basis of the best knowledge available to the OIG and, as appropriate, have been discussed in draft with those responsible for implementation. It is my hope that these recommendations will result in more effective, efficient, and/or economical operations.

I express my appreciation to all of those who contributed to the preparation of this report.

Harold W. Geisel
Deputy Inspector General

PURPOSE, SCOPE AND METHODOLOGY OF THE ASSESSMENT

This assessment was conducted in accordance with the Quality Standards for Inspections, as issued by the Council of the Inspectors General on Integrity and Efficiency, and the Inspector's Handbook, as issued by the Office of Inspector General for the U.S. Department of State (Department) and the Broadcasting Board of Governors (BBG).

PURPOSE

The Office of Inspections provides the Secretary of State, the Chairman of the BBG, and Congress with systematic and independent evaluations of the operations of the Department and the BBG. Inspections cover three broad areas, consistent with Section 209 of the Foreign Service Act of 1980:

- Policy implementation: whether policy goals and objectives are being effectively achieved; whether U.S. interests are being accurately and effectively represented; and whether all elements of an office or mission are being adequately coordinated.
- Resource Management: whether resources are being used and managed with maximum efficiency, effectiveness, and economy and whether financial transactions and accounts are properly conducted, maintained, and reported.
- Management Controls: whether the administration of activities and operations meets the requirements of applicable laws and regulations; whether internal management controls have been instituted to ensure quality of performance and reduce the likelihood of mismanagement; whether instance of fraud, waste, or abuse exist; and whether adequate steps for detection, correction, and prevention have been taken.

SCOPE

This assessment addresses workload implications stemming from preparation and submission of reports that are congressionally mandated by Congress and required by the Department[1]. As such, it addresses processes involved, not the substance of the reports. The OIG team identified eight congressionally mandated and

[1]Throughout this report, "congressionally mandated" reports refer to those based on legislation or congressional intent. "Required" reports are those levied by the Department for the purposes of internal management.

three Department-required reports that entail the highest commitment of personnel resources. These constitute the principal focus of this assessment.[2] Further, although the assessment focuses primarily on the impact upon embassies, the OIG team recognizes that much of the work, especially on congressionally mandated reports, is done by the Department in Washington.

METHODOLOGY

In conducting this assessment, the OIG inspectors reviewed pertinent records, including reports of OIG inspections; circulated, reviewed and compiled the results of survey instruments; conducted on-site interviews; and reviewed the substance of the report and its findings and recommendations with offices, individuals, organizations, and activities affected by this review.

This assessment took place in Washington, DC, between March 1 and April 30, 2010; in Bridgetown, Barbados, between March 15 and 17, 2010; and in Tegucigalpa, Honduras, between March 17 and 19, 2010.

[2]*Congressionally mandated:* Human Rights Report (HRR); Trafficking in Persons (TIP); International Religious Freedom (IRF); International Narcotics Control Strategy Report (INCSR – two parts); three child labor reports for which the Department gathers data and information that then is turned over to the Department of Labor, which is responsible for the reports. *Required:* Mission Strategic and Resource Plan (MSRP); Operations Plan (OpsPlan); Performance Plan and Report (PRR).

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KEY JUDGMENTS

- There is no authoritative, comprehensive list of the Department's congressionally mandated and Department-required reports. The Bureau of Legislative Affairs tracks 310 congressionally mandated reports to be submitted in FY 2010.[3] The Bureau of Administration separately tracks 108 recurring reports required by the Department. Neither bureau is exhaustive in listing reports that involve a commitment of personnel resources.
- Most congressionally mandated reports submitted by the Department are based on regular embassy reporting and require little extra input from the field. However, the Human Rights Report (HRR), Trafficking in Persons (TIP) Report, International Narcotics Control Strategy Report (INCSR), and International Religious Freedom (IRF) Report require significant additional resources, both in Washington and in the field.
- Instructions for congressionally mandated and Department-required reports are often overly long and detailed. The reports themselves have become encyclopedic in detail and length. In both instances, shorter would be better.
- The Department should work with Congress to modify its current, "one size fits all" approach to reporting, which does not factor in the size of a country or the magnitude of an issue. The goal should be to reinstitute flexibility in the process, such as was sanctioned under the now expired special embassy program.
- There is considerable overlap, redundancy, and duplication among congressionally mandated reports, which should be reduced as much as possible, for instance, by using hyperlinks to existing, applicable reports to increase efficiency.
- The Department does not document the cost of producing congressionally mandated and Department-required reports. More precise quantification of the resources involved in preparing, editing, and submitting those reports would enhance the Department's justification for and allocation of resources.

[3] Seventy-two are one-time reports, 113 are annual, 58 are semiannual, 48 are quarterly, and the rest are submitted on other frequencies. The Bureau of Legislative Affairs does not track all reports that engage Department resources e.g., the three congressionally mandated reports on child labor and the 'Special 301' report on intellectual property rights. The Department collects information on these issues, thereafter submitted to the Department of Labor and the U.S. Trade Representative, respectively responsible for submitting these reports.

- The work involved in preparing congressionally mandated and Department-required reports is disproportionately burdensome at thinly staffed embassies and those that are accredited to more than one government.
- A prevailing pattern at embassies is to assign drafting of congressionally mandated reports to inexperienced officers. While reasonable in itself, this approach requires closer and more effective supervision than is sometimes the case.
- Preparing congressionally mandated and Department-required reports frequently results in "desk-and-computer-bound" work patterns, detracting from an embassy's ability to pursue goals established via the Mission Strategic Resources Plan (MSRP) process.
- An undercurrent of mutual lack of trust exists between officers in Washington who levy requirements for congressionally mandated reporting and those in the field who must produce it, adding to the cost of preparing such reports by complicating resolution of differences over reliability of sources, data, and interpretations.

RATIONALE AND OBJECTIVES FOR THIS ASSESSMENT

This assessment was undertaken by the OIG team in view of frequently expressed concerns, especially at small embassies, that the process of preparing and submitting congressionally mandated and Department-required reports imposes unduly heavy demands on limited personnel resources. Workload implications were identified in 26 out of 80 OIG reports on embassies inspected between 2007 and 2009, including some very large missions, which represented about one-third of all such inspections conducted during this period. Similar issues were raised by 19 additional embassies in response to a cable survey that was conducted as part of this assessment. Overall, these embassies are accredited to 55 governments. The HRR, IRF report, and the TIP report rankings are congressionally mandated for each of those countries.

The Department likewise is concerned about the workload involved in congressionally mandated reporting. On February 5, 2010, the executive secretariat issued a memorandum that outlined procedures to rationalize the manner in which congressionally mandated reports are prepared in the Department (Appendix I). Significantly, the memorandum exempted "highly regarded reports on human rights, trafficking in persons, religious freedom and the Javits reports…." The first three of these are among the most resource intensive in terms of overseas-based personnel resources, and hence they comprise a principal focus of this assessment.

The OIG team's objectives in this assessment encompass:

- analyzing workload implications, especially the impact at small embassies and those accredited to more than one government;
- documenting how the Department and embassies interact in the reports process;
- determining what might be done better or more efficiently;
- identifying overlaps and duplication among congressionally mandated and Department-required reports;
- examining opportunity costs, such as which tasks at an embassy are trumped by the workload implicit in congressionally mandated or Department-required reporting;
- rationalizing the process, with an eye to improving allocation of personnel resources.

Although the impetus for this assessment came from an analysis of the embassies' complaints, the OIG team notes that congressionally mandated and Department-required reports also require a significant allocation of personnel from the Department in Washington (by some estimates between three and five percent) and other resources.

Congressionally mandated reports have resulted in positive policy achievements. In part based on these reports, counterpart governments have addressed important issues of common concern. The OIG team does not question the value of the reports. The purpose of this assessment is to explore the costs involved in preparing and submitting them.

DEFINING THE ISSUE

Determination of the precise number of recurring congressionally mandated and Department-required reports is difficult. There is no authoritative, comprehensive list of the Departments' congressionally mandated and Department-required reports. A 2005 review focused on special embassy program posts and prepared within offices of the Undersecretary for Management, catalogued 65 reports that had to be prepared by overseas posts (excluding commissary, schools, medical, and some diplomatic security reports.) Most of these were required for internal management purposes.

The Bureau of Administration now has a calendar of reports that tracks 108 different, recurring reports required by the Department), but it is not all-encompassing. For example, it does not include a number of the 24 reports required by 12 FAM 425 that are to be submitted by regional security officers (RSO). Virtually all Department-required reports reflect interaction between the Department and overseas posts.

The Bureau of Legislative Affairs tracks 310 congressionally mandated reports to be submitted by the Department in FY 2010. This catalogue is quite comprehensive, but again, not exhaustive. The explanation may lie in the fact that the Department contributes to reports submitted by other entities in the executive branch (e.g., the child labor reports, Special 301 report on intellectual property, country commercial guide, etc.) Although the Department does not submit the final report, gathering and submitting the information by embassies nonetheless consumes Department resources. The absence of "sunset" provisions in legislation likewise has significant workload implications. Some congressionally mandated reports remain "on the books" even after the perceived need for and interest in such reports no longer exist. Over time, the Bureau of Legislative Affairs has assiduously pressed congressional staff to accept formulae aimed at the automatic "sunsetting" of select reports. These efforts have had limited success.

Several embassies argue that a Department-generated, consolidated schedule of congressionally mandated and Department-required reports would enable them better to allocate resources for this work. At present, there is no such easy reference to assist embassies in this regard.

The OIG team examined this assertion carefully and concluded that a single, comprehensive schedule is an impractical and perhaps unnecessary goal. As noted above, the Department already maintains a calendar of the recurring reports that it requires for internal management purposes. That calendar also encompasses the HRR and the IRF and TIP congressionally mandated reports. It is on the Department's intranet, hence accessible to embassies. More importantly, the OIG team determined that any list of congressionally mandated and Department-required reports would have to be tailored to reflect the fact that almost every embassy's requirements are particular. For example: some embassies in the Western Hemisphere have to submit "Libertad" reports on relations with Cuba;[4] several (but not all) missions in Africa have to submit reports on African Growth and Opportunity Act eligibility; and select posts have to submit reports on advancing democracy.

The most accurate and comprehensive source of knowledge regarding which reports are due (and when) is at embassies themselves. Past experience and recurring guidance alert embassies to scheduled reporting. Locally employed (LE) staff members constitute many missions' institutional memory. Although embassies no longer have to submit annual reporting plans to the Department, such internal management tools are also very useful in allocating personnel resources to work on recurring, periodic reports.

[4] The Cuban Liberty and Democratic Solidarity Act of 1966.

ENDS AND MEANS

Workloads: Before, During and After Submission of a Report

Most congressionally mandated reports submitted by the Department are prepared in Washington, based on regular reporting, and do not require substantial input from or involvement by more than a very few embassies. These include reports on global issues, as well as numerous reports on regional, topical, or country-specific issues. For instance, Afghanistan, Iraq, and Pakistan each have several reports; a report is produced every 60 days on the progress in Cyprus; and there is a separate report on human rights issues as related to Mexican security forces.

A few congressionally mandated reports require a significant commitment of resources, both in Washington and in the field. Some of these are so labor-intensive that the respective bureaus and offices in the Department — notably the Bureau of Democracy, Human Rights and Labor (DRL), the Undersecretary for Democracy and Global Affairs/Office to Monitor and Combat Trafficking in Persons (G/TIP), the Bureau of International Narcotics and Law Enforcement Affairs (INL), the Director of Foreign Assistance, and the Bureau of Resource Management (RM)— have employees dedicated solely to working on congressionally mandated or Department-required reports. Regional and other functional bureaus also share in the overall workload.

In preparing the HRR and the TIP and IRF reports, the Department now takes essentially a "one size fits all" approach. Neither the size of the country nor the magnitude of an issue is taken into account. The objectives of universality, uniformity, and comprehensiveness have become the enemy of common sense, in some cases. In numerous, stable societies there are few, if any, significant, relevant changes or developments from one year to the next. Nonetheless, all embassies must review lengthy instructions to determine nuances in format, new requirements, etc., then ensure conformity and completeness of their submissions. The end result frequently is the repetition of essentially the same information year after year. In such cases, the work involved is not commensurate with the outcome, nor is it a prudent stewardship of

resources. For example, the OIG team questions the need for missions to develop extensive new information on Liechtenstein (pop: 33,000), Monaco (pop: 33,000), or St. Kitts/Nevis (pop: 35,000) with the same frequency as China (pop: 1.3 billion) or India (pop: 1.17 billion).

Highly regarded nongovernmental organizations (NGO) take a more selective approach. For example, *Amnesty International's 2009 State of the World's Human Rights Report* does not contain entries for Luxembourg, Mauritius, Monaco, Belize, Grenada, Dominica, or Zambia, among others. The counterpart *World Report* issued by Human Rights Watch summarizes conditions in more than 90 countries and territories; exceptions include Australia, Canada, Norway, and the Dominican Republic, among others. By contrast the 2009 HRR had entries for 194 countries, one for virtually every sovereign state.[5]

Approaches to reducing the workload might include allowing the submission of less detailed reports or, alternatively, dating material for countries with little or no material change to report. Under the latter concept, either the entire country report or just certain sections could be republished or labeled, "last revised in ___." An even more efficient method would be to hyperlink the relevant portions of text to a previous (still valid) report on the topic. This method would meet the substantive objectives (such as providing access to country-specific information on the issue), while reducing both the size of the final report and the resources required to produce it. Significant developments or new requirements still could be documented in appropriate detail. The Department could also require that the basic report or pertinent sections be updated at regular intervals.

Recommendation 1: The Office of the Under Secretary for Political Affairs, in coordination with the Office of the Under Secretary for Democracy and Global Affairs should, acting on advice by the regional bureaus and directly involved functional bureaus, identify countries for which congressionally mandated reports could be submitted in less detail, using hyperlinks to other online reports or to previous, still valid submissions to eliminate duplication. (Action: P, in coordination with G)

The concept of flexibility in submitting congressionally mandated reports is not new or untried. Under the special embassy program, discontinued in 2005, the Department exempted some of those embassies from annually submitting full reports. Likewise, in other instances the special embassy programs were authorized to submit

[5] Notable exceptions: The Holy See and the United States.

abbreviated reports (such as INCSR's report) or updates (such as the HRR). Reinstituting such judicious flexibility should be an objective for the Department. The Department would have to consult Congress about implementing this approach.

Recommendation 2: The Bureau of Legislative Affairs, in coordination with the Office of the Legal Adviser and the Executive Secretariat, should consult Congress about submitting congressionally mandated reports for some specific countries in less detail, and identifying those reports to the appropriate congressional committees. (Action: H, in coordination with L and S/ES)

A related matter is how the Department could best engage Congress on emerging issues of concern. The OIG team finds merits in efforts by DRL, the Executive Secretariat, and the Bureau of Legislative Affairs to offer more briefings on developments that are of interest to the Congress as a means of forestalling new requirements for additional reports.

There has been a steady expansion of TIP reports, in terms of the number of countries that are tier-ranked and the volume of material included in the reports. The 2001 TIP report ranked 82 countries and was 102 pages in length. The 2009 report ranked 173 countries and territories, and the printed version was 319 pages long.

According to the Office of the Legal Adviser, the *Victims of Trafficking and Violence Protection Act of 2000* (TVPA) does not require a narrative report, but only a list of tier-ranked countries. The Department adds the narrative portion in order to provide more information and context. However, the precedent for full reports was established from the outset, and there could be widespread opposition to suspending that approach.

Prior to 2008, the TVPA required TIP reports for countries in which there were a "significant" number of victims of severe forms of trafficking. The Department set the threshold at 100 such cases. This number was reasonable, if arbitrary. In the 2008 reauthorization of the TVPA, the adjective "significant" was omitted. Consequently, G/TIP now defines two or more victims of "severe forms of trafficking" as the threshold for submitting a TIP report. In clearing relevant instructions for the 2009 report, the Office of the Legal Adviser implicitly concurred with this interpretation but did not formally decide the matter. This lower threshold resulted in tier-ranking 173 countries and territories in 2009, up from 154 in 2008.

The lower threshold now is established. As with the submission of a narrative report, redefining the threshold—however logical—would likely raise questions and meet with opposition. Nonetheless, the lower threshold may increase the number of TIP reports and thus require additional resources. Increasing the volume of TIP reports also risks diluting the impact, resulting in less attention being given to the issue by governments ranked as Tier 2/Watch List or Tier 3 on the TIP Watch List.

Under the 2008 reauthorization of the TVPA, countries that have been on the Tier 2 Watch List for two consecutive years are subject to mandatory sanctions, as are Tier 3 countries, absent improvements that merit upgrading. The process for resolving differences between G/TIP and the regional bureaus has been contentious. Officers at the embassies and in the Department are involved in reconciling disputes which, on occasion, have been elevated to the Secretary for final resolution. With the expansion of TIP coverage, it is reasonable to assume that more such disputes will arise, demanding yet more resources.

The OIG team conducted a cable survey of embassies that have been heavily impacted by submitting congressionally mandated and Department-required reports. Overwhelmingly, survey respondents indicated that gathering data is the most resource-intensive aspect of the report writing process. Often, the embassies rely on LE staff for much of this basic input, making good use of their continuity and contacts. A degree of caution is in order, however, since local employees might be reluctant to seek out and present material that portrays their government or fellow citizens in a negative light sometimes for good reason: at one embassy, for instance, an LE staff member was arrested and imprisoned for his efforts to gather information to which the host government objected.

The initial HRR, IRF, INCSR (Part I), MSRP, OpsPlan, and PPR all are drafted at the embassies. For the TIP report, INCSR (Part II), and the three Department of Labor reports on child labor, embassies provide answers to a list of detailed questions and the reports are drafted in the Department or, in the case of child labor, at the Department of Labor. Conceptually, the question and answer process should reduce the workload in the field, but it is not always the case since there are frequently numerous follow-up questions from Washington. It takes considerable time and personnel resources to resolve differences among analysts in assessment of data. For instance, Embassy Bridgetown estimated that 200 person-hours were consumed in resolving field-Washington differences relative to the 2009 TIP.

Embassies also have to spend significant resources after the congressionally mandated reports are issued. When a host government perceives it has been unduly criticized, higher ranking embassy officers (normally the ambassador and deputy chief of mission), find it necessary to be directly involved in managing the fallout.

After completing its TIP reports, for example, Embassy Bridgetown spent a further 200 person-hours dealing with negative political, media, and public reactions and the Assistant Secretary for Western Hemisphere Affairs had to personally assuage an irate Prime Minister. The embassies' work in such situations is further complicated by the need to balance and reconcile different policy objectives—for example, if a host government reacts to a negative TIP rating by drawing back its cooperation on other vital matters such as counternarcotics.

Purpose and Use of Congressionally Mandated Versus Department-Required Reports

By content and intent, congressionally mandated reports are conceived to be policy documents; in contrast, reports which are required by the Department serve as management tools. This situation leads to something of a paradox. In broad terms, congressionally mandated reports can often cause more work for an embassy, as noted above, whereas Department-required reports may lead to an increase in personnel or other resources to augment the embassy's capabilities. Not surprisingly, there are many more embassy complaints about the workload related to congressionally mandated reports than there are in regard to Department-required reports.

Congressionally Mandated Reports

Concerns about human rights, religious freedom, trafficking in persons, child labor, and the flow of narcotics are pillars of U.S. global foreign policy. The transparent objective of congressionally mandated reports on these topics is to encourage or induce changes in the way counterpart governments address the identified issues. Several of those people involved in the report producing process at the embassy level expressed frustration that their input has been miscast in the final reports or their efforts seemingly ignored. Moreover, in cases where the issue is not contentious, the final reports may seem to have little relevance to the embassy's operations.

This situation underscores a common mismatch between the subject matter in a congressionally mandated report and a mission's goals, which are established via the MSRP process and approved by the Department. With limited resources, embassies can have only a certain number of MSRP-funded goals. Frequently, issues addressed in the congressionally mandated reports do not rise to the level of an MSRP goal. For example, religious freedom does not rank as a major issue in Barbados, but Embassy Bridgetown nonetheless must divert attention and personnel resources from working on meeting its MSRP goals, in order to field the workload involved in preparing an IRF report for that country.

Department-Required Reports

Many of the recurring reports required by the Department consist of statistical data that is maintained on a continuing basis at an embassy. Hence, report preparation and submission imposes minimal additional workload. Examples include reports related to visas; information on motor pool operations; or Marine security guard physical fitness. Such reports are important to the prudent and efficient management of Department operations, but they do not impose major additional workload.

Senior embassy officers take the lead in preparing resource-related Department-required reports, such as the MSRP, which is conceived to be a planning document designed to match resource availabilities to policy goals in each country. Preparation of the MSRP involves all sections and agencies at an embassy. During the OIG team's brief sojourn at Embassy Tegucigalpa, for example, the Ambassador, deputy chief of mission, section chiefs, and heads of other agencies participated in a one day retreat to brainstorm that embassy's FY 2012 MSRP.

The Director of Foreign Assistance is responsible for allocating economic assistance funds that are appropriated for programming through the Department or U.S. Agency for International Development (USAID). The OpsPlan is a primary tool for this process; hence, it follows sequentially after the MSRP. Work related to the OpsPlan generally is done by USAID personnel at embassies with a resident USAID mission. When there is no USAID presence, other embassy officers prepare the OpsPlan. In either case, the process is one in which the embassy answers a series of detailed questions. At a number of embassies, answering the OpsPlan questions can be a daunting task for modest returns. For example, at some embassies the total U.S. economic assistance captured by this approach is less than $200,000 in International Military and Educational Training funds. The OIG team applauds the Director of Foreign Assistance pilot program to develop a "light" version of the OpsPlan for such embassies.

The PPR follows in conceptual sequence to the MSRP and the OpsPlan. It documents accountability for economic assistance programs and serves as a report card for what the embassy has accomplished. As with the MSRP and the OpsPlan, preparing the PPR may involve several embassy sections and agencies, but the bulk of the workload often falls to USAID. At Embassy Tegucigalpa, for example, the deputy director of the USAID mission was the point person for both the OpsPlan and PPR.

Accounting for Resources

The Department commits significant personnel resources to preparing and submitting congressionally mandated and Department-required reports, both in Washington and abroad, but it does not track the cost of these resources. In the Department, the FY 2010 DRL budget includes a line item figure ($1.5 million) for hiring when-actually-employed staff, contract editors, and translators for the HRR and IRF report,[6] which covers only expenses incurred in Washington. Instructions for the 2010 TIP report asked embassies to estimate the number of hours spent preparing submissions for that report, but G/TIP has neither collated nor used the results.

Even when missions diligently record and report time spent on such reports, it is difficult to capture the work involved in responding to follow-on questions subsequent to submission of embassy input. Doing so sometimes can require almost as many resources as the initial submission. Any efforts to reduce the resource costs of producing Department-required reporting must take into account both the preparation phase and the lengthy, sometimes contentious drafting and editing process – as well as the time spent dealing with the political and public relations fallout of any critical reports.

Especially at embassies, workload estimates tend to be anecdotal, which is not surprising, since the work is subsumed in the embassy's overall efforts and distributed among different sections and agencies. Several embassies describe reports-related workload to be a "significant" or "major" drain on resources, but none has documented the costs with any precision in internal budget planning or used them to make an MSRP request for increased staff or other resources. The result: labor at the embassy level essentially is being treated as a free service.

Based on the estimates supplied, the OIG team concluded that each embassy spends an average of 1,400 person-hours every year preparing congressionally mandated and Department-required reports. The Office of the Undersecretary for Management calculates a global, annual per capita cost of assigning one U.S. direct-hire employee overseas to be about $460,000; as a conservative estimate, the OIG team estimates that it costs approximately $50 million per year for U.S. embassies to produce all the congressionally mandated and Department-required reports.

As noted, there is not yet an accurate system for recording the full expenditure of resources, so the actual cost may be higher than $50 million per year. Even without more concrete workload statistics, the OIG team has drawn the following conclusions:

[6] DRL used to budget $70,000 per year for printing costs, but this is no longer needed since reports are now online.

- The workload implications are disproportionately heavier at embassies with a small number of U.S. direct-hire employees. At some embassies, a lone (often quite junior) officer in the political/economic section is the person primarily responsible for producing the HRR, INCSR, and the TIP, IRF, and child labor reports. Often that individual also is assigned considerable work relative to the MSRP, OpsPlan, and PPR.
- The workload is compounded when an embassy is accredited to more than one government. The HRR, TIP, and IRF reports are country-specific; that is, a separate report must be submitted for each and every country. Thus, for example, Embassy Bridgetown is responsible for seven countries and thus must produce 84 congressionally mandated reports. Embassy Suva covers five, widely separated island nations; Embassy Port Moresby, three.
- Separate issues arise at embassies with very high personnel turnover rates. At Embassies Baghdad, Kabul, and Islamabad, for example, U.S. direct-hire personnel responsible for congressionally mandated reporting are assigned for one-year tours, with effective in-country service of only about 10 months. Moreover, the prevailing security environments at these embassies complicate any efforts to establish contacts and obtain reliable information about the issues covered by congressionally mandated reports.

Good stewardship of resources presumes knowledge of the actual costs of a product or service. It is in the embassies' best interests to have a clearer picture of how much it actually costs to produce congressionally mandated and Department-required reports, since such data would enhance the Department's ability to shift resources where they are most needed and work with Congress on implied budget or resource requirements. Embassies should begin capturing statistics on congressionally mandated report workloads, differentiated to reflect salary levels. However, the system for keeping such statistics should be kept simple, because the process itself should not unduly add to the workload.

Recommendation 3: The Office of Management Policy, Rightsizing and Innovation, in coordination with the Bureau of Resource Management, should direct all missions to document the approximate costs (to reflect time and pay scales of personnel involved) that are devoted to preparation of congressionally mandated and Department-required reports, and to include this data in annual budget requests. (Action: M/PRI, in coordination with RM)

As a complement or alternative to this approach, the Department could contract the services of a private accounting firm to conduct an initial audit of the cost of producing congressionally mandated reports, in order to establish a baseline against which to document future workload costs. Such an outside audit, which would have to be centrally funded by the Office of the Under Secretary for Management in order to address the wide range of reports, would have to sample reports-related workload at a sufficient cross section of embassies to allow for a reasonable extrapolation of results.

Recommendation 4: The Office of Management Policy, Rightsizing and Innovation, in coordination with the Bureau of Administration, should prepare a request for proposal for a contract to audit the workload costs related to preparation of major congressionally mandated and Department-required reports. (Action: M/PRI, in coordination with A)

SOURCES AND METHODS

Access to Data, Reliability and Credibility Issues

In many cases, embassies approach congressionally mandated reports the same way they prepare the flow of regular reporting on an issue. Foreign Service officers use contacts in the government, opposition parties and groups, NGOs, and other sources to obtain, compare, and analyze data, relying heavily on cross-checking information from a wide variety of self-interested sources to sort out inaccuracies and conflicting views. Other factors can complicate production of congressionally mandated reports, hence raising costs. Host government officials may be reluctant to share information for a public report to Congress, particularly if they fear that it will be inimical to their interests. The contacts needed to obtain specific information for congressionally mandated reports often are different from those accessed for regular political and economic reporting, e.g., information on cases that can only be obtained from law enforcement officials. Furthermore, many governments keep statistics using different bases or a different set of definitions than the ones used in Department reports. Embassies thus have to extrapolate information, request updates, or recalculate data to comply with instructions for a particular report.

Embassies also face a resource paradox in dealing with smaller and weaker governments that may have little or no infrastructure for keeping reliable records and credible statistics. There are fewer (and more harassed) authoritative sources to consult on a topic. The small number of government officials or other sources able to respond knowledgeably to requests make the marginal cost of obtaining pertinent information high. Moreover, these missions also are often the most thinly staffed.

A particular issue arises for embassies that are accredited to multiple governments. Obtaining fully creditable and responsive information requires personal interaction with officials and other sources in each country presuming that an embassy has adequate travel budget and available staff to engage in these efforts. However, resource constraints frequently preclude this important means of direct dialogue and embassies must instead communicate via phone, fax, or email, in which case their ability to submit accurate, timely reports depends on the responsiveness of the embassy's corresponding, perhaps geographically remote, governments.

Drafting Responsibilities

The initial HRR, IRF, INCSR (Part I), MSRP, OpsPlan, and PPR reports are all drafted at embassies. Generally, the responsibility for drafting them, especially in regard to the HRR, IRF and TIP reports, is assigned to junior, relatively inexperienced officers. Guidance and oversight often consist of little more than providing the instructions. Supervisors and senior officers who later review, clear, and approve reports rarely have time to go through lengthy, detailed instructions to ensure conformance with prescribed formats, style, etc. This situation often results in mutual frustration between the embassy and Department-based editors, who are required to publish all countries' reports in a standardized format.

Providing more effective supervision and support to junior officers assigned to draft congressionally mandated reports could lower embassy costs and reduce frustrations. Another practical improvement, which constitutes a best practice, is to base congressionally mandated annual reports on a steady flow of reporting about those issues throughout the year. To be effective, embassies should send this reporting as record traffic, rather than via email, to ensure wider distribution of the message in the short term, and easier retrieval when it is time to produce a report. Not all embassies have the resources to report on trafficking, human rights, or religious freedom throughout the year, but those that do will find the task of assembling the annual report much easier. Even where year-round reporting is not feasible because of resource limitations, embassies can maintain a file of material throughout the year, instead of waiting to collect it when the annual report is due.

A second practice which would enable some posts to prepare congressionally mandated reports more easily and at a lower cost is to maintain a contact list of sources organized by the issues that will have to be addressed in the report. This contact list is much easier for new officers to use than an alphabetical list of names.

Best Practices: More Eff cient Preparation Of Congressionally Mandated Reports

Issue: Inexperienced off cers assigned to draft congressionally mandated reports can f nd the assignment overwhelming if they have to start from scratch to prepare the annual report. Department editors also are more inclined to challenge information if they see it for the f rst time only in the draft of a report.

Response: Some embassies report throughout the year on the issues they will have to address in annual reports. They keep a revolving f le of information on specif c incidents and organize their lists of sources and contacts according to the questions they will have to answer at the end of the year. These embassies take care to include interim assessments of key questions in their spot reporting. They also send reports by record traff c, rather than by email to ensure wide distribution and to allow differences involving credibility of sources and assessments to be ironed out before the busy period in which the f nal, annual draft must be agreed on. Wherever possible, they draw on all parts of the mission to contribute to this work.

Result: It takes less time and effort to prepare congressionally mandated reports; reduces frustration, both in the f eld and in Washington; and increases responsiveness to the congressional intent behind congressionally mandated reports. The legislation that requires an annual report on international religious freedom, for example, also calls specif cally for more reporting on this issue throughout the year.

Innovating to Reduce Costs

Some embassies also have reduced the resource costs of congressionally mandated reports by making greater use of information already available in the files of sections other than the one responsible for drafting the report. While drafting officers routinely clear their drafts with other agencies and sections to ensure accuracy, they do not always ask them for sufficient input in the first place. Instead of assigning political officers to draft the section of the human rights report that deals with prison conditions, for example, embassies could have consular officers prepare that section on the basis of their regular visits to American citizen prisoners; similarly, in the case of the TIP report, they could ask a law enforcement agency at post to obtain statistics on cases of human trafficking.

Some embassies handle the workload dilemma by scaling back their regular, more analytical reporting to produce congressionally mandated and Department-required annual reports. Others have shifted much of the responsibility for gathering raw data to LE staff members who may have more working-level contacts and be better able to obtain such information. Doing so frees up U.S. direct-hire officers to concentrate on writing the reports. At embassies that have lost U.S. direct-hire personnel through global repositioning of positions, e.g., Embassy Brussels, LE staff members now draft some of the reports such as the HRR and IRF. This option is not often realistic for small embassies or in cases where relying on that cadre is impracticable, e.g., at Embassies Kabul and Baghdad.

A few embassies have hired temporary staff to help shoulder the burden. For example, with only a single, junior U.S. direct-hire officer to manage the entire human rights portfolio, Embassy Kabul hired an eligible family member to assist with drafting the report, while the officer took the lead in gathering and analyzing information.

When Reports Are Overcome by Events

Despite such innovative management approaches, deadlines sometimes slip. When Embassy Honduras had to give its full attention to the coup d'état that took place there in 2009, it had no choice but to prioritize its scarce resources, missing deadlines for a number of congressionally mandated reports.

When such events intrude, it may be more than deadlines that must be adjusted. As a matter of U.S. policy, Embassy Tegucigalpa severely restricted contacts with junta officials, making it difficult or impossible to access first-hand information on relevant topics. This example typifies the inverse correlation between the importance of a problem and the amount of reliable information that is available about it. In countries where human, religious freedom, and other rights are most severely curtailed, the embassy's personnel, as well as members of the local media and concerned NGOs, are likely to encounter greater difficulties in ascertaining facts and gathering statistics. Conversely, countries where these rights are most effectively protected are also those that allow the most extensive and open discussion of them. The Department should not presume that the validity of the data in a report on a country where information is unavailable or questionable is equivalent to that of a similar report on a country where open discussion of the issues authenticates the content simply because both reports conform to the Department's editorial standards.

PREPARING, PROCESSING, AND PRESENTING REPORTS

Instructions for Preparation and Formatting

Department officers who task congressionally mandated reports say that they have worked hard to make instructions shorter, clearer, and more helpful. Some officers in the field prefer detailed instructions, but most surveyed embassies still consider the instructions lengthy, rigid, and cumbersome—particularly since they must often be interpreted by inexperienced junior officers. The OIG team agrees that instructions tend to be unwieldy and often very long—in fact, disproportionately so, in relation to material contained in the eventual report. For example:

- Instructions for the 2009 IRF report are 16 pages long, which is longer than the majority of finished reports.
- Basic instructions for the 2009 HRR are 36 pages long, augmented by a 41-page *Style Guidelines and Supplementary Information*. By contrast, for example, the 2009 HRR entry for Jamaica is only 27 pages long.
- TIP report instructions (which took the form of a 17-page cable for the 2010 report) pose a series of detailed questions, starting at paragraph 25, on page 8 of the instructions. The report for Burma, a Tier 3 Watch List country, takes up only two pages in the final, printed report; St. Vincent and the Grenadines, a Tier 2 country not previously covered by a TIP report, receives six paragraphs.

However, the OIG team also found examples of well written and easy-to-use instructions.

Embassies preparing the 2009 INCSR were directed to straightforward instructions on the Department's intranet site. Instructions for the 2012 MSRP guide embassies to a well crafted, 15-paragraph cable that ends with a timeline for the MSRP process. Preparation of the 2009 OpsPlan was guided by a 21-page instruction manual, and the 15-page guidance for the 2009 Performance Plan and Report (plus 12 annexes and other references) is also readily available. Both the OpsPlan and PPR are linked to the *Foreign Assistance Coordination and Tracking System* (FACTS) software, which some embassies find difficult to maneuver.

There are additional factors to consider in relation to instructions. The embassy officer(s) responsible for drafting a congressionally mandated or Department-required report assiduously try to follow detailed instructions. However, the supervisors who review, edit, and approve the information rarely take time to go back through the excessively detailed instructions.

Information technology considerations have so far prevented the Department from placing frequently asked questions about the processes on the intranet. In the absence of more user-friendly guidelines from the Department, groups of junior officers at several embassies have developed their own unofficial how-to guides. These guides rephrase the instructions in a less confusing manner, and are widely shared amongst junior officers with or without the Department's blessing.

One key factor that determines how efficiently reports can be prepared is the extent to which instructions change from year to year. In some cases, changes represent new information sought by Congress or the Department. In others, however, the changes merely require embassies to repackage information in slightly different ways. DRL, for example, introduces changes in format for the HRR and IRF "to keep material fresh," while INL prefers that embassies redo Part I of the INCSR, rather than beginning with the previous year's report. The OIG team encouraged the appropriate Department offices to keep unnecessary changes in format to a minimum to help embassies conserve resources.

The cost of producing congressionally mandated reporting also rises when several reports cover different but overlapping periods of time. For example, the IRF is produced on a fiscal year basis (July 1-June 30), while the HRR covers a calendar year. (DRL is taking the initiative to have future IRF reports cover a calendar year's developments.) These overlaps require embassies to gather information more than once on the same or related issues, and ask interlocutors for similar data measured on a different timeframe. The OIG team understands that report submission dates are set by the pertinent legislation; however, most legislation specifies a "not later than" date. For example, section 110(a) of the 2008 TVPA specifies that the TIP report be submitted "not later than June 1 of each year." Such wording allows the Department enough leeway to adjust submission dates of otherwise overlapping reports in a manner that is that is more advantageous.

Similarly, further savings could be achieved if information covered in more than one congressionally mandated report could encompass a common timeframe and be produced on a one-time basis. DRL is already leading an initiative to accomplish this goal. Such an approach could also ease the burden of what some OIG interlocutors call "contact exhaustion." Embassies that deal with smaller or less sophisticated

governments would no longer have to request repackaged information on the same issues from the same, overworked officials. This repetition of effort increases the difficulty of preparing reports, while adding little material that would not or could not be reflected in the next recurrent report.

Several embassies expressed concern that any advantages of putting congressionally mandated reports on the same annual cycle would be offset by the need to simultaneously draft the HRR, IRF, and TIP reports. This schedule would entail too great a spike in workloads, particularly at posts where the same officer prepares all of the reports; although it could be argued that bunching the workload at one time of the year would free up staff time at another. To address this concern, the information in these reports could cover a common time period and the deadlines could be staggered. The Department would realize savings by implementing this approach. It should be noted that, even with major reports covering the same time frame, embassies would have to make the information they obtain from foreign governments match the U.S. cycle, since different countries collate data on a wide variety of cycles.

Recommendation 5: The Office of the Under Secretary for Democracy and Global Affairs should direct the Bureau of Human Rights, Democracy and Labor and the Office to Monitor and Combat Trafficking in Persons to create and implement a plan to have the data in their respective, congressionally mandated reports cover the same period of time. (Action G)

Successfully implementing this strategy would also entail applying cut-off dates for the inclusion of relevant information. At present, although Department editors work with a firm cut-off date when preparing the HRR and INCSR, they strive to include the latest available information in the IRF and TIP reports and therefore continue to request updates from the field after the reporting period has ended. By the same token, embassies and regional bureaus occasionally request late revisions to their reports. Such last-minute changes should be reflected in the next recurrent report as they increase the cost of preparing reports and add little material to the current report.

Recommendation 6: The Office of the Under Secretary for Democracy and Global Affairs should establish a firm cut-off date for material to be incorporated in the annual reports on trafficking in persons and international religious freedom. (Action: G)

Editing Procedures

The Department delegates responsibility for processing congressionally mandated and Department-required reports to the bureau or office in charge of oversight for the relevant issues, e.g., the DRL, G/TIP, INL, RM and Director of Foreign Assistance bureaus. During the drafting and editing phases, these bureaus have considerable autonomy in changing report content, incorporating material from sources other than those cited by embassies, or adding additional issues to be addressed in the report. For example, after President Obama pointed to reproductive rights as a human rights issue, DRL took the initiative to add information on reproductive rights to the 2009 HRR. Such additions may be needed and sensible, but they necessitate more work by embassy personnel who are charged with gathering and submitting the additional data.

Despite a shared objective to submit more succinct reports, the pattern has been to expand them, particularly to include additional data. The volume of congressionally mandated reports is not specified in pertinent legislation, and they now are nearly encyclopedic in length and coverage. The instructions for the 2009 HRR indicate that "in the past two years, the reports have reduced by 7 percent overall," but according to DRL officials the 2009 HRR actually increased to 2.3 million words or more than 6,700 typewritten pages. The 2009 TIP report is 319 pages long. The 2010 TIP report is 372 pages long. Part I of the 2009 INCSR is 628 pages and Part II is 548 pages. The IRF report and HRR are no longer published in print form, but the last printed IRF report (2007) was 816 pages long. The 2009 IRF report, if it were in printed form, would be 1,688 pages long (including appendices).

For comparison, beginning this year the UN Human Rights Council is requiring quadrennial self assessments from each of the 192 UN members. These self-assessments are to be approximately 20 pages in length—a sharp contrast to the length of the 2000 HRR on the Philippines (42 pages) and Turkey (64 pages); and the 10-page entry for Andorra in the 2009 HRR.

The S/ES directive (Appendix I)—which notably exempts the HRR, TIP, and IRF reports—requires that most other congressionally mandated reports be no more than five pages in length. A parallel effort to reduce the length of the HRR, TIP, and IRF reports would result in measurable conservation of personnel resources, both in Washington and overseas.

The editing process in the Department normally falls to personnel who are assigned this function as a sole responsibility. By contrast, DRL, INL, and G/TIP rely on a combination of full-time and rehired annuitant (when actually employed)

employees, and contractors. Inevitably, disagreements arise between the Department and embassies as to what constitutes editing. The most contentious issues revolve around the insertion and evaluation of information provided from disparate sources. A frequent complaint from embassies is that they do not know the identity of sources independently consulted by the Department, and hence are at a disadvantage when assessing the material those sources provided.

Especially in relation to the HRR, INCSR, and the IRF and TIP reports, the review and clearance process frequently involves attention by seventh-floor principals.

Overlaps and Redundancies

It is not surprising that the enactment of various pieces of legislation over time has resulted in overlaps, duplication, and redundancies in the material to be addressed in congressionally mandated reports. Likewise, the addition of new discussion items has resulted in a tendency to expand the scope—hence length—of these reports. A frequently voiced observation is that the HRR, TIP, and IRF in particular have become like Christmas trees, continually ornamented with new items for discussion.

Some examples of overlap, duplication, and anomalies include:

- Section 6 of the HRR for 2009 addresses freedom of religion. The instructions explicitly state that "this should not be a summary or repetition of the IRF report…" Thus, embassies are enjoined to develop new and distinct verbiage to describe religious freedoms in the country. Implicitly, the HRR and IRF language on the issues will need to be reconciled during the editing process, which entails additional work and commitment of resources.
- In the same paragraph, preparers are told to summarize significant events "even if they were reported in the IRF…" In this case, duplication of information is specified. Furthermore, the HRR instructions direct embassies to "discuss in the following order, which parallels similar IRF requirements…" a list of 15 possible government restrictions on freedom of religion. Presumably, each is to be addressed even if there are no such restrictions.

- Parallel instructions for the IRF tell embassies to "make a laundry list" of all credible, known cases of religious persecution. If it is difficult to determine credibility, embassies are told to "include the information" but characterize it as "unverified." Exhaustive coverage of the subject thus takes priority over evaluation, assessment of the significance, or even credibility of the cases.
- Section 6 of the HRR is to include discussion of various TIP-related issues: prostitution and sex tourism, child soldiers, discussion of principal traffickers, prosecution and criminal penalties for trafficking, and so on. Much of this information is duplicative of material contained in the TIP report.
- The annual report on Goods Produced by Child or Forced Labor (required by the TVPA) contains much of the same information as the annual report on Products Produced by Forced or Indentured Child Labor (required by Executive Order 13126 of 1999.) Both overlap with the annual report on Worst Forms of Child Labor (required by the Trade and Development Act of 2000.) Each of these reports (compiled by embassies and then edited or submitted by the Department of Labor) may serve a different readership and purpose, but the redundancy involves additional work for embassies.

The OIG team recognizes that DRL and G/TIP are working to reduce duplication and overlap. To accomplish that objective, as noted in Recommendation 1, there should be much broader use of hyperlinks between the various reports and in referring readers to valid entries on an issue or topic.

PRIORITIES AND MATCHMAKING

Department-Field Dialogue: Resolving Differences

The cost of producing reports is increased by mutual distrust between the Department offices requiring the information and the embassies drafting the reports. The OIG team found this problem to be more pronounced in regard to congressionally mandated reports than it is for the Department's regular reporting. Officials in Washington who oversee congressionally mandated reports suspect embassies of downplaying negative information about the countries to which they are accredited. Embassies suspect their Washington-based colleagues of giving greater credibility to material provided by interested advocacy groups than to on-the-ground information obtained by U.S. government employees who devote their time to acquiring and analyzing such information. This problem is even more pronounced for the congressionally mandated reports which carry potential sanctions.

This mutual lack of trust is especially sharp in relation to the TIP process. The FY2006 OIG inspection of G/TIP found that trust had been eroded by a few instances in which G/TIP grantees were "dismissive or disdainful of embassy counsel and delivered reports that contained false or misleading allegations harmful to bilateral relations." G/TIP leadership has worked hard since then to ensure that reports are accurate and balanced, but some distrust lingers. In 2009, 55 Foreign Service officers of all ranks signed an unclassified dissent channel cable warning that G/TIP used too low an evidentiary standard to reconcile conflicting reports.[7]

Problems of this nature are exacerbated by the fact that most employees who prepare reports in the field are Foreign Service officers and LE staff members for whom the issue is only one of many they deal with, while those who task and edit the congressionally mandated reports are civil servants who have rarely served abroad and for whom the issue is their exclusive focus. Neither side has an adequate appreciation of the pressures and resource constraints the other faces. Almost no positions in G/TIP, for example, are filled by Foreign Service officers who have had experience preparing TIP submissions in the field, while few embassy personnel who

[7] ISP-I-06-04, Inspection of the Office to Monitor and Combat Trafficking in Persons, November 2005.

draft submissions for the report have ever served in G/TIP. Officials on both sides admit to a distrust of the other, based on not just factual or policy disagreements but a lack of understanding about how the other end of the process works. The OIG team suggested that short-term staff exchanges between the embassies and the offices that task their congressionally mandated reports could improve communication and cooperation between the two entities.

Impact of Events and Developments

An embassy's ability to produce congressionally mandated and Department-required reports often is negatively affected by events or developments in the host country. The OIG team visited Embassy Tegucigalpa specifically to explore how the 2009 coup d'état in Honduras affected these reporting processes. Not surprisingly, the first conclusion was that there was some slippage in terms of meeting deadlines for submitting data and draft reports. This slippage was largely due to coup-related difficulties in obtaining the relevant information. As noted above, after the coup there was a policy decision to limit Embassy Tegucigalpa's interaction with the succeeding junta; as a result, the embassy's submissions reflected more secondary sources of information. Bureaus and offices in the Department made appropriate adjustments under the circumstances.

Another development impinging on the embassies' ability to produce reports are instances when junior officers are overwhelmed by email "taskings" from the Department offices that oversee congressionally mandated reporting. It is not unheard of for officers to be asked to undertake urgent research on an issue, without regard to, or knowledge of, the assignments these officers may already have from their supervisors. It would be helpful if the Department offices coordinated such requests with both the country desk and the embassy's chain of command.

Opportunity Costs

An important but elusive element in determining the resource implications of congressionally mandated and Department-required reporting is the concept of an opportunity cost. Reporting resources are finite, and preparing these reports takes time and attention that otherwise could be devoted to other mission goals. This burden falls most heavily on smaller posts that may have only one officer to do reporting along with other duties, such as consular services, public diplomacy, or program management. In some cases, the officer has little time to develop programs to

advance the very goals being addressed in the congressionally mandated report. "We wind up covering the bases," one small embassy wrote, "but at significant cost to our MSRP priorities…"

Most reports required by the Department use resources that would otherwise be devoted to the same internal management duties that the mission normally pursues. By contrast, reports congressionally mandated by Congress tend to use resources that would otherwise be devoted to reporting, visitor support, and program work on goals identified by the executive branch. The result sometimes can be a creative dynamic in which congressionally mandated reporting stimulates an embassy to do more work on an issue than would otherwise be the case. However, it can also result in diverting reporting officers from one important set of duties to another.

The OIG survey showed that embassies are keenly aware of the concept of an opportunity cost, but often find it difficult to quantify. Embassies rarely can define exactly what their officers cannot accomplish because they must devote their time to congressionally mandated reports. Without such hard data, this assessment was unable to put a dollar value on this aspect of the cost of preparing such reports.

Nevertheless, the assessment underscored the fact that opportunity costs are real. Adding more requirements or mandates for reports without increasing the number of reporting officers results in diverting a small and frequently overworked corps of reporting officers from other duties. This arrangement is particularly the case at embassies that have, in accordance with a worldwide trend, reduced or eliminated their internal reporting units, since it is these units—often a subset of the political section—that must draft most congressionally mandated reports. In order to produce the results envisioned in congressional and other mandates, it is not enough to levy requirements for "more reports" Without considering the resources necessary to prepare them.

LIST OF RECOMMENDATIONS

Recommendation 1: The Office of the Under Secretary for Political Affairs, in coordination with the Office of the Under Secretary for Democracy and Global Affairs should, acting on advice by the regional bureaus and directly involved functional bureaus, identify countries for which congressionally mandated reports could be submitted in less detail, using hyperlinks to other online reports or to previous, still valid submissions to eliminate duplication. (Action: P, in coordination with G)

Recommendation 2: The Bureau of Legislative Affairs, in coordination with the Office of the Legal Adviser and the Executive Secretariat, should consult Congress about submitting congressionally mandated reports for some specific countries in less detail, and identifying those reports to the appropriate congressional committees. (Action: H, in coordination with L and S/ES)

Recommendation 3: The Office of Management Policy, Rightsizing and Innovation, in coordination with the Bureau of Resource Management, should direct all missions to document the approximate costs (to reflect time and pay scales of personnel involved) that are devoted to preparation of congressionally mandated and Department-required reports, and to include this data in annual budget requests. (Action: M/PRI, in coordination with RM)

Recommendation 4: The Office of Management Policy, Rightsizing and Innovation, in coordination with the Bureau of Administration, should prepare a request for proposal for a contract to audit the workload costs related to preparation of major congressionally mandated and Department-required reports. (Action: M/PRI, in coordination with A)

Recommendation 5: The Office of the Under Secretary for Democracy and Global Affairs should direct the Bureau of Human Rights, Democracy and Labor and the Office to Monitor and Combat Trafficking in Persons to create and implement a plan to have the data in their respective, congressionally mandated reports cover the same period of time. (Action G)

Recommendation 6: The Office of the Under Secretary for Democracy and Global Affairs should establish a firm cut-off date for material to be incorporated in the annual reports on trafficking in persons and international religious freedom. (Action: G)

ABBREVIATIONS

Department	U.S. Department of State
DRL	Bureau of Democracy, Human Rights and Labor
FACTS	Foreign Assistance Coordination and Tracking System
G/TIP	Undersecretary for Democracy and Global Affairs/ Office to Monitor and Combat Trafficking in Persons
HRR	Human Rights Report
INCSR	International Narcotics Control Strategy Report
INL	Bureau of International Narcotics and Law Enforcement Affairs
IRF	International Religious Freedom
LE	locally employed
M/PRI	Office of Management Policy, Rightsizing and Innovation
MSRP	Mission Strategic Resources Plan
NGO	Nongovernmental organization
OIG	Office of Inspector General
OpsPlan	Operations plan
PPR	Performance plan and report
RM	Bureau of Resource Management
RSO	Regional security officer
TIP	Trafficking in persons
TVPA	Trafficking Victims Protection Act of 2000, as amended
USAID	U.S. Agency for International Development

APPENDIX I: EXECUTIVE SECRETARIAT MEMORANDUM

201002030

United States Department of State

Washington, D.C. 20520

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February 5, 2010

MEMORANDUM TO ALL UNDER SECRETARIES, ASSISTANT SECRETARIES, AND BUREAU OFFICE DIRECTORS

FROM: S/ES – Daniel Smith DGS

SUBJECT: Congressional Report Reform and Managing Department Resources

The Executive Secretariat, on behalf of Deputy Secretary Lew, requests Bureaus and Offices to review and employ the following guidelines to coordinate and manage the process of responding to required Congressional reports and to ensure the preparation of complete, efficient, and timely responses. **The deadline for all action requests in this memorandum is February 19, 2010.**

Coverage: Reports covered by this directive include any reports, strategies, or comparable explanatory narratives required by legislation. Reports requested in non-binding legislative provisions or committee reports that senior officials advise should be provided are also subject to the new format requirements.

Reports not covered by this directive include those required:

- for determinations or waivers of restrictions (including any accompanying memoranda of justification);
- pursuant to Senate resolutions of advice and consent to treaties;
- of the Office of the Inspector General; and
- of each Federal agency.

Also, highly regarded global reports such as the annual reports on human rights, trafficking, religious freedom, and the Javits reports are not subject to this directive.

Action Request One:

Concise reports: Reports should be prepared using the attached format; the key requirement is that a report responds completely and succinctly to the Congressional request within a five page limit (Times New Roman, 14 point type). To achieve this goal, reports should:

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- cite the specific legislation that mandates the report, and not repeat the entire text of the request (which may be appended to the report);
- address concisely each factor required by the report in a salient factual narrative consisting of no more than a few sentences, highlighting new developments;
- eliminate background discussion of political, country, historical, or other circumstances that, rather than responding to the request, provide information on the genesis of the report requirement;
- in the case of recurring reports, refrain from repeating the content of previously submitted reports; instead include a citation to such prior reports;
- cross reference, as opposed to quote language from, any other sources of related information (including Congressional budget justification materials, Congressional notifications, and other reports); and,
- include an offer, where appropriate, to provide further detailed information in a follow-on briefing.

To facilitate the goal of transmitting reports electronically and the readers' access to all relevant information, the e-mailed report documents should also include hyperlinks to the precise, relevant cross-referenced passages cited from other reports and documents.

Bureaus are requested to review the updated H report list (available from the H Legislative Reference Unit) for those reports assigned to it and submit to the Executive Secretariat and the Bureau of Legislative Affairs by the deadline a list confirming all reports it will prepare. Bureaus should also indicate any reports for which they will seek an exception to the concise format guidelines.

Action Request Two:

Report Consolidation: Bureaus are requested to assess and report to the Bureau of Legislative Affairs, by the deadline above, any reports within their area of responsibility that are sufficiently similar to others that one or more reports might be consolidated. Consolidated reports need to address all substantive points required in each of the individual reports. If multiple bureaus are responsible for preparing similar reports, they should consult one another to determine if they concur on possible report consolidation.

A consolidated report would generally be submitted on the earliest date of the individual reports comprising it. Alternatively, bureaus may include a justification supporting an alternative date and indicate the likelihood, if any, that new developments arising after the submission date may justify offering a one-page supplement.

Action Request Three:

Report Elimination: Bureaus are requested to provide to the Bureau of Legislative Affairs, by the deadline above, the names and legislative citations of recurring reports (reports required to be submitted for more than one year) that are appropriate for repeal as obsolete, redundant, or another reason indicated.

All **action responses** should be sent electronically to: **Toby Croll in H.**

Please address **any questions** on the actions requested in this memorandum to **Jerome Epping in H**.

These instructions, along with updated report guidance, will be available at the Bureau of Legislative Affairs' Diplopedia portal on OpenNet, under Useful Documents: Purple Border (http://diplopedia.state.gov/index.php?title=Bureau_of_Legislative_Affairs_Reference_Documents#Purple_Border). This guidance will also be available on the Bureau's forthcoming ClassNet site: http://h.s.state.class .

Attachment:
Report Form

APPENDIX II: TABULATION OF 11 RESOURCE-INTENSIVE, ANNUAL CONGRESSIONALLY MANDATED AND DEPARTMENT-REQUIRED REPORTS

Report	From	Required By	Comments
INCSR			
Part I: Drugs	One for each specif ed country	Sections 489, 490 and 591 of Foreign Assistance Act of 1961 as amended	Envisions sanctions
Part II: Finance	One for each specif ed country	*Ditto* above	Envisions sanctions
HRR	One for each country	Sec 116(d) and 502B(b), 22 U.S.C. 2151n(d) and 2304(b)	
IRF	One for each country	Section 102(b) of 22 U.S.C. 6412(b)	Envisions sanctions
TIP	One for each country	TVPA	Envisions Sanctions
Goods Produced by Child or submits report Forced Labor	Any country where there is reason to believe that a problem exits	TVPA	Embassies provide data/ to Department of Labor
Products Produced by Forced or Induced Child Labor	*Ditto* above	Executive Order 13126 of 1999	*Ditto* above
Worst Forms of Child Labor	Each country that trades with the U.S.(presumably) to include the Holy See)	Trade Development Act of 2000	Ditto above
MSRP	Each embassy		
OpsPlan	For each country that receives economic economic assistance via Department or USAID		
PPR	*Ditto* Above		

APPENDIX III: LEGISLATIVE BASIS FOR MOST RESOURCE-INTENSIVE ANNUAL REPORTS

- **Country Reports on Human Rights (HRR)**. Section 116(d) of the Foreign Assistance Act of 1961 (as amended) and Section 502(b) of the Foreign Assistance Act of 1971 require the Secretary of State to submit an annual report to Congress on human rights conditions, policies and practices in each foreign country that receives U.S. government assistance or which is a member of the United Nations. These reports are intended to establish a basis for analysis and comparison only and do not carry penalties or sanctions. Reports are generally drafted by political or human rights officers at U.S. embassies. The embassy submissions are edited by DRL which hires additional when actually employed and contract personnel for the purpose. The final report is submitted to Congress not later than February 25 each year. In the editing process, DRL considers and includes information gleaned from the Internet, Washington-based NGO sources, the media, etc.
- **Trafficking in Persons Report (TIP)**. Section 110(b) of the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7107) requires the State Department to submit an annual report to Congress documenting cases of human sexual, labor and other trafficking abroad and assessing whether foreign governments comply with U.S. standards for the elimination of such trafficking. Countries are ranked in three tiers, and U.S. assistance can be cut off to a country ranking in the lowest tier. Some issues covered in this report are also covered in the human rights report. Prior to 2009, reports were required on countries where there had been a "significant" number of such cases; in practice 100 cases or more. TIP reports now are required for any country in which there has been two or more credible cases of trafficking. Unlike the human rights reports which are initially drafted at embassies, the TIP is drafted within G/TIP drawing on embassy answers to a list of detailed questions As is the case with the HRR, G/TIP also relies on NGO and media sources of its own. Differences between G/TIP and embassies in evaluating such additional sources of information sometimes complicates the process and adds to time and costs involved in preparing/submitting the report. Instructions for embassy submissions are sent in January of each year and embassies have until February 15 to submit the results of their research. Permanent staff at G/TIP spend the next six weeks editing and standardizing these responses. Drafts are released to other parts of the State Department for discussion and negotiation of the text at the end of March or beginning of April. The final report is submitted to Congress by June 1.

- **International Religious Freedom (IRF).** Section 102(b) of the International Religious Freedom Act of 1998 (22 U.S.C. 6412) requires the Secretary to submit a report to Congress by September of each year recording developments relating to religious freedom in countries around the world. Reports are intended to expand and supplement the information on this issue in the annual human rights report. They generally are drafted by the political sections of U.S. embassies and compiled by DRL.
- **Worst Forms of Child Labor.** Congressionally mandated by the Trade and Development Act of 2000 and submitted in accordance with section 2464 of the Trade Act of 1974, as amended (19U.S.C. 2464). The Department of Labor must submit this annual report on the efforts of countries and territories that trade with the United States to implement their international commitments regarding child labor, including indentured service and trafficking. The data and information are generally compiled, following a prescribed question and answer format, by economic and political officers at U.S. embassies. The Department submits this information to the Department of Labor which is responsible for submitting the report to the Congress. The Trade Development Act does not specify a deadline for the report, but the Department of Labor traditionally tries to submit by September 1.
- **Goods Produced by Child Labor or Forced Labor.** The TVPA requires the Department of Labor to make public a list of goods from countries that the State Department has reason to believe are produced by child labor or forced labor in violation of international standards. The report lists 122 goods from 58 countries that Department of Labor "has reason to believe" were produced by forced and/or child labor. Material for the list is generally compiled by economic and political officers at U.S. embassies.
- **Products Produced by Forced or Indentured Child Labor.** Executive Order 13126 of 1999 requires the Departments of Labor, State, and Homeland Security to publish and maintain a list of products, by country of origin, which the three departments believe might have been produced by forced or indentured child labor. Material is generally compiled by economic and political officers at U.S. embassies.
- **International Narcotics Control Strategy Report (INCSR, Parts I and II)**. The Foreign Assistance Act of 1961 (22 U.S.C. 2291), as amended, requires the State Department to prepare a report for Congress by March 1 each year with details on illicit narcotics trafficking (Part I) and money laundering (Part II) in countries that receive U.S. assistance and on U.S. efforts to combat them. Part I generally is prepared by narcotics or political officers at U.S. embassies. Part II generally is prepared by economic sections. Both are coordinated by the

Bureau of International Narcotics and Law Enforcement Affairs (INL) and serve as a basis for much of the bureau's annual planning for assistance programs. Instructions for the INCSR are sent out in September of each year and embassies must submit their completed reports by the end of December. The final report is submitted to Congress by March 1.

- **Mission Strategic Resource Plan (MSRP).** Beginning in 2010, the Department requires each embassy to produce an interagency Mission Strategic Resource Plan (MSRP) that identifies the mission's key priorities and the resources needed to achieve them. As explained in a March 3 cable to all diplomatic posts, these plans will replace the former Mission Strategic Plan and will be used by both the Department and USAID as a basis for their annual budget requests to Congress. Reports are often drafted or coordinated by a junior economic or political officer but prepared with input from all agencies at post. They are due in Washington by April 9, a date that many embassies told the OIG team was especially onerous because it is also the time that individuals must focus on preparing federal income tax and Foreign Service annual evaluations.
- **Foreign Assistance Operational Plan (OpsPlan).** The Director of U.S. Foreign Assistance requires all embassies that manage foreign assistance funding to complete an annual Operational Plan. These plans are developed largely by USAID officers at embassies with USAID missions, and by economic or political officers at others. Operational Plans lay out the embassy's proposals for assistance programs and their funding levels for the following year along with information necessary to explain and justify each one. They must be prepared and submitted using the Foreign Assistance Coordination and Tracking System (FACTS) software and are due in Washington by March 31st. In view of concerns raised by some embassies about the workload associated with preparing Operational Plans as currently constituted, the Director of Foreign Assistance will initiate a joint State and USAID review of operational planning at the end of the FY 2010 OP review process and seek embassy input as to possible modifications
- **Foreign Assistance Plan Performance Report (PPR).** All embassies that submit an Operational Plan for a given fiscal year must also submit an annual Performance Plan and Report for that fiscal year. This document reports on results the mission achieved during that period, regardless of the fiscal year in which the funding that help achieve that result was appropriated, and is used to help plan future programs and objectives. The report responds in part to requirements in the Government Performance and Results Act of 1993. It is prepared at post largely by USAID officials with input from Department officers.

APPENDIX IV: BUREAU COMMENTS AND OFFICE OF INSPECTOR GENERAL RESPONSE

In response to the draft report that was circulated within the Department, OIG received a number of comments. In general, the responses were supportive of the assessment and recommendations. Some of these are incorporated in the text of this report. Others are summarized herewith, along with the OIG responses to the points raised.

Bureau of Democracy, Human Rights and Labor (DRL):

- DRL is streamlining processes in several ways that parallel OIG recommendations, for example, to consolidate instructions for the HRR and IRF.
- DRL acknowledges duplication of material among congressionally mandated reports and endorses OIG's proposal to use hyperlinking.
- In the response to the draft, DRL states an objective to place all congressionally mandated reporting under that bureau's purview on a calendar year basis. The OIG team does not agree with a proposal that would imply that these reports be submitted on the same schedule. However, the OIG team recommends implementation of the DRL proposal that the bureaus' congressionally mandated reports cover a common time period.
- DRL strongly disagrees with Recommendation 2, arguing that Congress insists on universal coverage in the HRR and IRF. The OIG recommendation addresses the detail (hence length) of reports, not the principle of universal coverage.
- DRL wanted OIG to recommend additional personnel resources for the bureau, primarily to handle the editing workloads. The OIG team did not do so, for two reasons: (1) this assessment focuses on work at embassies and; (2) implementation of the efficiencies recommended in this report should reduce the workloads for those drafting, editing, and submitting these reports.
- DRL expressed disappointment that the OIG team did not recommend that more senior embassy officers be assigned initial drafting responsibilities. The team did not do so, because:

- Especially at thinly-staffed embassies and those with multiple accreditation, there are no options, since many sections are staffed with only one officer;
    1. Assignment of responsibilities at posts must be a matter for decision by senior management at post;
    2. It would not be possible to craft a compliable recommendation (an OIG standard), since that would entail continuous monitoring of each and every embassy. As noted in the report, the OIG team encourages senior management at embassies to provide more effective guidance and direction of those drafting the reports.

Undersecretary for Democracy and Global Affairs/Office to Monitor and Combat Trafficking in Persons (G/TIP):

- G/TIP supports the goal of eliminating duplication in congressionally mandated reports, but argues that the TVPA requires a tier-rank determination for each country each year. The office thus questions Recommendations 1 and 2 of the report. The OIG team notes the need to submit information relative to any developments that would change tier determinations. The thrust of the recommendations is to eliminate submission of unnecessary detail.
- G/TIP argues that the 2008 authorization of the TVPA deliberately lowered the threshold for TIP reports. The OIG team accepts this rationale, but cautions that the workload relative to waiver action likely will increase significantly.
- G/TIP (and DRL) underscored the positive policy changes that have been induced by congressionally mandated reports. The OIG team agrees and has strengthened the language in this assessment.
- G/TIP agrees that TIP reports require major resources at embassies, including that involved after the reports have been submitted. The office contended that, in some cases, the embassies "scramble to find additional information to merit a higher ranking…" the OIG team believes this underscores the need for efforts to dispel the undercurrent of mutual distrust that has marked the processes.
- G/TIP points to the June 1 submission of the TIP report to the Congress. The OIG team draws attention to the wording of the TVPA, which specifies that the report be submitted "not later than June 1." Accordingly, there is flexibility in allowing for earlier submission.

- G/TIP supports the OIG recommendation for a firm cutoff date for TIP reports, but stated that requests for updating often emanate from other bureaus or offices in the Department. Full implementation of the OIG recommendation would eliminate such problems.
- G/TIP expressed disappointment that OIG made reference to the 2005 inspection of that office, pointing out that subsequent changes in leadership have addressed this aspect of mutual distrust. The OIG team notes that perceptions in the field are that the reported practices (such as G/TIP's use of undisclosed sources of information) continue. The OIG team urges total transparency as the reports are drafted and edited in G/TIP.

Office of Management Policy, Rightsizing and Innovation (M/PRI):

- M/PRI took exception to Recommendation 3, arguing that gathering data on workloads would detract from the tasks at hand. The OIG team disagrees. Good stewardship of resources must start from knowledge of the costs of a good or service. That is the purpose of this recommendation.

Regional Bureaus

- A number of regional bureaus submitted comments. Several of these pointed to specific, additional congressionally mandated reports that involve commitment of significant personnel resources at embassies and in Washington. The OIG team concurs, but for practical purposes assessed the implications stemming from the cited, global reports.

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