



DEPARTMENT OF DEFENSE
WASHINGTON HEADQUARTERS SERVICES
1155 DEFENSE PENTAGON
WASHINGTON, DC 20301-1155



MEMORANDUM FOR DEPUTY INSPECTOR GENERAL (AUDIT)

Subject: Completeness Review and Production of KC-767A-Related Documents

The following information is submitted in response to your January 18, 2005, memorandum to the custodians of records for the Office of the Secretary of Defense and for the United States Air Force. The Office of the Secretary of Defense has made a reasonable effort to produce all known documents responsive to Deputy Secretary of Defense Paul Wolfowitz's August 11, 2004, memorandum. To this end, the Office of the Secretary of Defense has in good faith conducted exhaustive efforts to identify, assemble, and produce to the Inspector General responsive documents for each individual identified in the three-tiered request originally submitted to the Department of Defense by the Senate Armed Services Committee (copy attached).

At this time, to the best of our knowledge, information, and belief, formed after reasonable inquiry, the Office of the Secretary of Defense has produced, and has provided to the Inspector General, such responsive documents located in response to the direction set forth above. The Office of the Secretary of Defense understands the continuing obligation to produce responsive documents should the Office of the Secretary of Defense identify additional responsive documents.

For the Office of the Secretary of Defense:

Howard G. Becker, Director
Washington Headquarters Services
Department of Defense

1-27-05
DATE

Attachment





DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330-1000

OFFICE OF THE SECRETARY

MEMORANDUM FOR Deputy IG of Audit

Subject: Completeness of Review and Production of KC-767A-Related Documents

The following information is submitted in response to your January 18, 2005, memorandum to the custodians of records for the Office of the Secretary of Defense and for the United States Air Force. The Air Force has made a reasonable effort to produce all known documents responsive to Deputy Secretary of Defense Paul Wolfowitz's August 11, 2004, memorandum. To this end, the Air Force has in good faith conducted exhaustive efforts to identify, assemble, and produce to the Inspector General responsive documents for each individual identified in the three-tiered request originally submitted to the Department of Defense by the Senate Armed Services Committee (Attachment 1), as well as for those individuals subsequently added by the Committee (Attachment 2).

At this time, to the best of our knowledge, information, and belief, formed after reasonable inquiry, the Air Force has produced, and has provided to the Inspector General, such responsive documents located in response to the direction set forth above. The Air Force understands the continuing obligation to produce responsive documents should the Air Force identify additional responsive documents.

For the Department of the Air Force:

A handwritten signature in black ink, appearing to read "W. Davidson", written over a horizontal line.

WILLIAM A. DAVIDSON
Administrative Assistant

A handwritten date "27 Jan 05" written in black ink over a horizontal line.

Date

2 Attachments

1. Request for Documents Concerning KC-767 Tanker Aircraft Program, 11 Aug 04
2. MGen Scott Custer E-mail, 767 Tanker Documents, 20 Oct 04

December 15, 2004



Completeness Review of Documents Gathered Relating to the Lease or Procurement of the KC-767A Tanker Aircraft

Department of Defense
Office of the Inspector General

Accountability

Integrity

Efficiency



INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

December 15, 2004

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT,
OFFICE OF THE SECRETARY OF DEFENSE
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE AIR FORCE

SUBJECT: Completeness Review of Documents Gathered Relating to the Lease or
Procurement of the KC-767A Tanker Aircraft

I wanted to provide you a copy of the subject review (attachment). We examined and summarized the processes and procedures used by the Office of the Secretary of Defense and Department of the Air Force to ensure that all documents that were generated relating to the lease or procurement of the KC-767A tanker aircraft from "January 2001 to the present" were produced. We conducted the review in response to a September 16, 2004, request from the Secretary of Defense.

Your comments on a draft of this review are included and showed there were no unresolved issues. Questions should be directed to Mr. Henry F. Kleinknecht at (703) 604-9324 (DSN 664-9324) or Mr. Patrick J. Nix at (703) 604-9332 (DSN 664-9332).

By direction of the Deputy Inspector General for Auditing:

David K. Steensma

David K. Steensma
Assistant Inspector General
for Contract Management

Attachment: as stated

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Completeness Review of Documents Gathered Relating to the Lease or Procurement of the KC-767A Tanker Aircraft

Results

We believe both the Office of the Secretary of Defense (OSD) and Department of the Air Force made a reasonable attempt to produce available documents, although the existing e-mail record-keeping and retrieval systems do not ensure that all documents that were generated relating to the lease or procurement of KC-767A tanker aircraft from "January 2001 to the present" were produced as requested by the Senate Armed Services Committee (SASC).

E-mail. For the purposes of responding to the request for all of the e-mails over this period, neither OSD nor the Air Force currently has an adequate electronic e-mail record-keeping system nor effective retrieval system that captures 100 percent of the requested e-mails. Both the Director, Washington Headquarters Services and the Administrative Assistant to the Secretary of the Air Force stated they are instituting programs to develop new e-mail record-keeping and retrieval systems. In summary:

- A complete record of incoming and outgoing e-mails of the individuals selected by the SASC was only available for a recurring period (90 days Air Force and 365 days OSD) prior to the specific date of the search including all e-mails that remained in the active file regardless of the date if they had not been deleted. Therefore, large amounts of data were produced, some of which dated back to 2001. However, a complete record of all incoming and outgoing e-mails was available for only the current Commander, United States Transportation Command (USTRANSCOM) and Air Mobility Command from the time he assumed the position. The Command had an easy and timely record-keeping system that maintained all e-mails of the commander until 1 year after retirement. No other office or individual had such a system.
- Generally, OSD and the Air Force had not developed an easy and timely retrieval record-keeping system for historical e-mail records. With the exception of the Commander, USTRANSCOM and Air Mobility Command, incoming and outgoing e-mail data were stored on the server by date, rather than individual. As a result, to obtain the requested e-mail documents the data must be restored by date and then sorted by individual. Once the selected individual was identified on a specific date, the e-mail data must then be searched for key words. This process created extensive duplicate files and was both labor-intensive and costly. Consequently, to meet the timeframes of the Deputy Secretary of Defense request, OSD and Air Force officials generally reconstructed and searched e-mail back-up files from 3 or 4 days that were uniformly spaced from the current date back to 90 or 365 days. The technique

used generally did not search e-mail attachments for responsiveness, although officials for the Deputy Secretary of Defense stated his e-mail attachments were reviewed.

While a more comprehensive daily search of e-mail backup files for the available days (90 to 365) is possible, the search requires an extensive and costly reconstruction effort and search for each individual day with little assurance (constantly recurring retention period for backup tapes) that additional responsive e-mails from the requested period would be identified or produced. The reviews performed by OSD and the Air Force (generally 3 or 4 days reconstructed and searched) have already produced about 800,000 pages of documents that also must be individually reviewed for relevancy in accordance with established procedures.

Computer Hard Drives. Computer hard drives were available for individuals currently holding requested positions and in some cases the hard drives included information associated with persons previously holding the same position. Some computer hard drives, however, for individuals who previously held the requested positions, had been turned in following the individual's departure and been formatted and reissued to a new user. Available computer hard drives were either cloned and searched off-site or searched at the existing location. In addition, since the search tasking did not require a search for deleted files, no attempts were made to use special software tools to recover deleted information, as it was beyond the scope of the original request and the data managers did not possess these tools. The software available to search for files was also not capable of searching for specific text strings within portable documents format (PDF) files, so these files were identified only when the key words were contained in the document names.

Hard Copy Documents. The individuals assigned to search hard copy documents used various methods and not all files were reviewed for selected individuals. Air Force officials stated that unit records managers for the individuals identified were involved in the collection of documents; however, official Air Force records managers with oversight responsibility for retention of official records were not involved in the document review process. Subsequently, the Air Force stated it has asked the Air Force Federal Agency Records Officer to conduct such a search and all documents found will be provided to the Office of the Inspector General (OIG) of the Department of Defense.

Independence. The SASC letter of September 13, 2004, requested "any screening of documents be conducted by a neutral outside party;" however, this request was over a month after the Deputy Secretary of Defense memorandum of August 11, 2004, that did not request screening of documents by a neutral party. Consequently, neither OSD nor the Air Force used independent reviewers to screen documents for responsiveness. The reviews were either conducted by the individual being reviewed, or someone within the chain of command. In addition, the Secretary of Defense memorandum dated September 16, 2004, to the Inspector General of the Department of Defense that stated "I am transferring to you responsibility for the ongoing production to the SASC of documents relating to the KC-767 tanker lease issue," was also made over a month after the Deputy

Secretary memorandum. However, the search methods themselves were primarily executed by data management or records management personnel and not by “interested” individuals who were the subject of the searches.

Background

A Secretary of Defense September 16, 2004, letter requested that the Inspector General (IG) review certain e-mails relating to the lease or procurement of the KC-767A tanker aircraft. The review should include the circumstances under which the Air Force reviewed the e-mails for production and ensure that the review of documents gathered in response to the Deputy Secretary’s memorandum of August 11, 2004, represented all relevant and responsive documents. See Attachment 1 for additional background details.

Records Management Requirements

Extensive requirements exist relating to establishing and maintaining easy and timely retrieval record-keeping systems. See Attachment 2 for related criteria.

Available Information and Procedures Followed to Produce Relevant and Responsive Documents

To satisfy the SASC request, the Deputy Secretary of Defense directed a search to identify and produce any responsive documents for specified officials or offices of the Department of Defense and Department of the Air Force. The search requested “all documents, from January 2001 to the present, relating to any program to acquire commercially derivative aerial refueling tanker aircraft . . .” The list of specified officials follows with a description of the information available and specific procedures followed to produce the relevant and responsive documents for each of the Air Force and OSD officials. Two additional Air Force individuals were also designated for review after the initial request.

Air Force Officials

<u>Tier I</u>	<u>Collection Process</u>
Secretary of the Air Force	A
Assistant Secretary of the Air Force for Acquisition	A
Deputy Director of Operational Requirements, Deputy Chief of Staff for Air and Space Operations, Air Force	A
Special Assistant and Director of Communications to the Secretary of the Air Force William Bodie	A
Air Force Lt. Col. Joseph Lepanto	B
Principal Deputy Assistant Secretary of the Air Force for Acquisition Management	A
Principal Deputy Assistant Secretary of the Air Force, Acquisition and Technology ¹	A

¹ The Air Force added the Principle Deputy Assistant Secretary of the Air Force, Acquisition and Technology to the data call although it was not listed in the SASC request.

Tier II

Air Force Chief of Staff	A
Air Force Vice Chief of Staff	A
Commander, United States Transportation Command and Air Mobility Command	C
Commander, Air Force Materiel Command	D
Director of Operational Requirements, Deputy Chief of Staff for Air and Space Operations, Air Force	A
Director, Operational Capability Requirements, Air Force ²	A
Director, Mission Area, Global Reach Programs, Air Force ³	A

Tier III

Director, Global Reach Programs, Air Force	A
Deputy Director, Global Reach Programs, Air Force	A
Assistant Secretary of the Air Force, Financial Management and Comptroller	A
Deputy Director, Operational Capability Requirements, Air Force ⁴	A
Deputy Director, Mission Area, Global Reach Programs, Air Force ⁵	A
Director, Air National Guard	E
Deputy Director, Air National Guard	E

Two Additional Individuals

Lieutenant General Ronald Keys	F
Major General Kevin Chilton	F

Collection Process for Air Force Officials

A. The Air Force Pentagon Communications Agency (AFPCA) collected relevant tanker documents from server e-mail, personal storage files (PST) and individual computer hard drives for the Air Force officials on the Pentagon network. AFPCA was requested to search for individuals who served in those offices from January 2001 to the present (August 2004). All data recovered was provided to the points of contact identified, who sorted the files as responsive or not responsive. All responsive files were delivered directly to the Office of the DoD General Counsel. All files originally determined not responsive

² The Director, Operational Capability Requirements, Air Force is the same position as Director of Operational Requirements, Deputy Chief of Staff for Air and Space Operations, Air Force.

³ The Director, Mission Area, Global Reach Programs, Air Force, which was listed in Tier II, is the same position as Director, Global Reach Programs, Air Force, which is listed in Tier III.

⁴ The Deputy Director, Operational Capability Requirements, Air Force, which is listed in Tier III, is the same position as the Deputy Director of Operational Requirements, Deputy Chief of Staff for Air and Space Operations, Air Force, in Tier I.

⁵ The Deputy Director, Mission Area, Global Reach Programs, Air Force is the same position as Deputy Director, Global Reach Programs, Air Force.

were then further reviewed by the Office of the Secretary of the Air Force General Counsel for Acquisition (SAF/GCQ), who then printed out copies of any files subsequently determined to be responsive and delivered them to the Office of the DoD General Counsel or the OIG DoD. In some cases, all data found in the AFPCA search was provided to Office of the DoD General Counsel or the OIG DoD.

Server E-mail. In August 2004, AFPCA captured server e-mail for the offices covered. AFPCA also restored server e-mail from backup tapes for 30, 60, and 90 days prior to the original date of capture or 4 different points in time. According to AFPCA, the Pentagon Air Force server only maintains disaster recovery related backups of server e-mail for 90 days from the current date. Therefore, May 2004 was the oldest date available for e-mail restoration from the backup tapes. AFPCA chose current day and historical 30-, 60-, and 90-day restore times in order to meet the Deputy Secretary of Defense mandated timeline and ensure the most complete recovery possible. AFPCA also stated it would take 6 to 7 days to restore e-mail for 3 days, close to 7 months to restore e-mail for all 90 days for two individuals alone, and longer for the Secret Internet Protocol Router Network (SIPRNET). Estimates to restore all files from every day of back-up media were over 400 days for unclassified and over 900 days for classified. Further, AFPCA could not recover any e-mails deleted prior to the 90 days of back-up media, but documents were found in the backup tapes dating as early as September 2001.

Figure 1 shows the time period (January 2001 to present) for documents requested by the SASC and the dates that server e-mail was restored from backup tapes by AFPCA. Documents were found in server e-mail stores dating as early as September 2001 (as stated by AFPCA); however, any e-mail deleted between January 2001 and May 2004 would not be available.

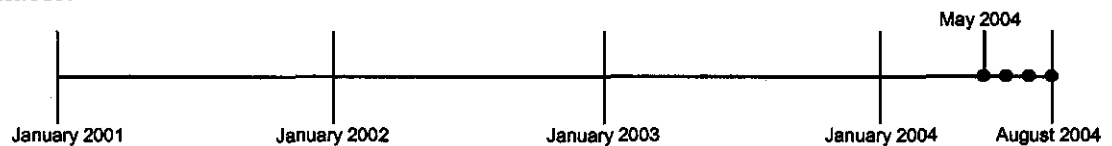


Figure 1. SASC Requested Time Period and 4 Days on which E-mail was Restored.

Shared Network Folders (To include PST files). In August 2004, AFPCA also searched shared network folders and captured data for individuals covered. AFPCA also restored home share data from backup tapes for 30, 60, and 90 days prior to the date of capture or 4 different points in time.

Computer Hard Drive (To include PST files). In August 2004, AFPCA cloned available computer hard drives in the offices covered. The cloned hard drives were then searched by AFPCA for relevant documents and e-mail PST files. AFPCA did not use special software tools designed to recover deleted information, as it was beyond the scope of the request.

Hard Copy Documents. The individuals assigned to search hard copy documents used various methods and not all files were reviewed for selected individuals. Further, Air Force records managers with oversight responsibility for retention of official records were not involved in the document review process.

Search Criteria. AFPCA applied keyword search criteria developed by the Office of the Air Force General Counsel to both cloned computer hard drives and restored e-mails. The word search criteria used by AFPCA included: 767, Commercial Derivative Air Refueling Aircraft, CDARA, European Aeronautic Defence and Space Company, EADS, lease, and tanker.

Independence. AFPCA did not review the information collected. The information was generally provided to a reviewer in the chain of command, who was not independent, to make responsive and non-responsive determinations.

However, information was not screened for responsiveness determinations (all information forwarded) for the Assistant Secretary of the Air Force for Acquisition, the Principal Deputy Assistant Secretary of the Air Force for Acquisition and Management, and the Principal Deputy Assistant Secretary of the Air Force for Acquisition and Technology.

B. The Air Mobility Command, Tanker Requirements Office, collected relevant documents from a shared network drive and hard copy documents for Lt. Col. Joseph Lepanto, who worked as an Action Officer and Chief of the Tanker Requirements Office from August 2000 to June 2002. After that time, Lt. Col. Lepanto was reassigned to the Tanker Airlift Control Center (TACC), Global Operations Division within the Air Mobility Command. However, according to individuals in the Tanker Requirements Office, no search was conducted to identify relevant documents subsequent to Lt. Col. Lepanto's reassignment, as his new position in the TACC did not deal with new tanker requirements. As a result, there is no coverage for Lt. Col. Lepanto after June 2002.

Server E-mail. According to officials in the Tanker Requirements Office, no server e-mail was obtained for Lt. Col. Lepanto because the office only maintains a backup of server e-mail for 30 days prior to the current date. The search was conducted in August 2004, so July 2004 was the oldest date available for e-mail restoration from the backup tapes. In June 2002 Lt. Col. Lepanto left the Tanker Requirements Office. As a result, no server e-mail for Lt. Col. Lepanto was available; however, as noted above, according to the Tanker Requirements Office, a search of his server e-mail in his present assignment in the TACC would not have produced anything of relevance. Figure 2 depicts the time period (January 2001 to present) for documents requested by the SASC and the time period Lt. Col. Lepanto served in the Tanker Requirements Office.

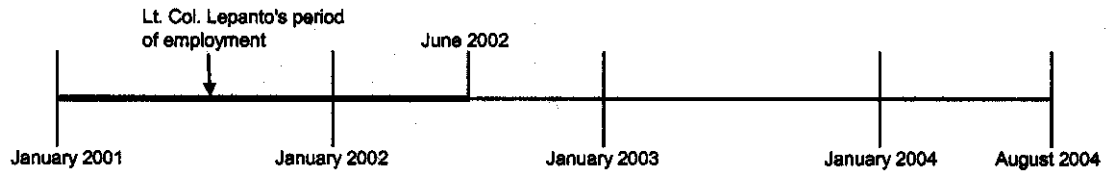


Figure 2. SASC Requested Time Period for Tanker Documents and Period Lt. Col. Lepanto Served as Chief, Tanker Requirements.

Computer Hard Drive. The computer used by Lt. Col. Lepanto while he served in the Tanker Requirements Office was sanitized after he left the position and was not available for review.

Hard Copy Documents. Review officials in the Tanker Requirements Office also stated that they searched a shared network drive and reviewed hard copy documentation in the office for relevant documents. Review officials searched a PST file on the shared network drive that contained relevant information for new tanker requirements. The PST file included data from all users working on the project, not just Lt. Col. Lepanto. However, the information contained within the PST file relies solely on the individual to store relevant documents. In addition, Lt. Col. Lepanto provided a CD of relevant documents, which was pulled previously from the network drive to satisfy an earlier request for documents.

Search Criteria. The individual collecting the data did not apply any keywords in the search process because the keywords were not received before the submission deadline had passed. The individual who located all data related to the KC-767 tanker forwarded that information, regardless of whether or not it involved Lt. Col. Lepanto, and did not review the data for relevancy.

Independence. Lt. Col. Lepanto was contacted and provided a CD, but did not review any documentation. The individual who conducted the search for Lt. Col. Lepanto was a member of the Tanker Requirements Office.

C. The U.S. Transportation Command (USTRANSCOM) collected relevant tanker documents from the server e-mail, personal computer hard drive, shared network drives, and hard copy documents for the Commander, USTRANSCOM and Air Mobility Command.

Server E-mail. Officials within USTRANSCOM explained that their record-keeping system maintains an archive of all e-mail for the Commander in a PST file on the server. Since all incoming and outgoing mail is archived, all messages would be captured, regardless of whether any had been deleted. The officials stated that e-mails for the previous Commander were unavailable because they were deleted 1 year after he retired. E-mails for the current Commander were available from November 2001, the time he assumed the position.

Figure 3 below depicts the time period (January 2001 to present) for documents requested by the SASC and the data that was available and reviewed by the USTRANSCOM.

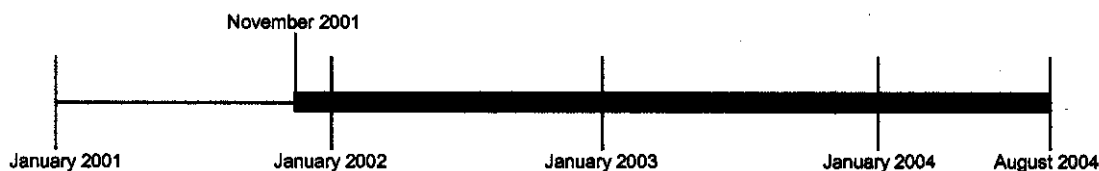


Figure 3. SASC Requested Time Period for Tanker Documents and Time Period for Available and Reviewed Documents at USTRANSCOM.

Computer Hard Drive. USTRANSCOM officials stated that they searched the Commander's hard drive for relevant documents, but they did not use any special software tools in an attempt to restore deleted items, as it was beyond the scope of the original request.

Hard Copy Documents. USTRANSCOM officials stated that they searched a shared network drive where all USTRANSCOM employees saved their documents. They also searched the limited hard copy documentation available in the office and requested that the Commander search his files at home for relevant documentation. The Commander stated that he maintained no documents at his home.

Search Criteria. USTRANSCOM applied keyword search criteria developed by the Air Force General Counsel (with several additional key words) to both the computer hard drives and server e-mails. USTRANSCOM officials stated the word search criteria used was: 767, Commercial Derivative Air Refueling Aircraft, CDARA, European Aeronautic Defence and Space Company, EADS, lease, tanker acquisition, tanker program, Airbus, MD-11 retrofit, Boeing, and tanker. USTRANSCOM reviewed the data to determine relevancy and provided an index of documents. All documents were forwarded to the Air Force Chief of Program Integration, regardless of relevancy. USTRANSCOM officials stated it applied search criteria to the Commander's calendar system and to the Command's work tracking system. Matching results were provided to the Directorates, which used them as an aid to conduct Directorate searches for briefs, trip books, point papers, meeting preparation materials, and other documents that might have been physically delivered to the Commander.

Independence. The individual who conducted the search at USTRANSCOM was not independent because the Commander was in his direct chain of command. USTRANSCOM officials stated that neither the Commander nor Deputy Commander participated in the search for documents or reviewed any of the documents found during the search prior to the documents being forwarded in response to the request.

D. The Air Force Materiel Command (AFMC) officials stated that they collected relevant tanker documents from a search of server e-mail, computer hard drives, and hard copy documents for the Commander, AFMC.

Server E-mail. On September 5, 2004, AFMC searched the mail server and SIPRNET for responsive e-mails. AFMC officials stated that the current Commander stores unclassified e-mail on his laptop computer instead of the mail server because while on the road this technique provides instant retrieval access for his 767 Tanker documents. AFMC did not search any of the 16 days of mail server backup tapes. According to AFMC personnel, the backup tapes contain e-mails sent or received for that specific day only and would also be stored on the Commander's laptop computer. Conversely, the previous Commander had his e-mail archived on the network server. AFMC was able to recover his archived server e-mail during its September 5, 2004, search because the storage file had not been deleted after his departure. Figure 4 below depicts the time period (January 2001 to present) for documents requested by the SASC and the one day that data was reviewed by AFMC.



Figure 4. SASC Requested Time Period for Tanker Documents and Date of Server E-mail Review.

Computer Hard Drive. AFMC officials stated that they searched the PST file that contained the Commander's e-mail as it existed on September 5, 2004, as well as files saved to the hard drive. AFMC officials stated that the Commander has stored appropriate files on his computer hard drive for the last 8 years. The Commander's profile was backed up to another computer on a weekly basis, but AFMC only maintains the profile for 2 to 3 weeks. AFMC personnel did not search these historical profiles because they considered the most up-to-date profile to exist on the Commander's laptop. AFMC stated that since the search tasking did not require a search for deleted files (e-mails and documents), special software tools were not used to identify and recover any documents that the Commander may have deleted. According to AFMC officials, the hard drive of the previous Commander was no longer available as he had retired in August 2003 so his computer had been formatted and reissued to another user.

Hard Copy Documentation Reviews. AFMC reviewed the hard copy files of the current Commander, but files for the previous Commander were no longer available. In addition, AFMC stated that all 16 of its 2-letter directorate Commanders conducted a command-wide search for responsive e-mail and other documentation and that 27 Command reporting organizations conducted a search.

Search Criteria. AFMC applied keyword search criteria developed by the Air Force General Counsel to both the computer hard drives and server e-mails. The word search criteria used by AFMC included: 767, Commercial Derivative Air Refueling Aircraft, CDARA, European Aeronautic Defence and Space Company, EADS, lease, and tanker.

Independence. Although we do not regard the reviewers as independent because they were in the Commander's chain of command, the impact was mitigated because all the information identified to meet the search criteria was sent forward.

E. The Air National Guard officials stated that they collected relevant tanker documents from local computer hard drives and from a search of hard copy documents. The Air National Guard review covered documents for the Director, Air National Guard and the Deputy Director.

Server E-mail. Except for deleted messages which are stored on the network server, e-mail is stored on the shared network drive. Backup tapes of these shared drives are not made. Instead, the Air National Guard relies on individual users to backup e-mail. Further, the Air National Guard did not review SIPRNET e-mail for relevant information.

Computer Hard Drive. The Air National Guard searched the requested individuals' computer hard drives for relevant documents, but they did not use any special software tools in an attempt to restore deleted items as it was beyond the scope of the request.

Hard Copy Documents. Hard copy documentation was searched for relevant data. However, minimal relevant files were identified because many of the documents were destroyed in preparation for a security review.

Search Criteria. The Air National Guard used the search criteria specified by the Air Force General Counsel's office. The word search criteria used was: 767, Commercial Derivative Air Refueling Aircraft, CDARA, European Aeronautic Defence and Space Company, EADS, lease, and tanker.

Independence. The search was conducted by the Air National Guard Programs Division and assisted by the Executive Officer to one of the Generals under review who performed the search of hard copy documents. We did not regard these parties as independent.

F. Two additional individuals were subsequently named for review by the SASC: Lieutenant General Ronald Keys and Major General Kevin Chilton. Lieutenant General Keys served as both the NATO Commander of Allied Forces for Southern Europe and Commander of the 16th Air Force at Aviano Air Force Base, Italy, from January 2001 to November 15, 2002. Effective November 16, 2002, Lieutenant General Keys was stationed at the Pentagon, where he is the Deputy Chief of Staff for Air and Space

Operations. Major General Chilton was the Director of Politico-Military Affairs with the Joint Staff from January 2001 to April 2002. From April 2002 to July 2004, Major General Chilton was the Director of Programs, Deputy Chief of Staff for Plans and Programs, and from August 2004 to the present he has been the Acting Assistant Vice Chief of Staff.

Unclassified Server E-mail. No server e-mail was obtained for Lieutenant General Keys for the period he served at Aviano Air Force Base, Italy, because the servers used at that base were replaced in the Spring 2003 and no data was transferred from the old system. On November 12, 2004, the Chief, Program Integration Division, Deputy Assistant Secretary of the Air Force (Acquisition Integration), formally requested a search for relevant e-mail and documents for the time period Major General Chilton held the position of Director of Politico-Military Affairs.

AFPCA captured the unclassified server e-mail for Lieutenant General Keys and Major General Chilton on October 22, 2004, and restored e-mail from backup tapes for 30, 60, and 90 days prior. Figure 5 shows the time period (January 2001 to present) for documents requested by the SASC and the dates for which unclassified server e-mail was restored from backup tapes by AFPCA.

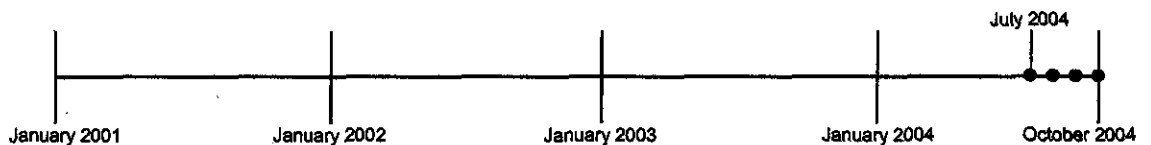


Figure 5. SASC Requested Time Period and 4 Days on which E-mail was Restored.

Classified Server E-mail. AFPCA searched the classified server e-mail system for relevant data on October 21, 2004. They restored backup tapes for 30, 60, and 90 days prior, similar to the process used for the unclassified e-mail server. Additionally, deleted e-mails were not recovered.

Computer Hard Drive. Both classified and unclassified computer hard drives used by Lieutenant General Keys while he was the Commander, NATO Allied Forces for Southern Europe and Commander, 16th Air Force at Aviano Air Force Base, Italy, were formatted after he left those positions.

In October 2004, AFPCA cloned unclassified and classified hard drives for both Lieutenant General Keys and Major General Chilton. The cloned hard drives were then searched by AFPCA for relevant documents. AFPCA did not use special software tools to recover deleted files, as it was beyond the scope of the request and they do not possess this capability. It should be noted that Lieutenant General Keys had a hard drive failure

around May 2004, and no data was recoverable from the failed hard drive, though this was attempted by AFPCA. As a result, the hard drive actually searched was not representative of the entire time period requested.

Hard Copy Documents. Hard copy documentation was reviewed for Lieutenant General Keys both while he was in Europe and at the Pentagon. A search for Major General Chilton was conducted for his current position. However, most documentation for both individuals was maintained on an electronic document system. The system was searched for relevant documents.

Search Criteria. AFPCA applied keyword search criteria developed by the Air Force General Counsel to both cloned computer hard drives and restored e-mails. The word search criteria used by AFPCA included: 767, Commercial Derivative Air Refueling Aircraft, CDARA, European Aeronautic Defence and Space Company, EADS, lease, and tanker. The following five words were added to the Air Force General Counsel search word criteria and used in the search: KC-135; Airbus, Boeing, leasing, and refueling.

Independence. AFPCA captured the data for server e-mail and local hard drives and passed the results directly to the Air Force Office of General Counsel. For hard copy and electronic documentation, separate reviewers within both generals' offices conducted the search, then passed the results to the Air Force Office of General Counsel. Lieutenant General Keys and Major General Chilton were both in the chain of command over the persons conducting the search for them.

OSD Officials

<u>Tier I</u>	<u>Collection Process</u>
Secretary of Defense	G
Deputy Secretary of Defense	G
Under Secretary of Defense for Acquisition, Technology, and Logistics	H
Under Secretary of Defense (Comptroller)/ Chief Financial Officer	I
<u>Tier II</u>	
Director, Program, Analysis and Evaluation	J
Principal Deputy Director, Program, Analysis and Evaluation	J
Director, Acquisition, Resources and Analysis, Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics	H
Co-Chairs, Lease Review Panel Working Group, Office of the Secretary of Defense	H/I
<u>Tier III</u>	
The Defense Science Board and the Defense Policy Board members	I/K

Collection Process for OSD Officials

G. Individuals within DoD, Washington Headquarters Services (WHS) stated that they searched server e-mail, files, and individual workstations of the Secretary of Defense and Deputy Secretary of Defense (Deputy Secretary) on both classified and unclassified systems to identify relevant documents pertaining to the SASC request.

Server E-mail. The Secretary of Defense does not have a server e-mail account. The Deputy Secretary server e-mail was searched on August 13, 2004. According to a WHS Communications Official, the Deputy Secretary's account contained e-mails dating back to March 2, 2001, the date his account was created. Further, his account consisted of over 7,000 documents, including items saved in deleted items, dating back to March 2001. All were searched and no responsive documents were found. The WHS Communications official stated it is highly unlikely that the Deputy Secretary deleted any e-mails that were not retained in his active account because deleted items are still on his active account and are dated throughout his entire tenure, indicating that his deleted items box has never been emptied. Consequently, WHS indicates that it is highly unlikely that data from backup tapes will reveal any additional responsive information. WHS stated they are currently trying to locate any existing server e-mail backup tapes and will attempt to setup and restore this data but some of these tapes may have damaged data. WHS Communications Officials stated that they continue to inventory back-up tapes in an effort to identify some which may have archival back-ups beyond the active server documents. Figure 6 shows the time period for requested documents requested by the SASC and the date server e-mail was captured for the Deputy Secretary.

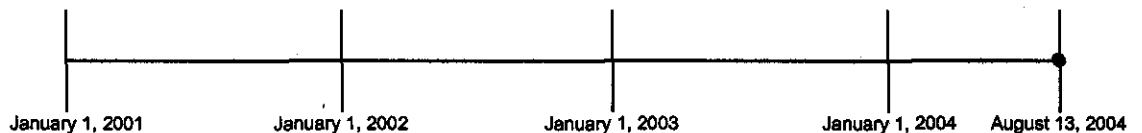


Figure 6. SASC Requested Time Period and Date of the Deputy Secretary Server E-Mail Review.

Computer Hard Drives. On August 13, 2004, computer and network server hard drives were searched for relevant documents. According to a Secretary of Defense Communications Official, the Secretary of Defense and Deputy Secretary do not maintain PST files. Further, the official stated that the software used to search the hard drives would have uncovered any existence of PST files. No attempt was made to recover deleted files from hard drives by using special software tools as it was beyond the scope of the request.

Hard Copy Documents. The Secretary of Defense and Deputy Secretary hard copy records are considered official records and are maintained by an individual number for each document. The correspondence data base was searched for relevant data and responsive documents were identified and provided by electronic media and hard copy.

Search Criteria. The e-mail keyword search criteria used to identify relevant documents was: KC-767, or KC767, or KC 767, aerial refueling, and tanker aircraft. It should be noted that an exact match of the keywords is necessary to identify relevant documents. For the document search, the keyword search was 767, tanker, and file code 452T, (the later is the file code for all refueling and tanker-related documents). Note that for document searches, exact matches of keywords are not necessary to identify relevant documents.

Independence. Individuals who were responsible for collecting the data relevant to the SASC request work for the WHS Executive Services and Communications Directorate and are responsible for maintaining the official files of Secretary of Defense and Deputy Secretary. For the Secretary of Defense, relevant documents found were forwarded to the DoD Office of General Counsel for review. The Deputy Secretary also reviewed his own relevant documents.

H. Personnel within the Office of the Under Secretary of Defense for Acquisition, Technology, and Logistics (OUSD[AT&L]) collected relevant tanker documents from server e-mail and network drives. The OUSD(AT&L) search covered the individuals who served in those offices from January 2001 to the present (August 2004).

Server E-mail. OUSD(AT&L) personnel stated that they obtained server backup tapes from the OSD, Chief Information Officer (CIO). OSD CIO maintains a backup of server e-mail for 12 months prior to the current date. OUSD(AT&L) restored e-mail from the backup tapes at nine different points in time from October 2002 to December 2003; however, no e-mail was captured in August 2004, the actual date of the data request. The data used was from a previous request to the Secretary of Defense from Senator John McCain dated September 11, 2003, for:

All records relating to the Boeing 767 lease proposal to or from Acting Undersecretary of Defense for Acquisition, Technology, and Logistics, Michael Wynne.

The nine dates were October 28, November 3, and December 1, 2002; and February 2, April 13, June 30, September 3, October 1, and December 3, 2003. According to OUSD(AT&L) personnel, these backup dates were chosen based on capturing e-mails when high-volume of activity related to the tankers occurred, and also based on the availability of the backup tapes because some had been damaged. OUSD(AT&L) personnel examined both the Secure Internet Protocol Router (SIPR) and Non-Secure Internet Protocol Router (NIPR) networks. Figure 7 shows the time period (January 2001 to present) for documents requested by the SASC and the dates that server e-mail were restored from backup tapes by OUSD(AT&L) personnel.

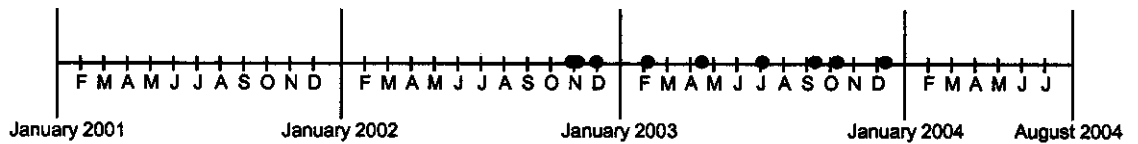


Figure 7. SASC Requested Time Period for Tanker Documents and Server E-mail Provided by USD(AT&L).

Computer Hard Drives. OUSD(AT&L) saves all electronic information to the network, which is backed up daily, versus the computer hard drive. OUSD(AT&L) restored network backup tapes for the following 8 days: June 16; September 29; October 6, 13, and 27; November 10 and 24; and December 1, 2003, to search for relevant documents.

Hard Copy Documents. The Acting USD(AT&L) requested that his staff verify that all hard copy documents had been provided. The staff for the Acting Under Secretary examined his files and the Director, Acquisition Resources and Analysis searched her own files.

Search Criteria. The reviewers stated that they used a list of seven to eight keywords, which had been sent out by General Counsel. However, they were unable to provide the document showing the actual keywords. The reviewers did provide a methodology which gives six examples of keywords: Boeing, KC-767, refueling, lease, leasing, and tanker.

Review Process. OUSD(AT&L) personnel stated that they did analyze the documents for relevance. They forwarded all relevant documents to General Counsel, and destroyed those that were determined not relevant.

Independence. The reviewers were not independent because they worked within the chain of command.

I. OSD CIO representatives stated that they collected relevant tanker documents from server e-mail for some of the requested OSD offices on the Pentagon network. OSD CIO was requested to search the e-mail still available for the period from January 2001 to the present (August 2004) for individuals from the Office of Program Analysis and Evaluation (PA&E), the Office of the Under Secretary of Defense, Policy, and the Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer (USD[C/CFO]). OSD CIO provided search results to a designated reviewer for each position. The reviewers were responsible for screening that data and any hard copy documentation found.

Server E-mail. In August and September 2004, OSD CIO captured server e-mail for the offices covered. OSD CIO also restored server e-mail from backup tapes for the date 6 months and 12 months prior to the date of capture. According to the OSD CIO technician, the Pentagon server only maintains a backup of server e-mail for 12 months

prior to the current date. Therefore, August 2003 was the oldest date available for e-mail restoration from the backup tapes. However, these backup tapes would contain all e-mails dating back to 2001 that had not been deleted. Deleted e-mails retained on the server for 7 days were recovered. The CIO technical team calculated it would take 868,000 hours and cost about \$52 million to restore and search backup tapes for the 12 months of data for the selected individuals. Figure 8 shows the time period (January 2001 to present) for documents requested by the SASC and the dates that server e-mail were restored from backup tapes by OSD CIO.

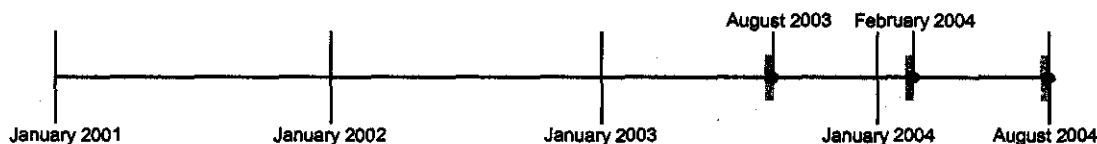


Figure 8. SASC Requested Time Period for Tanker Documents and Server E-mail Provided by OSD CIO.

Computer Hard Drive. OSD CIO did not review computer hard drives; instead that task was left to the reviewers. The reviewer for the Director and Principal Deputy Director, PA&E reviewed the hard drives of the individuals currently in the positions, but the hard drives for the individuals formerly in those positions had been destroyed and were no longer available for review. None of the Defense Policy Board members had computers available at the Pentagon for their use, so their reviewer was unable to complete this aspect of the search. The Office of the USD(C/CFO) searched the current file database for relevant documents and all documents were forwarded to the Office of the DoD General Counsel.

Hard Copy Documents. Hard copy documentation reviews were also left up to the reviewer. This information was reviewed in all cases.

Search Criteria. The OSD CIO technician stated that they used keyword search criteria developed by the Office of the DoD General Counsel and applied the search criteria to the restored e-mails. The word search criteria used by OSD CIO was: EADS, KC-767, KC-767A, tanker, tankers, leasing, lease, Boeing, Airbus, air refueling, air-refueling, aerial refueling, and aerial-refueling.

Independence. OSD CIO did not review the information collected beyond compliance with the search criteria given to them. The information was provided to a reviewer in the chain of command who was not independent to make responsive and non-responsive determinations.

J. The DoD PA&E office searched for relevant tanker documents from both the classified and unclassified e-mail servers and individual hard drives for the current Director, Principal Deputy Director, and Deputy Director. However, data pertaining to individuals who previously held those positions had been destroyed and was unavailable.

Unclassified Server E-mail. OSD CIO collected the unclassified e-mail for the current Director, Principal Deputy Director, and Deputy Director of PA&E. OSD CIO pulled all e-mails for the three individuals from the day the search was performed (August 20, 2004) and restored e-mail from backup tapes for 6 months and 12 months prior. In addition, OSD CIO recovered deleted items (7 day retention) on the days e-mail was restored. OSD CIO gave the information collected to the reviewer for PA&E, who applied a keyword search to identify relevant data. Figure 9 shows the time period (January 2001 to present) for documents requested by the SASC and the dates for which unclassified server e-mail was reviewed by PA&E.

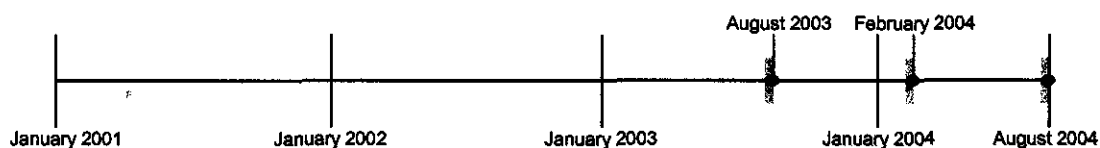


Figure 9. SASC Requested Time Period for Tanker Documents and Unclassified Server E-mail Reviewed by PA&E.

Classified Server E-mail. The reviewers for PA&E stated that they searched the classified e-mail server for relevant data in August 2004. PA&E was unable to restore any backup tapes for the classified server because they no longer possessed the software license necessary. Additionally, deleted e-mails were not recovered. As a result, the classified e-mail was captured for one day only for the current Director, Principal Deputy Director, and Deputy Director. PA&E reviewers stated that they applied a keyword search to e-mail data collected. Figure 10 shows the time period (January 2001 to present) for documents requested by the SASC and the date for which classified server e-mail was searched.

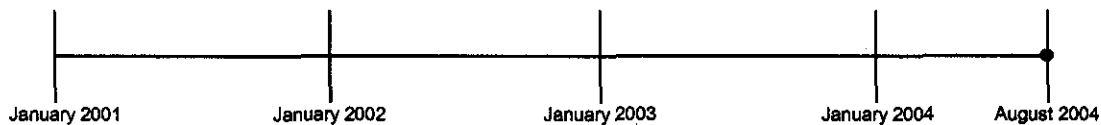


Figure 10. SASC Requested Time Period for Tanker Documents and Classified Server E-mail Provided by PA&E.

Computer Hard Drive. In August 2004, PA&E also searched the hard drives of the current Director, Principal Deputy Director, and Deputy Director. The hard drives used by all individuals previously holding those positions were destroyed upon their leaving the position based on PA&E normal practices.

Hard Copy Documents. Hard copy documentation for the current Director and Principal

Deputy Director of PA&E were reviewed, as well as documentation related to the individual previously in the Director position. However, hard copy documentation for two previous Directors and a previous Principal Deputy Director was not reviewed.

Search Criteria. PA&E reviewers stated that they applied a list of keyword search criteria to all data collected. The word search criteria used by PA&E was: KC-135, KC-767, refueling, Boeing, tanker, aircraft, and lease. PA&E provided the Office of the DoD General Counsel with two copies of the relevant information in hardcopy form. One hardcopy was unmarked and in original format. The second hardcopy redacted irrelevant information.

Independence. A number of individuals within PA&E were involved in completing the search request. However, none of them were independent because the reviewers were within the direct chain of command, and in some cases the specific individual for review performed the search.

K. The Defense Science Board Executive Director collected relevant tanker documents from a search of hard copy documents and one board member's PST file. This board member was the primary point of contact for a task force that was established to look at aerial refueling requirements.

Server E-mail. The Executive Director stated that they did not contact the OSD CIO to restore server e-mail because it was understood that a DoD system-wide search would be done based on guidance by Office of the DoD General Counsel. None of the other board members are DoD employees; thus, they do not have government e-mail accounts. According to the Executive Director, a representative from the Office of the DoD General Counsel stated they did not have to ask the board members to search their personal records and e-mail accounts for documentation.

Computer Hard Drive. The DoD point of contact for the Defense Science Board task force saved all incoming and outgoing e-mail and documents related to the task force to a PST file. The information contained in that file was submitted.

Hard Copy Documents. All hard copy documents relating to the task force were provided, except for the financial disclosure forms of the board members, because according to Office of the DoD General Counsel, these personal financial records must be specifically requested by Congress.

Search Criteria. The Executive Director did not use keywords to narrow the search, or make any data relevance decisions.

Independence. We do not regard the reviewers as independent because they were members of the Defense Science Board. Although the reviewers were not independent, they did provide all documents maintained in the task force files.

Attachment 1. Background

Senate Armed Services Committee (SASC) Request. From April 29, 2004, to July 15, 2004, the Chairman of the SASC, (Senator John Warner), and the Secretary of Defense exchanged correspondence involving the SASC obtaining e-mails and documents relating to the lease or procurement of the KC-767A tanker aircraft. A facsimile dated July 15, 2004, received by the IG DoD from Senator John McCain's staff, includes a list of the documents that the Department of Defense and Department of Air Force were required to produce. The list required that all documents be produced from "... January 2001 to the present, relating to any program to acquire commercially derivative aerial refueling tanker aircraft" for specific OSD and Air Force officials.

Deputy Secretary of Defense Request. In an August 11, 2004, memorandum, the Deputy Secretary of Defense directed specific Department of Defense and Air Force offices to conduct a thorough search to identify and produce documents responsive to the SASC request for "all documents, from January 2001 to the present, relating to any program to acquire commercially derivative aerial refueling tanker aircraft . . ." The request directed that all documents responsive to the request be provided to the Deputy General Counsel of the Department of Defense for specified officials of the Department of Defense and Department of the Air Force in three tiers as follows:

- Tier I – no later than ten days from the date of this memorandum;
- Tier II – no later than twenty days from the date of this memorandum; and
- Tier III – no later than thirty days from the date of this memorandum.

The individuals and organizations identified in the tiers are discussed later.

Secretary of Defense Request. On September 16, 2004, the Secretary of Defense requested that the DoD IG review an exchange of e-mails between Air Force Secretary Roche and an Associate Director of the Office of Management and Budget (OMB) that was referenced in a September 13, 2004, letter from Chairman John Warner and Senators Carl Levin and John McCain of the SASC. The SASC letter requested that the Secretary of Defense:

In accordance with the established procedures outlined in your letter of July 13 we request that you forward the e-mails referenced in this letter to the Inspector General for review and appropriate action. Because OMB's Associate Director for National Security Programs is not a Department of Defense official, we also ask that you forward these e-mails to the Chairman of the President's Council on Integrity and Efficiency for review and appropriate action. In addition, we request that you review the procedures by which the Air Force reviews the documents provided to the Committee on the tanker issues, and ensure that any screening of documents is conducted by a neutral outside party.

A Secretary of Defense September 16, 2004, memorandum requested that the IG review the e-mails for appropriate action and that the review include the circumstances under which the Air Force reviewed the e-mails for production. The Secretary of Defense also requested that the IG insure:

- (a) that the documents gathered in response to the Deputy Secretary's memorandum of August 11, 2004, represent all relevant and responsive documents;
- (b) that the relevant and responsive documents are properly reviewed in coordination with the General Counsel of DoD, who in turn will coordinate with the Counsel to the President; and
- (c) that, after proper coordination, you promptly produce to the SASC those documents the Counsel to the President authorizes to be produced.

This review addresses only issue (a) determining whether all relevant and responsive documents were gathered in response to the Deputy Secretary's memorandum.

Attachment 2. Records Management Requirements

Code of Federal Regulations. As noted at 36 C.F.R. § 1234.24, "Standards for managing electronic mail records," (1995, as amended in 2004):

Agencies shall manage records created or received on electronic mail systems in accordance with the provisions of this chapter pertaining to adequacy of documentation, recordkeeping requirements, agency records management responsibilities, and records disposition (36 CFR parts 1220, 1222, and 1228).

(a) Agency instructions on identifying and preserving electronic mail messages will address the following unique aspects of electronic mail:

(4) Agencies with access to external electronic mail systems shall ensure that Federal records sent or received on these systems are preserved in the appropriate recordkeeping system and that reasonable steps are taken to capture available transmission and receipt data needed by the agency for record keeping purposes.

(b) Agencies shall consider the following criteria when developing procedures for the maintenance of electronic mail records in appropriate recordkeeping systems, regardless of format.

(1) Recordkeeping systems that include electronic mail messages must:

- (i) Provide for the grouping of related records into classifications according to the nature of the business purposes the records serve;
- (ii) Permit easy and timely retrieval of both individual records and files or other groupings of related records;
- (iii) Retain the records in a usable format for their required retention period as specified by a NARA- [National Archives and Records Administration] approved records schedule;
- (iv) Be accessible by individuals who have a business need for information in the system;
- (v) Preserve the transmission and receipt data specified in agency instructions; and
- (vi) Permit transfer of permanent records to the National Archives and Records Administration (see 36 CFR 1228.270 and 36 CFR 1234.32(a)).

(2) Agencies shall not store the recordkeeping copy of electronic mail messages that are Federal records only on the electronic mail system,

unless the system has all of the features specified in paragraph (b)(1) of this section. If the electronic mail system is not designed to be a recordkeeping system, agencies shall instruct staff on how to copy Federal records from the electronic mail system to a recordkeeping system.

United States Code. 44 U.S.C. Chapter 31, "Records Management by Federal Agencies," states:

§ 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

§ 3102. Establishment of program of management

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things shall provide for

(1) effective controls over the creation and over the maintenance and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services and the Archivist in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101-2117, 2501-2507, 2901-2909, and 3101-3107, of this title and the regulations issued under them.

44 U.S.C. § 3301, "Definition of records" defines "records" to:

includes all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

Department of Defense Directive. DoD Directive 5015.2, "DoD Records Management Program," March 6, 2000, establishes responsibility for the DoD Records Management Program, in accordance with Title 36, Code of Federal Regulations, Chapter XII, "National Archives and Records Administration," Subchapter B, "Records Management," current edition, under the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence (ASD[C3I]).

4. POLICY

It is DoD policy to:

4.1. Create, maintain, and preserve information as records, in any media, that document the transaction of business and mission in wartime and peacetime to provide evidence of DoD Component organization, functions, policies, procedures, decisions, and activities as provided in Chapter VII of 36 CFR, Chapters 29, 31, 33, 35 of 44 U.S.C. and DoD 5015.2-STD (references (b), (d) and (e)).

4.2. Manage records effectively and efficiently in compliance with this Directive and references (b), (d) and (c) while protecting the legal and financial rights and interests of the Government and of persons affected by the Government's activities.

4.3. Manage all records in any media used for creation or storage, in accordance with approved

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall:

5.1.1. Issue guidance to implement this Directive and references (b) and (d), and address the following:

5.1.1.1. Policy necessary to establish, manage and maintain an active and continuing DoD Records Management Program under references (b) and (d).

5.1.1.2. Procedures applicable to the creation, maintenance, use, preservation, and disposal of all records, in any storage medium, in compliance with references (b) and (d).

5.1.2. Improve and reengineer DoD records management to enable OSD Principal Staff Assistants and the Chairman of the Joint Chiefs of Staff to manage information in records in their functional areas more effectively and efficiently.

5.1.3. Require the Defense Information Systems Agency to:

5.1.3.1. Establish and maintain a capability to test and evaluate automated records management information systems against legal, Agency-wide, and user requirements.

5.1.3.2. Establish and maintain a test and evaluation program for certifying automated records management information systems that meet the standard functional and automated system requirements for records management

5.1.3.3. Review and coordinate all recommendations for changes to DoD design criteria standard (reference (e)) for records management functional baseline requirements, before approval by the Deputy Assistant Secretary of Defense (Command, Control and Communications).

5.1.3.4. Establish and maintain a register of automated records management products that have been certified as meeting the standard functional and automated system requirements. Ready access to this register shall be provided to all DoD records management personnel.

5.3. The Head of each DoD Component shall:

5.3.1. Establish and maintain the DoD Records Management Program at an organizational level of sufficient authority to ensure that the objectives and policies of this Directive and Chapters 29, 31, 33, and 35 of 44 U.S.C. (reference (d)) are efficiently and effectively implemented; and designate an individual to administer the DoD Records Management Program.

5.3.2. Apply standards, procedures, and techniques designed to improve the management of records, ensuring that records are:

5.3.2.1. Created, maintained, and preserved to document the organization, functions, policies, decisions, procedures, and essential operational logistical, and support transactions of the Department of Defense as provided in 36 CFR Chapter XII and 44 U.S.C. Chapters 29, 31, and 35 (references (b) and (d)) and DoD implementing Instructions and Publications.

5.3.2.2. Created, maintained, and preserved to provide the information necessary to protect the legal and financial rights of the Government and of persons directly affected by DoD activities.

5.3.3. Use the most economical, efficient, and reliable means for creation, retrieval, maintenance, preservation, and disposition of records in any media.

5.3.4. Improve the management, maintenance, and security of records in coordination with OSD Principal Staff Assistants and the Chairman of the Joint chiefs of Staff.

5.3.5. Apply DoD records management functional and system requirements to all electronic records management systems.

5.3.6. Incorporate records management requirements into automated information systems development and redesign.

5.3.7. Ensure proper training of all personnel that create and use records to ensure compliance with this Directive and references (b) and (d).

5.3.8. Advise all employees at least annually:

5.3.8.1. Of their responsibility to create and maintain records.

5.3.8.2. How to identify records and distinguish them from non-record materials.

5.3.8.3. Not to remove records from Government custody or destroy them, except as required or allowed under authorized record schedules.

5.3.8.4. How to inform appropriate officials of any actual, impending, or threatened unlawful removal, alteration, or destruction of Federal records.

5.3.8.5. To identify personal papers and maintain them separately from organizational records, in compliance with reference (b).

Air Force Guidance. Air Force Instruction 33-119, "Electronic Mail (E-Mail) Management and Use," March 1, 1999, provides policy for e-mail records management. This instruction was revised and renamed, "Air Force Messaging," October 27, 2004. The previous guidance applicable during the requested period states:

8. Records Management.

8.1. Legal Authority. The Federal Records Act requires the Air Force to identify and preserve records including records created or received on E-mail systems.

8.2. E-mail messages. Maintain E-mail that contains information that serves as adequate and proper documentation of the organization's functions, policies, decisions, procedures, and transactions.

8.3. Determining Record Status. E-mail messages are records when they meet both the following conditions:

8.3.1. They are made or received by an agency of the United States Government under federal law or in connection with the transaction of agency business.

8.3.2. They are preserved, or are appropriate for preservation, as evidence of the agency's or organization's activities, or because of the value of the information they contain.

8.4. Management and Disposition. You must systematically manage, store, and then destroy E-mail records, like federal records in any other media after their usefulness has expired.

8.4.1. Management Rules:

8.4.1.1. Preserve the content, context, and structure of records in a useable format for their authorized retention period. A complete E-mail record will include the message itself, attachments (e.g., word processing and other electronic documents transmitted with the message), and transmission data (e.g., originator, recipients, addresses, date, and time).

8.4.1.2. Make records easily accessible by individuals who have a business need to access them.

8.4.1.3. Arrange E-mail records in accordance with the approved file plan.

8.4.1.4. Preserve E-mail system and transmission data that identifies users by codes, nicknames, addresses, and distribution lists to ensure you can identify the originator and recipients of record messages.

8.4.1.5. Preserve receipts and acknowledgments that show delivery and disposition status (e.g., delivered, opened, replied, deleted, etc.) of a message. Maintain them with the original official E-mail record (see paragraph 3.2.2.1.).

8.4.1.6. Ensure federal records sent or received on E-mail systems outside organizational control are preserved. Ensure reasonable steps are taken to capture available transmission and receipt data needed by the agency for record-keeping purposes.

8.4.2. On-Site and Off-Site Storage.

8.4.2.1. Get approval for any electronic system used for record-keeping purposes from local records manager.

8.4.2.2. Store record copies of E-mail messages in systems designed as record-keeping systems.

8.4.2.3. When an E-mail record is retained in a record-keeping system, you may delete the E-mail message from the E-mail system.



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

November 19, 2004

MEMORANDUM FOR DEPUTY INSPECTOR GENERAL FOR AUDITING
Attn: David Steensma, AIG for Contract Management

**SUBJECT: DoDIG Review for DoD concerning Documents Search Relating to the
KC-767A Tanker Aircraft matter**

Your memorandum dated November 18, 2004, asked for comments to your updated draft report on the subject review. This office has no further comments beyond those already provided. Any comments from the DoD General Counsel will be provided under separate transmittal.


Howard G. Becker
Deputy Director

Attachments a/s

cc: Deputy DoD General Counsel (LC)
General Counsel, WHS
OSD CIO
Director, ES&CD, WHS



DEPARTMENT OF THE AIR FORCE
WASHINGTON DC 20330-1000

OFFICE OF THE SECRETARY

NOV 22 2004

MEMORANDUM FOR DEPUTY INSPECTOR GENERAL FOR AUDITING

FROM: SAF/AA
1720 Air Force Pentagon
Washington DC 20330-1720

SUBJECT: Completeness Review of Documents Gathered Relating to the Lease or
Procurement of the KC-767A Tanker Aircraft (Memo, dated 18 Nov 04)

The Air Force has reviewed the subject Completeness Review and concurs.

The Air Force appreciates this opportunity to comment and believes that the processes used in garnering and producing the Tanker documents were reasonable and responsive to the SASC and DepSecDef requests.

A handwritten signature in black ink, appearing to read "W. Davidson", with a long horizontal line extending to the right.

WILLIAM A. DAVIDSON
Administrative Assistant