

SECURITY COOPERATION ORGANIZATIONS OVERSEAS

INTRODUCTION

As indicated in Chapter 3 of this textbook, “U.S. Government Organizations,” the security cooperation organization (SCO) is only one of numerous organizations within the United States Government (USG) and the Department of Defense (DOD) which contribute to the security cooperation (SC) and security assistance (SA) mission. However, the role of the SCO is unique in that it acts as the primary interface with the host nation on all SA issues. Equally important, the SCO is generally the lead agency within each Geographical Combatant Command (GCC) for the execution of most of DOD’s SC programs in the country assigned. A discussion of the relationship between SC and SA is presented in Chapter 1, “Introduction to Security Cooperation.” The SCO operates under the direction and authority of the Senior Defense Official/Defense Attaché (SDO/DATT), whose duties are discussed below.

The DOD formally adopted the term security cooperation organization with the publication of a series of new directives and instructions in 2008 and 2009, found in the references to this chapter. It replaces the now outdated term “security assistance office” (SAO).

DEFINITION AND PURPOSE OF THE SECURITY COOPERATION ORGANIZATION

The generic term SCO encompasses all DOD organizations, regardless of actual title or size, located in foreign countries to carry out SC and SA management functions under the *Foreign Assistance Act* (FAA), the *Arms Export Control Act* (AECA), and other authorities. In many countries, the primary program is Foreign Military Sales (FMS), whether funded by host nation cash and/or by U.S.-appropriated Foreign Military Financing (FMF). Other SA programs available to most countries are the International Military Education and Training (IMET) program and excess defense articles (EDA).

Throughout this textbook, the term “SCO” refers not only to the organization, but to each of its assigned personnel (i.e., Security Cooperation Officers), whether or not they are actual military officers. Although SCO is used as a generic name, each specific SCO has its own formal title or designation. Table 4-1 contains a list of the current SCO designations around the world. In most cases, these organizational titles were established through joint diplomatic agreement between the U.S. Government (USG) and the host nation. Regardless of the title or size of the organization, all are SCOs, and the individual names are not necessarily reflective of anything more than local political sensitivities. Where no SCO is assigned in country, the SA functions are normally handled by the Defense Attaché Office (DAO), either as an additional duty or with augmented personnel. In a small number of embassies (primarily in developing countries) where there is no defense attaché representation, the SA program is managed by foreign service personnel through the Department of State (DOS).

Each SCO operates under the oversight of the SDO/DATT who, as implied in the title, has the dual role of chief of both the SCO and the DAO. The role of the SDO/DATT is discussed further below.

**Table 4-1
United States Security Cooperation Organizations**

<u>Acronym</u>	<u>Local Title</u>
JUSMAG	Joint U.S. Military Assistance Group (Philippines)
JUSMAG	Joint U.S. Military Advisory Group (Thailand)
JUSMAG-K	Joint U.S. Military Affairs Group - Korea
KUSLO	Kenya U.S. Liaison Office
MAP	Military Assistance Program (Jordan)
MDAO	Mutual Defense Assistance Office (Japan)
NLO	Navy Liaison Office (Bahamas)
ODC	Office of Defense Cooperation (approximately 50 European, East Asian countries, and others)
ODC	Office of Defense Coordination (Mexico)
ODR	Office of Defense Representative (Costa Rica)
ODRP	Office of Defense Representative - Pakistan
OMC	Office of Military Cooperation (Bahrain, Egypt, Kazakhstan, Kyrgyzstan, Oman, Qatar, Turkmenistan, Uzbekistan, Yemen)
OMC-K	Office of Military Cooperation - Kuwait
OSC	Office of Security Cooperation (all African countries except Kenya)
USLO	U.S. Liaison Office
USMAAG	U.S. Military Assistance Advisory Group (Dominican Republic, Peru)
USMILGP	U.S. Military Group (several South and Central American countries)
USMLO	U.S. Military Liaison Office (several South and Central American countries)
USMTM	U.S. Military Training Mission (Saudi Arabia)

Currently, USG security cooperation activities in Afghanistan and Iraq are conducted primarily by the organizations below:

SAO	Security Assistance Office - Afghanistan; this office is a staff element under the NATO Training Mission. Afghanistan/Combined Security Transition Command - Afghanistan (NTM-A/CSTC-A).
ISAM	Iraq Security Assistance Mission (a staff element of the United States Forces – Iraq)

Both organizations are under the control of United States Central Command. The organizations in Afghanistan and Iraq can loosely be termed “pseudo-SCOs” for a variety of reasons. First, their mission, including operational advice and training, exceeds that of a normal SCO under U.S. law. Secondly, these organizations are part of operational commands, rather than U.S. embassy country teams. As such, they do not report to the U.S. Ambassador, but only to the GCC through channels.

Within Saudi Arabia, in addition to USMTM, there are two DoD organizations which have an “advise, train and equip” mission. Because they do not work with the Ministry of Defense and Aviation, and because their charters allow them to conduct training, they are not formally considered SCOs.

They are:

OPM-SANG Office of the Program Manager, Saudi Arabian National Guard

(This organization is chartered by the U.S. Army, reports to U.S. Army channels through USASAC, and is funded by a FMS case. OPM SANG’s mission is to train and equip the Saudi Arabian National Guard).

OPM-FSF Office of Program Management, Facilities Security Force

(OPM-FSF, also funded by a FMS case, conducts a train and equip mission for the Facilities Security Force of the Saudi Arabian Ministry of the Interior).

SECURITY ASSISTANCE AND SECURITY COOPERATION

The definitions of SC and SA, as per Joint Pub 1-02, are in the glossary of this textbook and specific programs within each are discussed in Chapter 1 of this textbook, “Introduction to Security Cooperation”. The major SA programs were created by the FAA, the AECA, and other legislation. However, the key aspect of these programs is that their permanent legal authority stems from the *United States Code, Title 22* (22 USC), entitled “Foreign Relations and Intercourse.” (The USC is the codification of the general and permanent laws of the U.S., divided into 50 titles by subject matter). As such, the primary responsibility for their implementation within the executive branch has been delegated to the DOS. The SCO thus administers SA programs officially on behalf of the Ambassador, even though the bulk of the workload is performed by DOD personnel.

On the other hand, DOD considers “security cooperation” to be all DOD interactions with foreign defense establishments which promote U.S. security interests and enhance the military capabilities of our international partners. This clearly includes the long-established SA programs at its core, as well as the many legal authorities Congress has given DOD in its own right to pursue a wide range of cooperative military programs with other countries. Many of these authorities are codified in *Title 10 USC*, entitled “Armed Forces.” DOD has also taken other initiatives for international cooperation, often through its components. Thus, SC is an umbrella term that is loosely defined and encompasses a variety of programs, including SA. In a narrower sense, “security cooperation” is sometimes used to refer to only the DOD-sponsored programs with other nations under 10 USC (as distinguished from SA). The SCO administers SC programs officially under DOD guidance, but ensures that those programs are compatible with the Ambassador’s vision and goals for the host nation. Under the previous administration, “security cooperation” replaced previously used terminology such as “peacetime engagement” and “mil-to-mil programs.” The scope of SC programs is quite broad and essentially includes almost any activity by which DOD interacts with foreign defense establishments.

There is no single comprehensive list of SC programs, although many DOD organizations have drawn up their own lists for internal use. For example, U.S. European Command (EUCOM) maintains a *Handbook of Theater Security Cooperation Resources* and the military departments (MILDEPs) are required to publish their own SC strategies. Individual SC programs may be managed by a GCC, a MILDEP, the Defense Security Cooperation (DSCA), or other DOD agency. Each program has its own authority in law and/or in DOD or agency policy.

The term “security cooperation” encompasses a combination of legal authorities, annual appropriations, organizations, and initiatives from within DOD resources. It should be emphasized that the list in Chapter 1 of this textbook is only a sample of the current SC programs and is by no means complete. Note that some DOD programs, such as counter-narcotics, are complemented by similar DOS programs, which the SCO may help manage within any given embassy country team. Similarly, DOS receives an annual appropriation for Nonproliferation, Anti-terrorism, Demining, and Related Programs (NADR), which supports a broad range of U.S. security interests, and which the SCO may be called upon to manage at the local level.

The SCO plays a key role in implementing many (not necessarily all) of these SC programs with the host nation. Some may be managed by the DAO, such as intelligence exchanges, and some may be managed through the host nation military attaché in Washington or a liaison officer to a DOD organization. In any case, the SCO is generally considered the focal point for SC and should be aware of the existence of all such programs.

REFERENCES FOR SECURITY COOPERATION ORGANIZATION FUNCTIONS AND RESPONSIBILITIES

Legislative Provisions

Since the end of the Vietnam conflict, the U.S. Congress has maintained a keen interest in the activities of USG personnel assigned overseas to perform SA functions. Section 515(a) of the FAA outlines the legal functions of SCOs as follows below:

- Equipment and services (i.e., FMS case management)
- Training management
- Program monitoring
- Evaluation and planning of the host government's military capabilities and requirements
- Administrative support
- Promoting rationalization, standardization, interoperability (RSI), and other defense cooperation measures
- Liaison functions exclusive of advisory and training assistance

Department of Defense Provisions

In addition to legislative direction, DOD guidance is contained in recently issued DODD 5132.03, *DOD Policy and Responsibilities Relating to Security Cooperation*. This document does not list specific responsibilities for the SCO, but does provide guidance to all higher entities within DOD for the policy oversight and resourcing of SC activities.

Defense Security Cooperation Agency Provisions

DOD 5105.38-M, *Security Assistance Management Manual (SAMM)*, Chapter 2, Table C2.T2, lists the following functions for SCOs but states that this is not an all-inclusive list.

- Provide interface for exchange of information and advice between the host nation's military establishment, the Chief of Mission (COM), and the DOD components responsible for SA programs. This includes promotion of rationalization, standardization, and interoperability (RSI) and other armaments cooperation measures in connection with SA programs.
- Provide the host country information needed to make decisions concerning SA programs. Encourage the host country to establish and depend on its procurement mission in the U.S.
- Evaluate host military capability to employ and maintain requested equipment and assist, as required, in processing SA requests [referred to as the country team assessment on Letters of Request (LOR)].
- Assist the National Disclosure Policy Committee in evaluating host country security programs and negotiating security agreements.
- Facilitate the timely and efficient implementation of approved host country SA programs.
- Assist U.S. MILDEPs and the host country in the receipt, transfer, and acceptance of SA materiel, training, and other services to include drawdowns, etc.

- Monitor the progress of SA programs and transactions, initiate appropriate remedial action, or advise the appropriate DOD components of problems and issues encountered.
- Perform programming, planning, management, and implementation functions relating to FMS and IMET programs.
- Inform host country of U.S. SA laws, policies, and procedures.
- Monitor FMS billing statements and payments and inform the host country of financial requirements.
- Engage the host military, to the extent practicable, in cooperative planning for total military acquisitions over a 3 to 5 year planning period.
- Acquire information on host country potential defense acquisitions and anticipate demands on U.S. resources.
- Report on the use of U.S.-origin defense articles, services, and training by the host country. These procedures vary from country to country; therefore, no standards are prescribed. The SCO should use available resources, e.g., country reporting or documentation, temporary duty personnel assigned in-country performing other duties, other elements of the U.S. diplomatic mission, and spot checks during the normal course of SCO duties and travel. The SCO should report on an exception basis through established SA channels and maintain records on file. See SAMM, Chapter 8, for more details on end use monitoring. Also, a discussion of the SCO responsibilities for equipment under the old Military Assistance Program (MAP) can be found in SAMM, Chapter 11.
- Assist the host country to identify, administer, and properly dispose of excess SA materiel.
- Provide input to the COM for the mission strategic plan (MSP) (formerly the mission performance plan).
- Coordinate and supervise activities of DOD personnel and elements that are in-country under DOD sponsorship excluding those under Defense Intelligence Agency (DIA) or other SA authority. See the SAMM, Section C11.13, "Security Assistance Teams," for more information on these responsibilities.
- Coordinate between U.S. defense industry representatives and the host nation defense establishment, and provide oversight, without limitation to any country or group of countries, for in-country RSI and defense industrial cooperation initiatives.
- Supervise C-12 aircraft activities where applicable.
- Perform SDO/DATT administrative functions to include budget preparation and execution and review of organizational and manning requirements.

Administrative and Logistical Provisions

SCOs have administrative and logistical guidance through a tri-service regulation, *Administrative and Logistical Support of Overseas Security Assistance Organizations*, known as AR 1-75, SECNAVINST 4900.49, and AFJI 16-104. In part, this regulation provides the following guidance to SCOs:

- Submit administrative and logistical support requirements to the GCC in accordance with this regulation and guidance issued by the GCC, MILDEPs, and DSCA

- Represent all DOD activities assigned to the SCO for administrative support on the international cooperative administrative support services (ICASS) council; request only required administrative support; and, where required by the GCC, negotiate ICASS agreements for non-SA DOD activities assigned to the SCO for administrative support and coordinate billing/reimbursement requirements between the DOS and DOD activities and parent commands
- Insure that ICASS financial charges to SCOs are prepared according to Foreign Service Instructions CA-10025 and CA-10803
- Provide the MILDEPs with current information on desired or required routing for travel and training for SCO and SA teams' personnel and their dependents, as well as movement of household goods, personal baggage, and privately owned vehicles

Chapter 17 of this textbook, "Resource Management for the Security Cooperation Organization," provides details on these functions.

ROUTINE SECURITY COOPERATION ORGANIZATION DUTIES

Official functions and responsibilities of the SCO are delineated in the four sources referenced above. While these documents provide overall policy and administrative guidance, the SCO tends to divide up its routine SA workload according to the major functions below.

Foreign Military Sales Case Management

The SCO assists the host nation military with obtaining information on military articles and services of interest from DOD organizations, public sources, and U.S. vendors. It may assist the host nation in documenting its requirements and articulating its requests in terms that DOD organizations can translate into an FMS case. It ensures that the concept of a total package approach (TPA) is utilized as appropriate. Chapter 5 of this textbook, "The Foreign Military Sales Process," presents a detailed discussion on the FMS process and TPA. The SCO serves as the intermediary between the FMS case manager and the host nation to ensure that each case is both prepared and implemented in accord with host nation desires. It facilitates any requirement to change the original FMS case by either amendment or modification. Finally, the SCO assists the host nation in planning for the receipt and integration of FMS materiel and services into its defense organization and force structure. This case management function, which is actually one of liaison and coordination, is the primary focus of most SCOs and comprise half or more of the workload in many SCOs.

Concerning transportation, the SCO normally has no involvement in the actual receipt of articles shipped via the FMS process. In most cases, the host nation coordinates the movement of items through its freight forwarder, which is a commercial transportation agent under contract to the host nation. However, in some cases, whether by host nation choice or USG policy, items are moved through the Defense Transportation System (DTS). In such cases, the SCO may have responsibilities, particularly if the materiel being shipped is classified. Chapter 11 of this textbook, "Foreign Military Sales Transportation Policy," includes a discussion of SCO responsibilities in this area.

A recent new responsibility for SCOs concerns automation, specifically the Security Cooperation Information Portal (SCIP). This password-protected web site allows both U.S. and host nation personnel to review and input data on FMS cases as well as end-use monitoring (EUM) information. Host nation personnel and authorized foreign service nationals (FSNs), who are non-U.S. citizen employees of the SCO, are required to be issued a secure electronic token for this access. The SCO is required to identify and maintain contact with the primary and alternate host nation administrators for SCIP tokens. Information and guidance for the SCO concerning SCIP access by the host nation is found

at DSCA Policy Memorandum 03-11, “Enrollment Process for the Security Cooperation Information Portal”, available on the DSCA web site. Appendix 1, “Security Assistance Automation,” of this textbook, provides more information.

Training Management

The SCO manages all military training conducted, or contracted by DOD for the host nation. It advises and assists the host nation in identifying, forecasting, and programming training requirements of all kinds, e.g., professional military education, tactical training, technical skills, etc. It helps ensure that properly qualified candidates are chosen for training, especially by ensuring that prospective students have sufficient English language skills. The SCO is responsible for management of training purchased under the FMS program. In addition, if the country receives USG appropriated funding for training under IMET, the DOD-funded Combating Terrorism Fellowship Program (CTFP), or other sources, those are also managed by the SCO. The SCO cannot treat the training function as an independent task separate from FMS case management. Rather, the two functions should be smoothly integrated to ensure that training needs associated with the acquisition of equipment, whether by FMS or DCS, are identified early and appropriately addressed. Besides routine coordination between host nation counterparts and DOD agencies, this function requires specialized training in a software program called the Training Management System (TMS). A detailed discussion of international training and the role of the SCO is found in Chapter 10 of the SAMM and in Chapter 14 of this textbook, “International Training.”

End-Use Monitoring

The SCO function in the FAA described as “program monitoring” refers to the requirement to monitor host nation utilization of FMS and grant program materiel and training, as well as the eventual disposal of equipment. This includes the integration of U.S.-origin equipment, training, and services into the host nation force structure. Additionally, in rare cases, the host nation will lease (rather than purchase) articles under FMS. Because leased equipment remains the property of the USG, the SCO has a special responsibility for monitoring it. However, the most time-consuming aspect of program monitoring involves EUM. In performing this function, the SCO is essentially determining the answers to four questions:

- Is the equipment accounted for?
- Is it adequately secured and safeguarded?
- Is it being used only for purposes for which it was transferred?
- Is the eventual transfer or disposal of the equipment in accord with U.S. guidelines?

Where possible, the SCO should integrate EUM into other routine duties, such as visits to military bases and depots, observation during combined exercises, etc. In some cases, however, EUM generates its own workload, such as with the requirement for a periodic inventory of specified items or the need to observe the destruction of materiel. The SCO should recognize the sensitivity about this function on the part of the host nation, which may, incorrectly, view it as a lack of trust on the part of the USG, rather than a legislated requirement by Congress. A key challenge for the SCO is to cultivate a cooperative, rather than confrontational, atmosphere over this function. The DOD requirements for EUM are formalized by DSCA in the Golden Sentry program for articles transferred through government channels (e.g., FMS, excess defense articles, etc.). The SCO may occasionally be called upon to coordinate and host a DSCA-sponsored visit under the Golden Sentry program, to assess compliance by the host nation with EUM guidelines. For those articles transferred through

DCS, the guidelines are established by the DOS in its Blue Lantern program. An in-depth discussion of EUM is found in Chapter 8 of the SAMM and Chapter 18 of this textbook, “End-Use Monitoring and Third-Party Transfers.”

Rationalization, Standardization, and Interoperability

As mentioned above, the FAA requires SCOs to promote RSI with the host nation. While this is not a task for the SCO *per se*, it remains a consideration in the course of accomplishing other duties. RSI is not limited to standardization of equipment and ammunition and interchangeability of repair parts. Rather, it covers the full spectrum of operations and logistics, including, for example, military terminology, doctrine, communications, medical, and mapping functions. DOD’s policy is governed by CJCSI 2700.01A, *International Military Agreements for Rationalization, Standardization, and Interoperability (RSI) between the United States, Its Allies, and Other Friendly Nations*. The policy can be summarized as follows:

- Interoperability with partner nations is in the best interests of the U.S.
- The degree of RSI with any given partner is subject to financial, technical, and policy considerations
- Worldwide standardization with friends and allies is a goal, but should not impede efforts at the regional or bilateral level

In short, if the host nation is obtaining articles, services, and training from the U.S. RSI is being promoted to some degree.

Security Cooperation Activities

In addition to the traditional SA functions just described, the SCO also typically manages a variety of SC programs, many of which are addressed in Chapter 1 of this textbook, “Introduction to Security Cooperation.” Combined exercises, humanitarian assistance programs (with many developing countries), and armaments cooperation (with selected developed countries) are prime examples. No two countries will have the same combination of, or emphasis on, SC activities. Where possible, the SCO should integrate SC activities with traditional SA to advance the U.S. goals and objectives for the host nation. This is accomplished through the planning process, described below.

SECURITY COOPERATION ORGANIZATION PLANNING

Although not normally conducted on a daily basis, the planning function of the SCO remains the most critical. Planning is an SCO function per the FAA, as stated above, and is also required by the annual planning and budget cycles of both DOD and DOS. Planning should normally be done by the SDO/DATT, in his capacity as SCO chief or, where delegated, should be closely scrutinized. The planning tasks of the SCO are identified in SAMM Table C2.T2, but the process deserves further explanation. The SCO will draft, or provide input to, up to four planning documents on an annual basis, which, when approved, serve as country-specific policy guidance or funding authority. While each of these four documents has its own annual timeline, format, and approval process, they all begin with the SCO. As the SCO goes about its routine duties of FMS case management, training management, and other functions, it is critical to conduct an occasional “compass check” to ensure that the various programs and initiatives being pursued do in fact support the goals and objectives identified on the planning documents. The four documents and processes are discussed below.

Mission Strategic Plan

First and foremost is the ambassador's MSP, drafted with input from the SCO and the rest of the embassy country team. The MSP, which replaced the now obsolete mission performance plan (MPP), was utilized for the first time in 2007 to feed the fiscal year (FY) 2009 foreign operations budget. The MSP is the primary planning document within the USG that defines U.S. national interests in a foreign country and coordinates performance measurement in that country among USG agencies. The MSP creates a framework for all federal agencies, including DOD, to define priorities, to articulate the goals and objectives of their programs, and to relate program accomplishments to agency-specific and government-wide strategic goals. MSPs must reflect the embassy's program to support the DOS and U.S. Agency for International Development (USAID) Strategic Plan. Once approved by the Ambassador, the MSP is sent to Washington for interagency review. For countries which receive appropriated foreign aid, including SA (FMFP, ESF, IMET, etc.), the MSP also acts as the vehicle to transmit that request to DOS. The MSP focuses on out-year diplomatic and assistance planning.

For each country which receives U.S. foreign assistance, the MSP is complemented by the new Mission Operational Plan which ensures that all foreign assistance resources are coordinated, appropriately linked to foreign policy objectives, and supportive of an integrated country strategy. The remaining three planning documents for the SCO, submitted into DOD channels, must be consistent with the MSP in terms of goals and objectives.

Theater Campaign Plan

The second planning document for the SCO is the GCC's theater campaign plan. Specifically, the SCO is concerned with the country-specific component of that document, variously called a country campaign plan, country action plan, etc., by the GCCs. Although officially drafted by the GCC staff, the SDO/DATT is normally the unofficial "point man" for the development and execution of the country-level campaign plan. It should draw on the Ambassador's MSP, as well as regional guidance within the GCC regional campaign plan, and integrate the national security interests of the host nation. While not ignoring traditional SA, the country-level plan should focus on DOD-sponsored SC tools and indicate how they will support the GCC's goals and, of course, the Ambassador's MSP. The requirement for each GCC to develop a theater campaign plan originates in the *Guidance for Employment of the Force*, issued by the Secretary of Defense (SECDEF). On a regular basis, each GCC will assess the results of its efforts towards the implementation of the theater campaign plan and modify objectives and reallocate resources as appropriate.

Combined Education and Training Program Plan

The SCO itself prepares the third annual plan, known as the Combined Education and Training Program Plan (CETPP). This document focuses on the goals and objectives for international education and training for the host nation. Guidance for preparation is contained in the SAMM, paragraph C10.4 and Figure C10.F1. The SCO uploads the draft plan electronically onto the Security Assistance Network (SAN) for review and approval by the GCC. The approved plan is utilized each spring during the GCC's Security Cooperation Education and Training Working Group (SCETWG). Further details are in Chapter 14 of this textbook, "International Training."

Security Assistance Budget Web Tool

Finally, if the host nation receives, or is proposed to receive, appropriated funds through FMFP or IMET, the SCO will also make an annual submission and justification for these funds. This request is submitted electronically through the Security Assistance Budget Web Tool, managed by DSCA.

This document is forwarded upward through channels for endorsement and comment, i.e., to GCC's staff, Joint Staff, DSCA and Office of the Secretary of Defense (OSD) policy offices, where a final DOD position is developed for each country. This position is then used by DOD representatives in discussions with DOS in the development of an eventual congressional budget justification to be submitted by the Secretary of State to Congress. SDO/DATTs must coordinate their submissions (both the amounts of aid requested and the justification) with those in their Ambassador's Mission Strategic Plan.

SECURITY COOPERATION ORGANIZATION PERSONNEL SELECTION

Personnel are nominated to SCO positions in accordance with the following criteria established in DODI 5132.13, *Staffing of Security Cooperation Organizations (SCOs) and the Selection and Training of Security Cooperation Personnel*:

- Military and civilian personnel selected to serve in a SCO shall possess the demonstrated personal and professional qualifications necessary to effectively carry out the functions to which they are assigned. Prior to consideration, it is essential that personnel are screened carefully to ensure that the selectee has the appropriate qualifications, experience, and suitability for the assignment.
- Prior to selection, all prospective candidates for SCO assignment will receive full and accurate information specific to the foreign area for which they are being considered. This information must include the type of facilities and services available to them and their family members, the nature of the work the member will perform, the conditions of their employment, and their conduct and responsibilities as official representatives of the United States.

Most SCO positions are nominative, joint duty billets. Requirements for nomination may entail slightly different criteria from the norm with respect to civilian education, training, language qualifications, military schooling, experience, area familiarity, health, and family considerations. A nomination, however, does not assure the job, because the GCC, the Ambassador, and the SDO/DATT retain final selection rights.

Chapter 17 of this textbook, "Resource Management for the Security Cooperation Organization," contains an in-depth discussion of the human resources of the SCO, including personnel billets and manpower issues.

INTERACTION AND RELATIONSHIPS

To be effective, SCO personnel must cultivate relationships with, and respond to, a variety of organizations, agencies, and individuals. Many organizations and individuals lay claim to SCO resources in furthering their own missions and agendas, occasionally giving rise to conflicts in priorities and competing interests.

SCOs traditionally respond through two chains of command: one through the embassy and the other through the GCC. A key challenge for the SDO/DATT is to respond to the direction of the Ambassador while at the same time satisfying requirements levied by the GCC.

The SDO/DATT acts as a key player within the embassy and the GCC because of his influence, advice and expertise not necessarily because of his authority. The successful SDO/DATT knows how and when to leverage his influence with other players – the Ambassador, the GCC, the host nation, and others – to maximize the advancement of USG foreign policy and national security goals.

Role of the Senior Defense Official/Defense Attaché

With the publication in December 2007 of DODD 5105.75, *Department of Defense Operations at U.S. Embassies*, DOD has updated the policy and assigned responsibilities for the operation of the DOD elements at U.S. embassies. This directive creates the position of SDO/DATT as the principal DOD official in U.S. embassies. It establishes the SDO/DATT as the diplomatically accredited defense attaché and chief of the SCO. It further delegates joint responsibility for the oversight and management of the SDO/DATT to the Under Secretary of Defense for Policy [USD(P)] and the Under Secretary of Defense for Intelligence [USD(I)]. This directive is amplified by the CONFIDENTIAL and NOFORN DOD Instruction 5105.81 *Implementing Instructions for DOD Operations at U.S. Embassies (U)*, issued in November 2008.

DODD 5105.75 continues DOD's long-standing policy that DOD personnel in a foreign country who are not under the command of a U.S. area military commander shall be under the authority of the COM in that country. By law, this includes SCO personnel, even though they are assigned under a GCC (see the discussion of COM authority below). However, the directive implements a policy change by creating one formally designated military officer in each embassy to be responsible for all DOD actions and DOD personnel in that country. To this end, the directive gives each SDO/DATT coordinating authority over DOD elements under the direction and supervision of the COM, with the exception of the Marine Security Guard (MSG) detachment at the embassy. For the purpose of the directive, coordinating authority is defined as "a commander or individual assigned responsibility for coordinating specific functions or activities involving forces of two or more MILDEPs, two or more joint force components, or two or more forces of the same service. The commander or individual has the authority to require consultation between the agencies involved, but does not have the authority to compel agreement. In the event that essential agreement cannot be obtained, the matter shall be referred to the next senior in the reporting chain."

According to DODD 5105.75, the SDO/DATT in each embassy shall:

- Serve as DATT and Chief of Security Assistance (i.e., SCO Chief) under the joint oversight and administrative management of the USD(P) and USD(I) through the Directors of the DSCA and the DIA, in coordination with the respective GCC.
- Act as the in-country focal point for planning, coordinating, supporting, and/or executing U.S. defense issues and activities in the host nation, including the TSC programs under the oversight of the GCC.
- Serve as the principal embassy liaison with host-nation defense establishments and actively participate in national security and operational policy development and coordination.
- Represent the SECDEF and the DOD components to host nation counterparts and foreign diplomats accredited to the host nation, and act as the principal in-country DOD diplomatic representative of the SECDEF.
- Present coordinated DOD views on all defense matters to the COM and act as the single DOD point of contact to the COM to assist in carrying out the COM's responsibilities.
- Represent the SECDEF and the appropriate commanders of the GCCs for coordination of administrative and security matters for all DOD personnel not under the command of a U.S. area military commander.

- Carry out the duties and instructions as set forth in the *Chairman of the Joint Chiefs of Staff Instruction C-3310.01C*. [This instruction was cancelled in September 2008 and is replaced by DODD C-5105.81.]
- Exercise coordinating authority (definition above) over DOD elements under the direction and supervision of the COM. This shall not preempt the authority exercised over these elements by the COM, the mission authority exercised by the parent DOD components, or the command authority exercised by the GCC under the *Unified Command Plan*. Additionally, this authority does not include authority to impose punishment under the Uniform Code of Military Justice.
- As required, provides information to USG officials on the general scope of in-country activities for all DOD component command elements assigned to the mission. This includes the missions, locations, organizations, and unique security requirements.

Normally located within the U.S. embassy in the host nation, the SDO/DATT and other SCO personnel by law are under the direction and supervision of the U.S. Ambassador, also known as the COM. On SA and other issues, the SDO/DATT acts as an advocate for host nation concerns and interests to DOD and the USG. At the same time, the SDO/DATT recognizes his responsibility to advance U.S. foreign policy goals under the Ambassador and promote theater campaign plan objectives under the GCC. The SDO/DATT must accept direction from multiple “bosses,” i.e., Ambassador, GCC, DSCA, and DIA, and anticipate or recognize the occasional need to reconcile conflicting guidance. Indeed, the SDO/DATT is the link which ensures compatibility of DOS and DOD policies and promotes synergy of their resources. This also requires the ability to work routinely and smoothly with host nation counterparts and to interpret or explain USG policies and procedures for a variety of programs. Finally, in the performance of these duties, the SDO/DATT must often bridge the “culture gap” between the U.S. and the host nation.

Each SDO/DATT, upon completion of training, receives a formal appointment letter from the SECDEF. The SECDEF and the Chairman of the Joint Chiefs of Staff also provide a total of three other letters of introduction, identifying the new SDO/DATT by name. Generic copies of these four letters (listed below) are found at Attachments 4-4 through 4-7 of this chapter.

- Letter from the SECDEF to the appointed SDO/DATT
- Letter from the SECDEF to the U.S. Ambassador in the host nation
- Letter from the SECDEF to the Minister of Defense (or equivalent) in the host nation
- Letter from the Chairman of the Joint Chiefs of Staff to his host nation counterpart

Chief of Mission Authority

The Ambassador is the personal representative of both the President and the Secretary of State. As the principal officer in the embassy, he oversees all USG programs and interactions with and in the host nation. The Ambassador derives his authority and responsibilities from the *Foreign Service Act of 1980* [P.L. 96-465], Section 207, which is summarized below:

- The Ambassador (or other COM in the Ambassador’s absence) has full responsibility for the direction, coordination, and supervision of all USG executive branch employees in country, except for employees under the command of a U.S. area military commander (i.e., normally a GCC or a subordinate commander).
- The Ambassador must remain fully informed concerning all activities and operations of the USG within country and must ensure that all USG executive branch

employees in country, except for employees under the command of a U.S. area military commander, comply fully with all applicable directives of the Ambassador.

In addition, the FAA, Section 515(e), states that members of the armed forces assigned to a foreign country for the conduct of SA (i.e., SCO personnel) shall serve under the direction and supervision of the Ambassador or COM to that country. Because SA programs by law are under the supervision and direction of the DOS, the SDO/DATT must seek guidance for their implementation from the Ambassador.

The President typically refers to these legal authorities and responsibilities in his letter of instruction to each Ambassador. President Barak Obama's letter of instruction to his ambassadors is at Attachment 4-1. Note that the President refers to the responsibility of the Ambassador and the GCC to "keep each other currently and fully informed and cooperate on all matters of mutual interest." This is accomplished primarily through the continuous liaison of the SDO/DATT.

The Ambassador may be a career foreign service officer, having risen through the ranks at the DOS, or he may be a political appointee of the President. In either case, his authority under the law and under Presidential directive is the same.

Country Team

The country team is the principal means by which a diplomatic mission comes together as a cooperative, coordinated, and well-informed staff. In its broadest sense, the team is all elements and all USG employees of the American mission in a foreign country. More narrowly, it is a management tool, a council of senior officers, heads of the various sections of the mission, working together under the Ambassador's direction, to pool their skills, resources, and viewpoints in the national interest. The country team has no legal standing and its composition and functions are not specifically delineated in any formal document. The Ambassador determines the type of team that best suits his needs.

In practice, the makeup of the embassy country team varies widely, depending not only on the Ambassador's management style, but also on the country situation, the number of American programs, and the backgrounds of the senior officers of the different agencies attached to the diplomatic mission. In some posts, there may be no defined membership; the team changes its composition according to the kind of problem being considered. However, at most posts, typical membership includes the Ambassador, the Deputy Chief of Mission (DCM), the chief of the political and economic sections of the embassy, the SDO/DATT, the regional security officer, and the management counselor. The country team may also include representatives from other embassy agencies as the Ambassador desires.

The country team coordinates with and advises the Ambassador on the full range of issues and events facing the U.S. mission at any given time. Informal consultation among country team members occurs frequently and continually on issues and problems as they arise. Weekly collective meetings of the team, chaired by the Ambassador, are the norm.

The country team is also an executive organ that, under the Ambassador's leadership, divides the tasks to be done, and supervises their accomplishment. It typically sees that jobs are assigned to those agencies that can best execute them, based on resources and expertise. Finally, the country team is the planning body, which analyzes the situation in country, formulates plans and strategies for executing U.S. foreign policy in country, e.g., through the MSP, and recommends policy to Washington. Close teamwork is critical, especially when time-sensitive issues are at stake. Officials of all agencies must work together at all levels, to speak with one voice and to accomplish the task at hand. The formal

country team is thus an advisory body, a forum for consultation, and a means of promoting a coordinated effort.

The Ambassador as Team Chief

The Ambassador, as personal representative of the President, is sole head of the country team. The Ambassador uses his team as a tool for assembling the best information, ideas, and judgments of all USG officials in country and to produce effective action to reach his objectives. He must mold the entire staff into a cohesive unit, with a common sense of purpose and direction. The Ambassador must keep in perspective all U.S. interests and activities in the country. He insures that recommendations of the country team are balanced and that the enthusiasm or partiality of employees for their own programs does not carry them astray. The Ambassador must balance all the implications of proposed courses of action and decide what is best for American interests as a whole.

Role of the Deputy Chief of Mission

The DCM serves as the chief of staff of the embassy and manages the daily operations of the embassy staff. In matters that cross agency lines within the country team, the DCM normally coordinates and facilitates decisions or recommendations to the Ambassador. In the temporary absence of the Ambassador, or during an interim period between ambassadors, the DCM assumes the temporary title of chargé d'affaires. While the Ambassador normally focuses his attention outward toward the host nation, the DCM's focus is primarily internal, ensuring that the country team is working smoothly in support of the Ambassador's objectives. The DCM is almost always a career foreign service officer.

Other Mission Relationships

SCO personnel deal with all country team members from time to time, but are particularly concerned with the following members:

- The political-military officer. Normally located within the embassy's political section. The "pol-mil" position may be either full-time or an additional duty. The SCO coordinates with him especially on issues of visibility to the DOS in Washington, such as a proposed major weapons sale which requires a formal country team position, or a proposed third-party transfer of U.S.-origin equipment.
- The consul officer is in charge of the consular section which issues U.S. visas to host nation citizens. The SCO works closely with him on the vetting and issuance of visas for international military students. [In larger countries, DOS maintains stand-alone consulate in cities other than the national capital; the chief of these posts are titled consul generals.
- The economic counselor can provide valuable information on the host country's economy, budget, and its ability to support arms purchases.
- The public affairs officer (PAO) can provide background data and information on sensitivities of the host nation government and citizens, which can facilitate the SCO's relationships with host nation counterparts. Additionally, through the embassy's web site, press releases, and other interactions, the PAO can disseminate information on the benefits to the host nation of SA and other USG programs. The SCO should coordinate all significant events, such as the visit of senior DOD officials and conduct of combined military exercises, through the embassy PAO.
- The regional security officer (RSO) has overall responsibility for security, anti-terrorism and force protection for all personnel under the authority of the Ambassador. The

RSO is the focal point for the SCO in all matters pertaining to force protection, to include security requirements and country clearance for official and distinguished visitors. The RSO also supervises the MSG detachment, where assigned.

- The director of the USAID office, where assigned. The USAID staff administers humanitarian assistance and other non-military foreign assistance programs for developing countries on behalf of the Ambassador. USAID also has the lead responsibility for disaster relief actions within the country team.

The SDO/DATT represents all of DOD within the country team, including the GCC, DSCA, and the DIA. Under the SDO/DATT, it is critical that good communication and routine cooperation exist between the DAO and the SCO. However, their distinctly different mission responsibilities, must be kept segregated. From a functional standpoint, the SCO and the DAO are independent DOD “stovepipe” agencies within the embassy, each accountable to a different defense agency in Washington (DSCA and DIA respectively). The unique role and authority of the SDO/DATT, in charge of both organizations, should ensure that DOD’s interests and objectives are smoothly integrated under the COM and coordinated with the host nation.

The SCO also interacts daily with the embassy staff on numerous requirements necessary for its administrative support. Such issues include housing, communications, commissary support, medical support, local manpower, financial support, and customs clearance of personal and official property, as well as dependent schooling, and numerous other areas.

Relationships Between Security Cooperation Offices and Geographic Combatant Commands

Relationships between the SCO and the GCC can generally be classified as both operational and administrative. The operational relationships are primarily related to the SCO’s execution of the GCC’s SC strategy with the host nation military, as discussed above. Concerning the administrative relationships, the GCC is required to perform the following functions, among others:

- Rate/endorse SCO personnel on their evaluation reports. For the SDO/DATT, U.S. ambassadors may provide letter input, and their evaluation reports are completed by the DIA and the GCC.
- Control and coordinate the SCO joint manpower program requirements (details in Chapter 17, “Resource Management for the Security Cooperation Organization”).
- Coordinate the administration of SCO financial and personnel records.
- Administer SCO direct hire programs.
- Fund and administer quality of life programs for the SCO.
- Serve as the focal points for reviewing and consolidating SCO operational budgets and forwarding to DSCA.

The GCC and the Ambassador must ensure that the SDO/DATT does not receive conflicting guidance, instructions, or priorities. If this occurs, the SDO/DATT must seek clarification or resolution. While the SDO/DATT chief is in the occasionally difficult position of responding to two masters, he is also uniquely able to understand both the GCC and the Ambassador, balance their respective priorities, and leverage their resources. In particular, the SDO/DATT must be alert to take advantage of the wide range of support and expertise available from the GCC, despite the distances separating the two activities. It is imperative for the SDO/DATT to maintain routine and timely communications with the GCC on behalf of both the Ambassador and the host nation.

Host Country Relationships

If the USG has made a considerable commitment to a partner nation, shares kindred interests, and is on excellent diplomatic terms, it is probable that the SCO's relationship, accessibility, and credibility with the host nation's military establishment will be equally solid. However, if the diplomatic climate between the U.S. and the host nation is less amicable, the SDO/DATT's job will be more challenging as it works to cultivate an improved relationship with the host nation military. Whatever the situation, the SDO/DATT's total professionalism and integrity in executing all responsibilities remains paramount.

Establishing a good working relationship begins with a sharing of interests and ideas. The SDO/DATT should recognize that there is a common foundation upon which to build rapport with host nation military counterparts, namely the universal brotherhood of arms. The problems of military doctrine, force structure, training, equipping, and logistical support are common to the armed forces of all nations. The successful SDO/DATT will take a sincere personal interest in the host nation's culture, history, customs, and religion, and likewise will cultivate both personal and professional relationships with local counterparts, which often forms the basis of life-long contacts and friendships.

Within the professional relationships, the SCO will be called upon to answer many questions, some of which will be difficult, unexpected, irritating, or time-consuming. Some situations will involve practices and decisions that may encroach on sensitive U.S. foreign policy positions or business ethics. Obviously, responses to these and other difficult inquiries must be handled with the great care, tact and honest professionalism. Nothing discredits an SCO more quickly than duplicity, failure to respect host nation concerns or the inability to fulfill a commitment made in unthinking haste.

In summary, the SCO must retain its integrity and identity as an official arm of the USG. Its close relationship with host nation counterparts must not cloud its professional judgments and recommendations, or compromise official U.S. policy.

Security Cooperation Organization Limitations and Security Assistance Teams

SCO personnel have a mandate from Congress to act in a management, coordination, and liaison capacity for SA programs. First and foremost, SCOs are noncombatants. Second, they are generally not to provide training or technical assistance. These functions are defense services and must be specifically authorized, priced; they are then paid by the host nation, normally through the FMS process. When these functions are performed in country, they are normally done by SA teams (SATs). These teams act as an extension of the SCO; their presence, administrative support, and force protection must be coordinated in advance with the embassy country team.

According to Section 515(b), FAA, "advisory and training assistance" conducted by SCO personnel shall be kept to an absolute minimum.

It is the sense of Congress that advising and training assistance in countries to which military personnel [i.e., SCOs] are assigned under this section shall be provided primarily by other personnel . . . ,

SA teams are detailed for limited periods to perform specific tasks. Likewise, advisory assistance by SCOs is not to extend to combat operations. SCOs must refer any such requests to the Ambassador and the GCC.

There are a variety of SATs that may be dispatched to a country for training or other missions. Teams may be deployed on either a permanent or temporary basis. Some teams have an official

existence of ten years or longer. A source of funding is required to establish and maintain a team. Typically this source of funding is an FMS case or the country's current year IMET program. The term "team" is used loosely as it can in fact consist of a single individual. The following is a listing of the common types of SATs. The terminology sometimes varies according to the U.S. military service providing the team.

- Extended training service specialist (ETSS)
- Contract field services (CFS)
- Technical assistance field teams (TAFTs)
- Mobile education teams (METs)
- Mobile training teams (MTTs)
- Technical assistance teams (TATs)
- Language training detachments (LTDs)
- Weapon system logistics officers (WSLOs)
- Quality assurance teams (QATs)
- Site survey teams
- Defense requirements survey teams

Security Cooperation Organization Oversight and Support of Security Assistance Teams

Guidance on SATs, including the requirement for SCO oversight and support, is found at SAMM, Section C11.13, including Table C11.T25. The SDO/DATT exercises operational oversight for, and provides administrative support to in-country SATs. Specific duties include the following:

- Oversee, along with the team chief, the effective and professional execution of the team's mission in accord with its specified charter.
- Reconcile any disagreements or misunderstandings with the host nation concerning the mission of the SAT and its execution.
- Integrate, as necessary, team activities with other U.S. efforts in SA, SC, and foreign policy.
- Ensure team compliance with relevant directives on SA, anti-terrorism/ force protection, and other areas.
- Keep the Ambassador, the GCC, and the supporting MILDEP and/or FMS case manager informed of SAT activities and progress.
- Oversee and support, as necessary, administrative issues for the team, such as housing, budget, force protection, quality of life and mission sustainment.

The Security Cooperation Organization Environment

The vast majority of SCOs are small offices which are tasked with administering a wide range of programs, often – even usually – outside the personal military expertise of its members. It is common for one member, without regard to parent military service, to be tasked to manage an FMS case or other program sponsored by another military service, with its associated requirements involving logistics, training, and other areas. A common example is the U.S. Air Force officer assigned to an SCO who assumes the in-country responsibility for a U.S. Army helicopter purchase by the host nation air force. Likewise, the common administrative tasks and extra duties incumbent in every SCO

– personnel issues, budget, property, vehicles, etc. – may be accomplished by a field grade officer, a non-commissioned officer, a U.S. civilian employee, or an FSN, depending on a variety of local circumstances. As with other organizations, delegation of routine duties is a valid management tool, but can only succeed to a point in a small office. The field-grade officer who is reluctant to pick up a visitor’s suitcase, put gas in his SCO vehicle, or send his own faxes will likely not be successful in the SCO environment. Because of the relative scarcity of manpower, SCOs must recognize the need for effective and flexible management. Key tools include:

- Developing and maintaining a thorough point of contact list for both host nation personnel and relevant DOD organizations.
- Using e-mail with multiple addressees in all organizations working an issue.
- Accessing official publications and other guidance (DOD directives and instructions, service regulations, etc.) on the internet wherever possible.
- Leveraging personnel and other resources, within the embassy country team, the GCC, and elsewhere, for information or support as necessary.

There is normally a direct correlation between the size of an SCO and the magnitude of a country’s SA program. Those countries with large FMS programs and those in which the U.S. has key strategic interests generally have larger SCOs. In developing countries where SA programs are small, usually because of limited funding, SC programs often take on a more prominent role. In developed countries, on the other hand, the host nation may be largely self-sufficient in both its financing and management of SA, so the role and responsibilities of the SCO will take on a different tone. However, the importance of a program vis-a-vis its size may be relative; in some countries, a small program can be as meaningful and as politically influential as larger programs in other countries. In summary, the size of the SCO, the relationship with the host nation military, and the scope and volume of current programs, both in SA and SC, all combine to produce a unique working environment in each SCO.

RULES OF ENGAGEMENT WITH UNITED STATES INDUSTRY

While SA is principally a foreign policy tool for the USG, it also provides benefits to U.S. industry in the form of sales, jobs, and profits. Nearly all FMS cases involve procurement of goods and services, directly or indirectly, from U.S. industry. For reasons of foreign policy, standardization and interoperability with U.S. forces, and economic self-interest, it is to the advantage of the U.S. that other countries buy American when they identify a military requirement. In this regard, the relationship between SCO personnel and representatives of U.S. industry, although unofficial, is important to both sides. Note the following extracts of applicable documents:

- The U.S. will take such steps as tasking our overseas mission personnel to support overseas marketing efforts of American companies bidding on defense contracts, actively involving senior government officials in promoting sales of particular importance to the U.S. [Secretary of State Message, 180317Z February 1995, Subject: Conventional Arms Transfer Policy].
- The DOD is committed to greater cooperation with U.S. industry to facilitate sales of U.S. defense articles and services when in support of U.S. national security and foreign policy objectives. DOD is prepared to assist and cooperate with U.S. industry regardless of the type of sale, e.g., DCS, FMS, or a combination of the two [OSD Memorandum, 05 May 1999, Subject: Department of Defense Policy for Relations with U.S. Industry in Sales of Defense Articles and Services to Foreign

Governments]. See Attachment 4-2, “SCO-Industry Relations,” for the complete memorandum.

- To support U.S. policy, trade, and interests, including enhancement of U.S. defenses through support to friendly countries, the USG and U.S. industry must work together through both FMS and DCS channels to effectively market U.S. military items and services. [SAMM, Section C2.5.7.2]

Promotion of Sale of United States Systems

The SCO is normally the primary point of contact in a U.S. embassy for American defense industry representatives. In principle, the SCO should support the marketing efforts of U.S. defense vendors over those of foreign competitors. The SCO can play a key role in facilitating the exchange of information between host nation officials and U.S. vendors. The SCO must, however, maintain strict neutrality between U.S. firms competing for the same potential sale and should not endorse one specific American product or vendor over another to the host nation unless specifically directed by higher DOD or USG authority. In cases where it is clear that there is only one U.S. source of production for a certain product, the SCO may endorse that American product to the host nation. While supporting U.S. industry, the SCO must also be an honest broker, considering both U.S. and host nation defense and policy interests. Should the SCO judge that the marketing and/or sale of a product is not consistent with U.S. interests, or is inappropriate for the host nation’s best interests, or could adversely impact U.S. credibility or bilateral relations, he should relay these concerns to the Ambassador, DSCA, and the GCC.

Security Cooperation Organization Support to United States Defense Industry

The SAMM, Section C2.5.7, is the primary source for policy guidance on the interface between SCOs and U.S. industry. Attachment 4-3 is a briefing checklist for SCO personnel for use in meetings with representatives of U.S. defense vendors. Upon request, the SCO can provide the vendor with a wide range of unclassified information pertaining to the host nation. This typically includes defense organization charts, names of key decision makers, budget process and spending limits, current and proposed requirements, information on any foreign competitors, and capabilities of the host nation defense industry, as applicable. Further, the SCO can:

- Provide advice on sales tactics to include unique cultural aspects of conducting business in that country
- Assist with appointments with host nation officials
- Provide specific information on the host nation acquisition and decision-making process
- Offer realistic estimates of what the country will probably buy

If possible, the SCO should attend vendor meetings with the host nation to prepare for host nation officials seeking follow-up information. The SCO must ensure a level playing field in country among U.S. vendors competing for the same potential sale unless directed to do otherwise. Assistance rendered to one must be offered to a competitor. Likewise, the SCO should not disclose information about a U.S. vendor that may provide an unfair advantage to its American competitor. Industry representatives are encouraged to debrief the SCO on the results of their in-country marketing efforts and their future plans.

Role of the Department of Commerce and the Commercial Attaché

The Department of Commerce (DOC) has the primary responsibility to promote U.S. trade with other countries and has an office for the promotion of international trade. The commercial attaché (stationed in most embassies) is the DOC representative on the country team, responsible for supporting U.S. trade and conducting market research on the host nation. Some larger embassies and consulates have U.S. and Foreign Commercial Service (FCS) trade specialists who have greater expertise in fostering trade between the U.S. and the host country, to include some defense items sold commercially. These officials of the DOC can provide assistance to both industry representatives and SCOs on issues of marketing in the host nation.

Vendors may seek USG advocacy for their proposed exports through the Advocacy Center of the DOC. On a case-by-case basis, DOC may grant the USG advocacy assistance in response to requests made by firms pursuing foreign government procurements and/or projects. If such a national interest determination is made by DOC (in consultation with DOS and DOD), the SCO and local embassy will be formally notified and may then advocate for the proposed sale with the host nation. This advocacy function is not primarily intended to support the sale of military items, but may still be appropriate in some cases. Current guidance is contained in the advocacy center's web site, at <http://www.export.gov/advocacy/>.

MISCELLANEOUS FUNCTIONS

In addition to their primary duties, SCOs perform a wide variety of collateral functions, both operational and administrative in nature. The more common functions are described below.

Anti-Terrorism/Force Protection Responsibilities

The SDO/DATT has additional responsibilities for anti-terrorism and force protection (AT/FP), as indicated in DODD 5105.75, *Department of Defense Operations at U.S. Embassies*. For most U.S. missions, a Memorandum of Agreement (MOA) on AT/FP responsibilities is in effect between the Ambassador and the GCC. The MOA delineates whether the Ambassador or the GCC has AT/FP responsibility for which DOD personnel and dependents in country. The individual MOAs in U.S. embassies worldwide are implemented pursuant to DODI 5210.84, Security of DOD Personnel at U.S. Missions Abroad. This document includes, as an enclosure, the 1990 Memorandum of Understanding (MOU) between DOS and DOD concerning overseas security support for DOD personnel. Subsequently, in 1997, DOS and DOD signed a second, universal MOU in order to clearly define the authority and responsibility for the security of DOD elements and personnel in foreign areas not under the command of a GCC. The MOUs and the implementing MOAs were made necessary by the *Omnibus Diplomatic Security and Antiterrorism Act of 1986*, P.L.99-399. This law is the statutory authority for the Secretary of State to provide for the security of USG personnel and their dependents on official duty abroad, except for those personnel under the command of the GCC. Because SCO personnel are generally located within the embassy, the implementing MOAs usually assign the responsibility and authority for their security to the COM, rather than the GCC. The SDO/DATT must work closely with the embassy's regional security officer and the AT/FP points-of-contact at the GCC.

Administrative Duties

As a largely stand-alone office, the SCO is responsible for numerous administrative or housekeeping functions. Depending on the issue, the SCO may rely on the GCC, or the embassy, or both, for policy guidance and support in accomplishing these tasks. The common administrative functions include:

- Planning and executing the SCO budget.
- Maintaining accountability for both office and residential property.
- Performing necessary personnel actions for assigned military, U.S. civilians and FSN personnel such as evaluations, promotions, awards, and pay actions.
- Maintaining the SCO vehicles.
- Assisting assigned personnel with housing matters and other quality of life concerns.
- Assisting visiting temporary duty (TDY) personnel and coordinating VIP visits (also see discussion of DOD foreign clearance responsibilities below).
- Managing SCO computers and communications equipment.

These responsibilities become especially challenging in smaller SCOs with few personnel assigned. As members of the embassy staff, SCO personnel may also be called upon to perform duties in support of the embassy community. Examples of these duties include serving as a member of various committees such as housing boards, FSN personnel boards, ICASS council, embassy employees club, and organizing committees for community events such as the embassy National Day (4th of July) reception and celebration.

Department of Defense Foreign Clearance Responsibilities

A key mission of DOD personnel stationed in U.S. embassies around the world is to control and process requests for foreign clearance (also called country clearance), both for official DOD visitors and for DOD aircraft. Depending on local arrangements and workload, this function may be managed by the DAO, the SCO, or (more probably) both offices. SCOs are frequently the action or information addressees in country clearance request messages because they have support responsibilities before and/or after the arrival of personnel/aircraft. Foreign clearance responsibilities are not confined to merely approving or disapproving DOD-sponsored personnel travel and DOD aircraft diplomatic clearance requests. Blanket clearances are occasionally negotiated with the host nation for personnel or fly-over rights, landing and entry of DOD aircraft and personnel to support peacetime missions (e.g., weather reconnaissance or humanitarian assistance), exercises, or contingency operations. In addition, delivery of FMS equipment sometimes occurs via the DTS, principally through the Air Mobility Command (AMC). Logistics support for DOD-sponsored distinguished visitors, aircrews, or other travelers is arranged in advance of arrival. Likewise, ground servicing arrangements for DOD aircraft must be coordinated in advance or upon arrival.

The SCO must understand and enforce compliance with local embassy and DOD policy on the full spectrum of foreign clearance issues, to include:

- DOD personnel issues regarding host nation and U.S. passport policy for DOD-sponsored travel versus personal travel (i.e., while on leave status).
- Support for the DOD policy to minimize overseas travel.
- U.S. embassy and GCC policies regarding AT/FP considerations and in-country uniform requirements.
- DOD aircraft and vessel freedom of navigation; sovereignty from unauthorized boarding, search and seizure; and support to DOD aircrews when host nation representatives or other officials attempt to assess charges for services exempt under agreement, custom, or practice.

- Recognition of the applicability of specific international laws, treaties, custom and practice.

Inherent in these responsibilities is the requirement to keep the *DOD Foreign Clearance Guide* (FCG) current for the country of assignment. The FCG, including the on-line, electronic version, contains instructions for SCOs and other organizations to submit changes, such as additional restrictions or increased lead-times. Changes originating within the U.S. embassy must contain a statement that the message has been coordinated with the U.S. Ambassador or COM.

JURISDICTION AND LEGAL STATUS OVERSEAS

The legal status of SA personnel who are performing their duties in foreign countries may be affected by the provisions of one or more treaties, international agreements, or laws. In most cases, the privileges and immunities afforded by these agreements are specific to the country and to the status of the individual involved. Each SCO has been established according to a diplomatic agreement between the U.S. and the host nation. This agreement generally allows a degree of immunity somewhat less than that granted under full diplomatic immunity, yet greater than that offered under status of forces agreements (SOFAs). This section discusses the various privileges and immunities that may be afforded to DOD personnel stationed or sent abroad under SCO-related orders.

Jurisdiction

A primary element of national sovereignty is the exercise of jurisdiction by a government over persons within its territory. The authority of a host nation government to exercise jurisdiction extends not only to its own citizens but also to most foreign nationals within that country's territory. The USG strives to obtain legally binding international agreements that provide protections, privileges and immunities for DOD personnel overseas on official duty, or to ensure that such personnel are accredited to the host government as U.S. embassy staff members. DOD personnel not accredited or otherwise protected under an existing agreement are entirely subject to the host nation's laws and jurisdiction while in that country. Jurisdiction applies not only to criminal issues that may involve arrest or prosecution, but also to routine civil matters such as taxation, importing and exporting of personal property and vehicles, issuance of driver's licenses, and other routine affairs.

Vienna Convention on Diplomatic Relations of 1961

The Vienna Convention on Diplomatic Relations (1961) is the primary international agreement which has regularized the functions, status, and privileges of foreign missions. It recognizes several categories of personnel with respect to immunity.

The most comprehensive category is that of "diplomatic agent" and is often referred to as full diplomatic immunity. Diplomatic agents and their families enjoy full immunity from the criminal jurisdiction of the host country as well as from most forms of administrative and civil jurisdiction. Diplomatic agents are exempt from most forms of taxation, inspection of personal baggage, and giving testimony as witnesses. Full immunity covers all acts of the diplomatic agent, both official and private. Diplomatic agents are placed on the host government's diplomatic list and normally include the Ambassador, deputy COM, and attachés, including military attachés.

A second recognized category of personnel is that of "administrative and technical" staff. Persons in this category and their families receive the full criminal immunity afforded diplomatic agents, but are exempt from the country's administrative and civil jurisdiction only in conjunction with their

official duties. Most SCO personnel and their sponsored dependents fall into this category, however in some countries the SDO/DATT and selected other SCO personnel may be accorded “diplomatic agent” status. Inbound SCOs should ascertain their exact diplomatic status from the U.S. embassy.

Some U.S. embassy employees may retain third country nationals as private servants (e.g., maids or gardeners). These persons have no immunity under the Vienna Convention. They may, however, receive an exemption from taxation on their salary by the receiving state.

Status of Forces Agreements

In addition to the Vienna Convention, the USG has entered into agreements with many countries concerning the presence and activities of U.S. military and DOD civilian personnel within the territory of the host country. These agreements are typically called status of forces agreements, although defense cooperation agreements, access agreements or other international agreements may contain status-of-forces provisions. It is the policy of the USG to ensure, to the maximum extent possible, due process protections for all U.S. military and DOD civilian personnel visiting or stationed in foreign countries. This includes personnel and forces that are not performing a diplomatic mission, such as military units on exercises or operational deployments, and visiting SA personnel, such as those on mobile training teams. SOFAs (or status of forces provisions in other agreements) describe the rights, privileges, and responsibilities of visiting personnel within the territory of the other party to the agreement i.e., the host nation government. SOFAs also typically address issues such as claims by governments and third parties, security issues, governmental and personal tax exemptions, entry/exit (visa requirements), the carrying of weapons and the wearing of uniforms, construction, contracting, utilities, motor vehicles, official and personal importation, customs procedures, environmental health and safety, and the status of contractors. Each SOFA is negotiated separately with the host nation government. While there is no standard format, SOFAs generally address the same range of issues with every country. SOFAs are often tailored to the size of the presence and activities that the U.S. will be conducting within the territory of the host nation. DOS, working on behalf of and in coordination with DOD, normally negotiates such agreements and concludes them through an exchange of diplomatic notes. The U.S. currently has SOFA arrangements with more than 80 countries. While a permanent SOFA is normally the U.S. goal, in some cases it is mutually agreeable to conclude a “mini-SOFA” that covers a short-term presence such as a combined exercise.

The U.S. is partner to one multi-lateral SOFA negotiated with the original North Atlantic Treaty Organization (NATO) partners in 1951. This is formally known as the *Agreement Between the Parties to the North Atlantic Treaty Regarding the Status of Their Forces*. This agreement is in the form of a treaty, which was ratified by the U.S. Senate in 1953. The NATO SOFA was expanded in 1995 to include the new Partnership for Peace (PfP) nations of Eastern Europe. In most NATO countries, the U.S. has also entered into separate bilateral agreements that supplement the NATO SOFA, often providing greatly enhanced privileges and immunities.

Criminal Matters under Status of Forces Agreements

One of the key elements of SOFAs is the exercise of criminal jurisdiction. Typically, the USG seeks to have the host nation agree to limit its exercise of jurisdiction over DOD personnel (both civilian and military) in favor of jurisdiction by the U.S., to include court-martial of military members. There are various formulations under which the host government and the USG agree to exercise jurisdiction. Under concurrent jurisdiction, which is the formulation found in the NATO SOFA, either the U.S. or the host nation may exercise jurisdiction over U.S. forces for offenses committed against host nation law, depending on the circumstances under which the offense was

committed. The U.S. has exclusive jurisdiction if a crime violates only U.S. law. However, if an act is illegal under both nations' laws, it will fall to one country or the other to exercise jurisdiction, depending on the circumstances surrounding the offense. For example, if a U.S. military member commits an offense that is illegal under both countries' laws while conducting official duties, the U.S. has jurisdiction. If the member of the force were to commit that same offense while off-duty, the host nation could exercise jurisdiction, although in some cases the host nation may opt to waive jurisdiction. The U.S. always determines whether the member or employee was acting in the course of his or her official duty when the offense took place. Likewise, the U.S. generally has jurisdiction when a crime is committed against another military member or American citizen. Concurrent jurisdiction is a feature of many of our older SOFAs and is no longer the standard.

In most of the agreements the U.S. has concluded since 1990, DOD personnel are accorded a status equivalent to the administrative and technical staff of the U.S. embassy. This does not mean that these individuals are U.S. embassy staff or otherwise accredited to the host nation. Under this formulation, the U.S. has exclusive jurisdiction when personnel are alleged to have committed a criminal offense either on or off duty. If an off-duty act gives rise to a civil claim, the host government has jurisdiction.

Notes on Privileges and Immunities

The issuance of a diplomatic passport (or an official passport) by the USG does not grant diplomatic status or immunity in and of itself. That is, privileges and immunities are not afforded by issuance of a passport, but under various multilateral and bilateral agreements, as explained above. However, USG personnel transiting through third countries between the U.S. and their posts are granted inviolability by those third countries while en route, even though they are not accredited to that state.

Resident family members of the SCO are typically accorded the same level of protection as the sponsor. The DOS defines a family member as a spouse or any child twenty-one years old or younger; twenty-two if the child is still in school. Also included is anyone over fifty percent financially dependent upon the assigned member. However, if a family member is a national or permanent resident of the receiving state, he or she is not afforded the same level of immunity as the sponsor.

The duty-free import of household goods for members of the administrative and technical staff is permitted one time only, at the beginning of their assignment.

Persons immune from the jurisdiction of the host nation are still subject to the laws of the sending country (including the U.S. Uniform Code of Military Justice, when applicable).

Many SOFAs (including the NATO SOFA) provide for "sympathetic consideration" in which the state exercising jurisdiction waives that right and releases the military member to the other nation for prosecution. Sympathetic consideration can work both ways. It has been used by the USG to obtain custody of DOD personnel who otherwise would be prosecuted by the host nation. However, in egregious cases, the USG has also shown its willingness to waive jurisdiction and release military members to the host nation for trial.

It is not uncommon for different agreements to be in effect simultaneously in any given country. Thus, DOD military and civilian personnel in the same country may, and probably will, enjoy varying degrees of rights and privileges, depending on whether they are serving as a military attaché, a member of an SCO, on a SA team, or as part of a deployed operational military force.

Department of Defense Security Cooperation Personnel Visiting Foreign Countries

Personnel based in the continental U.S. who travel overseas on temporary duty are not considered part of the local U.S. embassy's administrative and technical staff and are not afforded immunity under the Vienna Convention. However, they may be protected under a SOFA or similar agreement. As part of the planning process for in-country teams, SCOs should know or verify the jurisdictional status of those personnel. The staff judge advocate (SJA) of the appropriate GCC maintains this information and can determine if an existing agreement covers the proposed teams. If no agreement provides the desired coverage, the SJA should contact the Office of the Legal Advisor on the Joint Staff to determine what sort of coverage can be arranged. In turn, the Joint Staff will coordinate with the GCC, OSD, and the DOS to secure necessary protections. Without authorization from the DOS, the local U.S. embassy does not have authority to negotiate such an agreement, and cannot request accreditation of the team members to the host nation. If the USG is unable to secure such protections, the team members should be briefed prior to entering the country that they may be subject to host nation law.

Status of Forces Agreements and Article 98 Agreements

The traditional arrangements for jurisdiction under SOFAs were complicated in 1998 when a United Nations (U.N.) conference in Rome adopted a treaty, known as the *Rome Statute*, to create the International Criminal Court (ICC). The *Rome Statute* entered into force in 2002, although the USG, citing serious flaws, did not become a party. Article 98 of the *Rome Statute* allows for bilateral agreements by its members in which countries pledge not to seek the prosecution of each other's citizens under the ICC. With countries that have become parties to the *Rome Statute*, the USG has become concerned that existing SOFAs are insufficient to protect U.S. military members. While SOFAs do not explicitly provide for transfer of individuals to other jurisdictions, they do not prohibit such transfers either. Further, SOFAs do not protect private American citizens at all. The USG has since concluded Article 98 agreements with more than one hundred nations, which protect all American citizens from referral to the ICC for prosecution.

ETHICS AND STANDARDS OF CONDUCT

SCO personnel are expected to maintain the highest standards of ethics in both their professional and personal conduct. This is particularly important when SDO/DATTs, as representatives of the USG, interact with partner nation officials and with marketing agents of U.S. vendors. In all instances, SCO personnel are required to maintain strict standards of integrity and ethics, and avoid even the perception of impropriety.

USG employment is a matter of public trust and requires that DOD personnel place loyalty to country, ethical principles, and the law above private gain and other interests. [Executive Order 12674, April 12, 1989, as amended]

Conflicts of Interest

Congress has provided a structure of laws that give guidelines as to what constitutes a breach of fiduciary duty by a federal official. Most of these laws have been codified under *Title 18 USC*, entitled "Crimes and Criminal Procedure." 18 USC § 201(b)(c) defines both bribery and graft and prescribes criminal penalties for each. Bribery is the corrupt giving or offering of anything of value to a public official with the intent to:

- Influence official acts

- Have the official perpetrate fraud or set up the opportunity for fraud
- Have that official do anything contrary to his public duty (18 USC 201)

The reciprocal of bribery is graft - the seeking by a public official of something of value in order to assure that his public acts will conform to those desired by the prospective donor. This is also prohibited by 18 USC 201(c).

In addition to establishing penalties for bribery and graft, Congress has legislated 18 USC 207 which restricts the business activities of former USG employees. Section 207 provides that any former employee of the USG who, after his employment has ceased, acts for another in seeking a determination in regard to a claim or contract in connection with which he personally and substantially participated while a USG official shall be vulnerable to a \$10,000 fine and no more than two years confinement. SCO personnel who anticipate leaving government service to join the workforce of a U.S. defense vendor, or to officially represent a foreign government, must be aware of these constraints and others. DODD 5500.7-R, *Joint Ethics Regulation* (JER), provides guidance on conflicts of interest, as well as for DOD members seeking outside (i.e., post-retirement) employment and their employment following government service.

Gifts and Gratuities

SCOs personnel, along with all other DOD personnel, are subject to the provisions of DODD 5500.7-R, *Joint Ethics Regulation* (JER). In this regard, DOD personnel shall avoid any action, or even the appearance of any action, of:

- Using public office for private gain
- Giving preferential treatment to any person or entity
- Impeding government efficiency or economy
- Losing complete independence or impartiality
- Making a government decision outside official channels
- Affecting adversely the confidence of the public in the integrity of the government

Among other limitations, DOD personnel are prohibited from accepting gratuities from those who have, or seek to have, business with DOD, e.g., defense contractors, commonly referred to as a prohibited source in the context of ethics discussions.

Certain USG employees, such as procurement officials (41 USC 423), are subject to additional restrictions. However, by law, so-called “micro-purchasers” (those making purchases of less than \$2,500, not to exceed \$20,000 in a 12-month period) are not considered procurement officials.

According to DODD 5500.7-R, all DOD employees, regardless of assignment, are prohibited from soliciting or accepting, with limited exceptions, any gift from a prohibited source. A gift is defined in DODD 5500.7-R as any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of training, transportation, local travel, lodging and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. The acceptance of a gift by DOD personnel or their families, no matter how innocently tendered, may prove to be a source of embarrassment to the DOD, may affect the objective judgment of the DOD personnel involved, and may impair public confidence in the integrity of the government.

Exceptions Involving Gifts and Gratuities

Code of Federal Regulations, Title 5, Section 2635 (5 CFR 2635) provides several exceptions to the general prohibition of accepting gifts.

- Government employees, subject to more restrictive standards set by their agency, may accept unsolicited gifts having an aggregate value of no more than \$20 per occasion and subject to a \$50 limitation per donor per calendar year. Gifts of cash, stocks, bonds, or certificates of deposit are not covered by this exception and may not be accepted. This limitation applies to gifts from both contractors and state-owned industry.
- A USG employee may accept a gift based on a personal relationship if it is clear that acceptance of the gift is restricted to a family relationship or personal friendship and not by the official capacity of the employee. Relevant factors include the history of the relationship and who actually paid for the gift.
- Additionally, the definition of gift does not include any of the following items:
 - Modest items of food and refreshments, such as soft drinks, coffee, and donuts, offered other than as part of a meal.
 - Greeting cards and items with little intrinsic value, such as plaques, certificates, and trophies, which are intended solely for presentation.
- Opportunities and benefits available to the general public or to a specific class of government employees, e.g., uniformed military members.
- Anything for which fair market value is paid by the employee.

Gifts from Foreign Governments

DODD 1005.13, *Gifts and Decorations from Foreign Governments*, governs the acceptance and retention of gifts from foreign governments. This directive and the individual service regulations that implement it provide guidance for individuals to follow in reporting and determining if gifts can be retained or must be turned over to the appropriate custodian. The primary governing principle is that no DOD employee may request or otherwise encourage the offer of a gift from a foreign government. Whenever possible, individuals should politely refuse gifts of anything larger than minimal or token value (e.g., plaques, photographs, calendars, pens, etc.) Only if the refusal would cause embarrassment to the USG or the presenting government should gifts be accepted by a USG representative. As of June 2008, the maximum value of a gift that an employee may retain is \$335.00. [Standards of Conduct Office, Advisory #08-01.] Gifts exceeding the maximum value are the property of the USG and should be deposited with the employing DOD component for disposition in accordance with DODD 1005.13. The burden of proof of the gift's value rests with the employee who received the gift.

DOD Directive 5500.7-R permits attendance or participation of DOD personnel in gatherings, including social functions, that are hosted by foreign governments or international organizations when:

- Acceptance of the invitation is approved by the DOD component
- Attendance or participation is for authorized purposes
- The social event involves a routine or customary social exchange with officials of foreign governments in pursuit of official duties

- The event is not in the context of the foreign government's commercial activities, i.e., attempting to make a sale to DOD

Disposition of Gifts

Should an employee accept a gift which is not allowable under the preceding guidelines, one of the following actions must be taken:

- The employee may request an exception to policy, in writing, to retain the gift.
- The employee may request to purchase the gift, or right of first refusal. Per DOD 1005.13, the request is made to the General Services Administration (GSA) and must be accompanied by a commercial appraisal. If the purchase is approved, the price to be paid is the appraised value and cost of the appraisal.
- The item may be shared with the office. If it is a tangible item, this would entail putting the item on the organization's property control records.
- If none of the above options is pursued, the item must be turned in to the organization's legal office for disposition.

SECURITY COOPERATION ORGANIZATION TRAVEL AND TRANSPORTATION

Air Travel

SCO personnel must adhere to the standard DOD requirements for travel and transportation, as found in the *Joint Federal Travel Regulations (JFTR)* for military members and the *Joint Travel Regulations (JTR)* for DOD civilians. This includes the requirement to use economy-class (coach) accommodations for all travel on common air carriers unless an exception for premium-class is authorized by a designated official. Additionally, it includes the requirement to use a contract commercial travel office, normally available in the local U.S. embassy, for all official travel requirements.

Military air transportation is rarely available or convenient for SCO personnel, so most of their travel is conducted via commercial air. However there may be unusual circumstances involving personal security or cost efficiencies that warrant military air. SCO personnel are expected to be alert to opportunities to use military air where appropriate, both for themselves and their DOD visitors in country. However, this must be balanced with host nation entry/exit requirements. For example, if a visitor arrives via commercial air and plans to depart via opportune military airlift, the SDO/DATT and U.S. embassy must clear the visitor with host nation immigration officials. SCOs in a few countries have DSCA-managed C-12 aircraft which are useful for in-country and regional travel. In other countries, DIA operates C-12 aircraft which may be available for SCO official use. SAMM C11.2 contains policies and procedures for SCO utilization of C-12 aircraft.

Regardless of the source of funds for official travel, the SCO is expected to be a good steward of USG resources. If official travel is manipulated in order to acquire frequent flyer miles or other promotional items and results in an increased cost to the government, it is a violation of the *Joint Ethics Regulation* and, potentially, a violation of criminal law as well. If the SDO/DATT cannot resolve a travel issue by reference to the JFTR/JTR, it should refer the matter to the GCC for guidance or resolution.

Vehicle Transportation

Most SCOs have an authorization for USG motor vehicles to support their official duties. DOD guidance stems from DOD 4500.36-R, *Management, Acquisition, and Use of Motor Vehicles*, which is supplemented by regulations at the GCC or other level. The use of all motor vehicles, including those leased from commercial sources, is restricted to official purposes only. Whether a use is for an official purpose is a matter of administrative discretion by the SDO/DATT. If a question arises about the scope of the discretion, it should be resolved in favor of strict compliance with DOD policy. Factors to consider include whether the transportation is essential to a DOD function, activity, or operation, and whether the use of the vehicle is consistent with the purposes for which it was acquired.

Both U.S. law and DOD policy prescribe penalties for unauthorized or willful misuse of a government-owned or government-leased vehicle. As with air travel, an issue involving vehicle transportation should be referred to the GCC for resolution.

The rules for the use of employee-leased vehicles (rental cars) are the same as for government motor vehicles. When on official travel, one may use that vehicle only for official purposes. The traveler does not have the option of using the vehicle for both official and unofficial purposes and claiming reimbursement solely for the official use.

Domicile to Duty Transportation

Under long-standing U.S. law, commuting by government employees between their residence and place of duty is treated as a personal obligation and expense. The law currently authorizes only fifteen senior DOD officials by duty position to receive domicile to duty transportation (DTDT). However, 10 USC 2637 allows the SECDEF to delegate to GCCs the authority for approving DTDT for selected personnel (including SCO personnel) stationed overseas in their area of responsibility. This authorization is made by the GCC based on a determination that “public or private transportation in such area is unsafe or unavailable.” Such authorizations must be made in writing and may not exceed one year in duration, although they may be renewed. SDO/DATTs may request DTDT authorization from their GCC if they believe local conditions warrant it. DTDT is treated as an employer-provided fringe benefit which is taxable under current law. However, it must be stressed that, where authorized, DTDT exists for the safety and security of DOD personnel, not as a benefit. DOD 4500.36-R, Chapter 4, provides DOD-level guidance on DTDT.

SUMMARY

This chapter addresses the primary responsibilities, considerations, challenges, and issues which impact upon the overseas SCO in today’s environment. SA and SC are two key instruments of U.S. foreign policy and the SCO is in the front lines of shaping and executing that policy. The opportunities associated with an overseas SCO assignment provide unique experiences for the military member and his or her family. As a member of an embassy country team, the SCO has a first-hand look at USG inter-agency activities and foreign policy in action. An assignment to an SCO provides a level of responsibility and breadth of experience seldom seen in other military assignments.

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ATTACHMENT 4-1
LETTER OF INSTRUCTION FROM THE PRESIDENT —
APPROVED 26 MAY 2009



[Selected text placed in bold by DISAM]

The Honorable (Name)
American Ambassador

(City)

Dear Mr./Madam Ambassador:

Thank you for your willingness to serve our country as my personal representative to [country].

Together we have a great task before us. We must renew America's security and standing in the world through a new era of American leadership. The United States will advance its interests through a core pragmatism rooted in America's enduring values. We must rebuild our traditional alliances and pursue new partnerships based on mutual interests and respect, so that together we can confront key common challenges of the 21st century, including weapons of mass destruction, terrorism, poverty, pandemic disease, dependence on fossil fuels and global climate change. America is strongest when we act alongside other nations and peoples. Our security also is enhanced through principled and sustained engagement with those who think differently. As my personal representative, you will be the front line of our efforts.

Our security and prosperity are inextricably linked with those of other countries and people around the world. To strengthen both our national and global economies, we must expand trade as well as financial and scientific cooperation, and we will advance mutual understanding through educational and cultural diplomacy. We must work in concert with others to prevent, resolve, and mitigate conflict, combat transnational threats, strengthen law enforcement cooperation, and promote democratic values and human rights.

I will need your support for our efforts to provide forward-thinking, sustained diplomacy in every part of the world. We will apply pressure where it may be needed, and look for opportunities to advance U.S. interests. As appropriate, you should reach out to other government agencies, nongovernmental organizations, the private sector, international organizations, and our military to leverage your own initiatives. I also urge you to pursue diplomacy and public outreach with 21st century tools and technology.

As Chief of the U.S. Mission, one of your most important jobs will be to take care of our diplomatic personnel and to ensure that they have the tools they need to support your efforts. The Mission should be seen as a welcoming and supportive place for American citizens and American businesses abroad.

I have asked you to represent the United States in [country] because I am confident that you possess the skills, dedication, and experience necessary to meet the many challenges that we face in these extraordinary times.

This letter contains your detailed instructions as my personal representative and the U.S. Chief of Mission. These instructions have been shared with relevant departments and agencies, and I have directed that they give you their full cooperation. I expect you to carry out your mission to the best of your ability and in full conformance with the law and the highest ethical standards. I am counting on your advice and leadership as Chief of Mission to help protect America's interests and to promote America's values.

ATTACHMENT 4-1 (CONTINUED)
LETTER OF INSTRUCTION FROM THE PRESIDENT

As Chief of Mission, you have full responsibility for the direction, coordination, and supervision of all U.S. Executive Branch employees in [country], regardless of their employment categories or location, except those under command of a U.S. area military commander or on the staff of an international organization. With these exceptions, you are in charge of all Executive Branch activities and operations in your Mission.

You will report to me through the Secretary of State. Under my direction, the Secretary of State is, to the fullest extent provided by the law, responsible for the overall coordination of all United States government activities and operations abroad. The only authorization channel for instruction to you is from the Secretary or me, unless the Secretary or I personally instruct you to use a different channel.

All Executive Branch agencies under your authority, and every element of your Mission, must keep you fully informed at all times of their current and planned activities. You have the right to see all communications to or from Mission elements, however transmitted, except those specifically exempted by law or Executive decision.

You have full responsibility for the direction, coordination, and supervision of all Department of Defense personnel on official duty in [country] except those under the command of a U.S. area military commander. You and the area military commander must keep each other currently and fully informed and cooperate on all matters of mutual interest. Any differences that cannot be resolved in the field will be reported to the Secretary of State and the Secretary of Defense.

I expect you to take direct and full responsibility for the security of your Mission and all the personnel for whom you are responsible, whether inside or outside the chancery gate. **Unless an interagency agreement provides otherwise, the Secretary of State and you as Chief of Mission must provide for the security of all United States government personnel on official duty abroad other than those under the protection of a U.S. area military commander or on the staff of an international organization and their accompanying dependents. You and the U.S. area military commander should consult and coordinate responses to common threats.**

I ask that you review programs, personnel, and funding levels regularly, and ensure that all agencies attached to your Mission do likewise. Rightsizing the United States government presence abroad is a continuing requirement. To better meet our foreign policy goals, I will be expanding the Foreign Service and strengthening civilian capacity to work alongside the military. At the same time, we need to eliminate unnecessary duplication in our foreign operations. Functions that can be performed effectively and efficiently by personnel based in the United States or at regional offices overseas should not be performed at post. We should make greater use of the expertise of host country citizens, and outsource functions when it is effective and efficient to do so. In your reviews, should you find staffing to be either excessive or inadequate to the performance of priority Mission goals and objectives, I urge you to initiate staffing changes in accordance with established procedures.

Every Executive Branch agency under your authority must obtain your approval before changing the size, composition, or mandate of its staff. If a Department head disagrees with you on staffing matters, that individual may appeal your decision to the Secretary of State. In the event the Secretary is unable to resolve the dispute, the Secretary and the respective Department head will present their differing views to me for decision.

All United States government personnel other than those under the command of a U.S. area military commander or on the staff of an international organization must obtain country clearance before entering [country] on official business. You may refuse country clearance or may place conditions or restrictions on visiting personnel as you determine necessary.

ATTACHMENT 4-1 (CONTINUED)
LETTER OF INSTRUCTION FROM THE PRESIDENT

I expect you to discharge your responsibilities with professional excellence and in full conformance with the law and the highest standards of ethical conduct. You should ensure that there is equal opportunity at your Mission and no discrimination or harassment of any kind. Remember as you conduct your duties that you are representing not only me, but also the American people and America's values.

//SIGNED//

Sincerely,
Barack H. Obama

ATTACHMENT 4-2
SECURITY COOPERATION ORGANIZATION-INDUSTRY RELATIONS



Office of the Secretary of Defense
Washington, D.C. 20301-1111
5 May 1999

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS

CHAIRMAN OF THE JOINT CHIEFS OF STAFF
ASSISTANT SECRETARIES OF DEFENSE
GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE
INSPECTOR GENERAL OF THE DEPARTMENT OF DEFENSE
DIRECTOR, OPERATIONAL TEST AND EVALUATION
DIRECTORS OF THE DEFENSE AGENCIES
DIRECTORS OF THE DOD FIELD ACTIVITIES

SUBJECT: Department of Defense Policy for Relations with U.S. Industry in Sales of Defense Articles and Services to Foreign Governments

The DOD is committed to greater cooperation with U.S. industry to facilitate sales of U.S. defense articles and services when in support of U.S. national security and foreign policy objectives. DOD is prepared to assist and cooperate with U.S. Industry regardless of the type of sale, e.g., Direct Commercial Sale, Foreign Military Sale, or a combination of the two.

The purpose of this policy is to improve communication and teamwork between DOD and U.S. Industry in the Security Cooperation process. DOD and U.S. Industry participants must establish specific roles and responsibilities by developing DOD and U.S. Industry arrangements. In cases where only one U.S. contractor is involved, the military departments will be the DOD representatives for weapon systems under their cognizance. The Defense Security Cooperation Agency (DSCA) will be the DOD representative when more than one U.S. contractor is competing until down selection is complete. DOD representatives will not favor one U.S. contractor over another in competition process.

The level of cooperation and assistance will be determined on a case-by-case basis. While the mechanism(s) for a DOD/U.S. Industry cooperative effort of this nature are being developed as part of the Security Cooperation reinvention process, certain actions will be common to all situations. We expect industry to advise the DOD of cooperation and assistance it desires for a particular effort. Receipt of that information will prompt: (a) identifying DOD/U.S. Industry principal players, (b) establishing formal lines of communication, (c) defining roles, and (d) developing a joint approach. Conversely, DOD may request support from industry.

Your participation and cooperation are essential to improving the Defense Security Cooperation process.

//SIGNED//
Jacques S. Gansler
Under Secretary of Defense
for Acquisition & Technology

//SIGNED//
Walter B. Slocombe
Under Secretary of Defense for
Policy

ATTACHMENT 4-3

CHECKLIST FOR MEETING REPRESENTATIVES OF DEFENSE INDUSTRY

(See SAMM C2.5.7 for detailed guidelines on interface with industry)

1. Exchange business cards.
2. Inquire about the articles and/or services which the vendor is marketing
3. Ask to see the vendor's export license, or inquire about the status of license approval. Ask what provisos (limitations) are associated with the license.
4. Indicate that, in general, the USG has no preference as to whether a sale is made via FMS or DCS channels (SAMM C4.5.8). Inquire as to whether the vendor has a preference (some vendors have a preference for DCS on file with DSCA; see SAMM C4.5.10).
5. Inquire whether the vendor is marketing similar articles or services to other countries in the region.
6. As appropriate, provide an overview of host nation military picture.
 - a. Organization
 - b. Known requirements and priorities
 - c. U.S. and DOD relations with host nation
 - d. Host nation defense industry
7. As appropriate, review the host nation procurement strategy.
 - a. Key decision-makers within MOD and the services
 - b. Defense budget and expected availability of FMF, if any
 - c. MOD procurement system (preferences for MS vs. DCS)
 - d. Host nation offset policy, if appropriate
 - e. Foreign competition
8. Inquire if the vendor has an in-country agent.
9. Inquire if the vendor would like marketing assistance from the Department of Commerce through the embassy's commercial attaché or local Foreign Commercial Service (FCS) representative.
10. Inquire if the vendor wants assistance in appointments with host nation officials and/or other U.S. embassy offices.
11. Request a back-brief from the vendor after meetings with host nation.

ATTACHMENT 4-4
SDO/DATT APPOINTMENT LETTER



SECRETARY OF DEFENSE
1000 Defense Pentagon
WASHINGTON, DC 20301-1111
3 February 2009

[Name of SDO/DATT]
U.S. Defense Attaché Office Cairo
7700 Cairo Place
Washington D.C. 20301-1111

Dear [Name of SDO/DATT]:

You hereby are appointed SDO/DATT in the Arab Republic of Egypt. As SDO/DATT, you are the principal Department of Defense official at the American Embassy in Cairo and my representative to the Ambassador and the government of Egypt. You will represent the geographic combatant command, the Defense Intelligence Agency (DIA), and the Defense Security Cooperation Agency (DSCA) to the U.S. embassy country team and the host nation. Congratulations on your selection to serve in this key position.

I charge you with the overall direction and management of the Defense Attaché Office and the Office of Security Cooperation (SCO), and the coordination of U.S. defense issues and activities in Egypt in accordance with DOD Directive 5105.75 and DOD Instruction 5105.81. I expect you to provide strong and ethical leadership and to set the standard for personal excellence.

You will receive guidance and instructions from DIA on your duties as the Defense Attaché and from the geographic combatant command and DSCA on your duties as Chief, OMC. The Office of the Secretary of Defense will provide additional policy guidance as required. You will communicate regularly with your geographic combatant command, DIA, and DSCA to address the multi-faceted equities of each.

As you prepare for your mission, remember you are representing an important and integral part of the U.S. foreign policy process. I wish you great personal and professional success as you embark on this challenging assignment.

Sincerely
//SIGNED//
Robert M. Gates

Enclosures:

1. Letter of Introduction to U.S. Ambassador
2. Letter of Introduction to Egyptian Armed Forces CINC
3. CJCS Letter of Introduction to Egyptian Chief of Defense

ATTACHMENT 4-5
LETTER OF INTRODUCTION TO U.S. AMBASSADOR



SECRETARY OF DEFENSE
1000 Defense Pentagon
WASHINGTON, DC 20301-1111
3 February 2009

[Name of U.S. Ambassador]
American Embassy Cairo
Department of State
7700 Cairo Place
Washington D.C. 20521-7700

Dear Madam Ambassador:

This letter introduces [Name of SDO/DATT], United States Air Force, whom I appointed as the Senior Defense Official (SDO) and Defense Attaché (DATT) to your Embassy. As the SDO/DATT, he is my representative to you and, subject to your authority as Chief of Mission, the diplomatic representative of the Defense Department to the government of Egypt. I urge you to take full advantage of [his] expertise and resources as your principal military advisor.

[Name of SDO/DATT] is an exceptionally experienced and qualified officer, in whom I place my full trust and confidence. He commanded United States Air Force organizations in combat and in peace with success and served with distinction as a member of the Air Staff. I commend [Name of SDO/DATT] to you as an officer who will serve the interests of both the Department of Defense and the Department of State.

I urge you to communicate through him any matters affecting our mutual interests that you feel deserve my attention. Of course, you are welcome to communicate with me directly for those matters you feel are appropriate.

Sincerely,
//SIGNED//
Robert M. Gates

ATTACHMENT 4-6
LETTER OF INTRODUCTION TO HOST NATION MINISTER OF DEFENSE



SECRETARY OF DEFENSE
1000 Defense Pentagon
WASHINGTON, DC 20301-1111
3 February 2009

His Excellency Field Marshal [Name]
Commander-in Chief of the Armed Forces
Ministry of Defense and Military Production
Cairo, Arab Republic of Egypt

Dear {Name}:

This letter introduces [Name of SDO/DATT], United States Air Force, as the Senior Defense Official and Defense Attaché at the United States Embassy in Cairo. [Name of SDO/DATT] serves as my personal representative and as the principal representative of the United States Department of Defense. He serves under the authority of our Ambassador.

[Name of SDO/DATT] is an exceptionally experienced and qualified officer, in whom I place my full trust and confidence. He commanded United States Air Force organizations in combat and in peace with success and served with distinction as a member of the Air Staff. I commend [SDO/DATT] to you as an officer who will serve the interests of both of our countries, and I request that you afford him the status and recognition appropriate to his position.

I urge you to communicate through him any matters affecting our mutual interests that you feel deserve my attention. Of course, I also welcome you to communicate with me directly for those matters you feel are appropriate.

Sincerely,
//SIGNED//
Robert M. Gates

ATTACHMENT 4-7
LETTER OF INTRODUCTION TO HOST NATION CJCS COUNTERPART



CHAIRMAN OF THE JOINT CHIEFS OF STAFF
WASHINGTON, D.C. 20318-9999
10 February 2009

Lieutenant General [Name]
Joint Defense Staff
Ministry of Defense
Cairo, Arab Republic of Egypt

Dear General [Name],

I am pleased to introduce [Name of SDO/DATT], United States Air Force, to you as the Senior Defense Official and Defense Attaché at the United States Embassy in Cairo. He serves under authority of the Ambassador as my personal representative and the principal representative of the United States Department of Defense. As an exceptionally experienced and qualified officer, he has my full trust and confidence.

[Name of SDO/DATT] has successfully commanded United States Air Force organizations in combat and peace. I commend him to you as an officer who will serve the interests of both of our countries, and request that you afford him the status and recognition appropriate to his position.

I urge you to communicate through him any matters affecting our mutual interests that you feel deserve my attention. Of course, you are also welcome to communicate with me directly when you deem it necessary.

Sincerely,
//SIGNED//

M.G. MULLEN
Admiral, U.S. Navy