

# INTRODUCTION TO SECURITY COOPERATION

## INTRODUCTION

The term security cooperation was first introduced in 1997 by the Defense Reform Initiative (DRI). The DRI proposed that certain Department of Defense (DOD) funded international programs along with their personnel and associated resources be managed by what was then the Defense Security Assistance Agency (DSAA) which already had the day-to-day management responsibility of many security assistance programs authorized by the Foreign Assistance Act (FAA) and the Arms Export Control Act (AECA). To better reflect its enlarged mission and diverse functions beyond security assistance to other agencies, the private sector, and foreign governments; DSAA was redesignated the Defense Security Cooperation Agency (DSCA), effective 1 October 1998.

Management responsibilities for many DOD international programs have been transferred to DSCA in recent years. Many security cooperation programs continue to be managed by other Office of the Secretary of Defense (OSD) agencies, the combatant commands (CCMDs) or the military departments (MILDEPs). What further complicated the management of security cooperation was that the in-country point of contact between the US government (USG) and the host nation generally is either the Defense Intelligence Agency (DIA)-sponsored defense attaché office (DAO) or the DSCA-sponsored security cooperation office (SCO). These two spigots for security cooperation with a country required a broad knowledge and skill baseline of the very different international programs that are initiated, funded, and managed throughout the DOD and its agencies and the MILDEPs. Most disconnects regarding SCO-DAO coordination of in-country security cooperation were generally resolved with the establishment of the Senior Defense Official-Defense Attache (SDO/DATT) having oversight over both the SCO and DAO organizations.

It was not until 9 June 2004 that a formal, yet still very broad, definition of security cooperation was published in Joint Pub 1-02:

All DOD interactions with foreign defense establishments to build defense relationships that promote specific US security interests, develop allied and friendly military capabilities for self-defense and multinational operations, and provide US forces with peacetime and contingency access to a host nation.

DODD 5132.03, *DOD Policy and Responsibilities Relating to Security Cooperation*, 24 October 2008, further defines security cooperation with assigned responsibilities:

Activities undertaken by the Department of Defense to encourage and enable international partners to work with the United States to achieve strategic objectives. It includes all DOD interactions with foreign defense and security establishments, including all DOD-administered security assistance programs, that: build defense and security relationships that promote specific US security interests, including all international armaments cooperation activities and security assistance activities; develop allied and friendly military capabilities for self-defense and multinational operations; and provide US forces with peacetime and contingency access to host nations.

Other DOD policy statements identify DOD-managed or administered security assistance programs as components of security cooperation.

The purpose of this first chapter is to provide definitions of the various programs within security assistance and the broader area of security cooperation. After addressing security assistance and its relationship with security cooperation, the concept of security force assistance (SFA) will be finally discussed in this chapter. SFA is essentially a subset of DOD security cooperation with security assistance providing critical tools for the funding and enabling of SFA.

## **SECURITY ASSISTANCE**

Over the years, security assistance has included twelve major programs authorized by the FAA or AECA. While seven of these programs are administered by DOD, specifically by DSCA, they remain under the general control of the Department of State (DOS) as components of US foreign assistance. These twelve security assistance programs include the following.

### **Foreign Military Sales**

The foreign military sales (FMS) program is a non-appropriated program administered by DSCA through which eligible foreign governments purchase defense articles, services, and training from the USG. The purchasing government pays all costs associated with a sale. There is a signed government-to-government agreement, normally documented on a Letter of Offer and Acceptance (LOA) between the USG and a foreign government. Each LOA is commonly referred to as a “case” and is assigned a unique case identifier for accounting purposes. Under FMS, military articles and services, including training, may be provided from DOD stocks (Section 21, AECA) or from new procurement (Section 22, AECA). If the source of supply is new procurement, on the basis of having an LOA which has been accepted by the foreign government, the USG agency or MILDEP assigned cognizance for this case is authorized to enter into a subsequent contractual arrangement with US industry in order to provide the article or service requested.

The final FMS total for FY 2012 was \$69.1 billion to include \$5.2 billion in pseudo LOA agreements. The projection for FY 2013 was \$32.9 billion with the final FMS sales total for FY 2013 being \$27.9 billion.

### **Foreign Military Construction Services**

Foreign military construction services (FMCS) is a non-appropriated program administered by DSCA and authorized by section 29, AECA, to include the sale of design and construction services by the USG to eligible purchasers. The construction sales agreement and sales procedures generally parallel those of FMS and are usually implemented by the MILDEP civil engineering agencies.

The annual DOS Congressional Budget Justification (CBJ) projection for FMCS and actual FMCS sales are included in the FMS projections stated above.

### **Foreign Military Financing Program**

The Foreign Military Financing Program (FMFP) is an appropriated program administered by DSCA that has undergone a variety of substantive and terminological changes over the years. At present, the program consists of Congressionally appropriated grants and loans which enable eligible foreign governments to purchase US defense articles, services, and training through either FMS or direct commercial sales (DCS). Foreign military sales credit (FMSCR) is authorized under the provisions of Sections 23 and 24, AECA, and originally served to provide credit (loans) as an effective means for easing the transition of foreign governments from grant aid, e.g., Military Assistance Program (MAP) and International Military Education and Training (IMET), to cash purchases.

Prior to FY 1989, this financing program was variously identified as the Foreign Military Sales Credit Program or the Foreign Military Sales Financing Program. In the FY 1989 Foreign Operations Appropriations Act (FOAA), Congress introduced a new title, the FMFP, and the forgiven loan/forgiven

credit component of the program was identified as FMFP grants to distinguish them from repayable direct FMFP loans. Also, the terms non-repayable loans or non-repayable credits are often used by various security assistance organizations (including DSCA) in place of the term “FMFP grants.”

Beginning in FY 1992, the Federal Credit Reform Act of 1992 (P.L. 101-508) changed the method of accounting and budgeting for all government loans, including FMFP loans issued under the AECA. This legislation provides a more accurate portrayal of the true cost of loans by providing new budget authority only for the subsidy element of the loan program and is the basis for the establishment of two new financial accounts:

- The first contains only the FMFP grant portion of the program administrative costs
- The second account provides the budget authority needed to fund the subsidy element of the proposed loan programs

While there are previously authorized FMFP loans still being repaid to the USG, this loan element is seldom used; the FMFP grant element (no repayment) is the norm.

FMFP funding for FY 2012 is \$5.21 billion plus an additional \$1.102 billion for overseas contingency operations (OCO). The same FY 2012 FMFP figure was carried into FY2013. The FMFP request for FY 2014 was \$5.957 billion. All FMFP appropriations are grants.

## **Leases**

Chapter 6, AECA, authorizes the President to lease defense articles to friendly governments or international organizations for up to five years (renewable). This non-appropriated program is administered by DSCA. The law allows the lease of defense articles only for compelling foreign policy or national security reasons, and stipulates that the full cost of the lease, with some exceptions, must be borne by the recipient. Furthermore, leased articles must not be needed for US public use during the lease period, and the US retains the right to terminate the lease at any time. For the recipient country, leases may be cheaper than purchasing the article outright, and they provide a convenient vehicle for obtaining defense articles for temporary use. Leases are executed through a lease agreement, with an associated FMS case to cover repair, training, supply support and/or transportation, if required.

## **Military Assistance Program**

In FY 1990 the Military Assistance Program (MAP) was formally merged with the FMFP as Congress adopted an administration proposal for integrating all MAP grant funding into the appropriations account for the FMFP. This appropriated program was administered by DSCA. No MAP funds have been appropriated for subsequent fiscal years, and there is no interest in seeking any such funds for the future. This legislative change, therefore, had the dual effect of causing existing MAP-funded programs to lose their former identity and become FMFP-funded programs and establishing the FMFP as the major US financing program for the acquisition of US defense articles and services by foreign governments.

MAP continues to be identified as a current security assistance program because the MAP-provided articles remain throughout the world with the continued requirements for end-use monitoring (EUM), return to the USG when no longer needed, and any proceeds from a sale to a third country or scrapping being returned to the USG.

## **International Military Education and Training**

The International Military Education and Training (IMET) program provides grant financial assistance for training in the US and, in some cases, in overseas facilities to selected foreign military and civilian personnel. In earlier years, grant aid training of foreign military personnel was funded as part of the MAP appropriation. Starting with FY 1976, a separate authorization for IMET was

established in Section 541, FAA. This appropriated program is administered by DSCA. Although historically a relatively modest program in terms of cost, both the President and Congress attach significant importance to this program. The recipient countries, likewise, are heavily reliant on this grant program and, in many cases; this program serves as the only method to receive training from the US military.

At a time of declining defense and foreign aid budgets, IMET advances US objectives on a global scale at a relatively small cost. In many countries, having a core group of well-trained, professional leaders with firsthand knowledge of America will make a difference in winning access and influence for our diplomatic and military representatives. Thus, a relatively small amount of IMET funding will provide a return for US policy goals, over the years, far greater than the original investment.

In 1980, Section 644(m)(5), FAA, was amended to authorize IMET tuition costing in terms of the additional costs that are incurred by the USG in furnishing such assistance. Section 21(a)(1)(C), AECA, was also amended to allow IMET recipients to purchase FMS training on an additional cost basis. The practical effects of these changes were to substantially reduce tuition costs for IMET-funded students, and thereby increase the amount of training an eligible country can obtain with its IMET grant funds and through FMS purchases.

### ***Expanded IMET***

An IMET initiative was introduced in the FY 1991 Foreign Operations Appropriation Act (FOAA) when Congress adopted a Senate-proposed IMET earmark of \$1 million to be used exclusively for expanding courses for foreign officers as well as later for civilian managers and administrators of defense establishments. The focus of such training is on developing professional level management skills, with emphasis on military justice systems, codes of conduct, and the protection of human rights. Section 541, FAA, was amended to permit non-Ministry of Defense civilian government personnel to be eligible for this program, if such military education and training would:

- Contribute to responsible defense resource management
- Foster greater respect for and understanding of the principle of civilian control of the military
- Contribute to cooperation between military and law enforcement personnel with respect to counter-narcotics law enforcement efforts
- Improve military justice systems and procedures in accordance with internationally recognized human rights

This expanded IMET (E-IMET) program was further extended in FY 1993 to also include participation by national legislators who are responsible for oversight and management of the military. The E-IMET program authority was again amended in 1996 by P.L.104-164 to also include non-governmental organization personnel.

The amount of IMET appropriated for FY 2012 was \$105.788 million with no additional funding for OCO. A similar \$105.754 million was initially appropriated for the FY13 IMET program with the same level being requested for FY 2014.

### **Drawdowns**

During a crisis, Section 506, FAA, authorizes the President to provide USG articles, services, and training to friendly countries and international organizations at no cost, to include transportation, spares, and training. There is a \$100 million ceiling per fiscal year on articles, services, and training provided for military purposes and another fiscal year ceiling of \$200 million for articles, services and

training required for non-military purposes such as disaster relief, nonproliferation, anti-terrorism, counter-narcotics, refugee assistance, and Vietnam War-era missing in action/prisoners of war (MIA/POW) location and repatriation. When emergency support for peacekeeping operations is required, Section 552(c)(2), FAA, separately authorizes the President to drawdown up to \$25 million per fiscal year in USG articles and services from any agency. Special drawdown authorities have been annually legislated in the State Department and Foreign Operations Appropriation Acts (S/FOAA) to include \$30 million in support for the Yugoslav International Criminal Court. These are non-appropriated authorities are administered by DSCA when defense articles, services, or training from DOD are to be drawn down.

### **Economic Support Fund**

The Economic Support Fund (ESF) is authorized by chapter 4 of part II of the FAA. ESF is an appropriated program administered by the US Agency for International Development (USAID). This fund was established to promote economic and political stability in areas where the US has special political and security interests and where the US has determined that economic assistance can be useful in helping to secure peace or to avert major economic or political crises. ESF is a flexible economic instrument available on a grant basis for a variety of economic purposes, including balance of payments support, infrastructure, and other capital and technical assistance development projects. In earlier years, the ESF program included concessional (i.e., low interest rate) loan as well as grants; recently all ESF funds have been allocated as grant assistance. While a substantial amount of these ESF grants are used to provide balance of payments, the ESF also provides for programs aimed at primary needs in health, education, agriculture, and family planning. Where long-term political and economic stability is the primary concern, ESF finances projects that meet the basic needs of the poor.

The ESF appropriation for FY 2012 was \$3 billion with an additional \$2.761 billion for OCO. All ESF appropriations are grants. The ESF appropriation for FY 2013 was \$3.001 billion with an additional \$3.200 billion for OCO. The proposed ESF for FY 2014 is \$5.458 billion.

### **Peacekeeping Operations**

Peacekeeping Operations (PKO) is an appropriated program authorized by chapter 6 of part II of the FAA. For several years, PKO provided funds for the Multinational Force and Observers (MFO), which implemented the 1979 Egyptian-Israeli peace treaty, and the US contribution to the United Nations Force in Cyprus (UNFICYP). Subsequent funding has been provided to support peacekeeping efforts in the Balkans, East Timor, sub-Saharan Africa, and lately in the Darfur region of the Sudan, South Sudan, and Somalia.

### ***Global Peace Operations Initiative***

Global Peace Operations Initiative (GPOI), which has become the principal PKO program, was originally a Presidential initiative in coordination with other G-8 countries to increase the capacity of selected countries to deploy in support of international peacekeeping operations. It was envisioned as a five-year program (FYs 2005-2009) to train seventy-five thousand troops worldwide, with emphasis in the Africa region and building an African command headquarters capability. GPOI is to support the deployment of peacekeepers by providing equipment, transportation, training, and sustainment in the field. Remaining a DOS program requiring DOD support, GPOI subsumed the previous SA-funded PKO Africa Contingency Operations Training and Assistance (ACOTA) program and the FMFP-funded Enhanced International Peacekeeping Capabilities (EIPC) program. The ACOTA term is still used when referring to the Africa training component of GPOI. In October 2008, an US National Security Council (NSC) deputies committee approved a five-year extension of the GPOI program with added emphasis on sustainment and continued force equipping and training.

The FY 2012 PKO appropriation was for \$302.8 million with an additional \$81 million for OCO. PKO appropriations for FY 2013 was \$303 million with an additional \$81 million for OCO. The PKO request for FY 2014 is \$347 million. All PKO appropriations are grants managed by the DOS with significant support from DOD in implementation.

### **International Narcotics Control and Law Enforcement**

The International Narcotics Control and Law Enforcement (INCLE) program is an appropriated grant program administered by the DOS authorized by Section 481, FAA, to suppress the worldwide illicit manufacture and trafficking of narcotic and psychotropic drugs, money laundering, and precursor chemical diversion, and the progressive elimination of the illicit cultivation of the applicable crops. Recently, the elimination of related narco-terrorism has been included. This program can include the purchase of defense articles, services, and training. This is similar to the authorized and funded programs within DOD and the Departments of Justice and Homeland Security.

The FY 2012 appropriation for INCLE was \$1.061 billion plus \$983.6 million for OCO. For FY 2013 INCLE, \$1.061 billion was initially appropriated. The FY 2014 request for INCLE is \$1.474 billion.

### **Nonproliferation, Antiterrorism, Demining, and Related Programs**

Nonproliferation, Antiterrorism, Demining, and Related (NADR) programs are an appropriated series of grant programs administered by DOS. It is authorized by part II, chapters 8 and 9 of the FAA, and Section 504 of the FREEDOM Support Act, moreover, Section 23, AECA, for NADR focuses on demining activities, the clearance of unexploded ordnance, the destruction of small arms, border security, and related activities. Related defense articles, services, and training can be provided through this program. US funding support for the International Atomic Energy Agency and the Comprehensive Nuclear Test Ban Treaty Preparatory Commission is provided through this program. The DOD role in this program is that DOS can purchase demining, unexploded ordnance clearance, and anti-terrorism systems with this funding.

The FY 2012 appropriation for NADR funding was \$590.1 million plus an additional \$120.7 million for OCO. The FY2013 appropriation for NADR was initially 508.9 million with an additional \$120 million for OCO. The FY 2014 request is for \$616 million.

### **Direct Commercial Sales**

Direct Commercial Sales (DCS) are commercial exports of defense articles, services, and training licensed under the authority of Section 38, AECA, made by US defense industry directly to a foreign government. Unlike the procedures employed for FMS, DCS transactions are not administered by DOD and do not normally include a government-to-government agreement. Rather, the required USG controls are implemented through licensing by the Directorate of Defense Trade Controls (PM/DDTC) in the DOS. The day-to-day rules and procedures for these types of sales are contained in the *International Traffic in Arms Regulations* (ITAR) [22 CFR 120-130].

Of note, not all license approvals will result in signed contracts and later actual deliveries. Like FMS, DCS deliveries are likely to take place years after the commercial contract is signed and the export license is obtained by US industry from PM/DDTC.

### **Other Security Assistance Programs**

While these two programs are not identified by DSCA in the SAMM as one of the twelve security assistance programs, they are very much related to the duties of the security assistance community, both in the US and recipient foreign governments.

### *Excess Defense Articles*

Excess defense articles (EDA) identified by the MILDEP or DOD agency are authorized for sale using the FMS authority in Section 21, AECA, and FMS processes identified within the SAMM for property belonging to the USG. Prices range from five to fifty percent of original acquisition value, depending on the condition of the article.

Additionally, Section 516, FAA, authorizes the President to transfer EDA on a grant basis to eligible countries (annually identified within a joint DOD/DOS letter to Congress). While EDA can be transferred at no-cost, the recipient must typically pay for any transportation or repair charges. Under certain circumstances, transportation charges may be waived, with the cost absorbed by DOD appropriated funds.

### *Third-Country Transfers*

Section 3(d), AECA, authorizes the President to manage and approve the transfer of US-origin defense articles from the original recipient country to a third country. Requests for third-country transfers are normally approved if the USG is willing to conduct a direct transfer to the third country. Third-country transfer authority to countries must be obtained in writing from the DOS in advance of the proposed transfer. This applies to all US-origin defense articles regardless of the method of original transfer from the USG or US industry.

## **SECURITY COOPERATION**

Though not delineated in any one source, the following is a categorized list of DOD-authorized security cooperation programs, with a brief description and references for each program. It should be noted that the previously described seven FAA and AECA-authorized security assistance programs administered by DOD in accordance with the SAMM also fall under the broad definition of security cooperation. The seven categories of security cooperation programs are detailed below as follows:

- Security assistance administered by DOD
- Global train and equip
- International armaments cooperation
- Humanitarian assistance
- Training and education
- Combined exercises
- Contacts

Another method of identifying the difference between security assistance and security cooperation is the source of authority within the United States Code (U.S.C.) for the program. The U.S.C. is the codification of the general and permanent US laws divided into over fifty titles by subject matter. US foreign relations, to include FAA and AECA security assistance, are addressed in 22 U.S.C., or Title 22. The US armed forces, to include DOD security cooperation, are addressed in 10 U.S.C., or Title 10. However, it should be noted that certain DOD security cooperation program authorities are also with 22 U.S.C. as security assistance.

## **Security Assistance administered by DOD as Security Cooperation**

This includes the seven security assistance programs previously identified and described above plus EDA. These programs are authorized by either the Foreign Assistance Act (FAA) (22 U.S.C. 2151, et. seq.) or the Arms Export Control Act (AECA) (22 U.S.C. 2751, et. seq.).

- Foreign military sales (FMS)
- Foreign military construction services (FMCS)
- Foreign military financing program (FMFP)
- Leases
- Military assistance program (MAP)
- International military education and training (IMET)
- Drawdowns
- Excess defense articles (EDA)

## **Global Train and Equip**

### ***Train and Equip Afghanistan Security Forces***

Title IX, Overseas Contingency Operations, DOD Appropriations Act, 2012, P.L. 112-74, 23 December 2011, appropriated \$11.2 billion in DOD funds for the Afghanistan Security Forces Fund (ASFF). The FY 2013 appropriation was \$5.124 billion. The FY 2014 appropriation is projected to be \$6.227 billion. This program is intended to provide defense articles and services to the Afghanistan security forces. These transfers are often, but not always, implemented using pseudo LOA case procedures requiring advance DOS concurrence and congressional notification. The Iraq Security Forces Fund (ISFF) did not receive DOD funding assistance during FY 2012. Instead, funding assistance was provided from DOS S/FOAA FY 2012 FMFP, ESF, INCLE and IMET security assistance funds. However, Iraq is also using country cash for both FMS and DCS.

### ***“1206” Building Partner Capacity of Foreign Militaries***

Beginning in FY 2006, up to \$350 million in DOD funding may be used annually to equip, supply, and train foreign military forces (including maritime security forces) to conduct counter-terrorism operations, or participate in or support military and stability operations in which US forces are participating. Beginning with FY 2014, the “1206” program may also fund the equipping and training of foreign security forces to conduct counterterrorism operations. Any country prohibited by law from receiving such assistance may not receive such assistance. This program was initially authorized by Section 1206, NDAA, FY 2006, P.L.109-163, 6 January 2006, as amended. This annual “1206” authority for individual programs is to be notified to Congress fifteen days prior to implementation, with the funds to be obligated prior to the end of the subject fiscal year. This short time requirement places significant pressure on the MILDEP acquisition agencies for execution. Recipient countries are to provide follow-on sustainment for any 1206-provided systems. Unless justified by both Secretaries of State and Defense to Congress, FMFP funding is not to be used for the later sustainment of 1206-provided systems. Pseudo LOA case procedures are used for the implementation and management of this program.

This program is managed by DSCA and the MILDEPs in support of Assistant SecDef for Special Operations and Low Intensity Conflict [ASD (SOLIC)] and the applicable CCMDs; with requests often initiated by the SCO. Both the Secretaries of Defense and State must concur with proposed programs prior to notifying Congress. DODI 5111.19, Section 1206 Global Train-and-Equip Authority, 26 July

2011, provides DOD policy and responsibilities for the “1206” program. Legislative proposals have regularly sought to raise the 1206 cap and permanently codify the authority within Title 10 U.S.C. Originally a two year pilot program, this program is currently authorized through FY 2017.

### ***“1208” Support of Foreign Forces Participating in Operations to Disarm the Lord’s Resistance Army***

Section 1206, NDAA, FY 2012, P.L.112-81, 31 December 2011, originally authorized SecDef, with SecState concurrence, to provide logistics support, supplies, and services for foreign forces, to include the national military forces of Uganda, and other countries determined by SecDef, with concurrence of SecState, participating in operations to mitigate and eliminate the threat posed by the Lord’s Resistance Army (LRA). The amount of such support was not to exceed \$35 million annually during FYs 2012 and 2013. This same LRA authority is now Section 1208, NDAA, FY 2014, P.L.113-66, 26 Dec 2013, to expire at the end of FY2017. Congress is to be notified of determined eligible countries for such support and fifteen days prior to obligation of any funds for such support. Except in self-defense or for rescue operations, no US military, civilian, or contractor personnel are to engage in combat operations in the conduct of this support program.

### ***“1207” Global Security Contingency Fund***

Section 1207, NDAA, FY 2012, P.L.112-81, 31 December 2011, authorizes the establishment and funding of the Global Security Contingency Fund (GSCF) for either DOD or DOS to provide assistance to countries designated by SecState, with the concurrence of SecDef, for the following purposes.

- For a country’s national military and other national security forces, as well as the government agencies responsible for such forces, to enhance the capabilities to conduct border and maritime security, internal defense, and counterterrorism operations, and to participate in or support military, stability, or peace support operations consistent with US foreign policy and national security interests.
- For the justice sector (including law enforcement and prisons), rule of law programs, and stabilization efforts in a country. In cases in which SecState, in consultation with SecDef, determines that conflict or instability in a country or region challenges the existing capability of civilian providers to deliver such assistance.

Any such assistance programs are to be jointly formulated by DOD and DOS with the approval of SecState and the concurrence of SecDef. Any provided assistance may include equipment, supplies, and training.

Not more than \$200 million in DOD O&M may be transferred to the GSCF in any one fiscal year. Section 8089, DOD Appropriations Act for FY 2012, P.L.112-74, 23 December 2011, authorizes the transfer of up to \$200 million in DOD O&M to the GSCF. Likewise, Section 8004, S/FOAA for FY 2012, P.L.112-74, 23 December 2011, authorizes the transfer of up to \$50 million in funding from INCLE, FMFP, or the Pakistan Counterinsurgency Capability Fund to the GSCF. Congress is to be notified prior to any such authorized transfer of funds by DOD or DOS to the GSCF.

Not less than fifteen days prior to initiating any GSCF activity, SecState, with SecDef concurrence, shall notify Congress and provide subsequent annual status reports of the activities. Any activity is to be not less than 20 percent funded by DOS with not more than 80 percent to be funded by DOD. This authority is currently to expire at the end of FY 2015.

### ***“1203” Building the Capacity of Certain Counterterrorism Forces in Yemen and East Africa***

A GSCF transitional authority has been provided to SecDef, with the concurrence of SecState, to provide equipment, supplies, training, and minor military construction during FYs 2013 and 2014 as follows:

- To enhance the capacity of the national military forces, security agencies serving in a similar defense function, and border security forces of Djibouti, Ethiopia, and Kenya to conduct counterterrorism operations against al-Qaeda, any al-Qaeda affiliates, and al Shabaab.
- To enhance the capacity of national military participating in the African Union Mission in Somalia to also conduct counterterrorism operations against the same terrorist groups.
- To enhance the ability of the Yemen Ministry of Interior (MOI) counterterrorism forces against al-Qaeda and any affiliates in the Arabian Peninsula.

This two-year authority requires a fifteen-day notification to Congress prior to any obligation for such assistance. This transitional authority expires on which date is earlier: either the date in which SecState determines all necessary guidance and procedures for the overall GSCF program are in place and fully operational, or on 30 September 2014.

Funding within this “1203” transitional authority is not to exceed \$75 million each fiscal year for Djibouti, Ethiopia, Kenya, and the African Union Mission in Somalia and not to exceed \$75 million each fiscal year for the Yemen MOI.

### ***“1204” Authority to Conduct Activities to Enhance the Capability of Foreign Countries to Respond to Incidents Involving Weapons of Mass Destruction***

Section 1204, NDAA, FY 2014, P.L.113-66, 26 December 2013, authorizes SecDef with the concurrence of SecState to provide assistance to the military and civilian first responder organizations of countries that share a border with Syria in order to enhance the capability of such countries to respond effectively to potential incidents involving weapons of mass destruction in Syria and the surrounding region. The assistance may include training, equipment, and supplies.

Funding for such assistance is to be derived from O&M funding authorized for appropriation to the Defense Threat Reduction Agency (DTRA). Congress is to be notified if assistance is anticipated to exceed \$4 million in a fiscal year. This authority for assistance is not to be exercised after 30 September 2017.

### ***Pakistan Security Cooperation***

Title VIII, S/FOAA for FY 2012 , Overseas Contingency Operations, P.L.112-74, 23 December 2011, authorized and appropriated \$850 million for the Pakistan Counterinsurgency Capability Fund (PCCF) with the funds to remain available to the secretary of state (SecState) through FY 2013. SecState, with the concurrence of the SecDef, is to use the PCCF for the purpose of providing FAA/AECA assistance for Pakistan to build and maintain the counterinsurgency capability of Pakistan security forces to include the Frontier Corps. These funds may be transferred to other USG agencies for such authorized purposes. Beginning in FY2013, no new funding has been appropriated for PCCF.

Title III, Supplemental Appropriations Act, 2009, P.L. 111-32, 24 June 2009, earlier authorized and appropriated \$400 million for the Pakistan Counterinsurgency Fund (PCF) with the funds to remain available to the Secretary of Defense (SecDef) through FY 2012. SecDef, with the concurrence of SecState, is to use the PCF for the purpose of providing assistance to the Pakistan security forces. Division A, Title IX, DOD Appropriations Act for FY 2011, P.L. 112-10, 15 April 2011, appropriated an additional \$800 million for the DOD PCF to remain available through FY 2012. DOD/DSCA uses

the pseudo FMS LOA process to implement and manage the PCF assistance program, which would also include any DOS PCCF funding transferred to the DOD PCF program.

The Enhanced Partnership with Pakistan Act (EPPA) of 2009, P.L.111-73, 15 October 2009, authorized the appropriation of \$1.50 billion annually during FY 2010–FY 2014 for FAA-authorized assistance for Pakistan. P.L.111-73 likewise authorized unspecified amounts of FMFP and IMET annually during FY 2010–FY 2014 for Pakistan assistance to include defense articles, services, and training for activities relating to counterinsurgency and counterterrorism operations.

### ***“1208” Support of Special Operations to Combat Terrorism***

Section 1208, NDAA, FY 2005, P.L. 108-375, 28 October 2004, as amended, originally authorized the SecDef to expend up to \$25 million in DOD funding annually to support foreign forces, irregular forces, groups, or individuals engaged in supporting or facilitating ongoing operations by US special operations forces in combating terrorism. This authority is not to be delegated below the SecDef and requires the concurrence of the relevant US chief of mission. This “1208” authority is now \$50 million annually through FY 2015.

### ***Non-Conventional Assisted Recovery Capabilities***

Section 943, NDAA, FY 2009, P.L.110-417, 14 October 2008, as amended, authorized the use of DOD operations and maintenance (O&M) funding not to exceed \$20 million annually through FY 2015 by a CCMD to establish, develop, and maintain a capability to recover DOD or US Coast Guard (USCG) military or civilian personnel or other individuals who, become separated or isolated and cannot rejoin their units during US military operations. Procedures for establishing this capability are to be developed by the SecDef. Concurrence of the relevant chief of mission and a thirty-day Congressional notification prior to implementation are required. The authority may, in limited and special circumstances, include providing support to foreign forces, irregular forces, groups, or individuals.

### ***Acquisition and Cross-Servicing Agreements***

Acquisition and cross-servicing agreements (ACSA) are initiated and negotiated by a CCMD to allow US logistics support of a military unit of another country. Lethal significant military equipment (SME), or support reasonably available from US commercial sources are not be provided under an ACSA. The Joint Staff (OJCS), OSD, and DOS, to include a thirty day advance notification to Congress, must approve the proposal before the agreement is negotiated and concluded by the CCMD. The authority for an ACSA is 10 U.S.C. 2341-2350, with procedures provided in DODD 2010.9.

Using the ACSA process, Section 1202, NDAA, FY 2007, P.L.109-364, 17 October 2006, as amended, further authorizes the loan for up to one year of certain categories of SME defense articles to countries participating in coalition operations in Afghanistan, or for peacekeeping operations. This “1202” authority is limited to US Munitions List (USML) Categories I, II, III, VII, XI, and XIII defense articles. This authorization was recently extended through 31 December 2014. It must be determined by the Secretaries of State and Defense that it is in the US national security interest to provide this loan and there are no unfilled US in-theater requirements for the loaned articles.

### ***Air Transportation and Air Refueling Services (ATARES) Program***

Section 1276, NDAA, FY2013, P.L.112-239, 2 January 2013, authorizes DOD participation by international agreement with the Movement Coordination Centre Europe ATARES program amounting to the reciprocal exchange of air transportation and refueling services. This is to be conducted on a reimbursable or replacement-in-kind basis to be reconciled not less than every five years. This authority is to expire at five years from the date of the implementing agreement. US flight hours are not to exceed 500 hours and refueling flight hours are not to exceed 200 hours.

### ***No-Cost Transfer of Defense Articles to Afghanistan***

Section 1222, NDAA, FY 2013, P.L.112-239, 2 January 2013, as amended, authorized the transfer of defense articles to Afghanistan before 31 December 2014. The value of the total transfer is not to exceed \$250 million in replacement value per fiscal year. The articles must have been present in Afghanistan on 2 January 2013, have been in use in support of operations in Afghanistan, and are no longer required by US forces in Afghanistan. Any transfer requires the concurrence of the SecState and a fifteen day advance notification to Congress. This authority is in addition to the Section 516, FAA, grant EDA authority.

### ***Support of Coalition Forces in Combined Operations***

Section 1201, NDAA, FY 2008, P.L.109-364, 17 October 2006, provided for a new 10 U.S.C. 127(d), authorizing up to \$100 million annually in DOD logistics, supply, and services to allied forces to support their participation in combined operations.

### ***“1233” Coalition Support Fund (CSF)***

Section 1233, NDAA, FY 2008, P.L.110-181, 28 January 2008, as amended, authorizes the use of DOD funding through FY 2014 to reimburse key allies in support of overseas contingency operations. DOD O&M funding of \$1.5 billion is authorized for this program but the not more than \$1.2 billion of this total can be used for reimbursement of Pakistan.

The portion of this CSF that authorizes the transfer of defense equipment, training, and supplies as reimbursement is entitled the Coalition Readiness Support Program (CRSP) and is implemented DOD/DSCA using pseudo LOA case procedures requiring a fifteen-day advance notification to Congress.

### ***“1207” Assistance to the Government of Jordan for Border Security Operations***

Section 1207, NDAA, FY 2014, P.L.113-66, 26 December 2013, authorizes the DOD use of \$150 million in FY 2014 CSF funding for assistance to Jordan for the purposes of supporting and maintaining efforts of Jordan armed forces to increase security and sustain increased security along the border between Jordan and Syria. No assistance is to be provided after 31 December 2015. The concurrence of SecState and a fifteen-day advance congressional notification are required.

### ***“1234” Logistical Support for Coalition Forces Supporting US Military Operations in Afghanistan***

Section 1234, NDAA, FY 2008, P.L.110-181, 28 January 2008, as amended, authorizes SecDef to provide up to \$450 million in FY2014 O&M funding for the provision of supplies, services, transportation (to include airlift and sealift), and other logistical support to coalition forces supporting the US military operations in Afghanistan. Export control laws are to apply. It must also be determined by SecDef that the supported coalition forces are essential to the success of a US military or stabilization operation and the coalition forces would not be able to participate without the provision of such support.

### ***Train and Equip Foreign Personnel to Assist in Accounting for Missing US Government Personnel***

Section 1207, NDAA, FY 2008, P.L.110-181, 28 January 2008, provided a new 10 U.S.C. 408 authorizing up to \$1 million in DOD funding annually to provide training and equipment, with the specific approval of the SecState, to any country willing to assist DOD with accounting for and recovery of missing USG personnel.

### ***“1004” DOD Assistance for US and Foreign Counternarcotics Law Enforcement Agencies***

Section 1004, NDAA, FY 1991, P.L. 101-510, 5 November 1990, as amended, authorizes counter-narcotics support to US and foreign counterdrug agencies, to include providing defense services and training in support of DOD-loaned equipment. Pseudo LOA procedures can be used by DOD agencies to provide support as required to the ASD (SOLIC). This “1004” authority is currently extended through FY 2014.

### ***“1033” DOD Assistance for Counternarcotics Activities by Certain Countries***

Section 1033, NDAA, FY 1998, P.L.105-85, 18 November 1997, as amended, authorizes DOD to provide counterdrug patrol boats, non-lethal protective and specialized equipment, non-lethal components and parts, and maintenance, repairs, and upgrade services of equipment used for counternarcotics. Pseudo LOA case procedures can likewise be used in this additional support of ASD (SOLIC) directed activities (SAMM, C11.3). This “1033” authority is currently extended through FY 2016 with \$100 million in total DOD annual funding authorized for now thirty-nine specified countries. Countries authorized such assistance include:

Afghanistan	Ghana	Mexico
Armenia	Guatemala	Nicaragua
Azerbaijan	Guinea	Niger
Belize	Guinea-Bissau	Nigeria
Benin	Honduras	Panama
Bolivia	Ivory Coast	Pakistan
Cape Verde	Jamaica	Peru
Chad	Kazakhstan	Senegal
Colombia	Kyrgyzstan	Sierra Leone
Dominican Republic	Liberia	Tajikistan
Ecuador	Libya	Togo
El Salvador	Mauritania	Turkmenistan
The Gambia	Mali	Uzbekistan

### ***“1021” Unified Counter-Drug and Counter Terrorism Campaign in Colombia***

Section 1021, NDAA, FY 2005, P.L.108-375, 28 October 2004, as amended, authorizes DOD to fund assistance to Colombia in support of unified counternarcotics and counterterrorism. This authority currently is through FY 2014. This “1021” authority also prohibits combat activities by US military or civilian personnel or US citizen contractors, except for self-defense or during rescue operations.

### ***“1022” Joint Task Force to provide Support to Law Enforcement Agencies conducting Counterterrorism Activities***

Section 1022, NDAA, FY 2004, P.L.108-136, 24 November 2003, as amended, authorizes a DOD joint task force to support counterterrorism law enforcement agencies through FY 2015.

### **International Armaments Cooperation**

The following provides an overview of International Armaments Cooperation programs with more in depth discussion to be provided in chapter 13, “Systems Acquisition and International Armaments Cooperation.” The Office of International Cooperation within the Under SecDef for Acquisition, Technology, and Logistics [USD (AT&L)] organization provides DOD coordination with the various

military department and applicable defense agencies in the funding and management of international armaments cooperation. The CCMDs and applicable SDO/DATTs will provide any representation and coordination required in-country for armaments cooperation programs.

### ***Information Exchange Program***

10 U.S.C. 2358 authorizes the DOD acquisition community to enter into international agreements for the reciprocal exchange of research and development (R&D) data with a country, with the goal of saving both DOD R&D funding and time in the US research-development, test, and evaluation (RDT&E) process. The OSD administrator for this program is USD (AT&L), with the MILDEP and DOD agency acquisition communities being the implementers.

### ***Exchange of Engineers and Scientists***

Section 1082, NDAA, FY 1997, P.L.104-201, 23 September 1996, authorizes the DOD acquisition community, among others, to enter into international agreements for the reciprocal exchange of engineers and scientists (ESEP) for cooperative research and training. It is not to be an information collection program. USD (AT&L) provides oversight to this program with the MILDEP and DOD agency acquisition communities being the implementers.

### ***Foreign Comparative Testing***

10 U.S.C. 2360(a) authorizes the DOD acquisition community to enter into international agreements for the test and evaluation of operational weapons systems from other countries to determine if the foreign weapon system is a candidate for US acquisition. Again, the USD (AT&L) provides oversight to this program, with the MILDEPs and DOD agencies being the implementers.

### ***Cooperative Research, Development, Test, Evaluation and Production***

Section 27, AECA, authorizes the DOD acquisition community to enter into international agreements with countries for the mutually beneficial development and possible production of weapons systems. USD (AT&L) provides the general oversight for this complex program with other countries. The Nunn Amendment provided the initial authority and funding for this cooperative program with NATO allies. The Quayle Amendment later expanded the Nunn Amendment to include Australia, Japan, and South Korea, referring to them as major non-NATO allies. P.L.99-661 later further expanded eligibility for this program beyond the NATO and major non-NATO allies to include other friendly countries.

### ***No-Cost Equipment Loans***

Section 65, AECA, authorizes the loan of a US defense article by international agreement at no-cost to a country for the expressed purpose of furthering a cooperative RDT&E program. Again, this program is managed within the DOD acquisition community by USD (AT&L).

### ***Cooperative Threat Reduction (CTR) Program***

Sometimes referred to as the Nunn-Lugar program, its goals are elimination and the safe and secure transportation and storage of nuclear, chemical, and other weapons of mass-destruction in the republics of the former Soviet Union. This program was first authorized by NDAA, FY 1991, P.L.101-510, 5 November 1990, and has continued each fiscal year since. The program has expanded to selected countries outside of the former Soviet Union region and includes the control of conventional weapons. USD (AT&L) management overseas is performed by Defense Threat Reduction Agency (DTRA) assigned personnel.

Title II, DOD Appropriations Act, FY 2012, P.L.112-74, 23 December 2011, appropriated \$508 million in DOD funding for this purpose during FY 2012 to remain available through FY 2014.

### ***Israeli Cooperative Programs***

For several years, DOD has been given annual authority and funding for the development and production of various Israeli missile defense systems both in the US and in Israel. Section 8070, DOD Appropriations Act, FY 2013, P.L. 113-4, 26 March 2013, provides \$480 million in DOD FY 2013 research, development, test, and evaluation and procurement funding for continued support of the Arrow missile defense program and for the short range ballistic missile defense (SRBMD) program, the upper-tier component to the Israeli missile defense architecture, Iron Dome, and the Arrow system improvement program.

### ***International Air and Trade Shows***

Section 1082, NDAA, FY 1993, P.L.102-484, 6 October 1992, authorized DOD support of air and trade shows with the requirement for DODI 7230.08, *Leases and Demonstration of DOD Equipment*, 2 January 2009, governing DOD support of shows. USD (P) must approve with recommendations from the applicable CCMD and chief of mission (COM). A forty-five-day advance congressional notification is also required. US industry may lease equipment from DOD but compensate for any costs.

### **Humanitarian Assistance**

These programs were the first DOD-funded programs to be administered by DSCA under the conception of security cooperation. It should be noted that the DOS has parallel programs generally managed by USAID in response to any requests by the affected US embassy responding to country requirements. Much of this assistance is provided in coordination with the US embassy, the CCMD, DOS, USAID, and US Transportation Command (USTRANSCOM). Title II, Operations and Maintenance, DOD Appropriations Act, FY 2013, P.L.113-6, 26 March 2013, initially appropriated \$109 million for FY 2013 for expenses related to DOD Overseas Humanitarian, Disaster, and Civic Aid (OHDACA) programs. Requests for OHDACA funds for any of these programs generally begin in country with the SCO and are consolidated and prioritized at the CCMD, and then forwarded to DSCA for any required coordination with DOS/USAID and the military departments. DOS and USAID annually receive even more funding for overseas humanitarian, disaster, and migration assistance programs.

### ***Humanitarian and Civic Action during Military Operations***

10 U.S.C. 401 authorizes military forces to carry out humanitarian and civic action (HCA) projects and activities in conjunction with military operations. The CCMD nominates such action for OSD staffing primarily within USD (P) and DSCA for approval and funding. DODD 2205.2 and SAMM, C12, provide policy guidance and DOD component responsibilities for the DOD HCA program.

### ***Humanitarian Assistance Transportation***

10 U.S.C. 2561 authorizes DOD to fund transportation of humanitarian relief worldwide for non-profit, non-government (NGOs), and private volunteer organizations. SAMM, C12.7, provides guidance.

10 U.S.C. 402 authorizes DOD to transport on a space-available basis, humanitarian relief supplies furnished by a non-government organization. SAMM, C12.7.4.2, provides guidance. This program is often referred to as the Denton Program.

### ***Foreign Disaster Relief***

10 U.S.C. 404 authorizes DOD to assist countries responding to man-made or natural disaster when necessary to prevent the loss of life. This program enables the CCMDs to respond quickly and effectively to disasters in their area of operations and to manage the humanitarian dimensions of security crises. The CCMDs engage in foreign disaster relief and emergency response (FDR/ER) activities only when directed by the President, with the concurrence of the SecState, and in emergency situations to

save lives. DOD is routinely in support of USAID and the COM during the conduct of FDR operations. Activities may include services and supplies, logistical support, search and rescue, medical evacuation, and refugee assistance. The FDR/ER program allows for the delivery of humanitarian daily rations (HDR) for use in foreign countries to alleviate hunger after man-made or natural disasters. SAMM, C12.9 provides guidance.

### ***Humanitarian Daily Rations***

10 U.S.C. 2561 authorizes DOD funding and provision of low cost, nutritional, easily deliverable, daily rations for alleviating hunger in countries after a man-made or natural disaster. SAMM, C12, provides guidance.

### ***Excess Property Humanitarian Assistance***

10 U.S.C. 2557 authorizes DOD to provide excess non-lethal supplies to foreign governments and civilian organizations for humanitarian relief purposes when requested by the US embassy. DOD processes, refurbishes, stores, and transports the property to the country for distribution by the US embassy. SAMM, C12.6, provides guidance.

### ***Humanitarian Demining Assistance***

10 U.S.C. 407 authorizes DOD in conjunction with military operations to assist countries in the detection of land mines, and to train partner nations in the procedures of land mine clearance, mine risk education, and victim assistance. Section 1092, P.L.112-81, 31 December 2011, NDAA, FY 2012, amended 10 U.S.C. 407 to include training and support in the disposal, demilitarization, physical security, and stockpile management of potentially dangerous conventional munitions. The Humanitarian Demining Assistance (HDA) program also develops indigenous leadership and organizational skills to sustain the effort after the departure of US trainers. Except for the concurrent purpose of supporting US military operations, no DOD personnel may engage in the physical detection, lifting, or destruction of land mines.

10 U.S.C. 407 authorizes the annual use of \$10 million by DOD for humanitarian mine action activities. SAMM, C12.8, provides guidance regarding this Humanitarian Mine Action (HMA) program. DSCA manages the US training program through the US Army's Humanitarian Demining Training Center at Fort Leonard Wood, Missouri.

### ***Commander's Emergency Response Program***

The purpose the Commander's Emergency Response Program (CERP) is to enable field commanders in Afghanistan to respond to urgent humanitarian relief and reconstruction requirements. Section 1221, NDAA, FY 2013, P.L.112-239, 2 January 2013, as amended, authorizes \$60M in DOD operations and maintenance (O&M) funding for use in CERP activities in Afghanistan during FY 2014.

### ***"1216" Reintegration Activities in Afghanistan***

Section 1216, NDAA, FY 2011, P.L.111-383, as amended, authorizes SecDef, with SecState concurrence, develop and support the reintegration of former terrorists into the Afghanistan society. Up to \$25 million in annual DOD O&M funding is authorized for such use with no funds to be used after 31 December 2014.

## ***“1217” Afghanistan Infrastructure Fund***

Section 1217, NDAA, FY 2011, P.L.111-383, as amended, authorizes the DOD and DOS joint development of an infrastructure projects program in support of the counterinsurgency strategy in Afghanistan to be undertaken by SecState, unless both secretaries jointly decide a project will be undertaken by DOD. Such projects may include, but are not limited to, water, power, and transportation projects, and related maintenance and sustainment costs. Any funds transferred by DOD to DOS for any project shall be considered to be FAA-authorized economic assistance. A fifteen-day notification to Congress is required prior to any funds transfer or any obligation.

For FY 2013, \$250 million of DOD O&M is authorized for AIF to remain available through FY2015.

## **Training and Education**

### ***Regional Defense Combating Terrorism Fellowship Program***

The regional defense Combating Terrorism Fellowship Program (CTFP) was established in 2002 first with DOD funding, later with DOD authorizations, and now codified as 10 U.S.C. 2249c. The purpose of the program is to help key partner nations cooperate with the US in the fight against international terrorism by providing education and training on a grant basis to foreign military and civilian personnel. The objective is to bolster the capacity of friends and allies to detect, monitor, interdict, and disrupt the activities of terrorist networks, ranging from weapons trafficking and terrorist-related financing to actual operational planning by terrorist groups. ASD (SOLIC) is the OSD manager of CTFP, in coordination with the CCMDs. The day-to-day administration of the program is performed by DSCA. Originally, \$20 million was appropriated to DOD for CTFP. The management of quotas by the SCO, CCMD, and military departments is very similar to that of IMET. Section 1204, NDAA, FY 2007, P.L.109-364, 17 October 2006, amended the annual funding authority to \$25 million. Later, Section 1214, NDAA, FY 2009, P.L. 110-417, 14 October 2008, amended the authorized annual funding level to the current level of \$35 million.

### ***DOD Regional Centers for Security Studies***

Title 10 authorities and DOD appropriations funded the development of five regional centers for security studies (RCSS). The centers serve as a mechanism for communicating US foreign and defense policies to international students, a means for countries to provide feedback to the US concerning these policies and communicating country policies to the US. The regional centers' activities include education, research, and outreach. They conduct multi-lateral courses in residence, seminars within their region, and conferences that address global and regional security challenges, such as terrorism and proliferation. Participants are drawn from the civilian and military leadership of allied and partner nations. Security assistance funding is not used to pay for the centers or the students attending them. However, under certain circumstances, DOD funds may be used to fund foreign attendance at the centers. The USD (P) in coordination with the relevant CCMD provides oversight for the five centers. DODD 5200.41 provides policy and management guidance. Beginning in FY 2006, DSCA began administering the DOD centers under the direction of the USD (P). The five centers are:

- Africa Center for Strategic Studies (ACSS), located at the National Defense University in Fort McNair, Washington, DC was established in 1999.
- Asia-Pacific Center for Security Studies (APCSS), located in Honolulu, Hawaii, was established in 1995.
- Center for Hemispheric Defense Studies (CHDS), located at the National Defense University in Fort McNair, Washington, DC was established in 1997.

- George C. Marshall European Center for Security Studies (MC), located in Garmisch, Germany, was established in 1993.
- Near-East South Asia Center for Strategic Studies (NESA Center), located at the National Defense University in Fort McNair, Washington, DC was established in 2000.

Section 904, NDAA, FY 2007, P.L.109-364, 17 October 2006, finally codified the authority for these regional centers with a new 10 U.S.C. 184.

### ***Military Academies***

The military department (MILDEP) secretaries each may provide up to sixty quotas at any one time to foreign military students to attend the three military academies. Unless otherwise approved, not more than three students from any one country may be enrolled at a single academy. In addition to determining eligible countries at the end of June prior to the school year, the USD (P) may waive all or any part of the requirement to reimburse any cost for attendance. These programs are not considered security assistance. Once approved, invitations to submit applications to attend the academies are extended at the end of August prior to the upcoming school year by the applicable superintendents through the USDAOs. DODD 1322.22, *Service Academies*, 20 September 2011, applies. The authorities for attending the military academies are:

- 10 U.S.C. 4344(a)(1) for the US Military Academy
- 10 U.S.C. 6957(a)(1) for the US Naval Academy
- 10 U.S.C. 9344(a)(1) for the US Air Force Academy

### ***Military Academy Student Exchanges***

By international agreement, the MILDEP secretaries each may authorize up to one hundred students annually to participate in the reciprocal exchange of cadets to attend the appropriate military academies. The sixty-student enrollment restriction imposed by DODD 1322.22 does not apply to students participating in exchange programs of up to two semesters in duration. The authorities for this exchange program are:

- 10 U.S.C. 4345 for the US Military Academy
- 10 U.S.C. 6957a for the US Naval Academy
- 10 U.S.C. 9345 for the US Air Force Academy

International travel costs are to be funded by the participating countries while other costs may be funded by the US to the extent comparable to the support normally provided by the academy to US cadets. Expenditures for this exchange provide may not exceed \$1 million annually for each academy.

### ***US Coast Guard Academy***

14 U.S.C. 195 authorizes not more than thirty-six internationals may receive instruction at the US Coast Guard Academy and, unless waived, the applicable country must reimburse all costs for the attendance for education.

### ***Electronic Distribution of Training Material***

Section 1205, NDAA, FY 2009, P.L.110-417, 14 October 2008, provided a new 10 U.S.C. 2249c authorizing DOD, with the concurrence of DOS, to provide electronically distributed learning content for the education and training for the development and enhancement of allied and friendly military and civilian capabilities for multinational operations and exercises.

This is to include computer-based training, advanced distributed training, and computer-assisted training. Participation is limited to personnel only with the permission of the applicable government.

### ***Aviation Leadership Program***

10 U.S.C. 9381-9383 authorizes the Secretary of the Air Force (SAF) to provide undergraduate pilot training and any necessary related training to include language training to students from friendly, less-developed countries. Though aviation leadership program (ALP) students are to be managed and priced as if in the IMET program, IMET funds are not to be used. Any training costs to include actual cost of the training and subsistence are to be incurred by the USAF. DODI 2010.12 provides guidance to SAF, DSCA, and the CCMDs for ALP eligibility and implementation.

### ***Latin America Training Waiver***

10 U.S.C. 1050 authorizes the waiving of training and education costs for a Latin American student to attend a US military training institution. The applicable MILDEP will absorb the waived costs.

### ***African Cooperation***

Section 1204, NDAA, FY 2011, P.L.111-383, 7 January 2011, provided a new 10 U.S.C. 1051a for the payment of personnel expenses in support of US Africa Command. DOD or the MILDEPs may pay the travel, subsistence, and special compensation of officers and students of African countries plus any other expenses DOD considers necessary for African cooperation.

### ***Distinguished Visitor Orientation Tours***

Section 636(g)(2), FAA, authorizes reimbursement from the annual S/FOAA of actual expenses of US military officers detailed as tour directors during distinguished visitor orientation tours (DVOT) by foreign military and related civilian personnel.

### ***Reciprocal Professional Military Education Student Exchanges***

Section 544(a), FAA, authorizes by international agreement no-cost, reciprocal professional military education (PME) student exchanges. PME usually includes attendance at the MILDEP leadership and management education institutions but not to include the service academies. The US participant in this program will attend the equivalent institution in the foreign country and be administratively supported by either the local DAO or SCO.

### ***Reciprocal Flight Student Exchanges***

Section 544(b), FAA, authorizes by international agreement no-cost, reciprocal flight training, to include test pilot schools, training student exchanges. This may include military or civilian defense personnel. Again, the US students in a country may be administratively managed by either the DAO or SCO.

### ***Flight and Leadership Training in Southwest Asia***

Section 544(c), FAA, authorizes the participation of foreign and US military and civilian defense personnel at no-charge in post-undergraduate flying and tactical leadership training, and integrated air and missile defense programs at locations in Southwest Asia. Any US costs are to be absorbed by the participating USG agency.

### ***Reciprocal Unit Exchange Training***

Section 30A, AECA, authorizes the no-cost, reciprocal exchange of military units for mutual training. If the exchange does not mutually take place within one year, then the training costs must be reimbursed.

## **Combined Exercises**

Combined exercises are exercises between the forces of the US and those of one or more other countries. While doctrinally incorrect, these exercises are sometimes referred to as multinational, coalition, or joint operations. It should be noted that the term “joint” refers to two or more services, e.g., army and air force. Exercises can be both joint and combined, while most combined exercises are single-service combined exercises. The primary purpose of combined exercises is the training of US forces, emphasizing interoperability and capability building, though the host nation also benefits from the training as well. The authorities for these programs are either Title 10 U.S.C. or the annual national defense authorization act (NDAA) with funding provided within the annual DOD appropriations acts.

There are three types of exercises that may fall under this title:

- **Field Training Exercises (FTX):** These are the most realistic of exercises, taking the form of actual forces in the field, thus allowing all the moving parts to be tested. These are also the most resource intensive in money, manpower, material, and preparation time.
- **Command Post Exercises (CPX):** An exercise in which the forces are simulated, involving the commander, the staff, and communications/coordination among the participating headquarters.
- **Table Top Exercises (TTX):** Tabletop exercises are the least resource intensive of these three types, ranging from a formal, detailed planning process to a simple discussion. TTXs are excellent when senior leaders want to explore a number for possible scenarios or possible futures.

### ***Joint Staff-Sponsored Exercises***

Also known as CJCS Exercises, Joint Staff-Sponsored Exercises are held at the overall direction of the Joint Staff. Title 10 U.S.C. 153 authorizes periodic or one-time combined CPXs and FTXs to be conducted by the CCMDs and their component commands with the military forces of other countries. Typically, these exercises are established and held at regular intervals to promote interoperability, evaluate readiness, and promote influence. The conduct of these exercises will require in-country advance planning, coordination, and Leahy human rights vetting by the country team, especially those US military organizations responsible to the SDO/DATT.

Section 1203, NDAA, FY2014, P.L.113-66, 26 December 2013, temporarily authorizes US general purposes forces (GPF) to train with foreign security forces through FY 2017. However, this is not to include foreign civilian police forces.

### ***Developing Country Combined Exercise Program***

The developing country combined exercise program (DCCEP) is authorized by 10 U.S.C. 2010 to use DOD funds to pay for incremental expenses for a developing country to participate in a combined exercise with US forces, and represents the greatest opportunity to reimburse these costs. It must be determined that the country’s participation is necessary to achieve the fundamental objective(s) of the exercise, and that they qualify as a developing country. Such expenses normally include rations, fuel, training ammunition, and transportation. It does not authorize the payment of pay or allowances.

### ***Exercise-Related Construction***

The exercise-related construction (ERC) program is authorized by 10 U.S.C. 2805 with policy guidance provided within CJSCI 4600.01A to allow overseas construction by the US military in locations where there is no permanent US presence. The construction is to enhance exercise effectiveness, enhance troop quality of life, and increase operational readiness. The construction is

typically used by US forces during an exercise but remains intact for host nation use after departure. Projects may include new construction, conversion of existing facilities (e.g., warehouses into exercise operations centers), and restoration of deteriorating facilities. US and/or host nation engineers units and construction contracts may be used to accomplish projects. When construction is accomplished with partner nation engineers, interoperability benefits are also obtained. The Joint Staff logistics engineering division (J4/ED) manages the program through the engineer divisions of the area CCMDs. Project limits are (1) \$2 million, (\$3 million for life/health/safety threat) of Unspecified Minor Military Construction, or (2) \$750,000 (\$1.5 million for life/health/safety threat) of O&M funds.

ERC cannot be used for any project that: (1) could be funded under another program, (2) could be funded by other means, (3) represents foreign assistance, (4) supports counter drug efforts, or (5) supports a continuous US presence.

### ***Joint Combined Exchange Training***

Joint-Combined Exchange Training (JCET) overseas is used primarily to provide overseas training for US Special Operations Forces (SOF). At the same time, host nation counterparts derive a secondary benefit from the exchange of skills with US SOF. 10 U.S.C. 2011 provides the authority for the use of DOD funding for JCET. This funding can be used for the training of the foreign counterparts, expenses for the US deployment, and incremental expenses incurred by developing countries.

### ***Defense Health Program***

Title VI, P.L. 113-6, 26 March 2013, DOD Appropriations Act, 2013, earmarks \$8 million for human immunodeficiency virus (HIV) prevention educational activities undertaken in connection with US training, exercises, and humanitarian assistance activities conducted in African countries. This has been a recurring annual requirement.

### **Contact Programs**

There can be some confusion about the definition of Military-to-Military (M2M) contact programs. While 10 U.S.C. 168 authorizes “The Secretary of Defense may conduct military-to-military contacts and comparable activities that are designed to encourage a democratic orientation of defense establishments and military forces of other countries,” it is not a nice neat defined program and, more importantly, not specifically funded on an annual basis. 10 U.S.C. 168 is often referred to as the Traditional Combatant Commander Activities (TCCA), to include the following:

- Traveling contact teams,
- Military liaison teams,
- Exchanges of civilian or military personnel between DOD and ministries of defense,
- Exchanges of military personnel between units of US armed forces and foreign armed forces,
- Seminars and conferences held primarily in a theater of operations,
- Distribution of publications primarily in a theater of operations,
- Personnel expenses of DOD personnel as they relate to above activities,
- Reimbursement of pay and allowances paid to reserve personnel, and
- Assignment of exchange personnel on a nonreciprocal basis.

TCCA activities are to be approved by SecState and not to fund the transfer of defense articles, services, or training. Participating countries must be eligible for the IMET program.

10 U.S.C. 168 defines M2M contacts as “contacts between members of the armed forces and members of foreign forces” through the above described activities.

### ***Combatant Commander Initiative Fund (CCIF)***

10 U.S.C. 166a authorizes \$25 million annually to fund certain CCMD programs nominated to the SecDef for management by the Joint Staff in accordance with CJCI 7401.01F, 30 November 2012. Authorized CCIF funded programs include the following:

- Training of partner nation military personnel,
- Contingencies,
- Combined exercises,
- Selected operations,
- Force protection, and
- Force training.

Though only authorized for \$25 million annually, recent appropriations acts have provided additional funding. A recent example was \$30 million appropriated for the FY 2013 CCIF.

### ***Payment of Expenses to Attend Bilateral or Regional Conferences***

10 U.S.C. 1051 authorizes DOD to pay travel and personal expenses for developing country personnel to attend bilateral or regional conferences, usually sponsored by a CCMD, if it is determined that it is in the US national interest to do so. This authority may also be used to fund attendees at Partnership for Peace (PfP) conferences. “Developing countries” are defined within DepSecDef memo of 25 March 2013.

### ***Defense Personnel Exchange Program***

Section 1082, NDAA, FY 1997, P.L.104-201, 23 September 1996, authorizes DOD to enter into reciprocal personnel exchange agreements with a country for personnel to be assigned to each other’s organizations. Though not codified into 10 U.S.C., this authority has no expiration date.

Each country is to pay any associated costs with the exchange. Exceptions to this requirement are temporary duty costs and training directed by the host country. Types of exchanges may include: professional exchanges (PEP), administrative professional exchanges (APEP), intelligence professional exchanges, and engineer and scientist exchanges (ESEP). Foreign liaison officers (FLO) are included but they are to represent their country and to not become members of the host nation.

### ***Non-Reciprocal Exchange of Defense Personnel***

Section 1207, NDAA, FY 2010, P.L.111-84, 28 October 2009, as amended, authorizes DOD to enter into non-reciprocal exchange of personnel. This authority is to expire at the end of FY 2016.

### ***Assignment of DOD Civilian Employees as Advisors to Ministries of Defense (MODA)***

Section 1081, NDAA, FY 2012, P.L.112-81, 31 December 2011, authorizes SecDef, with the concurrence of SecState, to assign DOD civilian employees as advisors to ministries of Defense (or security agencies serving in a similar defense function) of other countries with the authority to expire at the end of FY 2014. Any assignment of such personnel after FY 2014 may continue but only with the use of funds available for FYs 2012–2014. The functions of such advisors are to include:

- Provide institutional, ministerial-level advice, and other training to personnel of the ministry to which assigned to support of stabilization or post-conflict activities, or
- Assist such ministry in building core institutional capacity, competencies, and capabilities to manage defense-related processes.

### ***Multilateral Military Centers of Excellence***

Section 1232, NDAA, FY 2009, P.L.110-417, 14 October 2008, provided for a new 10 U.S.C. 2350m authorizing DOD, in coordination with DOS, to participate by memorandum of understanding (MOU) in any multilateral military center of excellence (COE) for the following purposes:

- Enhancing other countries' military and civilian personnel to engage in joint exercises or coalition of international military operations
- Improve interoperability between US forces and other countries' forces.

DOD O&M funds may be used to pay the US share of operating any such center and to pay expenses to attend such centers.

### ***Center for Complex Operations***

Section 1031, P.L.110-417, 14 October 2008, NDAA, FY 2009, provided for a new 10 U.S.C. 409 authorizing the establishment of a center for complex operations. The purpose of the center is:

- Effective coordination in the preparation of DOD and other USG personnel for complex operations
- Foster unity of effort among USG organizations, foreign government personnel international NGOs, and US NGOs during complex operations
- Conduct research, collect, analyze, and distribute lessons learned and compile best practices
- Identify gaps in the education and training of USG personnel and facilitate efforts to fill any such gaps

Prior concurrence from DOS is required before including other countries or international NGOs. Complex operations include stability operations, security operations, transition and reconstruction operations, counterinsurgency operations, and irregular warfare.

The Center for Complex Operations (CCO) has been established and located at the National Defense University (NDU) on Fort Leslie McNair in Washington, DC since early 2009.

### ***Asia Pacific Regional Initiative Program***

Section 8084, DOD Appropriations Act, FY 2013, P.L.113-6, 26 March 2013, earmarks the use of up to \$15 million in FY 2013 Navy O&M funding to support the Asia Pacific Regional Initiative (APRI) program for the purpose of enabling the US Pacific Command to execute theater security cooperation activities. This may include humanitarian assistance, payment of incremental and personnel costs of

training and exercising with foreign security forces. None of this funding may be used to provide assistance to a country not otherwise eligible by law for such assistance. APRI has been regularly funded each fiscal year.

### ***Warsaw Pact Initiative***

In 1994, the North Atlantic Treaty Organization (NATO) initiated the Partnership for Peace (PfP) program for countries seeking cooperative military and peacekeeping relations with NATO. In the US support of PfP, DOD and DOS combined to establish the Warsaw Initiative Fund (WIF). DOS authorizes the use of IMET and FMFP while DOD uses its own Title 10 appropriations, all administered by DSCA, to support WIF. The authorities used by DOD/DSCA and DOS are:

- 10 U.S.C. 168 (TCA) for the military-to-military contact program
- 10 U.S.C. 1051 to provide funding assistance in attending bilateral or regional meetings or seminars
- 10 U.S.C. 2010 Developing Country Combined Exercise Program (DCCEP) to fund participation in combined exercises
- 10 U.S.C. 184 to fund attendance at the Marshall Center
- 22 U.S.C. 2763 (FMFP)
- 22 U.S.C. 2347 (IMET)

SAMM, C11.15, provides DSCA policy guidance in executing the DOD portion of WIF. WIF cannot be the primary source of exercise funding, used to fund course attendance, or fund activities normally defined as military assistance.

**Table 1-1**  
**State Partnership Partners**  
**49 states, 3 territories, and District of Columbia linked to 63 countries**

Alabama / Romania	Montana / Kyrgyzstan
Alaska / Mongolia	Nebraska / Czech Republic
Arizona / Kazakhstan	New Hampshire / El Salvador
Arkansas / Guatemala	New Jersey / Albania
California / Nigeria and Ukraine	New Mexico / Costa Rica
Colorado / Jordan and Slovenia	New York / South Africa
Connecticut / Uruguay	North Carolina / Botswana and Moldova
Delaware / Trinidad-Tobago	North Dakota / Ghana
District of Columbia / Jamaica	Ohio / Hungary and Serbia
Florida / Eastern Caribbean Islands, Guyana, and Venezuela	Oklahoma / Azerbaijan
Georgia / Georgia	Oregon / Bangladesh
Guam / Philippines	Pennsylvania / Lithuania
Hawaii / Philippines and Indonesia	Puerto Rico / Honduras and Dominican Republic
Idaho / Cambodia	Rhode Island / Bahamas
Illinois / Poland	South Carolina / Morocco
Indiana / Slovakia	South Dakota / Suriname
Iowa / Kosovo	Tennessee / Bulgaria
Kansas / Armenia	Texas / Czech Republic and Chile
Kentucky / Ecuador	Utah / Morocco
Louisiana / Belize, Haiti, and Uzbekistan	Vermont / Macedonia and Senegal
Maine / Montenegro	Virgin Islands / Eastern Caribbean Islands
Maryland / Bosnia and Estonia	Virginia / Tajikistan
Massachusetts / Paraguay	Washington / Thailand
Michigan / Latvia and Liberia	West Virginia / Peru
Minnesota / Croatia and Norway	Wisconsin / Nicaragua
Mississippi / Bolivia	Wyoming / Tunisia
Missouri / Panama	

### ***State Partnership Program***

National Guard State Partnership Program (SPP) affiliates the National Guard of a US state with the military of a partner nation in a long-term relationship. SPP produces mil-to-mil like events, i.e. visits of subject matter experts between the host nation and home state. In some countries, the SPP produces the vast majority of events with the subject country. Likewise, in many of these same countries, there will be a Bilateral Affairs Officer (BAO) assigned, under the SDO/DATT, from the partnered state National Guard to lead and manage the effort. In such cases where a BAO is assigned, that officer will also manage other mil-to-mil events.

The National Guard's involvement reflects an evolving international affairs strategy using the unique civil-military nature of the National Guard to interact with both civil and defense personnel of foreign countries. The state partners actively participate in a host of engagement activities, e.g., bilateral familiarization and training events, emergency management, environmental remediation exercises, fellowship-style internships, educational exchanges, and civic leader visits. All activities are coordinated through the CCMD and the US Ambassador's country team, and other agencies as appropriate, to ensure that National Guard support is tailored to meet both US and country objectives. Table 1-1 illustrates the partnerships.

All state National Guards have an SPP coordinator who manages the program from the state National Guard headquarters. The web address of the National Guard Bureau, Office of International Affairs (J5-IA), where further details may be located, is included in the list of references at the end of this chapter.

Section 1210, NDAA, FY 2010, P.L.111-84, 28 October 2009, authorized the funding of SPP and directed DOD, in consultation with DOS, to provide a directive to regulate the use of DOD funds. It was further directed that such funds are not to be made available for SPP activities in a country unless jointly approved by the applicable CCMD and COM. The National Guard must be on active duty to use these funds. On 19 August 2011, USD (P) provided directive-type memorandum (DTM) 11-010 identifying authorities and funding to be used by the SPP, to include the following activities:

- Reciprocal/non-reciprocal personnel exchanges
- “1206” capacity building
- Combatant commander initiative fund (CCIF)
- Regional centers for security studies (RCSS)
- Civic action/humanitarian relief
- LATAM/AFRICOM security cooperation
- Joint exercises
- Reimbursable military-civilian interagency activities authorized by 31 U.S.C. 1535

Section 1205, NDAA, FY 2014, P.L.113-66, 26 December 2013, authorizes a National Guard exchange program with partner nation military or security forces whose primary functions include disaster response or emergency response. All participants are to be on active duty during the exchange. Partner nation expenses for participation may be paid not to exceed \$10 million each fiscal year to include rations, fuel, training ammunition, transportation and other goods services to be consumed during the exchange. This is not to include payment of pay, allowances, or other personnel costs. This authority is to expire on 30 September 2016.

## **SECURITY FORCE ASSISTANCE**

Resulting from lessons learned from the combat activities and subsequent foreign government reconstitution efforts in Southwest Asia, the Department of the Army (HQDA) and US Special Operations Command (USSOCOM) developed and entitled a new concept of operations—Security Force Assistance (SFA). HQDA FM 3-07.1, *Security Force Assistance*, May 2009, is the first document to define SFA as the unified action to generate, employ, and sustain local, host-nation or regional security forces in support of a legitimate authority. SFA is the supporting military instrument of the larger concept of foreign internal defense (FID). These foreign security forces (FSF) are defined to include military, paramilitary, police, intelligence forces, border police, coast guard, customs officials, prison guards and correctional personnel that provide security for a host nation and its relevant population or support a regional security organization’s mission. SFA is to be provided by both US conventional and special operations forces. SFA is further defined as a subset of DOD security cooperation with security assistance providing resources. FM 3-07.1 also states that (1) the mere provision of defense articles without related training is not SFA, (2) military exchange programs are not SFA, (3) humanitarian assistance and civic action are not SFA, and (4) joint exercises are not SFA. Combined operations must include US forces as advisors, mentors, partners, or augmentees within FSF units to be SFA, and not US units conducting independent operations alongside FSF.

Later DODI 5000.68, *Security Force Assistance*, 27 October 2010, establishes DOD policy for SFA and assigns responsibilities. The directive restates the definition of SFA to be DOD activities that contribute to the unified action by the USG to support the development of the capacity and capability of FSF and their supporting institutions. FSF is defined as those duly constituted military, paramilitary, police, and constabulary forces of a government. It reinforces the FM 3-07.1 statements that SFA is a subset of DOD security cooperation and security assistance provides critical tools to fund and enable SFA activities. The directive expands upon those USG units for carrying out SFA to also include the civilian expeditionary workforce (CEW) alongside general purpose forces (GPF) and special operations forces (SOF).

## SUMMARY

Security assistance has been part of our nation's history ever since the Revolutionary War. Since World War II, security assistance has become an institutionalized and continuing program used to advance US interests in a global environment.

The term security assistance itself is subject to differing interpretations. The SAMM lists twelve programs within security assistance of which seven are administered by DSCA. Within the annual CBJ, there are seven major security assistance programs requiring appropriated funds as well as several others which are discussed in some detail. The relatively recent development and use of the term security cooperation, which incorporates DOD-managed security assistance programs, has become the standard to describe all DOD international activities.

If the past is any predictor of the future, security cooperation is not just a short-range program; rather, it will be in existence for many years to come. In this regard, the words of former Deputy SecDef, William P. Clements, Jr., are as appropriate today as when they were spoken years ago:

Many contend that such a program [as security assistance] has outlived its usefulness and is an anachronism in these days of a trend towards détente. To do so is not only to misread the history of the past twenty-five years but to misinterpret the signs of the times. The record is open to all who care to consult it. That record fully substantiates the conclusion that the world situation in which we currently find new hope for the future would not exist if the people of the United States had earlier refused to concern themselves with the common defense of the Free World. Had we not become involved and, for more than two decades, supported and encouraged the efforts of allied and friendly countries to protect themselves against threats to their territorial integrity and internal security, the complexion of the globe might be dangerously different today, and the international climate far more hostile. [Commander's Digest, July 12, 1973]

The broad definition of security cooperation to include all DOD international programs and those seven FAA/AECA-authorized programs administered by DSCA has significantly increased the playing field within DOD. Now it reaches far beyond the SecDef to the CCMD, and finally to the in-country SDO/DATT, DAO and SCO. Every community within DOD has a role to play in security cooperation and its use in achieving US foreign policy and national security objectives. The recently developed concept of security force assistance (SFA) broadens the reach of both security assistance and cooperation.

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