

# SECURITY ASSISTANCE ORGANIZATIONS OVERSEAS

## INTRODUCTION

As indicated in Chapter 3, “U.S. Government Organizations for Security Assistance,” the security assistance organization (SAO) is only one of numerous organizations within the United States government (USG) and the Department of Defense (DoD) which contribute to the security assistance mission. However, the role of the SAO is unique in that it acts as the primary interface with the host nation on security assistance issues. Equally important, the SAO is generally the lead agency within each area combatant command (COCOM) for the execution of most of DoD’s security cooperation programs in the country assigned. A discussion of the relationship between security assistance and security cooperation is presented in Chapter 1, “Introduction to Security Cooperation.”

Normally located within the United States (U.S.) embassy in the host nation, the SAO by law is under the direction and supervision of the U.S. ambassador, also known as the chief of mission (COM). Additionally, the SAO by DoD policy (DoDD 5132.3) is under the command and supervision of the area combatant commander in matters that are not functions or responsibilities of the ambassador. This includes promotion and execution of the combatant commander’s theater security cooperation strategy for that country. On security assistance and other issues, the SAO acts as an advocate for host nation concerns and interests to DoD and the USG. At the same time, the SAO recognizes its responsibility to advance U.S. foreign policy goals under the ambassador and promote theater security cooperation objectives under the area combatant commander. The SAO chief must accept direction from multiple “bosses,” i.e., ambassador, combatant commander, and Director, Defense Security Cooperation Agency (DSCA), and anticipate or recognize the occasional need to reconcile conflicting guidance. Indeed, the SAO is the link which ensures compatibility of Department of State (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 SAO must often bridge a so-called “culture gap” between the U.S. and the host nation.

## DEFINITION AND PURPOSE OF THE SECURITY ASSISTANCE ORGANIZATION

The generic term “security assistance organization” encompasses all DoD organizations, regardless of actual title or size, located in foreign countries to carry out security assistance management functions under the Foreign Assistance Act (FAA) and the Arms Export Control Act (AECA). 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). The other security assistance programs available to most countries are international military education and training (IMET) and excess defense articles (EDA). In addition, the SAO is normally the key player in managing a range of security cooperation programs on behalf of the combatant commander, as discussed below.

Throughout this textbook, the term “SAO” refers not only to the organization, but to each of its assigned personnel (i.e., security assistance officers). Although SAO is used as a generic name, each specific SAO has its own formal title or designation. Table 4-1 contains a list of the current

**Table 4-1  
U.S. Security Assistance Organizations**

<u>Acronym</u>	<u>Title and Locations</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 60 European, African, 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, Oman, Yemen)
OMC-K	Office of Military Cooperation - Kuwait
OPM-SANG	Office of the Program Manager, Saudi Arabian National Guard (OPM SANG is not an SAO, but is chartered by the Secretary of the Army and reports to U.S. Army channels through the Commanding General USASAC. OPM SANG's mission is to advise and train the Saudi Arabian National Guard so that it can function in conjunction with other Saudi defense forces, including the Ministry of Defense and Aviation, which works with USMTM).
SAO	Security Assistance Office (Ethiopia, Kazakhstan, Kyrgyzstan, Tajikistan, and Turkmenistan)
USLO	U.S. Liaison Office (Djibouti, Eritrea, Qatar, United Arab Emirates)
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)

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**Currently, the USG security assistance activities in Afghanistan and Iraq are conducted by the organizations listed below:**

CSTC-A	Combined Security Transition Command - Afghanistan
MNSTC-1	Multi-National Security Transition Command - Iraq

CSTC-A reports to the Combined Forces Command - Afghanistan (CFC-A) and MNSTC-I reports to the Multi-National Force - Iraq (MNF-I), both of which are under the command and control of USCENTCOM. The organizations in Afghanistan and Iraq can loosely be termed "pseudo-SAOs" for a variety of reasons. First, their mission, including operational advice and training, exceeds that of a normal SAO under U.S. law. Secondly, the organizations are operational commands, rather than administrative offices. As such, they do not officially report to the U.S. ambassador, but only to the combatant command through channels. Finally, they have authority to train and equip the local police forces which, while permitted by the Arms Export Control Act, is severely constrained under normal circumstances.

organizational designations for DoD offices that manage security assistance and security cooperation programs in foreign countries. In most cases, these organizational titles were established through joint diplomatic agreement between the USG and the host nation. Regardless of the title or size of the organization, all are SAOs, and the individual names are not necessarily reflective of anything more than local political sensitivities. Where no SAO is assigned in country, the security assistance 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 security assistance program is managed by foreign service personnel from the DoS.

## **SECURITY ASSISTANCE AND SECURITY COOPERATION**

The definitions of “security assistance” and “security cooperation” as per Joint Pub 1-02 are in the glossary of this textbook and are discussed in Chapter 1, “Introduction to Security Cooperation.” The major security assistance 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 U.S.C.), entitled “Foreign Relations and Intercourse.” (The U.S.C. 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 SAO thus administers security assistance 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” as 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 security assistance programs at its core. Separately, however, Congress has given DoD many legal authorities 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 U.S.C., entitled “Armed Forces.” In addition, DoD, often through its components, has taken other initiatives for international cooperation. Thus, “security cooperation” is an umbrella term that is loosely defined and encompasses a variety of programs, including security assistance. In a narrower sense, “security cooperation” is used to refer to only DoD programs with other nations under 10 U.S.C., thus distinguishing it from security assistance. The SAO administers security cooperation programs officially under DoD guidance, but ensures that those programs are compatible with ambassador’s vision and goals for the host nation. Under the George W. Bush administration, “security cooperation” has replaced previously used terminology such as “peacetime engagement” and “mil-to-mil programs.” In summary, the scope of security cooperation 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 security cooperation programs, although many DoD organizations have drawn up their own lists for internal use. For example, the European Command (EUCOM) maintains a *Theater Security Cooperation (TSC) Activities Handbook* and the military departments (MILDEPs) are required to publish their own security cooperation strategies. Individual security cooperation programs may be managed by the COCOM, a MILDEP, DSCA, or other DoD agency. Each program has its own authority in law and/or in DoD or agency policy. The more prominent programs are listed in Chapter 1, “Introduction to Security Cooperation.”

The term “security cooperation” thus 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 is only a sample of the current security cooperation programs and is by no means complete. Note that some DoD programs, such as counternarcotics, are complemented by

similar DoS programs, which the SAO may help manage within any given embassy country team. Similarly, DoS receives an annual appropriation for non-proliferation, anti-terrorism, demining, and related programs (NADR), which supports a broad range of U.S. security interests, and which the SAO may help manage at the local level.

The SAO plays a key role in implementing many (not necessarily all) of these security cooperation 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 SAO is generally considered the focal point for security cooperation and should be aware of the existence of all such programs.

## **REFERENCES FOR SECURITY ASSISTANCE OFFICE 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 security assistance functions. Section 515 of the FAA outlines the legal functions of SAOs follows below:

- Equipment and services i.e., foreign military sales (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 Directive Provisions**

In addition to legislative direction, guidance to SAOs is found in DoDD 5132.3, *DoD Policy and Responsibilities Relating to Security Assistance* (currently under rewrite). According to this directive, the SAO shall maintain liaison with DoD components, the U.S. diplomatic mission, and the partner nation's armed forces in order to:

- Enable the foreign government to acquire information needed to obtain defense articles and services from the U.S. through security assistance programs (keeping in mind that host countries are to be encouraged to establish and depend, to the extent possible, upon their own procurement missions in the U.S.).
- Obtain information to evaluate host military's capability to employ and maintain equipment being requested and to process the foreign government's security assistance proposals.
- Enable the U.S. to request the foreign government to take action in order to facilitate the timely, efficient, and responsive implementation of approved programs.

- Enable the U.S. to acquire information concerning potential future defense acquisitions by the foreign governments and anticipate demands on U.S. resources.
- Report on the use by the host country of defense articles and services provided as grant aid, as well as personnel trained by the U.S..
- Assist U.S. MILDEPs and their subordinate elements in arranging for the receipt, transfer, and acceptance of security assistance materiel, training, and other services for recipient countries.
- Assist the host government in the identification, administration, and proper disposition of security assistance materiel that is in excess of current needs.
- Perform secondary functions, such as advisory and training services and negotiation on non-security assistance military matters, so long as these activities do not detract from the primary functions.
- Keep ASD (GSA), DSCA, JCS, area COCOMs), and MILDEPs informed, through appropriate channels, of security assistance activities in country.

### **Defense Security Cooperation Agency Provisions**

The DSCA DoD 5105.38-M, *Security Assistance Management Manual* (SAMM), Chapter 2, Table C2.T2, lists the following functions for SAOs 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, and the DoD components responsible for the security assistance programs. This includes promotion of rationalization, standardization, and interoperability and other armaments cooperation measures in connection with security assistance programs.
- Provide the host country information needed to make decisions concerning security assistance 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 security assistance requests (referred to as the country team assessment on letters of request).
- 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 security assistance programs.
- Assist U.S. MILDEPs and the host country in the receipt, transfer, and acceptance of security assistance materiel, training, and other services to include drawdowns, etc.
- Monitor the progress of security assistance 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. security assistance 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 SAO 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 SAO duties and travel. The SAO should report on an exception basis through established security assistance channels and maintain records on file. See SAMM, Chapter 8, for more details on end use monitoring. Also, a discussion of the SAO 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 security assistance 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 Defense Intelligence Agency (DIA) or other security assistance 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 SAO administrative functions to include budget preparation and execution and review of organizational and manning requirements.

### **Administrative and Logistical Provisions**

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

- Submit administrative and logistical support requirements to the COCOM in accordance with this regulation and guidance issued by the COCOM, MILDEPs, and DSCA
- Represent all DoD activities assigned to the SAO for administrative support on the international cooperative administrative support services (ICASS) council; request only required administrative support; and, where required by the COCOM, negotiate ICASS agreements for non-security assistance DoD activities assigned to the SAO for administrative support and coordinate billing/reimbursement requirements between the DoS and DoD activities and parent commands
- Insure that ICASS financial charges to SAOs 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 SAO and security assistance teams' personnel and their dependents
  - Movement of household goods, personal baggage, and privately owned vehicles

Chapter 17, "Resource Management for the Security Assistance Organization," provides details on these functions.

### **ROUTINE SECURITY ASSISTANCE ORGANIZATION DUTIES**

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

#### **Foreign Military Sales Case Management**

The SAO assists the host nation military with obtaining information from DoD organizations, public sources, and U.S. vendors on military articles and services of interest. 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 total package approach (TPA) is utilized as appropriate. Chapter 5, "The Foreign Military Sales Process," presents a detailed discussion on the FMS process and total package approach. The SAO serves as the intermediary between the DoD case manager and the host nation to ensure that each FMS 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 SAO 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 bread and butter of most SAOs and may comprise half or more of the workload in some SAOs.

Concerning transportation, the SAO 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 SAO may have responsibilities, particularly

if the materiel being shipped is classified. Chapter 11, “Foreign Military Sales Transportation Policy,” has a discussion of SAO responsibilities in this area.

A recent new responsibility for SAOs 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 foreign service nationals (FSNs) (but not U.S. citizens) are required to be issued a secure electronic token for this access. The SAO is required to identify and maintain contact with the primary and alternate host nation administrators for SCIP tokens. Information and guidance for the SAO concerning SCIP access by the host nation is found at DSCA Policy Memorandum 03-11, *Enrollment Process for the Security Cooperation Information Portal (SCIP)*, available on the DSCA web site. The DISAM web site and Appendix 3, “Security Assistance Automation,” of this textbook, provide more information.

### **Training Management**

The SAO manages all military training conducted, or contracted to be conducted, by DoD for the host nation. It 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 SAO is responsible for management of training conducted under the foreign military sales 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 SAO. The SAO 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 Direct Commercial Sales (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 SAO is found in Chapter 10 of the SAMM and in Chapter 14, “International Training,” of this textbook.

### **End-Use Monitoring**

The SAO function in the FAA described as “program monitoring” refers to the requirement to monitor host nation’s utilization of FMS and grant program materiel and training, as well as its 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 SAO has a special responsibility for monitoring it. However, the most time-consuming aspect of program monitoring involves end use monitoring (EUM). In performing this function, the SAO 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 SAO 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 SAO 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 SAO 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 SAO may occasionally be called upon to coordinate and host a DSCA-sponsored visit, under the Golden Sentry program, to assess compliance with EUM guidelines by the host nation. For those articles transferred through direct commercial sales, 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, “End-Use Monitoring and Third-Party Transfer,” of this textbook.

### **Rationalization, Standardization, and Interoperability**

As mentioned above, the FAA requires SAOs to promote RSI with the host nation. While this is not a task for the SAO *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 at least to some degree.

### **Security Cooperation Activities**

In addition to the traditional security assistance functions just described, the SAO also typically manages a variety of security cooperation programs, many of which are addressed in Chapter 1, “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, security cooperation activities. Where possible, the SAO chief should integrate security cooperation activities with traditional security assistance to advance the U.S. goals and objectives for the host nation. This is accomplished through the planning process, described below.

## **SECURITY ASSISTANCE ORGANIZATION PLANNING**

Although not normally conducted on a daily basis, the planning function of the SAO remains the most critical. Planning is an SAO 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 SAO chief himself or, where delegated, should be closely scrutinized. The planning tasks of the SAO are identified in SAMM Table C2.T2, but the process deserves further explanation. The SAO 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 SAO. As the SAO 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 mission strategic plan (MSP), drafted with input from the SAO 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 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 security assistance (FMF, 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, and is supplemented by the new Mission Operational Plan, which provides a current year game plan for execution of programs, expenditure of funds, and assessment of results. The remaining three planning documents for the SAO, submitted into DoD channels, must be consistent with the MSP in terms of goals and objectives.

### **Theater Security Cooperation Strategy**

The second planning document for the SAO is the combatant commander’s theater security cooperation strategy (TSCS), also termed a security cooperation guidance implementation strategy at the Office of Secretary of Defense (OSD) level. Specifically, the SAO is concerned with the country-specific component of that document, variously called a country campaign plan, country security cooperation plan, etc., by the COCOMs. Although officially drafted by the COCOM staff, the SAO is normally the unofficial “point man” for the development and execution of the country-level security cooperation plan. It should draw on the ambassador’s MSP, as well as regional guidance within the TSCS, and integrate the national security interests of the host nation. While not ignoring traditional security assistance, the country-level plan should focus on the DoD-sponsored security cooperation tools and indicate how they will support the combatant commander’s TSCS and, of course, the ambassador’s MSP. Beginning in 2006, final TSCSs, including country-specific plans, should be published NLT August 1 for the following fiscal year. Additionally, during the first sixty days of each new fiscal year, a formal assessment process will occur to evaluate the success of the plan for the previous year.

### **Combined Education and Training Program Plan**

The SAO 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 SAO uploads the draft plan electronically onto the security assistance network (SAN) for review and approval by the COCOM. The approved plan is utilized each spring during the COCOM's training program management review (TPMR). Further details are in Chapter 14, "International Training," of this textbook.

### **Foreign Military Financing/International Military Education Training Budget Formulation and Submission Web Tool**

Finally, if the host nation receives, or is proposed to receive, appropriated funds through FMF or IMET, the SAO will also make an annual submission and justification for these funds. This request is submitted electronically through the FMF/IMET budget formulation and submission web tool, managed by DSCA. This document is forwarded upward through channels for endorsement and comment, i.e., to COCOM, Joint Staff, DSCA and 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. Note that the MSP also acts as a forum for submitting funding requests, but directly into DoS channels. However, unlike the MSP which is officially the ambassador's document, the FMF/IMET web tool submission reflects the SAO chief's own views. SAOs take their guidance from the COCOM as to whether or not this last submission must be identical to the MSP submission.

### **SECURITY ASSISTANCE ORGANIZATION PERSONNEL SELECTION**

Personnel are nominated to SAO positions in accordance with the following criteria established in DoDD 2055.3, *Manning of Security Assistance Organizations and the Selection and USDP Training of Security Assistance Personnel*:

Those U.S. personnel serving overseas in . . . [SAOs] shall possess the demonstrated personal and professional qualifications necessary to carry out effectively the functions to which they are assigned. It is essential that personnel be screened carefully, to ensure that the selectee has the appropriate qualifications and experience.

Personnel will not be selected for SAO duty if they, or their accompanying dependents, have a history of personal or financial misconduct, or have medical, emotional, or educational problems that would adversely affect the individual's ability to perform assigned duties, considering the social and environmental situation of the locale to which they are being assigned. Consideration also shall be given, for an accompanied assignment, to family compatibility to the place and type of duty, to include size of family and age of children.

Most SAO 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 area combatant commander, the ambassador, and the SAO chief retain final selection rights.

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

## **INTERACTION AND RELATIONSHIPS**

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

SAOs traditionally respond through two chains of command: one through the embassy and the other through the area COCOM. A key challenge for the SAO is to respond to the direction of the ambassador while at the same time satisfying requirements levied by the area combatant commander.

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

### **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 chief of mission 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 combatant commander 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 security assistance shall serve under the direction and supervision of the ambassador or chief of mission to that country. Because security assistance programs by law are under the supervision and direction of the DoS, the SAO 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 George W. Bush's letter of instruction to his ambassadors is at Attachment 4-1, "Authorities and Responsibilities of Chiefs of Mission." Note that the president refers to the responsibility of the ambassador and the combatant commander 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 SAO chief.

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, the chiefs of the political and economic sections of the embassy, the chiefs of the security assistance organization and the defense attaché office, 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 deputy chief of mission (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. The DCM is almost always a career foreign service officer.

### **Other Mission Relationships**

The SAO deals with all country team members from time to time, but is 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 SAO 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 general. In charge of the office which issues U.S. visas to host nation citizens, the SAO works closely with him on the vetting and issuance of visas for international military students.
- 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 SAO'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 security assistance and other USG programs.
- 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 SAO in all matters pertaining to force protection, to include security requirements and country clearance for official and distinguished visitors. The RSO also supervises the Marine security guard (MSG) detachment, where assigned.
- The defense attaché (DATT) heads the DAO that represents the Defense Intelligence Agency (DIA) but also has mutual interests with the SAO. Good communication and routine cooperation are necessary if each is to realize the combined benefits of those mutual interests and promote a positive image of the DoD team to the rest of the embassy community. Their distinctly different mission responsibilities, however, must be kept segregated. The SAO and the DAO are normally independent DoD "stovepipe" agencies within the embassy, each accountable to a different defense agency in Washington (DSCA and DIA respectively). However, in rare instances, a small SAO may be subordinate to a DAO, in which case the SAO chief is rated by the DATT.

In addition to the core DoS staff of the embassy, several other federal government agencies are normally serving in the mission. In developing countries, for example, the embassy typically includes an office of the U.S. Agency for International Development (USAID), whose chief is part of the country team. This agency has the lead responsibility for developmental assistance, humanitarian assistance, and disaster relief actions within the country team. If the host nation receives U.S. foreign

aid for its civilian sector, such as through the economic support fund (ESF), the local USAID office normally supervises this program. The SAO also interacts daily with the embassy staff on requirements necessary for its administrative support. Such issues include housing, communications, commissary, medical support, local manpower, financial support, customs clearance of personal and official property, dependent schooling, and numerous other areas.

### **Relationships between Security Assistant Offices and Area Combatant Commands**

Relationships between the SAO and the COCOM can generally be classified as either operational or administrative. The operational relationships are primarily related to the SAO's execution of the COCOM's security cooperation strategy with the host nation military, as discussed above. Concerning the administrative relationships, the COCOM is required to perform the following functions, among others:

- Rate/endorse SAO personnel on their evaluation reports. For chiefs of SAOs, U.S. ambassadors may provide letter input, and their evaluation reports are completed by the combatant commander or his designated representative
- Control and coordinate the SAO joint manpower program requirements (details in Chapter 17, "Resource Management for the Security Assistance Organization.")
- Coordinate the administration of SAO financial and personnel records
- Administer SAO direct hire programs
- Fund and administer quality of life programs for the SAO
- Serve as the focal points for reviewing and consolidating SAO operational budgets and forwarding them through the COCOM administrative agent to DSCA

The combatant commander and the ambassador must ensure that the SAO does not receive conflicting guidance, instructions, or priorities. If this occurs, the SAO must seek clarification or resolution. While the SAO chief is in the occasionally difficult position of responding to two masters, he is also uniquely able to understand both the COCOM and the embassy, balance their respective priorities, and leverage their resources. In particular, the SAO chief must be alert to take advantage of the wide range of support and expertise available from the COCOM, despite the distances separating the two activities. It is imperative for the SAO to maintain routine and timely communications with the COCOM 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 SAO'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 SAO's job will be more challenging as it works to cultivate an improved relationship with the host nation military. Whatever the situation, the SAO'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 SAO 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 SAO 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 SAO 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 a SAO more quickly than duplicity, failure to respect host nation concerns or the inability to fulfill a commitment made in unthinking haste.

Likewise, the SAO must be careful not to make promises or commitments which he cannot keep. DoD has long maintained a policy against raising false expectations on the part of our security assistance partners, per DoDD 2100.3. Prime examples of “commitments” which neither the SAO chief nor his visitors should make include promises about appropriated funds, e.g., FMF, and release of military technology. Both of these processes are tightly controlled and highly centralized within DoD and DoS.

In summary, the SAO 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 Assistance Organization Limitations and Security Assistance Teams**

SAO personnel have a mandate from Congress to act in a management, coordination, and liaison capacity for security assistance programs. First and foremost, SAOs are noncombatants. Second, they are generally not to provide training or technical assistance. These functions are defense services and must be specifically authorized, costed, and paid by the host nation, normally through the FMS process. When these functions are performed in country, they are normally done so by security assistance teams (SATs).

According to Section 515(b), FAA, “advisory and training assistance” conducted by SAO 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., SAOs] are assigned under this section shall be provided primarily by other personnel . . .”, i.e., security assistance teams, which are detailed for limited periods to perform specific tasks. Likewise, advisory assistance by SAOs is not to extend to combat operations. SAOs must refer any such requests to the ambassador and the COCOM.

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 Assistance Organization Oversight and Support of Security Assistance Teams**

Guidance on security assistance teams, including the requirement for SAO oversight and support, is found at SAMM, Section C11.13, including Table C11.T25. The SAO chief 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 security assistance, security cooperation, and foreign policy.
- Ensure team compliance with relevant directives on security assistance, anti-terrorism/force protection, and other areas.
- Keep the ambassador, the combatant commander, 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 Assistance Organization Environment**

The vast majority of SAOs 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 SAO 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 SAO – personnel issues, budget, property, vehicles, etc. – may be accomplished by a field grade officer, a non-commissioned officer, a U.S. civilian employee, or a foreign service national (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 SAO vehicle, or send his own faxes will likely not be successful in the

SAO environment. Because of the relative scarcity of manpower, SAOs 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 COCOM, and elsewhere, for information or support as necessary.

There is normally a direct correlation between the size of an SAO and the magnitude of a country's security assistance program. Those countries with large FMS programs and those in which the U.S. has key strategic interests generally have larger SAOs. In developing countries where security assistance programs are small, usually because of limited funding, security cooperation 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 security assistance, so the role and responsibilities of the SAO 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 SAO, the relationship with the host nation military, and the scope and volume of current programs, both in security assistance and security cooperation, all combine to produce a unique working environment in each SAO.

### **RULES OF ENGAGEMENT WITH U.S. INDUSTRY**

While security assistance 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 SAO 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., direct commercial sale, foreign military sale, 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, "SAO-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 U.S. Systems**

The SAO is normally the primary point of contact in a U.S. embassy for American defense industry representatives. In principle, the SAO should support the marketing efforts of U.S. defense vendors over those of foreign competitors. The SAO can play a key role in facilitating the exchange of information between host nation officials and U.S. vendors. The SAO 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 SAO may endorse that American product to the host nation. While supporting U.S. industry, the SAO must also be an honest broker, considering both U.S. and host nation defense and policy interests. Should the SAO 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 COCOM.

### **Security Assistance Organization Support to U.S. Defense Industry**

SAMM, Section C2.5.7, is the primary source for policy guidance on the interface between SAOs and U.S. industry. Attachment 4-3 is a briefing checklist for SAO personnel for use in meetings with representatives of U.S. defense vendors. Upon request, the SAO 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 SAO 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; and offer realistic estimates of what the country will probably buy. If possible, the SAO should attend vendor meetings with the host nation to prepare for host nation officials seeking follow-up information. The SAO 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 SAO 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 SAO 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 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 Department of Commerce 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 (U.S. and 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 Department of Commerce can provide assistance to both industry representatives and SAOs on issues of marketing in the host nation.

Vendors may seek USG advocacy for their proposed exports through the advocacy center of the Department of Commerce. Under certain circumstances, Commerce may coordinate with DoS, DoD, and other agencies as appropriate, and determine that it is U.S. national interest to support a proposed sale. If such determination is made, the SAO 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 sale of items on the U.S. Munitions List, 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, SAOs perform a wide variety of collateral functions, both operational and administrative in nature. The more common functions are described below.

### **U.S. Defense Representative**

In many countries, the SAO chief may be designated as the U.S. defense representative (USDR). The purpose of this function is to ensure coordination and synchronization of all DoD activities and interests in country. The process for the periodic designation of the USDR and a summary of his duties is outlined in DoDI 5105.57, *Procedures for the U.S. Defense Representative (USDR) in Foreign Countries*. Each area combatant commander, in consultation with the respective chief of mission, recommends to the Joint Staff who, by billet, should be the U.S. defense representative in each country within the area of responsibility. In the vast majority of countries, either the SAO chief or DATT will be appointed as the USDR. Just as the ambassador is the personal representative of the president and the secretary of state, so the USDR acts as the in-country representative of the secretary of defense, the chairman of the Joint Chiefs of Staff, and the area combatant commander. As listed in the above instruction, the duties of the USDR include, but are not limited to, the following:

- Act as primary point of contact to USG officials for in-country defense issues and activities
- Provide advice and information to both the chief of mission and the combatant commander
- Perform diplomatic-type representational duties where no DATT is assigned
- Coordinate administrative and force protection issues for all DoD noncombatant command elements in country
- Streamline and facilitate the flow of information among all DoD elements in country
- Coordinate country team support for high level visits by DoD officials
- In cases of emergency, exercise directive authority over DoD noncombatant element personnel

When the SAO chief is the designated USDR, and no DATT is assigned, he will not become involved in intelligence matters. It is important to note, for whomever performs the functions of USDR, that this is an additional duty. The USDR is a title, not a manpower billet, and it does not carry with it any associated funding.

## **Anti-Terrorism/Force Protection Responsibilities**

If designated as the USDR, the SAO chief has additional responsibilities for anti-terrorism and force protection (AT/FP). For most U.S. missions, a memorandum of agreement (MOA) on AT/FP responsibilities is in effect between the ambassador and the combatant commander. The MOA delineates whether the ambassador or the combatant commander has AT/FP responsibility for which DoD personnel and their dependents in country. The individual MOAs in U.S. embassies worldwide are implemented pursuant to DoD 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, so-called 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 geographic COCOM. 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 area combatant commander. DoD 5210.84 assigns to the USDR the duty of coordinating security matters for all in-country noncombatant DoD elements and states that the USDR shall act as the DoD's single point-of-contact for security issues relating to the MOU. Because SAO and DAO personnel are generally located within the embassy, the implementing MOAs usually assign the responsibility and authority for their security to the chief of mission, rather than the combatant commander. If designated as the USDR, the SAO chief carries out AT/FP responsibilities specified by the COCOM for those DoD noncombatant organizations and personnel located in the host country. This includes personnel temporarily deployed, such as mobile training teams. The USDR must work closely with the embassy's regional security officer and the AT/FP points-of-contact at the COCOM.

## **Administrative Duties**

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

- Planning and executing the SAO 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 SAO 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 SAO computers and communications equipment

These responsibilities become especially challenging in smaller SAOs with few personnel assigned. As members of the embassy staff, SAO 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 SAO, or (more probably) both offices. SAOs 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 overflight, 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 Defense Transportation System (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 SAO 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 COCOM policies regarding AT/FP; 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 SAOs 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 chief of mission.

### **JURISDICTION AND LEGAL STATUS OVERSEAS**

The legal status of security assistance 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 SAO 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 SAO-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 chief of mission, 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 SAO personnel and their sponsored dependents fall into this category, however in some countries the SAO chief and selected other personnel may be accorded "diplomatic agent" status. Inbound SAOs 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 security assistance personnel, such

as those on mobile training teams. Status of forces agreements (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. The 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 agreed 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 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 SAO 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 UCMJ, 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 SAO, on a deployed security assistance team, or as part of a deployed tactical unit.

### **Department of Defense Security Assistance 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, SAOs should know or verify the jurisdictional status of those personnel. The staff judge advocate (SJA) of the appropriate COCOM 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 COCOM, 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 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**

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

The affairs of the USG, including security assistance and security cooperation programs, are conducted by persons appropriately authorized to act on behalf of the government. The responsibility of those so authorized is akin to that of a fiduciary, i.e., a person holding a special relationship of trust, confidence, or duty to act primarily for another’s benefit. In keeping with this fiduciary concept, stringent rules and standards are applicable to the activities and conduct of DoD personnel. 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.

### **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 U.S.C., entitled “Crimes and Criminal Procedure.” 18 U.S.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 U.S.C. 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 U.S.C.

In addition to establishing penalties for bribery and graft, Congress has legislated 18 U.S.C. 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 an official shall be vulnerable to a \$10,000 fine and no more than two years confinement. SAO 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**

SAOs, 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.

Certain USG employees, such as procurement officials (41 U.S.C. 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 which is given because of the employee’s official position from those who have or seek business with the DoD, or from those whose business interests are affected by DoD functions. 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**

Title 5 Code of Federal Regulations, 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 2006, the maximum value of a gift that an employee may retain is \$305.00. 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 ASSISTANCE ORGANIZATION TRAVEL AND TRANSPORTATION**

### **Air Travel**

SAOs 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 SAO 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. SAOs 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 SAO and U.S. embassy must clear the visitor with host nation immigration officials. SAOs 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 SAO official use. SAMM C11.2 contains policies and procedures for SAO utilization of C-12 aircraft.

Regardless of the source of funds for official travel, the SAO 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 SAO cannot resolve a travel issue by reference to the JFTR/JTR, it should refer the matter to the COCOM for guidance or resolution.

### **Vehicle Transportation**

Most SAOs 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 COCOM 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 SAO chief. 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 -leased vehicle. As with air travel, an issue involving vehicle transportation should be referred to the COCOM for resolution.

The rules for the use of employee-leased vehicles 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, the law (10 U.S.C. 2637) also allows the Secretary of Defense to delegate to combatant commanders the authority for approving DTDT for selected personnel (including SAOs) stationed overseas in their area of responsibility. This authorization is made by the combatant commander 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. SAOs may request DTDT authorization from their COCOM 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 major considerations, challenges, and issues which impact upon the overseas SAO in today’s environment. Security assistance and security cooperation are two key instruments of U.S. foreign policy and the SAO is in the front lines of shaping and executing that policy. The opportunities associated with an overseas SAO assignment provide unique experiences for the military member and his or her family. As a member of an embassy country team, the SAO has a first-hand look at USG inter-agency activities and foreign policy in action. An assignment to an SAO provides a level of responsibility and breadth of experience seldom seen in other military assignments.

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**ATTACHMENT 4-1**  
**AUTHORITIES AND RESPONSIBILITIES OF CHIEFS OF MISSION**  
**(SELECTED SECTIONS IN THE DETAILED INSTRUCTIONS ARE IN BOLD TEXT.)**

PRESIDENT GEORGE W. BUSH'S  
LETTER OF INSTRUCTION TO CHIEFS OF MISSION  
Revised and Approved June 30, 2003

Dear Mr./Madam Ambassador:

Thank you for your willingness to serve the American people as our country's representative to [country/international organization].

The great struggles of the 20th century between liberty and totalitarianism ended with a decisive victory for the forces of freedom - and a single sustainable model for national success: freedom, democracy, and free enterprise. Today, the United States enjoys a position of unparalleled strength and influence. In keeping with our heritage and principles, we do not use our position to press for unilateral advantage.

We seek instead to create a balance of power that favors human freedom.

Our commitment to freedom is America's tradition. The advance of freedom is also the surest way to undermine terror and tyranny, and to promote peace and prosperity. Your task is to help in advancing this great cause by:

- Waging a relentless global war against terrorism, to defeat those who seek to harm us and our friends;
- Overcoming the faceless enemies of human dignity, including disease, starvation, and poverty; and,
- Assisting American citizens, institutions, and businesses as they pursue their haritable and commercial interests.

This letter contains your detailed instructions as my personal representative and the United States 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.

///Presidential signature///

## DETAILED INSTRUCTIONS

**As Chief of Mission, you have full responsibility for the direction, coordination, and supervision of all United States Government executive branch employees [in country/at international organization], 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. Except for the activities of the personnel exempted above, you are in charge of all executive branch activities and operations in your [Mission/international organization.]**

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 and supervision of all United States Government activities and operations abroad. The only authorized 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/at international organization] 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 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 protect 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. Functions that can be performed by personnel based in the United States or at regional offices overseas should not be performed at post. 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 in country 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/visiting international organization) on official business. You may refuse country clearance or may place conditions or restrictions on visiting personnel as you determine necessary.**

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 not only representing me, but also the American people and America's values.

**ATTACHMENT 4-2**  
**SECURITY ASSISTANCE ORGANIZATION - INDUSTRY RELATIONS**

[Department of Defense 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]

**Office of the Secretary of Defense**  
**Washington, DC 20301-1000**  
**05 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 FMS 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.

