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# Using Foreign Military Sales to Support Military-to-Military Cooperation

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The United States (U.S.) military organizations have a variety of programs available to cultivate relationships with foreign militaries. These run the gamut from subject matter expert exchanges (SMEEs) and conferences to large bilateral and multilateral exercises. Most of the time, U.S. funds are allocated for these activities since they serve to enhance U.S. capabilities. However, in some cases funding for a proposed exchange may be problematic, usually because the activity benefits the foreign partner rather than, or at least more than, the U.S. In these situations, it may be possible to use funding provided through foreign military sales (FMS) cases.

We normally do not think of FMS as a way to strengthen military-to-military cooperation. Instead, FMS is most often seen merely as the way we sell stuff to other countries. However, FMS may also be used to supplement military cooperation efforts. For example, let us assume that the country of “Bandaria” has purchased large quantities of U.S. military equipment. The Bandarian Ministry of Defense (MOD) recognizes that it cannot just rely on hardware if it wants to get full benefit of the weapon systems that it has procured. It also wants to focus on the non-material tools it needs to more effectively use what it has bought. These may include organizational structure and procedures, training techniques, leadership development models, needs assessments, information management, and many more areas of concern. Bandaria may ask the U.S. for assistance with this effort in the form of military-to-military activities such as U.S. assessments of Bandarian units, U.S. observers at exercises, conferences, mobile training teams (MTTs), and SMEEs. These cooperation programs may be conducted between organizations at the national level, service-to-service, or between military organizations in theater. Since this is a Bandarian initiative for the benefit of Bandaria, MOD may offer to fund U.S. participation via FMS.

There are at least four kinds of FMS tools we may use in this scenario. All have advantages and disadvantages. Moreover, they are not mutually exclusive. It may be possible to use all four tools in concert to develop a more robust cooperation program.

## **Defined Order Cases**

One option would be to write a separate Defined Order (DO) case to fund a particular cooperation program. The greatest strength of a DO case is that it specifies the assistance Bandaria has purchased. This may allow the program managers on both sides of the partnership to focus on specific, clearly defined objectives rather than being distracted by competing priorities. Note, however, that while the scope of a DO case must be spelled out, it is not necessary to tie the case to a specific piece of equipment. For example, we should be able to write a case to support a SMEE on attack helicopter operations without specifying the model of helicopter under discussion.

Availability of funds is another strength of a DO case. When Bandaria MOD signs an FMS case, it is obligating the funds to execute it, so we can be sure that money has been earmarked and is available for this particular event. Since the case specifies what the money is for, we also can be reasonably sure that our funding will not be diverted elsewhere. Furthermore, FMS funds do not expire with the fiscal year but rather should be available for the life of the case.

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If specificity is the greatest strength of a DO case, that is also its greatest weakness. DO cases lack flexibility. First, it can take a long time to write and implement a DO case, the standard target metric is four months which makes it difficult to respond quickly to sudden opportunities or pressing needs. Furthermore, any deviation from the specified scope of a DO case requires a formal Amendment, which also takes time. Each time we change our scope, we need a new Amendment.

Another challenge when using a DO case would be to identify which organization in the U.S. should provide case management. At first blush, it would seem that the security assistance training activities of military departments (MILDEPs) are most appropriate for this function, but it may make more sense to assign this responsibility to someone else. For example, if our cooperation program focused on rationalizing logistics in Bandaria's Air Force, the U.S. Air Force Security Assistance Center (AFSAC) may be the best place for case management, since AFSAC is a subordinate organization of the U.S. Air Force Materiel Command (AFMC), which is the USAF's top logistics organization<sup>1</sup>.

Given their lack of flexibility, DO cases are perhaps best suited to one-time events or recurring routine activities that are well-defined and structured. For example, we may elect to use a DO case to fund an assessment of Bandaria's attack helicopter units by a U.S. attack helicopter unit in theater. After the assessment, we may decide to write another DO case to fund week-long SMEEs on attack helicopter operations to be conducted in Bandaria semi-annually over a three-year period, specifying the number of U.S. participants and requiring that the majority of them come from organizations in theater. Alternatively, if we know before the assessment that we want to hold SMEEs, we may elect to just write one DO case with two lines, one for the assessment and the other for the SMEEs. Now both sides can program these SMEEs into their annual training schedules for the next three years, knowing that the money needed to make them happen should be available.

### **Amendments to Existing Defined Order Cases**

Rather than write a completely new case in support of a military-to-military cooperation event, it may be possible to add the event as a line to an existing DO case via an Amendment instead. This option has all the advantages of specificity and funding outlined for DO cases, but also may take less time to prepare than a new case. Additionally, while using a new case might mean that MOD must request funds from Bandaria's budget authorities (e.g., Ministry of Finance, President's Office, Bandarian legislature), there may be existing cases with excess unprogrammed funds that MOD can use at its own discretion.

Like DO cases, Amendments also lack flexibility. Most DO cases are tied to a specific weapon system, so that any Amendment would also have to be system-specific. For example, if we wanted to hold a SMEE on a topic regarding F-16 aircraft, we probably would not be able to fund it with an Amendment adding a line to a case related to C-130 aircraft, even though the C-130 case had excess funds.<sup>2</sup> Moreover, many of the issues on which we want to cooperate (e.g., leader development or streamlined acquisition procedures) may not be tied to a specific system, thus making it difficult to find an appropriate case on which to piggy-back. Amendments to DO cases, then, may be appropriate vehicles to fund one-time events or structured, routine, recurring events related to specific systems.

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1. It is important to distinguish between case management and program management. An FMS case manager will likely reside at a security assistance organization in a military department, whereas the program manager may be at another DoD agency, a Combatant Command headquarters, or even in an operational unit. For example, in our scenario, the case manager may work at AFSAC, but the program manager may be at AFMC, HQ Pacific Command (PACOM), HQ Pacific Air Force (PACAF), or the headquarters of a numbered Air Force (NAF) in the Pacific theater. The case manager and program manager obviously would have to work in close coordination.

2. However, we might be able to fund an amendment to the F-16 case by transferring money from the C-130 case.

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## **Blanket Order Cases Specifically for Cooperation Programs**

Blanket order (BO) cases are on the opposite end of the spectrum from DO cases. BO cases are used to fund a category of items or services without specifying in advance what they might be. The scope of a BO case is limited only by the sum of money Bandaria puts on the case and the category of item or service called out (e.g., we cannot buy spare parts with a BO case established for training). In this scenario, Bandaria simply may elect to set up a BO case for “Bandarian and U.S. Military Cooperation Programs.”

The greatest advantage of a BO case is its flexibility. Generally, BO cases take less time to write and implement. Once a BO case is in place, we can react quickly to cooperation opportunities. As long as we stay within our broadly defined scope, we simply have to draw money from the case for our cooperation events. Additionally, a broad scope obviates the need to write an Amendment every time we want to do something new or different. For example, if the scope of the case was written broadly enough, it may be possible to conduct a SMEE on attack helicopter operations, hold a conference on air force logistics, and have U.S. personnel observe shipboard operations during a Bandarian naval exercise, and fund it all with just one case.

We of course are not limited to using a single BO case. For example, as its cooperation program with the U.S. matures, Bandaria’s MOD may decide that managing all programs under one case is too cumbersome. MOD may then decide that it wants to establish a case just for MOD and DoD exchanges and that each of the Bandarian military services will set up a case for cooperation efforts with its U.S. counterpart. Then, if Bandaria wanted to pursue exchanges on a particular topic, say, modeling and simulation, MOD could fund meetings with the U.S. Defense Modeling and Simulation Office (DMSO) off of its case, while the Bandarian Army funded exchanges with the U.S. Army Program Executive Office for Simulation, Training, and Instrumentation (PEO STRI) with the Army BO case.

As with DO cases, the greatest weakness of a BO case lies in its strength. The flexibility of BO cases adds the risk that we may lose focus and dilute our efforts. Program managers on both sides of the partnership will be faced with competing priorities as commanders and action officers alike clamor for case money to fund their pet projects, each more important than the next. Someone, probably more senior than a mere program manager, will have to conduct triage to determine which few of the many worthy programs proposed will go forward.

Responsibility for case management is as problematic for BO cases as it is for DO cases. Normally, BO cases are managed by the security assistance training activities of the MILDEPs (for training cases) or by the MILDEPs’ International Logistics Control Organizations (for everything else). Neither of these organizations may be appropriate for cases supporting cooperation programs. Instead, it may be better to assign case management to the senior security assistance organization in a MILDEP, e.g., Navy International Programs Office (NIPO) or the Office of the Deputy Undersecretary of the Air Force for International Affairs (SAF/IA). For cases supporting MOD–DoD exchanges, it may even make sense to assign case management to the Defense Security Cooperation Agency (DSCA).

From a Bandarian perspective, a stand-alone BO case may cause additional problems when MOD requests money for activities that are still undefined. Budget committees may be unsympathetic to requests for funding to “cooperate with the American” without further detail on what that cooperation will entail. Another legitimate question might be, “If cooperation is so important, why are not the Americans funding it (or at least part of it)?” As this discussion indicates, a separate BO case dedicated just to military-to-military cooperation is an excellent funding vehicle, provided that program managers can deal with myriad demands on their limited resources and that budgets can be justified to the relevant authorities.

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## Blanket Order Training Cases

Our fourth option for funding military-to-military cooperation through FMS is to include cooperation efforts on existing BO cases dedicated to training. Many countries have such cases in place, often down to the military service level, to fund attendance at courses in U.S. military schoolhouses. These cases give Bandaria the flexibility to pull funds quickly as approved courses become available. Additionally, BO training cases may also be used to fund U.S. mobile training teams (MTTs) that train Bandarian personnel in Bandaria. Therefore, if we can portray our cooperation efforts as training, which in a very real sense many of them would be, we should be able to roll them into these larger BO cases. This also may mean that we must define proposed SMEEs, conferences, or exercise observation as MTTs.

This option gives us the flexibility of any other BO case as long as we can define and support our proposed activities as training. It may also be easier for Bandarian MOD to defend a budget request for increased training vis-à-vis cooperation. It also renders moot the question of who should be the case manager, since training cases are by default managed by the MILDEP security assistance training activities.

The obvious disadvantage of tying cooperation to training is that if we are unable to justify our efforts as training, then we cannot fund them with a training case. Could a series of presentations by a panel of U.S. military flight surgeons to the Bandarian Defense College of Aerospace Medicine be considered training? How about an Army-to-Army conference on junior leader development? A Navy SMEE on different approaches to maintenance management? Perhaps, but the final answer may lie in the eyes of the beholder.

Another disadvantage of using BO training cases is that, as with separate BO cases, we still have to deal with competing priorities for funds. Unless the Bandarian program manager can fence off money for cooperation, it is possible that other training managers will try to use those funds for other training opportunities. If competing for the same pot of money, which should take precedence, a SMEE, conference or a seat in a course at the U.S. College of Naval Warfare? Odds are that the Naval War College slot would win out.

Another disadvantage to calling cooperation exchanges MTTs is that it may further limit our ability to respond quickly to immediate opportunities and needs. Although U.S. policy states that MTTs should be used when “assistance must be accomplished as rapidly as possible”,<sup>3</sup> in reality programming MTTs is a time-consuming process. First, MTTs must normally be programmed at the annual Combatant Command (COCOM) Training Program Management Review (TPMR), usually held each Spring for the upcoming fiscal year (i.e., 6 to 7 months out). Additionally, the same document that recommends MTTs for “rapid” responses also stipulates that requests for MTTs should be no less than 180 days in advance (120 days for some exceptions).<sup>4</sup> Realistically, given the operations tempo (OPTEMPO) of U.S. forces over the last several years, even 180 days to put together an MTT for Bandaria seems wildly optimistic.

In addition to the pros and cons addressed above, depicting cooperation efforts as training has another angle not present in our other three options, that is, for some countries we may also be able to use U.S. funds provided under the International Military Education and Training Program (IMET). This approach comes with its own set of challenges and opportunities. For example, it does not give us the flexibility of a BO case since IMET does not fall under the rubric of FMS and so FMS rules

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3. Army Regulation 12-15/SECNAVINST 4950.4A/AFI 16.105: Joint Security Assistance Training (JSAT), 5 July 2000 w/changes, para. 13.2a(1) (29 December 2006, <http://www.disam.dsca.mil/itm/References/JSAT/JSAT.pdf>).

4. JSAT, paras, 13-2a, 13-2f, and 13-43b.

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are not in play. What can be justified as training under FMS may not be justifiable for IMET funding. Additionally, U.S. policy is that “in principle” IMET should not be used to fund MTTs,<sup>5</sup> although exceptions may be made with COCOM and DSCA approval.<sup>6</sup> Furthermore, although in theory IMET funding is good for one fiscal year, in practice Congress usually does not approve IMET funds until well into the second fiscal quarter. Since IMET money may not be used to fund MTTs under the “fifth quarter” concept,<sup>7</sup> this means that we will likely not be able to use IMET for any cooperation MTT in the first quarter of any given fiscal year. We will probably also not be able to use IMET to fund MTTs that cross fiscal years into the “fifth quarter.” Nonetheless, all the caveats above notwithstanding, IMET funds may still prove useful for certain kinds of cooperation exchanges.

## Conclusion

All too often, military-to-military cooperation and FMS are seen as parallel programs, with no overlap or synergies. However, it is feasible in some circumstances to use FMS to support cooperation. This article does not argue that exchanges funded under FMS or IMET should replace the myriad other programs that support cooperation exchanges between U.S. and foreign military establishments. Instead, it suggests only that these security assistance programs may be used to supplement such efforts. Additionally, it should be obvious from the discussion of the pros and cons of our four options that interjecting security assistance into cooperation programs can often bring as many problems as it does solutions. Furthermore, using FMS does not relieve U.S. military organizations from obtaining the necessary policy approvals for proposed exchanges from the COCOM, Office of the Secretary of Defense (OSD), or the Department of State (it may in fact increase these requirements.) Moreover, these approaches will all require close coordination among organizations and people who may not be used to working together, e.g., case managers at MILDEP security assistance organizations and program managers at operational headquarters. The U.S. Security Assistance Office (SAO) in Bandaria will also play a critical role in choreographing these disparate efforts. Coordination among program managers, case managers, and the SAO must begin early and be continuous. Still, when used appropriately, judiciously, and in concert with other initiatives, FMS and IMET can significantly enhance a bilateral military-to-military cooperation program.

## About the Author

Bob Van Horn has been an instructor at the Defense Institute of Security Assistance Management since August 2004. He served in the U.S. Army from 1973-1994 as an Armor Officer and a Foreign Area Officer (China). While in the Army, his security assistance tours included Chief, Army Programs, Office of the Defense Representative, U.S. Embassy, Islamabad, Pakistan, and Chief, Performance Evaluation Group, Logistics and Security Assistance Directorate (J44), Headquarters, U.S. Pacific Command, Camp Smith, Hawaii. After retiring from the military service in 1994, he worked for a short time as the Director, Trade Development, Kansas Department of Commerce and Housing in Topeka, Kansas. In July 1997, he joined the security assistance office in the American Institute in Taiwan (AIT), located in Taipei, Taiwan, where he served till July 2004. His academic degrees include an MBA from the University of Kansas, a Master’s Degree in Political Science from the University of Arizona, and a BS in Economics from Iowa State University.

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5. JSAT, para. 13-2b

6. DoD 5105.38-M: *Security Assistance Management Manual (SAMM)*, 3 October 2003 w/changes, para. C10.6.3.3 (29 December 2006, <http://www.dscamilitary.com/SAMM/Chapter%2010%20-%20International%20Training.pdf>).

7. Although IMET funds are normally only good for one fiscal year, there are provisions that permit using money from one fiscal year to fund training in the first quarter of the next fiscal year, provided the training has been programmed and obligated by 30 September. Hence, the term “fifth quarter.” JSAT, para 5-4d. MTTs are specifically excluded from fifth quarter funding. JSAT, para. 13-9b.