



DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

DEC 23 2009

MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Guidance for Development of FY 2010 Section 1206 Programs

REFERENCES: (a) National Defense Authorization Act for FY 2006 (Public Law 109-163), Section 1206, as amended
(b) DoD 5105.38-M, Security Assistance Management Manual
(c) DSCA Policy Memo 08-37, Assignment of Code "B9" for Fiscal Year (FY) 2009 Authorities Relating to Section 1206 Programs and the Capacity to Build the Pakistan Frontier Corps (Section 1201), dated 18 Nov 2008 (an update to this reference is pending)

1. PURPOSE. This guidance supplements References (a) through (c) and replaces Program Guidance Memorandum dated February 3, 2009.

2. PROCESS.

2.1. The Geographic Combatant Commanders (GCCs) were requested to provide Section 1206 program proposals from their areas of responsibility to the Joint Staff by October 15, 2009. Embassy Country Teams were requested to provide Section 1206 program proposals to the State Department Bureau of Political-Military Affairs by the same date.

2.1.1. Proposals are expected to be jointly formulated, leveraging the expertise of Department of State (DoS) and Department of Defense (DoD) personnel in-country and addressing urgent counterterrorism and stability operations needs in accordance with Reference (a). Proposals are tracked to ensure compliance with the annual total program authorization of \$350,000,000 and the limitation of \$75,000,000 for use in proposals for participation or support of military and stability operations in which United States Armed Forces are participating.

2.1.2. Proposals will be rejected if they would intend to provide assistance to any unit of the security forces of a foreign country where there is credible evidence as determined by DoS that the unit has committed gross violations of human rights. All equipment and training provided through the Section 1206 program must comply with 22 U.S.C. Section 2378d, also known as Leahy Vetting.

2.2. Following receipt of proposals, a three-pronged, concurrent review process will take place. The Office of the Secretary of Defense (OSD), Joint Staff, and DoS will conduct a political-military review to evaluate each proposal based upon its policy merits and to ensure that providing assistance would not violate Leahy Vetting requirements. DoD Office of General Counsel (OGC), working with Department of State Office of Legal Advisor (State/L), will evaluate the legal appropriateness of each proposal. The Defense Security Cooperation Agency (DSCA), in conjunction with the Military Departments (MILDEPS), will evaluate the execution feasibility of each program proposal. See Section 3 for further details on Feasibility Assessments.

2.3. Following completion of these three assessments, OSD and DoS will identify recommended programs for formal approval by senior leadership in DoD and DoS (typically the Secretary of Defense and the Deputy Secretary of State, acting on behalf of the Secretary of State). While programs are pending this approval, Joint Staff and DSCA will request that the GCCs, the Security Cooperation Organizations (SCOs), and/or embassy country teams complete requirements definition for each of these programs, resolving information gaps identified by DSCA and the MILDEPS during the execution feasibility assessment so that pseudo-Letters of Offer and Acceptance (pseudo-LOAs, also known as pseudo-cases) can be developed.

2.4. As requirement definition issues are resolved, DSCA will task the MILDEPS as Implementing Agencies (IAs) to initiate the process of developing pseudo-LOAs for each program.

2.4.1. Should additional requirement definition issues be discovered during development of pseudo-LOAs, the MILDEPS will alert DSCA and the respective SCOs for resolution; GCCs and Joint Staff will also be engaged to assist with providing the correct information if necessary.

2.4.2. The goal is to ensure that training and equipment provided to countries creates a helpful capability that meets the intent of the program proposal and legislation.

2.5. Should requirement definition problems identified by the MILDEPS be insurmountable, program proposals may be cancelled in their entirety so the limited funds available under the authority of Section 1206 can be made available to fund other program proposals. Programs may need to be scaled back or cancelled in their entirety if it is clear the necessary total funding line written in the original proposal was insufficient.

2.6. Following approval by senior leadership in DoD and DoS and after reaching a high-degree of completion in developing pseudo-LOAs by the MILDEPS, DSCA will consolidate pricing information to prepare the quantitative portion of the Congressional Notification. DSCA will submit these cost and quantity figures to OSD/Policy, which will then prepare policy rationale justifying each program to submit in a consolidated Congressional Notification package to

selected House and Senate committees and subcommittees in accordance with Section 1206.

2.7. DSCA will coordinate with OSD Comptroller (OSD(C)) regarding program funding, including to request Funding Authorization Documents (FADs) to provide funds to implement each Section 1206 pseudo-LOA. FADs may only be requested following expiration of the mandatory fifteen-day Congressional Notification period. OSD(C) cannot issue FADs for past-year Section 1206 pseudo-cases.

2.8. The intent of this Program Guidance Memorandum is to enable the development, notification, funding, and obligation of programs at the earliest opportunity. Care must be taken in developing program costs. There is no minimum threshold below which Congressional Notification is not required.

2.9. After notification, programs are expected to remain less than or equal to the amount notified. An increase in program cost of one percent or more will require evidence that the Secretary of Defense has approved the increase. Movement of funds from one country program to another will require re-notification where the additional funds will exceed the amount previously notified for that country program. Where equipment is provided, an estimated quantity of a particular item or article will be stated in the notification with the caveat that the equipment quantity is an estimate at the time the notification is prepared. The notification period must precede obligation of funds. Even if regional in nature, programs notified to Congress must be split out by country.

2.10. Should the political situation in a recipient country change (e.g., coup d'état) DoD and DoS senior leadership may still cancel programs if pseudo-LOAs have been implemented. In instances where pseudo-LOA implementation and funds obligation have been concluded, equipment may need to be stored temporarily or redirected to another recipient country. Redistribution of equipment can only occur with DSCA's approval, and only after obligatory Congressional notification has occurred on the redistribution plan.

3. FEASIBILITY ASSESSMENT.

3.1. The feasibility assessment (paragraph 2.2.) considers all issues related to Security Cooperation and USG acquisition policy to include: specificity and definition of required equipment and training; waiver/release issues, if applicable; period of performance for required services; accuracy of costing; and ability to award contracts or initiate requisitions by the end of each fiscal year, thereby obligating the funds.

3.2. The MILDEPS identify additional information necessary to understand requirements; documentation needed for LOA development (e.g., call-up messages (Enclosure 1), statements of urgency (Enclosure 2), country team assessments, statements of work, etc.); and other issues that must be resolved either before accurate pricing is obtained so that DSCA can complete its portion

of the Congressional Notification process or before pseudo-LOAs can be completed and implemented.

3.3. The MILDEPS also identify risks to obligating funds for training or equipment by the end of the fiscal year. In instances where a requested item of equipment cannot be successfully placed on contract or on order by the end of the fiscal year, given that Section 1206 funds are one-year expiring funds, the MILDEPS will recommend alternative equipment items that may meet the requirement.

3.4. The Weapons team from DSCA's Principal Directorate for Programs will also participate in the feasibility review to identify technology transfer obstacles.

3.5. The feasibility assessment for FY 2010 took place in late-October and early-November 2009. Should additional program proposals be submitted over the course of the fiscal year, particularly if urgent and emergent requirements are identified, DSCA may request that the MILDEPS review these proposals for execution feasibility and requirements definition in tandem.

4. GUIDANCE. Specific guidance based on lessons-learned.

4.1. Letter of Request (LOR). Section 1206 proposals shall serve as LORs (Reference (b)) and shall provide the basis for development of Section 1206 pseudo-LOAs. Pseudo-cases are named as such because they use the Foreign Military Sales systems and processes; however, country signature is not required, and DoD O&M funds are used rather than host-nation funds.

Reference (b), Chapter 5 (C5.1.1), provides guidance for preparing LORs – this also applies to the level of detail needed for Section 1206 requirements definition:

4.1.1. Description of defense article(s) with quantity, price, and National Stock Numbers (NSNs), (where available), point of delivery, etc.

Note: Tailored spares packages must provide a list of all parts, quantities, and cost.

4.1.2. Descriptions of services to include type (e.g., training, site surveys, repairs, engineering and/or technical assistance), organization(s) performing the service(s) (military/civilian, contractor), estimated date of the service(s), and cost.

Note: Enclosure (3) provides supplemental guidance regarding Section 1206 international training.

4.1.3. Identification of unique transportation requirements. The Defense Transportation System (DTS) must be used when executing all Section 1206 projects. The DoD rate applies to all transportation costs. Pseudo cases for Section 1206 programs will be identified by a two-position code, such as "B9" for

FY 2009 Section 1206 pseudo cases (Reference (c), an update for FY 2010, which will assign an FY 2010 country code, is forthcoming).

Note: The Delivery Term Code (DTC) used on the case must be adequate to provide for transportation from the source of supply all the way to the final destination specified in the LOR. This is generally accomplished through DTC 7, unless DTC 9 suffices (delivery to overseas port of discharge – first port of entry in-country). Absence of any transportation cost in the program proposal may be an indication that the transportation requirement is not sufficiently concrete to support obligation of funds. This may require the use of current O&M funds at the time the transportation requirement is defined. DSCA will coordinate the availability/visibility of associated transportation bills that may be useful in determining estimated transportation costs.

For FY 2010, the SCOs and GCCs were specifically requested to provide delivery point information in each program proposal.

4.1.4. Identification of any incidental construction costs, as applicable. (See “Construction Incidental to a Section 1206 Program” below).

4.1.5. Statements of Work (SOW), where appropriate. In several cases, GCCs have requested a specific training provider (contractor). In such cases, the GCC should provide a statement of justification sufficient to support using other than full and open competition procedures such as where the requirement is urgent or where only one responsible source can fulfill the requirement.

Note: There are indefinite delivery/indefinite quantity (IDIQ) contract vehicles available to the MILDEPS for training. These should be used to the greatest extent possible for contractor-provided training.

4.2. Pseudo-LOA Development. The MILDEPS will develop Pseudo-LOAs in accordance with Reference (b) and Reference (c) (update pending), using the Section 1206 proposal sheet as the basis for requirements. All associated requirements documents will be unclassified.

4.2.1. Pseudo-LOAs for Each Country. Even if part of a regional program, a single pseudo-LOA must be produced for each country, with the exception of human rights training programs to be executed by the Defense Institute for International Legal Studies (DIILS). For these limited cases, each country must have its own line. Having single pseudo-LOAs for each country helps facilitate equipment delivery, financial tracking, and accurate Congressional Notification.

4.2.2. Changes to LORs. Once DSCA tasks the development of the LOA, changes to the proposal/LOR must be approved by the appropriate DSCA Country Program Director (CPD) and the DSCA Section 1206 program manager.

4.2.3. Control of Total Case Value. Control of total cost is a key element of Section 1206 program management. Section 1206 programs as a whole have

a statutorily established limit on the total amount of funds available for obligations in each fiscal year and a further limitation on the amount of funds available for military and stability operations. Total case value for pseudo-LOAs will be assigned as cases are tasked for development. The MILDEPS should attempt to build cases not to exceed the total case value as assigned, capturing both costs of defense articles and defense services as well as below-the-line LOA charges (e.g., transportation, admin surcharge). The DSCA Section 1206 program manager will approve all deviations to the total case value as an exception.

4.2.4. Standard Spare Parts. The standard practice for all Section 1206 equipment pseudo-LOAs is to include two years' worth of spare parts. Deviations from this norm need to be approved by the DSCA 1206 program manager. In many instances, depending upon the type of equipment, providing less than two years will be adequate. In other instances, providing more than two years of spare parts may be preferable and beneficial.

4.2.5. Exceptions from Full and Open Competition. The 10 U.S.C. § 2304(c)(4) "International Agreement" exception is not available for cases funded with DoD O&M funds. Use of processes for other than full and open competition must be in accordance with Federal Acquisition Regulation (FAR) and Defense FAR Supplement (DFARS) requirements for DoD (i.e., Justification and Approval are required). The submitting SCO (or office performing that function) must provide an associated Statement of Urgency if the exception to full and open competition to be used is based on unusual and compelling urgency, reference 10 U.S.C. §2304(c)(2). Pseudo-LOAs will not contain sole source notes. "Expiring funds" is not a sufficient justification to support using a sole source exception.

4.2.6. Period of Performance for Services. In accordance with Reference (a), Section 1206 funds may be used for programs that begin in one fiscal year and end in the next fiscal year. For example, a service contract awarded on November 1, 2009, using FY 2010 Section 1206 funds, may cross fiscal years as long as the program ends on or before September 30, 2011, potentially longer than twelve months. This authority is not limited to severable services; contracts for non-severable services may exceed one year in duration.

4.2.6.1. Contracts must be obligated prior to the end of each fiscal year. Obligation of FY 2010 O&M funds must take place before the period of availability expires on September 30, 2010. DoD OGC determined FY 2010 programs constitute bona-fide needs of FY 2010, having been approved by the Secretary of Defense.

4.2.6.2. Using the Section 1206 cross-year authority provided in Reference (a), as amended, all pure training activities using FY 2010 Section 1206 funds must be completed by September 30, 2011. Pure training activities, as defined here, include Mobile Training Teams (MTTs) and MTT-like training, wherein U.S. Government officials (civilian or

military) or U.S. Government-hired contractors travel to a recipient country to provide training in a particular set of military skills or tactics.

4.2.6.3. Using the cross-year authority, FY 2010 funds can be used to conduct pure training using U.S. government officials (civilian or military) during FY 2011. Pure training may be considered a severable service under the Financial Management Regulations. Consideration of the nature of the training and whether the training effort is severable or nonseverable will help determine the appropriate mechanism to transfer funds to DoD components for program execution. Such transfer authorities include the Project Order Act and the Economy Act.

4.2.6.4. Services connected to the delivery of equipment items (predominately basic operator training and installation) may be performed following the delivery of that equipment item. Basic operator training is intended to show members of the recipient military how to safely use and maintain the equipment. For example, if a recipient country approved for the FY 2010 program is to receive radios and antennas with a lead-time allowing deliveries in January 2012, FY 2010 Section 1206 funds can be used to place basic operator training and installation on contract so that when the specific equipment is delivered, equipment operation training and installation can be conducted. These funds would need to be obligated within the period of availability of FY 2010 funds.

4.2.6.5. Basic operator or orientation training does not encompass any tactical or deployment training. Tactical or deployment training conducted with FY 2010 funds would need to be completed by September 30, 2011.

4.2.7. Manpower and Travel Data Sheet (MTDS). An MTDS is required for all pseudo-LOAs that provide defense services. Exceptions to this requirement are noted at Reference (b), C9.4.2.1. For a sample MTDS, see Reference (b), Figure C9.F1.

4.2.8. Technical Publications and Books. If technical publications and books are requested for inclusion as part of an original FY 2010 Section 1206 program proposal and are approved by the Secretary of Defense, they have been deemed a bona-fide need of the current fiscal year. If these publications have a purpose linked to the delivery of a requested equipment item (i.e., equipment operator manuals), these books may be delivered when the corresponding equipment is delivered.

4.2.9. \$250K Investment/Expense Threshold. The \$250K threshold for requiring the use of procurement funds (rather than O&M funds) to acquire capital investment equipment does not apply to Section 1206.

4.2.10. Construction Incidental to a Section 1206 Program. Section 1206 does not provide authority to undertake construction projects. However,

undertaking relatively minimal construction that is necessary and purely incidental to the provision of other assistance authorized under Section 1206 is permitted. For example, construction of a concrete pad for the installation of a radio antenna procured and provided under Section 1206 would be allowed; meanwhile, construction of a classroom building to provide training would not. Incidental construction costs may not exceed \$750,000 for any single 1206 program per 10 U.S.C. Section 2205.

4.2.11. Fuel. In those cases where fuel is required to undertake the Section 1206 funded training activity (e.g., special boat training), fuel is considered "supplies" that could be paid for with Section 1206 funds.

4.2.12. Site Surveys. The expiring nature of Section 1206 funds does not lend itself to using these funds easily for site surveys, particularly if the site survey would need to be completed well in advance of the end of the fiscal year so that desired equipment can be priced for pseudo-LOA development, notified to Congress, and placed on contract. If a site survey using Section 1206 funds must be conducted as a prerequisite to pricing requested equipment included as part of the program proposal, the proposal may not meet the feasibility criteria required of Section 1206 programs. Complicated site survey requirements may necessitate cancelling the proposed Section 1206 program in its entirety.

4.2.13. Offset Costs. DoD appropriated funds may not be used to pay offset costs.

4.2.14. Offshore Procurement. The constraints on using funds for procurement outside the U.S. in Section 42(c), Arms Export Control Act (AECA), do not apply when O&M funds are used for procurement under Section 1206 authority. Procurement for Section 1206 projects must comply with foreign acquisition rules in Federal Acquisition Regulation (FAR) Part 25, DFARS Part 225, and applicable MILDEP FAR supplements. No articles will be procured from a United States Government-sanctioned entity unless all other sources of supply are exhausted and proper approval is granted.

4.2.15. Non-recurring Costs. Non-recurring costs do not apply to Section 1206 cases.

4.2.16. Travel and Living Allowances (TLA). Section 1206 funds may be used to pay for travel and living allowances for foreign personnel being trained under Section 1206 projects, as long as the appropriate approvals are obtained in accordance with Reference (b), C10.3.6. Instances of providing CONUS training to foreign personnel must be limited and have a strong justification.

4.2.17. Health Coverage. Prior to issuing Invitational Travel Orders so that foreign military personnel can travel to CONUS for training or related purposes using Section 1206 funds, SCOs shall ensure that the visiting personnel will have adequate health coverage during their visit. Section 1206

funds cannot be used to provide medical care to visiting foreign military personnel.

4.2.18. Administrative Fees and Small Case Management Lines. All Section 1206 pseudo-LOAs are subject to the standard 3.8% FMS administrative fee. All Section 1206 pseudo-LOAs that do not collect at least \$15,000 through the FMS administrative fee are subject to the Small Case Management Line (SCML), which will collect the difference between \$15,000 and the normal 3.8%. The MILDEPS are requested to notify the DSCA 1206 program manager of the inclusion of an SCML unless otherwise acknowledged. All administrative fees must be accounted for within notified values for each program.

4.2.19. Residual Funds. The MILDEPS are requested to notify the DSCA 1206 program manager and the DSCA country program director soonest should any residual funds be available on 1206 pseudo-cases after the requested equipment has gone on contract. For the most part, these funds will be used to increase spare parts or quantities of already-included equipment.

4.2.20. Closure of Pseudo-LOAs. The need to close or cancel Section 1206 pseudo-LOAs should be addressed with the DSCA 1206 program manager, the DSCA country program director, and the DSCA financial manager. Section 1206 funds which have been obligated are available for outlays and expenditures to meet obligations of that fiscal year for up to five years. Each FY 2010 Section 1206 pseudo-case must be fully reconciled and closed by July 31, 2015.

4.2.21. Internal Transfers. Section 1206 assistance is directed to specific units identified by the United States Government. Typically, units under a country's Ministry of Interior are not eligible for Section 1206 assistance, unless it is a maritime security unit (i.e., similar to a Coast Guard). Requests to transfer equipment from one unit to another should be coordinated with DSCA to ensure that legal criteria are met.

4.2.22. Contract Authority. The pseudo-LOA serves as authority to contract for goods and services to implement the approved Section 1206 proposal. Contracts that exceed the articles or services authorized in the pseudo-LOA are not proper contracts. In order to support an award in excess of the pseudo-LOA, the requiring MILDEP component must request that the pseudo-LOA be amended and must present a statement, with supporting facts, that the circumstances surrounding the improper award justify amendment of the pseudo-LOA to bring it into line with the contract. Such statement and supporting facts must be presented to the DSCA Section 1206 program manager and should consider the criteria listed in the FAR Section 1.602-3(c).

4.3. LOA Processing. The DSCA, Operations Directorate (Case Writing Division (CWD)), will afford Section 1206 pseudo-LOAs priority handling. Following completion of case writing and review, the CWD will coordinate State Department approval. With this approval, the DSCA Section 1206 program

manager will request that the CWD place the pseudo-LOA in "Offered" status in the Defense Security Assistance Management System (DSAMS).

Once the case is in the "Offered" status, the DSCA Country Program Director (CPD) will verify case acceptance with the MILDEP. Pseudo-cases must be in "Accepted" status before they can be emergency implemented. If the MILDEP requires, the DSCA CPD should obtain an authorized signature from the Regional Deputy, Principal Director for Operations. No country signature is required on a pseudo-LOA since the U.S. Government is the purchaser.

4.4. Title and Custody Transfer. The pseudo-LOA is a USG-to-USG document. As a result, USG defense articles and defense services remain under U.S. title and custody until they are delivered to an official of the foreign recipient country. GCCs and SCOs are responsible for documenting title and custody transfer of all Section 1206 materiel.

Note: The following text appears as a note in each Section 1206 LOA and describes applicable procedures (see Reference (c) for all FY 2010 Section 1206 mandatory notes):

"U.S. Government will retain title to and custody of the defense articles to be transferred under the authority of Section 1206 [insert public law], (hereinafter "1206 program materiel") and the Arms Export Control Act (AECA) until delivery/receipt by the recipient country. A designated U.S. Government representative will confirm and document delivery/receipt of the 1206 program materiel to an authorized recipient country representative or agent. This U.S. Government representative will keep documentation showing when, where, and to whom delivery was made and will provide a copy of this documentation to the [insert: U.S. Army Security Assistance Command, Navy International Programs Office, or Deputy Under Secretary of the Air Force for International Affairs]."

4.5. Recipient Country Notification. The pseudo-LOA is a USG-to-USG document, incurring no obligations of the recipient country. As a result, once programs have been approved by senior DoD/DoS leadership and notified to Congress, the State Department will send a cable to each country post with instructions to convey specific program details and information to the recipient country, including a description of the defense articles and defense services to be transferred along with the dollar value. Each country post will also be requested to remind the recipient country that all assurances relating to security, end-use, and retransfer apply to Section 1206 equipment under Section 505 of the FAA.

4.6. Night Vision Devices (NVD)/Enhanced End-Use Monitoring (EUM). Prior to delivery of any NVD equipment, SCOs will: 1) transmit the Section 1206 Physical Security and Accountability Requirements Memorandum (Enclosure 3) to the recipient country MoD and receive acknowledgement; 2) review the recipient country's completed NVD Physical Security and Accountability Plan (sample provided at Enclosure 4); and 3) provide a copy of both signed

documents to DSCA-EUM. Contact the DSCA point of contact regarding any other Section 1206 proposal involving other defense articles or services subject to Enhanced-EUM.

Note: A signed Section 1206 Physical Security and Accountability Requirements Memorandum and a completed NVD Physical Security and Accountability Plan are conditions of transfer – without these, title/custody transfer of related systems will not be permitted.

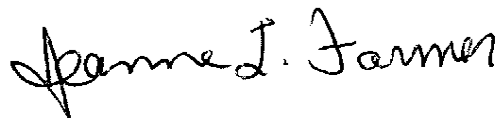
5. FISCAL YEAR 2011 NEEDS ASSESSMENT. Country security cooperation needs assessments conducted by the Security Cooperation Organizations during FY 2010 should inform the development of FY 2011 Section 1206 program proposals, when appropriate. SCOs are encouraged to consult with the MILDEPS to ensure that program proposals are feasible and that cost estimates included in the proposals are accurate.

6. QUARTERLY REPORTING REQUIREMENT. The implementing agencies shall provide an update on procurement and delivery status of each existing Section 1206 pseudo-case (FY 2006-FY 2009) to allow the DSCA Section 1206 program managers to complete a quarterly report on the execution of approved Section 1206 programs.

6.1. Due Dates. During FY 2010, due dates for the implementing agency submissions are March 1, June 1, and September 1.

6.2. Financial Data. Information provided by the implementing agencies for the quarterly reports will be consolidated with the financial status reporting provided by the Defense Finance and Accounting Service. Financial data included in these reports will outline the amount of funds obligated and expended.

7. DSCA SECTION 1206 PROGRAM MANAGERS. COL Brandon Denecke, (703) 604-6602 (brandon.denecke@dscamil); John Sannar, (703) 604-6629 (john.sannar@dscamil); and Ron Simmons, (703) 604-1090 (ron.simmons@dscamil).



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Enclosure (1)

MOBILE TRAINING TEAM (MTT) CALL-UP INFORMATION

(To be developed by SCO/ODC/etc.)

Team Composition. Indicate the quantity, rank, military occupation/specialty, and title of each team member.

Security Clearance. Indicate the type of security clearance required for the mission.

Duration. Indicate the duration of the MTT in weeks or days, as appropriate.

Team Restrictions. Reflect any required limitations or exclusions on the type of personnel, uniforms, equipment, or methods of instruction.

Mission. Provide, in detail, the scope of instruction/assistance the team is to conduct.

Training Goal. Include a statement of the results the team is expected to achieve.

Personnel to be Trained. Indicate the technical qualifications of prospective foreign military trainees, to include education level, and number of foreign military trainees by officers, enlisted personnel, and civilians.

Summary of Host Country Capabilities.

Equipment on which training is to be conducted and availability. The equipment list must be detailed enough for the furnishing agency to identify it by make, model, or type.

Availability of Tools and Ancillary Equipment. List tools and equipment required for the mission, and their availability in country.

Availability of Training Aids. List training aids required for the mission, and their availability in country.

Interpreter Support.

Training Locations. If there is more than one training location, indicate the distance between locations, time requirements for travel to be performed, and modes of anticipated in-country transportation.

Desired in-Country Arrival Date.

Types of Quarters Available.

Uniform and Clothing. Describe requirements for both on and off-duty uniforms and civilian clothing.

In-Country Transportation. Indicate the means of in-country transportation to be provided to and from quarters, training locations, and dining facilities. Specify rental car authorization, if any.

Facilities. Indicate the availability of medical, dental, shopping, and laundry facilities.

Confirmation of Country Team Approval (CTA).

Additional Information. Identify any important data requiring more emphasis or information useful in selecting and preparing the MTT. Include, if applicable, information on sensitive areas, subjects to avoid, taboos, and personalities involved.

Enclosure (2)

STATEMENT OF URGENCY CONTENTS

1. What are we buying?
2. Why is it urgent?
3. When did we first know about the requirement?
4. If equipment, what is the quantity and how did we come up with that quantity?
Note: Can only be the minimum to meet the Government's urgent need.
5. When do we need the items by (date) and why (purpose)?
6. How are we harmed if we don't get the defense equipment or defense service to recipient country?
7. What U.S. sources are available to meet the requirement?
8. When will the source(s) be able to deliver the required defense articles or defense services?
9. If applicable, discuss long lead items that necessitate the immediate action or that will delay delivery of the required defense articles or defense services.
10. What is the estimated cost and are funds available?

Administrative comment. Write out acronyms. If the word is used later, place a bracket around the acronym after you write out the word the first time and then just use the acronym later, (i.e. Logistics and Readiness Center (LRC)).

Enclosure (3)

NIGHT VISION DEVICES (NVDs)

SECTION 1206 PHYSICAL SECURITY AND ACCOUNTABILITY REQUIREMENTS

In the exchange of notes between [Country] and [United States Government] concerning the provision of grant defense articles and services, the Government of [Country] agreed "that it shall, as the Government of the United States of America may require, permit continuous observation and review by, and furnish necessary information to, representatives of the Government of the United States of America with regard to the use thereof by the Government of [Country]"

Before transferring title of [Insert Nomenclatures or just NVDs], the Government of the United States of America requires to be informed by a representative of the Government of [Country] that it has established a plan for the security of and accounting for the [Identify specific articles] that includes each of the following elements:

Physical Security:

- Physical Security. The NVDs will be stored in locations that require controlled access by authorized personnel. The Ministry of Defense (MoD) of [Country] also agrees to comply with U.S. specified requirements for lighting, doors, locks, keys, fencing (outer perimeter) and guard systems. United States Government (USG) personnel will be allowed to verify security measures and procedures established for implementation of these requirements.
- Storage areas. Will be a permanent structure with controlled access. Only unit personnel, authorized by the commander, will be allowed in this area. When a unit is deployed and these requirements cannot be maintained, a daily inventory and an inventory immediately following combat operations.
- Lighting. Lighting will be provided for exterior doors and along perimeter barriers. Security lighting will be checked to ensure any unserviceable bulbs are replaced as required.
- Doors, Locks and Keys. Exterior doors will be metal and secured by a lock. Key control is the responsibility of the unit commander or his designated representative.
- Perimeter fencing and or walled compound. All buildings housing NVDs will be located inside a cantonment and or military facility with a perimeter.
- Surveillance and Guard. A guard will be used to ensure the building is not entered and the NVDs stored are secured. A 24-hour guard or surveillance is required.
- Access to Storage Facilities. Only unit personnel, authorized by the commander will be allowed access to storage facilities containing NVDs.
- Modification of specific requirements to meet indigenous conditions shall be approved by the USG.

Accountability:

- While not issued for use, the MoD will ensure units conduct monthly 100% physical count inventories and quarterly 100% inventories by serial number of all NVDs and image intensifier tubes. Inventory records will be kept for one year. A minimum of two personnel must be present to conduct the inventory.

- While issued for use, the unit commander or his designated representative will perform a daily visual inventory of all issued NVDs.

- The Chief SCO or other USG representatives will be permitted to conduct a U.S. compliance assessment and inventory of NVDs, Image Intensifier Tubes, and related technology by serial number upon request, to include all NVD inventory and accountability records.

//signature//

MoD representative, Government of _____

After the establishment of the aforementioned procedures, a reiteration of the measures above over the signature of an authorized representative of the Ministry of Defense will confirm the commitment of the Government of [Country] to comply with this requirement.

Enclosure (4)

SAMPLE PHYSICAL SECURITY AND ACCOUNTABILITY PLAN

The following is a sample Physical Security and Accountability Plan from a government purchasing night vision devices (NVDs) for the U.S. in-country security cooperation organizations regarding the physical storage, security, accountability and inventory of NVDs:

COMPLIANCE PLAN

BY THE

MINISTRY OF DEFENSE (MOD)

[RECIPIENT COUNTRY]

TO

THE SECURITY COOPERATION ORGANIZATION (SCO)

FOR THE

STORAGE, SECURITY AND INVENTORY OF

NIGHT VISION DEVICES (NVDS)

1. Purpose:

This compliance plan is provided by the [Ministry of Defense (MoD), Ministry of Interior (MoI) etc.], [Recipient Country], to the United States Government (USG), represented by [the Security Cooperation Organization (SCO), e.g., Office of Defense Cooperation, Office of Military Cooperation, etc.]. It identifies resources involved and delineates responsibilities for the security of U.S.-origin Night Vision Devices (NVDs), Image Intensifier Tubes, and related technology. This compliance plan is a commitment to ensure that NVDs, Image Intensifier Tubes, and related technology provided by the USG to the Ministry of Defense, [Recipient Country], are properly used, stored when not in use by authorized personnel, and accounted for as prescribed in accordance with the Letter of Offer and Acceptance (LOA) or any other government-to-government agreement providing the NVDs. This plan covers NVDs and components provided to [Recipient Country] via the United States Foreign Military Sales (FMS) program.

2. References:

- a. All Letter(s) of Offer and Acceptance for NVDs, Image Intensifier Tubes, and related technology.
- b. AR 190-51, Security of Unclassified Army Property (Sensitive and Nonsensitive), 30 September 1993, appropriate references.
- c. Section 505 of the Foreign Assistance Act (FAA), dated 1961, as amended.
- d. DoD Policy Regarding International Transfers & Export Control of Image Intensifier Night Vision Devices, 23 January 1990.
- e. DoD 5105.38-M, Security Assistance Management Manual (current revision).

3. Background:

a. NVDs are sensitive items and the Ministry of Defense, [Recipient Country], will establish procedures to ensure the security and accountability of these devices.

b. All users and units will safeguard, control, and account for the NVDs, Image Intensifier Tubes, and related technology in their care whether these items are in a storage facility or in operational use. The focus is to ensure the NVDs are under the control of assigned personnel who have the responsibility of securing this equipment.

c. Timely compliance with established policy and procedures and cooperation between the MoD and the SCO are essential for long-term support.

4. **Responsibilities:**

a. The MoD will:

(1) Designate a responsible authority to receive NVDs, Image Intensifier Tubes, and related technology upon delivery from the USG and document all transfers to subsequent units.

(2) Issue guidance and provide advice and assistance to the units and individuals using this equipment.

(3) Appoint an officer and at least one alternate officer where these items will be stored to maintain records and oversee accountability on these items. Once appointed, these officers are responsible for overseeing the safeguard, control and accounting of the NVDs, Image Intensifier Tubes, and related technology. These items and their storage facilities will be subject to the various compliance assessments, audits and inventories by USG representatives.

(4) Provide NVD support for all units which are issued NVDs, Image Intensifier Tubes, and related technology.

(5) Conduct oversight visits to the military units to ensure the receipt holders are properly using, safeguarding, controlling and accounting for assigned NVDs, Image Intensifier Tubes, and related technology.

(6) Promptly notify the [the Security Cooperation Office (SCO), e.g., Office of Defense Cooperation, Office of Military Cooperation, etc.], when a NVD, Image Intensifier Tube, or related technology is missing, destroyed, stolen, out of positive control of the unit, misused, or otherwise subjected to a possible breach of security.

b. The military units will:

(1) Comply with policies and procedures and Standard Operating Procedures (SOPs) applicable to using, safeguarding, controlling and accounting for NVDs.

(2) Establish written procedures to ensure receipt holders clear their receipts before they change command, location or are reassigned to other duties.

(3) Promptly notify the MoD when a NVD, Image Intensifier Tube, or related technology is missing, destroyed, stolen, out of positive control of the unit, misused, or otherwise subjected to a possible breach of security. The MoD will follow-up with a written report detailing the incident within 30 calendar days to the USG. This report will include the steps being taken both to recover the equipment (if applicable) and to prevent recurrence.

5. **Physical Security:**

a. The NVDs Image Intensifier Tubes and related technology will be stored in locations that require controlled access by authorized personnel. The MoD agrees to comply with U.S. specified requirements for lighting, doors, locks, keys, fencing (outer perimeter) and guard systems. Modification of specific requirements may occur only with the agreement of the Defense Security Cooperation Agency (DSCA).

b. Storage areas. Storage areas will have permanent structures with controlled access. Only unit personnel authorized by the commander will be allowed in these areas. When a unit is deployed and these requirements cannot be maintained, a daily visual inventory and an inventory immediately following operations will be conducted.

c. Lighting. Lighting will be provided for exterior doors and along perimeter barriers. Security lighting will be checked to ensure any unserviceable bulbs are replaced as required.

d. Doors, Locks and Keys. Exterior doors will be metal and secured by a lock. Key control is the responsibility of the unit commander or his designated representative.

e. Perimeter fencing and or walled compound. All buildings housing NVDs will be located inside a cantonment and or military facility with a perimeter.

f. Surveillance and Guard. A guard will be used to ensure the building is not entered and the NVDs stored are secured. A 24-hour guard or surveillance is required.

g. Access to Storage Facilities. Only unit personnel authorized by the commander will be allowed access to storage facilities containing NVDs.

6. **Accountability:**

a. While not issued for use, the MoD will ensure units conduct monthly 100% physical count inventories and quarterly 100% inventories by serial number of all NVDs and image intensifier tubes. Inventory records will be kept for one year. A minimum of two personnel must be present to conduct the inventory.

b. While issued for use, the unit commander or his designated representative will perform a daily visual inventory of all issued NVDs.

c. The [Security Cooperation Organization (SCO), e.g., Office of Defense Cooperation, Office of Military Cooperation, etc.] or other USG representatives will be permitted to conduct a U.S. compliance assessment and inventory of

NVDs, Image Intensifier Tube, and related technology by serial number upon request, and to review all NVD inventory and accountability records.

7. **Transportation:**

Movement of the NVDs will meet U.S. standards for safeguarding sensitive, but unclassified, materiel of U.S.-origin defense articles in transit.

8. **Access to Hardware and Classified Information:**

Access to hardware and related classified information will be limited to military and civilian personnel of the MoD who have the proper clearance. Information released will be limited to that necessary to perform assigned responsibility.

9. **Loss, Theft, and Unauthorized Use:**

The MoD will report through the [Security Cooperation Organization (SCO), e.g., Office of Defense Cooperation, Office of Military Cooperation, etc.] to the Department of State (DoS) by the most expeditious means any instances of compromise, destruction, unauthorized use, loss or theft of any NVD, Image Intensifier Tube, and related technology. The MoD will follow-up with a written report to the USG detailing the incident within 30 calendar days to the USG. This report will include the steps being taken both to recover the equipment (if applicable) and to prevent recurrence.

10. **Third-Party Access:**

The MoD agrees that, pursuant to reference a., no information on NVDs, Image Intensifier Tube, or related technology will be released to any person not an officer, employee or agent of [the Purchaser] without USG approval.

11. **Damaged/Expended Materiel:**

Damaged NVDs will be returned to the USG on a direct exchange or repair and return basis. Demilitarization and disposal of NVDs will be IAW standard procedures concerning FMS equipment and will be witnessed and documented by serial number by an USG representative.

12. **Conditions of Use:**

All NVDs will be issued under guidance from the MoD. The MoD will take every action necessary to safeguard NVDs during combat operations or other operations and will make every reasonable effort to recover uncontrolled devices.

13. **Review and Revision:**

a. This compliance plan will be reviewed annually. Review will be initiated by the [Security Cooperation Organization (SCO), e.g., Office of Defense Cooperation, Office of Military Cooperation, etc.] or the MoD within 90-days on the first anniversary of the effective date.

b. Either the [Security Cooperation Organization (SCO), e.g., Office of Defense Cooperation, Office of Military Cooperation, etc.] or the MoD may propose revision of this compliance plan at any time. All proposed amendments are subject to the approval by DSCA.

14. **Effective Date:**

This compliance plan will become effective on signature of the representative from the MoD.

MoD Representative / Date