

CHAPTER 15

**TRAINING OF SPECIAL OPERATIONS FORCES
WITH FRIENDLY FOREIGN FORCES**1501 OVERVIEW

150101. Purpose. This chapter provides accounting and reporting procedures to implement provisions of Title 10, United States Code, section 2011 that are related to training of special operations forces with friendly foreign forces.

150102. Authority for Payment of Training Expenses. Title 10, United States Code, section 2011, enacted on December 5, 1991, by section 1052 of P.L. 102-190 (the National Defense Authorization Act for Fiscal Years 1992 and 1993) authorized the Commander, Special Operations Command and the commander of any other unified or specified combatant command to pay, or authorize payment for, any of the following expenses:

A. Expenses of overseas training of U.S. special operations forces, to include civil affairs forces and psychological operations forces, assigned to the combatant commander in conjunction with training, and training with, armed forces and other security forces of a friendly foreign country.

B. Expenses of deploying such special operations forces, to include civil affairs forces and psychological operations forces, for that training.

C. Incremental expenses incurred, in the case of training in conjunction with a friendly developing country, by that country as the direct result of such training. The term, "incremental expenses," with respect to a developing country, means the reasonable and proper costs of rations, fuel, training ordnance, transportation (except to and from the continental United States), and other goods and services consumed by such country, except that the term does not include pay, allowances, and other normal costs of such country's personnel.

150103. Purpose of Training. For the authority cited in subsection 150102 to apply, the primary purpose of the overseas training activities must be the training of special operations forces of the combatant commands. Training of foreign forces may not be the primary purpose.

1502 POLICY AND PROCEDURES

150201. Accounting Procedures. Departmental funds expended to facilitate the participation of friendly foreign forces training with U.S. special operations forces shall be incurred and reported under the following guidelines.

A. Funding for training of U.S. personnel may include amounts for training expenses authorized in Title 10, United States Code, section 2011. The funding source for these proposed payments shall be funds made available to the applicable DoD Component for these purposes.

B. Prior to commencement of the training, agreement on implementing arrangements should be reached in terms of the types and scope of non-financial support and financial contributions to be provided by the United States to a foreign country and/or by a foreign country to the United States. In order to protect the interests of the United States, the essential terms of the arrangement normally shall be documented in writing and a copy of the document provided to the foreign country. In addition, the arrangement should request that each participating country identify both physical and financial contributions to the training effort and the amount of expenses paid related thereto. Formal international agreements, under the provisions of DoD Directive 5530.3, are not required with respect to these implementing arrangements.

C. In the event that the participating country is unable to identify its expenses in time to meet reporting requirements prescribed below, knowledgeable U.S. personnel will estimate that participant's contributions, and the value of expenses paid in U.S. dollar equivalents at the exchange rate in effect at the time of the training. Estimates of a participating country's contributions may be calculated using relative factors of comparable costs for similar U.S. training activities.

D. Arrangements with a friendly developing country may provide for financial or in-kind payment to the developing country by the United States for incremental expenses incurred by that country as a direct result of such training. "Incremental expenses" are defined in paragraph 150102.C above.

E. Arrangements with a friendly country also may provide for payment to that country by the United States for the costs of support provided to U.S. personnel by the host country. Expenses that may be paid under the terms of an arrangement with a friendly country for support provided to U.S. personnel by that country are limited to those types of expenses included in the definition of incremental expenses described in paragraph 150102.C, above.

F. For expenses that are to be paid to a friendly country, either incremental costs incurred by a developing country or support provided by a host country to U.S. personnel, the arrangement shall stipulate that the host country provides, in advance of payment, appropriate documentation to support the payment. This documentation shall include dates, quantities, units and costs so that the senior U.S. official can determine the reasonableness and propriety of such costs, in U.S. dollar equivalents at current exchange rates, for the various types of authorized expenses incurred.

G. The following procedures shall be followed to substantiate payments for reasonable incremental expenses incurred by a developing country.

1. The senior foreign official participating in the training shall certify that the documentation provided to support the claim for payment reflects reasonable and proper expenses incurred during the training.

2. The senior U.S. official participating in the training shall include a statement that, in his or her judgment, the documentation reflects reasonable and proper expenses.

3. If the senior U.S. official participating in the training questions the propriety or reasonableness of any expense claimed by the foreign country, resolution of those questions shall occur before the payment is made.

H. The following procedures shall be followed to substantiate payments for reasonable expenses to support U.S. personnel.

1. The U.S. official accepting the goods and/or services on behalf of the U.S. Government shall certify receipt and acceptance for the U.S. Government. The acceptance shall include documentation of the dates, quantities, units, and costs of the various types of support received.

2. The host country shall submit a claim for payment that includes documentation of the dates, quantities, units, and costs, in U.S. dollar equivalents at current exchange rates, of the various types of support provided.

I. The annual report (described in subsection 150202, below) requires a determination of both financial and non-financial contributions to the training effort and the amount of related expenses paid by the participants in such training. Financial and non-financial contributions include all costs that are incurred because of the training. The accounting records from which the contributions are reported shall include the separate identification of all the costs incurred, such as:

1. Rations, fuel, and training ordnance.
2. Personnel (including lodging, and/or per diem costs) for other than normal pay and allowances.
3. Costs associated with training areas, firing ranges, storage sites, and other similar items and facilities used during the training. These costs must be attributable directly to such training.
4. All transportation of personnel, equipment and supplies to and from the training area.

J. The operations and maintenance funds expensed under Title 10, United States Code, section 2011, are not to be used to supplement other accounts, to circumvent budget ceilings established for other accounts, or to assume the mission of programs funded from other accounts.

K. Title 10, United States Code, section 2011, authorizes the Department to program and expend operation and maintenance funds to train U.S. special operations forces, to include civil affairs forces and psychological operations forces, with friendly foreign nations. It does not provide authority to conduct any type of training activity that the Department otherwise cannot legally conduct. Any training activity funded under this statutory authority must be

conducted in accordance with DoD directives, regulations and instructions, and all other applicable interagency procedures.

150202. Annual Report by U.S. Unified Combatant Commands. Funds expended under the authority of Title 10, United States Code, section 2011, shall be reported by the appropriate combatant commands on a fiscal year basis to the Assistant Secretary of Defense (Special Operations/Low Intensity Conflict) to arrive not later than January 1 of each year. Each fiscal year report submitted by the combatant commands shall be organized by theater and presented for each country in alphabetical order with each deployment for training (DFT) listed in chronological order. The reporting of classified training activities, if any, shall be properly classified and the classification prominently identified. Each report shall specify the following:

A. All countries in which training was conducted.

B. The type of training conducted in each country for each DFT, including whether such training was related to counter-narcotics or counter-terrorism activities; the date and duration of that training; the number of U.S. military personnel involved; and the total expenses paid by the United States. Total expenses paid by the United States shall be the total of (1) amounts paid for deploying and training U.S. special operations forces, including the costs listed in paragraph 150201.I., above; (2) amounts paid to a foreign country for support provided to U.S. personnel, as described in paragraph 0150201.H, above; and (3) financial payments to a developing foreign country for incremental expenses, as described in paragraph 150201.G., above.

C. The extent of participation by foreign military forces, including the number and service affiliation of foreign military personnel involved and the physical and financial contribution of each host nation to the training effort.

D. The relationship of that training to other overseas training programs conducted by U.S. Armed Forces, such as military exercise programs sponsored by the Joint Chiefs of Staff, military exercise programs sponsored by a U.S. unified combatant command, and military training activities sponsored by a Military Department (including deployments for training, short duration exercises and other similar unit training events).

150203. Annual Report by the Secretary of Defense

A. The Assistant Secretary of Defense (Special Operations/Low Intensity Conflict) shall receive reports from the combatant command, as described above, and compile those reports into a single document.

B. The Assistant Secretary of Defense (Special Operations/Low Intensity Conflict) shall, not later than April 1 of each year, submit on behalf of the Secretary of Defense the required annual report to the Armed Services and Foreign Relations Committees of the Senate and the National Security and Foreign Affairs Committees of the House of Representatives.

C. The annual report shall cover training during the preceding fiscal year for which expenses were paid under Title 10, United States Code, section 2011, chapter 101, "Special Operations Forces: Training with Friendly Foreign Forces."