



INSPECTOR GENERAL

U.S. Department of Defense

June 3, 2019



Follow-up Evaluation of Corrective Actions Taken in Response to a Prior Evaluation of Foreign Officer Involvement at the United States Special Operations Command

INTEGRITY ★ INDEPENDENCE ★ EXCELLENCE

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(U) Results in Brief

(U) Follow-up Evaluation of Corrective Actions Taken in Response to a Prior Evaluation of Foreign Officer Involvement at the United States Special Operations Command

June 3, 2019

(U) Objective

(U) Our objective was to determine whether the actions taken by the Under Secretary of Defense for Policy (USD[P]), U.S. Special Operations Command (USSOCOM), and Defense Intelligence Agency (DIA) addressed the 25 recommendations made in DoD Office of Inspector General Report No. DODIG-2016-098, "Evaluation of Foreign Officer Involvement at U.S. Special Operations Command," published on June 15, 2016 (hereafter referred to as the June 2016 OIG report).

(U) Background

(U//FOUO)

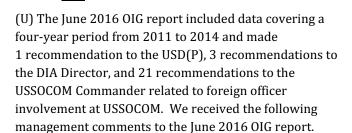
problems.

Specifically, the report identified that USSOCOM's lack of compliance with laws and directives led to the following

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(U) Background (cont'd)

• (U//F0U0)



- (U) The USD(P) agreed with the recommendation to update the DoD directive on visits and assignments of foreign nationals.
- (U) The DIA agreed with the recommendations to establish appropriate policy for integrating partner nation representatives into DIA SCIFs, and to ensure that the USSOCOM SCIF accreditation is in accordance with DIA and Intelligence Community Directive 705 requirements. However, the DIA requested that the recommendation to review the USSOCOM automated information systems accreditation be redirected to the USSOCOM J6 for action.
- (U//FOUO) USSOCOM agreed with 17 of the 21 recommendations regarding maintaining properly concluded foreign officer international agreements, complying with security and access procedures for foreign nationals, and conducting training for all USSOCOM personnel involved with foreign nationals. However, USSOCOM did not agree with 4 of the 21 recommendations





Results in Brief

(U) Follow-up Evaluation of Corrective Actions Taken in Response to a Prior Evaluation of Foreign Officer Involvement at the United States Special Operations Command

(U) Background (cont'd) (U//F0U0)

(U) Findings

(U) We determined that USSOCOM and the DIA took corrective actions to develop policies and procedures for foreign officers assigned to the DoD. Specifically:

- (U) USSOCOM developed internal policies related to international agreements, improved security and access procedures for foreign nationals, and conducted training for persons involved with the integration of foreign officers into USSOCOM.
- (U) The DIA reviewed accreditations for SCIF and automated information systems, and submitted policy recommendations to the Under Secretary of Defense for Intelligence for integrating partner nations into SCIF.
- (U) These actions addressed 24 of the 25 recommendations; therefore, we closed those recommendations. However, we determined that the USD(P) did not complete the agreed-upon action to update DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," to include the establishment of criteria for granting exceptions to policy and the use of extended visit requests for foreign personnel. According to the Defense Technology Security Administration Acting Director, the USD(P) did not complete the agreed upon actions because the Defense Technology Security Administration is in the process of updating policy and developing a comprehensive DoD instruction that will address the recommendations made in the June 2016 OIG report. This report contains no additional recommendations.

(U) Recommendation

- (U) The USSOCOM and DIA addressed 24 of the 25 recommendations; therefore the recommendations are closed. However, we determined that the USD(P) did not complete the agreed-upon actions to close one recommendation,
- (U) We have no recommendation for this report; however we re-emphasize the importance of addressing the recommendation made to the USD(P) to update policy regarding foreign national visits and assignments.

(U) Management Comments and Our Response

(U) We provided a draft of this report on May 2, 2019. No written response to this report was required and none was received. Therefore, we are publishing this report in final form.



INSPECTOR GENERAL

DEPARTMENT OF DEFENSE 4800 MARK CENTER DRIVE ALEXANDRIA, VIRGINIA 22350-1500

June 3, 2019

MEMORANDUM FOR UNDER SECRETARY OF DEFENSE FOR POLICY

COMMANDER, UNITED STATES SPECIAL OPERATIONS

COMMAND

DIRECTOR, DEFENSE INTELLIGENCE AGENCY

SUBJECT: (U) Follow-up Evaluation of Corrective Actions Taken in Response to a Prior Evaluation of Foreign Officer Involvement at the United States Special Operations Command (Report No. DODIG-090)

We are providing this report for your information and use. We conducted this evaluation in accordance with the Council of the Inspectors General on Integrity and Efficiency, Quality Standards for Inspections and Evaluations, January 2012.

We provided a draft of this report on May 2, 2019. No written response to this report was required and none was received. Therefore, we are publishing this report in final form.

We appreciate the cooperation and assistance received during the evaluation. Please direct questions to

Michael J. Roark

Deputy Inspector General

for Evaluations

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(U) Introduction

(U) Objective

(U) Our objective was to determine whether the actions taken by the Under Secretary of Defense for Policy (USD[P]), U.S. Special Operations Command (USSOCOM), and Defense Intelligence Agency (DIA) addressed the 25 recommendations made in DoD Office of Inspector General (OIG) Report No. DODIG-2016-098, "Evaluation of Foreign Officer Involvement at U.S. Special Operations Command," June 15, 2016 (hereafter referred to as the June 2016 OIG report). See Appendix A for the scope and methodology and prior coverage related to the evaluation objectives.

(U) Background

(U//FOUO) The Prior Evaluation Found That USSOCOM Did Not Fully Comply with Policy Regarding Foreign Officers (U//FOUO) The 2016 evaluation found that USSOCOM was not fully compliant

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(U) The June 2016 OIG report included data covering a four-year period from 2011 to 2014 and made 1 recommendation to the USD(P), 3 recommendations to the DIA Director, and 21 recommendations to the USSOCOM Commander related to foreign officer involvement at USSOCOM. We received the following management comments to the June 2016 OIG report.

- (U) The USD(P) agreed with the recommendation to update the DoD directive on visits and assignments of foreign nationals.
- (U) The DIA agreed with the recommendations to establish appropriate policy for integrating partner nation representatives into DIA SCIFs, and to ensure that the USSOCOM SCIF accreditation is in accordance with DIA and Intelligence Community Directive 705 requirements. However, the DIA requested that the recommendation to review the USSOCOM automated information systems accreditation be redirected to the USSOCOM J6 for action.
- (U) USSOCOM agreed with 17 of the 21 recommendations regarding maintaining properly concluded foreign officer international agreements, complying with security and access procedures for foreign nationals, and conducting training for all USSOCOM personnel involved with foreign nationals. However, USSOCOM did not agree with 4 of the 21 recommendations regarding establishing procedures for the collection and exchange of intelligence with foreign intelligence officers, discontinuing the practice of foreign partners providing escort within SCIF spaces, obtaining automated information systems accreditations for secure facilities that process SCI electronically, and ceasing the systematic disclosure of U.S. information Not Releasable to Foreign Nations to the Australian Deputy J3.

(U) Criteria Relevant to the Assignment of Foreign Officers

(U) DoD Directive (DoDD) 5230.20 governs the DoD International Visits Program, the Foreign Liaison Officer Program, the Defense Personnel Exchange Program, the Cooperative Program Personnel Program, and foreign personnel arrangements pursuant to section 2608(a), title 10, United States Code.¹ DoDD 5230.20 requires that the terms and conditions for all assignments of foreign nationals to DoD Components be established in a legally binding international agreement, or an annex to such an agreement, which must be negotiated pursuant to DoDD 5530.3. According to DoDD 5230.20, DoD Components must also account for DoD-sponsored foreign personnel in the United States as specified by Deputy Secretary of Defense Memorandum, May 18, 2004.

(U) DoDD 5530.3 assigns the USD(P) the task of authorizing the negotiation and conclusion for all categories of international agreements, unless the directive or other

¹(U) DoDD 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005. An exchange officer is an individual who is part of an international defense exchange agreement between the U.S. government and the government of a U.S. ally or another friendly foreign country for the exchange of military and civilian personnel of the defense ministry of that foreign government.

authorizing regulations delegate this authority to another official within the DoD.² The directive requires that all international agreements be implemented in accordance with the Department of State Circular 175 (hereafter, Circular 175) authority and Public Law 111-84 (Section. 1207). DoDD 5530.3 also requires DoD Components to maintain oversight and compliance with the international agreements for which they are responsible and to gain authorization from the DIA Director to negotiate agreements for the collection and exchange of military intelligence.

(U) Public Law 111-84 governs the assignment of defense exchange officers.³ The law states that pursuant to a non-reciprocal international defense personnel exchange agreement, personnel of the defense ministry of a foreign government may be assigned to positions in the DoD. An individual may not be assigned to a position pursuant to a non-reciprocal international defense personnel exchange agreement unless the assignment is acceptable to both governments. This law further prohibits personnel pursuant to a non-reciprocal agreement from holding an official capacity in the U.S. Government.

(U) Circular 175 procedure authorize the DoD to negotiate and conclude international agreements, based on pre-approved Department of State template agreements.⁴ The procedure simplify the application of orderly and uniform measures to the negotiation, conclusion, reporting, publication, and registration of U.S. treaties and international agreements, and facilitate the maintenance of complete and accurate records on such agreements.

(U) Review of Internal Controls

(U) DoD Instruction 5010.40 "requires DoD organizations to implement a comprehensive system of internal controls that provides reasonable assurance that programs are operating as intended and to evaluate the effectiveness of the controls." USSOCOM internal controls for governing foreign partner visits and assignments, disclosure of classified information to foreign nationals, and oversight of foreign nationals assigned or on official visits to subordinate commands were effective as they applied to the evaluation objective. We identified no internal control weaknesses.

²(U) DoDD 5530.3, "International Agreements," June 11, 1987.

³(U) The National Defense Authorization Act, 2010, Public Law 111-84.

⁴(U) The original Circular 175 Procedure, December 13, 1955, as amended, title has been retained. The applicable procedures are now contained in the 11 FAM 720, "Negotiation and Conclusion," September 25, 2006.

⁽U) DoD Instruction 5010.40, "Managers' Internal Control Program Procedures," May 30, 2013.

(U) Finding

(U) USSOCOM and the DIA Took Corrective Actions to Develop Policies and Procedures for Foreign Officers Assigned to the DoD. However, USD(P) Has Not Updated Recommended Policy

- (U) USSOCOM and the DIA took corrective actions to address the 24 recommendations addressed to them in the June 2016 OIG report. Specifically, USSOCOM developed internal policies related to international agreements, improved security and access procedures for foreign nationals, and conducted training for personnel involved with the integration of foreign nationals into USSOCOM. In addition, the DIA reviewed USSOCOM SCIF and automated information systems accreditations and submitted policy recommendations to the Under Secretary of Defense for Intelligence for integrating partner nations into SCIFs.
- (U) However, we determined that the USD(P) did not complete the agreed-upon action for one recommendation to update DoDD 5230.20 to include the establishment of criteria for granting exceptions to policy and the use of extended visit requests for foreign personnel. According to the Defense Technology Security Administration Acting Director, the USD(P) did not complete the agreed-upon actions because the Defense Technology Security Administration is in the process of updating policy and developing a comprehensive DoD instruction that will address the recommendations made in the June 2016 OIG report. This report contains no additional recommendations.

(U) USSOCOM Improved Procedures for Foreign Officer Involvement

(U) USSOCOM took corrective actions to close all 21 recommendations from the June 2016 OIG report. Specifically, USSOCOM developed policies related to international agreements, improved security and access procedures for foreign nationals, and conducted training for personnel involved with the integration of foreign nationals into USSOCOM.

(U) USSOCOM Developed Policies Related to International Agreements

(U//FOUO) USSOCOM developed policies related to international agreements in accordance with DoDD 5530.3. The June 2016 OIG report identified that USSOCOM was not fully compliant with applicable laws and directives concerning the use of foreign nationals.

(U) The June 2016 OIG report recommended that the USSOCOM Commander:

- (U) Ensure that all international agreements for the foreign officers assigned or on extended visits to USSOCOM and subordinate commands are in compliance with applicable laws and policies (Recommendation A.2.a).
- (U) Ensure that existing Annex Bs to the international agreements contain the level of detail and classification consistent with the foreign officer's actual mission requirement (Recommendation A.2.b).
- (U) Require component commanders to ensure that all required annexes, certifications, and designated disclosure letters are ratified in accordance with Circular 175 authority and DoD Directive 5530.03 (Recommendation (A.2.c).
- (U) Request an exception to policy for the non-reciprocal and exchange officers who are currently assigned to the USSOCOM without concluded international agreements (Recommendation A.2.d).
- (U) Seek appropriate authority for the foreign intelligence officers assigned or attached to USSOCOM and follow established procedures for the collection and exchange of intelligence in accordance with DoD Directive 5530.03 (Recommendation A.2.e).
- (U) Maintain oversight of all foreign special operations forces assigned or on extended visit to USSOCOM's subordinate commands and Service components (Recommendation A.2.f).
- (U) Eliminate the "dual" use of foreign officers (with or without concluded agreements) in accordance with current regulatory guidance (Recommendation A.2.h).

- (U) Establish a process for reimbursement of costs associated with hosting foreign liaison officers (Recommendation A.2.i).
- (U//FOUO) Conclude international agreements, with appropriate language, allowing the continued use of their national secure communication systems (Recommendation D.1).

(U) In June 2015 USSOCOM developed and implemented USSOCOM Directive 550-1, which assigns responsibilities for monitoring and processing actions related to international agreements, and managing the negotiation and conclusion of agreements with foreign governments and international organizations by all forces assigned to USSOCOM.⁶ The directive states that USSOCOM personnel will not initiate or conduct the negotiation of an international agreement without prior approval in accordance with DoDD 5530.3. In addition, the directive assigns responsibilities for all international agreements, including those negotiated or finalized by a USSOCOM subordinate command.

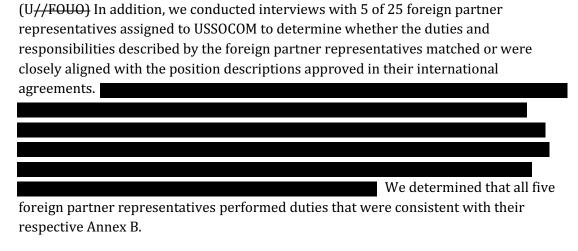
(U) USSOCOM Finalized International Agreements With Partner Nations

(U) USSOCOM finalized international agreements with partner nations in accordance with USSOCOM Directive 550-1 and DoDD 5530.3. USSOCOM maintains the international agreements and supporting documentation for 45 partner nations. We conducted a non-statistical sample for 16 of the 45 partner nations and reviewed the international agreements, Annex Bs to the international agreements, and approval documents authorizing USSOCOM to conclude international agreements.⁷ Specifically, all 16 partner nations folders contained signed memorandums of agreement. Each memorandum included information on the partner nation's financial responsibility, security rules, policies and procedures that must be followed, technical and administrative responsibilities, and rules regarding disciplinary actions for the assigned foreign partner representative. Additionally, the agreements had an accompanying Annex B, duty description, for the assigned foreign partner representative. In addition, each folder we reviewed contained an approval memorandum from either the USD(P) or the Chairman of the Joint Chiefs of Staff authorizing the USSOCOM Commander to negotiate and conclude international agreements. USSOCOM maintains the international agreements and supporting documentation for all foreign nationals assigned to USSOCOM Headquarters and its subordinate commands on the J3-International portal. The portal listed 45 partner nation folders with a foreign national

⁶(U) USSOCOM Directive 550-1, "International Agreements," June 3, 2015, implements DoDD 5530.3 guidance.

⁷(U) See Appendix A, Scope and Methodology, for details of the non-statistical sample. The Annex Bs contain the position description and duties that will be performed by foreign nationals while assigned to USSOCOM and its subordinate commands.

currently assigned to USSOCOM or its subordinate commands. All 16 international agreements we reviewed complied with DoDD 5530.3 and USSOCOM Directive 550-1.



(U) USSOCOM Subordinate Commands Are in Compliance With Applicable Directives

- (U) USSOCOM subordinate commands are in compliance with USSOCOM Directive 550-1 and DoDD 5530.3. DoDD 5530.3 states that agreements relating to combined military planning, command relationships, military exercises and operations, minor and emergency force deployments, and exchange programs are delegated to the Secretaries of the Army, the Navy, and the Air Force (for predominantly single-Service matters) or the Chairman of the Joint Chiefs of Staff (for other than single-Service matters).
- (U) Service component commands with foreign liaison or military exchange program personnel who are not assigned to USSOCOM are governed under Service-specific regulations. For example, Army Regulations 380-10 and 614-10 authorize the Army Deputy Chief of Staff for Intelligence or the Army Deputy Chief of Staff G3/5/7 to approve international agreements with partner nations. Those international agreements do not fall under the purview of the USSOCOM Commander.⁸ In addition, both regulations establish policy, procedures, and assignment responsibilities for foreign liaison and Army military personnel exchange program personnel.
- (U) Currently, USSOCOM has foreign officers assigned to Special Operations Command North, Special Operations Command Pacific, and Special Operations Command Africa. We reviewed international agreements, Annex Bs to the international agreements, and approval documents authorizing USSOCOM to conclude international

⁸(U) Army Regulation 380-10, "Foreign Disclosure and Contacts With Foreign Representatives," August 14, 2015; Army Regulation 614-10, "Army Military Personnel Exchange Program With Military Services of Other Nations," July 14, 2011.

agreements for officers assigned to Special Operations Command North (Canada), Special Operations Command Pacific (Australia and New Zealand), and Special Operations Command Africa (Italy). We determined that USSOCOM has oversight of all foreign personnel assigned to its subordinate commands through the assignment of contact officers in accordance with USSOCOM Directive 550-1 and DoDD 5530.3. USSOCOM designates in writing contact officers to oversee and control all contacts, requests for information, consultations, access, and other activities of the foreign officers. We reviewed the August 14, 2018, appointment memorandum that assigned a contact officer to each partner nation representative assigned to USSOCOM. Additionally, during our site visit, contact officers were present during our interviews with their respective foreign partner representative. In addition, the USSOCOM Inspector General stated that a formal review of all international agreements for partner nation officers assigned to USSOCOM subordinate commands will be conducted in all future USSOCOM Inspector General inspections. The review is intended to help USSOCOM ensure that subordinate commands maintain compliance with applicable regulations, policies, and procedures. Based on USSOCOM's corrective actions, Recommendations A.2.a., A.2.b., A.2.c., A.2.d., A.2.e., A.2.f., A.2.h., A.2.i., and D.1. are closed.

(U) USSOCOM Improved Security and Access Procedures for Assigned Foreign Nationals

(U) USSOCOM improved SCIF security and access procedures for foreign nationals. USSOCOM met SCIF accreditation requirements, implemented mitigating procedures for access to controlled areas, complied with applicable DoD directives, and conducted comprehensive training for U.S. and foreign partner representatives assigned to the USSOCOM J3-International division.

(U) The June 2016 OIG report recommended that the USSOCOM Commander:

- (U) Obtain automated information systems accreditations for the secure facilities that process sensitive compartmented information electronically (Recommendation D.2).
- (U) Ensure that USSOCOM components maintain compliance with DoDD 5230.20 concerning the invitation, visit, and assignment of foreign officers (Recommendation A.2.g).
- (U) Discontinue the practice of Five Eye (FVEY) partners providing escort within SCIF spaces in order to comply with Intelligence Community Directive 705, Sensitive Compartmented Information Facilities," and DoD Manual 5105.21-V2 (Recommendation B.1.a).

- (U) Restrict FVEY partners' swipe access to the Global Mission Support Center (GMSC) when the meeting sign does not illuminate "RELEASABLE" (Recommendation B.1.b).
- (U) Establish formal procedures for processing requests for information concerning science and technology information by foreign liaison officers (Recommendation B.1.c).

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	(C.1).	

- (U) Identify the number of foreign disclosure officers required by the Headquarters and subordinate commands under the USSOCOM purview to maintain the international exchange programs (Recommendation C.2).
- (U) Determine whether the foreign disclosure offices at the Headquarters and subordinate commands under the USSOCOM purview are adequately staffed (Recommendation C.3).
- (U) Assess the training requirements for Foreign Disclosure Officer (FDOs) and ensure that all special operation forces' FDOs receive the necessary training (Recommendation C.4).
- (U) Assess the requirements for security education and training for personnel who are involved with international exchange programs and foreign government information, or who work in coalition or bilateral environments, or in offices, activities, or organizations hosting foreign exchange officers (Recommendation C.5).
- (U) Establish a comprehensive training program to educate all USSOCOM personnel in "writing for release" to reduce the risk and incidence of misclassifying information and potentially excluding its availability to partner nations (Recommendation D.3).
- (U) Incorporate recommendations from the USSOCOM Cybersecurity Readiness inspection into guidance to reduce the risk of vulnerable systems (Recommendation D.4).
- (U) The USSOCOM J3-International division is the primary location where partner nation representatives work. The J3-International primary workspace is based on an open floor plan to allow better integration and maximum collaboration between U.S. and partner nation representatives. There are 14 country rooms assigned to partner

nations where the partner nations provide their own national systems. Each country room is equipped with a security container to secure the partner nation's secure systems. The J3-International workspace is located adjacent to the Global Mission Support Center (GMSC). The GMSC is a secure room designed to facilitate Top Secret communication with all properly cleared personnel, when required. Only FVEY partners have unescorted and swipe access to the GMSC SCIF.⁹

(U) USSOCOM J3-International Facility Met All Requirements to Process Sensitive Compartmented Information Electronically

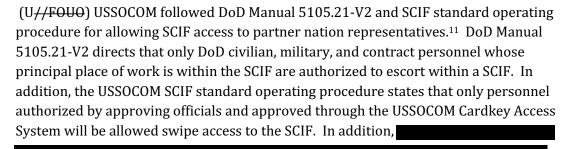
(U) In October 2015, the J3-International SCIF was reaccredited in accordance with the DIA and Intelligence Community Directive 705 requirements. According to the DIA, the facility met all security standards and was reaccredited to hold classified discussions up to and including Top Secret//SCI. According to the accreditation, in order to process SCI in the facility electronically, USSOCOM would need two additional accreditations: (1) the automated information system accreditation, and (2) the tempest accreditation.

(U) We reviewed the current automated information system accreditation and tempest authority to operate letters for systems that operate inside the J3-International facility. The first authority to operate, dated December 26, 2018, was from the DIA authorizing the Special Operations Command Research Analysis and Threat Evaluation System to operate. J3-International staff also provided authorities to operate for their Special Operations Forces Secret Internet Protocol Router Network, dated January 23, 2017, and the Special Operations Forces Network Unclassified, dated December 27, 2016. Both the Special Operations Forces Secret Internet Protocol Router Network and Special Operations Forces Network Unclassified are current with 3-year expirations and were both accredited by their principal authorizing officials. In addition, we reviewed the appointment orders for the current and previous USSOCOM principal authorizing official and determined that the J3-International facility met all requirements to process SCI electronically. Based on USSOCOM's corrective actions, Recommendation D.2 is closed.

⁹(U) FVEY partner nations include the United States, Australia, Canada, New Zealand, and the United Kingdom.

¹⁰(U) Intelligence Community Directive (ICD) 705, "Sensitive Compartmented Information Facilities," Effective May 26, 2010, is the guidance and authority the DIA follows to accredit SCIFs.

(U) USSOCOM J3-International Followed SCIF Access Procedures



procedure establishes escorting for "all unclear personnel" and accompanying for "appropriately cleared SCI personnel."

(U) The J3-International Deputy Director stated that foreign nationals were not allowed to conduct any escort duties. He explained that a cleared U.S. person had to meet unassigned visitors at the security checkpoint, where they are provided an access badge based on the granted security level. In addition, we observed that all visitors to USSOCOM, including international personnel, were required to first go through the USSOCOM Visitor Center, where they received an access badge corresponding to their clearance level. All visitors we observed gaining access were required to exchange an official government form of identification for the USSOCOM access badge. In addition, we reviewed SCI standard operating procedures, which state that SCI-indoctrinated foreign partners are not authorized to escort any personnel. Furthermore, we observed no incident of FVEY partners, or any foreign national, providing escort within SCIF spaces.

(U) We also conducted an unscheduled visit to the FVEY partners' workspace at USSOCOM and conducted interviews to determine whether the foreign officers were aware of SCIF operating procedures. The New Zealand foreign liaison officer stated that FVEY personnel are not authorized to provide escort duties within SCIF spaces and that he had not performed escort duties. Based on USSOCOM's corrective actions, Recommendation B.1.a is closed.

¹¹ (U) DoD Manual 5105.21 volume 2, October 19, 2012, Incorporating Change 1, effective April 5, 2018, "Sensitive Compartmented Information (SCI) Administrative Security Manual: Administration of Physical Security, Visitor Control, and Technical Security." USSOCOM J3-International "Standard Operating Procedure (SOP) for SCIF SO-14-003, USSOCOM, Building 501D, Room 257 FVEY Compartmented Area," effective March 29, 2018. USSOCOM SCIF standard operating procedure adheres to DoD Manual 5105.21 and Intelligence Community Directive 705 guidance.

(U) USSOCOM Restricted Access to the Global Mission Support Center

(U) USSOCOM restricted unauthorized access to the GMSC by FVEY partners. The J3-International Deputy Director informed us that only properly cleared FVEY officers had swipe access to the GMSC. We observed that a new notification system had been placed outside of the access door to the GMSC. The notification system displays the classification status of any ongoing briefing. As an added level of security, U.S. cleared personnel are seated inside the GMSC entrance to restrict FVEY officers from accessing the room when they are not authorized. We observed that USSOCOM placed cleared personnel at the GMSC entry to restrict FVEY partners' access to the GMSC when the meeting sign did not illuminate "RELEASABLE." Based on USSOCOM's corrective actions. Recommendations B.1.b. is closed.

(U) USSOCOM Is in Compliance With Information Security and Disclosure Procedures

- (U) USSOCOM is in compliance with DoDD 5230.20, which governs foreign visits, processing requests for information for foreign nationals, and information disclosure to foreign nationals. We determined that USSOCOM has processes and procedures in place to mitigate security and disclosure risk associated with foreign national interaction.
- (U) DoDD 5230.20 requires heads of DoD Components to record decisions on request for visit authorizations involving access by foreign nationals to classified information. Additionally, for every proposed official visit by a foreign national to a DoD Component or cleared contractor facility, the following determinations must be made by authorized officials at the activity or facility to be visited.
 - (U) The foreign national visitor to whom the information is to be released has a need to know. When classified information is involved, an appropriate security assurance has been provided by the visitor's government.
 - (U) Authorized officials at the activity or facility to be visited approved the time
 and place of the visit and ensured that the appropriate security measures are in
 place for the visit.
- (U) We reviewed requests for one USSOCOM foreign officer to visit the Pentagon, one to a USSOCOM subordinate command, and another to attend training at a temporary duty location. Each foreign visit request established the purpose and duration of the visit, provided personal identifiable information of the visiting officer, provided the clearance level of the visitor, and was signed by the authorized official at the activity or facility to be visited consistent with requirements in the DoDD 5230.20. Based on USSOCOM's corrective actions, Recommendation A.2.g is closed.

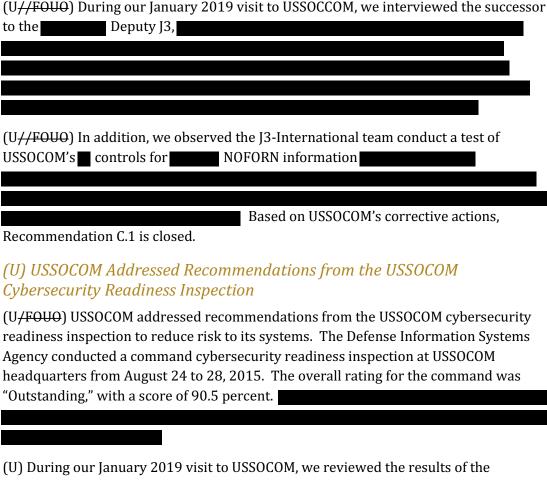
(U) USSOCOM Has Processes in Place to Review Science and Technology Data for Release to Foreign Partners

(U) USSOCOM established processes to review science and technology data for release to foreign partners. During our January 2019 USSOCOM visit, we spoke to the Acting Command FDO and reviewed USSOCOM Regulation 380-12, which details the USSOCOM Special Operations Technology Release Assessment Process.¹² That process is used to determine approval or denial of the release of special operations-peculiar technology, equipment, technical data, and associated defense services.



¹²(U) USSOCOM Directive 380-12, "U.S. Special Operations Command Special Operations Technology Release and Assessment Process," February 16, 2017.

Finding



(U) During our January 2019 visit to USSOCOM, we reviewed the results of the cybersecurity readiness inspection and interviewed the USSOCOM J6. We found that the cybersecurity readiness inspection was not specific to the J3-International division but was USSOCOM-wide. The USSOCOM J6 informed us that to address the inspection deficiencies, USSOCOM implemented patching and rebooting for all USSOCOM information systems. The USSOCOM J6 provided a September 14, 2015, memorandum to U.S. Cyber Command addressing the actions taken to resolve the findings made in the readiness inspection. Based on USSOCOM's corrective actions taken, Recommendation D.4 is closed.

(U) USSOCOM Addressed Foreign Disclosure Officer Manning

(U) USSOCOM identified the requirement for its subordinate commands to have a dedicated FDO in each command. During our January 2019 visit, we spoke with the USSOCOM Acting Command FDO. He provided us with the March 21, 2014, USSOCOM Doctrinal Change Recommendation, which identified the need for USSOCOM subordinate commands to have a dedicated FDO in each command to adequately

maintain the international exchange program.¹³ The Doctrinal Change Recommendation stated the following:

> (U) The Defense Strategic Guidance makes extensive use of the word "Partnership" calling repeatedly for continued efforts to work with and build the capacity of allies. In support of this guidance, the USSOCOM Foreign Disclosure Office (FDO) conducted a Foreign Disclosure (FD) assessment to determine if the Theater Special Operations Commands (TSOC) had the capability and capacity to support increased information sharing. The assessment determined that most personnel assigned to TSOC lacked knowledge on FD. The assessment focused on quantifying and documenting the FD workload. The topics analyzed included existing TSOC FD capabilities, authorities, training, manning, duties, foreign visits, and technology transfers. In addition, each TSOC articulated their projected FD requirements, evolving priorities, and critical issues. The overarching concern of TSOCs, except Special Operation Command Europe Command, was the lack of fully trained and dedicated FDOs. Current TSOC FD responsibilities are appointed to individuals as additional duties and often become muddled among other TSOC priorities. Thus, TSOC FDOs are not able to proactively plan for international engagements, foreign visits, or FD training. Appropriate FDO resources are necessary to share information with partners. Full time FDOs must be allocated to each TSOC, ideally with a civilian billet, to enable creation of a robust FD program.

(U) The USSOCOM Acting Command FDO stated that the USSOCOM headquarters is staffed with eight government FDOs and three contractor FDOs and that all commands have FDOs. We reviewed assignment orders for USSOCOM Headquarters and subordinate commands and determined that all commands have FDOs. However, we identified that some of the commands are making the FDO position an additional duty for staff assigned to the command. The J3-International Deputy Director stated that USSOCOM developed a process to have FDO requirements at USSOCOM subordinate commands reviewed at the headquarters until FDO billets are adequately filled. Based on USSOCOM's corrective actions taken, Recommendations C.2 and C.3 are closed.

¹³(U) Joint Doctrine, Organization, Training, Materiel, Leadership, Personnel, Facilities, and Policy (DOTMLPF-P) Change Recommendation for Theater Special Operations Command Headquarters Command and Control.

(U) J3-International Staff Conducts Comprehensive Training

(U) USSOCOM conducted training for persons involved with the integration of foreign nationals into USSOCOM. The September 17, 2015, USSOCOM J3-International Doctrinal Change Recommendation requires all U.S. personnel assigned to the J3-International to complete a comprehensive series of foreign disclosure training. The training includes U.S. Army Foreign Disclosure Orientation, U.S. Army Foreign Disclosure Contract Officer Certification, U.S. Army Foreign Disclosure Officer Certification, and the USSOCOM Foreign Disclosure resident course. J3-International staff is also required to take the following training:

- (U) USSOCOM Foreign Disclosure Officer Certification training,
- (U) U.S. Department of State International Trafficking in Arms Regulations and Technology Transfer Regulations training,
- (U) Training on the development and application of acquisition and crossservicing agreements, and
- (U) Annual foreign disclosure refresher training.
- (U) According to the Acting Command FDO, the USSOCOM Foreign Disclosure Office provides training to more than 2,000 members of the Special Operations Forces Enterprise. Training is provided via a multi-faceted platform including conducting three to four mobile training team events annually to special operations forces units worldwide.
- (U) The J3-International Deputy Director stated that the J3-International division does not have dedicated training for "writing for release" as recommended in the June 2016 OIG report. However, USSOCOM requires comprehensive training for all J3-International assigned personnel. We reviewed training slides and sign-in rosters for training provided from October 2018 through January 2019. We determined that the training incorporates requirements for writing for release, including foreign disclosure, appropriate classification markings, physical security, and proper release of information. Therefore, based on USSOCOM's corrective actions taken, Recommendations C.4, C.5, and D.3 are closed.

¹⁴(U) Doctrine, Organization, Training, Materiel, Leadership, Personnel, Facilities, and Policy (DOTMLPF-P) Change Recommendation for U.S. Special Operations Command Directorate of Operations International Division.

(U) The DIA Reviewed Accreditations and Submitted Policy Recommendations

(U) The DIA took corrective action to address all three recommendations issued to the Agency from the June 2016 OIG report. The DIA reviewed USSOCOM SCIF and automated information systems accreditations and submitted policy recommendations to the Under Secretary of Defense for Intelligence for integrating partner nations into SCIFs.

(U) The June 2016 OIG report recommended that the DIA:

- Establish appropriate policy and procedures for integrating partner nation representatives into DIA accredited SCIFs (Recommendation B.2.a).
- Review the accreditation for the FVEY SCIF (S0-14-004) and ensure that the accreditation certificate is in accordance with DIA and Intelligence Community Directive 705 requirements (Recommendation B.2.b).
- Review the USSOCOM automated information systems accreditation (Recommendation B.2.c).

(U) The DIA Reviewed USSOCOM SCIF and Automated Information Systems Accreditations

- (U) The June 2016 OIG report recommended that the DIA review accreditations for the J3-International SCIF and automated information systems. USSOCOM personnel provided the SCIF accreditation for the J3-International SCIF. We reviewed the accreditation letter and determined that the DIA reviewed and reaccredited the SCIF on August 2015 in accordance with DIA and Intelligence Community Directive 705 requirements. The SCIF meets all security standards and is approved to hold classified discussion up to and including Top Secret//SCI.
- (U) On December 26, 2018, the DIA Chief Information Office provided a list of USSOCOM automated information systems accreditations for which the DIA is the authorizing official. We reviewed the authority to operate for all USSOCOM automated information systems that DIA accredits. All automated information systems authorizations to operate were current and in accordance with DIA and Intelligence Community Directive 705 requirements. Based on the DIA's corrective actions, Recommendation B.2.c. is closed.

(U) The DIA Submitted Policy Recommendations for Integrating Partner Nation Representatives Into SCIFs

(U) The June 2016 OIG report recommended that the DIA establish appropriate policies and procedures for integrating partner nation representatives into DIA accredited SCIFs. However, DoD policy does not designate the DIA as the responsible agency for establishing policies and procedures for integrating partner nation representatives into DIA accredited SCIFs. Specifically, DoD Manual 5105.21-V1 assigns the Under Secretary of Defense for Intelligence responsibility to serve as the senior official for oversight and implementation of SCI policy and procedures within the DoD.¹⁵ In addition, the Manual specifies the following DIA Director responsibilities:

- (U) Administer DoD SCI security policies and procedures consistent with Director of National Intelligence policies;
- (U) Develop and implement standards for and oversee the operations of all SCI compartments for DoD Components; and
- (U) Enforce DoD compliance with DoD and Director of National Intelligence SCI policy, correct deficiencies, and conduct inspections of DoD SCIFs.

(U) On September 12, 2018, the DIA Director provided recommendations to the Under Secretary of Defense for Intelligence in a draft directive type memorandum. Specifically, the DIA submitted recommendations to establish policies and procedures for integrating partner nation representatives into DIA accredited SCIFs. However, the Under Secretary of Defense for Intelligence had already updated DoD Manual 5105.21-V2, which established appropriate policy and procedures for integrating partner nation representatives into DIA accredited SCIFs. We reviewed the manual and determined that the updates were consistent with prior DoD guidance for all cleared or uncleared persons into DIA SCIFs. However, the updated manual includes specific language to identify foreign nationals in the guidance. For example, DoD Manual 5105.21-V2 states that whenever SCI-indoctrinated foreign nationals are provided general access to a SCIF the organization will ensure that compensatory security measures, aimed at protecting against the inadvertent or deliberate release of non-releasable information, are taken and foreign disclosure guidelines are followed. Based on the corrective actions taken by the DIA and the Under Secretary of Defense for Intelligence, Recommendation B.2.a. is closed.

¹⁵(U) DoD Manual 5105.21 volume 1, October 19, 2012, Incorporating Change 1, effective May 16, 2018, "Sensitive Compartmented Information (SCI) Administrative Security Manual: Administration of Information and Information Systems Security."

(U) The USD(P) Has Not Updated the DoD Directive for Assignments of Foreign Nationals

- (U) The June 2016 OIG report recommended that the USD(P) update DoDD 5230.20 to include the establishment of criteria for granting exceptions to policy and to clarify guidance on the use of extended visit requests (Recommendation A.1).
- (U) We determined that the USD(P) did not complete the agreed-upon action to update DoDD 5230.20. During the follow-up evaluation, the Defense Technology Security Administration Acting Director, responding for the USD(P), stated that the USD(P) is in the process of updating policy and developing a comprehensive DoD instruction that will address the recommendations made in the June 2016 OIG report. Therefore, this report contains no additional recommendations.
- (U) The Defense Technology Security Administration Acting Director prepared a memorandum dated November 30, 2018, identifying the updated actions taken to address the recommendation in the June 2016 OIG report. According to the memorandum, the update to DoDD 5230.20 is not complete. In addition, the memorandum states that the Defense Technology Security Administration is developing a comprehensive DoD instruction to complement DoDD 5230.20. The instruction will cover policies and procedures related to foreign visits, guidance on the use of extended visit requests, and criteria for granting exceptions to policy. The instruction will also cover policies and procedures for international agreements involving the assignment of foreign exchange personnel and foreign liaison officers to DoD Components. The Defense Technology Security Administration plans to conduct informal coordination of both the updated DoDD 5230.20 and the new instruction before the end of FY 2019, with estimated completion during FY 2020. Based on pending corrective actions, Recommendation A.1. is resolved but will remain open. We re-emphasize the importance of USD(P) taking timely action to address the recommendation to update policy regarding foreign national visits and assignments. We will close the recommendation once we verify that the update to DoDD 5230.20 was completed.

(U) Conclusion

(U) USSOCOM is in compliance with applicable laws and DoD directives concerning foreign officer involvement at its headquarters and subordinate commands. USSOCOM made significant improvements to its security, access, and disclosure policies and procedures; issued internal policies for monitoring and processing actions related to concluding international agreements; and conducted comprehensive training for all assigned USSOCOM persons involved with foreign partners. Additionally, the DIA reviewed USSOCOM SCIF and automated information systems accreditations, and

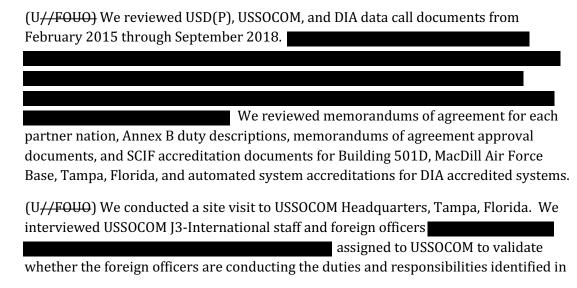
Finding

determined that USSOCOM SCIFs met all Intelligence Community Directive 705 requirements. Although the USD(P) has not updated DoDD 5230.20, we believe that once the directive is updated it will address our recommendation to USD(P). Therefore, this report contains no additional recommendations.

(U) Appendix A

(U) Scope and Methodology

- (U) We conducted this evaluation from November 2018 through April 2019 in accordance with the Council of Inspectors General on Integrity and Efficiency Quality Standards for Inspections and Evaluations. Those standards require that we plan and perform the evaluation to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our evaluation objective. We believe that the evidence obtained provides a reasonable basis for our finding and conclusion based on our evaluation objective.
- (U) We reviewed USD(P), USSOCOM, and DIA's compliance with Public Law 111-84, Circular 175 procedure, DoDD 5530.3, DoDD 5230.20, DoD Manual 5105.21, and USSOCOM Directive 550-1. We reviewed USSOCOM's standard operating procedures for foreign officers. We also reviewed the findings and recommendations from OIG Report No. DODIG-2016-098, "Evaluation of Foreign Officer Involvement at USSOCOM," June 15, 2016.
- (U) We conducted a non-statistical sample to select the country folders that contained the international agreements and supporting documentation for all foreign nationals assigned to USSOCOM. The J3 International portal lists 45 country folders (France, Great Britain, Germany, and the Republic of Korea each have two folders). We selected two numbers from 1 to 10 (the numbers selected were 2 and 4). The numbers 2 and 4 were used to select the country folder by counting down the list of 45 countries. The first two folders were selected and then the next four folders were skipped. If a country had two folders, we counted only one of the folders.



Appendix

(U//FOUO) their approved international agreements. Additionally, we conducted analysis of USD(P), USSOCOM, and DIA documentation received during our data call.

(U) Use of Computer-Processed Data

(U) We did not use computer-processed data to perform this evaluation.

(U) Prior Coverage

(U) During the last 5 years, the DoD OIG issued one report discussing foreign officer involvement at USSOCOM. Unrestricted DoD OIG reports can be accessed at http://www.dodig.mil/reports.html/.

(U) DoD OIG

- (U) DoD OIG Report No. DODIG-2016-098, "Evaluation of Foreign Officer Involvement at USSOCOM," June 15, 2016.
 - (U) The objective was to determine whether foreign officer involvement at USSOCOM was in compliance with U.S. laws and DoD directives. Specifically, the DoD OIG reviewed the establishment of the International Special Operation Forces Coordination Center, as well as its processes, use, and security.

(U) Appendix B

(U) Status of Prior DoD OIG Recommendations

- (U) The June 2016 OIG report made 25 recommendations to the USD(P), USSOCOM, and DIA. As of February 21, 2019:
 - (U) 24 of the 25 recommendations were closed, and
 - (U) 1 of the 25 recommendations was resolved but open pending implementation of the agreed upon action.
- (U) The following table identifies each of the 25 recommendations and their current status.

(U) DoD Component Head	(U) Recommendation Number and Reason Recommendation is Open	(U) Status	
(U) OUSD(P)	 (U) A.1. Update DoD Directive 5230.20, "Visits and Assignments of Foreign Nationals," June 22, 2005, to include the establishment of criteria for granting exceptions to policy and clarification of guidance on the use of extended visit requests. (U) The Defense Technology Security Administration provided an estimated date of completion for updating the Directive and developing a comprehensive instruction. 	ments of Foreign Nationals," June 22, 2005, to a the establishment of criteria for granting ions to policy and clarification of guidance on the extended visit requests. Defense Technology Security Administration and an estimated date of completion for updating ective and developing a comprehensive	
(U) USSOCOM	instruction. (U) A.2.a. Ensure that all international agreements for the foreign officers assigned or on extended visits to the USSOCOM and subordinate commands are in compliance with Public Law 111-84, DoD Directive 5503.3[sic], "International Agreements," July 18, 1987, Circular 175, "Authority to Negotiate and Conclude Non-Reciprocal International Defense Personnel Exchange Agreements," October 20, 2011, and Circular 175, "Authority to Negotiate and Conclude Foreign Liaison Assignments," October 17, 2011.	(U) Closed	
(U) USSOCOM	(U) A.2.b. Recommend Commander, USSOCOM ensure that existing Annex Bs to the international agreements contain the level of detail and classification consistent with foreign officers' actual mission requirement.	(U) Closed	
(U) USSOCOM	(U) A.2.c. Require component commanders to ensure	(U) Closed	

Appendix

(II) D.D	/III\ Danasana an dati an Ni umban an d Danasa	/LI\ C+++++
(U) DoD	(U) Recommendation Number and Reason	(U) Status
Component	Recommendation is Open	
Head	that all many imad are average and finations and designated	
	that all required annexes, certifications, and designated	
	disclosure letters are ratified in accordance with	
	Circular 175 authority and DoD Directive 5530.03[sic],	
(, ,) , , , , , , , , , , , , ,	"International Agreements," July 18, 1987.	(1.1) 51
(U) USSOCOM	(U) A.2.d. Request an exception to policy for the non-	(U) Closed
	reciprocal and exchange officers who are currently	
	assigned to the USSOCOM without concluded	
	international agreements.	
(U) USSOCOM	(U) A.2.e. Seek appropriate authority for the foreign	(U) Closed
	intelligence officers assigned or attached to USSOCOM	
	and follow established procedures for the collection	
	and exchange of intelligence in accordance with DoD	
	Directive 5530.03[sic].	
(U) USSOCOM	(U) A.2.f. Maintain oversight of all foreign Special	(U) Closed
	Operations Forces assigned or on extended visit to	
	USSOCOM's subordinate commands and Service	
	components.	
(U) USSOCOM	(U) A.2.g. Ensure that USSOCOM components maintain	(U) Closed
	compliance with DoD Directive 5230.20, "Visits and	
	Assignments of Foreign Nationals," concerning the	
	invitation, visit, and assignment of foreign officers.	
(U) USSOCOM	(U) A.2.h. Eliminate the "dual" use of foreign officers	(U) Closed
	(with or without concluded agreements) in accordance	
	with current regulatory guidance.	
(U) USSOCOM	(U) A.2.i. Establish a process for reimbursement of costs	(U) Closed
	associated with hosting Foreign Liaison Officers.	
(U) USSOCOM	(U) B.1.a. Discontinue the practice of FVEY partners	(U) Closed
	providing escort within SCIF spaces in order to comply	
	with Intelligence Community Directive 705, Sensitive	
	Compartmented Information Facilities," and DoD	
	Manual 5105.21-V2, "Sensitive Compartmented	
	Information (SCI) Administrative Security Manual,"	
	October 19, 2012.	
(U) USSOCOM	(U) B.1.b. Restrict FVEY partners' swipe access to the	(U) Closed
	GMSC when the meeting sign does not illuminate	
	"RELEASABLE."	
(U) USSOCOM	, , , , , , , , , , , , , , , , , , , ,	
	requests for information concerning science and	
	technology information by foreign liaison officers.	
(U) DIA	(U) B.2.a. Establish appropriate policy and procedures	(U) Closed
	for integrating partner nation representatives into DIA	
	accredited SCIFs.	
(U) DIA	(U) B.2.b. Review the accreditation for the FVEY SCIF	(U) Closed

Appendix

(U) DoD	(U) Recommendation Number and Reason	(U) Status
Component Head	Recommendation is Open	
ricua	(S0-14-004) and ensure that the accreditation	
	certificate is in accordance with DIA and Intelligence	
	Community Directive 705 requirements.	
(U) DIA	(U) B.2.c. Review the USSOCOM automated information	(U) Closed
(U) USSOCOM	systems accreditation. (U //FOUO) C.1.	(U) Closed
(0) 0330001	(0 //F000) C.1.	(U) Closed
(U) USSOCOM	(U) C.2. Identify the number of foreign disclosure	(U) Closed
(0) 033000141	officers required by the Headquarters and subordinate	(0) 610364
	commands under the USSOCOM purview to maintain	
	the international exchange programs.	
(U) USSOCOM	(U) C.3. Determine whether the foreign disclosure	(U) Closed
	offices at the Headquarters and subordinate commands	
(II) LISSOCOM	under the USSOCOM purview are adequately staffed.	(U) Closed
(0) 033000141	(U) USSOCOM (U) C.4. Assess the training requirements for FDOs and ensure that all Special Operation Forces' FDOs receive	
	the necessary training.	
(U) USSOCOM	(U) C.5. Assess the requirements for security education	(U) Closed
	and training for personnel who are involved with	
	international exchange programs and foreign government information, or work in coalition or	
	bilateral environments, or in offices, activities, or	
	organizations hosting foreign exchange officers.	
(U) USSOCOM	(U //FOUO) D.1. Conclude international agreements,	(U) Closed
	with appropriate language,	
	, allowing the continued use of their national secure communication	
	systems.	
(U) USSOCOM	(U) D.2. Obtain automated information systems	(U) Closed
	accreditations for the secure facilities that process	` '
	sensitive compartmented information electronically.	
(U) USSOCOM	(U) D.3. Establish a comprehensive training program to	(U) Closed
	educate all USSOCOM personnel in "writing for release" to reduce the risk and incidents of misclassifying	
	information and potentially excluding its availability to	
	partner nations.	
(U) USSOCOM	(U) D.4. Incorporate recommendations from the	(U) Closed
	USSOCOM Cybersecurity Readiness inspection into	

Appendix

(U) DoD Component Head	(U) Recommendation Number and Reason Recommendation is Open	(U) Status
	guidance to reduce the risk of vulnerable systems.	

Acronyms and Abbreviations

(U) Acronyms and Abbreviations

D - DD	D - D D	irective
DoDD		

DIA Defense Intelligence Agency

FDO Foreign Disclosure Officer

FVEY Five Eye

GMSC Global Mission Support Center

NOFORN Not Releasable to Foreign Nationals

SCI Sensitive Compartmented Information

SCIF Sensitive Compartmented Information Facility

USD(P) Under Secretary of Defense for Policy

USSOCOM United States Special Operations Command

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