



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

CECW-I

05 NOV 1996

MEMORANDUM FOR Commanders, Major Subordinate Commands

SUBJECT: Revised Guidance for Establishing Offices Overseas

1. References:

- a. CECW-I memo dated 31 Aug 95, subject: Empowerment - Establishing Offices Overseas.
- b. Department of State memo dated 15 Aug 96, SAB.

2. Reference 1a provided guidance for establishing overseas offices, including procedures for complying with National Security Decision Directive 38 (NSDD 38). Reference 1b establishes new NSDD 38 procedures (enclosures 1-4). This memo forwards the new NSDD 38 procedures along with implementing guidelines.

3. The policies and procedures in reference 1a are still applicable. The only change in this guidance is reference to NSDD 38 "compliance" requirements (paragraph 3a of reference 1a). The enclosed revised procedures now replace previous NSDD 38 compliance requirements.

4. The revised guidance states that the "Chief of Mission" (COM) has authority over every executive branch employee (including Corps employees), except "those under the authority of a US area military commander or another COM" (paragraph 1 of enclosure 4). This means that NSDD 38 approvals are not required when establishing an office for a project sponsored by the Commander-in-Chief or other Department of Defense (DOD) agency. NSDD 38 procedures will be followed when supporting non-DOD agencies.

Encls

1. NSDD 38 Checklist
2. M/P Agency Representatives
3. ICASS Implementation Strategy
4. NSDD 38 and COM Authority


RUSSELL L. FUHRMAN
Major General, USA
Director of Civil Works



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

31 AUG 1995

CECW-I

MEMORANDUM FOR COMMANDER, MAJOR SUBORDINATE COMMANDS

SUBJECT: Empowerment - Establishing Offices Overseas

1. References:

- a. CECW-I memo dated, 16 February 1995, SAB, approved by the Acting Assistant Secretary of the Army (Civil Works) (A/ASA(CW)) (enclosure 1).
 - b. Acting ASA(CW) memo dated, 15 March 1995 (enclosure 2).
 - c. Acting ASA(CW) memo dated, 7 August 1995 (enclosure 3).
2. a. By enclosures 2 and 3, the A/ASA(CW) empowered HQUSACE to establish offices overseas under certain conditions. I hereby delegate this authority to you, with no further delegation authorized. This delegation applies to offices supporting both DOD (not exclusively in support of U.S. forces) and non-DOD work and is subject to the conditions outlined in this memorandum.
- b. Commanders will conform to the policy and guidelines in enclosure 1. Commanders are responsible for insuring that all U.S. diplomatic and military coordination is completed as displayed in the flow chart found in enclosure 1.
3. a. The empowerment flow chart at enclosure 1 shows the roles of the parties. The district prepares a decision memorandum to the Major Subordinate Command (MSC) discussing: the need and purpose for an office, alternatives to establishing an office (with cost analysis), whether establishing the office requires compliance with National Security Decision Directive 38 (NSDD 38), staffing needs (both civilian and military, and local national) by grade, rank, job description, military specialty or occupational specialty, security issues and coordination performed. The district is responsible for all coordination with the U.S. military, and U.S. diplomatic offices in the country in which the office is to be established, and with the State Department as necessary to comply with NSDD 38. Required approvals must be obtained in writing.
- b. The major subordinate command validates that establishing the office is justified, and that the diplomatic and military approvals have been obtained. MSCs will inform HQUSACE (CECW-I) of the districts' request to establish an office when the request is received from the district. MSCs will also include the status of efforts to establish an office in their bimonthly international activity reports.

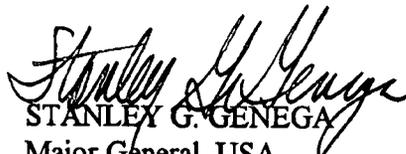
CECW-I

SUBJECT: Empowerment - Establishing Offices Overseas

4. The above guidance does not impact or effect the current procedures for establishing offices exclusively in support of U.S. Forces overseas.

5. Approval is not delegated to establish offices in: Armenia, Azerbaijan, Byelarus, Cuba, Cambodia, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Iran, Iraq, Latvia, Laos, Libya, Lithuania, Moldova, North Korea, Russia, Taiwan, Tajikistan, The former Yugoslavia, The Peoples Republic of China, Turkmenistan, Ukraine, Uzbekistan, and Vietnam. Establishing offices in these countries continues to require Secretariat approval and is to be processed through CEMP-MD for Defense Department funded work, and through CECW-I for non Defense Department funded work.

Encls


STANLEY G. GENEGA
Major General, USA
Director of Civil Works



DEPARTMENT OF THE ARMY
U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

REPLY TO
ATTENTION OF:

16 FEB 1995

CECW-I

MEMORANDUM FOR THE ACTING ASSISTANT SECRETARY OF THE ARMY
(CIVIL WORKS)

SUBJECT: Empowerment - Establish Overseas Offices—FOR DECISION

1. PROBLEM. To obtain Acting Assistant Secretary of the Army (Civil Works) (ASA(CW)) delegation of authority to the U.S. Army Corps of Engineers (USACE) to establish offices overseas.

2. RECOMMENDATION.

That the Acting ASA(CW) delegate authority to USACE to establish overseas offices and authority to execute interagency coordination required under National Security Decision Directive #38 (NSDD 38).

APPROVED _____ NOT APPROVED _____ OTHER _____

3. BACKGROUND AND DISCUSSION.

- a. Reference CECW-I memo dated 9 May 1994, empowerment (enclosure 1).
- b. Our proposal is that you would delegate authority to the Corps to establish overseas offices, as required to support overseas customers. This proposal is closely related to my Reimbursable Support to U.S. Agencies memorandum of 17 January 1995. Establishing overseas offices would normally be directly connected with providing reimbursable support to a U.S. agency overseas.
- c. The current procedure is a multi-step process, with all new overseas offices (except those established to support U.S. forces) approved by the ASA(CW) (see enclosure 1, para. 3.a. (1)). The district currently performs an analysis of the impending office, closely coordinates with the customer on the costs and need for the office and performs most of the coordination required. Current procedure requires that the letter to the State Department coordinating under NSDD 38 comes from your office. A more detailed description of the NSDD 38 coordination is found in enclosure 1, para. 3.a.(1)-(5).

CECW-I

SUBJECT: Empowerment - Establish Overseas Offices--FOR DECISION

d. The success/lack of success of the overseas offices will be reflected in the customer satisfaction surveys performed at the completion of the project. A separate survey form is not required for the office itself. The MSCs and HQUSACE will evaluate customer satisfaction as a measure of program success and USACE will incorporate the customer survey results into our annual report to your office.

e. An empowerment flow chart showing the relationships and responsibilities of the parties is found at enclosure 2. The district prepares a decision memorandum to the MSC discussing: the need and purpose for an office, alternatives to establishing an office (with cost analysis), whether establishing the office requires compliance with NSDD 38, staffing needs (both civilian and military, and local national) by grade, rank, job description, military specialty or occupational specialty, security issues and coordination performed. The district is responsible for all coordination with the local military (U.S.) office, the local political (U.S.) office and with the State Department. Per Army General Counsel rulings (see enclosure 1, para. 3.a.(1)), coordination with the State Department in the cases of military projects, foreign military sales cases, and CINC support, will be advisory and not for permission to establish offices.

↑ funded (per ARSA-CW) 8/17/95 memo,
f. The major subordinate command validates that establishing the office is justified, and that the political and military approvals have been obtained. Headquarters provides program guidance and is informed of the office to provide "a sanity check." Headquarters provides guidelines to the field for establishing offices. I believe these checks and balances provide substantial empowerment while still maintaining some higher authority checks on the system. Our proposal provides for direct communication and approval at the country level and eliminates several layers of unnecessary review and processing. Your office will continue to receive bimonthly international activity reports that provide the status of USACE international projects, including new offices established overseas.

g. Once approved, I will provide guidance to the field based on the above.

4. IMPACTS. See enclosure one.

5. COORDINATION.

CEMP-ZA Concur/Nonconcur am canton (name) 1/25/95 (date)

Encls


STANLEY G. GENECA
Major General, USA
Director of Civil Works



DEPARTMENT OF THE ARMY

U.S. Army Corps of Engineers
WASHINGTON, D.C. 20314-1000

SA405 1004

REPLY TO
ATTENTION OF:

CECW-I

9 MAY 1994

MEMORANDUM FOR ACTING ASSISTANT SECRETARY OF THE ARMY
(CIVIL WORKS)

SUBJECT: Empowerment- Delegation of Approval to Establish
Overseas Offices--FOR DECISION

1. PROBLEM. To obtain Acting Assistant Secretary of the Army (Civil Works) (A/ASA(CW)) delegation of overseas offices approval to the U.S. Army Corps of Engineers (USACE).
2. RECOMMENDATION. That the A/ASA(CW) delegate authority to USACE to establish overseas offices and authority to execute interagency coordination required under National Security Decision Directive #38 (NSDD 38) as stated below.

APPROVED _____ DISAPPROVED _____ OTHER _____

3. BACKGROUND AND DISCUSSION.

a. Current Criteria and Process

(1) Current procedure is a multi-step process, with all overseas offices, except those established exclusively to support U.S. forces, approved by the ASA(CW). Army General Counsel has ruled that in the cases of military projects, foreign military sales cases, and CINC support, State Department permission is not required to establish an overseas office under NSDD 38, but as policy, ASA(CW) advises State Department.

(2) Before USACE forwards a recommendation to ASA(CW), the recommendations are reviewed at the district, division and headquarters level. HQUSACE also coordinates with the Department of State (DOS) desk officer to assure prompt action on the NSDD 38 request.

(3) HQUSACE sends a decision memorandum to the ASA(CW) discussing and requesting approval for establishing an overseas office. The decision memorandum includes information on the project or projects to be undertaken, the need to establish the office, office staffing levels, an alternatives analysis and cost comparisons of TDY vs PCS for staff, views of the U.S. ambassador or his staff, schedule and other appropriate information such as security implications.

(4) With the decision memorandum, USACE forwards a letter, addressed to the State Department, either advising or requesting approval under NSDD 38 of USACE staffing levels in the host nation.

SUBJECT: Empowerment- Delegation of Approval to Establish Overseas Offices--FOR DECISION

(5) The State Department in Washington confers with the Embassy and makes a determination based on: Embassy input, security considerations and the ability of the Embassy to support additional U.S. government personnel.

b. Establishing overseas offices is an operational activity that can be effectively carried out at the country level among the Corps district staff, the U.S. Embassy staff and the customer. Elevating such decisions to the political level puts operational decisions in offices intended to make programmatic/political decisions.

c. Coordination with the State Department, specifically asking permission to staff an overseas office is also an operational function. The standard letter from ASA(CW) to the State Department is very specific, requesting only permission for specific staffing levels for a specific period. This could easily be done by USACE staff at the district level coordinating with the U.S. Embassy, which could then coordinate with the State Department in Washington as needed.

d. A chart comparing the current approval process with our proposal is enclosed.

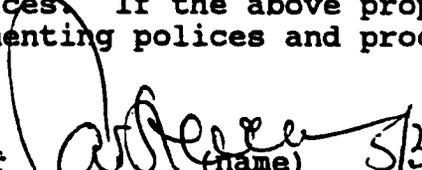
e. ASA(CW) will continue to be informed of overseas projects and offices through the normal reporting procedures such as, the international activity report. We will be adding to that report the number of USACE staff stationed at offices in each country. Offices requiring special handling, such as in the Former Soviet Union and Eastern Europe will continue to be processed as in the past until notified by your office to the contrary.

4. IMPACTS. Delegating overseas office approval to USACE as outlined above will significantly reduce the operational efforts of HQUSACE and OASA(CW) staff and layers of review will be eliminated. The delegation will significantly reduce the approval times to the field offices. If the above proposal is approved, we will develop implementing policies and procedures.

5. COORDINATION.

CEMP-ZA

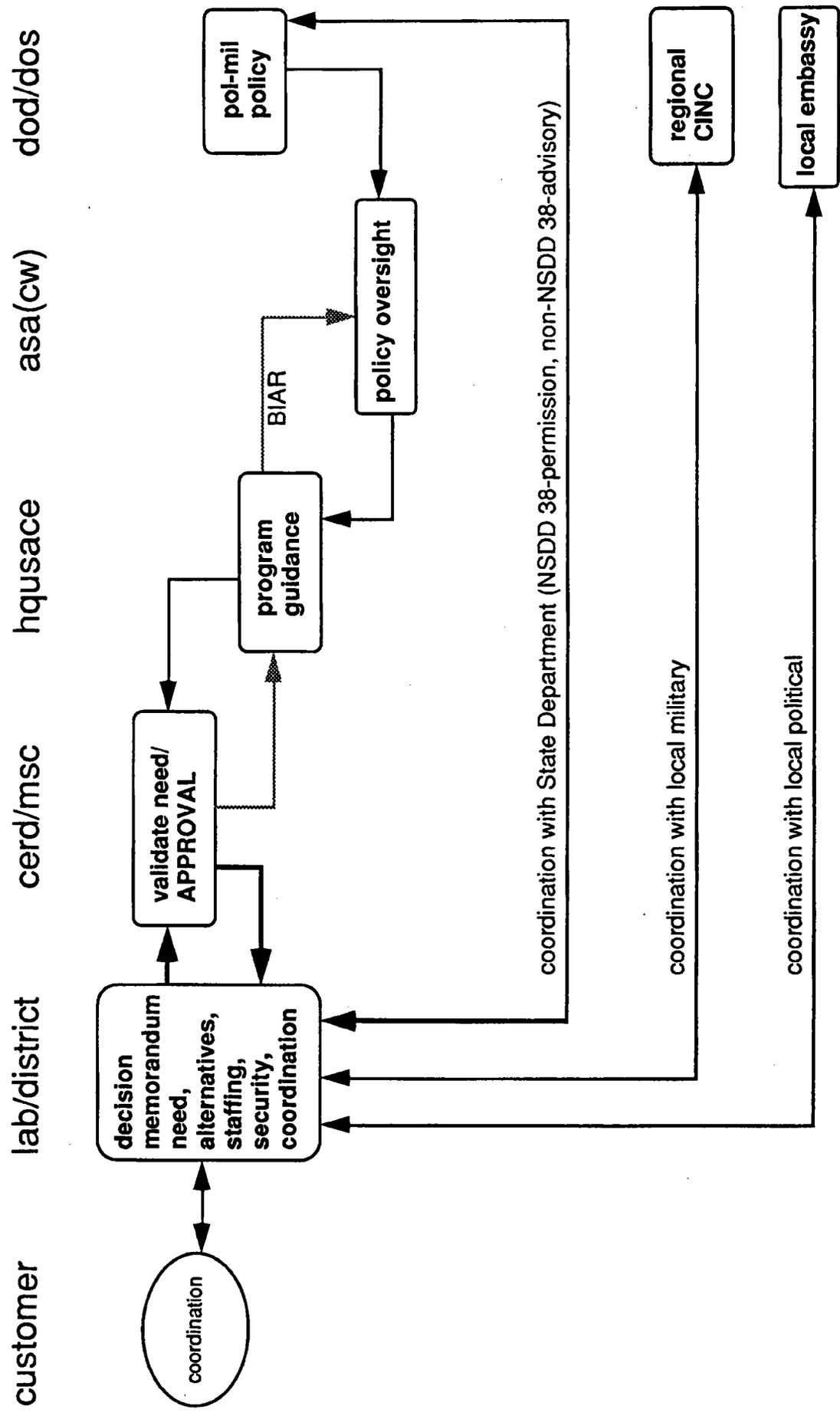
Concur/~~Nonconcur~~


(name) 5/3/94 (date)

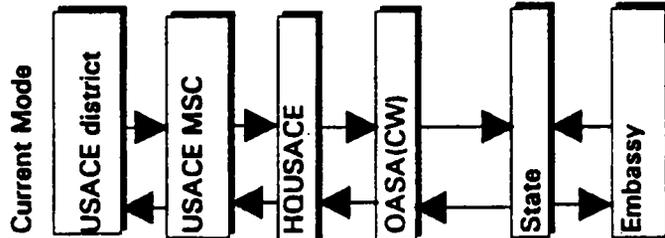
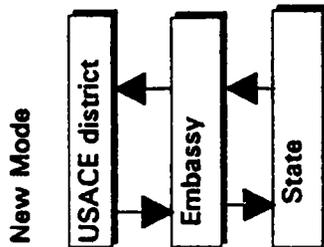
Encl


STANLEY G. GENEGA
Major General, USA
Director of Civil Works

Empowerment- Establish Overseas Office



Approval Chain to Establish Overseas Offices





DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108



REPLY TO
ATTENTION OF

0 1 AUG 1995

MEMORANDUM FOR DIRECTOR OF CIVIL WORKS

SUBJECT: Empowerment - Establishing Overseas Offices--
FOR COORDINATION

As requested, the guidance you propose to send to major subordinate commanders has been reviewed by the Office of Army General Counsel (OGC). Subject to suggested changes noted below, OGC has no legal objection to your proposal.

Suggested changes by page and paragraph number are as follows:

Page 1, paragraph 3.a., MEMORANDUM FOR COMMANDER, MAJOR SUBORDINATE COMMANDS, add after last sentence: Required approvals must be obtained in writing.

Page 2, paragraph 4, change to read as: The above guidance does not impact or effect the current procedures for establishing offices exclusively in support of U.S. Forces overseas.

Page 2, MEMORANDUM FOR ACTING ASSISTANT SECRETARY OF THE ARMY (CIVIL WORKS), dated 16 FEB 1995, SUBJECT: Empowerment - Establish Overseas Offices--FOR DECISION, add the word funded in the last sentence of paragraph 3.e. to read as follows: ...foreign military sales, cases, and CINC funded support,....

Also, OGC recommends considering whether to require that districts inform the appropriate country desk office in Office of the Deputy Chief of Staff, Operations, upon the establishment of new offices.

John E. Zirschky
Acting Assistant Secretary of the Army
(Civil works)



DEPARTMENT OF THE ARMY
OFFICE OF THE ASSISTANT SECRETARY
CIVIL WORKS
108 ARMY PENTAGON
WASHINGTON DC 20310-0108



REPLY TO
ATTENTION OF

March 15, 1995

MEMORANDUM FOR THE DIRECTOR OF CIVIL WORKS

SUBJECT: Request for Approval to Establish Overseas
Offices

Your request for delegation of approval authority for establishing overseas offices is approved, subject to the following limitations:

- (a) Army General Counsel has requested a review of the guidance; and
- (b) such approval does not extend to the former Soviet Union. Travel approval to the FSU requires approval of the Under Secretary and opening an office in the FSU will require such travel. I would prefer to handle these requests on a case-by-case basis.

John H. Zirschky
Acting Assistant Secretary of the Army
(Civil Works)

*Dean, est. working office in PRC would be a nice
example of secretariat interest. Please have
your guidance propose more case-by-case exceptions
which would still come here.*

John