

**MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF STATE AND
THE DEPARTMENT OF DEFENSE TO FACILITATE DOMESTIC EMPLOYEE
TELEWORKING OVERSEAS ARRANGEMENTS FOR U.S. GOVERNMENT
EMPLOYEES AUTHORIZED TO ACCOMPANY DEPARTMENT OF DEFENSE
SPONSORS ON ASSIGNMENTS ABROAD**

I. PURPOSE AND SCOPE: The purpose of this Memorandum of Agreement (MOA) between the Department of State (State) and the Department of Defense (DoD) is to facilitate Domestic Employee Teleworking Overseas (DETO) arrangements for eligible U.S. Government Executive Branch employees authorized by DoD to accompany Service members (including U.S. Coast Guard personnel under the command of a DoD combatant commander) and DoD civilian employees on assignments to U.S. military installations outside the United States. These eligible employees are referred to hereinafter as “covered DETOs.”

When referred to collectively, State and DoD are referred to as the “Parties.”

This MOA is limited to covered DETOs in geographic areas where DoD has approved accompanied assignments and has established Military Housing Offices (MHOs) to serve the military installation community.

KEY TERMS: For the purpose of this agreement, the term “DoD housing” refers to permanent or temporary family and unaccompanied housing that the DoD owns, leases, obtains by permit, or otherwise acquires. This is also referred to as “Government-controlled housing.” The term “community housing” refers to privately owned or leased private-sector housing located within a defined market area.

II. AUTHORITIES:

1. 22 U.S.C. § 3927 – Chief of Mission (COM) Authority
2. President’s Letter of Instruction (PLOI) to Chiefs of Mission
3. 22 U.S.C. § 4802 – Responsibility of Secretary of State
4. 22 U.S.C. § 4805 – Cooperation of Other Federal Agencies
5. 5 U.S.C. § 6500 – Telework
6. 10 U.S.C. § 113 – Secretary of Defense
7. 10 U.S.C. § 2828 – Leasing of Military Family Housing
8. 1997 Memorandum of Understanding between State and DoD on Security of DoD Elements and Personnel in Foreign Areas
9. National Security Decision Directive (NSDD) 38
10. DoD Instruction 4165.63, DoD Housing
11. DoD Manual 4165.63, DoD Housing Management

III. RESPONSIBILITIES OF THE PARTIES:

A. DEPARTMENT OF STATE:

1. **The Secretary of State:** Develops and implements policies and programs for security and safety of U.S. government employees on official duty abroad and their accompanying dependents. For the purposes of this MOA, the Secretary of State will:
 - a. Accept DoD housing occupied by covered DETOs as meeting necessary safety, environmental, health, and security requirements.
 - b. Accept community housing occupied by covered DETOs, that DoD has determined to be suitable in accordance with DoD and military service policies and section III.B.2.c.(4) of this MOA, as meeting necessary safety, environmental, health, and security requirements.
 - c. Request support from DoD to perform certain security services outlined in Appendix A on behalf of State.
 - d. Designate appropriate Department of State officials to negotiate and provide liaison support with their DoD counterparts on the policy pertaining to covered DETOs.
 - e. Ensure coordination with the relevant DoD officials when changes in State policy or programs could affect the subject matter of this MOA.
2. **Chiefs of Mission:**
 - a. Covered DETOs fall under (COM) authority (see Appendix C). The COM approves or disapproves requests for DETO arrangements in accordance with NSDD 38 to ensure that the DETO arrangement does not expose the U.S. government to unnecessary risks or place an unsustainable burden on post. Each executive branch agency is required to keep the COM fully informed with respect to all DETO program activities and operations in that country and to ensure that DETOs comply with all applicable COM policies and directives.
 - b. Where applicable, delegate operational control of security functions for covered DETOs employed by DoD, pursuant to a 1997 Memorandum of Understanding (MOU) between the Secretary of State and the Secretary of Defense. For those covered DoD DETOs, the security requirements outlined in Appendix A would not apply. However, other covered DETOs remain subject to all relevant security requirements, including those outlined in this MOA and Appendix A.
 - c. Ensure that DETOs comply with appropriate security and safety policies.
 - d. As necessary, report any problems and suggestions concerning the implementation of this MOA to the State representatives of the State-DoD DETO Liaison Group.

B. DEPARTMENT OF DEFENSE

1. **The Secretary of Defense:**

- a. Designates the officials or heads of components within DoD having security responsibilities concerning DoD personnel and their family members and assigns representatives to participate in the interagency DETO policy coordination for covered DETOs.
- b. Assigns responsibilities to implement DoD housing policy, including DoD Instruction 4165.63, "DoD Housing," and the accompanying DoD Manual 4165.63, "DoD Housing Management" (hereinafter DODM 4165.63).
- c. Designates appropriate DoD officials to be responsible for determining the suitability of all housing occupied by covered DETOs based on safety, environmental, health, and security considerations.
- d. Requires Combatant Commanders with physical areas of responsibility to direct appropriate DoD personnel under their authority, direction, and control to perform or support the functions outlined in section III.B.2. and in Appendix A of this MOA to facilitate DETO arrangements for spouses of DoD sponsors.

2. **Commanders of Installations Abroad:**

- a. Manage military housing programs with broad authority to decide the best use of resources to provide access to housing that meets DoD and military service policies, particularly in regard to environmental, health, safety and security standards for all DoD eligible personnel and their family members, including covered DETOs.
- b. Manage, operate, and maintain DoD housing units in accordance with DoD and military service policies.
- c. For community housing:
 - (1) Provide housing referral services to help DoD personnel and their dependents locate suitable, affordable, and nondiscriminatory community housing as needed.
 - (2) Ensure rental agreements are both in English and the national language of the host country.
 - (3) Provide assistance with rental negotiations (including negotiating for potential assistance from private landlord to meet DoD environmental, safety, health and security considerations) and review of rental agreements/leases.

- (4) Inspect community housing units for suitability based on environmental, safety, health, and security considerations, prior to listing such housing or approving housing as suitable for DETOs and meeting DoD standards.
- (5) Document that DoD has determined the residence to be suitable in accordance with DoDM 4165.63.
- (6) Provide security services, as outlined in Appendix A to this MOA, to covered DETOs under COM security responsibility.
- (7) Report to the COM, on an annual basis, safety incidents at any community housing occupied by covered DETOs when such incidents result in serious illness, injury, or death, or in property damage of \$10,000 or more.
- (8) Notify within 24 hours the appropriate embassy or consulate Regional Security Office in the event of any security incident (criminal, terrorist, political violence) targeting or impacting any covered DETO or their residence.
- (9) Review annually, or as necessary, implementation of this MOA and communicate findings to the State-DoD DETO Liaison Group.

IV. IMPLEMENTATION: The Parties will implement this MOA by following the guidance outlined in this MOA and its appendices.

V. FUNDING: This MOA neither documents nor provides for the exchange of funds or manpower between the Parties, nor does it make any commitment of funds or resources. No provision of this MOA will be interpreted to require obligation or payment of funds. DoD support for DETO security will be funded in accordance with applicable authorities and as further described in Appendix A of this MOA or through separate interagency agreements or arrangements.

VI. State-DoD DETO LIAISON GROUP:

A. Purpose and Composition: The State-DoD DETO Liaison Group will administer the implementation of this MOA. Appendix B defines the composition of the State-DoD DETO Liaison group and provides contact details for member offices.

B. Responsibilities:

1. Identifying issues and serving as a collaborative forum for recommending changes to agency policies, regulations, directives, and orders required to implement this MOA.
2. Meeting as frequently as necessary, but not less than annually, for the purpose of reviewing the implementation of this MOA.

3. Tracking changes in policy or directives that affect the ability of either Party to implement this MOA.
4. Recommending other changes and updates to this MOA or its appendices.
5. Reporting all matters that warrant a higher level of review to the appropriate State and DoD officials.

VII. DISPUTE RESOLUTION:

- A. The Parties will submit all disagreements relating to implementation of this MOA, and any potential or actual conflicts with other existing agreements (see Section VIII below), directly to the State-DoD DETO Liaison Group.
- B. If the State-DoD DETO Liaison Group cannot resolve any matter under the procedures specified below, it will refer the matter to appropriate State and DoD officials for resolution.

VIII. OTHER AGREEMENTS: This MOA cancels and supersedes the State and DoD interim agreement of July 2022, which was accomplished through the exchange of memoranda between the Executive Secretaries of the Parties. This MOA does not require reapproval of existing DETO arrangements. Should State or DoD identify potential or actual conflicts with other existing agreements, the Parties will promptly convene the State-DoD DETO Liaison Group and seek to resolve such conflicts.

IX. EFFECTIVE DATE, REVIEW, TERMINATION, MODIFICATION AND EXPIRATION OF AGREEMENT:

- A. This MOA takes effect on the day after the last Party signs.
- B. The Parties will designate the State-DoD DETO Liaison Group to review this MOA in its entirety as necessary, but no less than annually.
- C. Either Party may terminate this MOA after consultation with the other party after at least 90 days upon written notice. Such termination should not require the reapproval of DETO agreements already approved prior to the termination.
- D. Modification:
 1. Administrative modifications to this MOA must be approved in writing by the Deputy Assistant Secretary for Global Talent Management for the Department of State and by the Deputy Assistant Secretary of Defense for Civilian Personnel Policy, whose portfolio includes the DoD DETO Program for DoD. Administrative changes are limited to:
 - a. Updating titles, addresses, or references.

- b. Modifications to address organizational changes within DoD and/or State.
 - c. Updates to the composition of the State-DoD DETO Liaison Group in Appendix B, and updates to the terms and definitions in Appendix C.
 - d. All other modifications to this MOA will be by written agreement of the signatories or their successors.
- E. Transferability: This MOA is not transferable except with the written consent of the Parties.
- F. Expiration: This MOA remains in effect unless terminated or modified by the Parties in accordance with the terms of this MOA.

X. OTHER FEDERAL AGENCIES: This MOA neither binds any Federal agency, other than the Parties, nor waives required compliance with any law, policy, or guidance. The DETO requirements and processes set forth in this MOA, including in Appendix A, will apply to covered DETOs.

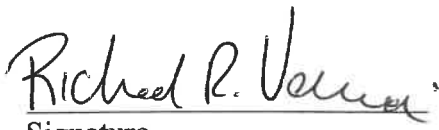
XI. LIST OF APPENDICES:

- A. DoD Security and Residential Safety and Security Services for DETO Employees
- B. Composition of State-DoD DETO Liaison Group
- C. Terms and Definitions

AGREED:

For the Department of State:

For the Department of Defense:


Signature


Signature

Richard R. Verma
Deputy Secretary of State
for Management and Resources

Kathleen H. Hicks
Deputy Secretary of Defense

Date: April 17, 2024

Date: April 17, 2024

**APPENDIX A: DoD Security and Residential Safety and Security Services for Covered
DETOs**

A. Security Services: DoD will provide a range of required security services to covered DETOs under COM security responsibility. The security services described below are normally carried out by the Regional Security Officer (RSO) at U.S. embassies and consulates. DoD will provide the following security services to covered DETOs under COM security responsibility on a non-reimbursable basis pursuant to section 106(a) of the Diplomatic Security Act (22 U.S.C. § 4805(a)):

1. Integrate covered DETOs into the applicable DoD commander's emergency planning, emergency action plan, and any related drills or exercises, to assist with determining the likely impact of such contingencies on the ability of the covered DETOs to perform their U.S. government official domestic assignment duties, and how to mitigate any negative impacts.
2. Provide evacuation assistance to covered DETOs, if ordered by the relevant DoD commander, and coordinate with the COM on the appropriate action for any evacuation ordered by the COM. As they are DoD dependents on an accompanied tour, DoD already incorporates covered DETOs into DoD's evacuation planning.
3. Integrate covered DETOs into local movement or travel policies.
4. Perform other appropriate physical security services, as determined by DoD, in accordance with applicable agreements and arrangements with the host nation.
5. Conduct the initial incident response and/or serve as the primary liaison with host nation law enforcement, as appropriate, for serious incidents including death, sexual assault, assault, arson, and kidnapping.
 - a. Such crimes include offenses committed by or against a U.S. national, on the premises of:
 - (1) U.S. diplomatic, consular, military, or other U.S. government missions or entities in foreign countries, and
 - (2) Residences in foreign countries, irrespective of ownership, used by U.S. personnel assigned to those missions/entities.
 - b. The initial incident response:
 - (1) Includes connection of victims with victims' services.
 - (2) Will not include any action that could be construed as a law enforcement act, such as arrests or searches, or uses of force beyond the inherent right of self-

defense, absent express host state consent, where applicable, and legal authority to take such an action.

6. Provide timely notification (within 24 hours) to the appropriate Embassy or Consulate Regional Security Officer in the event of any security incident (criminal, terrorist, political violence) targeting or impacting covered DETOs or their residence. The RSO will coordinate with the Department of State's Bureau of Diplomatic Security, Office of Special Investigations, as necessary.

B. Residential Safety & Security:

1. In accordance with sections III.A.1.a and b of this MOA, State will accept DoD's determination of suitability for DoD housing occupied by covered DETOs.
2. For community housing DETO residences that DoD has determined to be suitable in accordance with DoD and military service policies and section III.B.2.c.(4) of this MOA, State will accept DoD's determination of such suitability.
3. DoD residential security suitability reviews for community housing will include consideration of the following residential security practices:
 - (1) Residence features substantial exterior doors equipped with working deadbolt or latching type locking mechanisms.
 - (2) All exterior windows feature locking mechanisms.
 - (3) Primary entrance doors allow for a means of visitor identification (e.g., door viewers, video doorbell, door chains, side windows).
 - (4) Location provides multiple routes for occupants to gain access to major thoroughfares, allowing for the varying of travel patterns to and from the workplace.
 - (5) Apartments feature some type of access control that limits public access to the building such as an access-controlled main entrance, perimeter barrier, or unit location well above ground level.
 - (6) Sliding Glass Door features quality locking mechanisms, with secondary locking devices (such as Charlie-Bars).
 - (7) Lighting is adequate at primary entrance point.
 - (8) Location is in an area considered to be lower or equal in crime to the surrounding area. Location does not feature businesses or conditions that commonly attract criminal elements or activities associated with political violence.

- (9) Residence features basic (unmonitored) consumer grade burglar alarm with a “panic” alarm activation capability from the primary bedroom.
4. If the community housing does not meet DoD’s safety and security criteria, the covered DETO or the covered DETO’s employing agency may either make necessary upgrades to meet the required standards or must find a different residence that meets required standards.
 5. These security guidelines apply to covered DETOs under COM security responsibility in areas that DoD has approved for accompanied assignments and where DoD has established MHOs serving the military installation communities.

APPENDIX B: Composition of State-DoD DETO Liaison Group and Correspondence

Department of State Members Include Representatives from the following offices:

Bureau of Diplomatic Security (DS) – ds_policy@state.gov

Global Talent Management (GTM/ER/WLD) – DETOPolicy@state.gov

Management Strategy and Solutions' Office of the Policy and Global Presence (M/SS/PGP) – MSS-NSDD38@state.gov

Overseas Building Operations (OBO/OPS) – OBO-OPS-Directors@state.gov

DoD Members Include Representatives from the following offices:

DoD DETO Program Manager, Defense Civilian Personnel Advisory Service – DoDHRA.DETOPolicy@mail.mil

Physical Security Policy, Office of the Under Secretary of Defense for Intelligence and Security osd.pentagon.ousd-intel-sec.mbx.dod-physical-security@mail.mil

Force Protection Policy, Office of the Under Secretary of Defense for Policy – osd.pentagon.ousd-policy.mbx.force-protection-policy@mail.mil

Spouse Education and Career Opportunities, Office of the Deputy Assistant Secretary of Defense for Military Community and Family Policy – osd.mc-alex.rsrcmgmt.list.spouse-employment-team@mail.mil

Chief Housing Officer, Office of the Assistant Secretary of Defense for Energy, Installations, and Environment – osd.pentagon.ousd-a-s.mbx.asd-eie-hsg@mail.mil

Program Analyst for Military, Family, and Veterans Programs, Joint Staff and Combatant Commands – pentagon.j1.list.prd-policy@mail.mil

Office of the DoD General Counsel – osd.pentagon.ogc.list.correspondence-staff@mail.mil

Correspondence: Send all correspondence and notices pursuant to this MOA to the Department of State at DETOPolicy@state.gov, and to DoD at DoDHRA.DETOPolicy@mail.mil, or as may from time to time otherwise be directed by the Parties. Each Party will ensure the list and designated points of contact are kept up to date and heads of other relevant bureaus, offices, or components, or their designees, will be included as required.

APPENDIX C: Terms and Definitions

*The terms and definitions are for purposes of this agreement only.

Abroad – locations outside the United States.

Authorities – refers to laws, regulations, Executive Branch policies, and Presidential directives and letters of instruction that address roles and responsibilities of the respective agencies.

Chief of Mission (COM) – The principal officer in charge of a diplomatic mission of the United States or of a United States office abroad which is designated by the Secretary of State as diplomatic in nature, including any individual assigned under section 22 U.S.C § 3982(c) to be temporarily in charge of such a mission or office. (22 U.S.C. § 3902).

Chief of Mission Authority – Term used to describe the scope of the COM's authority over and responsibilities for U.S. executive branch employees and activities. Under U.S. law and at the direction of the President of the United States, the COM is responsible for the direction, coordination, and supervision of all U.S. Government executive branch activities, operations, and employees in the relevant country, except those under the command of a U.S. combatant commander, employees officially on the staff of an international organization and performing the functions of that organization, or Voice of America correspondents on official assignment. Specifically, the COM provides country-specific policies and directives required to accomplish mission objectives.

All DETOs fall under COM authority. For DETOs this means that the COM can approve or disapprove DETOs duties and responsibilities when working overseas to ensure that the DETO's U.S. Government official domestic assignment duties do not interfere with mission operations, expose the mission to unnecessary risks, or overwhelm existing capacity of the management and security platforms. Each executive branch agency is required to keep the COM fully informed with respect to all DETO activities and to ensure that DETOs comply with all applicable COM directives.

Community housing – Privately owned or leased private-sector housing located within a defined market area.

DoD housing – Family and Unaccompanied Housing that the Department of Defense owns, leases, obtains by permit, or otherwise acquires. This is also referred to as “Government-controlled housing.”

Domestic Employee Teleworking Overseas (DETO) – A U.S. Government executive branch employee assigned to a domestic position, with an alternative work arrangement permitting work to be performed at an approved worksite in a location abroad for a limited period of time.

Military Installation – a base, camp, post, station, yard, center, or other activity under the jurisdiction of the Secretary of a military department or, in the case of an activity in a foreign

country, under the operational control of the Secretary of a military department or the Secretary of Defense, without regard to the duration of the operational control (10 U.S.C. § 2801(c)(4)).

NSDD 38 – The National Security Decision Directive 38 is a Presidential Directive that mandates the process by which the Chief of Mission (COMs) approves “the size, composition, and mandate of all executive branch agency” full-time, permanent positions subject to COM authority.

NSDD 38 application – DOS web-based computer application. Agencies submit their position requests through this application for the NSDD 38 team review and COM’s final decision.

Overseas – outside the continental United States, but does not include Alaska, Guam, Hawaii, the Isthmus of Panama, Puerto Rico, or the Virgin Islands

Regional Security Officer (RSO) – A Foreign Service security officer serving abroad at an embassy, mission (e.g., Geneva and all international organization posts), or consulate. RSOs implement and manage the Department’s security and law enforcement programs, other than law enforcement responsibilities under the authority of the Office of Inspector General (see 1 FAM 050), for a geographic region, which includes at least one Foreign Service post. RSOs oversee the day-to-day management of security programs at posts within their area of responsibility. The RSO reports to the COM at U.S. posts abroad. The RSO also receives management direction from DS.

Secretary of State and Chief of Mission Security Responsibility – Term used to describe the Secretary and COM’s responsibility for developing and implementing security programs and policies for the protection of all U.S. Government personnel on official duty abroad and their accompanying dependents. The only exceptions are for personnel under the command of a U.S. combatant commander who has been designated with a physical area of responsibility and Voice of America correspondents on official assignment. The **President’s Letter of Instruction to COMs** provides an additional exception for U.S. Government employees officially on the staff of an international organization and performing the functions of that organization. Unlike COM authority, Secretary of State and COM security responsibility extends beyond executive branch employees to cover accompanying dependents of certain U.S. Government personnel. However, the 1997 MOU allows for the delegation of operational control of security functions to DoD for certain DETOs who also work for DoD.