



# CHIEF NATIONAL GUARD BUREAU NOTICE

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NGB-J53  
DISTRIBUTION: A

CNGB Notice 5300  
10 September 2012

## POLICY FOR INTERNATIONAL AGREEMENTS

### Reference(s):

- a. CJCS EXORD, 211630Z Sep 2009, "Preparing Partner Nation Military Forces for Afghanistan"
- b. 18 U.S.C. § 953, "The Logan Act"
- c. 1 U.S.C. § 112b, "The Case Act"
- d. DoD Directive 5530.3, 21 November 2003, "International Agreements"
- e. CJCSI 2300.01D, 20 December 2010, "International Agreements"

1. Purpose. This notice provides interim guidance to the National Guard (NG) regarding International Agreements.

2. Cancellation. None.

3. Applicability. This guidance applies to the Army and Air National Guard of the 50 States, the Commonwealth of Puerto Rico, the Territory of Guam, the United States Virgin Islands, and the District of Columbia (hereafter referred to as States); the National Guard of the United States; and the National Guard Bureau.

4. Background. The NG, through the State Partnership Program (SPP), enables and facilitates broad United States Government (USG) security cooperation engagements and activities as outlined in the strategic and operational plans of the various departments and agencies engaged in international security cooperation. The SPP plays an essential supporting role

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in coordinating and planning among combatant commands (CCMD), the Services, Department of Defense (DoD) agencies, and other USG organizations on issues that transcend Unified Command Plan areas of responsibility. A number of SPP partner countries have co-deployed with elements of their NG SPP partner states in accordance with reference a. Historically, these deployments have taken the form of events such as Operational Mentor Liaison Teams, Police Operational Mentor Liaison Teams, Bilateral Embedded Support Teams, and Non-Reciprocal Exchange Programs carried out with multiple nations.

5. Procedures.

a. Reference b prohibits private citizens from negotiating or entering into international agreements with foreign governments that could affect U.S. politics or security. Reference c prohibits governmental entities and officials from signing or otherwise concluding any international agreement on behalf of the United States without prior consultation with the Department of State (DoS).

b. NG personnel are not authorized to initiate, negotiate or enter into international agreements (including verbal or written Memorandums of Agreement, Memorandums of Understanding, or other documents with similar legal effect) or to create other arrangements or situations that could legally obligate the USG without explicit written approval from Office of the Secretary of Defense (OSD), DoS, the U.S. Ambassador to the host country, and the relevant CCMD. If a USG entity legally empowered to negotiate international agreements officially requests a State NG to act on its behalf, this authorization must be signed by the appropriate official (e.g. Ambassador, OSD Deputy, CCMD general officer, etc.). Other specific approval procedures are outlined in references d and e.

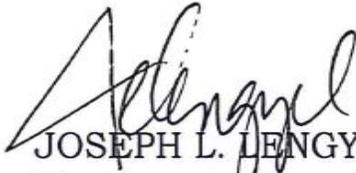
c. Personnel are not authorized to make any commitment involving U.S. resources without appropriate U.S. government clearances, approvals, and assurances that such commitments can be met and are in the best interest of the U.S.

d. State NGs will continue to recognize, plan, and address security cooperation engagements and activities leveraged through SPP and manage them appropriately through USG agencies, including DoD. State NGs will consult with and work through NGB-J53 International Affairs to obtain necessary OSD or CCMD approvals required for any agreements associated with these engagements. If there is any question whether a document proposed for signature by a NG official and an official of a foreign government constitutes an agreement, it must be forwarded to NGB-J53 for review prior to execution. This will provide appropriate and timely visibility for the Chief, National Guard Bureau; the Office of the Deputy Assistant Secretary of Defense

(Policy) for Partnership Strategy and Stability Operations; as well as the Chairman of the Joint Chiefs of Staff (CJCS), J-5 Deputy Director for Partnership Strategy. OSD and CJCS Joint Staff hold the roles and responsibilities for determining and executing the appropriate authorities and international agreements for such engagements and activities.

6. Releasability. This notice is approved for public release; distribution is unlimited. NGB directorates, the Adjutants General, the Commanding General of the District of Columbia, and Joint Force Headquarters-State may obtain copies of this notice through [www.ngbpdcc.ngb.army.mil](http://www.ngbpdcc.ngb.army.mil).

7. Effective Date. This notice is effective on the date signed and will expire one year from the date of signature unless cancelled earlier.



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