

**Army Regulation 550–51**

**Foreign Countries and Nationals**

# **International Agreements**

**Headquarters  
Department of the Army  
Washington, DC  
2 May 2008**

**UNCLASSIFIED**

# ***SUMMARY of CHANGE***

AR 550-51

International Agreements

This major revision dated 2 May 2008--

- o Defines the terms "international agreement" and "other international arrangement" (paras 3a and 3b).
- o Requires commanders of Army Commands, Army Service Component Commands, and Direct Reporting Units to obtain a legal review before negotiating any proposed international agreement or arrangement (para 4).
- o Clarifies the role of The Judge Advocate General, International and Operational Law Division, in the international agreements process (paras 4b(4), 4b(8), 4d, 6b, 6c, 8, 9a, and 9b(3)).
- o Clarifies the role of the Office of The Judge Advocate General as the single office of record for international agreements (para 4d).
- o Designates the Deputy Assistant Secretary of the Army for Defense Exports and Cooperation and the Deputy Chief of Staff, G-3/5/7 to assume responsibilities for international agreements formerly held by the Deputy Under Secretary of the Army (International Affairs) (throughout).
- o Clarifies the requirements for Army Commands, Army Service Component Commands, and Direct Reporting Units to determine that an international arrangement does not constitute an international agreement (throughout).

Effective 2 June 2008

## Foreign Countries and Nationals


### International Agreements

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By Order of the Secretary of the Army:

GEORGE W. CASEY, JR.  
*General, United States Army*  
*Chief of Staff*

Official:

  
JOYCE E. MORROW  
*Administrative Assistant to the*  
*Secretary of the Army*

**History.** This publication is a major revision.

**Summary.** This regulation implements DODD 5530.3, which prescribes responsibilities for Army participation in the international agreement negotiation and conclusion process. It describes the scope and limits of the Secretary of the Army's delegation authority and sets forth administrative procedures for complying with and transmitting agreements.

**Applicability.** This regulation applies to the Active Army, the Army National

Guard/Army National Guard of the United States, and the U.S. Army Reserve.

**Proponent and exception authority.**

The proponent of this regulation is The Judge Advocate General. The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with controlling law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include a formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

**Army management control process.**

This regulation contains management control provisions, but does not identify key management controls that must be evaluated.

**Supplementation.** Supplementation of this regulation and the establishment of command and local forms are prohibited without prior approval from The Judge Advocate General (DAJA-IO), 2200 Army Pentagon, Washington, DC 20310–2214.

**Suggested improvements.** Users are invited to send comments and suggested improvements on DA 2028 (Recommended Changes to Publications and Blank Forms) directly to HQDA (DAJA-IO), 2200 Army Pentagon, Washington, DC 20310–2214.

**Distribution.** This publication is available in electronic media only and intended for command levels C, D, and E for Active Army, Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

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\*This regulation supersedes AR 550–51, dated 15 April 1998.



## 1. Purpose

This regulation prescribes Army policy, responsibilities, and procedures for the negotiation, conclusion, forwarding, and depositing of international agreements and all other arrangements that do not meet the definition of an international agreement established between the Army, or an Army element, and foreign government civilian or military representatives, offices or organizations (referred to as “other international arrangements” in this regulation). This regulation does not apply to the following:

*a.* Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP) annexes covered by DODI 2015.4. Note, however, that an RDT&E IEP agreement under DODI 2015.4 is covered by this regulation.

*b.* Contracts made under the Federal Acquisition Regulation.

*c.* Foreign Military Sales Credit Agreements.

*d.* Foreign Military Sales Letters of Offer and Acceptance and Letters of Intent.

*e.* Standardization Agreements (STANAGs) (for example, STANAGs; American, British, Canadian, Australian and New Zealand Armies’ Program standards; Army Service Component Command (ASCC) air standards; and Naval standardized agreements) that—

(1) Record the adoption of like or similar military equipment, ammunition, supplies, and stores or operational, logistic, and administrative procedures.

(2) Do not provide for mutual support or cross-servicing of military equipment, ammunition, supplies, and stores or for mutual rendering of defense services, including training.

*f.* Leases under Section 2667, Title 10, United States Code (10 USC 2667), 10 USC 2675, and 22 USC 2796.

*g.* Acquisitions or orders pursuant to cross-servicing agreements made under the authority of the North Atlantic Treaty Organization (NATO) Mutual Support Act (10 USC 2341 and DODD 2010.9). Note, however, that umbrella agreements, implementing arrangements, and cross-servicing agreements under the NATO Mutual Support Act do fall under this regulation.

*h.* International agreements and other international arrangements negotiated or concluded by Army elements under express authority granted to that Army element by unified commands or subordinate unified commands. In the case of such agreements and arrangements, the procedures set forth in Chairman of the Joint Chiefs of Staff (CJCS) Instruction 2300.01C, “International Agreements,” and in the applicable combatant command regulation or instruction apply.

## 2. References

Required and related publications and prescribed and referenced forms are listed in appendix A.

## 3. Explanation of abbreviations and terms

Abbreviations and special terms used in this regulation are explained in the glossary.

*a.* For purposes of this regulation, international agreements are—

(1) Any agreement concluded with one or more foreign governments (including their agencies, instrumentalities, or political subdivisions) or with an international organization, that—

*(a)* Is signed or agreed to by personnel of any Army organization, or by representatives of the Department of State or any other department or agency of the United States Government.

*(b)* Signifies the intention of its parties to be bound in international law.

*(c)* Is denominated as an international agreement or as a memorandum of understanding, a memorandum of agreement, a memorandum of arrangements, an exchange of notes, an exchange of letters, a technical arrangement, a protocol, a note verbal, an aide memoir, an agreed minute, a contract, an arrangement, a statement of intent, a letter of intent, a statement of understanding, or any other name connoting a similar legal consequence. NOTE: Although it is against DA policy to enter into an oral international agreement, any oral agreement that meets the definition in subparagraph *a(1)(a)* through *a(1)(c)*, above, of this definition is an international agreement. The DOD representative who enters into the agreement shall cause such agreement to be reduced to writing.

(2) A NATO STANAG that provides for mutual support or cross-servicing of military equipment, ammunition, supplies and stores, or the mutual rendering of defense services, including training.

(3) Umbrella agreements, implementing arrangements and acquisition and cross-servicing agreements concluded under the authority granted in 10 USC 2341 through 10 USC 2350.

(4) Any extension, revision, or other amendment or modification to an agreement, as defined in paragraphs *a(1)(a)* through *a(1)(c)* of this definition. NOTE: It is incorrect to assume that an instrument or arrangement that implements an existing international agreement is not itself an international agreement subject to this regulation. For example, an instrument or arrangement to establish administrative procedures shall not be excluded from the definition of international agreement even if the underlying international agreement stipulates otherwise. A determination whether an instrument is considered an “agreement solely to establish administrative procedures” may be made only by an ACOM, ASCC, or DRU staff judge advocate or a legal advisor for any superior command. Further, authority for negotiating implementing agreements is to be very narrowly interpreted. Generally speaking, a delegation of authority to conclude an international agreement carries with it only the delegated authority to enter into implementing arrangements that do

not in any way expand or deviate from the basic agreement, and that do not address policy significant issues. Any redelegation of authority by the authority negotiating and concluding the basic international agreement, to a lower level of command, for negotiating or concluding implementing agreements, must either be provided for in the terms of the basic international agreement, or be specifically obtained for each implementing agreement.

*b.* For purposes of this regulation, an other international arrangement is any instrument or arrangement concluded with one or more foreign governments (including their agencies, instrumentalities, or political subdivisions) or with an international organization that—

(1) By its express terms, does not create any legal obligations on the part of the United States, such as arrangements and training plans, to include technical and operational annexes thereto, which are not intended, nor have the effect, of creating any international legal obligations between the United States and another state or international organization.

(2) Is not considered an international agreement under the provisions of 22 CFR 181.

(3) Does not otherwise meet the definition of an international agreement under this regulation.

*c.* Other international arrangements include “(a)greements solely to establish administrative procedures,” as defined in DODD 5530.3, paragraph E2.1.1.3.6, that simply set out procedures for the exercise of U.S. rights, and the performance of U.S. obligations, under an existing international agreement without expanding, modifying, or constraining those rights or obligations.

*d.* For purposes of this regulation, negotiation means communication by any means of a position or an offer, on behalf of the United States, the DOD, the Army, or any office or organizational element thereof, to an agent or representative of a foreign government, including an agency, instrumentality, or political subdivision thereof, or of an international organization, in such detail that the acceptance in substance of such position or offer would result in an international agreement. The term “negotiation” includes any such communication even though conditioned on later approval by the responsible authority. The term “negotiation” also includes provision of a draft agreement or other document that sets out, in any form, the acceptance of which would constitute an agreement, as well as discussions concerning any U.S. or foreign government or international organization draft document whether or not titled “agreement.” The term “negotiation” does not include preliminary or exploratory discussions or routine meetings where no draft documents are discussed, so long as such discussions or meetings are conducted with the understanding that the views communicated do not and shall not bind or commit any side, legally or otherwise.

*e.* For purposes of this regulation, conclusion means the act of signing, initialing, responding, or otherwise indicating the acceptance of an international agreement by the United States.

*f.* For purposes of this regulation, policy significant means any issue identified during the agreement process which, if the subject of an international agreement, in whole or in part, would result in application of the rules in DODD 5530.3, subsection 8.4.1 regarding agreements “having policy significance.” Under DODD 5530.3, agreements “having policy significance” include agreements that—

(1) Specify national disclosure, technology-sharing or work-sharing arrangements, coproduction of military equipment or offset commitments as part of an agreement for international cooperation in the research, development, test, evaluation, or production of defense articles, services, or technology.

(2) Because of their intrinsic importance or sensitivity, would directly and significantly affect foreign or defense relations between the United States and another government.

(3) By their nature, would require approval, negotiation, or signature at the OSD or the diplomatic level.

(4) Would create security commitments currently not assumed by the United States in existing mutual security or other defense agreements and arrangements, or which would increase U.S. obligations with respect to the defense of a foreign government or area. NOTE: There is no comprehensive list of subjects that fall within this category. Broadly interpret the phrase “having policy significance.” Consider any subject formally raised in the discussion at the Assistant Secretary of Defense-level, or its equivalent in a foreign government or in an international organization to have policy significance. In the event of uncertainty as to the applicability of this definition to a specific issue or agreement, Army elements should seek guidance from the supported combatant command legal advisor or, in the absence of such a legal advisor, The Judge Advocate General (DAJA-IO). However, any agreement provision related to any of the following subjects should be regarded as presumptively policy significant—

(a) Provisions that would relinquish existing U.S. rights or incur a new type of U.S. obligation and/or liability (this does not include an obligation to pay for goods or services procured in accordance with existing legal authorities) or that would make significant changes in logistic support for U.S. forces, including base adjustments.

(b) Provisions that would subject U.S. forces to any type of foreign environmental regulation or requirements (distinguished from a commitment to comply with existing DOD and Army policies related to environmental stewardship).

(c) Provisions that would impose a new obligation on the United States to respect or obey foreign law.

(d) Provisions that would compromise the ability of U.S. forces to comply with all applicable force protection and security directives, regulations, and policies, for example, by limiting the ability of U.S. forces to carry weapons or ammunition.

(e) Provisions that create, modify, restrict, or terminate permanent basing arrangements for U.S. forces in any country.

(f) Provisions that create, modify, or terminate rights or obligations under a status of forces agreement (SOFA), or address issues normally addressed in a SOFA-type arrangement, including, but not limited to—

1. Foreign criminal procedures and jurisdiction.
2. Immigration procedures.
3. Customs fees or inspections.
4. Freedom of movement within a country, including its air space or its territorial waters.
5. Foreign claims.
6. Environmental issues.
7. Foreign taxes.
8. Licensing of U.S. forces personnel.
9. Foreign governmental fees, other than for services requested by the United States and actually received.

(g) However, if the provisions merely incorporate existing SOFA provisions or if the agreement is a renewal of an existing agreement without substantive change, it is not considered presumptively “policy significant.” As a practical matter, when agreements are written to incorporate SOFA provisions, they should be written in such a way to reference the actual SOFA, rather than independently restating SOFA provisions, in case the SOFA provisions are amended during the life of the agreement.

(h) Provisions imposing new obligations related to the payment of foreign taxes or granting immunity from foreign taxes.

(i) Provisions that are inconsistent with any existing policy of the DOD or the applicable combatant command, or—

(j) Provisions that address in any fashion the jurisdiction of the International Criminal Court or any similar international tribunal vis-a-vis U.S. forces.

g. For purposes of this regulation, predominantly DA matters means a matter related to the execution of a specified or implied Army task not derived from a mission assigned by a non-Army agency (DOD or a subordinate combatant command). Because virtually any matter addressed by an international agreement and/or other international arrangement within a combatant command area of responsibility could be of some interest to the combatant command, it is often difficult to distinguish between a predominately DA matter and a predominately combatant command matter. As a general rule, agreements and/or arrangements intended for the primary purpose of recruiting, organizing, supplying, equipping, training, servicing, mobilizing, demobilizing, maintaining, outfitting, and constructing Army forces, equipment and facilities shall be considered to fall within the meaning of predominately DA matters. For example, an international agreement and/or arrangement intended to enhance the readiness of Army forces by providing training opportunities for those forces would be a predominately DA matter. NOTE: Where there is doubt about whether a negotiation or agreement involves a predominantly DA matter, the proponent should coordinate the matter with the combatant command. A determination that the subject of an international agreement/arrangement falls within the category of predominantly DA matter does not relieve the ACOM, ASCC, or DRU commander of the requirement established by the Department of Defense Directive to coordinate with the appropriate combatant command of a negotiation anticipated to impact the relevant area of responsibility

#### **4. Responsibilities**

a. Heads of Department of the Army (DA) Staff agencies and commanders of each Army Command (ACOM), ASCC, and Direct Reporting Unit (DRU) must ensure full compliance with this regulation by their organizations.

b. For those proposed international agreements and other international arrangements for which agreement processes have not been specifically defined in other DOD and/or DA guidance (such as for acquisition-related international agreements addressed in para 4b(8)), heads of DA Staff agencies and ACOM/ASCC/DRU commanders, or their delegates, will—

(1) Determine the following prior to beginning the agreement process:

(a) Does the proposed international agreement or other international arrangement deal with a predominantly DA matter?

(b) If so, does the proposed agreement or arrangement fall within the authority delegated to the Staff agency, ACOM, ASCC, or DRU?

(c) Is the proposed agreement or arrangement policy significant?

(d) Does a written opinion from their servicing legal office address, at a minimum, the following questions:

1. Is the proposal an international agreement or other international arrangement according to the definitions in this regulation?

2. If so, is the proponent vested with proper procedural and substantive authority to initiate the agreement process?

3. Is there an adequate legal and factual basis for the proponent’s position regarding whether or not the proposed arrangement or agreement involves a predominantly DA matter or is policy significant?

4. What intra-agency (and, if applicable, inter-agency) coordination is required prior to commencing negotiation of the proposed agreement or arrangement?

5. What intra-agency (and, if applicable, inter-agency) coordination is required prior to concluding the proposed

agreement or arrangement? Note that under no circumstances shall a draft agreement or arrangement, in any form, be tendered to a foreign counterpart until this legal opinion has been rendered. Negotiation on the draft agreement or other international arrangement will not commence without the legal opinion.

(2) Request their servicing legal office to detail a qualified Army military or civilian attorney, whenever feasible, to any delegation charged with negotiating or renegotiating an international agreement or other international arrangement.

(3) Submit the following for legal review to the servicing legal office, regardless whether an attorney is detailed to the negotiation delegation:

(a) Any proposed commitment to a representative of any foreign government or international organization, before the commitment is made.

(b) Any proposed draft of an international agreement or other international arrangement, as well as any proposed change in an existing international agreement or other international arrangement, before such draft or change is tendered or negotiated.

(4) Secure the concurrence of the servicing legal office prior to initiating the agreement process or concluding any international agreement or other international arrangement. For international agreements or other international arrangements (other than acquisition-related international agreements) initiated or concluded by DA Staff agencies or DRUs, the proponent will secure this concurrence from The Judge Advocate General (TJAG) (DAJA-IO). For international agreements or other international arrangements initiated or concluded by ACOMs or ASCCs, the proponent will secure this concurrence from the ACOM's or ASCC's servicing staff judge advocate. In all cases, the concurrence shall include a certification that the agreement or arrangement complies with the requirements of DODD 5530.3, this regulation, and, in the case of an international agreement, the Case-Zablocki Act (1 USC 112b, as amended) (to the extent that Case-Zablocki Act compliance is possible at the time the certification is made). When TJAG concurrence is required, OTJAG (DAJA-IO) will coordinate as necessary with the Office of the General Counsel of the Army (SAGC).

(5) Secure the concurrence of the Assistant Secretary of the Army (Financial Management and Comptroller) (ASA (FM&C)) prior to the negotiation or conclusion of any international agreement that requires special appropriations or involves unprogrammed costs; or secure the concurrence of the ACOM or ASCC comptroller if the international agreement would have U.S. fiscal implications but would not involve special appropriations or unprogrammed costs. (Any instrument or arrangement that involves unprogrammed costs or special appropriations or that would have U.S. fiscal implications must be treated under this regulation as an international agreement and not an other international arrangement.) Coordinate with the DCS, G-8 on any proposed international agreement that involves unprogrammed costs.

(6) Coordinate any international agreement — through the ASA (FM&C) — with the Under Secretary of Defense (Comptroller/Chief Financial Officer) where required by DODD 5530.3, paragraph 8.6.

(7) Coordinate international agreements cited in paragraphs 5a(3) and 5a(4), below, that involve “significant” changes in logistic support for U.S. forces (including base adjustments) with the Assistant Chief of Staff for Installation Management (ACSIM). If such agreements have an impact on Joint plans and programs, they must also be coordinated with the Joint Staff (JS) — through the Assistant Secretary of the Army (Acquisitions, Logistics, and Technology (ASA (ALT))), Deputy Assistant Secretary of the Army for Defense Exports and Cooperation (DASA (DE&C)); and the DCS, G-3/5/7, Army International Affairs Division (DAMO-SSR). (Any instrument or arrangement that involves changes in logistic support for U.S. forces, whether or not policy significant, must be treated under this regulation as an international agreement and not an other international arrangement.)

(8) Use (for acquisition-related international agreements) the procedures set forth in DODI 5000.2, enclosure 9, section 4, and Defense Acquisition Guidebook, chapter 11, section 11.2.2., rather than the procedures mandated by DODD 5530.3. The DASA (DE&C) is responsible for the development and negotiations of acquisition-related international agreements. The DASA (DE&C) keeps TJAG, International and Operational Law Division (DAJA-IO) informed with respect to acquisition-related international agreements. The SAGC will serve as or shall designate the legal advisors for acquisition-related international agreements.

(9) Secure the recommendation of the combatant commander in whose area the foreign party is located before entering into a reciprocal unit exchange agreement, in accordance with AR 12-15, paragraph 14-2a. This requirement does not apply to annexes of umbrella reciprocal exchange agreements (sometimes referred to as “Chapeau Agreements”), which only identify the specific individuals being assigned under the umbrella agreement and the details of their assignment and duties. Such annexes shall be treated as other international arrangements.

(10) Coordinate, for international agreements that are not reciprocal unit exchanges, with the affected combatant command and provide a copy of the concluded agreement to the JS if the international agreement potentially may have a significant impact on the plans and programs of such combatant command and the ACOM or ASCC is assigned to or located within the geographic area of the combatant command. If the ACOM, ASCC or DRU is not located within the geographic area of the combatant command, coordinate with the JS and provide a copy to the affected combatant command. (Any instrument or arrangement that potentially may have a significant impact on the plans and programs of such combatant command must be treated under this regulation as an international agreement and not an other international arrangement.) Note that an opinion from the proponent's servicing legal office should be obtained with



respect to whether the international agreement falls within the scope of this regulation before pursuing any international agreements that potentially have a significant impact on the plans or programs of a combatant command. Such international agreements may fall within the delegated authority of the combatant command and not the authority delegated pursuant to this regulation.

(11) Coordinate, as appropriate, through the DCS, G-3/5/7 (DAMO-SSR), with the Under Secretary of Defense for Acquisition, Technology, and Logistics (USD (AT&L)) and the Assistant Secretary of Defense for International Security Policy (ASD (ISP)), before negotiating international agreements that may have a potential impact on the development or procurement of standardized weapon systems or equipment within the NATO or U.S. procurement of weapons systems developed by a cooperative development program. (Any instrument or arrangement that potentially may impact the development or procurement of standardized weapon systems or equipment within the NATO, or U.S. procurement of weapons systems developed by a cooperative development program, must be treated under this regulation as an international agreement and not an other international arrangement.) Further, coordinate with the DCS, G-8 on any proposed international agreement that impacts the fielding of Army weapon systems.

(12) Coordinate the security provisions of international agreements involving or likely to involve the release of classified military information, classified technology, or classified material, through the DASA (DE&C) and the DCS, G-3/5/7 (DAMO-SSR), with the DCS, G-2, and then the Deputy Under Secretary of Defense for Technology Security Policy and National Disclosure Policy (DUSD (TSP&NDP)), before making any commitment to a representative of a foreign government or international organization. Such agreements shall be consistent with the National Disclosure Policy (NDP-1) and will meet the conditions for release provided therein. (Any instrument or arrangement involving or likely to involve the release of classified military information, classified technology, or classified material must be treated under this regulation as an international agreement and not an other international arrangement.)

(13) Report, when acting as the agent of a delegating authority for the purpose of negotiating or concluding an international agreement or other international arrangement, significant changes in the U.S. negotiating position that arise during the course of negotiations to the delegating authority prior to conducting further negotiations or concluding an agreement or arrangement. Changes which must be reported include substantial differences in the proposed text of an agreement presented to a delegating authority and the text that has evolved. Similarly, material changes in U.S. obligations to be incurred and/or benefits received, or in the collateral consequences to the United States of the agreement or arrangement must be reported. For example, a substantial change in the amount, source, method, or timing of compensation to be provided by the United States must be reported. Additionally, a significant alteration in the operational capability or usefulness of a system to be cooperatively developed must be reported.

(14) Redesignate, when deemed necessary, in writing, the vested authority to negotiate and conclude international agreements and other international arrangements. Authority to negotiate and conclude international agreements is determined by the delegations in paragraph 5 of this regulation. Authority to negotiate and conclude other international arrangements may be implied from the missions and tasks assigned to ACOMs, ASCCs, DRUs, and DA Staff agencies where necessary to accomplish those missions and tasks.

(15) Determine whether to prescribe the use of summary procedures in lieu of the procedures set forth in paragraph 6b, below, when redesignating their authority and when approving the negotiation or conclusion of an international agreement within their delegated authority. (Summary procedures are not authorized for international agreements that must be forwarded through HQDA to Office of the Secretary of Defense (OSD) or a DOD agency in accordance with para 6b).

(16) Issue local regulations or other guidance to implement the responsibilities listed in paragraph 4, including, but not limited to, guidance on the authority of subordinate commands and offices to negotiate and conclude international agreements and other international arrangements.

(17) Ensure consistency with Executive Order 12114 of 4 January 1994, or its successor. Commanders who negotiate international agreements with environmental consequences are responsible for ensuring that they are fully aware of the environmental aspects of the agreement, giving particular attention to reasonably foreseeable, significant, adverse environmental aspects. Commanders should consider alternatives to fulfill the purpose of the agreement and reasonably available methods to mitigate any reasonably foreseeable, significant, adverse impacts. If the agreement requires Circular 175 authority, the request for such authority should include a brief analysis of the environmental considerations discussed in this paragraph.

(18) Treat the following as international agreements and not other international arrangements—.

(a) Any instrument or arrangement that involves unprogrammed costs or special appropriations or that would have U.S. fiscal implications.

(b) Any instrument or arrangement that involves changes in logistic support for U.S. forces, whether or not policy significant.

(c) Any instrument or arrangement that may have a significant impact on the plans and programs of any combatant command.

(d) Any instrument or arrangement that may impact the development or procurement of standardized weapon systems or equipment within the NATO, or U.S. procurement of weapons systems developed by a cooperative development program.

(e) Any instrument or arrangement involving, or likely to involve, the release of classified military information, classified technology, or classified material.

c. The negotiation and conclusion of an amendment or extension to an international agreement must be approved in accordance with the requirements of this regulation by the same U.S. headquarters or office that approved the original agreement or by another headquarters or office that has been expressly delegated the authority to approve amendments or extensions to the agreement. United States officials who have been delegated the authority to approve amendments to, or extensions of, international agreements subject to this regulation shall negotiate and conclude amendments or extensions in accordance with the provisions of this regulation.

d. The DAJA-IO will act as the single office of record for the Army. As the single office of record, DAJA-IO will—

(1) Issue advisory opinions regarding the authority of such DA field agency, ACOM, ASCC, or DRU to initiate the agreement process or to conduct any activity related thereto, upon request by the servicing legal office of a DA field agency, ACOM, ASCC, or DRU.

(2) Receive and record requests, originating within the Army and requiring OSD or HQDA approval, for the authority to negotiate or conclude an international agreement regarding predominantly DA matters, and document coordination actions taken on such requests, except as otherwise provided in procedures governing cooperative research, development, test, evaluation, and technical data exchange and related STANAGs.

(3) Record delegations of authority to the Army or elements thereof to negotiate or conclude an international agreement, as well as denials of requests for authorization, except as otherwise provided in procedures governing cooperative research, development, test, evaluation, and technical data exchange and related STANAGs.

(4) Advise HQDA concerning compliance with this regulation and DODD 5530.3 by the Army Staff and, upon request by any HQDA official, inquire into compliance by DA field agencies, ACOMs, ASCCs, DRUs, or elements thereof.

(5) Maintain an index of all international agreements concluded by DA field agencies, ACOMs, ASCCs, DRUs, or elements thereof, regarding predominantly DA matters and, by 10 January of each year, forward an updated index, through the SAGC to the DOD General Counsel. The index shall include, at a minimum, the following information with respect to each international agreement:

- (a) The country with which the agreement was made.
- (b) The U.S. Army component signing the agreement.
- (c) The title of the agreement.
- (d) A short description of the type of agreement and scope of the agreement.
- (e) The date of entry into force.
- (f) The date of termination (if any).
- (g) Current status (active or inactive); if inactive, give reason for inactive status.

(6) Maintain one reproducible copy of each international agreement regarding predominantly DA matters concluded by DA; forward two copies of each agreement to the DOD General Counsel and one copy of each agreement to the Assistant Legal Advisor for Treaty Affairs, Department of State.

(7) Advise HQDA, DA field agencies, ACOMs, ASCCs, and DRUs of the period for which files and records of negotiations of international agreements must be retained. NOTE: Absent written approval from the Chief, DAJA-IO or TJAG, HQDA, DA field agencies, ACOMs, ASCCs, DRUs, and elements thereof, must keep and maintain any such files in their possession in retrievable form indefinitely.

(8) Record significant negotiations undertaken by HQDA or reported by ACOM/ASCC/DRU offices of record regarding predominantly DA matters. Significant negotiations include the negotiation of—

- (a) International agreements of policy significance (as defined in the definition of policy significance in paragraph 3f), as well as other international agreements for which prior DOD approval is required (as described in para 6a).
- (b) International agreements expected to receive substantial public attention.
- (c) International agreements expected to result in substantial DA expenditures or manpower commitments.

(9) Record coordination actions taken on requests originating outside DA to negotiate and conclude international agreements.

e. Each ACOM or ASCC will designate a central office of record. Each central office of record will serve as the focal point for management of the agreement process within that ACOM or ASCC. The DAJA-IO shall be the central office of record for DRUs. With regard to international agreements under this regulation and other international arrangements as appropriate, that fall within the scope of the authority delegated to the ACOM or ASCC under paragraph 5b, the central office shall—

(1) Receive and record requests originating within the ACOM, ASCC, or DRU for the authority to negotiate and conclude such international agreements, and document coordination actions taken on such requests.

(2) Forward requests determined to require HQDA approval to OTJAG (DAJA-IO), except as otherwise provided in procedures governing cooperative research, development, test, evaluation, and technical data exchange and related STANAGs.

(3) Forward requests determined to require combatant command approval to the appropriate combatant command office of record. Provide courtesy notification to the combatant command legal advisor.

(4) Forward requests determined to require CJCS approval through the appropriate combatant command office of record to CJCS. Provide contemporaneous courtesy notification to OTJAG (DAJA-IO) and the combatant command legal advisor.

(5) Forward requests determined to require DOD approval to OTJAG (DAJA-IO) who will forward the request to the appropriate office in DOD.

(6) Record delegations of authority to the ACOMs/ASCCs or elements thereof to negotiate and conclude international agreements regarding predominantly DA matters, and denials of such authorizations. Forward to OTJAG (DAJA-IO), by 10 January of each year, records of authorizations and denials executed within the ACOM or ASCC under its delegated authority.

(7) Monitor ACOM or ASCC compliance with this regulation and DODD 5530.3.

(8) Maintain an index of all international agreements and other international arrangements concluded under this regulation by the ACOM/ASCC or elements thereof. Army Commands and ASCCs are encouraged to require the central office of record to also maintain an index of any international agreements concluded under authority from combatant commands and not under this regulation. By 31 January of each year, forward an index of all international agreements concluded under this regulation by the ACOM/ASCC or its elements during the prior year to OTJAG (DAJA-IO).

(9) Maintain one reproducible copy of each international agreement and other international arrangement, whether or not regarding predominantly DA matters, concluded by the ACOM/ASCC or its elements and forward four copies or any international agreement under this regulation in accordance with paragraph 9.

(10) Ensure that a complete negotiating history file for each international agreement concluded by the ACOM/ASCC/DRU or its elements is maintained in readily retrievable form within the ACOM, ASCC, or DRU. Army Commands, ASCCs, and DRUs are encouraged to also maintain a complete negotiating history file for each other international arrangement. Absent approval from OTJAG (DAJA-IO) to maintain such records for a shorter period, the negotiating history file should be maintained indefinitely.

(11) Report to OTJAG (DAJA-IO) all anticipated significant negotiations, as described in paragraph 4c(8), regarding predominantly DA matters undertaken by the ACOM/ASCC or its elements, prior to the commencement of these negotiations. Resolve doubts concerning what constitutes a significant negotiation in favor of reporting the proposed negotiation to DAJA-IO.

## **5. Delegation of authority to negotiate and conclude international agreements**

*a. Delegated authority.* The Secretary of Defense (SECDEF) has delegated authority to the Secretary of the Army (SA) to negotiate and conclude the categories of international agreements listed below, except those deemed to have policy significance under the criteria set forth in the definition of policy significance described in paragraph 3f. Note also that an international agreement that may have been considered at one time to relate to predominantly DA matters may, due to a change in circumstances, today be considered to involve matters of significant concern to the applicable combatant command or DOD.

(1) Operational, working, or similar arrangements that fall within the definition of an “international agreement” pertaining to predominantly DA matters that are concluded in order to implement and/or execute a pre-existing treaty or executive agreement.

(2) Technical agreements that fall within the definition of an “international agreement” pertaining to predominantly DA matters that are concluded in order to implement and/or execute a pre-existing treaty or executive agreement.

(3) International agreements pertaining to predominantly DA matters that involve cooperative or reciprocal operational, logistical, training, or other military support, including agreements for the shared use or licensing of military equipment, facilities, services, and nonphysical resources. As used in this regulation, the term “cooperative or reciprocal” refers to activities that require that the United States bear no more than a fair and equitable share of the costs, proportional to its participation, such that the U.S. Government is not financially supporting the participation of any other force, except when such support is specifically permitted by applicable U.S. law.

(4) International project agreements or arrangements and Arms Export Control Act Section 65 Loan Agreements, pertaining to predominantly DA matters that involve cooperative or reciprocal research, development, test, evaluation, acquisition, and sustainment, or other military support, including agreements for loaning and borrowing military equipment, in accordance with AR 70-41, paragraph 1-8b(2) and paragraph 4b(9) of this regulation. (See (3), above, regarding meaning of “cooperative and reciprocal.”) The DASA (DE&C) notifies the office of the USD (AT&L), Director, International Cooperation of its intention to sign project agreements or arrangements and Section 65 Loan Agreements prior to concluding such agreements.

(5) International agreements pertaining to predominantly DA matters that involve combined military planning, command relationships, military exercises and operations, minor and emergency force deployments and exchange programs.

(6) International agreements pertaining to predominantly DA matters that involve the collection or exchange of military information and technical data other than military intelligence and the establishment of liaison positions.

(7) International agreements concerning DA health and medical matters that are not implemented through an international cooperative research, development, and acquisition (ICRDA) agreement in accordance with AR 70–41 and the Security Assistance Program.

(8) International agreements pertaining to predominantly DA matters related to—

(a) The sharing or exchange of DOD communications equipment, facilities, support, services, or other communications resources with a foreign country or alliance organization such as NATO (including agreements concluded pursuant to 10 USC 2350f).

(b) The use of U.S. military frequencies or frequency bands.

(c) The use of U.S. communications facilities or systems by foreign organizations, whether overseas or in the United States.

*b. Redlegation of authority.* The SA redelegates the authority to negotiate and conclude the international agreements listed in paragraphs 5a(1) through 5a(8) of this regulation, as follows:

(1) The authority in paragraphs 5a(1), 5a(3), and 5a(5) to the DCS, G–3/5/7, who further redelegates its authority to negotiate and conclude the following international agreements to the organizations listed below, subject to coordination by such organizations with the DCS, G–3/5/7 (DAMO–SSR), prior to the initiation of negotiations:

(a) The authority in paragraphs 5a(1), 5a(3), and 5a(5) related to international agreements involving civil works matters to the Assistant Secretary of the Army (Civil Works) (ASA (CW)).

(b) The authority in paragraphs 5a(1) and 5a(3) for other than civil works matters, to principal HQDA officials and ACOM, ASCC, or DRU commanders who exercise substantive responsibility for the subject matter dealt with in the agreement. This category includes arrangements to facilitate training activities related to the execution of Title 10 responsibilities so long as those training activities do not fall within the definition of “cooperative and reciprocal” training as defined above.

(2) The authority in paragraphs 5a(2) and 5a(4) to the DASA (DE&C).

(3) The authority in paragraph 5a(6) to the DCS, G–2.

(4) The authority in paragraph 5a(7) to The Surgeon General of the Army.

(5) The authority in paragraph 5a(8) to the Army Chief Information Officer/G–6 (CIO/G–6). Prior to taking any action related to the agreement process based on the above redelegations, the delegees listed above must determine, in consultation with their supporting legal counsel, that, as a matter of fact and law, they have substantive authority to perform the U.S. obligations contained in the proposed international agreement. This regulation does not provide such substantive authority.

*c. Restriction.* This regulation does not eliminate or replace interagency coordination or consultation requirements with respect to international agreements established in 22 CFR 181, or intra-agency coordination requirements established in AR 11–31, chapter 1, DODD 5530.3, or other applicable DOD or Army guidance, such as DODI 5000.2, AR 70–41, or AR 70–57. This regulation is of a procedural nature only (meaning that it only indicates who may negotiate an international agreement and how such agreements are negotiated) and does not constitute substantive legal authority to negotiate or conclude any international agreement. Substantive legal authority for each obligation proposed to be assumed by the United States in any international agreement must be found in other law or regulation applicable to the relevant subject matter. (For example, Section 30A of the Arms Export Control Act, as implemented in AR 12–15, provides substantive authority for the SA to enter into reciprocal unit exchange agreements, while paragraph 5b of this regulation indicates who, in the Army, may negotiate and execute such agreements on behalf of the SA.)

## **6. Limits on delegated and redelegated authority to negotiate and conclude international agreements**

*a.* Neither the SA nor any delegee may negotiate or conclude the following types of international agreements without the prior written approval of the officials designated below:

(1) International agreements determined to meet the definition of “policy significance.” In such cases, the policy significant provisions may not be acted upon without prior approval of the Under Secretary of Defense for Policy (USD (P)).

(2) International agreements that expand or deviate from a basic treaty or executive agreement. Such cases may not be acted upon without prior approval of the USD (P). This limitation does not include—

(a) Project annexes and other documents that provide technical content for an umbrella or Chapeau Agreement, so long as they are consistent with, and contemplated by, the umbrella or Chapeaux Agreement.

(b) International agreements or other international arrangements that are implementing arrangements if the terms of the implementing arrangement are clearly anticipated or identified in the underlying agreement. However, if the proposed implementing arrangement contains a new or altered obligation not contemplated by the parties, the limitation applies.

(3) International agreements that rely on the authority of 10 USC 2304 for the use of other than competitive contracting procedures. Negotiation and conclusion of such agreements require prior approval of the USD (AT&L).

(4) International agreements that require new legislative authority for their implementation. Negotiation and conclusion of such agreements require the prior approval of the DOD General Counsel and the Office of Management and Budget, and shall be coordinated with the office of the Chief, Legislative Liaison (SALL-IL).

(5) International agreements concerning coproduction or licensed production, associated with security assistance programs. The negotiation and conclusion of such agreements require prior review by the DASA (DE&C) and the approval of the Defense Security Cooperation Agency (DSCA). The DSCA is responsible for all coproduction or licensed programs that involve the foreign production of U.S. designed equipment, under either foreign military sales (FMS) or commercial arrangements, which are financed with either foreign financing or security assistance financing.

(6) International agreements involving cooperative production, licensed production, or related standardization matters. The negotiation and conclusion of such agreements, other than those covered by paragraph 6a(4), require the prior approval of the DASA (DE&C) and USD (AT&L)/Director, International Cooperation.

(7) International agreements concerning intelligence and related matters. All proposals to negotiate and conclude international intelligence agreements (except those involving signals intelligence (SIGINT)) shall be submitted to the DCS, G-2, Directorate of Counterintelligence, Human Intelligence, Disclosure, and Security (DAMI-CD). The DAMI-CD shall coordinate all such proposals, through the DCS, G-3/5/7 (DAMO-SSR), for the approval of the Defense Intelligence Agency (DIA) and the national intelligence community. All proposals to negotiate and conclude international SIGINT agreements shall be submitted through the DCS, G-3/5/7 (DAMO-SSR) to the Director, National Security Agency (NSA) and the Assistant Secretary of Defense for Network and Information Integration (ASD (NII)) for the approval of the NSA and the ASD (NII).

(8) International agreements relating to communications security technology, services, support, research, or equipment development and production. The negotiation and conclusion of such agreements require the prior approval of the NSA.

(9) Military and industrial security agreements under the provisions of DODD 5230.11, paragraph 6.1. The negotiation and conclusion of such agreements require the prior approval of the Deputy Under Secretary of Defense for Policy Support (DUSD (PS)).

(10) International agreements relating to on-base financial institutions (for example, military banking facilities and credit unions) and international financial agreements requiring coordination with the Treasury Department under DOD 7000.14-R, Vol. 5. The negotiation and conclusion of such agreements require the prior approval of the Under Secretary of Defense (Comptroller/Chief Financial Officer).

(11) International agreements related to mapping, charting, or geodesy. The negotiation and conclusion of such agreements require the prior approval of the Defense Mapping Agency and the concurrence of the ASD (NII).

(12) Bilateral or multilateral cooperative research, development, test, evaluation, acquisition, sustainment, and technical data exchange and related STANAGs, as defined in AR 70-41. The negotiation and conclusion of such agreements require the approval of the DASA (DE&C), the DCS, G-3/5/7 (DAMO-SSR), USD (AT&L), Director, International Cooperation, and the ASD (ISP).

*b.* A request to negotiate and conclude an international agreement listed in paragraphs 6a(1) to 6a(12), above, or a request to negotiate and conclude an other international arrangement/arrangement not otherwise included in the delegation and redelegations of authority set forth in paragraphs 4 and 5, should be submitted to HQDA (DAJA-IO) who will forward the request through the SAGC to the OSD or DOD agency having approval authority for the proposed agreement. The SAGC shall coordinate the request with the DCS, G-3/5/7 (DAMO-SSR), and any appropriate Assistant Secretaries of the Army.

(1) Requests shall have supporting documentation attached, including—

*(a)* A draft text or outline of the proposed international agreement or an explanation for its unavailability.

*(b)* A legal memorandum from the negotiating organization's legal office, stating the substantive legal authorities relied on for each obligation to be assumed by the United States in the agreement, the procedural authority for that organization's negotiation and conclusion of the agreement, as well as a discussion of other relevant legal considerations.

*(c)* A fiscal memorandum setting forth the estimated cost, if any, of each obligation to be assumed by DOD in the agreement and the source of funds to be obligated, or a statement that additional funds will be requested for a specified fiscal year.

*(d)* A technology assessment/control plan, in accordance with the requirements of DODD 5530.3, section 9.3.4, enclosure 7.

*(e)* An assessment, in accordance with 10 USC 2531, stating the net effect of the international agreement on the U.S. defense technology and industrial base.

(2) Requests shall be supplemented with any other information required by the approval authority to fully understand the need for the proposed agreement.

*c.* Department of the Army organizations that are not elements of an ACOM, ASCC, or DRU and that do not possess the authority to negotiate or conclude international agreements under this regulation shall forward requests for such authority to HQDA (DAJA-IO), in accordance with the procedures set forth in paragraph 6b.

*d.* If the authority to negotiate a specific agreement is delegated in accordance with paragraphs *6b* or *6c*, above, the SAGC may designate the legal advisor to serve on the negotiating team.

## **7. Language requirements**

International agreements shall not be concluded by DA personnel in a foreign language text, unless the requirements in either paragraph *7a* or *7b*, below are met:

*a.* The agreement states that the English language text shall be considered by the parties as the governing text in the event of conflict between the different language texts.

*b.* The agreement states that the English language text and the foreign language text(s) are equally authentic, and—

(1) Each foreign language text of the agreement is accompanied, before conclusion of the agreement, by a memorandum certifying that the foreign language text and the English language text are in conformity with each other and that both texts have the same meaning in all substantive respects.

(2) The memorandum is signed and dated by a civilian, military, or local national translator. This person must be designated as qualified, consistent with local practice, by the DOD or DA official authorized to negotiate and conclude the agreement or by an appropriate Department of State official.

(3) The memorandum is forwarded to the offices noted in paragraph 9, below.

## **8. Compliance with international agreements**

DODD 5530.3, section 11, requires DA to monitor compliance with those international agreements for which it is responsible. The proponent of an international agreement (ACOM, ASCC, DRU, or other DA organization), shall inform the DOD General Counsel, through DAJA-IO and the SAGC, of DA compliance with such international agreements. When a question arises concerning the compliance by a party with the terms of an international agreement that cannot be resolved by informal discussion between the responsible working level authorities of the parties, except for questions governed by the procedures set forth in AR 27-50, a report containing all information relevant to such a question shall be forwarded to HQDA (DAJA-IO), 2200 Army Pentagon, Washington, DC 20310-2200 or, for security assistance and/or ICRDA issues, to HQDA (DASA (DE&C)), Washington, DC 20310-0512, with copy to DAJA-IO. Unless previously authorized by the SECDEF, no action will be taken by any DA personnel to resolve or otherwise deal with any question having policy significance (see glossary, section II, of this regulation) prior to obtaining the written concurrence of both the USD (P) and DOD General Counsel. Any request from within DA for the authorization of USD (P) and DOD General Counsel to resolve such a question shall be submitted through HQDA (DAJA-IO), Washington, DC 20310-2200, to HQDA (DASA (DE&C)), Washington, DC 20310-0400. The DASA (DE&C) shall coordinate with the SAGC prior to forwarding these requests to USD (P).

## **9. Transmission of four reproducible copies of international agreements**

*a.* Army elements concluding international agreements under the authority delegated in this regulation, other than intelligence agreements, must forward four copies, including foreign language copies of the agreement, within 10 days after the agreement is signed, to HQDA (DAJA-IO), 2200 Army Pentagon, Washington, DC 20310-2200. The DAJA-IO will forward copies of the agreement to the following offices:

(1) The Assistant Legal Advisor for Treaty Affairs, Department of State, Washington, DC 20520. (One copy)

(2) The DOD General Counsel, Washington, DC 20301-1600, through the SAGC. (Two copies)

*b.* International intelligence agreements, concluded by an Army element authorized to negotiate and conclude such agreement, pursuant to this regulation, must be forwarded within 10 days after the agreement is signed, to the following DOD agencies:

(1) The DOD General Counsel, National Security Agency, Fort Meade, MD 20755-6000. (One copy of all signals intelligence agreements.)

(2) The DOD General Counsel, Defense Intelligence Agency, Washington, DC 20340-1029. (One copy of all other international intelligence agreements.)

(3) The SAGC, Washington, DC 20310-0104. (One copy of all international intelligence agreements.) With prior consent of the Chief, DAJA-IO, copies may be provided in electronic form, but such copies must reflect the actual signatures on the original of the international agreement.

*c.* All copies of agreements shall be stamped or accompanied by a memorandum, certifying that the text of the agreement is a true copy of the original.

*d.* The time periods stated in paragraphs *a* and *b*, above, must be observed in order to comply with requirements of Case-Zablocki Act (1 USC 112b). Principal HQDA officials and ACOM/ASCC/DRU commanders shall ensure that these requirements are met. If the text of an agreement is not forwarded in a timely manner, the transmittal document shall fully describe the reasons for the late transmittal.

*e.* Copies of international agreements transmitted in accordance with the above provisions of this paragraph shall be accompanied by a memorandum of transmittal containing the following information:

(1) The type of agreement (bilateral or multilateral) and the parties to the agreement.

- (2) A list of all United States and foreign governmental agencies or international organizations responsible for carrying out the terms of the agreement.
- (3) The full title (and subtitle if applicable) and security classification of the agreement.
- (4) The subject of the agreement and a brief summary of its provisions, including a statement of why the agreement was concluded at this time, the effect of the agreement, an explanation of benefits to be gained by the parties and the costs to the United States, and the geographic locations where the agreement was signed.
- (5) The specific statutory authority providing the substantive legal basis for the Army to enter into the agreement and to expend funds to implement the agreement.
- (6) The date of entry into force.
- (7) The date of signature.
- (8) The term of the agreement and the expected date of termination, if any.
- (9) The names of all signing officials, their titles and the offices or agencies they represent, and the countries or international organizations they represent, and a list of all U.S. and foreign agencies (to the extent known) who participated in the negotiation or (in the case of DOD or DA organizations) provided their approval or concurrence pursuant to U.S. law or regulation.
- (10) The full title(s) and date(s) of any agreement(s) that the agreement implements, supplements, amends, or to which it is otherwise related.
- (11) The United States organizational element responsible for maintaining the negotiating history of the agreement.

## **Appendix A References**

### **Section I Required Publications**

#### **AR 11–31**

Army International Security Cooperation Policy (Cited in para 5c.)

#### **AR 12–15**

Joint Security Assistance Training (Cited in paras 4a(8), 5c.)

#### **AR 27–50**

Status of Forces Policies, Procedures and Information (Cited in para 8.)

#### **AR 70–41**

International Cooperative Research, Development and Acquisition (Cited in paras 5a(4), 5c, 6a(12).)

#### **AR 70–57**

Military-Civilian Technology Transfer (Cited in para 5c.)

#### **22 CFR 181**

Coordination, Reporting and Publication of International Agreements (Cited in para 5c.)

#### **CJCSI 2300.01C**

International Agreements (Cited in para 1h.)

#### **Defense Acquisition Guidebook**

(Cited in para 4b(9).)

#### **DOD 7000.14–R, Vol 5**

Financial Management Regulation (Disbursing Policy and Procedures) (Cited in para 6a(10).)

#### **DODD 2010.9**

Acquisition and Cross-Servicing Agreements (Cited in para 1g.)

#### **DODD 5230.11**

Disclosure of Classified Military Information to Foreign Governments and International Organizations (Cited in para 6a(9).)

#### **DODD 5530.3**

International Agreements (Cited in paras 4b(5), 4b(7), 4b(9), 4d(4), 4d(8), 4e(7), 5c, 6b(1)(d), 8.)

#### **DODI 2015.4**

Defense Research, Development, Test and Evaluation (RDT&E) Information Exchange Program (IEP) (Cited in para 1a.)

#### **DODI 5000.2**

Operation of the Defense Acquisition System (Cited in paras 4a(9), 5c.)

#### **Executive Order 12114**

Environmental Effects Abroad of Major Federal Actions (Cited in para 4b(18).)

#### **1 USC 112b**

United States international agreements; transmission to congress (Case-Zablocki Act) (Cited in paras 4b(4), 9d.)

#### **10 USC 2304**

Contracts: competition requirements (Cited in para 6a(3).)



**10 USC 2341**

Authority to acquire logistic support, supplies, and services for elements of the armed forces deployed outside the United States (Cited in para 3.)

**10 USC 2350**

Definitions (Cited in para 5a(7)(a).)

**10 USC 2531**

Defense memoranda of understanding and related agreements (Cited in para 6b(1)(e).)

**10 USC 2667**

Leases: non-excess property of military departments (Cited in para 1f.)

**10 USC 2675**

Leases: foreign countries (Cited in para 1f.)

**22 USC 2796**

Arms Export Control Act (Cited in paras 1f, 5a(4), 5c.)

**Section II****Related Publications**

A related publication is a source of additional information. The user does not have to read it to understand this publication.

**AR 350–28**

Army Exercises

**AR 570–9**

Host Nation Support

**AR 614–10**

Personnel Exchange Program

**DODD 2010.6**

Material Interoperability with Allies and Coalition Partners

**DODD 2040.2**

International Transfers of Technology, Goods, Services, and Munitions

**DODD 2205.2**

Humanitarian and Civic Assistance (HCA) Provided in Conjunction with Military Operations

**DODD 3100.3**

Cooperation with Allies in Research and Development of Defense Equipment

**DODD 5000.1**

The Defense Acquisition System

**DODD 5000.2**

Operation of the Defense Acquisition System

**CJCSI 2120.01**

Acquisition and Cross-Servicing Agreements

**Section III****Prescribed Forms**

This section contains no entries.

**Section IV****Referenced Forms**

This section contains no entries.

## **Glossary**

### **Section I Abbreviations**

#### **ACOM**

Army Command

#### **ACSA**

acquisition and cross-servicing agreement

#### **ACSIM**

Assistant Chief of Staff for Installation Management

#### **ASA**

Assistant Secretary of the Army

#### **ASA (ALT)**

Assistant Secretary of the Army Acquisition, Logistics and Technology

#### **ASA (CW)**

Assistant Secretary of the Army (Civil Works)

#### **ASA (FM&C)**

Assistant Secretary of the Army (Financial Management and Comptroller)

#### **ASCC**

Army Service Component Command

#### **ASD (ISP)**

Assistant Secretary of Defense/International Security Policy

#### **ASD (NII)**

Assistant Secretary of Defense/Network & Information Integration

#### **CJCS**

Chairman of the Joint Chiefs of Staff

#### **DA**

Department of the Army

#### **DASA (DE&C)**

Deputy Assistant Secretary of the Army for Defense Exports and Cooperation

#### **DCS, G-2**

Deputy Chief of Staff, G-2

#### **DCS, G-3/5/7**

Deputy Chief of Staff, G-3/5/7

#### **DIA**

Defense Intelligence Agency

#### **DRU**

Direct Reporting Unit

#### **DOD**

Department of Defense

#### **DODD**

Department of Defense Directive

**DODI**

Department of Defense Instruction

**DSCA**

Defense Security Cooperation Agency

**DUSD (PS)**

Deputy Under Secretary of Defense (Policy Support)

**DUSD (TSP&NDP)**

Deputy Under Secretary of Defense (Technology Security Policy and National Disclosure Policy)

**FMS**

foreign military sales

**G-35**

Strategy, Plans, Policy and Joint/International Affairs Directorate

**ICRDA**

international cooperative research, development, and acquisition

**IEP**

Information Exchange Program

**JS**

Joint Staff

**NATO**

North Atlantic Treaty Organization

**NDP-1**

National Disclosure Policy

**NSA**

National Security Agency

**OSD**

Office of the Secretary of Defense

**OTJAG**

Office of the Judge Advocate General

**OUSD (C)**

Office of the Under Secretary of Defense, Comptroller

**OUSD (P)**

Office of the Under Secretary of Defense, Policy

**RDT&E**

research, development, test, and evaluation

**SA**

Secretary of the Army

**SAGC**

Office of the General Counsel of the Army

**SECDEF**

Secretary of Defense

**SIGINT**

signal intelligence

**SOFA**

Status of Forces Agreement

**STANAG**

Standardization Agreement

**TJAG**

The Judge Advocate General

**U.S.**

United States

**USC**

United States Code

**USD (AT&L)**

Under Secretary of Defense for Acquisition, Technology, and Logistics

**USD (C)**

Under Secretary of Defense, Comptroller

**USD (P)**

Under Secretary of Defense, Policy

**Section II****Terms****Agreement process**

The process by which an international agreement or an other international arrangement between the Army or an Army element and a foreign nation or international organization is conceived, proposed, negotiated, concluded, and implemented. The agreement process begins at the concept development phase and continues through implementation, monitoring, and termination of the ultimate arrangement.

**Army Command**

An Army force, designated by the Secretary of the Army, performing multiple Army Service 10 USC functions across multiple disciplines. Responsibilities are those established by the SA.

**Army Service Component Command**

An Army force, designated by the Secretary of the Army, comprised primarily of operational organizations serving as the Army component of a combatant command or subunified command. If directed by the CCDR, serves as a JFLCC or JTF. Command responsibilities are those assigned to the CCDR and delegated to the ASCC and those established by the SA.

**Circular 175 Procedures**

Procedure that facilitates the application of orderly and uniform measures to the negotiation, conclusion, reporting, publication, and registration of U.S. treaties and international agreements, and facilitates the maintenance of complete and accurate records on such agreements.

**Cooperative or reciprocal activities**

Activities that require that the United States bear no more than a fair and equitable share of the costs, proportional to its participation, such that the United States Government is not financially supporting the participation of any other force, except when such support is specifically permitted by applicable U.S. law.

**Direct Reporting Unit**

An Army organization comprised of one or more units with institutional or operational support functions, designated by the SA, normally to provide broad general support to the Army in a single, unique discipline not otherwise available

elsewhere in the Army. DRUs report directly to a HQDA principal and/or ACOM and operate under authorities established by the SA.

**Procedural authority**

The delegated authority for the proposed negotiating organization to negotiate an international agreement, and the delegated authority for the proposed signer to execute the international agreement on behalf of the Army. These are separate authorities and each must be identified prior to negotiation of an international agreement. Typically, both authorities are granted in this regulation, but it is possible that SA may grant an organization authority to negotiate a particular agreement, but withhold signing authority until HQDA reviews the final draft.

**Substantive authority**

The authority of the negotiating organization to perform the U.S. obligations being agreed to in the international agreement. This authority is separate from procedural authority. Both substantive authority and procedural authority must be identified before an international agreement is negotiated.

**Section III**

**Special Abbreviations and Terms**

This section contains no entries.

**UNCLASSIFIED**

**PIN 033074-000**