

## Process for Case-Zablocki Act (C-Z)/C-175 and clearance of international agreements, including routine Science & Technology (S&T) Agreements

### NOAA-initiated agreements.

1. Draft agreement (or equivalent memorandum) prepared by office initiating the agreement (“office”).

#### Actions:

Authority to Negotiate. Based on office’s request and input, counsel to the office (“counsel”) sends to NOAA/DGC, for review and transmittal to DOC/GC, an email recommendation as to whether C-175 review is required. (See attached guidance and example.)

- a. If office/counsel recommendation is that a C-175 process is required, at least two weeks **prior to** email transmittal to NOAA/DGC, the office:
  1. alerts the International Affairs Council (IAC) of pending negotiations;
  2. notifies the other NOAA LOs of pending negotiations and determines whether policy-level issues exist requiring clearance at the appropriate level; and
  3. if policy level issues are involved, prepares a memorandum to the Deputy Assistant Secretary for International Affairs (DAS IA) with recommendation for clearance of negotiation.
- b. If a member of the IAC or another NOAA LO has an issue with the proposed C-175 agreement, it should immediately contact the initiating office for consultation.
- c. If office/counsel recommendation is that C-175 process is not required, office forwards to DAS IA concurrent copy of email to NOAA/DGC.
- d. If NOAA/DGC or DOC/GC subsequently determine C-175 process is required, the office completes steps a.1-3 above before transmittal to State Department for C-175 review.
- e. Upon determination it is an international agreement under the C-Z, the DOC/GC (or designee) will submit it to the Asst. Legal Adviser for Treaty Affairs. If, it is a routine S&T Agreement, however, LO may send the C-175 package to the appropriate office at DOS.
- f. The office is not permitted to share the text of the draft agreement with the international partner until DOS grants C-175 approval to negotiate the agreement.

2. Office negotiates and reaches agreement with partner.

Action:

If policy level issues are involved, the office prepares a memorandum on final agreement to DAS IA with recommendation for clearance, prior to seeking authority to conclude from the State Department pursuant to the C-175 process.

3. If the office seeks authority to negotiate and conclude a C-175 agreement in a single action, consistent with C-175 procedures, the office completes the steps in 1.a. (providing the draft agreement and supporting documentation), prior to email to DGC for transmission to DOC/GC.
4. After the C-175 agreement (including S&T agreement) is signed, the original or a certified true copy in all its languages must be provided to the State Department's Office of the Treaty Affairs so that it can forward the agreement to Congress, as required under the C-Z Act, as well as for appropriate archiving. An electronic copy should also be forwarded to the NOAA DGC for forwarding to the DOC GC Office of the Assistant General Counsel for Legislation and Regulation appropriate archiving required under DOC DAO 218-4.

#### Non-NOAA initiated agreements.

NOAA point of contact receives a request from State Department for C-175 review and clearance of an agreement.

Actions (the below actions will be taken with a dead line appropriate to respond to the DOS request):

- a. Point of contact circulates the C-175 package to the IAC for review and clearance and determines whether a policy-level issue exists requiring policy level clearance.
- b. If a policy-level issue exists point of contact prepares a memorandum to DAS IA with recommendation.

#### Timing and coordination with other legal review and approval of agreements

The NOAA clearance process for international MOAs is generally conducted at the same time as the C-Z process, i.e., concurrent review process. In addition, DOC/GC-Admin-General Law Division may be asked to review an MOA at the same time as review by the line office/counsel. Note that it is DOC/GC-Admin-General Law Division policy to not recommend clearance of an international MOA unless and until there is evidence of compliance with the process for implementing the C-Z Act.