



DEPARTMENTS OF THE ARMY AND THE AIR FORCE

ARIZONA NATIONAL GUARD HUMAN RESOURCES OFFICE

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AZAA-HR

5 August 2010

MEMORANDUM FOR All AZ National Guard Managers, Supervisors, and Technicians

SUBJECT: HRO Memo 10-07 – Guidance Concerning National Guard Personnel Traveling Outside the United States, Territories, and Possessions

1. References:

- a. United States Code (USC) Title 5, Government Organization and Employees.
- b. USC Title 10, Armed Forces.
- c. USC Title 31, Money and Finance.
- d. USC Title 32, National Guard.
- e. Department of Defense Instruction (0001) 1215.06, Uniform Reserve Training and Retirement Categories, 7 Feb 07.
- f. DOD 4500.54-M, DOD Foreign Clearance Manual, 30 Mar 10.

2. This memorandum establishes National Guard Policy to implement DoDI 1215.06 concerning military personnel traveling outside the United States, territories, or possessions.

3. DoDI 1215.06 directs a duty status using USC Title 10 authority when on land outside the United States, its territories, and possessions. The phrase "on land" means that National Guard members can fly to or between Alaska, Hawaii, Guam, Puerto Rico or the U.S. Virgin Islands in USC Title 32 duty status, as long as they do not land on foreign territory. Guantanamo Bay Naval Base is not considered a United States territory or possession. Therefore, travel to Guantanamo requires USC Title 10 duty status. There are many reasons for these provisions in the 0001 including status of forces agreements and similar arrangements negotiated by the United States Government protecting military personnel, federal civilian employees, and dependents accompanying the force.

4. The following guidance is provided for clarification of the DoDI 1215.06 rule.

a. Traditional/M-Day members will travel outside the United States, its territories, and possessions only in USC Title 10 duty status.

b. Active Guard Reserves (AGRs) will travel outside the United States, its territories, and possessions only in USC Title 10 duty status. Special issues are involved when members on AGR, Full-Time National Guard Duty for Operational Support (FTNGDOS), Full-Time National Guard Duty for Counter Drug (FTNGDCD), and other USC Title 32 duty status long tours are placed in USC Title 10 duty status to travel outside the United States, its territories, and possessions. When traveling outside the United States, units must account for members in USC Title 10 duty status and ensure pay, allowances, and travel are funded out of appropriations consistent with the purpose of the duty for which the members are traveling (31 USC § 1301 (a)). Before WMD CST T32 AGR personnel may travel outside the United States, its territories and possessions, approval must be requested and obtained through NGB-J35 due to statutory limitations (10 USC 12310(c)).

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c. Dual status (DS) technicians will not travel outside the United States, territories, and possessions unless on active duty under a USC Title 10 authority. In this regard, in addition to 15 days of military leave under 5 USC § 6323(a), dual status technicians performing active duty outside the United States, its territories, and possessions-are eligible for up to 44 days of special leave in accordance with 5 USC § 6323(d).

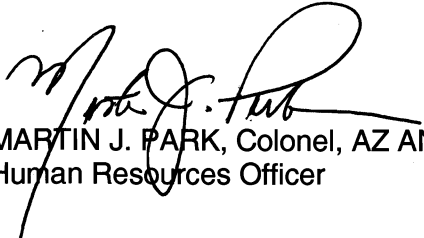
d. Non-dual status (NDS) technicians are not authorized to travel outside the United States, its territories, and possessions. NGB-J1-TN will consider requests for exception to this rule on a case by case basis. If an exception is granted, travel documents for NDS technicians will comply with the requirements for civilian employees (Title 5) listed in DoD 4500.54-M, *DoD Foreign Clearance Manual*.

5. Uniform Code of Military Justice (UCMJ) jurisdiction for National Guard members traveling outside the United States, territories, and possessions requires a USC Title 10 authority which is the appropriate combatant commander. The USC Title 10 active duty order will list the UCMJ authority.

6. This memorandum supersedes All States Log Number P08-008, Interim Guidance Concerning National Guard Personnel Traveling Outside the United States, its Territories, or Possessions.

7. This memorandum will expire one year from the effective date unless sooner rescinded or superseded. The point of contact is LTC Roland Gonzalez at 602 629-4802.

FOR THE ADJUTANT GENERAL:



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Human Resources Officer