

UNITED STATES TRANSPORTATION COMMAND (USTRANSCOM)
POLICY DIRECTIVE 90-8
11 August 2006

Command Policy

AGREEMENTS WITH OTHER AGENCIES

- REFERENCES:**
- (a) Department of Defense (DOD) Instruction 4000.19, *Interservice and Intragovernmental Support*
 - (b) DOD Directive 5530.3, *International Agreements*
 - (c) DOD Directive 2010.9, *Acquisition and Cross-Servicing Agreements*
 - (d) Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 2300.1, *International Agreements*
 - (e) Chairman of the Joint Chiefs of Staff Instruction (CJCSI) 2120.01, *Acquisition and Cross-Servicing Agreements*
 - (f) Under Secretary for Defense (Acquisition) Memorandum for Director, Joint Staff, Delegation of Authority for Cooperative Military Airlift Agreements (CMAAs), 1 September 1993
 - (g) USTRANSCOM Instruction 20-5, *Logistic Support Using Acquisition and Cross-Servicing Agreements (ACSA)*
 - (h) Economy Act of 1932, as amended (31 U.S.C. 1535, et seq.)

A. PURPOSE: Establishes policies and procedures for staffing and approval of USTRANSCOM agreements for interservice and intragovernmental support pursuant to reference (a) and international support agreements pursuant to references (b) through (g) when negotiating authority has been delegated to USTRANSCOM. It outlines responsibilities for staffing and specifies who may enter into Command Arrangements Agreements, Command to Command Agreements, Memorandums of Understanding, Memorandums of Agreement, and other Support Agreements on behalf of the command.

B. APPLICABILITY: This Policy Directive (PD) is applicable to all USTRANSCOM directorates, the Command Support Group (CSG), and Transportation Component Commands (TCCs).

C. DEFINITIONS:

- 1. Command Arrangements Agreement (CAA):** A general umbrella agreement with another unified command which establishes procedures and relationships and delineates responsibilities between the Commander, USTRANSCOM (TCCC), and that Combatant Commander (COCOM).
- 2. Command to Command Agreement (CCA):** An agreement between a USTRANSCOM Directorate, TCC, or CSG and a major command, or the component or CSG of another unified command.
- 3. Cooperative Military Airlift Agreement (CMAA):** An agreement concluded under authority of 10 USC 2350c with the government of any allied country for the transportation of personnel and cargo of the military forces of that country on aircraft operated by or for the military forces of the U.S., in return for reciprocal transportation of the personnel and cargo of the U.S. military on aircraft operated by or for the military forces of that allied country.
- 4. Cross-Servicing Agreement:** An agreement concluded under authority of 10 U.S.C. 2342 with the government of another North Atlantic Treaty Organization (NATO) country, a NATO subsidiary body, the United Nations Organization, any regional international organization of which the U.S. is a member, or a designated, non-NATO country to which the U.S. agrees to provide logistics support, supplies, and services in return for an agreement to provide logistics support, supplies, and services to the United States Armed Forces by such country or international organization. The Chairman of the Joint Chiefs of Staff (CJCS) has granted authority to negotiate and conclude Cross-Servicing Agreements (also referred to as Acquisition and Cross-Servicing Agreements (ACSAs)) to geographic COCOMs.
- 5. Implementing Arrangement (IA):** A supplementary arrangement for logistics support, supplies, or services that prescribes terms and conditions to define and carry out ACSAs. Authority to conclude IAs is delegated to unified combatant commands by CJCS, including authority for further redelegation.
- 6. Intragovernmental Support Agreement:** An agreement by a DOD activity to provide or receive support with another executive branch agency or subactivity thereof. They define the support to be provided by one supplier to one or more receivers, specify the basis for calculating reimbursement charges in accordance with reference (h), establish the billing and reimbursement process, and specify other terms and conditions of the agreement.
- 7. International Agreement:** Any agreement concluded with one or more foreign governments (including their agencies, instrumentalities, or political subdivisions) or with an international organization that is signed or agreed to by personnel of any DOD component, by representatives of the Department of State, or any other Department or Agency of the U.S. Government, and/or signifies the intention of its parties to be bound in international law. Any oral agreement that meets these criteria is an international agreement. The DOD representative who enters into the agreement shall cause such an agreement to be reduced to writing.

8. Interservice Support Agreement: An agreement by one DOD activity to provide recurring support to another DOD activity of another Military Service, Defense Agency, Unified Command, Reserve, National Guard, or Field Activity. It defines the support to be provided by one supplier to one or more receivers, specifies the basis for calculating reimbursement charges (if any) for each service, establishes the billing and reimbursement process, and specifies other terms and conditions of the agreement.

9. Memorandum of Agreement (MOA): A document that defines general areas of conditional agreement between two or more parties—what one party does depends on what the other party does (e.g., one party agrees to provide support if the other party provides the materials). MOAs that establish responsibilities for providing recurring reimbursable support should be supplemented with support agreements that define the support, basis for reimbursement for each category of support, the billing and payment process, and other terms and conditions of the agreement.

10. Memorandum of Understanding (MOU): A document that defines general areas of understanding between two or more parties—explains what each party plans to do; however, what each party does is not dependent on what the other party does (e.g., does not require reimbursement or other support from receiver). MOUs that identify expectations of recurring support should be supplemented with support agreements that define the support, basis for reimbursement for each category of support, the billing and payment process, and other terms and conditions of the agreement.

D. POLICIES AND PROCEDURES:

1. Agreements Under Authority of USTRANSCOM:

1.1. Agreements with agencies outside DOD, within DOD, the Joint Staff, or with other unified commands, which involve obligation of USTRANSCOM funds, or which add new responsibilities or workload to USTRANSCOM, must be approved by the TCCC, Deputy Commander (TCDC), or Chief of Staff (TCCS). All agreements are drafted and staffed by subject matter experts. USTRANSCOM Strategy, Policy, Programs, and Logistics Directorate (TCJ5/4), as command coordinator for agreements, will coordinate each agreement, maintain a master list of active agreements, and determine lead agent for developing/negotiating agreements with multiple directorate responsibilities. USTRANSCOM Intelligence Directorate (TCJ2), USTRANSCOM Operations and Plans Directorate (TCJ3), and USTRANSCOM Command Surgeon (TCSG) are delegated authority to sign agreements, restricted to their areas of expertise, with their respective counterparts in the Executive Branch.

1.2. MOUs and MOAs may be signed by the Directors or CSG Chiefs after coordination with TCJ5/4, USTRANSCOM Office of the Staff Judge Advocate (TCJA) and, as appropriate, other impacted directorates.

1.2.1. Any MOU, MOA, or support agreement having budgetary impact or the potential to increase costs for the Transportation Working Capital Fund (TWCF) must be coordinated with USTRANSCOM Program Analysis and Financial Management Directorate (TCJ8).

1.2.2. Any MOU, MOA, or support agreement impacting total labor/workyear equivalents required for support of USTRANSCOM or the other agency, workyear transfers, or programs which could impact grade structures must be coordinated with USTRANSCOM Manpower and Personnel Directorate (TCJ1).

1.3. All MOUs, MOAs, and support agreements must comply with the requirements of reference (a).

1.4. All CAAs between TCCC and other COCOMs will be negotiated by TCJ5/4, after coordinating with the staff and the TCCs, and will be signed by TCCC.

1.5. All interagency support agreements involving acquisitions will be routed through USTRANSCOM Command Acquisition Office (TCAQ) for review prior to supplying a draft agreements to the other agency.

1.6. After signature, the office of primary responsibility (OPR) will maintain the historical record of negotiations and ensure that distribution of the agreement is completed in accordance with relevant higher-level directives.

1.7. The reports in this PD are exempt from licensing in accordance with DOD 8910.1M, *DOD Procedures for Management of Information Requirements*.

2. Agreements Under Authority of TCCs:

2.1. CCAs, MOUs, and MOAs between TCCs and their counterparts in DOD, the Joint Staff, other COCOMs, or other federal, state, local, or private agencies relative to Defense Transportation System (DTS) common-user transportation must be coordinated with USTRANSCOM TCJ5/4 and other staff activities, as directed by TCJ5/4 and set forth below.

2.2. Agreements between TCCs and other agencies which are unrelated to the DTS and common-user transportation, but which may impact the ability of the TCC to meet mission requirements, will also be provided to USTRANSCOM for coordination prior to signature.

2.3. TCCs will not negotiate or conclude an agreement with any activity, within or outside DOD, which assigns new responsibilities or workload to USTRANSCOM, without prior coordination with USTRANSCOM.

2.4. TCCs will not negotiate or conclude any agreement which significantly impacts the TCC budget or has the potential to significantly increase costs for the TWCF, without prior coordination with USTRANSCOM.

2.5. Host-tenant and base support agreements between TCCs and DOD activities which support DTS forces of the TCCs do not require coordination with USTRANSCOM

2.6. Forwarding of Service agreements entered into by TCCs, which do not impact the ability of the DTS or the component commands to meet DTS mission requirements, is not required.

2.7. TCCs will provide annually (by 15 February) to TCJ5/4, an updated list of the status of active, non-international agreements concluded within the TCC headquarters. This list will include type of agreement, purpose, title, date signed, expiration/review date, and OPR.

3. International Agreements:

3.1. General Guidance:

3.1.1. In accordance with the provisions of references (b), (c), (d), (e), and (g), USTRANSCOM Directorates/CSG Chiefs and TCCs may not initiate, negotiate, or conclude international agreements under the authority of TCCC without prior written approval of TCCC.

3.1.2. TCJA will be OPR for all international agreements negotiated and concluded under authority of TCCC, and will task the directorate/CSG/component with the functional expertise for the services being requested to assign an action officer, prepare and staff draft agreements, and host any required meetings with representatives of the requesting country or theater COCOM.

3.1.3. After signature of an international agreement, TCJA will ensure that the historical record of negotiations is maintained and will ensure distribution of the agreement is completed within the time limits to addresses specified in references (b) and (d).

3.1.4. The TCCs will designate an office to provide staff supervision over the development, coordination, negotiation, and conclusion of international agreements when responsibility for such functions is delegated to the component commander.

3.1.5. As required by references (b), (c), (d), and (e), a fully coordinated draft of each agreement, including coordination with the applicable USTRANSCOM directorates, will be provided to TCJA for its review prior to providing a copy to the representatives of the other country.

3.2. Cooperative Military Airlift Agreements:

3.2.1. In accordance with reference (f), TCCC, on behalf of DOD, negotiates and concludes CMAAs with allied countries.

3.2.2. Air Mobility Command (AMC) will assume responsibility for implementation of completed agreements, including record keeping and annual collection/liquidation of accounts.

3.3. For USTRANSCOM policy and procedures relating to the use of Acquisition and Cross-Servicing Agreements (ACSAs) to provide logistics support, supplies, and services (LSSS) to foreign countries or entities, or to obtain LSSS from foreign countries or entities, consult reference (g).

3.4. TCCs will provide annually (by 15 February) to TCJA an updated list of the status of active international agreements concluded by the TCC or for which it is responsible. This list will include type of agreement, purpose, title, date signed, expiration/review date, and OPR.

3.5. TCJA will ensure the updated list of USTRANSCOM/TCC international agreements is submitted to the Director, Joint Staff, annually (by 1 March) per reference (d).

E. EFFECTIVE DATE AND IMPLEMENTATION: Effective immediately.

APPROVED BY

ROBERT T. DAIL
Lieutenant General, U.S. Army
Deputy Commander

OPR: TCJA/TCJ5/4